



CONTENTS

	Page
Agenda item 28: International co-operation in the peaceful uses of outer space: report of the Committee on the Peaceful Uses of Outer Space (continued)	1

Chairman: Mr. Agha SHAHI (Pakistan).

AGENDA ITEM 28

**International co-operation in the peaceful uses of outer
space: report of the Committee on the Peaceful Uses of
Outer Space (continued) (A/7621 and Add.1)**

1. The CHAIRMAN: I should like to remind the Committee that it was decided, at the meeting yesterday afternoon, that the list of speakers in the general debate on this item should be closed at 1 p.m. today.

2. Mr. PIRADOV (Union of Soviet Socialist Republics) (translated from Russian): The examination of the annual report of the Committee on the Peaceful Uses of Outer Space [A/7621 and Add.1] affords us an opportunity to exchange views and information both on the development of international co-operation in the peaceful uses of outer space and on the progress of the space programmes of States, the number of which, as we all know well, is steadily increasing. The Soviet Union believes that the main purpose of space research is to increase our knowledge and the practical application of the forces and laws of nature in the interests of mankind and of peace on earth.

3. The results of Soviet experiments in outer space represent our contribution to the progress of world science and technology. The Soviet Union is carrying out a broad space research programme, which includes certain large-scale experiments of very considerable import. Among them is the recent group flight of the three spacecraft Soyuz-6, Soyuz-7, and Soyuz-8, in the course of which a broad programme of scientific and technical experiments was carried out. One of the main purposes of this flight was launching into orbit close to the earth a large system in which the pilots worked with a vast array of automatic navigation, communication and information devices. The flight was a continuation of the programme of investigating near-earth space with Soyuz manned spacecraft.

4. Earlier still, in January 1969, Soviet cosmonauts had successfully effected docking in space and set up the first experimental space station.

5. During the October 1969 group flight of the three Soyuz space ships, which lasted for a number of days, entirely new operations were performed, aimed at setting up manned space stations and providing for joint activity by spacecraft with great manoeuvrability in orbit. This highly varied programme included a number of experiments for studying the geological features of the earth's surface and the reflectivity of various surface areas, as well as a complex of medical and biological experiments. Experiments with welding in outer space under conditions of weightlessness were of major importance. Welding in outer space was performed for the first time in the history of mankind.

6. The programme being carried out by the Soviet Union includes both investigations in the general interest of science and experiments aimed at meeting the practical needs of the economy. It calls for the combined use of highly varied technical methods and devices. Automated space probes, by means of which prolonged investigations can be made under difficult conditions and at relatively low cost, are being used for reconnaissance flights into regions of the cosmos which as yet have been little studied and are difficult of access. The effectiveness of this approach has been demonstrated by the flights of Soviet unmanned spacecraft to Venus, which made it possible to measure some important features of that planet's atmosphere, such as its chemical composition, temperature and pressure.

7. My country intends to continue to use automated devices, including manoeuvrable and returnable spacecraft, for the further study of the earth, celestial bodies and physical processes in space. Such devices include the satellites of the Kosmos series, the Proton physical laboratories, the Zond recoverable spacecraft and the Soyuz manoeuvrable scientific and technical laboratories.

8. The USSR space programme provides for the setting up of long-lasting space stations, which will make it possible to answer many highly important questions of physics, geophysics and astronomy, and at the same time to exploit outer space for the practical needs of mankind. They will help us to make more rational use of the earth's resources, and greatly further the development of geology, meteorology, agriculture, forestry, marine fisheries, geodesy and oceanography. These space stations will also play an important part in flights to the planets of our solar system and in the conquest of the further reaches of outer space.

9. With regard to the applications of space science to meet the practical needs of the national economy, I might say that even today the USSR is operating a system of "Meteor" satellites which provides important data on the earth's atmosphere and is being used for weather forecasting.

10. The first Soviet satellites of the Molniya type were launched into orbit in 1965. Today these satellites, together with the Orbita terrestrial relay stations, are used for television broadcasts and for telephonic and other communications with the remote corners of our land. Soviet scientists and experts are engaged in active bilateral and multilateral co-operation with other countries. In particular, there is fruitful co-operation in space research among the socialist countries, covering such fields as cosmic physics, telecommunications and meteorology.

11. One example of such creative co-operation, based on fraternal socialist relations, is the participation of seven socialist countries—Bulgaria, Hungary, the German Democratic Republic, Poland, Romania, the USSR and Czechoslovakia—in the experimental programme being carried out by the satellite Interkosmos-1. The craft is equipped with devices, made in the German Democratic Republic, the USSR and Czechoslovakia, for studying short-waves polar radiation and its influence on the earth's upper atmosphere. An interesting feature of the experiment, which is of practical as well as scientific importance, is that it is a co-operative effort. Even as the space laboratory was in operation, observations of the sun and the earth's upper atmosphere were being carried out in the terrestrial observatories of the seven countries. The experiment was successfully directed by an international group of scientists.

12. Soviet scientists are taking an active part in the work of such international organizations as the International Astronautical Federation and the Committee on Space Research of the International Council of Scientific Unions. Exchanges of views in these international bodies permit critical evaluation and utilization of data obtained in other countries. I note with satisfaction that the next meeting of the Committee on Space Research will be held in my country.

13. Speaking of the space activities of other countries, I cannot but mention the outstanding success of the flights of the United States spacecraft Apollo 11 and Apollo 12, which represent a major achievement of modern science and technology, and congratulate the people of the United States on that achievement.

14. Successful space research is also being carried on in India, France, Italy, Argentina and other countries, a development which can only be welcomed. I should now like to comment on the report of the Committee on the Peaceful Uses of Outer Space. As may be seen from the report, the Scientific and Technical Sub-Committee, which met in March 1969, considered in detail exchanges of information, education and training in space technology, encouragement of international programmes and of the uses of space technology, and a number of other questions.

15. The USSR delegation associates itself with the Sub-Committee's conclusions and recommendations with regard to scientific and technical co-operation in the peaceful uses of outer space. It notes that the Committee on the Peaceful Uses of Outer Space has recommended that the United Nations should continue its sponsorship of the Thumba rocket-launching station, and it supports this recommendation. It notes further that the Outer Space Committee recommends that the United Nations should assume spon-

sorship of the Argentine rocket-launching station near Mar del Plata in accordance with General Assembly resolution 1802 (XVII).

16. I see from the report that the Committee also recommended the appointment to the United Nations Secretariat of a qualified individual with the task of promoting the practical applications of space technology, such appointment being for a short period and on an experimental basis.

17. I take note of the fact that, as recommended by the Scientific and Technical Sub-Committee, the Secretary-General intends to appoint this individual to the Outer Space Affairs Division of the United Nations Secretariat.

18. The Legal Sub-Committee concentrated primarily on drawing up a convention on liability for damage caused by objects launched into outer space. The purpose of this convention is to regulate such issues as may arise between States if an object launched into space by one State causes damage to the nationals or property of another. The 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space [resolution 2222 (XXI)] contains a general provision to the effect that a State assumes international responsibility for any damage caused by objects it has launched into space. When one considers in that light the corresponding sections of the report of the Outer Space Committee, one must recognize that the Legal Sub-Committee and the Committee itself have done important work in developing rules of international law governing the liability of States for damage caused by objects launched into outer space.

