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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

VERBATIM RECORD OF THE ONE HUNDRED AND THIRTY-SECOND MEETING

Held at Headquarters, New York,
on Tuesday, 2 July 1974, at 10.30 a.m.

Chairman:

Mr. JANKOWITSCH

(Austria)

- General debate (continued)

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GENERAL DEBATE (continued)

Mr. HAFHEY (Canada): Mr. Chairman, the Canadian delegation looks forward to working with you in this the seventeenth session of the Committee on the Peaceful Uses of Outer Space. This Committee has for its specific consideration the recommendations contained in the reports of the Legal Sub-Committee, the Working Group on Direct Broadcast Satellites and the Scientific and Technical Sub-Committee. I should like to take this opportunity to make a few brief comments, on behalf of my delegation, on each of those reports, and I shall relate my comments to the issues so ably described by you in your opening statement.

My delegation is particularly pleased that the Legal Sub-Committee, at its thirteenth session, was able to complete its work on the elaboration of the draft Convention on Registration of Objects Launched into Outer Space. The Canadian delegation is confident that the spirit of co-operation that characterized the work of the Legal Sub-Committee during the drafting of the Convention will prevail at this session and that this Committee will be able quickly to endorse the text of the draft Convention in order that it may be submitted to the General Assembly for adoption at its next regular session. When adopted, the Registration Convention will be the fourth instrument of positive international law elaborated by the Legal Sub-Committee and will provide yet another example of the thoughtful and creative legal work that has been typical of that Sub-Committee since its creation 13 years ago.

Now that the Legal Sub-Committee's work on the draft Registration Convention is successfully completed, it should be possible to finish drafting the Treaty relating to the Moon and Other Celestial Bodies at its next session. The Canadian delegation will continue to participate actively in efforts to reach consensus agreement on those aspects of that draft Treaty which have to date proved difficult to resolve, although we believe that it might be advisable to await the results of the current session of the Conference on the Law of the Sea before engaging in another drafting session on the Moon Treaty. As a result, we wonder whether anything would be served by attempting to negotiate the clauses of the draft treaty at this time, since the Legal

(Mr. Haffey, Canada)

Sub-Committee met only a month ago and has not made such a recommendation.

This year, for the first time, the Legal Sub-Committee was able to devote a substantial portion of its session to consideration of the report of the Working Group on Direct Broadcast Satellites. Members of this Committee are well aware of the importance which the delegations of Canada and Sweden attach to this subject, and of the efforts that we have made jointly to advance work in this field.

My delegation believes that the Legal Sub-Committee at its 1974 session made satisfactory progress in responding to the request made to it by the General Assembly in resolution 2916 (XXVII):

"... to elaborate principles governing the use by States of artificial earth satellites for direct television broadcasting with a view to concluding an international agreement or agreements" (General Assembly resolution 2916 (XXVII)).

The work of the Legal Sub-Committee to this end was, of course, greatly facilitated by the work that had been done at the fifth session of the Working Group on Direct Broadcast Satellites. Admittedly, the five draft principles contained in annex III of the Sub-Committee's report have many square brackets, but we believe it should be relatively easy to reach agreement on the removal of many of those square brackets at the next session, when the over-all nature of the declaration of guiding principles on direct broadcast satellites becomes clearer. However, it is our view that if this is to be the case further preparatory work will have to be done by the Working Group on Direct Broadcast Satellites.

That Working Group, under the able chairmanship of Ambassador Rydbeck, held its fifth session this year, which was essentially an extension or continuation of the work which took place at its fourth session. The General Assembly had, however, in the interim endorsed the recommendation of this Committee that at its fifth session the Working Group should prepare specific recommendations with regard to guiding principles on direct broadcast satellites in order that these might be considered by the Legal Sub-Committee.

(Mr. Haffey, Canada)

It is the view of my delegation that the Working Group made a very valuable contribution to the work of the Legal Sub-Committee even though the Working Group was not able to devote sufficient time to and therefore not able to forward to the Legal Sub-Committee specific recommendations on some of the more complex and contentious issues relating to direct television broadcasting by satellite. It was partly because of this that the Legal Sub-Committee did not consider it advisable to attempt to begin drafting principles on certain key issues, key issues which we feel should be included in any declaration of guiding principles to govern this use of outer space. I am referring, of course, to principles pertaining to the consent by a State to intentional direct satellite broadcasting activities covering its territory, and to the right of receiving States to participate in such activities.

