

VERBATIM RECORD OF THE ONE HUNDRED AND FIRST MEETING

Held on Friday, 3 September 1971, at 3 p.m.

Chairman:

Mr. WALDHEIM

(Austria)

CONSIDERATION OF REPORTS (continued):

- (a) REPORT OF THE SCIENTIFIC AND TECHNICAL SUB-COMMITTEE (A/AC.105/95)
- (b) REPORT OF THE LEGAL SUB-COMMITTEE (A/AC.105/94)

Mr. FREELAND (United Kingdom): My delegation would like to join those which have already congratulated the Legal Sub-Committee on the completion of its work on a draft convention on international liability for damage caused by space objects. This outcome is one which has been long awaited, but the achievement is none the less welcome for that. It is an achievement to which the Chairman of the Legal Sub-Committee has made a notable contribution. My delegation, and I personally, have much admired the patient and constructive work which he has done over the years to encourage a satisfactory result. We are also grateful for the stimulus which you, Mr. Chairman, have provided towards that end; and we also recall with gratitude the contribution which was made by your predecessor, Ambassador Haymerle.

Many comments have already been made on the provisions of the draft convention which proved to be of most difficulty in the negotiation -- those which deal with the measure of compensation and with settlement procedures. On the first, my delegation is one of those referred to in paragraph 25 of the report of the Legal Sub-Committee as having accepted the provisions on measure of compensation, article XII, particularly in view of paragraph 4 of the preamble and of the various statements of clarification made in the Legal Sub-Committee. We too would have preferred more explicit provisions on this question. But we are, for our part, satisfied, much for the reasons given by the representative of Austria this morning, that article XII, read with the preamble and with the statements to which I have referred, meets the requirement prescribed by operative paragraph 5 of General Assembly resolution 2733 B (XXV) -- that is, that a satisfactory convention on liability should contain provisions which would ensure the payment of a full measure of compensation to victims. We consider that a proper interpretation and application of the rule for the determination of compensation which article XII lays down would lead to the payment of full compensation in respect of loss or damage of any kind caused by a space object. It is on this understanding that we have been prepared to accept the article.

(Mr. Freeland, United Kingdom)

As for the other main issue which gave rise to major difficulty -- that of settlement of claims -- we continue to believe that provisions for binding awards would provide the best safeguard for victims. We recognize, however, that the settlement procedures now embodied in the draft convention are themselves binding in that a claimant State is entitled to have recourse to them without the need for any ad hoc consent by the launching State. Those procedures would also involve a careful and detailed examination of all the issues by an impartial body, leading to a reasoned decision or award which would be made public. In addition, even where the parties have not agreed that a decision shall be binding, they will be obliged to consider in good faith any award which is made. These procedures admittedly fall short of providing what paragraph 25 of the Legal Sub-Committee's report (A/AC.105/94) describes as the "most effective guarantee for the benefit of the victim", and that is clearly a matter for regret. But we would accept that they do -- as the Chairman of the Legal Sub-Committee put it in his very helpful introductory statement at our first meeting --

"... contain legal, political and moral guarantees to the victim

that his case will not be forgotten or mishandled." (98th meeting, p. 28)

In view of the benefits which other provisions of the draft convention would involve for victims, and in view of the wide differences of view which have had to be bridged on the issue of settlement, this may be a situation where, rather than incur the likelihood of further delay, it is better to accept a second-best in order to secure agreement now.

I do not propose to comment in detail on other features of the draft convention, but I would express our satisfaction at the inclusion of a provision on the question of international inter-governmental organizations which seems to us satisfactorily to reflect the status of such organizations and the role which they play in the exploration and use of outer space. I also wish to say, in relation to the provisions of article XXIV which deal with participation in the convention, that my delegation is able to accept this article because of the special considerations which apply to agreements relating to outer space and because of the precedents already existing in the outer space Treaty itself

(Mr. Freeland, United Kingdom)

and in the Agreement on the Rescue of Astronauts and the Return of Objects Launched into Outer Space. We do not regard the inclusion of provisions on these lines in the present draft convention -- any more than in its two predecessors -- as constituting any precedent for the case of agreements in other fields.

On the question of priorities for future work in the Legal Sub-Committee, my delegation has no strong preference for the choice of a particular item as the next one for discussion, and we shall listen with interest to the views of others. I can, however, say now that the suggestion made by the representative of Canada yesterday, and the representative of Japan this morning, that the question of registration should be given first priority would cause no difficulty for us.

Similarly, the suggestion of the representative of Australia that the question of activities on the moon should be given first priority would not be a matter of difficulty for my delegation.

I turn now to the report of the Scientific and Technical Sub-Committee (A/AC.105/95). The most important decision taken by the Sub-Committee was, without doubt, the decision to establish a Working Group on Remote Sensing of the Earth by Satellites. My delegation welcomes this decision and looks forward to the first substantive meeting of the Working Group, at which the United Kingdom intends to be represented by suitably qualified experts. As the Scientific and Technical Sub-Committee pointed out, the appropriate time for the first substantive session of the Group will be at such time as it is possible to make an assessment of the first experiment in the remote sensing of the earth by satellites, which is scheduled to take place in the spring of 1972. With this in mind, it seems to us that it ought to be possible to hold the first session of the Group in the second half of 1972. We think it important that the Group should make an intensive study of the promising space application which it has been established to consider and should be in a position to present a progress report to the Scientific and Technical Sub-Committee in 1973 and a final, comprehensive report in 1974.

Perhaps I may refer at this point to the Working Group on Direct Broadcasting Satellites. That Group concluded last year that it had completed the work which might usefully be effected at that stage and invited the Committee to keep under review the question of reconvening it at such time as further material of substance

(Mr. Freeland, United Kingdom)

might have become available on which further studies might be based. My delegation does not think that that time has yet arrived. Several specialized agencies have a considerable programme of work in hand; the ITU will be following up the World Administrative Radio Conference with regional planning conferences; and it would also be valuable if the Committee could have an assessment of the NASA-Indian experiment, now scheduled for 1974, before it decides whether to ask the Working Group to resume its work.

(Mr. Freeland, United Kingdom)

Two problems were referred to this Committee by the Scientific and Technical Sub-Committee. The first of these was the question of observer status for the International Astronautical Federation. My delegation welcomes the Federation's application for observer status and trusts that it will meet with the general approval of the Committee.

The second problem concerns the Secretary-General's report on his assessment of the needs of developing countries and the ability of the United Nations to meet these needs in the field of space applications. My delegation wishes to express its appreciation for the energy with which the Expert on Space Applications has carried out his mandate and the hard work that he and the members of the Outer Space Affairs Division have put in. We agree that the Expert's work should be continued in 1972 and we endorse the programme of panel meetings for 1972 that he and the Outer Space Affairs Division have proposed. We also endorse the proposal for meetings of the "points of contact" nominated by Member States of the United Nations. My delegation thinks it important that the Expert on Space Applications should be given adequate opportunity to demonstrate the value of the work that he is doing. We hope that at the present session the Committee, while having due regard to other relevant considerations advanced during the Scientific and Technical Sub-Committee's session, will find a way of providing him with this opportunity.