19. The Legal Sub-Committee was able to formulate quite a number of provisions regulating in detail the rights and duties of States in an area in which, as has been pointed out, no precedent exists. A commendable feature of its work is that the agreed provisions of the future convention rest on the solid basis of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space and of generally recognized rules and principles of international law.

20. I wish to draw attention to the fact that the texts agreed in the Committee for the draft convention on liability for damage strictly adhere to the principle that all claims arise between two States—the State causing and the State suffering the damage. In regulating in detail various aspects of the issues arising between these two States, the agreed provisions of the future convention abide strictly by the principles of the sovereignty and equality of all States, regardless of the degree and form of their participation in space research activities. That is the only possible basis for working out new rules of international space law, and no fruitful or realistic results can be reached on any other.

21. Another positive side of the work on preparing a draft convention on liability for damage is the great attention that has been paid to legal safeguards of the lawful interests of the State that may suffer damage. This reveals a very humane attitude, since in the last analysis safeguarding the lawful interests of the State suffering the damage is largely intended to protect the human beings whose health or property may have been injured. The principle of the

liability of one State to another offers the best protection of the interests of persons whose health or personal property might be injured by a space object. Without such a system, the injured persons would have to claim their rights in foreign national courts with their complicated appeals structure and frequently with high costs and slow procedures.

22. Other provisions of the liability convention, pursuing the same goal, had been agreed upon. However, the significant results obtained by the Committee and its Legal Sub-Committee should not make us overlook the fact that the Committee has been unable to complete its work on the draft convention and has not submitted a draft to the present session of the General Assembly. In its report, the Committee explains fully and clearly why it has been unable to do so. The problems left undecided are very complicated and touch on matters of principle. Nevertheless, my delegation is convinced that even these complex legal and political problems will be solved, provided that the negotiators address themselves to them with perseverance and goodwill.

23. What are these controversial points in the convention on liability for damage? The report shows that States are in serious disagreement on the question whether or not the convention should specify the maximum amount of compensation for damage. Some States want to introduce a ceiling, while others oppose it. The Soviet Union, for its part, has no difficulty with this point, and its position, while based on principle, is also flexible.

24. Another complicated question is the means of settling disputes. This is a matter of principle, and the positions of the different countries on it are well known, since this question has been discussed in detail at many diplomatic conferences. It is inconceivable that the provisions relating to the means of settling disputes should be founded on a denial of the principle of the sovereign equality of States—that cornerstone of international law. The Committee's report shows that if the question of the means of solving disputes is approached realistically, it is entirely capable of a rapid solution. Naturally, States would have to renounce any idea of making the drafting of the convention a pretext for a review of the basic principles of international law.

25. Difficulties also arose in attempting to establish the criteria for determining the amount of compensation. The Committee's report reflects considerable controversy. There were proposals before it to determine the amount of compensation on the basis of international law, but there were other proposals to the effect that the liability of States against which there is a claim for damage caused by objects launched into space should be governed by internal civil law. The Committee has been discussing this question for a number of years. Naturally, the two contending sides can go on developing and polishing their legal arguments; but that would not bring us one step nearer to our goal. My delegation takes the view that the Committee on Outer Space should follow another line of action—seek to achieve a generally acceptable compromise taking into account the principle of State sovereignty and its consequence, the immunity of States from the liability laws of other States.

26. The report of the Committee on Outer Space shows that such a compromise is quite possible, bearing in mind the proposal submitted by India and supported by a number of other members. Adoption of the Indian proposal would overcome one of the main obstacles to the completion of the liability convention. My delegation is convinced that if all members of the Committee make every effort to attain a compromise, a generally acceptable text of the convention can be worked out very quickly. My delegation will continue its efforts to expedite this important task and it hopes that other delegations will also manifest a spirit of goodwill and co-operation, bearing in mind the interests of all.

27. The Committee on Outer Space has also carried out a useful study of a new problem, the use of satellites for direct television broadcasting to private or community receivers. Its Working Group on Direct Broadcast Satellites submitted a detailed report both on the technical and economic aspects and on the possible consequences of direct broadcasting, from the political, legal, social, cultural and other points of view [A/762], Add.1, annexes III and IV]. The Working Group concluded that direct television broadcasts could become technologically feasible as soon as 1975. This is further evidence of the tempestuous development of space technology and of its great prospects.

28. With regard to the possible consequences of launching direct broadcast satellites, the experts have as yet been unable to reach a consensus and give us a clear picture of the future. As may be seen from the Working Group's report, the direct broadcast satellites, like any other scientific or technological achievement, can be used not only for the good of mankind, in the interests of peace and friendly relations among nations, but also to frustrate these lofty purposes.

29. In my delegation's view, the humane purpose of raising the cultural level in various countries with the aid of direct broadcast satellites can be ensured only on a basis of strict compliance with the rules and principles of international law, including the provisions of the 1967 Treaty governing the activities of States in outer space. Abuses of the direct television broadcasts, such as broadcasting programmes aimed against the interests of other countries, would have a very adverse effect on the development of international co-operation and would even outweigh the potential benefits of direct broadcast satellites. Certainly direct television broadcasting to other countries without the consent of their Governments is just as inadmissible as would be the use of direct broadcast satellites for war propaganda, advocacy of racial superiority or immoral programmes.

30. My delegation accordingly believes that direct television broadcasting should not be effected except in strict compliance with the principle of respect for State sovereignty and subject to the agreement of the country to whose territory the broadcasts are made. Direct television broadcasting without such agreement should be unlawful, and States must be entitled to take steps to protect their sovereign interests.

31. Speaking of direct television broadcasting from satellites, I would emphasize that this type of activity, too, falls

squarely under the article of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies which provides that States assume international responsibility for national activities in outer space, whether such activities are carried on by Government agencies or non-governmental legal persons.

32. I believe that if these various considerations are taken into account, further work on the question of direct television broadcasting on a generally acceptable basis will be facilitated.

33. These are the ideas my delegation wished to put forward during the present examination of the report of the Committee on the Peaceful Uses of Outer Space. In conclusion, I would express the conviction that international co-operation in the exploration and peaceful uses of outer space has a great, interesting and highly meaningful future before it.

34. Mr. INGLES (Philippines): In discussing the agenda item on international co-operation in the peaceful uses of outer space, we cannot but allude to the spectacular and fantastic achievements in outer space in this year, 1969. The pace of progress in space science and technology has been so rapid that it staggers the imagination. Sputnik, the first artificial earth satellite, was orbited in space barely twelve years ago, and yet, within the span of this brief period, man has succeeded in landing on the moon.

35. In paying a tribute to the United States for the successful completion of the missions of Apollo 11 and 12, we also give due recognition to the first unmanned landing and other moon probes by the Soviet Union, not to mention valuable contributions by other Powers.

36. While the two leading space Powers surge on towards the objectives of their respective space programmes, they must have come to realize the necessity and desirability of greater international co-operation in the exploration and peaceful uses of outer space. National ambitions and rivalries between the space Powers have induced efforts—paralleled if not duplicated—resulting in needless waste of time and money. It is obvious that if only the space Powers dispelled suspicion and mistrust they could usefully co-operate with each other and co-ordinate their space programmes so as to achieve maximum results for the benefit of mankind.

