

United Nations
**GENERAL
ASSEMBLY**

TWENTY-FOURTH SESSION

Official Records



**FIRST COMMITTEE, 1720th
MEETING**

Thursday, 11 December 1969,
at 3 p.m.

NEW YORK

CONTENTS

	Page
Agenda item 103: The strengthening of international security (<i>continued</i>) . . .	1
Agenda item 28: International co-operation in the peaceful uses of outer space: report of the Committee on the Peaceful Uses of Outer Space (<i>continued</i>)	4

Chairman: Mr. Agha SHAHI (Pakistan).

AGENDA ITEM 103

**The strengthening of international security (*continued*)*
(A/7654, A/C.1/L.468, A/C.1/L.505 and L.506)**

1. Mr. JAKOBSON (Finland): After an extensive debate on the question of the strengthening of international security, the Committee decided on the proposal of the Chairman to adjourn further consideration of this question in order to allow time for study and consultation. As we now revert to this item, it is appropriate to recall the general debate that took place in this Committee some weeks ago and to try to draw conclusions based on the views expressed during that debate and in the light of consultations which have taken place since then.
2. The fact that the great majority of delegations participated in the debate is revealing in itself and demonstrates that this item has provided a welcome opportunity for an exchange of views on questions of fundamental importance to the United Nations as a whole and to each of its Members. It has focused our attention on the primary purpose of the Organization, which is the maintenance of international peace and security; it has demonstrated the vital interest of Member States in the strengthening of the collective security system provided for by the Charter of the United Nations; and it has underlined the general awareness of the need to improve the effectiveness of the United Nations as an instrument for peace.
3. When we are dealing with questions that affect the very essence of the task of the United Nations, it is self-evident that any conclusions or recommendations we may adopt should reflect a broad consensus of views and should be based on the joint interests of the international community as a whole. Disagreement and disunity would run counter to the very spirit of such efforts.
4. In these circumstances, it is natural that many Governments have felt that in the comparatively short time

available at the present session of the General Assembly, it would not be possible for them to define their views on the general principles on which international security must rest. Accordingly, a great number of delegations have expressed the opinion that appropriate recommendations of this nature could best be formulated on the occasion of the twenty-fifth anniversary of our Organization, when Member States will be called upon to rededicate themselves to the purposes and principles of the Charter. With this in view, the thorough and constructive debate that we have had on this item will have served as a most valuable preparation, and it would seem logical that this preparatory work should continue.

5. In our view, Governments will wish to study and consider further the proposals and statements made in the course of the consideration of this question, and they should be given an opportunity to convey to the Secretary-General any observations they may wish to make on the subject.

6. While the formulation of general principles will be undertaken on the occasion of the twenty-fifth anniversary, the debate has brought out the need to strengthen the ability of the United Nations to fulfil its primary task of maintaining international peace and security—to improve its effectiveness in peace-keeping and peace-making. According to the Charter, the Security Council is the organ having primary responsibility for the maintenance of international peace and security. It is natural, therefore, that any debate on international security focuses on the central role of the Council. While the effectiveness of the Council has undoubtedly increased in recent years, a further step in this direction will be taken by making use of the provisions of Article 28 of the Charter on the holding of periodic meetings of the Council.

7. Each Secretary-General of our Organization has in turn proposed that such meetings be held, and we believe that the time has come to take this idea up for serious consideration. During the debate, almost all the speakers who expressed their opinion on this particular aspect of the question supported the idea of periodic meetings of the Council. It would therefore seem to be appropriate to invite the Security Council to give consideration to the possibility of convening such meetings.

8. Any decision on this matter naturally belongs to the Council itself. It is equally natural that, in keeping with the established practice of the Council, such decisions would have to be taken on the basis of consultations and agreement among its members. If there is agreement on the usefulness of convening meetings of this kind, their success should be guaranteed in advance by adequate preparation.

* Resumed from the 1672nd meeting.

9. I have briefly outlined my delegation's assessment of the views expressed by delegations during the debate on this item, and the conclusions we have arrived at are contained in the draft resolution which has been distributed to the Committee in document A/C.1/L.505. I should like once more to emphasize that in my delegation's view we should avoid division and make recommendations based on broad agreement. It is in this spirit that we have wished to contribute towards reaching a conclusion on this matter.

10. I note that a number of delegations from Latin America have put forward a draft resolution [A/C.1/L.506] on this item. I note too that their draft is very similar to ours; some of the provisions of the draft resolution proposed by the Latin American delegations are, in fact, identical with the corresponding provisions of our draft. I am confident that it will be possible to present to this Committee a single draft resolution on which the Committee can take a decision tomorrow.

11. Mr. JACKMAN (Barbados): The Barbados delegation has the honour to introduce to the First Committee the draft resolution contained in document A/C.1/L.506, which it presents in the name of Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Guyana, Haiti, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Trinidad and Tobago, Uruguay and Venezuela. I have wearied the Committee with a recital of the sponsors because, as a result of a technical error, Haiti and Mexico were not included in the list of co-sponsors, and I wish to make the point that those countries are co-sponsoring this draft resolution.

12. I am very grateful to the representative of Finland for the manner in which he presented his own draft resolution, which is contained in document A/C.1/L.505, in that he indicated that there is a possibility of some meeting of minds on this important question. The group of countries on whose behalf I have the honour to speak is, in fact, very open to the possibility of changing, amending, or improving upon our presentation on the basis of suggestions emanating from other delegations and particularly from the delegation of Finland, which has worked very hard and laudably to find a means by which this Committee and the General Assembly could take note and commit itself to adequate action as a result of the important item introduced here by the delegation of the Soviet Union.

13. Mr. Jakobson just said, there are many points in common, and, in fact, points which are textually identical in the draft resolution I have had the honour to present and the draft resolution he has just presented. Speaking on behalf of our co-sponsors, I have no hesitation in saying that we are deeply grateful to the delegation of Finland for a number of ideas which we have stolen wholesale, without any apology, from his text.

14. I think that if you look at the two draft resolutions in the context of the debate which has taken place, it is perfectly clear that they represent *grosso modo* a desire on the part of certain delegations that this important subject not be buried, that the General Assembly be seized of this matter in a serious manner, and that future consideration of it take place without undue bitterness, controversy or

animosity. Therefore the delegations on whose behalf I have the honour to speak decided that they would present their ideas in a format which would meet with the widest possible support in the General Assembly and, first of all, in this Committee. We have in the past few weeks unceasingly attempted to seek such support—not at any price, but we are certainly prepared to sacrifice one or two pet ideas, one or two phrases, one or two paragraphs. I am authorized to say that we shall maintain this spirit of openness so long as it is understood that the group of countries that has co-sponsored this draft resolution wish the Assembly at this stage not to enter into the substance of a matter that has been discussed at great length and in great depth by seventy-nine delegations, and that the Assembly should bring this question up for more mature consideration and have the advantage of receiving the advice and opinion of Member States.

15. It is in this spirit that I take great pleasure in saying, first of all, that our delegations present this draft resolution as it stands; secondly, we are not closed to the possibility of further modifications of a kind which would not affect the fundamental considerations which have moved us to submit this paper. It is not a sacred text—there is no sacred text in the General Assembly—but we certainly insist on the fundamentally procedural nature of this approach. So long as a delegation or a group of delegations are prepared to accept and to honour this approach of ours, we should certainly be most open to suggestions and modifications in this spirit. I should like again to repeat our great appreciation of the openness the Finnish delegation has displayed and the assistance it has given in this matter and to say that all the delegations noted in this paper and the delegations of Haiti and Mexico which were not noted in the paper, join me in expressing our thanks and appreciation.

16. Mr. KHANACHET (Kuwait) (*translated from French*): My delegation has listened with keen interest to the statements of the representatives of Finland and Barbados. It is aware of the importance of the subject under discussion and also of the need for the widest measure of approval of a draft resolution.

17. Nevertheless, my delegation feels that when we speak of international security we should call things by their names. There are of course certain concepts in the United Nations Charter which are now in common use in international relations, and I need not enumerate them here. But the fact that these generally recognized concepts, ideas and principles are solemnly set out in the Charter does not excuse us, in discussing the subject, from mentioning what is in fact the most serious threat to international security or to expound as clearly and precisely as possible any action or measure that might strengthen international security.

18. My delegation has taken note of the two draft resolutions before us, one submitted by Finland [A/C.1/L.505] and the other by Argentina and other countries [A/C.1/L.506]. I believe, particularly after having heard the sponsors' explanations, that these two draft resolutions are not without merit, and my delegation will support them. However, both draft resolutions are limited to generalities, and this is not satisfactory, for if the General Assembly really intends to take effective action to strengthen international peace and security and to eliminate

the various factors in the world which are likely to threaten them, it should state its views in greater detail.

19. Accordingly, my delegation formally proposes certain amendments to the two draft resolutions, while reserving the right to revert to this question at a later stage of the debate if it should decide to introduce a third amendment.