When this Committee decided in 1970 that its Working Group on Direct Broadcast Satellites should suspend its deliberations for a few years, my delegation endorsed that recommendation. We feel today, however, that new developments in satellite broadcasting technology are occurring at an unprecedented pace, that the need for guiding legal principles to govern direct satellite activities is becoming more urgent, and that the inter-disciplinary nature of the Working Group is well suited to advanced thinking in this area.

Therefore, the Canadian delegation is of the view that this Committee should request the Working Group to reconvene for a sixth session to concentrate on consideration of the technical and legal aspects of the more contentious issues of consent, participation and spillover, with a view to making specific recommendations on these issues to the Legal Sub-Committee.

Finally, the Scientific and Technical Sub-Committee, recognizing that the type of work which has been conducted by the Working Group on Remote Sensing should be continued, has asked this Committee to decide on the manner in which this multidisciplinary work should be done in the future. The Canadian delegation would favour that this work be done in the Scientific and Technical Sub-Committee.

(Mr. Haffey, Canada)

The Sub-Committee also recommended that the Secretary-General be commissioned to summarize cost-effectiveness studies and study the organizational and financial requirements for the establishment of an international centre under United Nations auspices for reference indexing and browsing, as well as study the organizational and financial requirements for the establishment of one or more international regional data storage and dissemination centres, possibly with data reception and training facilities. Canada agrees with this approach in order to expose more nations to the potential benefits of this promising technology. Furthermore, Canada would contribute an expert to participate on a fact-finding mission to examine the feasibility of establishing a regional data receiving and dissemination centre as proposed by the representative of the FAO to the Scientific and Technical Sub-Committee.

Mr. DELROT (Belgium) (interpretation from French): Without going into the details of the items on the agenda, and reserving our right to return to them as we progress in our work, my delegation would very generally like to express its views in connexion with the items on the agenda, while attempting to indicate the broad guidelines of Belgian policies as regards space.

I shall turn to the items concerning the report of the Legal Sub-Committee (A/AC.105/133). The first item concerns the draft convention on registration. We are pleased that the Legal Sub-Committee has been able to conclude this work successfully. It is a legal document which very practically completes the body of space law which is becoming more and more defined and which harmoniously completes the Convention on International Liability for Damage Caused by Space Objects.

My delegation would have wished, of course, with reservations, if this is technically and economically feasible, to see this Convention fall more within the framework of jus cogens, but we realize that this is a compromise, and the acceptance of a general clause for revision will enable us, we are quite sure, to fill gaps which may appear in the future.

(Mr. Delrot, Belgium)

As regards the Draft Treaty Relating to the Moon, Belgium has supported from the very outset the Soviet initiative to draft a treaty on artificial satellites. It regrets that the question of moon resources, in connexion with which there was a very broad consensus as regards an international régime to be established for the exploitation of moon resources, was not resolved. Without being too pessimistic, we were able to note at the last meeting of the Legal Sub-Committee a certain hardening of the stands taken by some delegations as regards the legal consequences which might occur because of notions which themselves are quite contentious.

Therefore, my delegation fully agrees with the Soviet delegation to retain the high priority attached to this and, if the Committee decides that perhaps progress could be made at the present stage, it is quite obvious that Belgium would agree to continue this work within a working party during this session.

As regards the principles which should govern direct television broadcasting by satellite, to be sure, if we look at the work which has been accomplished during the last meeting of the Legal Sub-Committee, one can note that the five principles which are the least contentious are those which were studied and that the number of brackets which still exist is quite astonishing.

I do not know whether perhaps one should be optimistic or, rather, pessimistic, but I do believe that in any case we must be realistic, and we do hope that a compromise will be found.

However, I would not wish to leave this point without indicating that as regards television the Belgian delegation would like to emphasize, in so far as it is concerned, the need for the free circulation of information and the freest possible cultural exchange. We have a marked preference not for prior censoring but for censoring a posteriori -- as is the case in Belgium with regard to the press -- such as international actions concerning responsibility, checking, and so on, of which international law already offers us a whole arsenal.

As regards remote sensing, my delegation would like to emphasize, and is fully aware of, the good effects which the developing countries particularly are able to obtain from what we consider to be one of the uses of space technology which is more important.

(Mr. Delrot, Belgium)

To be sure, to us the problem here seems to be particularly connected to organization. We have said that, as far as we are concerned, organization is the question with highest priority, but organization is merely a word. What organization, and at what level? Is it a question of establishing an international global space segment which would collect data? Or, on the contrary, is it a question of establishing an earth segment which would compile and distribute data and communicate them to potential users? Is it world-wide organization, regional organization or national organization?

