AGENDA ITEMS 33 AND 92 (continued)

International co-operation in the peaceful uses of outer space: report of the Committee on the Peaceful Uses of Outer Space (A/8420)

Preparation of an international treaty concerning the Moon (A/8391, A/C.1/L.568)

GENERAL DEBATE (continued)

1. Mr. RYDBERG (Sweden): My intervention today will concern the report of the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space (A/8420). My delegation will at a later stage come back to other matters covered by this item on our agenda.

2. I will deal first with the question of liability for damage caused by space objects. The Legal Sub-Committee has elaborated and presented to its parent Committee a draft convention on the subject (ibid., para. 52). This Committee is familiar with the difficulties with which the Legal Sub-Committee has met in its work. The completion of a draft convention required acceptable solutions to two problems, that of measures of compensation, also known as the applicable law, and the competence of the claims commission, also referred to us the settlement of disputes. In these two respects, Sweden, like a few other countries, has persistently advocated, respectively, the application of the standards of a national law, to wit, the law of the place where the damage occurred, and the binding and final character of the award of the claims commission. We note that, in the earlier phases of the deliberations in the Legal Sub-Committee, the delegation of Hungary, with the support of the delegation of the Soviet Union, also favored the reference to a national law—originally the law of the State liable for damage in general, later defining the same to be the law of the launching State—and that the delegation of the United States urged the Sub-Committee to adopt a text proclaiming a binding effect of the decision of a claims commission. In spite of lengthy discussions and innumerable informal consultations, no sign of a consensus within the Sub-Committee was forthcoming during the ninth session of the Sub-Committee held last year in Geneva. Intensive efforts were later pursued within and outside the meetings of the thirteenth session of the Committee on the Peaceful Uses of Outer Space as the fall of 1970. When the Legal Sub-Committee met again in June this year, it learned that an understanding had been reached between the United States and the Soviet Union. The Sub-Committee was at the same time given to understand that the solution reached by the super-Powers regarding the two delicate issues I have just mentioned was the only realistic and attainable one at present. Therefore it was offered to the other 26 members of the Legal Sub-Committee as a compromise to be accepted in its entirety at the risk of otherwise having no convention at all within the foreseeable future. My delegation could not fail to see certain similarities to the procedure to which the Legal Sub-Committee and the First Committee of the General Assembly became exposed at the time of the adoption in December 1967 of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (resolution 2244 (XXIV), annex). In that connexion, the Swedish and other delegations voiced certain misgivings about the unconventional procedure that was applied for the adoption of the Agreement. My delegation is bound to declare that it experiences a similar uneasiness over the fact that the two space Powers have again settled the crucial parts of the convention between themselves without giving other members of the outer space Committee a real possibility of influencing the outcome.

3. So much for the formalities. With regard to the substance of the draft convention, my delegation, regretfully, fails to see that the actual text of articles XII and XIX meets the requirements laid down by the General Assembly in its resolution 2733 B (XXV) to the effect that a satisfactory liability convention should contain "provisions which would ensure the payment of a full measure of compensation to victims and effective procedures which would lead to the prompt and equitable settlement of claims". The relevant article in the operative part of the proposed convention—article XII—counts the explicit mention of a repair in full to the victims; and article XIX leaves the compliance with a decision of a claims commission to the discretion of the State responsible for the damage, thus bestowing on it authority to be the ultimate judge in its own case.

4. In the course of this year's debates in the Legal Sub-Committee and in the outer space Committee many delegations have given their interpretations of the texts of these two key articles and their views concerning the extent to which they may correspond to the request of the General Assembly. It is true, as has been pointed out, that
view that the notification, rescue and return provisions of the astronauts' Agreement are a meaningful contribution to the kind of humanitarianism transcending national boundaries that is symbolized by the best of outer space activities.

