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Chairman: Mr. Agha SHAHI (Pakistan).

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);
- (b) Establishment, within the framework of the Inter-
national Atomic Energy Agency, of an international
service for nuclear explosions for peaceful purposes
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Secretary-General (A/7678 and Add.1-3);
- (c) Contributions of nuclear technology to the economic
and scientific advancement of the developing countries:
report of the Secretary-General (A/7568 and A/7743)

CONSIDERATION OF THE DRAFT RESOLUTIONS

1. Mr. SHAW (Australia): In my statement to the First Committee on 28 November [1704th 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 Agency¹ 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 [1750th meeting] we believe that it is important that there should be no duplication of effort as between the General Assembly and the International Atomic Energy Agency in this important field.

6. Mr. BUFFUM (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.

¹ Held at Vienna from 23 to 29 September 1969.

7. Document A/C.1/L.502 is the product of extensive negotiations between ourselves and several other delegations and it has frankly involved some concessions by the various parties which were required to develop a formulation which we now hope will find broad acceptance among most Members. In this connexion I should like to pay particular tribute to the Under-Secretary for Foreign Affairs of Mexico, Mr. Garcia Robles, 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, like 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 worth-while 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 on the part of the Assembly in following further developments in this field. Moreover, we appreciate that the character of the agreement or agreements to be concluded pursuant to article V of the non-proliferation Treaty must still be the subject of further consultations between the parties concerned. Accordingly, for these reasons, we are prepared to support the formulations contained in paragraphs 7 and 8 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 General Assembly, it would be feasible for the interested agencies concerned—in this case IAEA—to report their further progress in this field in the normal way as part of their conventional reports to the Assembly.

10. While I have the floor, Mr. Chairman, with your permission I should also like to explain our views on a related draft resolution contained in document A/C.1/L.497, dealing with the implementation of the results of the non-nuclear Conference.

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 practicable, to achieve a formulation that will command the broadest support of the membership. However, I should like to make two brief comments about our support.

12. First, we do not construe the terms of this draft resolution, and most particularly the third preambular paragraph, as constituting a blanket endorsement by the General Assembly of each of the resolutions of the Conference of Non-Nuclear-Weapon States². It will be

² See *Official Records of the General Assembly, Twenty-third Session*, agenda item 96, document A/7277 and Corr.1 and 2, para. 17.

recalled that the twenty-third session of the General Assembly avoided giving those resolutions such an endorsement since, while many States agreed with some of the resolutions, others, including the United States, could not subscribe to several of the formulations. We have therefore interpreted the resolution as a general request to the United Nations, the specialized agencies and IAEA to continue to do what they appropriately can, and I stress the word "appropriately", to carry out the principal wishes of the Conference recognizing that in some instances implementation may not readily be feasible.

13. Secondly, I should like to comment on the proposition found 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-fifth 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 once again next year; 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 specifically to the IAEA secretariat—from carrying out the important responsibilities which they face in implementing the non-proliferation Treaty. We also believe that this Committee should devote its attention 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. ESCHAUZIER (Netherlands): I am glad to introduce on behalf of the delegations of Argentina, Australia, Austria, Brazil, Denmark, Finland, Italy, Japan, Madagascar, Mexico, Pakistan and the Netherlands 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 now has before it, namely those contained in documents A/7677 and Corr.1 and Add.1-2 and A/7568.

15. In the first place I should like to thank and to congratulate the Secretary-General for submitting these 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 but 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 these reports. 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 and, 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. To achieve success a great deal of co-ordination is required and I am hopeful that as a result of the recommendations made in the two reports some substantial progress can be made.

18. I do not want to take up the time of this Committee unduly, so, I shall just point out what are, in my personal opinion, the highlights of the draft resolution I am now introducing to the Committee.

19. First of all—and I think this is a very important point—I should like to draw attention to sub-paragraph (b) of the fifth preambular paragraph, dealing with the expansion of the Board of Governors of IAEA. We all know that this is a very delicate and complex matter. I think that it is a matter for some satisfaction that in the course of the negotiations which have been conducted by the Board of Governors a decision on a modest expansion of the Board has already been reached and that the question of the 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)/RES/261 devoted to this subject by the General Conference of IAEA.