Of course, if the international community were able to reach an understanding about global organization, then the thorny legal problems would disappear. What would we be doing? We would be establishing an international instrument, which would be complex, to be sure, but which would be merely a legal technique envisaging a given organization of participation, and so on. But the irritating large problems in the sphere of public international law would disappear.

If, however, as at present, we were merely to remain at the national or regional level, we must admit that some missions involving remote sensing are perhaps more specific in nature. Of course, there can be missions which concern mankind as a whole, but equally there are missions which are much more specific and concern a given nation or region. We feel that at that level legal principles are necessary, and in this regard I should like to be quite clear.

My delegation is much more sensitive in this connexion than it is in regard to direct television broadcasting, so far as national sovereignty is concerned. One must consider the response of the Belgian delegation to the United Nations survey. One will then see that what concerns Belgium is, of course, the need not to hamper any scientific progress but at the same time the need to respect the sovereignty of States over their natural resources. That is why, in this connexion, we wish emphasis to be placed upon international co-operation and the right of States to participate, the exclusive right of a State to decide how its resources will be used.

Certainly the Legal Sub-Committee was in this connexion able to hold only a general discussion, but we have acquired something positive in regard to

(Mr. Delrot, Belgium)

negotiations. We now have before us two extremely interesting documents -- that presented by Brazil and the Franco-Soviet document. Without, of course, going into the details of the text, we can remark that the Franco-Soviet document is very close to the positions of the Belgian delegation I have just sketched out.

I should now like to speak of the work done by the Scientific and Technical Sub-Committee.

As for remote sensing, the Working Group on Remote Sensing has dealt with scientific and technical aspects of the problem as comprehensively as possible. It has also found that, as I have just indicated, the questions of organization and the legal aspects are interconnected, though it has not been possible to deal with them completely. We believe that some studies should be carried out by the Secretariat in order to respond to the financial and organizational problems which arise in the various systems that have been envisaged. Of course, there is the question of the Working Group, which we can without hesitation say has done excellent work. Generally speaking, the establishment of multi-disciplinary groups, while it may be useful, none the less poses one danger. It may dissipate the powers granted the existing bodies of the Outer Space Committee. And there might also be a danger of proliferation. We think that, with regard to remote sensing, it might facilitate the future work if the Scientific and Technical Sub-Committee were to deal directly with the study of this question. Moreover, it should be foreseen that the results of these studies on organization by the Scientific and Technical Sub-Committee in 1975 will provide a more specific and clearly-defined basis for the discussion of the Legal Sub-Committee on this question.

As regards space applications, the Belgian delegation could support what was recommended in the tenth report of the Scientific and Technical Sub-Committee in points 36 and 37. This has been our stand from the very outset.

In connexion with convening a conference, in his report Mr. Murthy, the Expert on Space Applications, proposes the convening of a United Nations conference on the use of space technology. One of the crucial reasons for that proposal is the need to assess the results so far obtained from space technology and to identify those areas with high priorities for development purposes and in concrete

(Mr. Delrot, Belgium)

programmes that would be of some interest to developing countries. In view of the undeniable usefulness of holding such a meeting, which was demonstrated in the first session in Vienna, the Belgian delegation finds this idea extremely interesting, and is able to support it. Such a conference should be prepared by the United Nations itself, and since that would of course require much time and effort, we feel that perhaps the conference should not be convened before 1977 or 1978. Feasibility studies should be carried out by the Scientific and Technical Sub-Committee during its session in 1975. So that the conference might be concretely useful for the developing countries, we feel it would be best if it did not turn into an academic or scientific congress.

Belgium also supports the Indian proposal for a questionnaire to be addressed to the developing countries, and we would be honoured to be among the sponsors of this proposal -- this, of course, to stress the importance Belgium attaches to aid to developing countries in space technology.

I know that my country is small and that our potential for aid is quite limited, but Belgium belongs to a European space organization, and, both nationally and through the influence we may bring to bear in the European space organization, we wish to promote any initiative directed towards aiding developing countries, by means of training and the use of space technology.

I shall conclude quite soon, but now I wish to turn to the report on direct satellite broadcasting. In reading this report, we are astonished to see how well that group was able to work and to what an extent it was able to define, with all the necessary nuances, principles which should govern this sphere. But it has also seen the very great difficulties confronting these requirements of national sovereignty and free information. Those are the two prongs of this double-pronged problem.