37. The first commemorative plaque placed on the surface of the moon by the first astronauts who landed on that celestial body was inscribed with the words: "We came in peace for all mankind". The Secretary-General, in referring to those very words, said that he strongly hoped that they were an indication of a will to move forward together in the exploration of outer space in a spirit of true international co-operation.

38. In this context we express our appreciation for the statement of the Administrator of the United States National Aeronautics and Space Administration at the sixty-first meeting of the Committee on the Peaceful Uses of Outer Space [A/AC.105/PV.61] announcing the goal of the United States space programme to make: "... space

flight become as safe, as reliable and as economical as aircraft flight through the atmosphere is today", and to "open space travel to men and women of all nations". We welcome his assurance that "the United States will, as... in the past, make increasing opportunities available to people of all nations who wish to join... in the pressing forward of this great human endeavour".

39. In so far as the non-space Powers are concerned, particularly the developing countries, my delegation believes that their main interest, aside from the advancement of science and the peaceful uses of outer space, lies in the practical benefits to be derived from space technology and the opportunities made available to them for international co-operation.

40. The United Nations Conference on the Exploration and Peaceful Uses of Outer Space, which was held in Vienna from 14 to 27 August 1968, was successful because it achieved its main purpose of identifying and examining the practical benefits derived from space technology in such diverse fields as communications, meteorology, navigation, education, medicine, and survey of the earth's resources.

41. The United States plan to make available earth resources survey satellites and other facilities for project surveys of the earth's resources seeks to concretize and spread the practical benefits of the new technology.

42. We welcome the recent circulation of the document entitled "Practical Benefits of Space Exploration", a digest of papers presented at the United Nations Conference on the Exploration and Peaceful Uses of Outer Space, Vienna, 1968.¹ This document was issued in implementation of General Assembly resolution 2453 A (XXIII) under which, *inter alia*, the Secretary-General was requested to bring to the attention of all Member States, in particular the developing countries, the information contained in the papers presented and the discussions held at the Conference. We commend the Secretary-General for the prompt implementation of this resolution, because this document will prove beneficial to developing countries in the determination of their appropriate contribution to international co-operation in outer space, if not in the initiation of their own modest space programmes.

43. My delegation commends the initiative of the Scientific and Technical Sub-Committee of the Committee on the Peaceful Uses of Outer Space in asking the Secretary-General to consult with the Food and Agriculture Organization and other United Nations bodies concerned on the advisability of convening in 1971, or soon thereafter, a panel on the applicability of space and other remote sensing techniques to the management of food resources [A/7621, annex II, para. 30].

44. My delegation also supports the action taken by the Scientific and Technical Sub-Committee in recommending the early appointment by the Secretary-General of a qualified individual whose full-time task would be to promote the practical application of space technology [*ibid.*, para. 24]. It is envisaged that this individual would maintain liaison with all components of the United Nations

¹ United Nations publication, Sales No.: E.69.I.25.

family in order to keep abreast of all efforts in this field. It is also expected that he would serve as a point of contact for all Member States seeking information and assistance with regard to pertinent United Nations or other programmes. Member States could avail themselves of the services of this United Nations official in respect of their specific needs relating to information, surveys, fellowships, and other assistance. We agree that this official should be engaged as soon as possible on a short-term basis. Needless to say, we regard the appointment in the Secretariat of a co-ordinator of technical assistance in space affairs as provisional in nature, pending the ultimate establishment of an intergovernmental agency for outer space affairs.

45. The establishment of the Working Group on Direct Broadcast Satellites is proof of advances achieved in the field of communication via satellites. The world is now benefiting from satellite television broadcasts. Both the United States and the Soviet Union have pioneered in this space technology. It is pointed out that the next logical step would be the direct broadcast from satellites.

46. My delegation notes that the United States and India are now co-operating on a project aimed at direct broadcasts from satellites in India as a means to supplement programmes of increased agricultural production. This is illustrative of one important practical benefit from the new space age technology. Although the Working Group believes that direct broadcasts to unaugmented home receivers may not come within the period 1970-1985, direct broadcasts from satellites to community receivers may be feasible as early as 1975.

47. My delegation believes that at the present stage direct broadcasts from satellites would be useful on a domestic or regional basis, particularly to increase contacts among peoples of a particular nation or region. It could help eradicate illiteracy and improve health services, and in general serve as an educational medium for economic development and other purposes. It would be most suitable for those developing countries, or groups of countries with inadequate telecommunication systems and where there are distances from one point to another of at least 1,000 kilometres.

48. The Working Group pointed out, however, that political, legal, social and cultural implications will have to be studied and resolved if direct broadcast from satellites is to be widely accepted. We feel that the work begun by the Working Group needs to be continued, if only to go deeper into those far-reaching implications.

49. There is also the problem raised by some countries which maintain that such broadcasts could only be made with the consent of the receiving country.

50. Another problem concerns the contents of programmes to be broadcast. There is fear of unwanted political interference. In the view of my delegation, however, priority should be given by the Committee to other items of its work programme which are more urgent than regulating the direction and content of direct broadcast from satellites, bearing in mind that the United Nations has, for the past twenty years, been unable to agree on a convention on freedom of information intended to be of

universal application. It is believed that the Universal Declaration of Human Rights should set the standard in this regard.

51. Inasmuch as the system should have as its primary objective the promotion of mutual understanding and co-operation among peoples, there is need for agreed guidelines that would govern the operations of direct broadcast satellites. In this connexion, we take note of the proposal of the International Telecommunication Union to hold the second world administrative radiocommunications conference in 1971 which would deal, *inter alia*, with frequency allocations and utilization of satellites.

52. The Philippines is one of those countries that require trained personnel if it is to make any contribution, however small, to the global space effort. My delegation attaches great importance, therefore, to the education and training of such personnel as the *sine qua non* of true international co-operation in the exploration and peaceful uses of outer space.

53. We welcome, therefore, the Scientific and Technical Sub-Committee's suggestions regarding education and training in this field. We note the facilities for training and research available at the Experimental Satellite Communications Station at Ahmedabad, India, the Latin-American course in space research under the Inter-American Committee on Space Research in co-operation with the Argentine National Commission on Space Research and the education and training programmes of the specialized agencies.

54. We are also pleased to note the United Nations publication entitled *International Directory of Facilities for Education and Training in Basic Subjects related to the Peaceful Uses of Outer Space*,² which will be useful to the developing countries.

55. My delegation also supports the recommendation made by the Scientific and Technical Sub-Committee that the Secretary-General, making full use of the facilities at his disposal, and in the manner he deems most appropriate, ensure prompt and full implementation of the tasks entrusted to the Secretariat with reference to the dissemination of information concerning the opportunities available to the Member States in the field of education and training.

56. My delegation approves the unanimous endorsement by the Committee on the Peaceful Uses of Outer Space of United Nations sponsorship of the Mar Chiquita Station, now officially known as CELPA Mar del Plata. It appears from the report of the group of experts [A/AC.105/69 and Add.1] that this station is eligible for sponsorship in accordance with the basic principles endorsed by the General Assembly in 1962. As the representative of Argentina aptly stated at the 70th meeting of the Committee on the Peaceful Uses of Outer Space:

"...Mar del Plata will make it possible to expand international co-operation in space research and, henceforth, in human knowledge, providing appropriate

² United Nations publication, Sales No.: E.68.I.4.

opportunities for the practical training of specialized experts in this field and for the necessarily closer international co-operation". [See A/AC.105/PV.70.]