20. Furthermore, I should like to underline the importance of the ninth preambular paragraph, which deals with "a comprehensive study of the likely capital and foreign exchange requirements for nuclear projects in developing countries during the next decade . . ." and the financing of those requirements on special and favourable terms. Here again it is not surprising that this initiative came in the first instance, Mr. Chairman, from a representative of your country. To my knowledge my friend and colleague Dr. Uzmani is pursuing this subject vigorously and I do not doubt that in the end a satisfactory solution will be found.

21. 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 recommendations of the Conference of the Non-Nuclear-Weapon States in planning and carrying out their activities". I do not doubt that the Director-General, the Board of Governors and the members of the staff of the Secretariat will do their utmost to comply with this request.

22. Another important paragraph is paragraph 3 which "Draws the attention of the international sources of finance to the recommendation contained" in the report of the group of experts [A/7568].

23. 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.

24. The next paragraph draws the attention—once again I should say—of the member States of the International Atomic Energy Agency to the appeals which over the past years have repeatedly been made by the Director-General of the Agency Mr. Eklund, to the members to increase the funds available to the Agency for multilateral assistance in the nuclear field.

25. I would also draw the Committee's attention to paragraph 6, which

"Notes with satisfaction the action taken so far by the International Atomic Energy Agency regarding the 'fund of special fissionable materials' 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 fuelling power reactors, when required.

26. The three last paragraphs 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 place on the provisional agenda" of the next session of the General Assembly "the question of the implementation of the results of the Conference of Non-Nuclear-Weapon States". That ensures that this Committee and the General Assembly can confidently look forward to another progress report on all matters which are covered by the two reports to which I have referred and on the specific demands, requests, invitations and recommendations embodied in the present draft resolution.

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

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

29. We have already expressed our views in the general debate on the IAEA report contained in paragraph 19 of document A/7678, and would not wish to repeat what we have already said. We have expressed the view, at Geneva, at Vienna and here, that 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, but that it should be done on a 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 share equally in the benefits to be derived from the functioning of the service. In view of this, no condition can legally be imposed on the categories of recipients of assistance from that service beyond that of the membership of IAEA.

30. 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 Statute of IAEA. 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 existing but of "potential benefits from any peaceful application of nuclear explosions" and those 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 developing countries. 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 complete stoppage of all nuclear explosions 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 aspects of nuclear explosions, which would require a separate international agreement to be negotiated for regulating such explosions. Such an international agreement would have to legislate 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 the necessary 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 Weapon 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 complex of rules and regulations laying down and governing an international régime 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 paragraphs 5 and 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/L.502, it being in any case our understanding 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/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, we 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 connexion with the Treaty on the Non-Proliferation of Nuclear Weapons.

41. As we stated before, General Assembly resolution 2456 C (XXIII), which is recalled in the first preambular paragraph of draft resolution A/C.1/L.502, addresses itself only to the broad question of the establishment within IAEA of an international service for peaceful nuclear explosions. It did not refer—nor should it have referred—to the problems related to the implementation of article V of the non-proliferation Treaty. We maintain that the international service which is the subject of resolution 2456 C (XXIII) is totally independent of whatever action or measure the parties to the non-proliferation Treaty may 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. VINCI (Italy): Mr. Chairman, I should like, with your permission, to add a very few remarks to the concise and clear presentation made by the representative of the Netherlands of draft resolution A/C.1/L.497 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 co-operation in the field of the peaceful uses of atomic energy in the interest of a more harmonious development of relations between 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 Non-

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 2456 A (XXIII) 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 decisive efforts are needed and that a broadening of the 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 again 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 provisional agenda of the twenty-fifth 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/L.502, on the establishment within the framework of IAEA of an international service for nuclear explosions for peaceful purposes under appropriate international control, submitted by the delegations of Austria, Canada, Denmark, Japan, Mexico, the Netherlands and the United States of America. In this connexion I only wish to restate the view already expressed by the Italian Government, that is, that any decision about the application of article V of the Treaty on the Non-Proliferation of Nuclear Weapons can be taken only by the States parties to the Treaty which, in accordance with the provisions of the same article V, should begin negotiations as soon as possible after the coming into force of the Treaty.