(Mr. Delrot, Belgium)

Our attitude towards the reappointment of the Group is very flexible. We have heard some delegations say --- and we ourselves have said --- that a proliferation of working groups, with a consequent dissipation of powers, is not desirable. But is it certain that this Group could not continue to explore sensitive spheres such as the questions of the inevitable technical spill-over, which, after all, are multidisciplinary problems, and the socio-economic impact of this direct broadcasting and, perhaps, examine in depth possible compromises in regard to prior consent and so forth?

I have already spoken too long, and I ask the Committee's pardon for having done so. With regard to the Group, I shall say only that Belgium --- in any case at the very outset of our deliberations --- views favourably the continuation of its work.

Those are the very broad lines of the position that my delegation intends to take during our discussions --- discussions that have the delicate aim of redistributing the orders of priority, giving the necessary guidelines to the subsidiary bodies and harmoniously co-ordinating their activities. Mr. Chairman, under your very enlightened guidance we are quite sure that this task will be successfully accomplished, in the spirit of international co-operation that must guide us all.

Sir Laurence McINTYRE (Australia): Mr. Chairman, it is again a pleasure as well as a privilege to address this Committee under your expert chairmanship.

Let me first of all welcome, on behalf of my delegation, the nine new members of the Committee, who will of course have already begun to contribute to our work in the Sub-Committee and other meetings earlier this year. I welcome especially the presence of our close friend and neighbour Indonesia.

I should also like to support those members of the Committee who have paid tribute to the dedicated interest of Mr. Abdel-Ghani in the work of the Committee over many years, and to wish him all success in the future.

Mr. Chairman, you yourself have referred to the new vistas that are still opening up in the exploration and realization of the possibilities of applying outer space technology for the benefit of mankind. The continuing preparations for next year's first joint Soviet-American space flights, the progress of the European space laboratory project, this year's first experiments in direct

(Sir Laurence McIntyre, Australia)

television broadcasting from the ATS-F satellite to community receivers in the United States, and the participation next year of this same satellite in an important and exciting experiment in educational broadcasting by direct television conducted by India, and the planned launching by the United States in 1975 of a second Earth Resources Technology Satellite --- these and other current and prospective developments represent not only a gratifying measure of the progress already achieved in space technology but also a challenging invitation to increased effort and ingenuity.

As such they must call for the congratulation of all of us to the Governments and individuals concerned. They must also continue to provide a stimulus to this Committee in performing the tasks of reviewing the scope for international co-operation in the peaceful uses of outer space, devising programmes that could be undertaken under United Nations auspices, encouraging continued research, and studying legal problems arising from the exploration of outer space.

I might comment briefly on some of the more significant developments in our work over the past year and on the possibilities that lie before us in the forthcoming year.

First of all, my delegation fully shares the general satisfaction that the Legal Sub-Committee has achieved a Draft Convention on Registration and that it remains only for the Committee to settle the question of one preambular paragraph before submitting the Draft Convention to the General Assembly. This is a matter that the Australian Government has been particularly interested in bringing to agreement.

As to the Treaty Relating to the Moon, the Legal Sub-Committee seems to have made progress on all but a few difficult points, including particularly the formulation of the principle of common heritage of all mankind. I imagine we are all agreed that a fundamental purpose of this Treaty is to preclude State sovereignty or property claims in respect of any of the potential natural resources of the Moon, but it may be --- as the representative of Canada has suggested --- that we shall not be able to find agreed language to enshrine the "common heritage" principle until the Conference on the Law of the Sea has dealt with the same problem.

(Sir Laurence McIntyre, Australia)

Meanwhile there are of course two other important areas of space technology that must demand the attention of the Legal Sub-Committee at its next session. They are the remote sensing of the earth's resources by satellite and direct broadcasting and television by satellite, and the need to elaborate internationally agreed legal principles to govern both. As technology advances in these areas, it becomes increasingly urgent that international consideration of the legal aspects should not fall behind.

The Scientific and Technical Sub-Committee has also had an active year, with valuable research effort made on remote sensing, both by the Working Group and by the Sub-Committee at its eleventh session. My delegation believes it important that this momentum should be maintained and that further study of the organizational and financial aspects of remote sensing should be pursued along with the legal aspects. In this connexion, Australia supports the studies recommended in paragraph 14 of the Scientific and Technical Sub-Committee's report (A/AC.105/131). It seems to us important that there should be an opportunity for a thorough review of the results of these studies and that, if necessary, the Sub-Committee's next session might be extended by an additional week for this purpose. Alternatively, the Committee could reconsider re-establishing the Working Group on Remote Sensing.