20. I shall begin with draft resolution A/C.1/L.506 submitted by Argentina and other Powers. I propose the addition, after the third preambular paragraph, of a new paragraph reading as follows:

*"Considering that the acquisition of territory by force is inadmissible under the Charter"*¹ [A/C.1/L.508].

21. My second amendment applies to the Finnish draft resolution in document A/C.1/L.505, and consists in the addition, after the fifth preambular paragraph, of a new paragraph reading as follows:

*"Recognizing that military occupation and the acquisition of territory by force have aggravated the state of insecurity and international tension,"*¹ [A/C.1/L.507].

22. Since, after some consultations, we have been fortunate enough to arrive at a joint text, I hope that the sponsors of draft resolutions A/C.1/L.505 and A/C.1/L.506 will see their way to including these amendments in their texts. In expressing that hope, I would assure the sponsors, and all the members of this Committee, that my delegation has introduced these amendments in a spirit of understanding and co-operation and that it is prepared to discuss its point of view both with the sponsors and with any of the other members of this Committee who would do it the honour to comment on its amendments.

23. The problems which are truly threatening peace and security in the world at the present time are those of military occupation and acquisition of territory by force. If the General Assembly wishes to act effectively, I believe—my delegation firmly believes—that we must call things by their true names and have the courage to point an accusing finger at those who threaten international peace and security. In so doing, we shall honour the United Nations Charter and discharge a sacred obligation as representatives of our respective countries.

24. Mr. ARAUJO CASTRO (Brazil): The delegation of Brazil wishes to state very briefly the reasons which prompted us to co-sponsor, together with many Latin American delegations, the draft resolution contained in document A/C.1/L.506 on the item related to the strengthening of international security.

25. As a matter of fact I have very little to add to what has been expressed already by the Chairman of the Latin American Group, the representative of Barbados. In our statement of 13 October 1969 [1653rd meeting] my delegation had occasion to set forth its views on this crucial matter which comprehends and absorbs most of the efforts of the United Nations organs and councils. No matter deserves a higher priority in our proceedings, and the

¹ Quoted in English by the speaker.

delegation of Brazil was gratified to see that this all-important and comprehensive matter was the object of intensive study and consideration on the part of the First Committee.

26. We have repeatedly emphasized that we cannot accept and condone the current trend to deprive the General Assembly of its duty and its right to fully consider and evaluate the critical political problems of our day. The fact that a problem may be controversial is, in our view, an additional reason for it to be considered by the General Assembly. We said then and we reiterate now that we cannot accept the theory that the General Assembly should be spared the difficulty and the hesitation necessitated by a serious international problem. Should we accept this trend we would condemn the United Nations to impotence and ineffectiveness and downright inoperativeness. The debates held here have been both constructive and impressive; they have convinced us of the depths and complexities of the issues and problems involved and convinced us of the necessity of further studying those problems with the benefit of the views of all Governments after due and detailed consideration of our proceedings.

27. As we see the fundamental purposes of the Latin American draft resolution, although of an eminently procedural nature, it is to ensure continuity in the treatment of this question which was brought to our debates on the initiative of the Union of Soviet Socialist Republics and which cannot either be ignored or disregarded. The adoption of our draft resolution would not close our deliberation on this all-important question. On the contrary, it would provide the basis for a thorough, detailed and comprehensive review of the problems within the framework of the twenty-fifth session of the General Assembly, with more adequate study and with safer elements of information and decision.

28. The delegations which moved this draft resolution have attempted to make it as non-controversial as possible, trying to find a common denominator amongst the different views set forth by the different delegations. As a matter of fact we have differed, and we are bound to differ, on many issues. We consider this year a very important year in the life of our political Committee which dealt extensively with the political problems on our agenda.

29. The debates held on international security and on the use for peaceful purposes of the sea-bed and ocean floor and on disarmament were extremely revealing and fruitful inasmuch as they have shown the extent to which these problems demand the attention and interest of the whole community of nations. These debates may even be a turning point in the life of our Organization.

30. We have said that we differ on many issues and on many problems, but there is a point on which we are bound to be unanimous: namely, on our determination in preserving and strengthening international security along the lines and in full respect of the provisions of the San Francisco Charter, and the Latin American nations which advanced this draft resolution are confident that this unanimous feeling will be reflected in the final decision and in the final vote of the First Committee.

31. As it has already been stated by the Chairman of the Latin American Group, Mr. Jackman of Barbados, the co-sponsoring delegations are open to suggestions and views from other delegations and are hopeful that a common and unanimous stand can be taken on this all-important issue.

32. Mr. KHALAF (Iraq): My delegation made a statement in the general debate [1655th meeting] on this question of the strengthening of international security. We said then that, in our opinion there was no international security at this stage to be strengthened, and I referred to certain details of what is going on in our part of the world, in the region of the Middle East. The reasons are known and I am not going to report what I said in that statement.

33. In spite of this, my delegation had hoped that something constructive would come out of the very important and substantive proposals made by the Soviet Union [A/C.1/L.468], and during the weeks that have passed, my delegation has always entertained the hope that some practical and constructive measures would be brought before the First Committee and the General Assembly to deal with this very important question. Now, after all these weeks of waiting we have before us two draft resolutions [A/C.1/L.505 and A/C.1/L.506] as at least one speaker, a sponsor has remarked, are more or less procedural. The idea in both is, of course, to refer the question to next year's General Assembly, the most important reason given being that next year would be the twenty-fifth anniversary of the United Nations.

34. At no stage of our deliberations in this Committee has my delegation believed that this is a sufficiently important reason for deferring this question to the next General Assembly.

35. The representative of Kuwait in his amendments brought some life into these draft resolutions and, at least, put his finger on one important aspect of this lack of international security. This is why my delegation supports these amendments if either of these new draft resolutions are going to be considered separately and then put to the vote.

36. The representative of Finland and the co-sponsors of draft resolution A/C.1/L.506 have expressed the desire to co-operate, try to finalize the matter and find some common ground to agree on a text.

37. My delegation has a certain preference for the draft resolution presented to us by the representative of Finland [A/C.1/L.505] because we see in it some of the important points that were mentioned in the original proposal of the Soviet Union. For example, we have here the reference to the desirability of having the Security Council hold periodic meetings at a higher level of representation. We also find the question of the strengthening of regional security, referred to in the original Soviet proposal, included in this Finnish draft resolution. The Committees which have a relation to and an interest in maintaining peace and strengthening international security, such as the Special Committee on Peace-keeping Operations and other Committees, are asked in this Finnish draft resolution to continue their efforts on the score of international security and the strengthening of international security.

38. For these reasons my delegation would like to state that our preference, even though we have strong reservations as to the practicability of either, would be for the Finnish draft resolution. However, we would like to see something that would give the Secretary-General some work to do and have him make his comments also. In the third substantive paragraph of the resolution presented to us by Finland there is some mention of Governments communicating their views to the Secretary-General, but there is no mention of the importance of the Secretary-General commenting on those views. We would like to see in both those draft resolutions this reporting and commenting by the Secretary-General, which is at present missing. All there is at present is that the Governments should communicate their views to the Secretary-General.

39. We know the Secretary-General has his own responsibilities concerning international security and also the work of the Organization to this effect. My delegation for one would like to see that he makes his comments and observations on the communications from Governments when he receives them. We know that the Secretary-General has made contributions to subjects discussed here in this Committee and we would like to have him make his observations on this question.

40. To sum up, my delegation prefers the Finnish draft resolution with the suggestion I made concerning the comments of the Secretary-General. However, if the idea is to merge and marry the two draft resolutions, taking into consideration the amendments that have been made by the representative of Kuwait this afternoon, my delegation would like to see included in that unified draft resolution the three points I mentioned, which are in the draft resolution presented to us by the representative of Finland this afternoon.

41. The CHAIRMAN: I have no more speakers on the item on the strengthening of international security. Therefore, I now invite the Committee to continue with the general debate on item 28, Outer Space.

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)

42. Mr. HILDYARD (United Kingdom): 1969 has indeed been a historic year, in the field of outer space. I do not wish to dwell any further on the moon landings except to send once more our warmest congratulations to the Government and people of the United States and to the astronauts themselves. The distinguished representative of the United States has well said that Apollo 11 and 12 mark not the end of an effort but the opening of a new horizon. We may not again experience quite the same excitement as we did with the first momentous leap, but the coming year seems certain to bring us new progress and possibilities. On these I should only like to say two things. First, we welcome the initiative of the United States in regard to earth resources satellite survey systems and remote sensing techniques. These techniques may be able to make a very considerable contribution towards solving food, water and

resources problems. We hope that the United Nations will be able to play a useful part in enabling the benefits of these and other space techniques to be shared by all countries, particularly the developing countries. Secondly, this Committee is naturally mainly interested in the achievements and programmes of the two main space powers. I do not propose to speak about my own country's space programme which is far from negligible: we have given some account of this to the Committee on the Peaceful Uses of Outer Space and the time of this Committee is very limited.