Finally, perhaps I may refer to the offer which the United Kingdom delegation made at the session of the Scientific and Technical Sub-Committee. We announced our willingness to make available to suitable candidates from the developing countries a number of scholarships, of the order of ten, for the course on the Principles and Practice of Satellite Earth Station Operations run by the United Kingdom Post Office and its engineering training school at Leafield. These courses were inaugurated in 1968, and persons from some thirteen developing countries have already attended them. The courses provide an excellent introduction to the special types of equipment employed in satellite communications, and part of the course is held at Goonhilly Earth Station. We have invited the Expert on Space Applications to disseminate information about these scholarships and to invite interested governments to approach the United Kingdom Government. The Expert would be welcome to endorse particular candidates if he so wished. The candidate's own government would be expected to meet the passage costs to and from the United Kingdom in the usual way, but

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the United Kingdom Government are prepared to meet not only the cost of training but also subsistence costs in the United Kingdom. My delegation hopes that this offer, like the offer made by the delegation of France and those made earlier by the delegations of Brazil, Italy and the United States, will be thought a useful contribution to the work of this Committee in relation to one of its major tasks, that of promoting the application of space technology to development.

Mr. FRAZÃO (Brazil): It is with a feeling of both relief and satisfaction that we have received the report of the tenth session of the Legal Sub-Committee in which the comprehensive text of the draft convention on liability for damages caused by objects launched into outer space is commended for our approval. After three years of strenuous and tireless efforts we can finally pave the way for proceeding with our main task, which is the establishment of legal rules governing the exploration and peaceful utilization of outer space and the celestial bodies.

The Brazilian delegation had the opportunity to participate in all stages of the negotiations that led to this delayed but fortunate result. The twin issues that blocked our endeavours for such a long time have finally found a conclusion which I hope will be endorsed by this Committee and by the General Assembly.

The clause of the applicable law as adopted by the Legal Sub-Committee and originally proposed by the Belgian delegation did not meet the full concern of my delegation, as we considered that the principle of the lex loci delicti commissi would respond more adequately to the requirements of a convention on liability for damages caused by objects launched into outer space; but, since it appeared to be a formula of compromise with possibilities of general support, my Government decided to give it its sponsorship and we were happy to see the favourable reaction it received in the deliberations of the Legal Sub-Committee.

The second issue, the settlement of claims, after being for some time subject to so many consultations and negotiations, was finally solved on the basis of the Brazilian proposal submitted to this Committee, as contained

(Mr. Frazão, Brazil)

in the addendum to the report of the Committee on the Peaceful Use of Outer Space, document A/7621/Add.1, of 5 December 1969. That proposal reads:

"The award of the commission shall be final and binding if the Parties have so decided, otherwise the Commission will render a final and recommendatory award." (A/7621/Add.1, para. 3 (h) (i))

That proposal, as amended at the last session of the Legal Sub-Committee, served as grounds for compromise, on which the different currents of thought have been able to agree.

In conclusion, we think that the draft convention submitted to us should be endorsed by this Committee and commended for the approval of the General Assembly. Once this step has been taken, the Brazilian Government, as well as probably many other governments, will be in a position to re-examine its position on the agreement on the rescue of astronauts, the return of astronauts and the return of objects launched into outer space, since we have now completed the final stage of these two juridical instruments which are, in our view, complementary.

(Mr. Frazão, Brazil)

May I add a word of praise for the outstanding services rendered during all stages of these negotiations by our former Chairman, Ambassador Heymerle, and by Mr. Wyzner, Chairman of the Legal Sub-Committee. Their most valuable contribution to the completion of the convention deserves our warm gratitude. The presentation made by Mr. Wyzner of the draft convention was precise and comprehensive, leaving practically no room for further comments on the part of my delegation.

Once the work on the draft convention on liability is concluded, our Committee will be in a position to revive other major questions that have been kept, so to say, in storage because of the controversies raised by the central issues related to the convention.

I would mention specifically three points to which the Brazilian Government attaches great relevance in the field of outer space:

First, the question of the definition of outer space itself. As a matter of fact, I find it quite paradoxical that we should be currently engaged in formulating the juridical norms to regulate matters concerning outer space, but have nevertheless been unable to agree on what "outer space" means precisely. We believe that the best way to overcome this difficulty is to continue to discuss it. Not that we should arbitrarily set limits just for the sake of improvising a solution. Indeed, we find it hard to believe that, at the present stage of research on outer space, there is not enough data available to enable us to arrive at a valid conclusion based on reliable scientific information.

The second point I would like to mention is the question of the registration of objects launched into space for the exploration or use of outer space. We believe that it is about time the Committee takes up this matter in a more consistent way. Its scientific and political implications are obvious and demand the working-out of a trustworthy international system in order to prevent either lack of technical co-ordination or, even more important, the eventual misuse of the common resources of outer space against the interests of the international community as a whole. We therefore heartily welcome the intention announced yesterday by the representative of Canada of submitting a draft convention on registration for consideration at the next meeting of the Legal Sub-Committee.

(Mr. Frazão, Brazil)

The third question I would like to mention is that of the various implications of space communication. The Brazilian Government is naturally very much concerned over the possibility that, because of omission or passivity on the part of the United Nations, absolute discretion regarding direct international broadcast satellites might prevail. Over the last few years, the Brazilian Government has favoured -- and continues to do so -- the establishment, through some sort of international agency, of strict controls over such international broadcasts. In our opinion, such controls should prevent the use of direct international broadcast satellites without the agreement of third States, thus avoiding the spreading of unwarranted propaganda of a commercial or political nature. Let us act now and so eliminate the dangerous possibility of misusing what must be an instrument of valuable and unbiased international co-operation open to all nations of the world without discrimination.

We expect that in the present session our Committee will be able to undertake the examination of these issues, as recommended by the Legal Sub-Committee in paragraph 29 of its report at the initiative of the delegations of Argentina and France. The Brazilian delegation will also favour the establishment of priorities for the discussion of these questions, and of the others also mentioned in the same recommendation, as a good starting-point for our future deliberations.

I would like at this point to turn my attention to some of the questions raised by the report of the Scientific and Technical Sub-Committee.

The Brazilian Government has welcomed the decision of convening the working group on earth resources surveying with special reference to satellites, and we wish to express our readiness to participate in any deliberations, so that, as recognized in the report of the Sub-Committee, such still-infant technology may result in benefits to over-all economic development.

I shall now broach a problem which has been referred to this Committee because of lack of agreement within the Scientific and Technical Sub-Committee: the financing of the work of the expert on space applications. The Brazilian Government attaches great importance to the wide opportunities that are open to the United Nations in this field. The work of the expert is doubtless a

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concrete means for multilateral transfer and spreading of space technology, especially to developing countries. We consider that the Committee should not only endorse it but also seek ways of expanding it. And that can be done only when we agree on specific measures to provide adequate financing. We hope that the month and a half that has elapsed since the meeting of the Scientific and Technical Sub-Committee has enabled those delegations that were against the expansion of the activities of the expert to reconsider the matter, and that at the present session the Committee will be able to arrive at adequate financial solutions.

Finally, as concrete evidence of the interest with which the Brazilian Government views the activities of the Committee on Outer Space, I would like to refer to the next United Nations Panel Meeting on the Establishment and Implementation of Research Programmes in Remote Sensing, which will take place in São José dos Campos, at the Brazilian Institute for Space Research, from 29 November to 10 December of this year. Details of this panel have been circulated in document A/AC.105/97. We strongly hope that, with the full co-operation of the United Nations and of all participating members, the panel will come to contribute effectively to the acceleration of the process of international co-operation in the field of outer space -- undoubtedly one of the most promising and pioneering that we have before us.