This would be the second rocket-launching station to be sponsored by the United Nations in addition to the Thumba Equatorial Rocket Launching Station in India. Both stations would certainly boost international co-operation and training in the peaceful scientific exploration of outer space.

57. My delegation congratulates the Committee on the Peaceful Uses of Outer Space for the work it has accomplished this year. We wish to express our appreciation for the comprehensive reports [A/7621 and Add.1] that the Committee has submitted to us at this session.

58. If my delegation has experienced any disappointment at all, it is due to the fact that the draft convention on damage caused by the launching of space vehicles has not been finished in time for this session of the General Assembly as requested by its resolution 2453 (XXIII). Nor did intensive consultations among the members of the Sub-Committee and of the Committee up to 5 December 1969 result in agreement on the main outstanding issues. This is discouraging to non-space Powers that have signed the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space [resolution 2345 (XXII)], because these non-space Powers were given the impression that the agreement on liability would be forthcoming as a complement to the Agreement on the rescue of astronauts.

59. It appears that there is an impasse in the Committee on the binding character of the conclusions of the proposed claims commission to be activated as the third phase of the settlement of claims, the first phase of which is diplomatic negotiations, and the second phase the establishment of a commission of inquiry. Since guidance from the General Assembly would seem to be appropriate, if not called for at this stage, my delegation would like to place on record its preference for a speedy final and conclusive settlement of any claim for damages that may arise from the launching of objects into outer space. For this reason, the compromise proposal presented by France [see A/7621/Add.1, para. 8] to the effect that the claims commission shall state the reasons for its decision, which shall be final and binding on both the respondent and claimant States, is acceptable to the Philippines.

60. The proposal of Brazil [ibid.] would lack finality, since the award would merely be recommendatory if there is no agreement between the parties concerned. With all the goodwill in the world, a claimant may not be satisfied with such a solution, unless there is a possibility of further recourse to the compulsory jurisdiction of an impartial tribunal. However, a long drawn out procedure would not meet the requirements of a prompt and speedy settlement, which should govern claims arising from personal injury or damage to private property.

61. Should the Committee on the Peaceful Uses of Outer Space fail to reach agreement on the procedure for the settlement of claims, consideration should be given to direct recourse to the International Court of Justice as the best alternative.

62. My delegation also believes that there should be no established ceiling on the amount of the liability. With due respect to those who hold the contrary view, we feel that the principle involved is the reparation of the damage caused. The problem is to determine the amount of damage, and to make good that damage, the extent of which cannot be known in advance. If, therefore, the ceiling should be established beforehand in the agreement, it would not be fair and equitable to the victims of objects launched into space. The claimant and respondent States have to come together and settle the amount of liability, but we maintain that this amount should not be restricted by a ceiling arbitrarily fixed in the agreement.

63. On the question of the applicable law, the discussions in the Legal Sub-Committee, and also in the Committee, have considerably refined the issue. In our view, the Belgian proposal [ibid.] appears to be a reasonable compromise. If the victim is to be justly compensated for the injury or damage suffered by him, the compensation should be determined by the law of the place where such damage or injury was inflicted, unless the law of the launching State is more favourable to the victim. The Belgian proposal gives due allowance for the ultimate operation of this principle, although it seems to give way in the first instance to an agreement on the applicable law between the claimant and respondent States. In our view, specific mention of the United Nations Charter and the outer space Treaty³ would be preferable to a passing reference to international law in the draft agreement. We are confident that the problem can be resolved by the exercise of goodwill and compassion for the victim who is to be compensated for his loss.

64. It is the hope of my delegation that the draft agreement on liability may soon be completed by the Committee on the Peaceful Uses of Outer Space, taking into account the views expressed by Member States during the present session of the General Assembly. My delegation is wary of another package deal which may further compromise the position of the developing countries. The original package deal linking the 1967 Agreement on the Rescue of Astronauts and the Return of Astronauts and of Objects Launched into Space, with an agreement on liability for damage caused by the launching of objects into outer space, still remains to be implemented, and the prompt fulfilment of this tacit understanding will go a long way towards promoting international co-operation in the exploration and the peaceful uses of outer space, to which we believe we are all dedicated.

65. We are encouraged by the vision of the future and the commitment to world progress made by the representatives of the United States yesterday afternoon [1718th meeting] and the Soviet Union this morning. Those initiatives from the two leading space Powers should spur the Committee on the Peaceful Uses of Outer Space to finish with urgency the remaining items on its work programme, which have been overtaken by events, so to speak.

66. We believe we have the right to expect that in the Committee's choice of options and priorities for its future work, the improvement of the human condition for the

³ 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).

benefit of all mankind shall always be the primary consideration.

67. Before attaining the ideal of one world, man is already setting his sights to encompass the universe. This calls for sobriety and statesmanship of the highest order. For there is danger that wittingly or unwittingly, man may become the prisoner rather than the master of his awesome discoveries and inventions. It is not meet that, in reaching out for other planets to conquer, man should, instead, jeopardize his heritage on planet earth.

Mr. Kolo (Nigeria) took the Chair.

68. Mr. DELEAU (France) (translated from French): In these last few years, space exploration has developed at an increasing rate, holding out to mankind the prospect of reaching unknown planets, whose mysteries have long fascinated earlier generations and which the earth is discovering today.

69. Who could expect the dimensions of our world to remain the same after the flight of Apollo 11? For the first time, the United States then succeeded in landing two men on the moon. It has repeated this extraordinary adventure with the success of Apollo 12, which marks a new stage in gaining a deeper knowledge of the moon. We warmly congratulate the United States delegation on these sensational achievements.

70. The Soviet Union, for its part, is continuing to explore the moon and the planets of the solar system by means of automated devices. Moreover, the crews of the spacecraft Soyuz 6, 7 and 8 have recently carried out a great many experiments showing that inhabited orbiting stations could be established in the near future. We wish the USSR space programme great success.

71. We also hope that other countries having space programmes and the European Space Research Organization will expand their activities in years to come.

72. France will continue the space research and co-operation programme which it initiated a few years ago.

73. The Committee on the Peaceful Uses of Outer Space is, of course, engaged in more modest endeavours, but its work is complex none the less. It must develop international co-operation on space research among States with very uneven technological development. Consequently, it must make information on space techniques available to all countries and help those which want to take part in space activities. It is also responsible for defining rules of law in order to regulate space exploration and utilization in such a way that they benefit the entire international community.

74. The report which it has submitted to us [A/7621 and Add.1] is particularly meaty this year, since it covers a number of meetings—those of the two Sub-Committees, the two meetings of the Working Group on Direct Broadcast Satellites, and also the extended session of the Committee itself, which ended only a few days ago, on 5 December.

75. I wish to comment on some of the recommendations in this report.

76. I shall first examine the activities of the Scientific and Technical Sub-Committee, which met in New York from 17-28 March 1969, and its recommendations, which were approved by the parent Committee at its twelfth session.

77. The initiative taken by the Sub-Committee to develop the exchange of information and to publicize the results of the United Nations Conference on the Exploration and Peaceful Uses of Outer Space held at Vienna in 1968 is most commendable. To disseminate and make available information on the latest techniques and space programmes of Governments is a fundamental aspect of international co-operation in space affairs. The Sub-Committee must see to it that this work of dissemination is properly done.