49. For this reason we attach particular importance to paragraph 7 of draft resolution A/C.1/L.502, which stresses that the nature and contents of the special international agreement or agreements to be 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. BERASATEGUI (Argentina) (*translated from Spanish*): My delegation would like to explain why it will abstain in the voting on draft resolution A/C.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 2456 C (XXIII) and resolution 258 of the thirteenth regular session of the General Conference of the International Atomic Energy Agency.

52. Secondly, the draft resolution also fails to take adequate account of the conclusions of the report of the Board of Governors of IAEA [A/7678, para. 19] 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. The only mention in draft resolution A/C.1/L.502 of that conclusion of the report of the Board of Governors is a passing reference to it in the fourth preambular paragraph. The omission of other relevant parts of paragraphs 4 and 5 of the report is surprising, considering that, as stated in the third preambular paragraph of draft resolution A/C.1/L.502, the report of the Board of Governors was endorsed without objection by the General Conference of the Agency at its thirteenth regular session.

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 Statute provides a broad basis for the role which the Agency might play" and that paragraph 5 reads:

"The Agency is thus authorized under its Statute to make available its own resources and services to all its Members for projects involving peaceful uses of nuclear explosives . . .".

54. However, the fourth and fifth preambular paragraphs of draft resolution A/C.1/L.502 merely refer to the prospective responsibilities of the Agency in this field. In our view, this considerably weakens the Agency's position with regard to matters which, like the one currently under consideration, unquestionably fall within its competence by virtue of categorical provisions of its Statute.

55. We should also like to point out that the draft resolution under consideration makes no reference to those provisions of the Statute which are applicable, on a non-discriminatory basis, to all the services provided by IAEA.

56. For these reasons my delegation will abstain in the vote on this draft resolution.

57. Mr. IGNATIEFF (Canada): I should like to explain briefly the position of the Canadian delegation on the draft resolutions before us, that is draft resolutions A/C.1/L.497 and Add.1 and, more particularly, A/C.1/L.502, of which Canada is a co-sponsor.

58. Canada has consistently expressed the view that IAEA should be the "appropriate international body with adequate representation of non-nuclear-weapon States" envisaged in the Treaty on the Non-Proliferation of Nuclear Weapons in its provisions dealing with the administration of peaceful nuclear explosions.

59. We are in basic agreement with the report prepared by the IAEA secretariat [A/7678, para. 19] that the prospective responsibilities of the Agency in the field of peaceful nuclear explosions fall within its statutory objectives and functions. We also agree that the Agency's initial activities in this field should be concentrated on the exchange and dissemination of information and that the procedures already developed by the Agency for assisting member Governments can provide the basis of a useful service in regard to peaceful nuclear explosions. Moreover, we are satisfied from statements by the United Kingdom, the Soviet Union and the United States that they are prepared to co-operate in making available to IAEA, for the benefit

of all its members, full and clear information concerning the technology of applying nuclear explosions to peaceful purposes. In the same context, we support the fourth International 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 explosions to peaceful purposes is still in an experimental state and that the responsibilities of the Agency in this field can therefore only be denied on "an evolutionary basis" as the fifth preambular paragraph states. Nevertheless, this developing technology may well bring considerable economic benefits in the not too distant future and we believe that the arrangements under which countries may receive those benefits should continue to be discussed and explored now. That is what this resolution provides for. In this regard we note with appreciation IAEA's continuing studies of the functions that the Agency could perform in relation to the use of nuclear explosions for peaceful purposes. We should also like to stress our understanding that this study will in our view not prejudice the nature of the eventual 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 to the Secretary-General a special report on the progress of its further studies and activities in the field of peaceful nuclear explosions for consideration at the twenty-fifth session of the General Assembly, and also requests the Secretary-General to include in the agenda of the twenty-fifth session an item entitled "Establishment within the framework of the International Atomic Energy Agency of an international service for nuclear explosions 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.