Mr. VALLARTA (Mexico) (interpretation from Spanish): Mr. Chairman, I am particularly happy, on behalf of the delegation of Mexico, to express to you the satisfaction we feel at once again working under your skilful guidance and that of your assistants. Before going fully into the substance of our work, let me first pay tribute to Mr. Abdel-Ghani, Secretary of the Committee, and to his team of colleagues; and let me also offer fraternal greetings to Professor Roberto Ricciardi, the expert on space applications, who, as a Latin American, serves as a source of pride to me, also a native of that geographic area.

(Mr. Vallarta, Mexico)

In his very careful and well-pondered words, our Chairman pointed out to us that it was imperative that we increase multilateral co-operation as the best way of bringing technology and the benefits of science in outer space to the developing countries. Mere bilateral co-operation, we have all agreed, is far from being the ideal of international co-operation which has been called for and repeated so often in this Committee. Today I think that we have a brilliant opportunity of taking a giant step in the field of multilateral co-operation by means of the programme of the application of science and technology, presented by the Scientific and Technical Sub-Committee in documents A/AC.105/C.1.L/37 and Add.1. Although at the present stage of our work my delegation does not have an expert on administrative and budgetary questions, the very minor amount mentioned is of some surprise to us since the Scientific and Technical Sub-Committee has asked us to approve a programme that is going to give great benefits to developing countries. These benefits are all the more striking when we compare them with the costs that are assessed. My delegation supports the Programme and would appeal to all members of the Committee to do likewise. My delegation is sure that the Fifth Committee of the General Assembly will be able to find the means to underwrite such a small expense. My delegation hopes that in this matter absolute compatibility will be found between the promises of co-operation made by the space Powers and the solution of the very minor financial problem raised by the Programme, to which I have referred.

After the very arduous negotiations which many of us present here had to undertake, the Legal Sub-Committee has finally been able to submit to us a draft treaty on international responsibility for damage caused by objects launched into outer space. In the Legal Sub-Committee my delegation had already referred to the flaws that we found in that draft. The difficulties encountered were so many and the positions were so different regarding the law to be applied and the amount of compensation that the final result was an article XII that is so flexible that it lends itself to the most diverse interpretations. But before I refer specifically to that flexibility, may I recall some of the elements of the juridical doctrine which support one of the possible interpretations that might be attached to that article. In Mexican law

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and in the national law of many other States, among the provisions for responsibility for the use of machines or engines that might cause damages, we tend to use two words, "damage" and "losses" or "damage" and "injury". These two expressions "damage" and "losses" are not synonymous. To the contrary, as far as doctrine is concerned they have completely different meanings. Without feeling that I can define those concepts here, I would say that by "damage" we understand the hurt, spoilage or destruction suffered whereas "losses" means what a physical or moral person has failed to obtain or receive as a consequence of the damage inflicted. The draft treaty follows a very different technique when it includes in the concept of "damage" the losses caused, but the text does not clarify that if by "losses" we are merely to understand the damage itself or also the consequences of such damage. In the light of such a doctrinary distinction between "damage" and "losses", and if we agree that this difference has to be applied to the draft, in the sense that if the obligation of compensating for damage carries with it the obligation of paying for the losses caused by the damage, we might interpret Article XII as binding the launching State to redress the damage, reconstructing what has been destroyed and paying what the victims have failed to obtain or receive, whether it is because a factory was paralysed or if a physical person is unable to continue to work because of the damages caused by an accident he has suffered. However, the flexibility of the draft has led the Mexican delegation to fear that some might contend that the concept of "losses", if we understand by that what one has failed to obtain or receive because of the accident, is not included in the definition of "damage" given in article I, paragraph 1, and that consequently Article XII may be considered as only binding a State to return to that condition that would have existed had the damage not occurred, without that State being obliged to pay what the physical person has failed to obtain or earn because of the direct consequences of the accident. My delegation wanted to stress the flexibility of the draft, not as a pessimistic approach to it but for a reason that I shall immediately make clear: the flexibility of what the Chairman of the Legal Sub-Committee, Mr. Wyzner, called the very marrow and heart of the draft, specifically stresses the importance of the present debate that will take place in the General Assembly since the statements

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made both here and there primarily by the space Powers will be a basic yardstick and will have a very important effect on the approval of the draft and a bearing on the governmental organs which in the future will have to decide whether they intend their Governments to subscribe and ratify the Convention or adhere to it. My delegation considers such interpretation and statements from the space Powers to be indispensable inasmuch as the non-space Powers will know exactly where they stand and such statements will also, without any doubt, have a great influence on the position of many States which, like my own country, have decided to consider the draft treaty on responsibility as a single whole, including the conventions that already exist or that may be drafted in the future within the framework of the law of outer space. In this respect I would recall that my delegation stated in the Sub-Committee:

"Mexico will weigh the possibility of continuing to be a party to the agreement on the rescuing and return of astronauts and the restoration of objects launched into outer space in the light of the effectiveness of the treaty on responsibility and compensation."

The representative of Italy, Mr. Migliuolo, was quite right when he stated that we are confronted by provisions whose effectiveness depends on the good faith of the launching States. That is why my delegation appeals to the space Powers so that here in this Committee or in the General Assembly they can assure us that the concept of "full compensation" contained in paragraph 4 of the preamble of the draft will be complied with scrupulously as well as the concept of "absolute responsibility" contained in article II.

As my delegation stated in the Legal Sub-Committee, we find no justification to support the position of those delegations which are unwilling to accept the binding nature of the decisions of the Claims Commission.

My delegation understands the doubts of those who refuse to accept the binding jurisdictions of the International Court of Justice since the law that the Court would apply would, except in very few cases, only guarantee the rights of a one-time dominating minority.

(Mr. Vallarta, Mexico)

But when we talk of a claims commission which would apply present-day law and in whose creation the international community is taking an active part, refusal to accept the binding nature of its decisions is, we feel, unjustified.

When speaking of the priorities on which the Committee will have to decide for the future work of the Legal Sub-Committee, my delegation would like to recall that we have already granted, in the Sub-Committee, maximum priority to the question of the registration of objects launched into outer space.

The preparation of an international treaty concerning the moon is an initiative for which my delegation is grateful to the Soviet Union--as we have, in the past, also expressed our gratitude to the Argentine Republic for its proposals on the same subject. The explanatory memorandum which is contained in document A/8931 and its annex are already being given careful study by the competent Mexican authorities. Very provisionally, however, I should like to express my surprise at the absence from the Soviet draft of provisions for multilateral or international co-operation to make available to non-space Powers the benefits--to which they have a right--of the exploration and future exploitation of the moon.

The international community as a whole, and the non-space Powers in particular, must consider the legal status of the moon and other celestial bodies and outer space in general with urgent priority.

The Chairman of the Legal Sub-Committee, in his very wise statement introducing the report of that Sub-Committee, concluded by saying that outer space is not res nullius but res communis omnia. With reference to this matter my delegation wishes to take advantage of this opportunity to suggest to the international community, and especially to the non-space Powers, that they would be well advised to seize the opportunity provided to us in discussing the Soviet draft international treaty on the moon to study also the legal status of the moon and other celestial bodies, as well as outer space in general. If the sea-bed and the ocean floor beyond the limits of national jurisdiction have been recognized as the common heritage of mankind, we can find much logic in the statement that all areas outside the limits of State jurisdiction by their very nature also constitute the common heritage of mankind and are subject, therefore, to an equitable and binding distribution of their benefits.

