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Chairman: Mr. Milko TARABANOV (Bulgaria).

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, A/C.1/L.569, 570, 571 and 574)

Preparation of an international treaty concerning the Moon (A/8391, A/C.1/L.568 and 572)

GENERAL DEBATE (continued)

1. Mr. RYDBECK (Sweden): Let me begin by stating how honoured my delegation feels at having among us today one of the pioneers of the first decade in space. Rear-Admiral Shepard has taken part in enterprises of historical and almost unfathomable dimensions. Thanks to men like him the conquest of space by man is now a fact and practical applications of space science and technology in a growing number of fields are becoming of interest and concern to everybody.

2. After the historical achievements of the first decade in space has come the time of stock-taking and reflection on the future course in outer space. The space Powers seem to be engaged in a process of redefining their programmes and trimming their budgets. Europe is in a phase of transition from fundamental research to greater emphasis on space applications.

3. As I just said, the first decade in space saw accomplishments in science and technology which affected our concept of the entire universe. But in spite of these remarkable accomplishments, which have opened up new vistas for mankind, we have to prepare for the future in a world whose resources will be increasingly scarce and limited. The hard fact is that the world population of 3.5 thousand million people is now growing at a rate by which it could very well double before the turn of the century. Under these circumstances it is obvious that our possibilities of securing a decent life for the people of this planet will in large part depend on our possibilities of making a critical assessment of all the earth's resources. A

recent United Nations study shows that only about 6 per cent of the land surface of the world is covered by topographic mapping at the mile-to-the-inch scale or larger. But maps are needed now more than ever to maintain a current reliable inventory of the physical factors that affect the air we breathe, the water we drink, the lands and forests we cultivate, the mineral resources we mine, the industries we operate, the arteries we use for transportation and communication and the communities we live in.

4. In many parts of the world the rate of energy consumption is growing twice as rapidly as the population. This additional energy is being consumed in processing ever-increasing quantities of mineral raw materials needed to accommodate demands which undoubtedly will continue to grow, even if the population were to be stabilized or its growth rate reversed. The difficulty in meeting the growing demand, for instance for primary ore materials, will be compounded by the fact that only a fraction of 1 per cent of the earth's surface yields readily available high-grade ore materials. Most of the mineral wealth is hidden beneath the surface and not easily detectable.

5. The task of supplying food for a constantly growing world population involves several important subordinate steps. We need to seek out the productive lands, and then guide human use in a manner that will preserve the agricultural productivity as far as possible. We must supply water to sustain agricultural operations on which we depend for food supplies. Water must also serve as a raw material, as a process fluid, and as a waste carrier for our industries. It is also necessary to note that much of the water on this planet is not in the right place, or of the proper quality needed.

6. Many scientists and specialists agree that remote sensing could be one of the most important tools in our endeavours to solve the problems I have just outlined in very broad terms.

7. Satellites will play an important monitoring role in man's battle against pollution, as well as assisting him in achieving a balance between the discovery and exploitation of natural resources on the one hand, and the ecological management of the environment on the other. Earth-sensor satellites could be adopted not only to observe and collect data of scientific interest—on weather, fish and mineral location, for example—but also to predict the long-term behaviour of these and other related phenomena, thereby assisting in achieving ecological balances on local, regional and global bases.

8. It is against this background that my Government welcomes and attaches the greatest importance to the decision by the Scientific and Technical Sub-Committee at

its eighth session this summer to convene a Working Group on Remote Sensing of the Earth by Satellites.

9. Already at last year's session of the Scientific and Technical Sub-Committee my delegation, together with the delegation of Italy, raised the question of convening a working group on remote sensing. There were several reasons why we felt it to be important that the United Nations should become actively involved in the matter of earth resource satellites (ERS). First it is obvious that we are witnessing the infancy of a most important tool of economic and technical development, which is bound to have an impact on most nations, even if today the technology as such is within the grasp of only a very few countries. Remote sensing, like so many of the applications of modern science and technology, is the result of a development largely led and dominated by the two great space Powers, one reason being that it is related to their competition in military technologies. They alone can harness the prodigious economic, technical and organizational capacity to pursue the kind of ventures typified by ERS. A country like Sweden may well have reached the industrial and technical level necessary to realize the implications of the technique but, clearly, it would be difficult or practically impossible, for us to embark on any more significant space application activity of our own. Our situation, certainly, is not unique and it is even more pronounced in the case of countries with a lesser degree of development than ours. For the vast majority of all countries the way towards greater knowledge and participation in new technology is naturally through United Nations co-operation. Conceivably, much future work in the ERS field could be carried out in other organizational set-ups. But the United Nations, to our mind at least, is the organization where new activities of this kind should start and receive world-wide attention and backing, where general rules of use should be established by common consent in order to avoid abuse and exploitation of the weaker by the stronger. Surely the time has now come to plan much more effectively for the internationalization of ERS data and the problem of organization of ERS on the international level.

10. We have frequently deplored the fact that so far the United Nations has largely been limited to some legislative work—in itself important, it is true—in the outer space field. The time seems long overdue when certain operational activities should also come under more active United Nations guidance. As Mrs. Myrdal said in the First Committee during the twenty-fifth session of the General Assembly [1790th meeting], the United Nations must cease to be a mere spectator and registrar of outer space activities carried out by a few nations and take the initiative towards truly international programmes.