78. There has been some talk of organizing meetings of experts to study certain applications of space techniques. It should not be forgotten that such specialized agencies as the United Nations Food and Agriculture Organization and the United Nations Development Programme have already begun to work in this field. These organizations should therefore be consulted, so that the Sub-Committee can be guided by their work. In any case, the Sub-Committee can never itself draw up technical assistance programmes.

79. My delegation is in entire agreement with the recommendation that the Secretariat should recruit an expert to determine the needs of the developing countries as regards the practical application of space techniques, and feels that it should be approved by the General Assembly.

80. Finally, my delegation took part in the visit to the rocket-launching station at Mar del Plata, Argentina. The group of experts has concluded in its report that this station was organized in conformity with the principles of General Assembly resolution 1802 (XVII) and that the United Nations should sponsor it. I fully support this recommendation, which has been approved by the Committee on the Peaceful Uses of Outer Space, and I trust that the First Committee will take a decision to that effect.

81. I shall comment very briefly on the activities of the Working Group on Direct Broadcast Satellites, having had an opportunity to discuss its reports [A/7621/Add.1, annexes III and IV] in the parent Committee last September. The use of direct broadcast satellites certainly gives rise to many complex problems, since it has political, legal and social implications. The Working Group has already touched on these problems; but it cannot stop there, for direct broadcast satellites can be launched in the near future, and this is why my delegation was in favour of that body holding a third session.

82. Now that I have mentioned direct broadcast satellites, I would like to add that the International Telecommunications Satellite Consortium (INTELSAT) in Washington has been trying for over a year to set up a truly world-wide satellite communication system.

83. The United Nations cannot fail to take an interest in a matter of such importance for future relations among States. Last year, the Swedish delegation, in a draft resolution submitted to the General Assembly, included a provision referring to resolution 1721 D (XVI). That resolution, in particular, lays down the principle that

communication by means of satellites should be available to the nations of the world on a global and non-discriminatory basis. This year's resolution should develop this principle further, so that the delegations negotiating the establishment of a world telecommunication system should not lose sight of the fact that any agreements they may reach are of vital interest to all mankind.

84. Let me now comment on the work of the Legal Sub-Committee, which held its eighth session at Geneva last June. The Sub-Committee adopted some resolutions [A/7621, annex III, para. 13] to which my delegation attaches great importance.

85. It will be remembered that my delegation introduced in the Legal Sub-Committee in 1968 a draft resolution on the registration of objects launched into space for the purpose of exploring or using outer space [*ibid.*, annex III, appendix I]. The study which the Legal Sub-Committee asked the Scientific and Technical Sub-Committee to carry out should mark the beginning of a detailed investigation of this question.

86. Furthermore, we agree with other delegations that work on the definition of outer space should be continued. We trust that the study undertaken by the Secretariat will enable us to resume this work on a sound basis.

87. I now come to a fundamental question with which we are all concerned and to which the First Committee must give special attention this year. I refer to the draft convention on liability for damage caused by the launching of objects into outer space.

88. My delegation was among those which in the Committee on Outer Space supported the Belgian delegation's proposal that consultations on the liability convention should be resumed during the current session of the General Assembly.

89. My delegation was, of course, aware that most members of the Outer Space Committee would not find it easy to take on additional work while meeting the heavy demands of participating in the Main Committees of the General Assembly. Nevertheless, it had three weighty reasons for its decision. First, France could not remain indifferent to the deeply humanitarian purpose of this convention, for although it is itself a launching Power, it has suffered enough damage in the course of its history to appreciate the importance of such an instrument. Secondly, it seemed obvious that, despite the competence of its members and the authority of its Chairman, the Legal Sub-Committee would be unable to resolve certain difficulties which some members felt raised questions of principle whose implications were not purely legal. Lastly, my delegation thought that the General Assembly, with the spirit of co-operation it so cherishes, offered a suitable forum for reconciling differences of views.

90. I must confess that, once again, despite a great many informal meetings and consultations, we have failed in our efforts to formulate a draft convention.

91. In this connexion, I should like to pay a tribute to the efforts, authority and wisdom of Mr. Haymerle, who

conducted the consultations ably and impartially. Mr. Wyzner, Chairman of the Legal Sub-Committee, also made a very valuable contribution to the work.

92. At its extended session, the Outer Space Committee agreed that the four unresolved points in the convention were of great importance [see A/7691/Add.1, para. 8]. These are: settlement of claims, the applicable law, the financial limit of liability, and liability with regard to the activities of international organizations in outer space.

93. I shall review these four problems, in order to show that on at least three of them agreement can be reached if the necessary effort is made. Let us take the question of international organizations engaged in space activities. Agreement on the scope of liability of these organizations seems very close. Some delegations submitted a proposal at Geneva which could be used as a basis. As there is now no difference as to substance among members, I feel it unnecessary to dwell on this point.

94. Secondly, the great majority of members of the Outer Space Committee agree that it is very difficult to fix a financial limit of liability. Very fortunately, we have little experience of the extent of the damage that might be caused by the fall of space objects. We might err in a way harmful to the interests of both the space and non-space Powers and see the figure we propose exceeded in a few years. The Outer Space Committee will probably decide that the only way to overcome these difficulties is to make no mention of any limit.

95. In the view of my delegation, the two points I have commented on could be settled without too much difficulty, given a spirit of goodwill.

96. The question which law should apply to estimate the compensation that a State should pay to the victim is of course very important. In the Outer Space Committee, we all accepted—some of us reluctantly—a formula referring to international law, in the belief that it should be supplemented.

97. The great majority of members of the Outer Space Committee would like a mention of the law of the State in which the damage occurred, and that should be acceptable. Views are still divided, however, on the question whether the law of the respondent State should also be mentioned. My delegation feels that it would serve no purpose to formulate ambiguous wording which would be injurious to the interests of the victim and at the same time give rise to a dispute between the respondent State and the claimant State. The Belgian delegation has submitted a valuable compromise proposal, which the Outer Space Committee might find acceptable [*ibid.*].

98. I now turn to the last point—settlement of claims—which my delegation regards as the most important of all and one aspect of which has given rise to profound disagreement among the members of the Committee on the Peaceful Uses of Outer Space. That is a fundamental question, since, after all, the purpose of the convention is to indemnify a State or physical or legal persons represented by that State for accidental damages caused by an object launched into space. It is therefore essential that, in

the case of a dispute between parties, we should have a simple and efficient settlement procedure guaranteeing that the victim would receive compensation, whatever the circumstances.

99. It was agreed at that session of the Outer Space Committee that the procedure of claim settlement should comprise three stages: first, diplomatic negotiations between the parties; secondly, the creation of a parity investigation commission; and thirdly, the establishment of a tripartite arbitration commission.

100. I have a few comments to make on these different stages.

101. Assessment of the compensation should not occasion great difficulties in most cases, if the amount is established fairly and in accordance with a clear and definite provision under the applicable law. If any difficulties should arise, diplomatic negotiations conducted by the two States in good faith should lead to a rapid settlement. However, the accident may occur in complicated circumstances, leading to a misunderstanding between the launching Power and the claimant State, thereby preventing agreement.