We would also like to see the Scientific and Technical Sub-Committee begin work at its next session on formulating proposals for the setting up under United Nations auspices of an international remote sensing centre. Such work could take as its starting-point the results of the study that is suggested in paragraph 14 (b) of the Sub-Committee's report. The question of regional centres also deserves closer examination.

My delegation endorses the 1975 Space Applications Programme proposed by the Expert. We are attracted in principle to the idea of a United Nations conference on space applications in about 1978, but our final view will await the outcome of the Scientific and Technical Sub-Committee's consideration of this matter at its next session.

Australia supports the proposal to hold a regional seminar on remote sensing in the ECAFE region during 1975, and we welcome Indonesia's offer to be its host.

(Sir Laurence McIntyre, Australia)

We also think that the draft questionnaire on the needs of developing countries for assistance in the field of practical applications of space technology is a useful initiative and deserves this Committee's support.

One of our responsibilities here is to review the role of the Scientific and Technical Sub-Committee and its future work, and I would like to conclude with two brief points on this subject. First, this Committee has a responsibility for co-ordinating all activities in the field of outer space conducted by the United Nations and other international bodies, and its Scientific and Technical Sub-Committee should be the focal point for international co-operation, including education and training, in the application of space technology.

(Sir Laurence McIntyre, Australia)

In this role, the Sub-Committee could well look for opportunities to co-ordinate its own work more closely with the work of international agencies such as the United Nations Environment Programme and FAO, and also to maintain close liaison with bodies such as the Advisory Committee on the Application of Science and Technology to Development, which has done some relevant work in the application of space research to development.

The Scientific and Technical Sub-Committee should also continue to maintain a wide-ranging technical review of the state of the art -- if I might so call it -- in the whole range of outer space, with a view to identifying new technical fields of activity, or technical developments in existing fields of activity, which may have an impact on national concerns or on international relations.

One word about the choice of venue for meetings of the Sub-Committees, which has, I think, already been raised in the course of this debate. My delegation would prefer on the whole that all meetings take place in New York, but we are satisfied with the present arrangement whereby the Scientific and Technical Sub-Committee meets regularly in New York and the Legal Sub-Committee alternates between New York and Geneva.

We are on the threshold of more and more exciting applications of space technology, and we are at last beginning to move from the research stage into the stage of practical utilization. At the same time, the international community is becoming acutely conscious of the serious and interdependent problems of food, resources and energy, and the need for a global approach in confronting these problems. Space applications technology is playing and is bound to continue play an increasingly important role. The significance of this Committee's responsibilities will thus continue to grow in future years, and I am confident that the Committee and its subsidiary bodies will meet the challenge.

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Mr. RAPIN (France) (interpretation from French): Since we have been invited each year to draw up the summary of the work of our subsidiary bodies and to set forth directives for their future work, our Committee has been led to undertake a kind of soul-searching. This exercise leaves us with a clear conscience on certain aspects but the same certainly cannot be said on others. In view of the tremendous challenge that has been posed due to the development of space technology and its applications, we certainly cannot boast of having made considerable progress towards our objective which is that of seeing to it that the entire international community which we represent should benefit from space activities in conditions taking into account the legitimate aspirations of each State having regard to its sovereignty and its identity. Undoubtedly, we should not give way to discouragement nor should we adopt an attitude of indifference before the considerable task facing us. On the contrary, in assessing the scope and the complexity of this task, we should be more mindful of the need to seek appropriate solutions.

New members have now become involved in this search, and my delegation is very pleased to see them amongst us. We are convinced of the value of the contribution they will make to our common task.

I should now like to set forth very briefly the comments of my delegation on the main questions facing our Committee, reserving the right to speak in more precise terms during the study of each of these questions.

As regards the Scientific and Technical Committee, the first problem is that of the very role it is to play. The tendency to entrust specialized groups with the treatment of specific items had led to eliminating much of the substance of the work of the Sub-Committee. My delegation noted with some concern this tendency which leads to redundancy and also incurs considerable financial implications and immobilizes a large number of qualified staff. Although it has been difficult to react against this phenomenon by restoring to the Sub-Committee its rightful role, we would nevertheless have to insist that the operation of this body should be as simplified and as inexpensive as possible. However, we should like to feel that the need for a clear evaluation by the Sub-Committee of its responsibilities will lead it better to define its role and to deal with its own problems, foremost among which is that of remote sensing, seeking the advice of experts, if need be, or creating ad hoc groups with very limited mandates, in the manner followed by the Legal Sub-Committee.