11. International co-operation in the complicated field of outer space activities entails many problems and will not come overnight; but we feel that we must make a start now and that ERS may be as propitious a chance to get started as we shall ever have.

12. What is necessary is clearly, among other things, a change in attitude towards United Nations involvement in hitherto largely national activities. Any progress will be wholly contingent upon the co-operation we can expect

from the United States and the Soviet Union and a few other industrially advanced States. In this context we have noted with great interest the important agreements concluded this year between the United States National Aeronautics and Space Administration and the Soviet Academy of Sciences. These agreements provide for co-operation between the two in various fields—including the ERS field—and many of the results to be expected from this co-operation will undoubtedly be of direct interest to the international community. We for our part hope that these agreements will constitute the initiation of a process whereby the two space Powers will co-operate not only to their bilateral satisfaction but also with the interests of other nations, as represented in the United Nations, present in their minds.

13. Having said this, I should like to introduce the draft resolution contained in document A/C.1/L.571, concerning the convening of the Working Group. As you will note, this special draft resolution on the Working Group is sponsored by a group of States that is very representative from all points of view. The text of the draft resolution has been carefully negotiated among the members of the Committee on the Peaceful Uses of Outer Space so as not to prejudice anybody's basic position on this matter, especially with regard to what operational system to implement on the international level. It will be for the Working Group to make recommendations on the possible development, provision and operation of data collection and utilization systems in the United Nations or another international framework, taking into account the economic, social and legal implications for the international community which might arise as a result of selecting any particular system.

14. I trust that this important decision to convene a Working Group will meet with approval from all the members of the Committee so that the draft resolution in document A/C.1/L.571 before you may be adopted by acclamation.

15. Having spoken at some length about our aim of making the United Nations a focal point for space applications, I must of course use this occasion to commend Mr. Ricciardi, our eminent Expert on Space Applications, for the very interesting and ambitious programme he has presented to help fill the dangerous gap in outer space knowledge that exists today in many developing countries [see A/AC.105/95, paras. 23-25].

16. I should also like to comment in passing on the draft resolution contained in document A/C.1/L.569, the so-called omnibus resolution on space activities of which my country is a sponsor, and should like to draw your attention to operative paragraph 5 of that draft resolution, which in our view warrants special attention. During the World Administrative Radio Conference for Space Telecommunications, held in June and July 1971, frequencies and administrative procedures for all kinds of space communications were allocated and adopted. It is of course of paramount importance—and I would even say a prerequisite if we are to take into account the special needs of the developing countries for space communications—that we should be aware of the fact that we deal with a limited natural resource, the frequency spectrum, when it comes to allocating frequencies for various space communications.

Allocation of frequencies must, therefore, not be done on a "first come, first served" basis but in a way which does not prejudice the very noble objective of the Committee on the Peaceful Uses of Outer Space, namely, to promote the use of space communications for the benefit of all countries, taking into account especially the needs of the developing countries.

17. Let me in this context also state that my Government finds it only natural that one of the great space Powers has prepared a draft [A/C.1/L.568] which would be applicable to the specific circumstances of the moon and to the present stage of the conquest of the moon. We think that such a treaty could further develop the firm legal basis for the activities of States on the moon that was laid down in the 1967 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), annex]. We further welcome the fact that, in addition to the 1967 Treaty, the Soviet draft treaty regarding the moon contains an article which prohibits the placement of weapons of mass destruction in the moon orbit or in the subsoil of the moon.

18. I should like to turn, lastly, to the subject of the Working Group on Direct Broadcasting Satellites, which I have the honour to chair. As you will remember, the Working Group has so far held three sessions and was in a fairly short time able to summarize the situation in the field of direct broadcasting and agree on certain basic concepts in the legal and organizational spheres. The Working Group felt at the outcome of its third session that further work would have to await results from activities carried out in other international bodies, such as ITU, UNESCO and the World Intellectual Property Organization. Consequently, in resolution 2733 (XXV), the outer space Committee was requested by the General Assembly to keep under review the question of reconvening the Working Group at such time as additional material of substance on which further useful studies might be based might become available. I have now learnt that material from UNESCO, among others, may become available during the next 12 months, which could render another session of the Working Group in 1972 useful.

19. I should like to end on an optimistic note and say that in the opinion of the Swedish delegation there are, at long last, some prospects that the United Nations will pass from the stage of being an interested but rather passive spectator of outer space activities to that of achieving involvement and leadership in joint endeavours.

20. Mr. WALDHEIM (Austria) (*interpretation from French*): In the course of the year 1971 mankind has again made considerable progress in the field of the exploration of outer space. The Apollo 15 mission, thanks to which man acquired a new perspective on the structure and dynamics of the moon, and the endurance flight of the three Soviet cosmonauts, which ended in such tragic circumstances, are brilliant examples of the numerous exploits of the two space Powers.

21. Space research, however, and in particular its many practical applications, are not the exclusive purview and interest of only a few space Powers. These activities by

their very nature are of general importance and they have already given rise to an increasing political-technical interdependence among nations and will require considerably intensified collaboration among them. Collaboration at all political and practical levels and collaboration between nations and peoples of various environments are now realities which are becoming increasingly necessary for our very survival, and the United Nations has not failed to recognize the important role which can and should devolve upon the Organization in this connexion.