43. Turning to the report of the outer space Committee [A/7621 and Add.1] there are four points which I should like to welcome. First, I should like to reiterate good wishes to Argentina on the establishment of its rocket launching station at Mar Chiquita. A United Nations expert mission, one of whose members was a British scientist, visited this station and attested that it meets the requirements for United Nations sponsorship, as set out in General Assembly resolution 1802 (XVII). The outer space Committee has recommended that the General Assembly should grant such sponsorship to the Mar Chiquita station. My delegation supports this recommendation. Secondly, we also support the recommendation that sponsorship of the Thumba station in India should be continued.

44. Thirdly, we welcome and support the recommendation in the outer space Committee's report that the Secretary-General should appoint a qualified expert who will be able to assist Member States in seeking information and advice on the practical applications of space technology. There has been some discussion as to the position which this expert should occupy within the Secretariat. We have no doubt that the Secretary-General will wish to take into account the comments which have been made.

45. We also endorse the recommendation that there should be a further meeting next year of the Working Group on Direct Broadcast Satellites. We are convinced that this is a field of great importance, and one which presents considerable opportunities and problems for the future.

46. My Government set out its views on some aspects in a working paper circulated to the Working Group at its meeting last summer and distributed in document A/AC.105/65 of 18 August, 1969.

47. As well as achievements, however, there have been failures over the past year. We are all very conscious of the failure to agree on a draft convention on liability for damage arising from space objects.

48. An agreement on liability now has a particular significance and importance. It has been the major issue before the outer space Committee this year, and seems likely to remain so next year. I think therefore that it is appropriate for speakers to set out their attitude to it. The outer space Treaty² itself and the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space [resolution 2345 (XXII)] were important milestones on the road to

² 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).

elaborating an international régime for the space age. They were, nevertheless, international instruments whose main substantive provisions were primarily of interest and assistance to the few countries which are conducting space activities. An agreement on liability is of direct interest to every Member State and has generally been considered as the counterpart to the co-operation which is promised in the Agreement on rescue and return.

49. The laws of chance will play a large part in determining whether accidents which may occur in space result in death or damage here on earth. And the laws of chance make no distinction between large countries and small ones, between the rich and the poor. They pay no regard to the state of technological development.

50. It is for this reason that my delegation has maintained throughout the negotiations on this matter in the outer space Committee that any agreement which may be concluded must be such as to ensure that those who, through no fault of their own, may suffer loss can be certain that they will receive compensation, and that this compensation will be fair and adequate.

51. To that end we have supported the view that in cases in which the launching State and the claimant State are unable to reach agreement about liability resulting from a particular accident, the agreement should provide for arbitration by an impartial body whose decision would be final and binding. The claimant State would be bound to accept in full settlement the amount of compensation awarded but, perhaps more important, the launching State would also be bound to pay that amount.

52. For the same reason we have advocated that if the agreement is to set any ceiling to the liability of the launching State in respect of any one accident, that ceiling should be set at a realistically high figure which would give genuine protection to the interests of all those who suffer damage.

53. Similarly, we believe that the assessment of liability should be based primarily upon international law and upon the law of the place in which the damage occurs. It seems to us that the interests of the victim of any damage are likely to be better secured by what would, in the great majority of cases, be the law of his own country, designed to fit the circumstances in which he lives, rather than by the law of the launching State, which may be suited to a different social structure thousands of miles from the place where the damage occurs.

54. Having said this, I would add that the disappointment of my delegation at the failure to conclude an agreement has been to some extent offset by the progress which has been made in the outer space Committee during the year and which is reflected in the statement by the Chairman set out in paragraph 8 of the addendum to the Committee's report [A/7621/Add.1]. Here I would like to join in the tributes which have been paid to the Chairman of the outer space Committee who has made such great efforts to promote an agreement: once more we are deeply indebted to him, as we also are to the Chairman of the Legal Sub-Committee. As the statement indicates, a conditional measure of agreement has been reached on one of the four

main outstanding issues: the problem of liability in connexion with the activities in space of international organizations. We trust that what has been achieved on this problem will effectively remove it from the area of remaining disagreement. I have already referred to the other three principal difficulties: the question of the procedure for the settlement of claims, the closely related question of the law to be applied in the settlement of claims, and the question of a limit on liability. On these, also, negotiations in the outer space Committee have served to narrow differences of view, even though these differences, unfortunately, remain.

55. My Government is ready to pursue negotiations in the outer space Committee, during the forthcoming year, in a determined effort to ensure that the Committee can report to us at the twenty-fifth session of the General Assembly recommending the endorsement of a satisfactory draft agreement on liability. We greatly welcome the agreement recorded in the Chairman's statement that consultations to this end should be resumed early in 1970.

56. Mr. ÅSTRÖM (Sweden): It would not be possible for me to take the floor to speak in this debate without first expressing again the admiration felt all over the world at the achievements of the United States in space this year. The landings on the moon are the results of gigantic technological and organizational efforts which are indeed awe-inspiring. They have broadened immeasurably the horizons of man and added a new dimension to the understanding of man, his history, his present predicament and his future.

57. Social and economic developments in all countries are influenced to an ever-increasing degree by progress achieved in the field of science and technology. In particular, space science and technology no doubt will have a rapidly growing impact on the life of people everywhere.

58. Yet both exploration and exploitation remain very much the privilege of the two super-Powers. We strongly believe that the time has come for a closer co-operation between the two space Powers, and, indeed, among all the countries of the world. As to the latter, everyone of them should contribute to the further development of space technology and should share in the benefits to be won from its application.

59. In order to make such co-operation truly international and in order to reduce the risk of friction between the space Powers and the rest of the world, we feel that we should strive to make the United Nations a focal point for joint space efforts.

60. It is my intention to comment briefly on four concrete subjects, namely, the question of international telecommunications, earth resources survey satellites, direct broadcasts from satellites and the liability convention.

61. The practical potentialities of space science and technology have hitherto emerged most clearly in the field of communications. International co-operation with regard to communications has taken place largely outside the system of the United Nations, in spite of its importance for the international community as a whole. The main vehicle for this co-operation has been the International Telecom-

munications Satellite Consortium (INTELSAT) in Washington.

62. As is known, negotiations are at present under way in Washington regarding the definitive arrangements for the INTELSAT system. They have made some progress, but many difficulties remain to be overcome. In this context, may I recall operative paragraph 4 of General Assembly resolution 2453 B (XXIII) that has a direct bearing on these negotiations, in which the General Assembly unanimously:

"Reaffirms its belief, as expressed in resolution 1721 D (XVI) of 20 December 1961, that communication by means of satellites should be available to the nations of the world as soon as practicable on a global and non-discriminatory basis, and recommends that States parties to negotiations regarding international arrangements in the field of satellite communication should constantly bear this principle in mind so that its ultimate realization may not be impaired."

63. It would be in consonance with these principles to give the United Nations a role and a competence in the elaboration of the new system and its operation. However, since this is not so far deemed to be within the realm of the possible, we feel that if the principles that I have mentioned are to be upheld and their practical application assured it will, in any case, be necessary for Governments participating in the current negotiations to reserve for themselves the right to exercise certain political responsibilities within the total system.

64. We also believe that close co-operation will be necessary between INTELSAT and those specialized agencies which have a particular interest in space communications, in particular in certain specialized services which INTELSAT may provide. Such organizations as ICAO, IMCO, WMO, FAO and ITU should, in our opinion, be given the opportunity to take initiatives and to influence the development, design and, perhaps, utilization of such specialized services as are of direct concern to them.

65. Next to space communications, it would seem that exploration, surveying and control of the earth's resources will be the most important space activities in the 1970s and 1980s. We have as yet had only a foretaste of what might become possible in this field; but what is already known opens up exciting prospects. The survey and exploration of the resources of the earth, their possible utilization and, at the same time, their protection for the benefit of coming generations are fundamental problems for all peoples in the world. I should like to stress, in particular, the importance of using satellite surveys to gather basic data of use in the fight for the protection and improvement of the human environment.

66. It is obvious that the development of new methods for studying the earth, the oceans and the atmosphere in all detail raises fundamental problems similar to those that are the subject of intense international discussion and negotiation in the field of satellite communication. Suffice it to say here that the wealth of new information that earth resources satellites will provide should be available, in our view, on a non-discriminatory basis to all countries and that international co-operation in this field should aim at

benefiting the peoples directly concerned. As in the field of communications, our endeavour here should be to make the United Nations the focal point of discussions and negotiations.

67. This new, exciting technique is still in its infancy and we have a unique opportunity to lead developments in a direction in full conformity with the principles of the United Nations as well as the needs of a world which is becoming increasingly interdependent. My country will co-operate fully in all efforts to bring about increased international co-operation in this field within the United Nations system.