(Mr. Rapin, France)

As regards the programme of space applications -- in which my delegation is very greatly interested as demonstrated by the participation of French experts at many meetings and seminars organized on this subject in the past -- an effort should be made to go beyond the mere continuing of previous activities in this field and to seek new modalities based on the most advanced knowledge gained these past few years. In view of the present characteristics of this programme, my delegation does not feel that there is any need to increase the financial resources at its disposal. The replies to the questionnaire which should now have been sent out to Member States and the report which will then be prepared will furnish the Expert on Space Applications -- to whose competence my delegation wishes to pay a tribute -- with the necessary data for the reorganization of the programme.

Secondly, as regards the Legal Sub-Committee, we can but welcome the agreement that has been finally reached on the Draft Convention on Registration of Objects Launched into Outer Space. The principle of notifying the Secretariat of the United Nations whenever a space object is given a designator or registration number, together with the clause stipulating that a revision of the convention can be brought into play as soon as the development of space technology makes the mandatory marking of space objects technically and economically feasible, seems to us to constitute a satisfactory stage. My delegation therefore considers that this text, which is the culmination of many years of work, should now be submitted to the General Assembly so that it can approve it at its next session.

On the other hand, we must note that no real progress has been achieved this year on the various points of disagreement concerning the Treaty Relating to the Moon. Further efforts must therefore be made. While respecting the order of priority which has been given to this text, other matters also deserve, in our view, our urgent attention during the current session of the Committee.

(Mr. Rapin, France)

One of those matters is of course that of direct broadcasting. My delegation will limit itself to two observations on this point. The first deals with the substance of the problem: we can but deplore the inadequacy of the results obtained this year regarding the study of principles, although the Swedish and Canadian delegations had furnished us last with a very useful basis which should have enabled us to make much more concrete progress. This question should therefore be given a very high priority. Our second comment deals with the method followed: we have noted this year a trend towards duplication of effort, towards redundancy, and we must react against this if we wish to proceed effectively.

(Mr. Rabin, France)

Thus, for example, there was a general debate on these same controversial points, both within the plenary group -- that is, the Legal Sub-Committee -- and within the small group whose task it was to draft first principles, as well as within the specialized Working Group. Thus we have to achieve a necessary rationalization based on the nature of the problems concerned, be they political, juridical, technical or economic.

Another question which deserves our attention is that of remote sensing of the earth's resources. The Legal Sub-Committee, which dealt with this problem after the other Sub-Committee, was unable to devote sufficient time to its consideration; it simply took note of the presentation of the draft declaration of principles prepared by the Soviet delegation and that of my own country. That text was an additional development along the road laid down last year when our two delegations took the initiative of merging two documents into a single one on this subject.

As to the other aspects of this question, my delegation considers that remote sensing should be included as a high-priority item in the work of the Scientific and Technical Sub-Committee.

In conclusion, I should like to stress once again my delegation's concern regarding our working methods. Is it not time for us to ask whether the methods that we have been applying and the structures within which we work are adapted to the objectives we are pursuing? We wonder to what extent our delegations are not themselves responsible for the dispersal of efforts represented by the multiplicity of meetings held at various levels during which the same things are repeated over and over again. If we want to react effectively to the challenge I mentioned at the outset, we must make an effort to rationalize the work of our subsidiary bodies: thus we will have better chances of making progress when we deal with the substance of our problems.

Before concluding my statement, I should like on behalf of my delegation to endorse the tribute you paid yesterday, Mr. Chairman, to Mr. Abdel-Ghani, who is leaving his post as Director of the Outer Space Affairs Division. My delegation is fully aware of the great contribution he has made to the work of this Committee during the many years he has been associated with this Organization. We are deeply grateful to Mr. Abdel-Ghani and we extend to him our warmest thanks together with our best wishes for his future work.

Mr. CHRISTIANI (Austria): The Committee on the Peaceful Uses of Outer Space, meeting for the seventeenth time in its history, can again, as was the case in previous years, look at very substantial achievements and progress in manifold political, legal, scientific and other aspects of international co-operation in space-related matters. My delegation wishes at this stage to give a brief and more general summary of its position on the various questions before the Committee, and will follow up with more detailed comments when the various items on our agenda are taken up for detailed consideration.