22. The most striking fact in the past year in the outer space Committee was beyond question the completion by the Legal Sub-Committee of the draft of the convention on liability [see A/8420, para. 32]. We have already had an opportunity to express our satisfaction in this connexion in the course of the recent session of the Committee. The two principal questions which for a long time stood in the way of the completion of the convention are well known. On the one hand, there was the question of the rules of law applicable to determining the indemnity payable to the victim of the damage and, on the other, the procedure for the settlement of claims for damages which are dealt with in articles XII and XI respectively. Since those articles were drafted after lengthy negotiations among countries with different legal systems and disciplines, they obviously represent a common denominator of all the opinions expressed and of all the proposals advanced in the course of the arduous process of negotiation. From this fact it is clear that certain clauses are not the ideal solutions. My delegation, like other delegations, would also have preferred the principle of complete compensation to appear not only in the preamble but also in article XII. We also would have preferred the decision of the Committee on the settlement of claims for compensation to be definitive and *ipso facto* binding on Member States. None the less we consider, and I repeat, that the compromises so carefully worked out on these two issues do represent at the present time the best solution that could be expected. Each argument for or against has not only been studied carefully and at length but also carefully and meticulously weighed. This means that after so many years the possibilities open to the Legal Sub-Committee and to the outer space Committee have been exhausted. My delegation considers that the principle of *restitutio in integrum* of article XII—subject to the reservation that in any specific case the rules be interpreted and applied in good faith—does offer the victim sufficient protection, comparable to that from which he would have benefited if full compensation had been explicitly incorporated.

23. With respect to the settlement of claims dealt with in article XIX, we again feel that the provisions, without being ideal, represent a compromise that is acceptable to my delegation. We attach special importance to the fact that the decision or the award of the claims commission shall be made public, which we are sure is likely to have considerable impact on a given situation.

24. May I conclude my comments on the draft convention on liability that we have before us by saying that after a possible application of the Convention, only the future will show whether this instrument can be effective in ensuring maximum protection. If not, it will have to be revised. In this connexion the provisions of article XXVI are very

important and constitute a major improvement of the text as compared with previous drafts.

25. For all the reasons that I have just adduced my delegation has decided to join the authors of the draft resolution in recommending to the General Assembly that it definitively approve the draft convention completed by the Legal Sub-Committee and adopted by the outer space Committee [A/C.1/L.570]. At the same time we express the hope that the draft resolution will receive the widest possible support.

26. Turning now to the other legal issues, we note that the order of priorities established for questions on the agenda of the Legal Sub-Committee, as it appears in paragraph 38 of the report [A/8420], provides the Sub-Committee with a clear and sufficiently flexible guideline for work as to adapt it to future developments.

27. We cannot deny that there is another aspect of international collaboration in space matters, namely the problem of allowing all nations to benefit from the advantages derived and which may be derived from the exploration of outer space. We note with increasing unrest that the evolution of space technology ineluctably increases the gap in technology and in participation, between the countries that have established a space programme and those which are not in a position to do so. This gap is important in the light of its economic implications and is even more so when it is a question of understanding the fresh possibilities and responsibilities opened up by the space age. In this connexion my delegation has always attached great importance to the activities of the Committee on the Peaceful Uses of Outer Space and the expert on its uses, Professor Ricciardi, and the Division of Outer Space. We give our support to the pursuance of all programmes carried out in the past year to benefit the developing countries, whether they involve the organization of meetings of technical groups, the granting of fellowships and the arrangements made for the convening of meetings, points of contact or travels by the expert. We very sincerely hope that it will be possible to provide and make available for these activities the necessary funds in respect of which agreement was reached within the outer space Committee.

28. The creation of a Working Group on Remote Sensing of the Earth by Satellites has also been one of the important measures taken by the outer space Committee during the past year. My delegation is grateful to the Swedish delegation for all its efforts in connexion with this subject. The Working Group is a tool which, once perfected, will be of primary importance in assisting the developing countries. We hope that the draft resolution on this question [A/C.1/L.571], of which my delegation is a sponsor, will receive unanimous support.

29. In concluding my comments on technical and scientific questions, I should wish to express our appreciation to the many organizations and organs within the United Nations family which are dealing with outer space. It would not be very realistic to believe that it is always possible to avoid duplication, but we should recognize the role played by the Committee on the Peaceful Uses of Outer Space as the general co-ordinator for all activities in outer space of the United Nations.

30. May I be permitted now to make a brief comment concerning the new agenda item proposed by the Soviet Union: "Preparation of an international treaty concerning the Moon". I do not intend to go into the substance of the draft treaty [A/C.1/L.568] at this stage. We find, however, that some of the provisions in the draft exceed the framework of the existing rules of the Treaty on outer space, and a detailed study by the Legal Sub-Committee would appear to be useful. We are therefore in favour of referring the draft to that Sub-Committee, where these questions should have priority, in accordance with the decision in paragraph 38 of the report of the Committee on the Peaceful Uses of Outer Space.