16. The time-consuming and often painful character of the negotiations on the draft liability convention has also been due, in no small measure, to the detailed character of its provisions. The international legal systems and traditions of law become sharpened and often serve as a barrier to the achievement of consensus as a desired legal text becomes more detailed. But the legal and financial implications of State responsibility for space activities cannot be meaningfully dealt with in a summary fashion. Section 28 was required to spell out the apparently simple and general provision of article VII of the outer space Treaty, which states that a launching State is liable for damage that its space activities may cause to the citizens of another country. The detailed liability convention constitutes a spell-out of the implications of the basic principle in a way that will make possible what the outer space Treaty does not—assigning a reasonable prospect of the payment of prompt and fair compensation; let me repeat—prompt and fair compensation.

17. The liability convention recommended by the outer space Committee provides an assurance of this character. The convention expressly provides that a launching State is liable regardless of negligence or fault. It does away with any suggested defenses that a victim or his heirs must first seek compensation in the courts or administrative agencies of the launching State. It establishes the principle of the right of the victim to have payments made by the international space organization, and leaves to the participants the option of making arrangements, if they so desire, for further compensation from sources other than those provided by the convention. It is indeed their option. It also establishes a formula for full compensation by requiring the payment of compensation "in accordance with customs of mankind and the principles of justice and equity, in order to provide such reparation in respect of the damage as will restore the person... on whose behalf the claim is presented to the condition which would have existed had the damage not occurred". It makes possible progress on a particular claim beyond unsuccessful negotiation and liable unlimited recourse to a three-judge arbitral tribunal which is competent to make recommendatory awards concerning the basic issues of the identity of the launching State and of the amount of compensation that may properly be claimed.

18. We are aware that a number of countries, while otherwise warmly supporting the convention, would have preferred that the convention provide that the awards of the claims commission should be more binding. We have just heard the representative of Sweden indicate their disappointment that it was not possible to reach agreement on this point.

19. I shall have more to say in clear terms the dilemma faced by the Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee on this point. From the outset of negotiations in the early 1960s, we had witnessed extremely complex and detailed discussions on criteria for arbitration, and in general and to binding awards in particular. It became clear in 1970 that our common choice was to agree to strong provisions on eligibility of claimants, with only recommendatory awards and an option to make them binding, or to insist on binding decisions in the knowledge that this would make impossible the conclusion of the convention, and not just for one or two years, but more likely for five or ten years, or for a completely indeterminate period. In these circumstances we could choose one course of action involving substantial delay. As the United States has said on a number of occasions, we think our people are entitled to see a degree of assurance in the payment of fair and prompt compensation. Many other countries feel the same way and have said so.

20. None of us now has a practical assurance of compensation in the absence of workable and detailed treaty provisions. But we assure you that we are not under the illusion that the draft convention recommended by the outer space Committee, and notwithstanding what are criticized as merely recommendatory awards. We believe there is reason to expect that parties will in fact comply with awards because they will recognize that it is in their own self-interest to do so. And I should like to emphasize the point again that I feel very strongly that countries will comply because they will recognize that it is in their own self-interest to do so.

21. I would be remiss if I did not say how pleased the United States appreciates the contribution made by Brazil in resolving the controversy over the arbitration provisions of the convention.

22. We believe that, although there may be understandable disagreement over the exact language provisions, the convention in a whole deserves warm approval. The liability convention bears witness to the fact that the Committee on the Peaceful Uses of Outer Space is one of the most useful and productive bodies in the United Nations system.

23. We hope this Committee will support the liability convention; and we believe that the overwhelming majority of the Members of the United Nations will want to sign and ratify the convention at the earliest possible date.

24. Mr. Issaevan (Union of Soviet Socialist Republics) (translation from Russian): In recent years major new advances have been made in space research. Through his genius and effort the man has placed in orbit hundreds of artificial satellites, launched space ships to the planets of the solar system and taken the first steps in using space technology to meet practical needs on the earth.