63. Mr. ROSHCHIN (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 first like to say a few words on draft resolution A/C.1/L.497 and Add.1 concerning the Conference of Non-Nuclear-Weapon States, 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 after year in the agenda of the General Assembly, so that discussions of them have become a constant practice. In the draft resolution before us, this trend manifests itself in operative paragraphs 8 and 9, in which the Secretary-General 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 Con-

ference 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 province of the International Atomic Energy Agency, and in my view the General Assembly should not seek to do the work of that Agency, but rather give it every assistance in its difficult and complicated task which has been increased and complicated still 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 on the whole been 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 an opportunity for all States to express their opinions of 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 in the agenda, in addition 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 created. All matters relating to the IAEA's 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, and in particular with the IAEA, the General Assembly cannot give instructions to these organizations or any orders concerning their internal structure, and it also cannot impose on them obligations 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 explosions 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 establishing, in the framework of the IAEA, a special international service under appropriate international control [*resolution 2456 C (XXIII)*]. The resolution requested

the Secretary-General of the United Nations to submit a special report on the matter. The Secretary-General did submit such a report, and in it he favoured the view that the IAEA

"take on the role of the international service for the peaceful uses of nuclear explosions" [*A/7678, para. 17*].

70. Thus, in his report the Secretary-General gave a definite and unambiguous 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 to the United Nations General Assembly. That report stated, *inter alia*, that:

"Performance of the functions 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" [*ibid., 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 members of the IAEA—I repeat, by all the members of the IAEA. Why, then, should we again raise this matter, as proposed in operative paragraph 8 of the draft resolution before us? The concurring 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. In the light of the facts and of the recommendations themselves, I believe that there is no justification for again placing the matter before the General Assembly at its following 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. It naturally recognizes 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.

75. 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 organ to carry out such explosions 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.

76. U SOE TIN (Burma): I should like to explain briefly the position of my delegation on draft resolution A/C.1/L.502. During the twenty-third session of the General Assembly last year, the delegation of Burma voted in favour of resolution 2456 C (XXIII). That resolution was an outcome of the Conference of Non-Nuclear-Weapon States. The views of my Government on the establishment within the framework of IAEA of an international service for nuclear explosions for peaceful purposes under appropriate international control were fully set out in the reply we gave to the Secretary-General, and those views have been reproduced in the report of the Secretary-General [*ibid., para. 18*].

77. It is the considered view of my Government that IAEA, in carrying on its functions relating to the peaceful application of nuclear explosions, should not make assistance subject to any political, economic, military or other conditions 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.

79. Mr. GARCIA ROBLES (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.

80. With regard to draft resolution A/C.1/L.497 and Add.1, I should like to say that we join wholeheartedly in the expression of appreciation, in the preamble, to the International Atomic Energy Agency for the activities which, as stated in that text, it has initiated or has under way for the purpose of implementing resolutions adopted by the Conference of Non-Nuclear-Weapon States.

81. I believe it is appropriate, in this respect, to make special reference also to the tireless work of the Director-General of the Agency, Mr. Sigvard Eklund, to that end.

82. I should also like to add that my delegation attaches particular importance to paragraph 3 of the draft resolution, which draws the attention of the international sources of finance 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".

83. That is in keeping with what my delegation has already said in this Committee in a statement made on 18 November last [*1693rd meeting*] when 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 peoples of the north and the peoples of the south and will not be mistakenly envisaged in terms of services 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, thanks to prolonged preparatory work and negotiation—in which several delegations that held divergent views last year participated—it has been possible to arrive at a text that merits the approval of all those delegations. The conciliatory 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 imply 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 fulfilment of the resolution adopted last year, had already prepared a report that has been submitted to us. He was referring to document A/7678 and Add.1 to 3; in that connexion, however, I should like to remind the Committee that in the statement of 18 November to which I referred earlier I pointed out that only a 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, it would 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 intended. That purpose, as the preamble to last year's General Assembly resolution [2456 C (XXIII)] very rightly stated, was none other than to ensure the existence of a multilateral organ "in order that the potential benefits of any peaceful application of nuclear explosions might be made available, with due consideration for the needs of the developing areas of the world".