31. May I now, on behalf of the sponsors, submit draft resolution A/C.1/L.569 dealing with the report of the Committee on the Peaceful Uses of Outer Space. The draft resolution is the outcome of informal consultations, to which, in accordance with well-established tradition, all members of the Committee on the Peaceful Uses of Outer Space were invited. The text, in broad general terms, follows the draft and contents of General Assembly resolution 2733 C (XXV), which was adopted unanimously last year. As in the past, the draft resolution deals with the recommendations and decisions of the Committee on the Peaceful Uses of Outer Space, with the exception of those concerning the draft convention on liability and the Working Group on Remote Sensing of the Earth by Satellites, which are dealt with in two separate draft resolutions. I hope that the draft resolution will commend itself to all members of the Committee and that it will be adopted unanimously.

32. Mr. SKOFENKO (Ukrainian Soviet Socialist Republic) (*translation from Russian*): The delegation of the Ukrainian Soviet Socialist Republic shares the satisfaction which has been expressed here in our Committee at the progress made in the exploration of outer space. It is indeed impressive. For almost a year the Soviet automatic vehicle Lunokhod 1 worked on the Moon and during that time it explored more than 10 kilometres of the surface of our natural satellite. Everyone remembers too the unprecedented flight on the space station Salyut by the Soviet cosmonauts Georgii Dobrovolsky, Vladislav Volkov and Viktor Patsaev, whose self-sacrificing feat enabled mankind to make a significant step forward in the exploration of the universe.

33. I should also like to mention the complex programme of lunar research being carried out by American scientists using vehicles of the Apollo type.

34. Man's activities in connexion with the exploration of outer space are contributing to the emergence and development of entirely new scientific studies, including space biology and medicine, space physics and astronomy, the mechanics of weightlessness, the behaviour of materials in space and so forth.

35. Space research, whether dealing with problems of communications, of meteorology or of air navigation, is becoming increasingly complex. In these circumstances, it is urgently necessary to develop co-operation among scientists and specialists of all countries, and some experience has already been gained in this field. In accordance with the programme of co-operation among a number of socialist

countries, several satellites of the series Intercosmos and Vertikal have been launched, and co-operation is being developed with France and certain other countries. Joint research is being carried on in magnetically conjugate regions of the earth (Archangel district and Kerguelen Island in the Indian Ocean), experiments can now be made on laser location of the moon with a French corner reflector installed on a Soviet Lunokhod and so forth. Agreement has been reached on the development of co-operation between the Union of Soviet Socialist Republics and the United States of America in some areas of space research.

36. Everyone realizes that the contribution made by each country to the general good of mankind is of great value.

37. In the field of space research, as in many other areas of scientific progress, the scientists and specialists of the Soviet Ukraine are making a substantial contribution. They have done basic work in the most varied fields of space research. In the constellation of names of dedicated scientists who are pioneers in the science of space travel, such as Nikolai Kibalchich and Konstantin Eduardovich Tsiolkovsky, is to be found the name of the Ukrainian researcher, Yury Kondratyuk.

38. Today as part of the work programme of the Academy of Sciences of the Ukrainian Soviet Socialist Republic space research is being carried on by many scientific research institutes.

39. In order to co-ordinate the work on space subjects in the Academy of Sciences of the Ukrainian Soviet Socialist Republic a Space Research Commission has been established whose staff includes leading Ukrainian scientists. The Commission has seven sections: astronomy and radio physics, behaviour of materials in space, space technology and control problems, cryogenics and space simulation, space biology, space physics, and legal aspects of the use of space.

40. Ukrainian scientists are taking an active part in the work of Soviet and international organizations seeking the solution to problems relating to the exploration and use of outer space.

41. In our opinion the United Nations has over the past year made a positive contribution to the work of expanding co-operation among various countries in space research. We are thinking mainly of the draft convention on liability for damage caused by space objects [A/8420, para. 32] that has been submitted for our consideration. Its approval at this session of the General Assembly would add to the agreements already existing in this area another important instrument of international significance in keeping with the interests of the international community.

42. In practice, specific measures in the field of outer space research and exploration have been accompanied by the preparation of treaties governing such activities. One example is 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), annex], and another is the Agreement on the Rescue of Astronauts, the Return of Astronauts and the

Return of Objects Launched into Outer Space [resolution 2345 (XXII), annex]. The preparation of a draft convention on liability for damage would be another important step in this direction.

43. The Soviet Union and the United States of America, with the technical participation of other countries, are now carrying on quite active and successful research concerning the moon. This, together with the fact that the practical work of States in exploring the moon and the future prospects for such exploration involve the interests of all countries and peoples on our planet, dictates the need to prepare special, more specific rules of international law.

44. Therefore the delegation of the Ukrainian Soviet Socialist Republic wholeheartedly supports the new initiative of the Union of Soviet Socialist Republics [A/8391], which has raised the question of the conclusion of an international agreement to provide a legal basis for the exploration of the moon. The basic idea underlying this new proposal, as we know, consists in ensuring that the moon is used exclusively for peaceful purposes and that activities on the moon are not allowed to become a source of international conflict.

45. The articles of the Soviet draft treaty are clearly formulated and do not call for any particular comments. They take due account of man's latest achievements in the exploration of our natural satellite and make more specific and further develop the existing rules of space law. It lays a firm basis for further regulation of man's activities in his research concerning exploration of other celestial bodies, and that is in keeping with the interests of all peoples.