25. Scientists and experts in the Soviet Union, the United States, China, Japan, France and many other countries have achieved considerable progress in the development of their space programs. Through the use of international cooperation in space and technology mankind has crossed the threshold of a new stage in the conquest of outer space—penetration to other celestial bodies and the exploration of the moon, our planet's natural satellite.
26. As you know, quite recently, on 4 October of this year, the Soviet Union completed a programme of scientific and technical research using the automatic self-propelled lunar vehicle Lunokhod-1 at the Central Science Laboratory, which was controlled from the earth, continued to operate successfully for 10 and a half months, and carried out experiments that the self-propelled vehicle covered a distance of more than 10 kilometres, making possible a detailed examination of the lunar soil, using a lander whose dimensions were 80,000 square meters. More than 20,000 pictures of the lunar surface were received by means of the vehicle’s television systems. The physical and mechanical characteristics of the top layer of soil along Lunokhod-1’s route were investigated and its chemical composition was analyzed.

27. The Lunokhod experiments made it possible to verify the principles of operation of the remote-control system, which was in use for the first time, and to test methods of navigating the self-propelled vehicle. Lunokhod-1 is at present positioned in such a way that the French reflector, which is installed on it and directed towards the earth, will make it possible to locate the vehicle by means of a laser from the earth for many years to come.

28. It is quite obvious that the use of outer space and space technology will lead to tremendous improvements in the quality of life itself, and the development of culture and science. Space technology is already being used in long-range weather forecasting, geodetic photogrammetry, etc., and in many types of telecommunications. There are items on the agenda concerning the utilization of space technology in the creation of new high-speed communications, the utilization of earth resources by means of artificial satellites and the transmission of television programmes to the most remote areas of our planet.

29. The experiments carried out on the moon will increase our understanding of the interaction of our planet with the space surrounding it and the relations between various processes on the earth and will prepare the way for the further development of space and terrestrial technology.

30. The tremendous speed and vast scope of achievements in the development of space technology is creating new problems in international law which require urgent and immediate solution. That is why the Soviet Union has put forward a proposal for the preparation of an international treaty concerning the moon.

31. The letter of 27 May 1971 from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics addressed to the Secretary-General of the United Nations, requesting the inclusion in the agenda of the twenty-sixth session of the General Assembly of an item entitled ‘Preparatory treaty concerning the moon’ is ‘Preparatory treaty concerning the moon’ [see A/3951], reads in part as follows:

“...The Soviet Government is of the opinion that steps should be taken now towards the further elaboration and formulation of rules of international law to govern the activities of States on the moon. At the earth’s only natural satellite, the moon has an important role to play in the conquest of outer space, and it should be used exclusively in the interests of peace... It is essential that the activities of States on the moon should not be allowed to become a source of international conflict and that a legal basis should be established for potential uses of the moon.”

32. As representatives are aware, at all stages in the conquest of outer space the Soviet Union has constantly advocated the progressive development, in the interests of all peoples of the world, of the peaceful uses of outer space. We have always argued that the establishment of a solid legal basis in international law for the activities of States in outer space will further the cause of peace and strengthen mutual understanding and co-operation between States. This was the reason for the USSR initiative which led to the conclusion of the 1967 Treaty on the Prohibition of the Placement of Nuclear Weapons in Outer Space. The 1967 Treaty regulated the activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies. The 1972 Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, and the Agreement on the Safety of Mars and Other Planets were all derived from the Treaty of 1967

33. The Soviet Union also took a very active part in the preparation of the draft convention on international liability for damage caused by space objects [see A/8420, para. 32]. In this connection we have always worked on the understanding that international law must reflect the influence on scientific and technical progress and should ensure the utilization of the most advanced scientific and technical results in an equitable and technological manner for the benefit of all mankind. If this goal is to be achieved, the elaboration of legal norms must keep pace with—and be in line with—the current level of technological programmes in any particular field, so that when those programmes are carried out, they will have a suitable foundation in international law established on the knowledge and skill acquired in the conquest of outer space will be used to improve human life on the earth and to develop science and culture.