88. Since this alternative failed to gain the support of the group of States whose position last year differed from that of the sponsors of the draft text which became a General Assembly resolution, there remained another alternative which was pursued and which culminated in the joint draft

resolution. In accordance with that alternative, the points on which there was agreement would be included in a clear and definite way in the appropriate operative provisions. These aspects are covered in paragraphs 1, 2, 3, 4 and 5. With regard to the other points, instead of trying to find a solution that would win general approval at this session—which seemed impossible—it was decided to "let time have time", as the wise saying goes, and leave the matter open.

89. Therefore the International Atomic Energy Agency has been invited, in paragraph 6, to submit to the Secretary-General not later than 1 October—so that Governments will have time to study it—a special report on the progress of its further studies and activities in this field to which the draft resolution refers, to be considered by the General Assembly at its twenty-fifth session.

90. Paragraph 7 of the draft resolution emphasizes—and this is of particular importance to my delegation—that the nature and contents of the special international agreement or agreements to be 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.

91. Finally, in paragraph 8, the Secretary-General is requested to include in the agenda of the next session of the General Assembly an item with the same title as that of the corresponding item of the Assembly's agenda last year and this year.

92. For all these reasons my delegation was happy to participate in the joint efforts which have led to this draft resolution [A/C.1/L.502]. As I have said, this draft in no way affects the opinion of the Mexican Government on this question communicated on 28 April 1969 to the Director-General of the International Atomic Energy Agency. Nor does it affect the views which the Ministry of Foreign Relations of my country transmitted to the Secretary-General of the United Nations and which are reproduced in the Secretary-General's report [A/7678 and Add.1 to 3].

93. We believe that next year, when the Committee takes up the item referred to in paragraph 8 of the draft resolution we may have more information and facts available which will enable us to reach conclusions acceptable to all, with greater knowledge of the subject, of what has been done and of what is feasible or desirable for the future.

94. The CHAIRMAN: I now call on those representatives who wish to explain their votes.

95. Mr. VELLA (Malta): Lengthy as the two draft resolutions before us are, my delegation cannot find any serious reservation regarding their contents in either the preambular or the operative paragraphs and we consequently wish to congratulate the sponsors on their efforts. We only wish to emphasize, at this stage, the fact that we attach importance to the desirability of having one single fund to deal with all purposes connected with the peaceful uses of nuclear energy, rather than a dissipation of effort and expenditure on separate programmes. We trust that such a scheme will be studied in the near future. Meanwhile, my delegation will support both draft resolutions.

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 vote 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 one of the important decisions that was taken last year in connexion with the implementation of the decisions of the Conference of Non-Nuclear-Weapon States. I refer to sub-paragraph (a) of paragraph 7 of resolution 2456 A (XXIII) which envisaged the possibility of convening the United Nations Disarmament Commission to consider the 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 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 Iran 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 Commission early 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 remains before the Committee for any further 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 or not, and if it is before the Committee and there has been no formal proposal, whether it automatically goes to future sessions of the General Assembly without the need for 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 I do not think that I, as Chairman, 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. Kolo (Nigeria), Vice-Chairman, took the Chair.

AGENDA ITEM 28

International co-operation in the peaceful uses of outer space: report of the Committee on the Peaceful Uses of Outer Space (A/7621 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 that Committee's report [A/7621 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 twelfth session of the Committee on the Peaceful Uses of Outer Space.

111. The report is contained in documents A/7621 and A/7621/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/7621/Add.1. That statement was agreed upon by the Committee at its last meeting of the twelfth session 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 a mere twelve years after 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 admiration 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 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.³ 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 of promoting the applications of space technology. The recommendations on which the Committee finally agreed are perhaps more modest than many of us would have hoped. They appear, nevertheless, realistic and constructive and we hope that they will 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 international co-operation in space matters, having particular regard to the needs of the developing countries.