Mr. KOSTOV (Bulgaria) (interpretation from French): Mr. Chairman, I wish first to join the other delegations and express the satisfaction of my delegation at the resumption of the work of the Committee on the Peaceful Uses of Outer Space under your skilful and competent guidance and to express the hope that during this session it will be possible to achieve recommendations which will give a new impetus to international co-operation in the field of space activities for the good and in the interest of all mankind.

The period that has elapsed since the thirteenth session has been rich in spectacular achievements of science and technology in the exploration and the exploitation of outer space. It will suffice to mention the most recent events in this field--such as the operation of the automatic moon station, Lunokhod 1, the launching in orbit of the first inhabited scientific station, Salyut, the docking of the Soviet space-ship Soyuz with that station by the Soviet Union, as well as the successful completion by the United States astronauts Scott, Worden and Irwin of the mission of Apollo 15--to realize the tremendous progress achieved by human ingenuity in this period.

The progress achieved since the flight of Yuri Gagarin in space can be summed up as follows. Man was placed in orbit around the earth; he walked in space; he landed on the moon; and he came back to our planet with information and objects from other parts of the universe. These achievements have been attained through tremendous efforts and resources and, sometimes, there have even been human victims.

On 30 June last, we witnessed the heroic death of three Soviet cosmonauts -- Dobrovolsky, Volkov and Patsayev -- after having accomplished their duty to the bitter end. We should like to join with other delegations and express to the Soviet delegation our sincere condolences.

It is an established tradition in our Committee to undertake at the beginning of each session an exchange of information concerning the latest achievements of the various countries and, above all, of the most advanced countries in space research and exploration. This exchange of information is especially useful for our work because it stresses the latest developments of science and technology in this field and points to the framework for practical measures aimed at establishing international co-operation.

(Mr. Kostov, Bulgaria)

Although the major part of efforts for the discovery of the secrets of the universe can be credited to only two States -- the USSR and the United States -- an ever-increasing number of States take part in such activities on the basis of bilateral and multilateral co-operation. For example, it is within the wide framework of scientific and technical co-operation among socialist countries members of the COMECON that the People's Republic of Bulgaria has undertaken various explorations of space within the framework of the INTERCOSMOS programme. Details relating to those activities can be found in the Bulgarian Government's report which has been submitted as a reply to a letter from the Secretary-General and published in document A/AC.105/L.60. That is the reason why I shall not dwell on those activities and will limit myself to a few brief remarks.

In the People's Republic of Bulgaria, research in the field of outer space and co-operation with other countries in this field are carried out under the immediate direction and guidance of the National Committee for Research and Utilization of Outer Space. That Committee maintains contact with the Outer Space Affairs Division of the United Nations Secretariat and other international organizations. Space research is carried out by scientific groups set up essentially in various institutes of the Bulgarian Academy of Sciences.

Since October 1970 a remote measurement station has been operating near Sofia. Within the framework of experiments carried out through INTERCOSMOS 3 and 4 satellites, ionospheric and astronomical observations are being carried out. Some of the data obtained through satellite INTERCOSMOS 2 have been studied in Bulgaria and two books have been written by Bulgarian Soviet scientists in this field.

The regular Conference of heads of co-ordinating bodies of countries participating in the INTERCOSMOS Programme, which took place at the end of May of this year at Varna, noted that the most fruitful results of the practical use of outer space were achieved in the fields of meteorology and space communications. Satisfactory results were obtained also in other fields in the exploration of outer space, and the Conference stressed the importance of the solution of problems of the earth, such as the study of earth resources through satellites, the study of the state of crops and so on.

(Mr. Kostov, Bulgaria)

At its eighth session, in July of this year, the Scientific and Technical Sub-Committee carried out considerable work, which has been presented in its report to us. The Sub-Committee dealt more especially with the question of promoting the application of space techniques for non-space ends. The Working Group for the Study of Earth Resources Through Satellites was set up and its terms of reference are contained in paragraph 17 of the report.

I should like in this connexion to stress two points which seem important: the open nature of the Group, which makes it possible for all the members of the Committee to take part, and the fact that it is under the Scientific and Technical Sub-Committee, to which the Group must present a preliminary and a final report. Special attention was paid to the assessment of the requirements of developing countries in the field of the application of space techniques and the capacity of the United Nations to fulfil these needs.

The Bulgarian delegation attaches great importance to the activities of the United Nations, above all the activities of the specialized agencies of the United Nations in this field. It is convinced that the possibilities for the development and perfection of space techniques open up possibilities for the solution of various problems in the economic, social and cultural life of developing countries -- and this to an ever-increasing degree. The United Nations specialized agencies can play an important role in finding such possibilities. That is why the Bulgarian delegation approved of the previous activities of the Outer Space Affairs Division and of the Expert on the Application of Space Techniques within this Division, Professor Ricciardi, as well as measures envisaged for the future. In the same spirit, it supported the proposal to keep in being the terms of reference of this Expert.

At the same time, it seems relevant to observe that activities in this field must be measured taking into account genuine needs, and should avoid a situation where the propaganda of space techniques would become an end in itself, since their application in some cases are more expensive and less effective for economically weak countries than is the implementation of so-called classical means.

(Mr. Kostov, Bulgaria)

When settling a problem of development, every State chooses the most appropriate means on the basis of an assessment of existing achievements of modern science and technology taking into account its economic possibilities. It is understandable that at this stage of their development most countries do not possess sufficient economic resources to apply the most modern techniques, and this is certainly not due to any lack of interest on their part.

The theory of lack of interest, which can be found in some Secretariat documents, seems inadequate to us and does not stress the true causes of the problem. But this fact in no way detracts from the importance of activities undertaken to foster the use of space techniques on condition that they be used in their own context; that is to say, that they assist countries in finding the optimum solution for their internal economic, social and cultural problems.

Another remark which my delegation would like to make concerns the problem of organizing activities in the field of promoting space techniques within the United Nations. My delegation shares the concern of the delegations of Italy and Canada regarding the need better to co-ordinate this activity between the institutions, bodies and committees of the United Nations dealing with the application of space techniques. We also think it indispensable to avoid any rivalry among the various fields of competence. We cannot tolerate a trend by which the centre of this activity would move outside of the Outer Space Affairs Division of the Secretariat. In the view of my delegation, the Committee on the Peaceful Uses of Outer Space is the main centre for co-ordinating all the activities of this field within the family of the United Nations. The Outer Space Affairs Division is its equivalent, that is to say, the main centre of co-ordination within the United Nations Secretariat.

In the field of international co-operation, we should avoid any polycentrism, any duplication which would lead to a waste of efforts and financial resources without achieving any tangible results. On the other hand, the development and expansion of international space co-operation, without any doubt make necessary more large-scale activities within the Secretariat. Therefore, a strengthening of the staff of the Outer Space Affairs Division seems fully justified so that it be better able to answer the new needs.