46. The United Nations is playing a significant role in the exploration of outer space for peaceful purposes. The role of the United Nations in this area, as may be seen from the Committee's report, consists, in addition to those aspects mentioned above, in co-ordinating certain programmes and preparing individual programmes.

47. In this connexion I should like to comment on the decision taken at the most recent session of the Scientific and Technical Sub-Committee to establish a Working Group on Remote Sensing of the Earth by Satellites. The basic aim of the Working Group is to assist developing countries in studying their natural resources. I should like to express confidence that the work of that Group, as a temporary organ of the United Nations, will facilitate the accomplishment of specific tasks and will eliminate the possibility of any violation of the sovereign rights of States over their own natural resources and that there will at the same time be no leakage of information about them. Here again there is a need for strict legal rules.

48. In welcoming the results produced so far by co-operation in the uses of outer space for peaceful purposes, the delegation of the Ukraine expresses its confidence that the experience acquired will enable us, at this session, to make some progress towards creating an international legal basis for broad co-operation among countries in the exploration of space.

49. Mr. PETRAN (Hungary): The past year has been another year of success in the exploration and peaceful uses

of outer space and in international co-operation in this field. This is evidenced also by the report which the Committee on the Peaceful Uses of Outer Space has submitted to the General Assembly [A/8420], which was introduced so excellently by the Chairman of the outer space Committee at the 1819th meeting of the First Committee. Indeed, we could witness grandiose events and results: experiments with the self-propelled remote-controlled lunar vehicle Lunokhod 1, with the automatic interplanetary station Venus 7, as well as with the Salyut orbiting scientific station, and man's successful landings on and return from the moon with Apollo 14 and Apollo 15.

50. But our joy over the successes is mingled with sorrow when we recall the tragedy of three valiant Soviet cosmonauts. After setting a 24-day endurance record for space flight, those three died in the early hours of 30 June on their return to the earth from the orbiting space laboratory Salyut. The three heroes, Lieutenant-Colonel G. T. Dobrovolsky and his two civilian crew mates, flight engineer V. N. Volkov and test engineer V. I. Patsaev, will live on in the recollection of posterity, together with the pioneers of space exploration.

51. The exploration of outer space, started by the Soviet Union, has helped man a great deal in his efforts to penetrate the secrets of the universe and obtain a deeper understanding of the laws of nature. Space exploration has also opened up new possibilities for solving a number of important practical problems facing mankind—for example, in the field of telecommunications and meteorology. Considerable results have been achieved in placing the experiences of space exploration at the service of man, but difficulties also exist in this respect, especially as far as the developing countries are concerned.

52. International co-operation in the study and use of outer space has already reached a high level. In this connexion I wish to refer specially to the close and fruitful co-operation that has developed between the Soviet Union and the other socialist countries.

53. Although space exploration is primarily a technological, astronomical and natural scientific activity, it still poses problems which need legal consideration and legal regulation. The appearance of orbiting space objects and artificial satellites in the second half of the 1950s brought into being space law as a new branch of international law, just as the appearance of flying machines in the early years of this century led to the development of air law. In this respect it is worth bearing in mind that on 30 June last the Legal Sub-Committee adopted a draft recommendation affirming the need to define clearly the scope of the law of outer space and expressing the desire to continue its work of preparing that chapter of international law [see A/AC.105/94, para. 29].

54. The International Law Commission at its twenty-third session had before it a valuable working paper, entitled "Survey of International Law", prepared by the Secretary-General.<sup>1</sup> The Survey devotes a separate chapter to the law of outer space.

<sup>1</sup> See United Nations publication, Sales No. 72.V.6 (part II).

55. Legal problems arose as soon as the first artificial satellites were placed in orbit, and those problems were manifold.

56. We can note with satisfaction that the General Assembly, or rather its Committee on the Peaceful Uses of Outer Space, thanks to the well-considered and circumspect initiatives of Member States, succeeded in concentrating its attention and energy on the problems which were realistic and ripe for solution.

57. The advance of space research and the expansion of co-operation in this sphere naturally raise the issue of international legal regulation of the space activities of States, including the co-ordination of related activities. When the results of space exploration create new requirements, it is obviously necessary to resort to the device of international agreements. A few important steps in that direction have already been taken.

58. 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), annex], which was drawn up on the initiative of the Soviet Union, entered into force in 1967. It covers all technical aspects of the early stage of space exploration.

59. It may well be that serious problems will not arise in the next few years, but in the view of my delegation the legal aspects of space research should be studied thoroughly before the problems accumulate in outer space or become acute. We must not allow celestial bodies to be contaminated as our earth has been. This is why the Hungarian delegation attaches great importance to the Soviet proposal for the preparation of a treaty concerning the moon in complete harmony with article 13, paragraph 1 (a), of the Charter.

60. The Government of the Hungarian People's Republic, just like the Governments of other Member States, has from the very beginning paid serious attention to the earliest possible preparation of a convention on liability for damages. At the time, Hungary submitted a draft convention, and for many years Hungarian experts participated in the work of the Legal Sub-Committee. Now that the report of the outer space Committee contains the draft of such a convention the Hungarian delegation expresses its satisfaction with the result and expects the First Committee to recommend the draft for adoption by the General Assembly. We are convinced that the entry into force of the convention will mark the accomplishment of our intention that by giving a precise definition of liability the convention should prompt the States engaged in space activities to take most effective precautions for preventing any damage that might result from such activities.