102. For this reason, the Outer Space Committee thought that in case of any such dispute, the convention should provide for a parity investigation commission, which would make recommendations. It is to be hoped that the dispute would then be settled, both States agreeing to implement the commission's recommendations in good faith. In practice, however, a dispute cannot always be settled amicably. Hence it is essential to provide a final procedure, ensuring that the victim would receive fair compensation. As matters stand, the great majority of countries will, for a long time to come, be potential victims of accidents caused by space objects.

103. If, therefore, after the first two means of recourse have been exhausted the dispute continues, an arbitration commission led by an impartial judge, appointed if need be by an international authority, is, I believe, the only recourse still open to both the claimant and the respondent State. The Outer Space Committee was in agreement on this point.

104. On the other hand, it is deeply divided as to the status of the conclusions reached by that commission.

105. Most of its members, being potential victims, want this commission's decisions to be binding. Several delegations, on the other hand, continue to oppose this view and want the convention to speak only of "recommendations" in this connexion. They argue that in view of the arbitration commission's composition, its recommendations would carry great political and moral weight.

106. Most of the members of the Outer Space Committee, including France, however, feel that this is not sufficient and that the convention would be meaningless unless the following two conditions were met: first, that the arbitration commission should represent the final state in the dispute; and secondly, that its decisions on the amount of the compensation should be binding on both parties.

107. My delegation hopes that the First Committee will take a clear-cut decision on this question, for the disagreement in the Committee on the Peaceful Uses of Outer Space is such as to prevent any progress on the convention for some time to come.

108. At the last session of that Committee, my delegation submitted a compromise formula based on that used in the Indian draft convention [see A/7621, annex III, appendix II], but amending it so as to command general agreement. This formula, which deals with the status of the arbitration commission's decisions, reads: "The commission shall state the reasons for its decisions, which shall be final and with which the respondent State and the claimant State shall comply." [See A/7621/Add.1, para. 8.] The purpose of that wording is to have the responsible State declare, in full exercise of its sovereignty, that it will accept the decision of the arbitration commission.

109. For my delegation this represents a very important concession with regard to the position of principle which it has always defended and which gave equal consideration to the interests of the claimant and of the respondent State, being injurious to neither.

110. Naturally, such flexible wording on the settlement of disputes must be accompanied by an unambiguous provision with regard to the applicable law, so that the evaluation of the compensation should not be open to question.

111. The Legal Sub-Committee has agreed on a formula regarding liability, whereby the launching State will undertake to pay reparations for any damages caused by its space object on the earth's surface or to aircraft.

112. It seems reasonable to expect general agreement that the respondent State and the claimant State, after having exhausted the recourses offered by diplomatic negotiations and by the parity investigation commission, should at last agree to comply with the decisions of the arbitration commission—that being the minimum the victim is entitled to claim.

113. My delegation hopes and trusts that the present debate on outer space will inform the Committee on the Peaceful Uses of Outer Space of the views held by the First Committee and the General Assembly on those basic points of the draft convention on which there is still disagreement.

114. My delegation hopes and trusts that, given such guidance, the Outer Space Committee will be able to submit a liability convention in time for the twenty-fifth anniversary of the United Nations. My delegation, for its part, will co-operate most actively in the work of the Legal Sub-Committee when it holds its next session at Geneva in June 1970.

115. Mr. RUDA (Argentina) (*translated from Spanish*): This year, at the twenty-fourth session of the General Assembly, agenda item 28, "International co-operation in the peaceful uses of outer space", is being considered at a particularly momentous point in time. As it has already been noted in this Committee, in 1969 the world witnessed one of the most outstanding events in its history: the moon landings of Apollo 11 and Apollo 12.

116. The scientific and technological dimensions of these feats have commanded world-wide admiration, initiating a new phase in man's activities in outer space, whose magnitude it is, as yet, difficult to grasp.

117. My delegation would reiterate its congratulations to the United States delegation on these unforgettable achievements, the display of technological know-how, the courage of the United States astronauts, and the ability and dedication of the organizations in charge of these projects. We would also like to congratulate the Soviet Union on the success of the experiments it has been conducting and on the scope of the research it has been carrying out through its Soyuz, Venus, Luna and Zond programmes.

118. As a basic element of its consideration of this item, the General Assembly has before it the report of the Committee on the Peaceful Uses of Outer Space [A/7621 and Add.1], which gives a detailed picture of the activities that have taken place in 1969.

119. From the standpoint of science and technology, the Sub-Committee brought out the urgent need to promote the application of space technology, particularly in those countries which have not yet undertaken activities or research in this area. Increased international co-operation is essential to the application of space technology, as is obvious from the highly specialized know-how and instruments required. The application of this technology, together with such co-operation, will unquestionably benefit people throughout the world.

120. The Outer Space Affairs Division of the United Nations, within its limited sphere of action, has, in our view, done work of great merit. It has also shown its readiness to tackle the new challenges ahead, and has rendered very valuable assistance to the members of the Committee. Fuller awareness on the part of Member States of the activities carried out by the United Nations and the specialized agencies, together with promotion of those activities, will greatly facilitate progress in this matter.

121. In this regard, my delegation sees great value in the recommendation of the Scientific and Technical Sub-Committee that the Secretary-General should appoint a qualified individual to the Outer Space Affairs Division, with the full-time task of promoting the practical applications of space technology. The competent bodies and specialists in Argentina are greatly in favour of this appointment, since they feel that it will be an effective means of promoting co-operation and assistance among States Members of the United Nations. We also feel that it is necessary for every State to designate an individual or body as a point of contact for communications regarding the application of space technology and inform the Secretary-General accordingly so as to facilitate the corresponding arrangements.

122. My delegation believes that the interest developing countries show in participating in space research programmes depends on their awareness of the advantages they can derive from them and also on the extent to which they are prepared to carry forward such plans. We therefore feel that it is essential for every country to train research workers and engage in studies in the basic sciences involved

in space technology. This is the only way to bring about steady progress and effective international co-operation.

123. The Scientific and Technical Sub-Committee has also taken an important step by promoting meetings of specialists in co-operation with the appropriate United Nations specialized agencies and international and national bodies dealing with these questions, as mentioned in paragraphs 22 to 31 of the Sub-Committee's report.

124. We attach great value to the recommendation that the Secretary-General be requested to prepare an assessment of the requirements concerning specific requests for practical space applications, such as survey missions, panel meetings, fellowships, and the way of meeting them, bearing in mind the administrative, technical and financial involvement.

125. We also regard as useful the Sub-Committee's recommendation, in connexion with its future work, that it should be requested to submit to the Committee at its next session a list of subjects which, in the Sub-Committee's opinion, are ripe for fruitful discussion. We believe that Member States should be recommended to do their utmost to put into practice the proposed measures to which I have referred.

126. My country attaches importance to popular understanding of the purposes and potentialities of space activities and, in this connexion, it has endeavoured to promote university and post-university education, and training in space science and technology. It has, for example, continued its plans for Latin American courses in space research and, in this respect, we hope that the Organization will be able to provide some kind of assistance in the future.

127. We believe that the recent United Nations publication entitled *Practical Benefits of Space Exploration*⁴ is of great value. This publication is a digest of papers presented at the United Nations Conference on the Exploration and Peaceful Uses of Outer Space, held at Vienna in August 1968. We feel that it will prove interesting and helpful to those in charge of scientific and technological questions in national and international organizations, as well as to university teachers and students interested in this subject, giving wider publicity to the activities carried on in this field.