120. Furthermore, we wish to express our satisfaction that the Group of Scientific and Technical Experts, nominated

³ United Nations Conference on the Exploration and Peaceful Uses of Outer Space, held in Vienna, 14-27 August 1968.

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 reported that the station is being established and operated in accordance with the principles set forth in General Assembly resolution 1802 (XVII). The outer space Committee would thus unanimously recommend to the 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 express our warm support for this recommendation. We hope it will receive the unanimous approval of the Committee, and we are confident that the station in Argentina will prove to be equally as valuable as the Thumba Equatorial 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 achieved very useful 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/7621/Add.1, annexes III and IV] deserve our endorsement. We also note that the outer space Committee has recommended, in the addendum to its report, that the Working Group on Direct Broadcast Satellites should continue its work next year. We support that recommendation. We feel that many of the problems on which it started to work will require further attention and that the Working Group would be an appropriate forum for their consideration.

123. The main efforts of the outer space Committee during 1969 were deployed, 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 uses of outer space have achieved some not insignificant results in the relatively short time since the outer space Committee began its work. Thus, in 1963 the Assembly was able to adopt, on the recommendation of the outer space Committee, the "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space" [resolution 1962 (XVIII)]. 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, including the Moon and Other Celestial Bodies" [resolution 2222 (XXI)]. In 1967 the Assembly received and later endorsed the "Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space" [resolution 2345 (XXII)]. Both these treaties have in the meantime entered into force and have become pillars in our efforts to establish the rule of law in the exploration and use of outer space.

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

agreement on liability for damage caused by the launching of objects into outer space in time for consideration by the General Assembly at this session. We recall that the General Assembly, as long as 1963 [resolution 1963 I (XVIII)], requested the prompt preparation of this convention. In 1967 [resolution 2260 (XXII)], and again in 1968 [resolution 2453 B (XXIII)], the General Assembly requested the outer space Committee to complete urgently the preparation of the convention.

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 on the text of the convention, the Committee, in view of the mandate received from the General Assembly in resolution 2453 (XXIII), decided 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 session 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 consultation among members, I can attest to the seriousness and the intensity of the consultations and meetings during these past weeks. This was indeed not easy for many delegations which at the same time were engaged in important work in the Assembly, 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 able today 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: first, the settlement of claims; secondly, the question of the applicable law; thirdly, the question of a limit 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 where disagreement still persists, as well as possibilities for their solution, were listed in the statement to which the Rapporteur of the Committee just referred and which is contained in the addendum to the report—a statement to which all members of the Committee agreed. This, I feel, may facilitate our work in the year to come, in which, according to a decision reached, consultations and negotiations will be resumed at an early date 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 on liability for damage. A special effort should be made by the Committee to complete the draft conven-

tion in time for submission to the General Assembly at its twenty-fifth session. We sincerely hope—or, if I may say this 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 questions relative to the definition of outer space and to the utilization of outer space and celestial bodies. However, first priority will have to be given to the completion 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, we will have to continue to proceed in 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 and I should like at the outset to express my deepest thanks to Mr. Haymerle for his very kind words on the accomplishments of my own Government in this field. But I should hasten to add that such feats as the Apollo 11 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 all of our societies.

134. I am referring in particular to the still experimental earth resources satellite programme which the United States is currently exploring. Indeed, President Nixon used this programme to illustrate his declaration to the General Assembly [1755th 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 satellite programme, as it proceeds and fulfils its promise, will be dedicated to producing information 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 surveying forests, rangelands, vegetation, soils, river basins and ground water. We have analysed the data obtained from our meteorological and advanced technology satellites for the information which they provide on snow cover, ice flows and ocean currents. In addition, we have studied the colour photographs taken during the Gemini and Apollo flights for the broad range of data which they contain and we continue to publish their results. We have also undertaken basic research in the development of sensors and data-handling systems. In this connexion, we have conducted a programme with aircraft to test sensors over carefully selected resources test sites to determine the characteristic responses of 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

and configuration of an operational space-based earth resources survey system and the problems associated with handling data from such a system. We are at the present time defining the specific experimental objectives and character of the first two earth resources technology satellites, the first of which we are hoping to be able to launch some time in 1972.