61. We believe that the intensification of space research does not permit us to expect practice to develop the rules of liability, since this did not happen in the case of aviation either, and the enormous diversity of the principles of liability in civil laws is inconsistent with the new global state of affairs confronting law in respect of the exploration of outer space.

62. The promotion of the peaceful exploration and use of outer space is in the common interests of mankind. Space

activities should be pursued only for the benefit and in the interest of all mankind. As space research itself can be conducted only as an activity of a global nature, so the regulation of particular problems by treaty can only be effective and real if this activity is conceived, from the point of view of legal obligations also, as a global undertaking of the international community—of all mankind.

63. Now that, as the result of trying negotiations which often seemed hopeless, we have before us the text of the draft convention on liability, the Hungarian delegation expresses its gratitude to the Chairman of the Committee on the Peaceful Uses of Outer Space, Ambassador Waldheim of Austria, and to the Chairman of the Legal Sub-Committee, Mr. Wyzner of Poland, for their untiring expert guidance.

64. I began my statement by saying that the past year has been one of success in the exploration and peaceful uses of outer space and in international co-operation in this field. The Hungarian delegation hopes that this will be duly reflected in the draft resolutions that our Committee is to recommend for adoption by the General Assembly.

65. Mr. JAMIESON (United Kingdom): The principal feature of the report of the Committee on the Peaceful Uses of Outer Space [A/8420] is, of course, the draft convention on international liability for damage caused by space objects. The presentation of this draft marks the completion of six years of difficult negotiations. In a draft resolution [A/C.1/L.570] of which the United Kingdom is a sponsor, the General Assembly is being invited to commend this draft convention. We hope that it will do so, and that the convention will enter into force at an early date.

66. A number of delegations have voiced dissatisfaction with certain features of the draft convention. It would indeed be surprising were it fully satisfactory to all points of view. Difficult and substantial issues were involved and the successful evolution of the draft before the Committee has required a willingness by all concerned to look for and accept compromises.

67. Like other delegations, we in the United Kingdom delegation would have preferred provisions which would have made the awards of claims commissions binding upon States parties. We nevertheless consider that the settlement procedures now embodied in the draft convention have considerable value. As they stand, they and the draft convention as a whole are a major and valuable development of space law. Under the draft, claimant States will be entitled to have recourse to settlement procedures without the need for any *ad hoc* consent by the launching State. There will be a full and detailed examination of all the issues involved in any dispute by an impartial body, and this should lead to a serious and well-considered award. Most important, these awards will be made public and States parties, even where they have not agreed in advance that decisions of the commission will be binding, will still be under an obligation to consider in good faith any award which may be made by the commission. These are valuable provisions, and though they fall short of the objectives that many of us had set ourselves, we believe it would be wise to

endorse the agreement that has been reached on this basis and to allow time to put it to the test. As the representative of Mexico has pointed out [1820th meeting], there is provision in the draft for a review of its provisions 10 years after its entry into force in the light of experience of its operations.

68. As for the issue of the measure of compensation, which was also outstanding this time last year, here, too, my delegation would have preferred rather more explicit provisions in the draft. We have nevertheless decided to accept it as it stands. And this is because we believe that article XII, read together with the preamble of the draft and with certain statements of clarification that were made in the Legal Sub-Committee, adequately meets the requirements laid down by the General Assembly last year in resolution 2733 B (XXV). In other words, we believe that this draft does contain provisions which will ensure the payment of a full measure of compensation to the victims of damage caused by space objects.

69. I will make two further comments on the draft convention. We welcome the solution that has been worked out for the question of international organizations, and we note that article XXII in its final version has the effect that the international organizations falling within the article are treated in the same manner as States for the purposes of the substantive provisions of the convention.

70. Finally, on the draft convention, I wish to say that my delegation accepts article XXIV because of the special considerations that apply to agreements relating to outer space and because of the precedents already existing in 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), annex] and the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space [resolution 2345 (XXII), annex]. The inclusion of provisions for participation on the lines envisaged in article XXIV constitutes no precedent for agreements which may be negotiated in other fields.

71. I should now like to comment briefly on the future programme of work of the Committee on the Peaceful Uses of Outer Space, especially the Legal Sub-Committee. My delegation approves the views of that Committee as set out in paragraph 38 of its report and we trust that these will be endorsed by the Assembly. In that paragraph, the Committee gives prominence to two subjects, namely questions relating to the moon and questions relating to the registration of space objects, while not overlooking the importance that certain delegations attach to a number of other subjects. In this connexion I can say that my delegation has no difficulty with the draft resolution sponsored by the Soviet Union and certain other countries [A/C.1/L.572] in connexion with the draft treaty concerning the moon prepared by the Soviet Union [A/C.1/L.568]. As for the draft treaty itself, I am bound to say that in our preliminary study we have found rather few provisions which add substantially to, or do more than repeat, those already embodied in the two existing treaties relating to outer space. We nevertheless agree in principle that it might be useful to develop more specific rules with respect to the moon and consider that it would be appropriate for the

Committee on the Peaceful Uses of Outer Space, when considering questions relating to the moon within the framework of the priorities for future legal work laid down in paragraph 38 of its report, to have the Soviet draft treaty before it, as also other drafts which have been or may be presented, such as the proposals put forward by Argentina [A/AC.105/C.2/L.71 and Corr.1].