Before doing so, however, my delegation, for the fifth time this year, has the pleasant opportunity to extend its sincere welcome to the new members of the Committee. My delegation is looking forward to co-operating with them also in the framework of the main Committee.

Mr. Chairman, in your statement yesterday, reference was made to the again impressive achievements of the major space Powers, as well as of other countries, in the peaceful exploration of outer space and the utilization of technology derived therefrom. Although the picture clearly shows that exploration and utilization of outer space are still very much within the purview of only a few space Powers, we have been able, over the years, to witness a gradual increase in the number of countries which become actively interested in space matters and eventually start to conduct their own space activities, be it on a modest scale.

I feel one can say without any exaggeration that the Committee on the Peaceful Uses of Outer Space has played an important and, in a few instances, even decisive role in this respect. Detailed information about the various activities in space research conducted in Austria is to be found in document A/AC.105/123/Add.1, and I will therefore not dwell on it in the framework of our present discussion.

I might just mention in this context that decisive efforts are under way not only to widen the scope of Austria's direct participation in international space programmes, but also to increase the knowledge among the population of our country in relation to space matters in general. To this end a new Space Agency was created, which became operational at the beginning of this year. At present, my Government is studying the possibilities of Austria's participation in the Space Lab Programme.

(Mr. Christiani, Austria)

Turning now to the work programme before us -- and, more specifically, to the various reports submitted by the Sub-Committees -- I should like to start with a few comments on legal matters.

It is of course a matter of great satisfaction to my delegation that the draft Convention on the registration of objects launched into outer space was agreed upon in the Legal Sub-Committee. As had become manifest last year, the possibility of bridging the gap between divergent views and the reconciliation of opinion was much greater with respect to this draft Convention than in relation to the Moon Treaty. Since my delegation, as I have said, will make more detailed comments on both instruments during the debate on this subject later this week, I will refrain at the moment from going into the substance of the matter. I should like, however, to take up one particular aspect; it is a procedural one and relates to the possible setting up of a working group for further discussion of the Moon Treaty.

It is well known that my delegation has always favoured, and indeed strongly advocated, that the main Committee have a role of its own in all matters referred to it by the subsidiary bodies. Therefore, generally speaking, efforts should always be undertaken to further agreement in the main Committee on outstanding issues. However, the establishment of a special procedural machinery or device such as a working group seems warranted to us only if real progress can be reasonably expected. To our regret, we must say that the report of the Legal Sub-Committee, as well as Mr. Turk's excellent introduction and explanations yesterday, does not create the impression that any substantial progress can be achieved with regard to the Moon Treaty at the present time. We all know the reasons for that: we are aware that the outstanding issues, are, in the view of several delegations, not only linked with matters other than space law but also interrelated in the sense of a package.

(Mr. Christiani, Austria)

We see, therefore -- while not excluding, and indeed favouring, informal discussions on the matter during the present session -- little merit in establishing a working group for this purpose.

Deferring comment on the legal aspects of direct broadcast satellites and remote sensing to a later stage, I should like to conclude my remarks on the Legal Sub-Committee's report by saying a few words on venue and the programme of work for the next session of the Sub-Committee in the year to come.

(Mr. Christiani, Austria)

My delegation has always favoured the principle of economizing meeting costs to the greatest extent possible and feasible. On the other hand, we feel, as many other delegations do, the appropriateness of holding meetings of United Nations bodies outside Headquarters.

In looking at the conclusions contained in the study by the Secretariat, annexed to the report of the Legal Sub-Committee, we can see that there seems to be only a minimal cost difference, if any, in holding the session of the Legal Sub-Committee in Geneva. My delegation, therefore, would have no objection in principle to holding future sessions of that Sub-Committee in Geneva. However, let me add that in the view of my delegation we should also give serious thought to a system whereby the venues of both Sub-Committees, the Legal Sub-Committee and the Scientific and Technical Sub-Committee, would be rotated between New York and Geneva, and possibly even another place.

As far as the programme of work for next year's session is concerned, we feel that the decision by the Legal Sub-Committee to accord priority to three items on its agenda, namely, the moon, direct broadcast satellites and remote sensing, therefore devoting roughly equal time to all of them, is basically a sound one. However, the system should be flexible enough to permit the utilization of more time and effort to an item where the possibility of substantial progress becomes apparent.