137. Our earth resources technology satellite programme will mark the first attempt to obtain earth resources data through telemetry. In testing the capabilities of this first earth resources technology satellite, we will concentrate primarily on test sites within our own country about which a considerable body of ground truth data and knowledge is being acquired. We will make these data available and the test sites open to the world scientific community and this will help us all to consider together our common interest in developing such survey techniques.

138. At the same time that we are exploring the extent of our programme's future utility, we are trying to provide other nations with ample opportunity to judge for themselves the practical applications of remote sensing of earth resources.

139. My Government has already initiated co-operative programmes with Mexico and Brazil concerning the techniques and the prospects for earth resources surveys. We think special attention should be paid to the airborne phase of these programmes. The study of aircraft surveys is useful both intrinsically and for training and experience necessary for the use of similar data which we hope eventually to be making available from satellite systems. We in the United States shall be happy to offer technical guidance, as well as training opportunities, to those Member States that may wish to pursue aircraft-based sensing programmes on either a national or a regional basis. Indeed, we are already helping India, for example, to set up its own experiment to identify areas of coconut palm blight through airborne remote sensing techniques.

140. On the satellite side, we have provided the Secretary-General with a detailed description of the earth resources survey programme of our National Aeronautics and Space Administration and we have asked that copies of these be made available in the Outer Space Affairs Division for study by interested States. Other actions which we have taken include joint development with Canada of an absorption spectrometer for earth resources applications; the broad international circulation of relevant studies and documents, together with examples of Gemini and Apollo terrain photography; our active participation at the 1968 United Nations-sponsored earth resources survey sessions at the 1968 United Nations Conference on the Exploration and Peaceful Uses of Outer Space held in Vienna, and more recently in earth resources symposia held in Argentina, France and the United Kingdom; and our support for the International Biological Programme of UNESCO.

141. Last October, forty-one experts from twelve different countries very kindly accepted our invitation to attend the International Symposium on Remote Sensing of the Environment at the University of Michigan. We shall continue to inform other nations of such technical conferences as they are scheduled.

142. The foregoing represents some steps that have already been taken, but I think this Committee might well ask: what of the future? President Nixon told the General Assembly in September that we would be putting before this institution several proposals with regard to the use of earth resources satellites for the world community; and in this respect we plan the following actions which we view as complementary to the steps involved in the recommendations of the Scientific and Technical Sub-Committees, as endorsed by the outer space Committee.

143. First, we shall convene an International Workshop on Earth Resources Survey Systems in the spring of 1971 to provide interested agencies of other nations an opportunity to acquire a practical understanding of remote sensing equipment, techniques, and applications to assist them in making their own national plans. We envisage that that workshop will be based on the very successful pattern of the 1961 International Meteorological Satellite Workshop, in Washington, D.C., and United Nations Members will be invited to send technical and policy personnel.

144. We also intend to expand the current International Fellowship Programme of our space agency to include courses at American universities on the fundamentals of remote sensing. Information concerning this training opportunity will be widely circulated internationally.

145. We intend to provide briefings and exhibits on earth resources surveying for United Nations Members, for the Secretariat, specialized agency representatives, and to arrange for visits to the data facility and the manned Spacecraft Centre in Houston, as well as other United States facilities where remote sensing work is being conducted. In particular, we are inviting members of the Committee on the Peaceful Uses of Outer Space and staff of the specialized agencies who are dealing with resources information and management to visit the NASA Manned Spacecraft Centre for a briefing on the NASA Earth Resources Survey Programme and to inspect both the facilities and the data bank there.

146. We plan not only to make information available about earth resources surveying through such steps as the foregoing, but also to invite potential international users to work with us as we explore, from the standpoint of their needs and their problems, the best ways of approaching such technically difficult matters as data processing, interpretation, and utilization. In that way, we hope that the international community will be able to draw very directly on our own experience.