72. I turn now to the other side of the work of the Committee on the Peaceful Uses of Outer Space and I welcome first the establishment of the Working Group on Remote Sensing of the Earth by Satellites. That Working Group has already held a first organizational meeting and has elected a particularly distinguished and well-qualified Chairman in Mr. Florio of Italy. My delegation looks forward to an orderly and thorough examination by the Working Group of the capabilities of satellite remote sensing systems, in the light of the experiments in such remote sensing, the first of which is scheduled by the United States Government to take place early next year. In view of the wide interest aroused by the potential applications of this promising development in space technology, it is clearly right that the Committee on the Peaceful Uses of Outer Space should be invited to keep the Assembly comprehensively informed of the progress of the Working Group. My delegation is happy to sponsor the draft resolution introduced by the representative of Sweden [A/C.1/L.571].

73. The outer-space Committee has a special role in promoting more widespread knowledge of the applications of space technology, particularly amongst the developing countries. We accordingly welcome the decision of the outer space Committee to expand its programme in this field and to endorse proposals put forward by the Expert on Space Applications and by the Outer Space Affairs Division of the Secretariat for the holding of panel meetings in a number of different countries, for visits by the Expert and his colleagues to developing countries and for the holding of meetings of "points of contact" nominated by States Members of the United Nations. In the light of the examination of the programme as now envisaged, it should be possible for the Committee in due course to assess the extent to which these activities are meeting the needs of Members, and particularly the needs of the developing countries, for whose benefit they are primarily conceived.

74. A closely related function of the outer space Committee is the stimulation of offers from Member States of help in the training and education of nationals of other countries in the techniques and applications of space technology. It will be seen from paragraphs 21-25 of the Committee's report that such assistance is being rendered by the Governments of Argentina, Brazil, France, India, Japan and the United States, as well as by the United Kingdom. My own Government has announced its willingness to make available to suitable candidates from the developing countries a number of scholarships, of the order of 10 each year, for the courses on the principles and practice of satellite earth station operations which are run by the United Kingdom Post Office. And we trust that other Governments will come forward to assist the space Committee in the same way.

75. Mr. MORENO-SALCEDO (Philippines): I had not intended to take the floor this morning but in view of the

fact that there is no other speaker I thought perhaps I would take advantage of the time before this Committee to say a few words about the draft convention on international liability for damage caused by space objects, which is before us in paragraph 32 of document A/8420.

76. I shall speak very briefly and I shall address myself exclusively to the draft convention. At the same time I should like to emphasize that my comments should not be interpreted as a criticism of the work of the Legal Sub-Committee, which I think is excellent and which deserves the commendation of this Committee. On the contrary I should like to submit that my comments, which at this stage are meant to clarify certain aspects of the draft convention, are very important in the sense that our deliberations here will form a part of the convention when it is interpreted in the future.

77. I should like to call attention to article I, sub-paragraph (a). With regard to the term "damage" sub-paragraph (a) says:

"The term 'damage' means loss of life, personal injury or other impairment of health; or loss of or damage to property of States or of persons, natural or juridical, or property of international intergovernmental organizations."

I should like to emphasize the phrase "international intergovernmental organizations". As the representative of the United Kingdom said a few minutes ago, this draft convention is an advance on other conventions in the sense that it gives international organizations a legal personality equal to that of States. That is true. However, I am not quite clear with regard to the meaning of the term "international intergovernmental organizations". Does it mean, for example, an organization like INTELSAT, which is owned by different Governments? In this case it would properly be an international intergovernmental organization and it would seem to me that article XXII would be particularly applicable to such an organization as INTELSAT. On the other hand, does the term "international intergovernmental organizations" refer to international organizations such as the United Nations and the World Meteorological Organization, for example, and other specialized agencies?

78. It seems to me that there is a vacuum in the draft convention with regard to international organizations in the sense that international organizations may not have the same privileges as States in claiming damages directly. I say this again in the light of article XXII which says:

"In this Convention, with the exception of articles XXIV to XXVII, references to States shall be deemed to apply to any international intergovernmental organization which conducts space activities if the organization declares its acceptance of the rights and obligations provided for in this Convention and if a majority of the States members of the organization are States Parties to this Convention . . ."

In other words, before an international intergovernmental organization may qualify for the treatment accorded to States under this draft convention, three conditions must

be fulfilled. The first condition is that the international intergovernmental organization should conduct space activities; the second is that the organization should accept the rights and obligations provided for in the draft convention; and the third is that a majority of the States members of the organization should be States parties to the convention.

79. Assuming that an international intergovernmental organization such as INTELSAT causes damage because of a space object launched by it, there is no question but that such an international intergovernmental organization would fall under this article, and if it complies with the provisions of the convention the organization would be subject to its provisions. But with regard to an international organization such as the World Meteorological Organization, what would happen if it suffered damage as a result of a space object that fell on its property or, for example, damaged its buildings? Would it fall under this article? I do not think so. In that case, therefore, there would be a gap in the sense that international organizations, unless they conducted space activities, would not have the privileges enjoyed by States for claiming compensation.