128. The practical possibilities of space science can without doubt best be seen in the field of communications. The work done by the Working Group on Direct Broadcast Satellites is therefore especially valuable. The Working Group's report to the Committee indicates clearly the principal technical, economic, social and legal problems involved in direct broadcasting, particularly for developing countries which have not yet acquired an extensive conventional telecommunications infrastructure. This report also shows how important such communications can be to these countries in the field of education.

129. My delegation therefore believes that it is advisable to endorse the Committee's recommendation that the Working Group should continue its valuable activities.

⁴ United Nations publication, Sales No.: E.69.I.25.

130. My delegation, like others, cannot conceal its disappointment at the failure to submit a draft agreement on liability for damage caused by objects launched into outer space.

131. We had felt that, both in the Legal Sub-Committee and at the twelfth session of the Committee held last November here in New York, a greater spirit of co-operation and fair play would prevail and that, as a result, it would be possible to produce a text for consideration at this session of the General Assembly. We felt that it was important to do so because, to our way of thinking, consideration of the draft is to a large extent holding up the work of the Legal Sub-Committee.

132. The statement by the Chairman of the Committee, Ambassador Haymerle, which appears in paragraph 8 of the addendum to the Committee's report [A/7621/Add.1] is, in our opinion, a fair description of the status of the negotiations on this important instrument. I shall add only a few remarks.

133. With regard to the settlement of claims, my delegation would reiterate its view that a clear and precise form of wording is needed on settlement of disputes. We therefore regard the formulations proposed by the delegations of France and Brazil, which are mentioned in paragraph 8 of the addendum to the Committee's report, as constructive and praiseworthy. We hope they will be the means of reaching a satisfactory compromise solution.

134. With regard to the question of the applicable law, we feel that international law, particularly the law pertaining to outer space, must be accorded priority, taking into account the legislation of the State in which the damage is caused. We also believe that the provision governing this matter must give the parties concerned an opportunity to reach agreement on what law is applicable.

135. As to the question of a limit on liability, my delegation believes that, from the legal standpoint, there is no sound argument to prove that compensation should, *a priori*, have a ceiling. However, it is prepared to accept a ceiling, provided it ensures that the victim will be fully compensated for the damage caused.

136. My delegation wishes to express warm praise of the efforts by the Chairman of the Committee on the Peaceful Uses of Outer Space, Ambassador Haymerle of Austria, and the Chairman of the Legal Sub-Committee, Mr. Wyzner of Poland, to ensure that the Committee at its twelfth session, complied with the General Assembly's request in resolution 2453 B (XXIII) for urgent completion of the preparation of a draft agreement on liability for damage caused by the launching of objects into outer space.

137. My delegation thought that such resolve and perseverance on the part of Ambassador Haymerle and Mr. Wyzner would lead to success. We very much regret that there has been no agreement when, in our view, great readiness was displayed by most of the members of the Committee. We hope that this atmosphere of understanding fostered by the Chairman of the Committee will bear fruit in 1970.

138. As paragraphs 9 to 11 of the addendum to the report show, the Committee took note of my country's continuing efforts to keep pace with the latest advances in space science and technology. In so far as it is able, Argentina has carried out various projects in this area for which it has received valuable assistance from countries with the most know-how, such as the United States and France. In Argentina, official bodies specializing in this type of activity hope that in the future they will also enjoy the co-operation of other friendly Governments and institutions.

139. In these plans, an important part is played by our station at Mar del Plata, which will be largely responsible for carrying out part of the "EXAMETNET" programme of the experimental inter-American meteorological rocket network, in which the United States and Brazil are participating. This is one of the first international co-operative efforts to explore the upper atmosphere and measure temperature, winds, humidity, cosmic radiation and so on.

140. Argentina has engaged in this activity because it fully realizes the enormous potential of space research and also the fundamental need for countries, particularly developing countries, to concern themselves with preparing and training research workers and with increased studies in space-related sciences. We feel that, in this way, individual States and the international community as a whole will attain a higher level of well-being and progress. Greater and more effective international co-operation must be fostered if suitable training is to be given in countries with few specialists in these new disciplines. These are the particular objectives behind Argentina's plans and proposals.

141. As we said at the outset, this year has been marked by the spectacular achievements of Apollo 11 and Apollo 12, events which have served to alert the entire world to the importance and potential of space activities. In this buoyant atmosphere, it was particularly gratifying for the National Space Research Commission of Argentina to receive in October of this year the group of scientists appointed under General Assembly resolution 2453 B (XXIII) and United Nations officials working with the Committee on Outer Space, who visited our facilities and had the opportunity to see for themselves the activities we are carrying out and our plans for the immediate future, as a first step towards more ambitious programmes.

142. Argentina was especially pleased because the visit by the United Nations group of scientists coincided with that of the Apollo 11 astronauts and with the XX Congress of the International Astronautical Federation at Mar del Plata.

143. These events were happily accompanied by the distribution of the report of the experts appointed by the United Nations under resolution 2453 B (XXIII) and we should like to thank them for their favourable remarks concerning the Argentine initiative.

144. We hope that the Assembly will endorse the Committee's recommendations and grant United Nations sponsorship for the operation of the Mar del Plata sounding rocket launching facility, which will function in accordance with the basic principles set forth in General Assembly resolution 1802 (XVII).

145. My delegation wishes to repeat that it is Argentina's wish to contribute through this type of programme, to the effective attainment of the objectives established by this Organization in connexion with space activities. We believe that the CELPA Mar del Plata station will further international co-operation in space research and the advancement of human knowledge and offer a suitable opportunity for the practical training of specialists in this field, in an atmosphere of increasingly effective international co-operation.

146. Before concluding, I should like to say how gratifying it is for my delegation to see the representative of Brazil, Mr. Souza e Silva, as Rapporteur of the Committee on the Peaceful Uses of Outer Space.

147. Mr. SHAW (Australia): As speakers before me have already pointed out, the year 1969 has been a remarkable one in the peaceful uses and exploration of outer space. We wish to congratulate the United States on the historic achievements of the spectacular Apollo 11 and Apollo 12 missions which resulted in successful landings on the moon and return to earth. We look forward to further exploits by the United States, the USSR and other States contributing to the peaceful uses of outer space. We were particularly interested in the remarks made by the United States representative yesterday [1718th meeting] concerning possible new co-operation regarding earth resources survey satellites. This is a potentially important application of space techniques.

148. I might remark briefly that Australia, together with other States, was glad to co-operate with the United States in the Apollo series. Australian tracking stations and the large radiotelescope at Parkes contributed to the Apollo programme by relaying messages to and from the spacecraft. The Australian radiotelescope was also responsible for the extraordinarily dramatic and, indeed, epoch-making film coverage from the surface of the moon.

149. As my colleague, the Chairman of the outer space Committee has pointed out, the Committee and its subsidiary bodies have had an extremely active year. All told, some twelve to thirteen weeks of the year have been devoted in one way or another to formal sessions of the Committee and its subsidiary bodies or to intensive private discussions and consultations. We have been glad to participate in these proceedings and believe that some progress has been achieved. I propose to refer briefly to some of the salient points in the Committee's work.