(Mr. Kostov, Bulgaria)

The exploration and exploitation of outer space has given birth to many legal problems. I should like to say that granting the status of observer to the representative of the Federation of Astronautical Unions is something viewed with favour, and this is a position that we adopted in the Scientific and Technical Sub-Committee where this question was first raised. I repeat, the exploration and exploitation of outer space has given rise to many legal phenomena. The adequate solution of these problems would facilitate the difficult task of the explorers and serve the interests of science and of mankind. We are witnessing considerable progress in the legal regulation of relations among States with respect to space activities. By the very nature of things, one cannot expect customary law to be borne in this field which would regulate all the aspects of these difficulties and new relationships.

International law is entering outer space essentially under the guise of conventional law accepted by States. After the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space and the Agreement on the Rescue of Astronauts, space law is about to be enriched with a new chapter. The Committee is seized of the report of its Legal Sub-Committee concerning a final draft of a convention on international liability for damage caused by space objects.

The brilliant introduction of this draft by the Chairman of the Legal Sub-Committee, our friend Mr. Wyzner, greatly facilitates our task. I should like to take advantage of this opportunity and tell him how much my delegation values his personal contribution to the elaboration of the convention through patient and highly competent efforts to conciliate opposing positions and give new impetus every time that it was necessary. My delegation is extremely grateful to Mr. Wyzner and is convinced that he will continue to lead the work of the Sub-Committee in the same direction and freely to co-operate with it.

It is absolutely indispensable to mention the tireless devotion and the unceasing efforts of Ambassador Heymerle, the former Chairman of the Committee, as well as your own, Mr. Chairman, without which success could not have been achieved.

(Mr. Kostov, Bulgaria)

As a result of consultations and patient and continuous negotiations, this draft convention contains principles, which have been carefully worked out, on the liability of States, and is a solid legal instrument for the protection of the interests of space and non-space States. At the same time, the draft convention is a new confirmation of the fact that, given good-will through negotiation, one can find the solution to the most complicated international problems, such as the one of liability of States in general and liability for damages caused by space activities in particular.

During our debate, some delegations expressed reservations and doubts about the draft convention. My delegation could also find provisions which do not fully satisfy it. We should have preferred to see reflected in it all the provisions of the Hungarian draft which we supported in the Sub-Committee. However, we are perfectly aware of the fact that the final draft is, as are all international law instruments, the result of a compromise between different positions and viewpoints, but it does answer the needs and the main concerns of every country and serves the interests of the international community.

That is the criterion for judging this draft which was used by my delegation, and we adhere, without any reservation, to the draft convention that we are now considering. A close scrutiny of this draft convention would lead us to note above all its victim-oriented nature. And we could mention article II of the draft which stresses the principle of absolute responsibility, absolute liability, which would protect the victim of possible damages. This is also the meaning of the concept of joint and several responsibility reflected in articles IV and V, which makes it possible for a country victim to send its claim for redress to any party responsible.

The draft convention on liability for damages caused by the launching of objects into outer space is fully in conformity with the principles and

(Mr. Kostov, Bulgaria)

generally recognized norms of international law. We should mention in this connexion the fundamental importance of paragraph 2 of article VI:

"No exoneration whatever shall be granted in cases where the damage has resulted from activities conducted by a launching State which are not in conformity with international law including, in particular, the Charter of the United Nations and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies."

(Mr. Kostov, Bulgaria)

Thus, the draft convention is closely linked with positive international law and becomes an integral part of it. At the same time, it represents an essential step towards the progressive codification of the development of international law.

Another important element of the convention which we should like to stress is the principle of the assessment of the amount of compensation. Under article XIII the amount "shall be determined in accordance with international law, and the principles of justice and equity, in order to provide such reparation in respect of the damage as will restore the person, natural or juridical, State or international organization on whose behalf the claim is presented to the condition which would have existed if the damage had not occurred".

Taking into account the difficulties which the Legal Sub-Committee had to overcome on this question due to the differences of national law in various countries on the question of compensation for damages, this formula is certainly a very successful and a most happy compromise. It seems to me important to draw attention to the reference "to the condition which would have existed if the damage had not occurred". In the view of my delegation, this should certainly allay some apprehension which had been expressed in this connexion.

In the same spirit of mutual compromise, the Legal Sub-Committee found solutions to questions relating to the liability of international institutions, procedure for the settlement of disputes and so forth. It is most comforting to note the reaffirmation of the important principles of universality in the draft convention which would make it possible for all States to adhere to this international instrument.

To conclude, my delegation would like to stress its satisfaction at seeing concluded the work on the draft convention on liability and to express the hope that it will be recommended for adoption. We also hope that measures to implement it will be taken as soon as possible.

Finally, with respect to future work in the legal field, my delegation is happy to welcome the initiative of the Soviet Union to work out a treaty with respect to the moon, and we hope that it will find an adequate place in the programme of work of the Legal Sub-Committee.

Mr. PRAT GAY (Argentina) (interpretation from Spanish): I should like to express our satisfaction at participating in these meetings, which, under your wise leadership, Mr. Chairman, I am sure will be crowned with success. The session has started under a symbol which is a glory for mankind. After many years of successes and failures, of sorrows and joys, man has been able to note a repetition of the primitive conquest of the earth when the wheel was first used in the new field of the surface of the moon where the astronauts are able to carry out their scientific research and return with their results to those of us who inhabit this planet.

But all that takes place is not only a reason for joy. We consider that a significant event did take place during the course of the mission of Apollo 15, and I refer to the space proof of man's becoming one with all. That was attested to with the bronze plaque which the American astronauts left on the face of the moon as a tribute paid to the Soviet colleagues that had died while undertaking similar explorations -- martyrs to progress who were following the road that was first opened by Yuri Gagarin.

We must understand that this is a small milestone, but we must always bear it in mind when we continue our work, not only that work which is directly related to outer space, but in all our deliberations which take place in the United Nations.

With respect to the report of the Scientific and Technical Sub-Committee, my delegation would like to repeat its gratification at the recent decision of that body to establish and convene a Working Group on Remote Sensing of the Earth by Satellites. The need for closer international co-operation on a multilateral basis, which was stressed so clearly by Ambassador Waldheim when referring in general to the activities of the peaceful uses of outer space, becomes specifically important in this field. The Argentine Republic places great hopes in the future work of this Working Group, in which we should like to participate. We trust that its mandate will culminate in a recommendation for an adequate multilateral system that will provide for the processing of data, and the distribution of information so that the utilization of the techniques of studying and classifying the earth's resources in closer international co-operation will redound to the benefit of all mankind. These are the proposals which are contained in article I of the draft convention on activities carried

(Mr. Prat Gay, Argentina)

out by satellites in remote sensing of the earth's resources presented by the Argentine delegation at the ninth session of the Legal Sub-Committee. The valuable contribution of the United Nations in improving international relations can be enhanced even further with effective guidance in this field. We believe this to be an urgent and imperative task.

By the same token, we are happy to announce that the Argentine Republic has decided to call for a meeting of experts on the application of remote sensing for the discovery, assessment, utilization and administration of material resources. The date of the meeting, which in principle might be set for the end of 1972 or the beginning of 1973, as well as other organizational details, will be discussed with the Secretariat so that we shall be able to achieve proper co-ordination with the programme of work of this Organization.