34. Why is it that we need to prepare and conclude a special treaty concerning the moon? The Soviet Union is proposing? Above all, it is because a new and radically different era in the history of the moon has begun, an era that will see the emergence of new types of space technology and the utilization of the moon. The rules of international law must meet the needs of this new era, in which we are adapting our space exploration to new purposes, of which, in terms of their practical solution; they must deal not only with the needs of international law but also with questions of concrete subject. This would be in keeping with the body of experience and procedure already established in international law. For example, the general principles contained in the 1967 Space Treaty of 1967 to the effect that States shall render all possible assistance to astronauts stranded in outer space. In contrast to the territory of another State on the high seas, or the high seas at the 1964 Agreement on the Moon, Articles II and III of the outer space Treaty, States that space, including the moon and other celestial bodies, is not subject to national appropriation, the Soviet draft treaty concerning the moon denies the right to claim the surface or subsoil of the moon as their property not only to States but also to international organizations, the moon is not the property of the moon, it is a common property of all mankind, and the Moon. It is a common property of all mankind, and the Moon... and cannot be sold for profit or be used for any hostile action or threat of such actions and the use of the moon to promote hostile actions in relation to the earth or space objects. This is the subject of article I of the draft treaty.

35. Article 2 of the draft treaty supplements the 1967 Treaty by fixing the terms and conditions of the prevention of mass destruction in outer space by States on the moon or their installation in its subsoil. The draft treaty concerning the moon contains the new provisions that the activities on the moon shall be carried on with regard to the interests of present and future generations and with respect for the rights of all States without exception to engage in the exploration and use of the moon. The draft treaty contains a number of new norms forbidding the appropriation in any way whatsoever of portions of the surface or subsoil of the moon, together with any actions having the same as their aim. In contrast to Article II of the outer space Treaty, States that space, including the moon and other celestial bodies, is not subject to national appropriation, the Soviet draft treaty concerning the moon denies the right to claim the surface or subsoil of the moon as their property not only to States but also to international organizations, the moon is not the property of the moon, it is a common property of all mankind, and the Moon. It is a common property of all mankind, and the Moon... and cannot be sold for profit or be used for any hostile action or threat of such actions and the use of the moon to promote hostile actions in relation to the earth or space objects. This is the subject of article I of the draft treaty.

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37. In the light of the foregoing, we believe that the recommendation of the General Assembly that the Soviet delegation should take a decision to submit a draft to the General Assembly at its twenty-seventh session. The Soviet delegation, together with the object of any transaction designed to create a right of ownership over portions of the surface or subsoil of the moon. The Soviet draft treaty confirms the right of States freely to pursue scientific activities on the moon and for that purpose to establish scientific stations, to land their space objects on the moon and launch them from the moon and dispose of their equipment and personnel there; the Soviet draft treaty reiterates all the practical activities of States in the conquest of the moon have no parallel in existing agreements on outer space.

38. Since activities on the moon involve increased danger to persons who are on the moon, the draft makes provision for the definition of the procedures to be adopted in the event of any damage caused by their activities or the activities of their personnel or property of another State.

39. In particular, article V needs a new provision removing States to offer shelter in their stations, vehicles, installations or other facilities to persons in distress on the moon who are part of the personnel of other States.

40. With regard to liability for activities in outer space, the provisions of article XI of the draft, introducing a new principle, supplement the norms contained in article VII of the outer space Treaty by establishing the liability of a State not only for damage caused by its space objects but also for the activities of its personnel on the moon.

41. A number of the provisions of space agreements already in force have been spelled out in more specific form in the draft treaty concerning the moon.

42. The Soviet delegation believes that a treaty based on the more concrete principles outlined above would be an important contribution to the formulation and development of international space law. The conclusion of such a treaty in the near future, developing principles in international law relating to the activities of States in the context of celestial bodies, would be in the interest of all of which we are to develop a concept of space law that would open up possibilities for further fruitful legislative work in the interest of all peoples. A such concept could serve as a basis for the preparation, at the proper time, of instruments in international law concerning the activities of man on other celestial bodies. And that time is no longer so far off.