150. We regret that it has not been possible to report agreement on the convention on liability for damage which has been under study by the Legal Sub-Committee for many years. At its session in September, the outer space Committee decided that renewed urgent efforts should be pursued to conclude the convention before the end of the twenty-fourth session of the General Assembly. Private negotiations and consultations for this purpose produced some movement forward, but regrettably did not result in final agreement. The statement by the Chairman of the outer space Committee at the Committee's meeting on 5 December [see A/7621/Add.1, para. 8] accurately records the extent of agreement which was reached as a result of those consultations.

151. The principal difficulties which still prevent the conclusion of agreement are the settlement of disputes and applicable law. We are glad to note that there has been general agreement that, provided other points can be settled, the settlement of dispute procedures should include the establishment of a tripartite commission which would have power to make decisions by majority vote if necessary and which could be established unilaterally by a claimant State should circumstances so warrant. We have always supported the need for certain and precise remedies for claimants under the liability convention. We have consistently supported the view that the final stage of the settlement of disputes procedures should be a clear affirmation that the claims commission can make an award which is final and binding. This has been the view of the large majority of the members of the Committee and, we believe, of the United Nations itself. We hope that in the negotiations which must, unfortunately, now continue over into 1970 this point can be satisfactorily settled. In this connexion, we note with appreciation the useful proposal made by the delegation of France [*ibid.*] which is recorded in the Chairman's statement.

152. On the question of the applicable law, the members of the outer space Committee have, with a few exceptions, clearly asserted that the law to be applied in the compensation for damages should be international law, supplemented by the law of the place where the damage occurred, which in most cases under the convention would be the law of the claimant State. Some delegations have asserted the view that the exercise of State sovereignty should enable respondent States to defend themselves by recourse to their own laws. Such a view has not found acceptance within the Committee.

153. The purpose of compensation is quite clearly to restore for the victim of an accident the situation which he, his family or his possessions enjoyed before the accident occurred. The appropriate national law to be applied in such a case would be the law of the State where the damage occurred—in other words, of the claimant State. We note in this connexion that the delegation of Belgium has also put forward a compromise proposal [*ibid.*] which would enable a claimant to choose whether the law of the claimant State or the law of the respondent State might be applied by way of supplement to international law.

154. We hope that the modest progress which has been recorded on the liability convention this year will lead to the conclusion of a satisfactory convention during 1970. Those potentially at risk because of space accidents have waited too long for this agreement, and it is clear that many of them have refrained so far from ratifying the outer space Treaty⁵ and the assistance and return Agreement⁶ pending conclusion of the liability convention. We earnestly urge all delegations to come to a constructive conclusion next year. We have made clear our view that, until the convention is completed the Legal Sub-Committee should not discuss other items on its agenda. We believe that the first priority

⁵ 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).

⁶ Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space; see resolution 2345 (XXII).

is to conclude the convention and only then should other subjects, even existing agenda items, be taken up. Our experience from recent years has been that the consideration of matters having a lower order of priority has only served to limit the amount of time spent on the liability convention, thereby affecting the chances of concluding it.

155. The Scientific and Technical Sub-Committee, at its session in March of this year, considered a number of proposals which emerged from the United Nations Conference on the Exploration and Peaceful Uses of Outer Space held at Vienna in 1968. The principal recommendation of the Scientific and Technical Sub-Committee [see A/7621 and Corr.1, annex II] which the Australian delegation supports, was for the appointment of an expert in space technology in the Secretariat. We hope that this expert will be able to play a constructive role by being informed of techniques on the application of space technology which can be communicated to interested Member States. We note that he will, for the time being, be located in the Outer Space Affairs Division. While noting the prerogative of the Secretary-General in such matters, we hope that our view, that he would be more appropriately located in the Department of Economic and Social Affairs, be taken into account when his location is reviewed within the Secretariat. We believe that other delegations share this view.

156. One of the matters on the Scientific and Technical Sub-Committee's agenda is the question of United Nations sponsorship of sounding rocket ranges. The Scientific and Technical Sub-Committee has had some experience with respect to the Thumba range in India and three years ago made the original recommendation that consideration should be given to the possibility of granting sponsorship to Argentina for its range at Mar Chiquita, now known as CELPA Mar del Plata. The Secretary-General appointed a group of experts this year to visit the range in Argentina for the purpose of ascertaining its eligibility for United Nations sponsorship. The Australian delegation was pleased to support the outer space Committee's recommendation in favour of granting sponsorship, and looks forward to the endorsement of that view by the General Assembly. In future years the Scientific and Technical Sub-Committee will, no doubt, wish to study reports from both India and Argentina on their respective ranges.

157. I turn now to the Working Group on Direct Broadcast Satellites, which produced two reports during the year; the first on technical feasibility aspects and the second on legal, political and social aspects [A/7621/Add.1, annexes III and IV]. We believe that the conclusion of the first report set out a useful technical assessment of the feasibility of direct broadcasting into the various types of ground receivers for television purposes between now and the mid-1980s. We endorse, in particular, the conclusion of the report on the importance of the plenary assembly of the International Telecommunication Union in January 1970, and the second world administrative radiocommunications conference to be held at Geneva in 1971. The role of the International Telecommunication Union in the field of frequency allocations for all the space services and the co-ordination of frequency planning requirements is

properly recognized. We believe that so far as the technical considerations are concerned, the Working Group has fully discharged its mandate. We doubt that much, if any, further work needs to be done by the outer space Committee or the Working Group on technical questions and predictions pending appropriate decisions by the International Telecommunication Union and the Second World Administrative Radio Conference.

158. The second session of the Working Group was able in the time available to it only to conduct a preliminary study of the complex legal, social and cultural questions. UNESCO and the United International Bureaux for the Protection of Intellectual Property—sometimes known as BIRPI—in particular, have been asked to contribute to the further studies which are required. Difficult problems of the content of broadcasts may arise due to different views by different States on programme acceptability. The Working Group felt that political questions of programme content might remain a matter for discussion by the outer space Committee and recognized that UNESCO could play a role in questions relating to national development, education and cultural exchanges. UNESCO and appropriate broadcasting organizations might provide further information on commercial aspects of direct broadcasting.

159. The delegation of Australia supported the two main conclusions emerging from the Working Group's report concerning the need for international co-operation and appropriate supervision and co-ordination of direct broadcasting from satellites. Action should be taken to ensure that progress in this field is undertaken as a coherent whole and not as a result of individual actions by different organizations and States.

160. We were of the view that further time might be needed for reflection on the points raised at the second session of the Working Group and, indeed, reports will need to be prepared by a number of international agencies. We believe that the Working Group would not need to meet again until this process of evaluation has produced something new for the Working Group to consider. In view of the desire of many delegations to have a further session of the Working Group in 1970, however, we are prepared to accept that view and will participate in such further discussions. We would agree that the precise terms of reference for the Working Group's next session might appropriately be left to the organizational meeting of the outer space Committee to discuss early in 1970.

161. We look forward to continued progress during 1970 in the work of the outer space Committee under the able chairmanship of my colleague, the representative of Austria, who, together with the Chairman of the Legal Sub-Committee, has expended considerable effort in attempts to achieve a liability convention in the last few weeks. We sincerely hope that these efforts, together with co-operation by all members of the Committee will mean that, at the next session of the General Assembly, instead of reporting failure to reach agreement, it will be possible to record another significant step in the development of international law affecting outer space. This liability convention is urgent, and we think it is now within reach.

The meeting rose at 1.50 p.m.