I should like specifically to stress the work of assistance and aid given in the practical applications of space technology that has been demonstrated by the Organization. My delegation has expressed its support of the report of the Secretary-General contained in document A/AC.105/C.1/L.37 and Add.1 which was presented to the Scientific and Technical Sub-Committee. We take the same stand with regard to the programme of the application of space technology proposed in that same body. We regret the fact that that latter programme, the importance of which is significant for the developing countries, was not entirely endorsed by the Sub-Committee.

We feel it useful to recall that from the very beginning the training scholarships to be provided to nationals of the developing countries were dropped. Yet those scholarships are so important that I need not stress the point. Furthermore, the discussion of the second phase of the programme that was intended to establish a modest institutional arrangement to allow for the effective dissemination of information and assistance on the applications of technology in space was postponed. I also feel that it is redundant to stress here the need to arrive at that agreement, but its discussion has now been momentarily postponed.

(Mr. Prat Gay, Argentina)

Despite my previous comments, the Argentine delegation does recognize the merits of the compromise arrived at in the Sub-Committee, and we are ready to support it in this Committee without pressing those points which I have mentioned. We believe that it is more advantageous to obtain a programme that has the necessary funds rather than to reopen the question, with all the delays that that would entail. An act of that nature might jeopardize the valuable assistance which the Committee might provide in this field, and we would prefer to avoid any undue delay.

May I once again recall the wise decision of nominating an expert on organization to deal with the tasks of assistance in the field of the application of space technology. We have seen in the last few months how fruitful that decision has been.

(Mr. Prat Gay, Argentina)

We should therefore like to endorse the expressions of appreciation that have been addressed to Professor Ricciardi. At the same time, and echoing what other delegations have said, we believe that it is the responsibility of this Committee to lay down those measures that will ensure that it will be possible for his valuable contribution to continue. Therefore, we believe that it must be recognized that this aspect of the matter is of the greatest importance to the developing nations in the United Nations.

The Scientific and Technical Sub-Committee has recommended the continuation of the co-sponsorship by the United Nations of the Thumba base in India and CELPA in Argentina. We are extremely grateful for this expression of confidence, and we trust that their respective work will stand as clear examples flowing from international co-operation when guided by our Organization and the benefits that can be derived from it.

With regard to the report of the Legal Sub-Committee (A/AC.105/94), the delegation of Argentina once again wishes to reiterate the high value it attaches to the agreement arrived at on the question of responsibility, especially in the light of the very difficult and arduous stages of study and negotiation that it took. We reiterate our warm congratulations to Mr. Wyzner for having presided so wisely over that Sub-Committee and for the splendid presentation of the agreement which he gave at the opening meeting of this session.

There can be no doubt that the agreement arrived at does not fulfil all our aspirations. Yet we do not believe that this would be the appropriate moment to reiterate our position on a number of the points of the draft agreement. We reserve our right to do so later, if the texts arrived at in Geneva are to be reconsidered.

Finally, we should like to express our hope that the Committee will approve the programme proposed for the next session of the Legal Sub-Committee, in accordance with the proposal contained in paragraph 29 of that Sub-Committee's report (A/AC.105/94), containing the text of the recommendation co-sponsored by France and Argentina.

It think it is appropriate to recall that in that programme two ideas submitted by my country are still pending for consideration. I refer specifically to the draft convention on the principles governing activities in the utilization of the natural resources of the moon and other celestial bodies (A/AC.105/C.2/L71)

(Mr. Prat Gay, Argentina)

and the draft international convention on the activities carried out by satellites for remote sensing of earth resources (A/AC.105/C.2/L.73).

Once again we reiterate our fervent hope that the Committee and its ancillary bodies will remain effective instruments in international co-operation by fully carrying out their mandates and responsibilities.

Mr. VRANKEN (Belgium) (interpretation from French): This session of the Committee on the Peaceful Uses of Outer Space comes at a particularly auspicious moment.

First, the world has been able to witness new achievements in space with Soyuz 11, Salyut and Apollo 15. As always, the achievements of human science have exacted sacrifices and, on behalf of Belgium, I should like to present our condolences to the Soviet delegation on the loss of cosmonauts Dobrovolsky, Volkov and Patsayev. However, my country is particularly happy at the fact that for some weeks we have been witnessing in this field the establishment of genuine and effective co-operation among the great space Powers for future activities. Such an event can only promote international understanding and strengthen peace in the world.

Secondly, this session comes on the heels of those of the Sub-Committees, especially that of the Legal Sub-Committee, during which a draft convention on space liability was finally worked out.

Belgium -- a small Power -- has always come out in favour of international co-operation and is therefore asserting the common interest of the whole world in the exploration of space. It has always acted in this spirit, while recognizing the specific interests of the great Powers directly concerned in this field.

I should like first to say a few words on the report of the Scientific and Technical Sub-Committee (A/AC.105/95). My delegation is happy at the setting up of a Working Group on Remote Sensing of the Earth by Satellites, in view of the importance that this new application of space technology can have, especially for developing countries. However, my delegation believes that this new body will be useful only if its work is well organized and it starts its work only when it has in hand all the elements of the problem to be considered. My delegation will not fail to make the necessary observations when the time comes.

(Mr. Vranken, Belgium)

As to the other points -- for instance the assessment of the requirements to developing countries, influence on the environment, satellite broadcasting for education and training -- their enumeration alone proves that we must be careful to avoid fragmentation and scattering among the various bodies and institutions of the United Nations, a danger which can only lead to duplication and unjustified financial burdens.

As that Sub-Committee has noted in the last sub-paragraph of paragraph 24 of its report (A/AC.105/95), our Committee must ensure co-ordination, while avoiding an unnecessary burdening of the existing structures. Belgium will therefore come out in favour of granting observer status to the International Astronautical Federation.

(Mr. Vranken, Belgium)

I now come to the report of the Legal Sub-Committee. At the outset I should like to pay tribute to the way in which Mr. Wyzner, during the most arduous and at times interminable debates, was able to guide the work of that Sub-Committee. My delegation had the honour of being one of those that were at the very heart of those debates and we were able to see that Mr. Wyzner was the personification of the qualities of his people, especially patience and tenacity.

I shall not surprise you if I state that my delegation followed the debate with close attention, especially in the matter of the draft convention on so-called space liability. After the brief but clear statement by the Chairman of the Legal Sub-Committee, who did not fail to stress in the report on the work of the tenth session of the Sub-Committee paragraphs 23, 24 and 25, and especially the contents of paragraph 24, the debate showed that the draft convention on space liability still seemed to be a rather weak newborn baby and some godfathers still did not believe in its viability. However, it must be recognized that in Geneva in spring this year they made possible its birth. Therefore we have a right to hope that they do not nurture any murderous designs with regard to it. Therefore the Belgian delegation will continue to hope and to show understanding for all the different viewpoints expressed in the debate on this draft convention. The Chairman of the Legal Sub-Committee reminded us, when presenting the draft convention on space liability, that Belgium was one of the three States which in the past thought it necessary to introduce a complete draft convention in this matter. Despite the fact that my country thus had clear-cut ideas on the matters under discussion, it has always been open to all suggestions deserving of scrutiny and it has always been ready to accept changes in its proposals with a view to reaching a reasonable compromise solution.