43. Of course the Soviet Union is putting forward its draft as an additional basis for the preparation of a more comprehensive instrument in international law defining the legal aspects of the activities of States on the moon.

44. In the light of the foregoing, we believe that the recommendation of the General Assembly that the Soviet delegation should take a decision to submit a draft to the General Assembly at its twenty-seventh session. The Soviet delegation, together...
with a group of co-sponsors, intends to submit a draft resolution to that effect for consideration by the First Committee.

47. I should now like to turn to matters connected with our consideration of the report of the Committee on outer space ([A/48/20]). First of all we should like to record our satisfaction with the Committee's report on the Peaceful Uses of Outer Space and its Legal Sub-Committee have successfully carried out the extremely complex and difficult assignments given to them by the General Assembly. They have completed the preparation of a draft convention on international liability for damage caused by space objects. This draft, as we all know, is the fruit of many years of coherent effort on the part of the Committee and its Sub-Committee and the result of a reasonable compromise between differing legal and social systems. Of course, like any document resulting from compromise, it is not one hundred percent satisfactory to any of the parties to the agreement, including the Soviet Union. I should like to draw the attention of the Ambassador of Sweden, who has just touched upon this point, to the fact that the document we are dealing with is the result of compromise. Such is the internal logic of my international agreement—without a reasonable spirit of compromise, it is impossible to get agreements.
effective to guarantee that the victims will in all cases receive proper compensation. For this purpose, we feel—as the same situation pointed out—a different rule should have been adopted, according to which the awards would be binding in all cases, without qualifications.

70. The Italian Government wishes to state, therefore, that its decision to support that text has been taken in a spirit of international cooperation, with the view to the fact that the draft convention may constitute a step forward—as the representative of the United States said, I believe—towards an ever more substantial progress in pursuing the goal of an effective and comprehensive body of space law.

71. This brings about the question of priority to be followed by the Legal Sub-Committee in dealing with the many unanswered matters left behind during the long debate on the draft liability convention.

72. My delegation supports the recommendation made in paragraph 38 of the report of the Committee on the Peaceful Uses of Outer Space that “priorities be given to matters relating to the registration of objects launched into space for the exploration or use of outer space, and to questions relating to the moon”. In the view of my delegation the priority envisaged in such a recommendation for questions relating to the moon allows early consideration of the elaboration of a draft international treaty concerning the moon without any further specific request.

73. I should like now to make a few remarks on the scientific and technical aspects of the report of the Commission on the Peaceful Uses of Outer Space. My delegation believes that, true to its tradition, the Committee on the Peaceful Uses of Outer Space, with the valid help of its Scientific and Technical Sub-Committee, has performed excellent work, and it has submitted for approval during this session of the General Assembly several recommendations of real importance and interest.

74. I am pleased to note that the emphasis of those recommendations is on the practical aspects of space activities. If I say so, it is not because we do not value scientific research and exploration of space, which we consider of prime importance, but at this stage of space achievements, there is a need to maintain a careful balance between space science and space applications, as much as the latter present some promising solutions in the many problems today confronting the States Members of our Organization.

75. For those reasons the Italian delegation supports, among other items, the continued co-sponsorship by the United States and the United Nations of three important bodies: the General Assembly, the Committee on the Peaceful Uses of Outer Space and the Conference of the United Nations and of the Aeronautical Convention of 1944. We have also given our support to the recommendations submitted by the Committee on the Peaceful Uses of Outer Space in its 18th meeting. We support the recommendation that the Committee be authorized to avail itself for another year of the work of the Expert Group on Space Applications, Professor Ricciardi, who has performed an invaluable task this last year [ibid., para. 145, and the recommendation related to the work to be conducted by the newly formed Working Group on Remote Sensing of the Earth by Satellites, which my country has the honour to chair with Mr. Fiorito [ibid., paras. 10-12].