68. I should like to turn now briefly to the topic of direct broadcasting from satellites. It is most gratifying to us that a special Working Group of the outer space Committee had the opportunity during this year to look into the matter from a technical, legal and socio-political point of view. The full text of the first two reports of the Working Group are reproduced in annexes to the report of the outer space Committee [A/7621/Add.1, annexes III and IV]. I shall single out only a few points for comments.

69. I should first like to mention the time factor which, of course, has to be viewed in the light of the present state of satellite technology. The least sophisticated form of direct broadcasting will be operative within one or two years. I wish in this context to refer to the recent agreement between the Government of India and the United States space organization concerning so-called community receivers, which will be started in 1971.

70. Direct broadcast of television into augmented home receivers could become feasible technologically as soon as 1975; whereas the most advanced stage, that of broadcasting directly into unaugmented home receivers, would still seem to be somewhat more distant. This would seem to give us some time for reflection on how best to use this new communications medium.

71. I think that experience has taught us, however, not to be complacent about the pace of technological development. We feel, therefore, that the study started by the Working Group should be pursued with all due dispatch and be concentrated on some specific fields, indicated in a preliminary way, in the reports of the Working Group.

72. It seems to us essential that the international legal aspects of direct broadcasting be further studied—and be studied soon. Likewise, the complicated problem of content of broadcasts would require further attention, in order to try to come to some sort of generally acceptable codes of conduct on programme standards. Some experience in this field has already been gained from existing regional co-operation among "conventional"—if I may use this word—TV broadcasters, notably in Europe. Besides such studies of a legal kind, there is also need for devoting all attention to the very important gains to be reaped from direct broadcasting, both to individual nations and to the international community as a whole. Direct broadcasting will be of particular importance to developing countries, which have not yet acquired an extensive infrastructure of conventional telecommunications, and will offer unprecedented possibilities for social and economic development,

such as teachers' training, improving agriculture, health and facilitating family planning.

73. The outer space Committee, after study of the reports of the Working Group, decided to recommend that the Group should meet for another session in 1970 to study some of the questions I have just mentioned. The Swedish Government welcomes this decision and intends to participate actively in that session. May I, in this context, express my Government's sincere thanks to the Canadian Government for their extremely valuable co-operation in working out, together with us, some of the background papers for the first two sessions of the Working Group. We express the hope that this co-operation will be continued in the coming work of the Working Group.

74. May I also refer representatives to paragraph 27 of the outer space Committee's first report [A/7621], in which the Secretary-General was requested to transmit the reports of the Working Group to Member States and to certain international organizations for their early comment. Such comments could clearly be of the greatest use to the Working Group in its coming deliberations. Sweden, for its part, will try to further elaborate its views on the use and implications of direct broadcasting from satellites and hopes that other countries will do the same.

75. The last item I should like to touch upon is the question of the draft convention on liability. My Government is gravely concerned and disappointed that no definitive results have yet been reached. True, as can be seen from the statement made by the Chairman of the outer space Committee at the 78th meeting [A/7621/Add.1, para. 8], certain progress is discernible, within the framework of a package deal concerning the four major issues outstanding, namely, the question of a ceiling on liability, the status of international organizations, the applicable law and the settlement of disputes. Grave problems still persist especially as regards the last two topics mentioned.

76. My Government's views on these two problems have been stated clearly and unequivocally so many times that I see no need to repeat them here. May I only say that as far as applicable law is concerned, we continue to believe that the best formula is that according to which compensation shall be decided in accordance with international law and the law of the claimant State. We have not become convinced that there is any valid legal reason for taking as a basis the law of the launching State.

77. We believe it is hard, not to say impossible, to find in any existing international treaty or in the jurisprudence any support for the idea that damage caused by one State on another State's territory should be indemnified according to the law in force in the State responsible. It has often been stressed in the Legal Sub-Committee that the liability Convention must be—if I may use this word—victim-oriented. It is consequently only fair that the victim—whether a State or a physical or juridical person—should be compensated according to the law obtaining in the State where it or he suffered damage, and thus, as far as is possible, be placed in the same financial position as before the accident, or as if the accident had not taken place. In the particular case of injury or death suffered by persons in

a foreign State, it appears to my delegation just and legitimate that injured persons and dependent family members respectively should have the right to be compensated for the costs of medical treatment, loss of earnings and loss of the family's breadwinner, in conformity with the law of the State where they live and not be dependent on a legal system perhaps quite alien to the social order of their own country.

78. Looking a bit deeper into the problem, it seems indefensible that a non-space Power, ordinarily the smaller and weaker among States, should voluntarily underwrite an obligation in advance to be satisfied with a compensation, big or small, that is provided for in a launching State whose identity is totally unknown until after the damage has actually occurred. There is, in fact, nothing to prevent a space-Power from prescribing an arbitrary limitation in its own legislation on compensation for damage or to exempt certain kinds of damage from compensation, when caused by its objects launched into space.

79. In an effort to break the deadlock on this issue Belgium has presented a compromise proposal which would determine compensation, in accordance with international law and the law of the respondent State, or of the claimant State, at the discretion of the latter [*ibid.*].

80. My country could accept that proposal in order to expedite matters, although, from a legal point of view, we continue to think that no convincing arguments have been advanced for including the law of the respondent State.

81. It has been pointed out, time and again, that the principal stumbling-block hindering the achievement of a satisfactory liability convention is the question of impartial third party settlement of disputes. On this point, may I say briefly, that Sweden—like the great majority of other members of the outer space Committee—strongly feels that there is an indispensable need for the use, in the last resort, of an obligatory machinery for solving disputes. Such a procedure is the only safe guarantee for the non-space Powers against involvement in endless bilateral negotiations.

82. It has also often been stated that our difficulties in coming to an understanding stem from differences of principle concerning State sovereignty. We think that this is to overstate the case. This problem is not one of classical State sovereignty, as in the case of a political or territorial dispute. Our problem is rather one of compensation for damage caused by a State which is engaging in an inherently or potentially dangerous activity, for which the State in question would certainly carry responsibility within its own national jurisdiction.

83. In our case it is a fact that certain activities today automatically take on such a scope and have such consequences—far beyond the borders of a national State—that it becomes inconceivable to hold that such activities should not be coupled with definite and safe remedies for those, mostly private citizens, who might be exposed to damage from them. That is essentially, in our view, a question of private international law.

84. We need just mention the increasing problems connected with atomic radiation and pollution to understand

that those problems are likely to command increasing attention in the years to come from the point of view of compensation for damage. They are but examples of the clear trend towards the increasing interdependence of nations in a world where the advances and applications of science and technology tend to render national boundaries and prerogatives obsolete and where technological prowess must also be coupled with legal obligations.

85. The French delegation has put forward a compromise proposal [*ibid.*] which, while avoiding the word "binding" or "obligatory", still keeps the essential meaning: that States shall conform with a decision reached by the Claims Commission. That is an acceptable solution to my delegation and we very much hope that it will be seriously considered by everyone concerned.

86. The convention on liability is the necessary corollary to the convention on the rescue and return to astronauts and, in fact, of infinitely greater importance to the vast majority of Members of the United Nations. A speedy conclusion of such a convention is an urgent matter. It will not be possible, however, until all negotiating parties are ready to accept that in this case they are working in a new field where new ideas are called for to make the new world a little better than the one in which we now live.

87. Mr. GREKOV (Byelorussian Soviet Socialist Republic) (*translated from Russian*): As other speakers have noted before me, the year 1969 has seen great achievements in the exploration and use of outer space. This entire effort was initiated by the Soviet Union when, twelve years ago, for the first time in mankind's history, it launched a satellite into space. Since then, the world has many a time been witness to spectacular achievements by the Soviet Union in the exploration and conquest of space. These include manned flights into space, space walks, automatic docking of spacecraft in orbit, the creation of a manned station in orbit, and the blazing of new trails to the moon and Venus, to name but a few.

88. Quite recently, seven Soviet cosmonauts were launched into space in the three spacecraft Soyuz-6, Soyuz-7 and Soyuz-8—a feat without precedent in human history. During their flight they carried out a complicated programme of scientific investigation, gathered valuable and varied data, and attained a new and important stage in the development of space technology.

89. Great achievements in the conquest of outer space have been made by the United States and other countries. My delegation takes this opportunity to congratulate the United States delegation on the remarkable flight of United States astronauts to the moon.

90. The exploration of outer space is not confined to the activities of the two major space Powers. The number of countries taking part in space exploration programmes is steadily increasing, and more and more countries are carrying out joint space programmes.