147. In addition, my Government supports the recommendation submitted by the outer space Committee that the Secretary-General appoint a full-time expert to promote the practical applications of space technology and the accompanying suggestion that Member States should designate a specific point of contact within their Governments for communications about practical space applications. This two-fold mechanism, which we had the honour to share in developing with the delegation of India, is directly relevant to earth resources surveys, and we do hope that interested Members will designate such points of contact and will take full advantage of the opportunity which we believe it will afford.

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 mechanisms that might be considered in the future to facilitate further international co-operation in this new and exciting field. For example, Governments might wish to give thought to the establishment of a central data facility or 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 offer significant promise of assisting 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 taken, 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 we 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 really report to the full Committee that my own delegation is at the present time urgently consulting with various interested members of the outer space Committee in the hope that we will be able to submit a proposal tomorrow which would invite Member States with experience in this field to make such experience available to other Members, which would be designed to encourage the study of earth resources survey satellite programmes, including programmes relating to airborne sensing techniques, as well as participation to the extent feasible and practicable in their development.

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 obtained, taking into account 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 United Nations family of agencies, whose objectives or programmes might be furthered by remote earth resources survey technology; and that would include, for example, the Preparatory Commission for the United Nations Conference on Human Environment.

152. Finally, we would ask the outer space Committee to continue its studies with regard to the possibilities of further international co-operation; and that, we believe could constitute an important first step towards an exploration together 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”. [*Ibid.*, para. 82.]

154. I should like to turn now to the question of the outer space liability convention. Our Chairman has already referred to this problem and pointed out the very diligent efforts which many of our colleagues have been devoting to this, and while it is admittedly a somewhat technical and complex legal subject, since it does involve potential claims of every single Member of this Organization, we assume that all Members would welcome an opportunity to have a brief summation of where we stand and where we think we are going.

155. I must say that, for our part, my Government regrets that the repeated call of the General Assembly for conclusion of a liability convention has not yet been heeded. The target-date of 1968, which we thought was very reasonable, has long since passed, and the Assembly is now unfortunately obliged to content itself with the hope that the convention will be completed during 1970 in time for the twenty-fifth anniversary session.

156. Now, as Mr. Haymerle has noted, dissatisfaction at the September session of the outer space Committee over the failure of the Legal Sub-Committee to complete a convention was so grave that it was decided to hold a resumed session of the Committee in November and to use that interim period for intensive consultations; and I cannot avoid taking this occasion to say how grateful all of us are to Mr. Haymerle for his own unstinting efforts to transform failure into success. Indeed, considering the burden of his other duties as Permanent Representative of Austria, his devotion to the cause of the convention and his energy in seeking mutual accommodation have been outstanding, and a credit to the very best traditions of the United Nations and to the tremendous role of his own country in an earlier phase of the work of the outer space Committee in helping to bring to fruition the outer space Treaty.⁴

157. As he has already pointed out to us this afternoon, consultations among members of the outer space Committee quickly revealed that three major problems stand in the way of the liability convention. The first relates to applicable law, that is, to the standard the convention will lay down for determining what elements of a specific claim for compensation may be compensated under the régime of the convention. The second concerns the need to provide an efficient and impartial means for settling claims that have not been promptly resolved within a reasonable time by bilateral negotiation. The third problem that needs to be resolved is the question of a ceiling on liability per incident.

158. I should like to elaborate a little on what he said by specifying some of these problems in somewhat more detail, so that the members of this Committee may have an appreciation of the complexity of the issues involved and the manner in which they may affect their Governments. The United States considers, for example, that the problem of applicable law can best be resolved by agreement on a formulation under which compensability would be deter-

⁴ Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies; see resolution 2222 (XXI).

mined—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 the 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 [A/7621/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. Haymerle 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 co-operation to the establishment of space satellite systems for direct broadcasting. I might note, in this connexion, that a first example of co-operation 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 rightfully draws 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 that connexion the Working Group has asked for contributions by UNESCO, the United International Bureaux for the Protection of Intellectual 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.