76. My delegation believes that Professor Ricciardi’s scouting of United Nations Members, especially the developing ones, the better to understand and explain in personal contacts and discussions the areas of development which could lend themselves to a profitable use of space technology, has very important implications for the future forging of policy recommendations by the General Assembly in this field. His findings can also help other United Nations bodies, such as the United Nations Development Programme and the Committee on Natural Resources to define their aims better and will be, as they have already been, most useful for the Committee on the Peaceful Uses of Outer Space in assessing the potential of various space applications.

77. For its part, the Working Group on Remote Sensing of the Earth by Satellites has initiated its operational work last month and discussed the guidelines for its future activities. My delegation has co-operated in the definition of its aims and in putting the proper emphasis on its contribution. The importance of the terms of reference established by the Scientific and Technical Subcommittee is evident.

78. Remote sensing of the earth can easily add another dimension to the capabilities of mankind to influence the destiny of the planet and to make it a better world to live in. But the practical implications of this activity are such that a careful assessment both of the potential capabilities and of their implications is required.

79. We trust that the Working Group will engage in its task with full determination and at the earliest possible date. We feel, however, that it may be expedient first to collect much background information and knowledge as possible on such a brand new activity, and then to proceed gradually in its assessment by using the data which will be provided next year by the operation of new earth resources satellites as a first basis of the real capabilities in this field.

80. It is very important that the final report of the Working Group be as realistic as the state of the art in this realm of space applications will allow it to be. We are sure that the findings of this Group will be very useful in many practical applications and it would be good if we were able to prepare a report which would deal with capabilities that have already been proved and which could make possible practical contributions to the solution of real problems of Member States in a reasonable period of time.

81. For these reasons my delegation believes that the task of the Working Group should be completed as soon as possible, perhaps by the end of 1973, barring delays or unexpected failures of the projected satellite experiments.

82. Finally, my delegation wishes to express its gratification for the initiative taken by the two space super-Powers during this last year towards co-operation in various areas of space activities, such as the plan to use a special satellite link to render absolutely secure the "hot line" between Washington and Moscow; the exchange of engineering data and the standardization of some external features of the American and Soviet spaceports and orbital laboratories in order to make possible reciprocal visits and joint research activities; the recent agreement on the exchange of data on space biology—all of these represent the best orient of a joint global approach to the exploration, development and utilization of outer space, carrying with it the positive implications for a peaceful future in space. We are convinced that such a feeling is shared by all delegations in this Assembly, old and new Members of this Organization, and will be one of the important themes of our deliberations in the coming years.

83. Mr. Chairman, before concluding may I, with your permission, since I had no opportunity to do so before, convey the deep and sincere sympathy of my delegation to the delegation of India on the news of the recent tragic event in the eastern coast of their country, inflicting such tragic consequences on the population by spreading death and damage so widely in the area.

84. The CHAIRMAN (interpretation in French): I can assure the representative of Italy that the delegation of India and good wishes he addressed to the Chairman and the Vice-Chairman of this Committee will be conveyed by me to Mr. Tarahonov and Mr. Rametelchenko.

85. Mr. GONZALEZ GALVEZ (Mexico) (interpretation from Spanish): In the light of the comments made today, I should like, on the basis of the precedents established by the United Nations this morning, to ask a specific question and reserve the right of my delegation to speak again in the general debate in order to comment in more detail on the other items before this Committee for its consideration.

86. Before making those preliminary observations and since this is the first statement of the delegation of Mexico, allow me, Mr. Chairman, to congratulate the Committee on the personalities it has chosen to serve as Chairs of the Committee: they undoubtedly guarantee the effectiveness and impartiality of the conduct of our work.

87. The comments that I wanted to make refer specifically to the question of international liability for damage caused by space objects. I should like to point out that at the meeting devoted the major part of their statements. On this item we have a draft convention approved by a consensus of votes at the Committee on the Peaceful Uses of Outer Space, and I say by consensus because there was not a single vote against the draft convention on international liability for damage caused by space objects [see A/8420, para. 32] when it was considered.