91. At present, scientists in many countries are taking an active part in work to further space science and technology and their application in such fields as medicine and biology. Space medicine, for example, has become a very important

branch of contemporary science, of joint concern to biologists and physicists, doctors and engineers, physiologists and mathematicians. Medical and biological research in space is of great scientific and practical interest for all branches of medicine and health protection. Space medicine contributes to the development of knowledge required for early diagnosis and cure of disease, methods of remote recording of physiological functions, biological telemetry. Space research data have found practical application in the solution of such problems as the creation of closed ecological systems, cosmic microbiology, radiobiology, astrobotany, and construction of biological instruments. The experience acquired as a result of space research is already being widely used in industrial technology. Ultrasound experimental techniques have been stimulating technological and scientific development, particularly as regards the degassing of steel, welding, electro-moulding, etc. Space technology has paved the way for the solution of problems of dynamics in ship building and industrial machine-building. The techniques for testing materials and quality control developed for space programmes can be applied directly in industrialization, in particular in the industrialization of the developing countries.

92. My country, too, has been making its modest contribution to the development of space science and technology. Scientists of the Academy of Sciences of the Byelorussian SSR are conducting independent research on the nervous and humoral reaction mechanisms of the organs and bodies of men and animals when subjected to the effects of gravitational factors, linear and radial acceleration and vibrations. These data have substantially increased our knowledge of the mechanisms coming into play during acceleration and involved in the somatic, vegetative and psychological disturbances generally observed after rotation and rocking. Byelorussian scientists are studying the interaction of gases with finely-porous bodies, and the sublimation of materials in high vacuum. These theoretical and experimental studies are of great practical importance in creating refrigerating systems, heat exchanges, and systems for cooling the surface of bodies moving at high velocities. Byelorussian scientists are also studying electro-magnetic processes in near-earth space, mainly with a view to investigating the structure of the earth's crust. They are experimenting with artificial soil for growing plants in closed systems and evolving rational methods of soil exploitation under space conditions, and increasing the duration of use and improving the composition of such soil. The remarkable fruitfulness of artificial soil, yielding a crop of 170 tons per hectare, can be maintained for ten to fifteen years, a very important circumstance in raising crops in the limited room afforded by a space station.

93. The Byelorussian delegation takes a favourable view of the report of the Committee on the Peaceful Uses of Outer Space [*A/7621 and Add.1*], which is before us, and also of the Committee's programme of future work.

94. I hope that in carrying out this programme, the Committee will be able to complete its work on the draft convention on liability for damage caused by the launching of objects into outer space and will thus take yet another step forward in developing rules of international space law.

95. Mr. TSURUOKA (Japan): The delegation of Japan is indeed happy to note that the interval of one year since the

last session of the General Assembly has witnessed a phenomenal and epoch-making progress in the field of space exploration by mankind. My delegation wishes to join previous speakers in expressing its warmest congratulations to the United States upon its successes with Apollo 11 and Apollo 12 and to the Soviet Union upon its successes with Soyuz 6, 7 and 8.

96. Clearly these marvellous achievements of the United States and the Soviet Union are such that they may tend to overshadow any other achievements of a more modest character in this field. My delegation believes, however, that those achievements should also merit our proper attention as a part of the steady process of development that humanity as a whole is making towards opening up new dimensions of human activities. In this connexion, I should like to refer to the fact that my country is also working, though on a very modest scale, with a view to launching an ionosphere-sounding satellite in 1972 and an experimental stationary telecommunications satellite in 1974. Also in the report of the Committee on the Peaceful Uses of Outer Space [*A/7621 and Add.1*] my delegation notes with satisfaction that the Committee endorsed the recommendation to grant United Nations sponsorship for the operation of the CELPA Mar del Plata sounding rocket launching facility in Argentina. My delegation fully supports this step and hopes that the General Assembly will give its formal sanction to this endorsement.

97. The most important problem dealt with in the report of the Committee is, needless to say, the question of an agreement on liability for damage caused by the launching of objects into outer space. It may be recalled that the General Assembly, in its resolution 2345 (XXII) commending the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, called upon the Committee on Outer Space to "complete urgently the preparation of the draft agreement on liability". Nevertheless, in spite of all its efforts, the Committee could not fulfil that task in 1968. The General Assembly, in its resolution 2453 (XXIII), again requested the outer space Committee "to complete urgently the preparation of a draft agreement on liability". This year the Legal Sub-Committee on outer space continued its efforts for an agreement. As a result of these efforts, the Sub-Committee was able to reach agreement on nearly all of the outstanding problems. Nevertheless, the four controversial problems, namely, liability of international organization, limit on the amount of compensation for damage, applicable law, and procedures for settlement of claims, had to be left unsolved.

98. The outer space Committee, in view of the failure of the Legal Sub-Committee to complete the preparation of the agreement on liability, decided to take the matter into its own hands and pursue this matter further. Under the competent leadership of its Chairman, Mr. Heinrich Haymerle of Austria, the Committee held a number of meetings, both formal and informal, and engaged in active consultations and negotiations. As a result it can be said that a certain progress has been achieved. The difference between positions that had existed on the liability of international organizations and the limit on liability was substantially narrowed. Nevertheless, we are still left with the most difficult of all the problems involved: the question

of the applicable law and that of the procedures for settlement of claims. Thus, the statement of the Chairman of the Outer Space Committee, made at the close of the twelfth session, states:

"As to the question of the applicable law, differences of opinion still persist. Many delegations considered that the best basis for the solution of this question would be 'international law, taking into account the law of the place where the damage occurred'. Other delegations were of the opinion that the respective provisions of the Indian draft (A/AC.105/C.2/L.32/Rev.2), 'international law, taking into consideration the law of the claimant State and, where considered appropriate, the law of the respondent State', would serve as the best basis for reaching a compromise solution" [A/7621/Add.1, para. 8].

And again:

"On the settlement of claims, it appeared that all delegations agreed on a first phase of diplomatic negotiations, and on a second phase in which the claimant and the respondent at the request of either would establish an inquiry commission on the basis of parity. Both phases should be of a specified duration. With regard to the establishment of a claims commission which would include a third member, it appeared there was an understanding that it would be possible to include in the convention provisions concerning the establishment of such a commission, if an agreement were reached on the nature of the conclusions of this commission, particularly whether the conclusions would be binding or recommendatory. The third member would be selected by agreement of the two sides, or, if there were no such agreement within a specified time, the third member would be appointed by some international authority. All conclusions of the claims commission should be made by majority vote, and the claims commission should have competence only with regard to the specific claim before it and should determine the causality and the amount of compensation." [Ibid.]

99. In the view of my delegation, these two problems are no doubt the most important of all the problems involved in the question of the draft agreement on liability. No one can dispute that the agreement on liability should be primarily aimed at protecting the victims from damage caused by objects launched into outer space, and that an adequate and effective compensation should be paid for the damage suffered. It must be emphasized in this connexion that an overwhelming majority of countries in the world are non-space Powers, and that it is they, predominantly, who are vulnerable to damage by space objects launched by space Powers.

100. It will be recalled that the outer space Committee has been dealing with the problem of liability for the last six years. At an early stage of its work, the outer space Committee tried to prepare a single agreement covering at the same time both the question of the rescue of astronauts and the return of astronauts and space objects, and the question of liability for damage caused by the launching of space objects. Later in 1967, however, the Legal Sub-Committee changed its position and decided to prepare a

separate agreement on each of the two questions, upon the insistence of some delegations that we should concentrate our efforts first on the question of the rescue of astronauts and the return of astronauts and objects, on the grounds that what was involved was essentially a humanitarian question. My delegation did not dispute this as far as it went, and offered its full co-operation while reserving its position that what was involved was not simply a humanitarian question, but that a proper balance should be struck between the interests of launching States and non-launching States. It was under these conditions that, at the end of 1967, the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched Into Outer Space [resolution 2345 (XXII)] was completed. And yet, the other half of the Siamese twin, the agreement on liability, is still left unresolved, despite the repeated appeals of the General Assembly to complete urgently the preparation of it.

101. My delegation wishes to stress here that the question of liability for damage is a question as humanitarian as the question of the rescue and the return of astronauts. As I said earlier, what is at stake are the lives and property of victims who suffer from the launching of space objects, with which neither they nor their country have anything to do. Sometimes the number of victims can be very large if, for instance, a big space object falls on a densely populated city. I should like to renew the appeal of my delegation that the countries directly involved in the negotiations for agreement on this question should take fully into account this humanitarian aspect of the question.

102. With regard to the question of applicable law, the point yet to be solved is what national law should be applicable in addition to international law. A majority of delegations in the outer space Committee have taken the position that the law of the place where the damage occurred should be taken into account. On the other hand, there were some other delegations which maintained that the law of the launching State should also be taken into account, where appropriate, in addition to the law of the claimant State. My delegation finds it difficult to see any justification for the reference to the law of the respondent State. Surely, the law closest to the person and the property of a victim in the legal, economic and social context is the law of the place where the victim has established himself and has been unfortunate enough to suffer damage. The assessment of compensation should take into account, if at all, the law of the place where the damage has occurred. It should be emphasized that this is not a question of choosing arbitrarily the law of one of the parties involved—the claimant or the respondent State.