Beyond legal texts, we must indeed ferret out fundamental legal principles on which it is impossible to yield. The Belgian delegation believes that it has never done so. Allow me to recall in this connexion part of the statement made by the Belgian delegation to this Committee during the thirteenth session, in autumn of last year. Speaking of the interminable discussions in the Legal

(Mr. Vranken, Belgium)

Sub-Committee on the elaboration of a convention on so-called space liability, we said the following:

"The Belgian delegation has never held out for any specific text but it wishes to repeat that it considers that three conditions will have to be met if we are to be able to speak of a true and genuine convention, namely: (1) that the State responsible must at the very least accept a political and moral commitment to compensate the victim, (2) a clear-cut procedure is necessary to guarantee the desired equity, and (3) the victim must be able to draw on all elements in order to restore the status quo ante.

"Belgium, which for a long time will continue to be in the category of victim States, will evince extreme flexibility but will not abandon minimal conventional protection."

At the tenth session of the Legal Sub-Committee, held in Geneva in the spring of this year, the Belgian delegation, when presenting Document A/AC.105/C.2/L.79 on behalf of Brazil, Hungary and Belgium, containing articles on the settlement of disputes and the applicable law, stated the following:

"No human work is perfect, and law is, above all, a human science. In creating the rule of law, we must also take man into account, for man is by definition a social animal. A convention, whether legal or not, must be embedded in the international social framework, in other words, taking into account on the one hand the universally accepted rules and on the other hand the existing juridical systems within the international community.

"If the Sub-Committee wishes to establish a universal convention, we must, therefore, draft a text which would be acceptable to the largest possible majority of delegations present here and later to the General Assembly of the United Nations, including the Powers that have special responsibility in this field, and also would be able to afford substantial satisfaction to delegations representing States which could be the victims of tomorrow.

(Mr. Vranken, Belgium)

We must now see whether the text that resulted from the debates in the Legal Sub-Committee and has been presented to our Committee answers the concern my delegation has expressed in recent months. The Belgian delegation wishes to note that the answer can be in the affirmative. Undoubtedly, the draft is imperfect. My delegation could stress in particular the problems of international organizations, the settlement of disputes, the definitions of space objects and of launching and so on. However, a universal treaty is an agreement born of a consensus reached by the majority of the member States of the international community, and such a consensus, especially in the field of international law, is always predicated upon a minimal solution.

The Belgian delegation is ready to take part in a debate on the substance of the matter if that is the wish of the Committee, but for the time being we should like to refer to the fundamental statement we made at the tenth session of the Legal Sub-Committee on 22 June 1971, at the time of the introduction of document A/AC.105/C.2/L.79. However, at this time we deem it necessary to make the following remarks. The first concerns the applicable law. All those who are in the least familiar with international law know that it is impossible to see a principle of national law simply become a principle of international law. To strive to impose one's own legal régime on the whole world is the very negation of every rule of international law, and even the Roman Empire did not succeed in achieving that miracle.

The second remark is this. Article XII of the draft convention not only refers to international law, justice and equity but also spells out the objective to be achieved: restitutio in integrum. To strive in addition to define this objective would be a Sisyphean labour, since no legal systems and no States apply the same rule in this field. How can we then strive to establish a universal rule?

(Mr. Vranken, Belgium)

Let me now turn to the settlement of disputes. Belgium is one of those rare States that have always supported the compulsory jurisdiction of the International Court of Justice. We must, however, concede that the international community is not of this opinion and that the present evolution is actually in the opposite direction. My delegation has also arrived at the conclusion that it is preferable to have a well-established procedure that puts a responsible State in a position where it is impossible for it morally and politically to ignore a recommendation in the face of the entire world. It is true that in this case we are dealing with a question of bona fides, but is it not also true that all international public life is based on that prerequisite?

It is, as a matter of fact, a mistake to try to apply to States the same rules we apply to individuals, and jurists know what goes on in this matter particularly in the field of so-called nuclear or atomic responsibility.

The Belgian delegation therefore believes that the present text may not be perfect but that it is without doubt the best that could possibly be worked out taking into account, on the one hand, the situation in the international legal community and, on the other, the state of affairs in present-day space science.

As to the priorities to be set up among the items presently on the agenda of the Legal Sub-Committee and the very interesting proposal of the Foreign Minister of the Soviet Union, the Belgian delegation intends to revert to this matter when it comes up for consideration.

Mr. FAVAND (Iran): There has been great progress in the scientific and technological aspects of the peaceful uses of outer space since the last session of the General Assembly. The world has witnessed the successive achievements of the Apollo 14 and Apollo 15 missions to the moon, which indeed demonstrated what science and technology accompanied by human courage and ingenuity can accomplish. These achievements were matched with the successful establishment, by the Soviet Union, of the first manned scientific station in earth orbit. The price of these great accomplishments, however, turned out to be costly indeed to mankind. The tragic death of the three brave cosmonauts was truly an event that afflicted mankind as a whole. I should

(Mr. Bavand, Iran)

like to take this opportunity to express to the representative of the Soviet Union my delegation's sincere condolences on that tragic accident.

Turning now to our agenda, I should like to comment briefly on the report of the Legal Sub-Committee. The Legal Sub-Committee, after seven years of painstaking discussion and extensive negotiation has now deemed fit to submit for the approval of the Committee on Outer Space a draft convention on liability for damage caused by objects launched into outer space. From the very beginning my delegation has held the view that the liability convention, in order to be effective, should strike a proper balance of interests and responsibilities between the major space Powers and the non-space Powers. In this respect we share the view that such balance is not sufficiently secured in the draft treaty, since it seems more oriented toward power than toward the victim. Our dissatisfaction is with regard to two outstanding issues on which I should like to make a few brief comments. The first is the measure of compensation; namely, in case of an accident, what principle should be applied so that the victims may be sure of receiving prompt and fair compensation for the damages inflicted upon them? Sheer common-sense and justice would favour a simple and straightforward rule based on the principle of the lex loci delicti commissi. However, in view of objections raised on the ground of the discrepancies among different domestic juridical systems, a compromise formula was proposed under which a condition should be restored equivalent to that which would exist had the damage not occurred. This fair and equitable compromise was objected to by certain countries on the grounds of differing provisions in their internal legislation. Such assertions, in our view, were in fact incompatible with the nature of the progressive development of international law, which is based on the synthetic growth of the legal norms and values of the States members of the international community. This compromise formula thus continued to appear in various documents approved by a large majority of the Members of the General Assembly since that time. The General Assembly, in its resolution 2733 B (XXV), maintained the spirit of that compromise and expressed the view that one condition of a satisfactory liability convention is that it contain provisions that ensure the payment of a full measure of compensation to victims. Fortunately enough, a similar formula appears in the fourth

(Mr. Bavand, Iran)

preambular paragraph of the draft convention before us. The logical expectation was that it should also be reflected in the relevant operative paragraph of the draft treaty. To our surprise, however, in article XII of the treaty this formula has been drastically emasculated by being subordinated only to the rules of international law and the principles of justice and equity. Thus, in our view, the importance of the said preambular paragraph, thanks to article XII, pales almost into insignificance. Even taken together, they confine this matter to the magnetic field of international law and the principles of justice and equity. Then, as mentioned by the representative of Canada, the question immediately arises of what the relevant rule of international law is. There are no international conventions of any sort in this field, so that in practice we must look, for our guidelines, to the general principles of law. In view of the uncertainties and contradictions of doctrine and of international jurisprudence relating to the content, scope and role of the general principles of law, it is hard to believe that the interests of the victims of damage from space objects would be adequately protected.