88. In the light of comments made, I should like to point out that the delegation of Mexico endorses the objections of a moment ago by the delegation of Sweden. We consider that the objections made to a binding system of settlement of disputes have at least legal foundation.

89. In the Legal Sub-Committee, which met in Geneva, a delegation pointed out that the reason for not including a clause on a binding settlement of disputes was that the international community was not ready for this, on behalf of my delegation I candidly disagreed. I remind delegation that I thought the international community was not prepared for the binding settlement of disputes as long as the applicable rules were not drafted with the understanding that all states of the same international community, as it is the case with the draft convention on international liability for damage caused by space objects [see A/8420, para. 32] when it was considered.
stable text we have before us now. We feel that in addition to the basic clauses which the representative of the United States emphasized, there is one which, to the delegation of Mexico, is crucial. It is so important that in the Legal Sub-Committee we decided, together with other delegations, to submit a proposal which fortunately was approved. I am referring to article XXVI of the draft convention.

96. This article XXVI provides for what we term a clause of revision. I shall read the text of the article to remind you what the clause says:

"Ten years after the entry into force of this Convention, the question of the review of this Convention shall be included in the provisional agenda of the United Nations General Assembly in order to consider, in the light of past application of the Convention,"—we consider that this last phrase is crucial—"whether it requires revision."

97. This is the clause which the delegation of Mexico, together with other delegations, submitted at Geneva and it allows us to accept the draft convention in principle. Ten years after this Convention comes into force—we hope we are wrong in this—we shall be able to look at it again and see whether the system of settlement of controversies included in it has proved to be effective or not. I must add here that the review which the delegation of Mexico will make 10 years after the draft convention has come into force will not be confined to this convention, but will include consideration of whether we should continue to be a party to the Agreement on the rescue of astronauts /resolution 2145 (XXII), annex/ which, so far as Mexico is concerned, at least, is the other side of the coin.

98. In a spirit of conciliation we have accepted this draft convention which is now being submitted to the First Committee but we have included with unshakable faith in this clause, which we think establishes beyond doubt a conditional prerequisite. We accept this text which, so far as we are concerned, leaves much to be desired, but within 10 years we shall review it very carefully. Here again I should like to stress the fact that it is not conditional that this should be included in the provisional agenda of the General Assembly, but rather it establishes as a binding obligation that a further review of this convention on liability will be included in the provisional agenda of that session and it will be considered in the light of past application of the clauses on the settlement of disputes, which are included in this convention. I repeat, on that occasion my delegation will again review the desirability of continuing to be a party to the Convention on the rescue of astronauts which, so far as Mexico is concerned, establishes an insoluble duality. So far as we are concerned these conventions—on the rescue of astronauts and on liability—cannot be separated. They have to be considered in a special and interrelated fashion.

99. At this juncture, when our debate has just begun—and I can say quite frankly that it has begun with outstanding statements which, from the very outset, have drawn attention to the fundamental problems of the draft convention on liability—we consider it appropriate to highlight the importance of this article XXVI which we have included in the convention. On this basis we shall look very carefully at any proposal that may be submitted which could strengthen what, so far as the delegation of Mexico is concerned, should be the text we are considering, even if the proposal presented is submitted as an optional clause.

100. Mexico has given its commitment. We have given our word. We shall approve the draft convention submitted to this General Assembly. However, this does not inhibit us from examining with the same seriousness any proposal which might be forthcoming to strengthen the spirit of the convention. My delegation did not raise this point in this debate; it was the delegation of Sweden which did so, and I am very proud to say that we share its views on many political and legal issues. These points have been repeated by other delegations who have spoken today.

101. Having said this, it only remains for me to repeat once again that I reserve the right of my delegation to intervene again in the general debate if we think this necessary in order to examine the items before us.

102. I should like to conclude by associating myself with the condolences expressed by the representative of Italy to the representative of India because of the cyclone which has struck his people.

The meeting rose at 5.10 p.m.