103. I now come to the most important of all the important problems left outstanding, namely, the question of procedures for the settlement of claims. The biggest bone of contention here is simple and well known. It is the nature of the conclusion of the claims commission to be established under the agreement for settling claims. My delegation firmly believes that the conclusion of the claims commission must be faithfully carried out by the respondent State. If it is not, it is no exaggeration to say that the whole point of having a convention on this question of liability for damage caused by space objects is totally lost. Therefore, in the view of my delegation, the question as to

whether the conclusion of the claims commission should be mandatory, or no more than recommendatory, is not a mere point of technicality, but one which may well affect the very foundation of the convention. As I emphasized earlier, it should not be forgotten that this is a humanitarian question *par excellence*. It is the only balancing factor which can set a non-launching State, which will be the victim, on an equal and equitable footing with a launching State which is responsible for the damage caused by the space object which it has launched.

104. I should like to conclude my remarks by stressing once again the great importance that my delegation attaches to the successful conclusion of an agreement on liability and, in particular, to the question of procedures for ensuring an effective implementation of the award in settlement of claims as the cardinal element in the whole agreement.

105. Mr. ARAUJO CASTRO (Brazil): For the past three months the Committee on the Peaceful Uses of Outer Space has been working on a steady and almost permanent basis in order to arrive at a conclusion on a convention on liability. The short but fruitful record of that Committee would suggest a more constructive development of its efforts to shape a reasonable system of law for space activities than is actually the case.

106. In 1966 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)] was completed with general approval by the Assembly. One year later, in spite of some reluctance on the part of the non-space Powers, we adopted the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space [resolution 2345 (XXII)]. This juridical instrument, the Convention on astronauts, primarily aimed at providing human assistance to the astronauts, should be simultaneously matched by another juridical instrument, which would also provide compensation for damage caused by objects launched into outer space.

107. The co-operation pledged to the space Powers through the Convention of 1967 was expected to be met with a corresponding pledge containing assurance that damages would be promptly and properly attended to. As these expectations have not yet been rewarded with concrete action, my Government has decided not to sign the Agreement on astronauts until such time as the Convention on liability has been completed. It is our understanding that those instruments belong to the same and indivisible package, and that is why they will only be adopted simultaneously by the Brazilian Government.

108. It is with a feeling of regret and frustration that I now turn my remarks to the results of the twelfth session of the Committee on the Peaceful Uses of Outer Space, contained in document A/7621 and Add.1. After so many meetings and consultations, some progress was achieved along the lines of delineating divergent positions and points of disagreement. The questions of a ceiling for the compensation of damage, of the applicable law and of the procedure of the settlement of disputes have remained the stumbling blocks on our way to an agreement.

109. I have characterized these comments as being motivated by a feeling of frustration, because if we read the records of the last session of the Committee on the Peaceful Uses of Outer Space, we find that realistic and fair bases for agreement do exist on all three issues. So far as my delegation is concerned, it is obvious that only lack of political will, or an uncompromising insistence on individual positions, can explain the failure of the Committee to comply with the recommendations of the General Assembly.

110. As regards the question of a ceiling on compensation, the United States delegation, in a minority position, has insisted upon the placing of a quantitative limitation. At the same time, however, it has made proposals advocating a very high ceiling, as well as procedures for the negotiating of claims that would exceed the fixed limit. My delegation considers that the United States proposals deserve careful attention in the hope of their leading to a settlement of this question.

111. In the case of the applicable law, the same reasoning might be applied to the Belgian proposal [see A/7621/Add.1, para. 8] inspired by the principle of the adoption of the law most favourable to the victim State.

112. Finally, my delegation has suggested a compromise formula for the solution of controversies [ibid.], which we consider to be by far the one proposal that might rally the support of all those more interested in a practicable and workable convention than in imposing one's own principles of law.

113. The dispute about the binding or non-binding character of the decision of the commission of arbitration has turned out to be theoretical and academic. In a world in which international law is not enforced by sanctions, where even the enforcement measures adopted by the Security Council of the United Nations go challenged and unheeded, it is very doubtful indeed, in my own mind, that a provision in any convention becomes more or less binding merely because it is said to be binding. The proposal put forward by the delegation of France [ibid.], stems from that same theoretical principle and could not therefore meet with the general acceptance of the Committee.

114. The recommendations of the Scientific and Technical Sub-Committee at its sixth session deserve our attention and praise. The existing gap in the field of space activities requires untiring efforts in order that the progress already achieved by the space Powers may be, in some measure, shared by the community of nations, and we are convinced that, through the work being done by that Sub-Committee, the benefits of space exploration could be of great advantage for the non-space countries.

115. My delegation welcomes the decision to reconvene the Working Group on Direct Broadcast Satellites. We think that its reports [A/7621/Add.1, annexes III and IV] represent a very useful development of co-operation in this new field of science and technology, and we hope that more fruitful work can be expected from its future meetings.

116. We also welcome the recommendation of the scientific group nominated by the Secretary-General in ac-

cordance with General Assembly resolution 2453 B (XXIII) that sponsorship for the new international sound rocket launching station at Mar Chiquita be granted by the United Nations. The report of the scientific group [A/AC.105/69 and Add.1] bears authoritative witness to the high level of skill attained by Argentina in the field of space technology, and my delegation is more than happy to give its warm and unqualified support to the granting of United Nations sponsorship for the operation of the CELPA Mar del Plata sound rocket launching facility.

117. Mr. VINCI (Italy): The giant leap accomplished this year by space research has shaken the imagination of all mankind. It has, at the same time, made world public opinion much more aware of the prospects which this startling innovative human action discloses for the future.

118. We wish today to renew our expressions of sincere admiration to the scientists, technicians and brave astronauts of the United States for the two successful lunar missions—Apollo 11 and Apollo 12. We wish to express the same feeling to the delegation of the Union of Soviet Socialist Republics for the important experiments carried out by their people, mainly through the launchings of Soyuz 6, 7 and 8, and the highly sophisticated satellites of the series Proton, Zond, Meteor, Molnya and Intercosmos.

119. For its part, Italy is developing its own programme of space research which, although limited in scope, has nevertheless led to important scientific results and is actively furthering bilateral and multilateral co-operative efforts, mainly within the framework of the European space research body.

120. The spectacular aspects of the latest achievements in outer space dramatize the opening of a new frontier beyond which lie boundless and challenging opportunities for man in his striving for cultural as well as economic advancement. Against the background of such eventful endeavours, the progress accomplished last year in the framework of the United Nations towards the broader co-operation of Member States in the space adventure appears very modest indeed.

121. We should have liked to be in a position not only to pay tribute to the efforts made by the Chairman and the many members of the Committee on outer space but also to congratulate them on the successful completion of the mandate entrusted to them by the twenty-third session of the General Assembly. We regret that this is not so, and that the report submitted to the First Committee [A/7621 and Add.1] does not warrant any particular sense of satisfaction. Of course, this does not diminish our feeling of gratitude to the Chairman of the Committee on the Peaceful Uses of Outer Space, Mr. Haymerle, to whose persistent patience and skilful efforts we mainly feel indebted for the results that have, in any case, been achieved. Our appreciation goes also to the Chairmen of the two sub-committees, Dr. Rettie and Mr. Wyzner and of the Working Group on Direct Broadcast Satellites, Mr. Olof Rydbeck.

122. The results summarized in the report presented to the First Committee are certainly not to be underestimated. The conclusions reached by the Scientific and Technical

Sub-Committee and by the Working Group on Direct Broadcast Satellites constitute a valuable contribution towards the attainment of the aims of the Committee as a whole, and offer a good basis for further progress. But the main task and responsibility of the parent body this year consisted in the implementation of the repeated call of the General Assembly for rapid completion of the drafting of the liability convention. There is no need to recall that six years have elapsed since the first resolution to that effect [1963 (XVIII)] was adopted at the eighteenth session of the General Assembly and that since then four other documents have urged the Committee on outer space to speed up consideration of the issue and that we are still confronted by this unresolved problem.

123. From the agreed statement of the Chairman contained in the addendum to the report of the Committee on outer space we can draw a clear picture of the measure of progress and agreement reached in the negotiations that have been held so far, particularly on the eve and during the course of the resumed twelfth session of the Committee on outer space. And while we note, with satisfaction, the narrowing of the existing gaps, we cannot refrain from voicing disappointment at the inconclusiveness of the last round of consultations, which seemed to begin with favourable omens and therefore gave rise to many expectations. However difficult the path to further progress may be, we think that great efforts could have been made with a view to rounding-off the corners of the issues that are still outstanding.