80. Moreover, it will be noted that although under article XXII international intergovernmental organizations may claim damages, they may not do so directly but must make their claim through Member States. This appears in paragraph 4 of article XXII, which states:

"Any claim, pursuant to the provisions of this Convention, for compensation in respect of damage caused to an organization which has made a declaration in accordance with paragraph 1 of this article shall be presented by a State member of the Organization which is a State Party to this Convention."

This means, therefore, that an international organization with a director-general or secretary-general may not claim compensation directly from the State which causes the damage. That will have to be done by one of the States parties to the convention which is a member of the international organization. Why should an international organization have less favourable treatment than other States, or, for that matter, than juridical persons of a certain State? It will be noted again that under article I there is an enumeration of parties that may claim compensation. Under the principle of *inclusio unius est exclusio alterius*, that which is not included is excluded. If international organizations are not included among those which may claim compensation, then they are excluded. This is one of the aspects in this treaty which I should like to bring to the attention of this Committee.

81. My delegation does not oppose the draft convention. If it is the consensus of this Committee that international organizations do indeed have the same personality as States in claiming compensation, I shall be happy to accept that interpretation. I repeat that it would seem that there is a gap in the provisions of the draft with regard to international organizations in so far as the official who may claim compensation is concerned. It seems to me that it should be the highest responsible official of the international organization who should be allowed to make the claim. I repeat that I distinguish between an international

organization such as the United Nations and its specialized agencies and an international intergovernmental organization such as INTELSAT. In the case of an international intergovernmental organization such as INTELSAT I admit that it should be up to the respective States to claim compensation because the organization has no international juridical personality similar to that of an international organization. Therefore it would be appropriate in the case of an agency such as INTELSAT for one of the States—let us say, the leading stockholder—to claim compensation or to pay compensation on behalf of the others without prejudicing the right of the other countries to claim from the State that had made the initial claim or payment or without prejudice to such other countries contributing their share. But in the case of international organizations such as the United Nations and its specialized agencies, it would seem to me that the proper party to make the claim should be the highest official of that organization and in turn the highest party that should be paid the claim should likewise be the same official.

82. Incidentally, I should like to call attention to article XII. In article XII for the first time in the draft convention itself the term "international organization" is used without the word "intergovernmental". This could be merely a typographical error. If the intention is to use "international intergovernmental organization" in all cases I submit that article XII should be corrected accordingly.

83. The second point to which I should like to call the attention of the Committee is in reference to articles II, IV and VI. Article II says that "A launching State shall be absolutely liable to pay compensation for damage caused by its space object on the surface of the earth or to aircraft in flight." Article IV says: "In the event of damage being caused elsewhere than on the surface of the earth . . .", and then goes on to state in sub-paragraph (a) that, "If the damage has been caused to the third State on the surface of the earth or to aircraft in flight, their liability to the third State shall be absolute."

84. English is not my mother tongue, but my understanding is that the word "absolute" means "total", "complete", "without exception". So if we say "you are absolutely exempt", we mean to say "you are totally exempt, you are completely exempt, there is no question about it, there is no exception." If there is an exception, then it is not absolute; it would be relative. That is my interpretation of "absolute". Article II says that the liability is absolute, and this is reiterated in article IV (a), but in article VI we read:

"Subject to the provisions of paragraph 2, exoneration from absolute liability shall be granted to the extent that a launching State establishes that the damage has resulted either wholly or partially from gross negligence or from an act or omission done with intent to cause damage on the part of a claimant State or of natural or juridical persons it represents."

85. In other words, whereas in article II and article IV liability is said to be absolute, in article VI we are told that liability is after all not absolute if one of two conditions is present: if the launching State "establishes that the damage has resulted wholly or partially from gross negligence or

from an act or omission done with intent to cause damage on the part of a claimant State . . .". I think words are entitled to be respected. I believe that we would be impairing the credibility of this document if we used words which we ourselves do not respect. If we say that the liability is absolute, let it be absolute. If, on the other hand, the liability is not absolute, let us say so from the very beginning, so that no one will be misled into thinking that we hold a certain State absolutely liable when it causes damage, only to withdraw that affirmation later on by saying that after all there is such an exoneration from the liability.

86. I repeat therefore that we are impairing the credibility of this document in emphasizing so categorically that the liability of a State is absolute, when later on we deny its absoluteness. It would be far better, in my view, if after article II we were to say that, although a State is liable for any damage which it may cause, it may, however, be exonerated from liability under the exceptions mentioned in article VI.

87. I am sorry to have taken up so much of the time of this Committee. It is, however, a standard rule in statutory

construction that whenever a treaty is interpreted, the discussions and the interpretations given by the parties to it during the discussions of the treaty itself form part of the intent and meaning of said treaty. Hence my only intention in bringing this to the attention of the Committee is to make sure that in the future there is no misunderstanding concerning the phraseology and meaning of the convention.

88. The CHAIRMAN (*interpretation from French*): At the end of our meeting yesterday afternoon, I suggested a provisional work programme to the Committee for consideration of the agenda items allocated to us by the Assembly. This provisional schedule was circulated this morning as document A/C.1/1016.

89. I should also like to recall that the list of speakers, as we decided last evening, will be closed at 6 p.m. this evening. Therefore I would ask those who wish to take the floor in the general debate on the items under discussion to be good enough to put their names down on the list before 6 p.m. this evening.

*The meeting rose at 12.15 p.m.*