As for the reference to justice, here too we share the view that it is a relative term which varies in different times and places because of the differing legal and cultural values of different societies. Equity is not an independent legal concept per se. It hinges on recognized legal norms and principles. In municipal law and in the common law, it is any body of legal doctrines and rules developed to enlarge, supplement or override a system of law that has become too narrow and rigid in its scope. In international relations, equity is a set of rules or treaties accepted or acknowledged as imposing certain obligations in the mutual conduct of affairs between politically organized peoples. Accordingly, as has been said, aequitas sequitur legem, that is, "equity follows law". In view of the lack of any sort of international convention or doctrine in the field of outer space, it is hard to believe that equity could be used as an effective measure of compensation. Therefore, we share the view that those three references do not offer adequate protection to a victim of damage; and just as my delegation maintained in the Legal Sub-Committee, we continue to maintain that compensation for damage which a respondent State is required to pay should be determined in accordance with international law and the law of the State in whose territory the damage occurred.

(Mr. Bavand, Iran)

With regard to the second question, namely, the settlement of disputes, we continue to believe that a convention could not be satisfactory without provision for effective machinery of compulsory settlement. It is only in this way that we can avoid friction between the parties to a dispute and ensure prompt, precise and certain remedies and compensation. In a situation where it is most likely that disputes will arise between a non-space Power and one of the major space Powers, this position has in our view appeared both just and reasonable. This has also been the view of the majority of the Members of the General Assembly, and it is explicitly reflected in resolution 2737 (XXV). Therein the General Assembly maintained the view that the convention, in order to be effective, should provide procedures that would lead to the prompt and equitable settlement of claims. However, the procedure contained in paragraph 2 of article XIX, namely, inclusion of optional protocol and compulsory arbitration, would not provide the certainty of remedial procedures because it leaves the implementation of an award not to strict legal assurances, but to the moral attitude of a respondent State and the psychological effects of the publicity of the award. The realization of these two factors depend in our view to a great extent on the political mood and modes of the times rather than a legal obligation incumbent upon the respondent States.

In the light of the shortcomings of the draft treaty on these two outstanding issues, my delegation, along with a number of other States, reserved its position on the substance of the text of the convention. We hope that further discussions will take place either in this Committee or in the First Committee, with a view to improving the draft further and restoring the proper balance of interests and responsibilities, which is essential for the successful development of the legal order in space affairs.

My delegation reserves its observations and comments on the reports of the Technical and Scientific Sub-Committee and the Legal Sub-Committee for our next intervention.

The CHAIRMAN: That concludes the general debate.

ORGANIZATION OF WORK

The CHAIRMAN (interpretation from French): I should like to explain the situation to the Committee and to consult with it on further procedure. As you know, the Sub-Committee have put to this parent Committee a number of questions on which they could not agree. Of course a number of other questions also have to be decided by the parent Committee. I should like to recall those questions to the Committee so that representatives can prepare their positions for the debate that will begin on Tuesday of next week.

I shall start with the questions and problems dealt with by the Scientific and Technical Sub-Committee. There is the problem of "Assessments of the needs of developing countries and the ability of the United Nations to meet those needs especially in the field of space applications". In other words, this is the well-known problem of our expert, the lack of agreement in the Sub-Committee as to the expenditures and possible ways of financing them. To facilitate the drafting of the Committee's report to the General Assembly on this question, interested delegations are requested to submit concrete proposals when we come to the discussion of this question next week.

Another point put forward by the Scientific and Technical Sub-Committee is the "Consideration of scientific and technical aspects of international co-operation", and I mean here the international sounding rocket facilities and continued sponsorship of the Thumba Equatorial Rocket Launching Station and the CELPA Mar del Plata Rocket Launching Station in Argentina. We have to decide on this question in our deliberations next week.

A third point which has to be dealt with in our deliberations next week is the "Observer status for the International Astronautical Federation". I have already mentioned this in my introductory statement and I think that almost all delegations have dealt with this question in their statements. I hope that we can settle this matter next week.

Those are the points that were put forward to our Committee by the Scientific and Technical Sub-Committee for decision.

(The Chairman)

We also have before us the suggestions and also the "open" questions from the Legal Sub-Committee. In the first place there is the draft convention on international liability for damage caused by space objects. In making recommendations to the General Assembly for its endorsement of the draft convention, the Committee might wish to take into account paragraphs 24 and 25 of the report of the Legal Sub-Committee, as well as the reservations expressed by some delegations during the present resumed session of the Committee.

Another question which was left open by the Legal Sub-Committee and which has to be decided by us is the "Priority of agenda items for the eleventh session of the Legal Sub-Committee." In paragraph 29 of its report, the Sub-Committee requests the main Committee to consider the desirability of establishing a priority order for the several items proposed. In the light of the views expressed during the general debate at this session, interested delegations may wish to consult on the order of priority and to submit a concrete suggestion for incorporation in the final draft of the Committee.

Finally, action is required on the schedule of meetings for the next session of the Committee on the Peaceful Uses of Outer Space, as well as those of its subsidiary organs. In this connexion, the Committee may wish to take into account the recommendation of the Scientific and Technical Sub-Committee, in paragraph 45 of its report, that its next session should be held in New York during the first two weeks of May 1972.

It may also wish to take into account the suggestion made by the representative of Sweden at this morning's meeting as to authorizing the Chairman of the Working Group on Direct Broadcast Satellites to consult with members on the desirability of holding meetings of the Working Group during 1972.

That is the work that lies before us. Inasmuch as Monday is a holiday we shall have our next meeting on Tuesday morning and at that time we shall take up the questions left open by the Legal Sub-Committee, which I mentioned a few moments ago.

(The Chairman)

I shall now suggest the following time-table for our meetings next week:

On Tuesday, 7 September, we shall hold two meetings -- one in the morning and the other in the afternoon -- when we shall consider the report of the Legal Sub-Committee and deal with the "open" questions. I would therefore ask the members of the Committee to be prepared for a discussion on the "open" questions: the liability convention and the other matters that I have already mentioned, such as the priority question.

On Wednesday, 8 September, we shall also hold two meetings. At those meetings I suggest that we consider the report of the Scientific and Technical Sub-Committee.

I propose that on Thursday, 9 September, we shall start in the morning with an organizational meeting of the Working Group on Remote Sensing of the Earth by Satellites. I do not think that will take up the whole morning; I believe that it will take only an hour or so. I suggest, therefore, that at about 11.30 we have an informal meeting of the Committee on Outer Space, the Committee of the Whole, to consider for the first time our draft report to the General Assembly. That report will, of course, be prepared by our Rapporteur in time to ensure that all delegations will have a copy by then. In the afternoon, I propose that we hold a formal meeting of the Committee to adopt its report to the General Assembly.

On Friday, 10 September, we could have a final meeting -- if necessary. As I stated yesterday, we cannot hold a meeting on Friday afternoon because of the activities connected with United Nations Staff Day. We must therefore conclude our session on Friday morning, and shall have to adopt the Committee's report to the General Assembly at that time.

That is the time-table which I suggest. Does it meet with the approval of representatives, or are there any objections or suggestions which delegations may wish to make? Since I hear none, I take it that the Committee agrees with this time-table and we shall proceed accordingly.

The meeting rose at 5.15 p.m.