124. I shall not tolerate on the legal aspects of those issues, nor shall I, in this respect, reiterate the Italian position which is clear from the verbatim records of the resumed twelfth session. I simply wish to state that we consider it essential to agree on a convention that would provide for the rapid and equitable settlement of any dispute concerning damages occasioned by space activities, and I wish to confirm the intention of my delegation to further pursue the successful achievement of the task entrusted to the Committee on outer space in this as well as in other fields of its activities, following the proposals and order of priorities outlined in document A/7621 and its addendum. In doing so, we shall be led by two main principles. We consider it urgently necessary to implement the mandate contained in General Assembly resolution 2453 B (XXIII). We consider it equally important and urgent to direct the work of the Committee on outer space towards a serious consideration of the interests of the developing countries. Space science and technology may play an important role in the solution of many social and economic problems of the world. The benefits they can yield to mankind should therefore be thoroughly explored and assessed in the framework of the United Nations so as to ensure that the prospects opened up by new approaches as diverse as the use of direct satellite broadcasts in the educational field and the application of remote sensing techniques in agriculture, in the survey of earth resources, in meteorology, in hydrology, and so on, be fully taken into account in outlining a global strategy for progress.

125. In this connexion, we particularly welcome the proposal to extend the sponsorship of the United Nations to the CELPA Mar del Plata station, in accordance with General Assembly resolution 1802 (XVII) of 14 December

1962, and to continue sponsorship of the Thumba Equatorial Rocket Launching Station. Furthermore, the appointment by the Secretary-General of a full-time expert for the promotion of practical applications of space technology seems to us to be a positive step forward in a closer association of developing countries in space activities.

126. Another effective contribution to that effect is embodied in the proposal made by President Nixon in his address to the General Assembly [1755th plenary meeting] which was repeated yesterday by the representative of the United States [1718th meeting].

127. We do believe, however, that the best way to spread space science and technology lies in involving the scientists and technicians of developing countries in concrete endeavours, which is the only way for valuable expertise to be acquired. Last year, in this spirit we offered to open our space facilities to those countries, and we have proposed that the Secretary-General initiate a preliminary consultation with FAO and other United Nations bodies concerned with the possibility of convening, in 1971 or as soon thereafter as would be practical, a panel to discuss the applicability of space and other remote sensing techniques to the management of food resources, and to report his findings and suggestions at the Scientific and Technical Sub-Committee's next session. In the same spirit, we shall today assess and, if accepted, interpret and carry out the draft resolution which is to be submitted for our approval.

128. The CHAIRMAN: I have no further speakers on my list for the general debate on the item under consideration. Therefore, if the Committee has no objection, I shall give the floor to the representative of the United States to introduce a draft resolution.

129. Mr. THACHER (United States of America): I have the honour, on behalf of the delegations of Mexico, Sweden, the United Kingdom and the United States to introduce a draft resolution³ which was forecast in Mr. Buffum's statement to this Committee yesterday [*ibid.*] with regard to earth resources survey satellites. If I may, I shall describe the draft resolution briefly, in view of the shortness of time remaining before this Committee is asked to consider it.

130. In the preambular context, we recall General Assembly resolution 2453 (XXIII) of last year, and we recall particularly the recommendations that arose during the work of the Committee on outer space this last summer with respect to the promotion of the application of space technology. We also recall resolution 1426 (XLVI) of the Economic and Social Council, which stated that international co-operation through the United Nations should continue to play an important role in assisting the efforts of Governments in the field of investigation and utilization of agricultural natural resources. We recognize the significant contribution that this new technology can make to a more complete understanding of man's environment, and we express the desire that these programmes be available to produce information for the world community as a whole.

131. It will be recalled—and the representative of Italy was good enough to remind us of this fact—that President

³ Later distributed as document A/C.1/L.509.

Nixon, on 18 September [1755th plenary meeting] said of this programme that it would be dedicated to producing information not only for the United States but also for the world community, and that this is among the positive concrete steps we intend to take towards internationalizing man's epic venture into space, an adventure that belongs not to one nation but to all mankind.

132. Desiring to encourage the study of earth resource survey programmes, including those related to airborne sensing techniques, and to encourage participation, to the extent feasible and practicable, in their development, we present four operative paragraphs.

133. The first of these invites Member States with experience in the field of remote earth resources surveying to make such experience available to other Member States which do not have it and encourage them to become familiar with this field. The United States is proud to be co-operating on a very active basis with the Governments, among others, of Mexico and Brazil in the perfection of remote sensing techniques principally from airborne platforms and also with Canada in the development of the sensors themselves. There are additional programmes under way, among others, with India, which are more specialized in terms of detecting particular phenomena on the face of the earth which deserve constant measurement. In this connexion I would recall that in the early part of this session of the General Assembly we called attention to an international symposium on remote sensing of the environment which was held at the University of Michigan in October. I am proud to report that forty-one experts from twelve foreign countries were able to attend and participate usefully in that conference.

134. In the second operative paragraph we invite Member States to join in exploring the various aspects involved in the analysis of data obtained through this new technique, its dissemination and application so as to maximize the benefits to be obtained therefrom, taking into account the particular interests and needs of developing countries. In this connexion, I should recall that at the United Nations Conference in Vienna last year,⁴ it was pointed out that there is a danger of a surplus of information being derived from this system, and it is with this in mind that we are particularly concerned to encourage international study with regard to the data handling of information that comes out from the system. I quote from a report which has just been published by the United Nations, "Practical Benefits of Space Exploration"⁵ in which an observation is made that the drawback of the various kinds of inventory described is that they provide almost too much information on patterns and not enough decisive information on composition.

135. Our third operative paragraph invites the Secretary-General to bring this resolution to the attention of all organizations within the United Nations family of agencies whose objectives or programmes might be furthered by this developing technology. It would be a mistake to attempt to list all of the various component parts of the Secretariat

⁴ United Nations Conference on the Exploration and Peaceful Uses of Outer Space, held in Vienna, 14 to 27 August 1968.

⁵ United Nations publication, Sales No.: E.69.I.25.

and the specialized agencies whose work stands to benefit as this technology is achieved, but among them we would have in mind, for example, the Preparatory Committee for the United Nations Conference on the Human Environment, we would have in mind various elements in the Department of Economic and Social Affairs and we would have in mind, of course, the Food and Agriculture Organization whose work in monitoring crops, whose work in the early detection of pestilence, plagues and other phenomena that affect the food output of the world, would stand to benefit very greatly.

136. In the fourth operative paragraph of this draft resolution, we request the outer space Committee to continue its studies with regard to the possibilities of further international co-operation, in particular in the framework of the United Nations system, in connexion with the development and use of remote earth resources survey techniques so as to ensure that as the practical benefits of this new technology are achieved, they are made available to both developed and developing countries. I think that this concept reflects the principles which have long been established by the General Assembly and in the outer space Treaty, that there shall be no discrimination between developed and developing countries; and it certainly reflects the recommendations arising from the work of the outer space Committee in recent years more actively to promote the application of space techniques for the benefit of all countries, having in mind particularly the needs of the developing countries. I thank you for the privilege of being able to present this resolution and I hope that it will enjoy broad support.

137. Mr. CHAMMAS (Lebanon): My delegation has its name inscribed on the list of speakers in the general debate on the item under discussion for tomorrow's meeting in the afternoon, but knowing that you wish to make effective use of the time left for this Committee and in order to help it to conclude its work constructively, my delegation takes the floor at this juncture with pleasure.

138. The year 1969 was definitely space year. We had occasion in the Committee on the Peaceful Uses of Outer Space to extend our congratulations to the United States delegation, to the Government, to the people and to the astronauts. We wish to reiterate here our congratulations on a feat which has captured the imagination of the peoples of the world and we feel that new and wide horizons seem to be spreading before mankind. We hope that these new areas will be explored to the advantage of mankind.

139. We also had occasion to extend our congratulations to the delegation, to the people and to the Government of the Soviet Union on the activities conducted in the year 1969. We wish both countries well and we express the hope that the exploration of outer space will open wide the road to fruitful co-operation not only between the big Powers but between all the countries of the world.

140. My delegation would have wished at this session to welcome without reservation the report of the Committee on the Peaceful Uses of Outer Space [A/7621 and Add.1] and to take note with gratification of the work it has done. But we, like others, regret that the Committee on the Peaceful Uses of Outer Space has been unable to conclude

its work on the important task entrusted to it by General Assembly resolution 2453 B (XXIII) which requested the Committee "to complete urgently the preparation of a draft agreement on liability for damage caused by the launching of objects into outer space".

141. We express our regret because the mandate given to the outer space Committee was of an urgent character. But even as we do so we are aware that the Committee was unable to conclude its work because its task is to draft an international agreement which should be mutually acceptable and the conclusion of which cannot be obtained by a simple majority decision.

142. Lebanon is a member of the Committee on the Peaceful Uses of Outer Space. We were aware that since we could not resort to the majority rule in drafting the agreement we had to work on a consensus basis. However, we expressed the hope that the General Assembly, during its current session, would instruct the Committee on the Peaceful Uses of Outer Space to conclude its work on the draft agreement and to present it at the next session of the General Assembly in celebration of its twenty-fifth anniversary.

143. I wish to comment as briefly as possible on the report contained in documents A/7621 and Add.1. We are informed in the addendum to the report that the Legal Sub-Committee and its parent committee, namely, the Committee on the Peaceful Uses of Outer Space has four issues outstanding. In reality there are only three. They are, the settlement of claims, the question of applicable law and the question of a limit on liability.

144. As for the problem of liability in connexion with activities of international organizations in the exploration and uses of outer space, the areas of disagreement have been narrowed and the possibility of an agreement has emerged during the twelfth session of the Committee on the Peaceful Uses of Outer Space just held during this past month. I shall comment on these three outstanding issues and place the decision of my Government on the record.

145. As far as the settlement of claims is concerned, we definitely support the concept of the three stages; namely, that countries should engage first in diplomatic contacts and diplomatic negotiations. If success is not arrived at they may as well move into the next phase, the setting up of a commission of enquiry to be formed on a parity basis. If this were to fail, then they would move to the third stage and this would be the arbitration commission or, as has been well put in the proposal of the Indian delegation [see A/7621, annex III, appendix II] which is included in the report under consideration, the claims commission.

146. Now, the subject on which the Committee could not agree was the character of the decision which would be handed down by the claims commission. Since we see some merit in the arguments adduced today by the report of Brazil, we submit that it would be theoretical to argue that if the decision were to be of a binding nature the possibility of implementing it might not be as practical as one might think. Definitely the age of gun diplomacy is a thing of the past. We should be reminded, and we always do recall, that States should discharge their international obligations in

good faith. But the question is to bring persuasion to bear if a particular country has an international obligation which it should discharge faithfully.

147. In order that the first two stages of the procedure should be successful—that is the diplomatic negotiations and the inquiry commission—the parties to a dispute must know beforehand that they could reach a third stage in which a decision of a binding character might be taken. We have argued in the Committee on the Peaceful Uses of Outer Space, and we submit for the consideration of the members of the First Committee, that if the decision of the claims commission were to be binding it would give impetus and encouragement to reaching an agreement in the first two phases.

148. However, the delegation of Lebanon took a flexible attitude because we do not think the majority rule should necessarily be applied in drafting this agreement just as in drafting the principles of international law concerning friendly relations it could not be applied as it could not be adopted easily. When we speak of international security arrangements, what we need is the joint will, the collective will of the international community in order to make whatever decision we take fruitful and effective.

149. We have taken a flexible attitude and we have argued that if the claims commission decision were not to be binding, some form of obligation must be arrived at. We considered that the proposal submitted by the delegation of France, appearing in the addendum to our report [see A/7621/Add.1, para. 8], might offer such a compromise. We went even further than that: we went on record that if the proposal submitted by the delegation of France were not to offer a compromise position to which the members of the Committee, and perhaps the Members of the United Nations also, could subscribe, we would discuss the Brazilian proposal [ibid.] which made an attempt to reach an agreement. But the difficulty was that we could not specifically say that the decision of the claims commission should be, or would be of a recommendatory nature because, then, resorting to the third stage would not give the effective result we hope it would give. That is why we might ponder in our consideration of this item here and in the Committee on the Peaceful Uses of Outer Space, the possibility of qualifying as final the decision of the claims commission in order to help settle the dispute as quickly and as effectively as possible.

150. Whatever position we take on this item, we must remember what I have had occasion to state in the Committee whose report we are discussing today, that Lebanon is a small country and the possibility that it might become a claimant is rather remote. However, since in the composition of the subsidiary organs of the United Nations we represent not only the interests of Lebanon but the area and the group we come from—and here I should emphasize that Lebanon is one of the founding members of the group of the developing countries—we have kept very much in mind the interests of the developing countries and the fact that a developing country could suffer from damage caused by the launching of objects into outer space. We have considered the possibility that the victim could be a developing country, a criterion which influenced us strongly in the position we have taken on the three

outstanding issues which was to safeguard the interests of the victim.

151. I now come to the question of applicable law. If we were to accept the principle that the interest of the victim should be foremost in our minds, then the applicable law should be the law most favourable to the victim.

152. It might be argued that according to international law and practice the law of the launching or the respondent State does not relate and should not be applied. But we are still firmly of the opinion that, should he think it would be more favourable to him, the victim should be able to invoke the law of the launching State. To say the law of the launching State is relevant under any other criterion would be to cause damage to the party who is a victim in the cases we may project because of damage caused by objects launched into outer space.

153. Basically, international law should apply, and effective consideration should be given to the law of the claimant. We have argued that we consider the law of the launching State relevant for the simple reason that, being from a developing country, we know that redress or compensation for damage caused in more developed countries is more advantageous than in underdeveloped countries. That is why we were of the view that the law of the launching State could and should be invoked. We find our ideas reflected in the proposal submitted by Belgium [ibid.]. We do hope that in concluding an agreement the Committee on the Peaceful Uses of Outer Space will offer the General Assembly a recommendation along the lines I have drawn on that particular point.

154. I come now to the third and last outstanding issue, namely the limitations on liability. The question is, should there be a ceiling or none. If we accept the criterion of the interests of the victim the problem would be solved. We are of the opinion that there should be no ceiling and it should be left for evaluation in the light of the damage caused. But if agreement should be reached with a ceiling set, the ceiling must take into consideration the possibility of substantive damages, and the figure proposed must be a substantive, and to use a nicer word, a handsome figure. We will await a proposal to this effect and we will be open to anything which might offer us the possibility of a compromise.

155. I might appear to be speaking somewhat at length, but I would very candidly say that as is usual in the United Nations, and I give as an example the Committee we have formed on the sea-bed and ocean floor, we as a developing country would entrust the safeguarding of our interests to those from the developing countries who represent us on such a Committee. Since we represent a developing country we think we have a duty towards the developing countries to expound their views and explain their interests as they see them and as we understand from them that they see them. We do this in good faith and to the best of our ability and knowledge.

156. Two years ago we concluded the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space [resolution 2345 (XXII)] with the understanding that an agreement on liability for damage caused by the launching of objects into

outer space would be concluded in due time. I repeat that we regret that our hopes have not materialized. Members of the Committee have heard the representative of Brazil inform us that his Government has postponed signing this agreement until such time as the agreement on liability is concluded. We would urge the members of the Committee to recommend as clearly and as strongly as possible that the Committee on the Peaceful Uses of Outer Space should conclude its work on this agreement not later than the twenty-fifth session of the General Assembly. If this is done the chances for international co-operation would be enhanced and we ourselves would have taken one step further in the right direction.

157. Before I conclude, I wish to note with gratification the work accomplished by the Committee on the Peaceful Uses of Outer Space through its Scientific and Technical Sub-Committee. We have endorsed the sponsoring by the United Nations of the Mar del Plata station, and we will endorse in this Committee any resolution which gives effect to that endorsement.

158. We have noted with satisfaction the work accomplished by the Working Group on Direct Broadcast Satellites, and we think, as does the delegation of Brazil, with whom we have co-operated very closely in the Committee, that the work of the Scientific and Technical Sub-Committee is helping those countries that are not space-Powers, that are not even potential space-Powers, to benefit to the fullest possible extent in the new world which has been opened to us through the useful exploration of outer space.

159. On behalf of my delegation I would like to pay tribute to Mr. Haymerle, the Chairman of the Committee on the Peaceful Uses of Outer Space, to Mr. Souza e Silva, its Rapporteur, and to the Chairman of the Legal Sub-Committee, Mr. Eugeniusz Wyzner of Poland, for work well done. I should also like to express on behalf of my delegation the hope that during the twenty-fifth session of the General Assembly we shall conclude the consideration of the agreement on liability for damage caused by the launching of objects into outer space.

160. The CHAIRMAN: I would like to express my appreciation particularly to the representative of Lebanon for taking the floor this afternoon instead of tomorrow and thereby enabling us to utilize our time this afternoon more fully.

161. There are no more speakers on my list on either of the two items before us. No delegation is inscribed to speak at tonight's scheduled meeting at 8.30 p.m. Therefore, bowing to the will of the Committee, I will cancel the night meeting.

162. The Committee will be glad to know that consultations have been taking place, and will continue after I adjourn this meeting, towards reaching agreement on a compromise draft resolution on strengthening international security, which would be acceptable to all concerned.

163. Consultations are also taking place with regard to the most appropriate action to be taken, taking into account the fact that we are on the eve of concluding the work of this Committee, as to the draft Treaty on the denuclearization of the sea-bed and ocean floor, annex A to the report of the Conference of the Committee on Disarmament.⁶

164. We may look forward hopefully to disposing of these two matters tomorrow. In regard to the remaining item on our agenda, namely, that relating to the peaceful uses of outer space, there are ten more speakers listed for the general debate. One draft resolution on this item has already been introduced, and I have been given to understand that another draft resolution is likely to be presented tomorrow. In order that we may complete our work by the target date we set, three meetings will be scheduled for Friday, including a night meeting. It is my hope that we will be able to achieve that target with the co-operation of all concerned, so that we will not have to meet on Saturday.

The meeting rose at 6.10 p.m.

⁶ See *Official Records of the Disarmament Commission, Supplement for 1969*, document DC/232.