Turning now to the report of the Scientific and Technical Sub-Committee, I wish briefly to comment on the areas of remote sensing and space applications, as well as on the question of convening another universal space conference. I think it became apparent from the session of the Working Group on Remote Sensing and from the session of the Scientific and Technical Sub-Committee that the cardinal question facing us in the United Nations at the present time, in discussing remote sensing, and at the same time the point of quite substantial differences of opinion, does not lie so much in particular

(Mr. Christiani, Austria)

aspects as the assessment of the potential, the systems alternatives and capabilities, the relevant, technical and economic factors. In our view, it is, rather, to be found in the general approach the international community is prepared and willing to adopt vis-à-vis this new technology and, to be more specific, vis-à-vis the possibilities, the degree and the limits of international co-operation in this field. I am not talking about the universally recognized great potential of this technology, the desire to make the benefits available to all mankind. There can be and was hardly any dispute about that. What I mean is the -- in our view -- overly legalistic approach which postulates legal problems before they have been well defined.

It seems to us to be exceedingly difficult to assess the exact character and extent of the legal-political problem with regard to remotely sensed data at the present time. We doubt, therefore, that these problems we are confronted with can be effectively remedied by legal means only or even predominantly.

The question which, of course, has and should have a prominent place in our thinking concerns the future role which the United Nations could play in this field. It is probably much too early to come to any specific conclusion at this time before having fully assessed the manifold implications of various possibilities open to us in this respect.

The request for detailed studies to be conducted by the Secretary-General is a big step forward. In our opinion these studies should be ready at least one month before the next session of the Scientific and Technical Sub-Committee, in order to give sufficient time for study by delegations and, subsequently, opportunity for full and in depth discussion at the next session of the Scientific and Technical Sub-Committee.

Let me add at this point that, like other delegations, we do not feel a necessity, for next year, to reconvene the Working Group on Remote Sensing. It is needless to stress that there will be legal problems arising from any form of arrangement, be it global, regional or even national. We feel that these problems, then, will have to be looked upon in close relationship with all other factors before attempting to cover the area by international legislation.

(Mr. Christiani, Austria)

Turning to the second major item in the Scientific and Technical Sub-Committee's report, I wish to combine my remarks with a word of praise for our Expert on Space Applications, Mr. Murthy, for what he has accomplished so far within very modest means.

Again deferring detailed comments to a later stage, I wish to offer some more general thoughts on a few points. First and foremost, I should like to repeat what was repeatedly advocated by my delegation in the past years: we are strongly in favour of keeping and expanding -- I repeat expanding -- our involvement in the promotion of the practical application of space technology. We therefore have supported and will continue to support the making available of adequate funds to carry on present activities, to increase and expand those activities which, after a careful assessment, we find useful and, furthermore, to devise new programmes in order to adapt the activity to changing circumstances and needs. I wish to stress at the same time that we, like many others, also are in favour of a close scrutiny of the past and present activities and, even more important, of the proposed long-term plans.

The question comes to mind here, which yardstick do we really have to measure the success or the failure of individual activities and programmes? I have to confess in all honesty that we have not yet found a satisfactory answer to that crucial question. Of course, we can rely to a great extent on the personal assessment of the Expert, based on response by contacted persons, participants in panels, and so on. But it is not necessary, and perhaps even high time, for us also to solicit directly the reaction, the assessments and needs of the countries most directly concerned by a specific programme -- the developing ones, whether they are members of this Committee or not. I think we need their reaction, we need their assessment, and above all, we need a dialogue with them in all matters of space application.

For that reason, my delegation has sponsored the questionnaire to be submitted to Member States. We are convinced that, provided the response is adequately forthcoming, the assessment of the answers and, let us hope, new proposals, will shape decisively the direction of the space applications programme for the years to come.

(Mr. Christiani, Austria)

I wish to conclude my remarks on the report of the Scientific and Technical Sub-Committee by saying a few preliminary words on the idea of convening a second major space conference. In general, we feel it is an idea whose time has come. However, before coming to any firm conclusion on questions such as the purpose, agenda, time, venue, and so on, of such a conference, further studies have to be undertaken and views of Member States solicited. In our view, however, one assumption can already be made. We feel that such a conference would be useful only if it were not only to demonstrate to the world the scientific achievements and advances in space technology since the last conference -- in short, the present state of the art in all space-related matters -- but, much more important, if detailed conclusions and recommendations as to the future role and extent of involvement of the United Nations system in space matters were to be reached, thus setting the stage for the following decade and perhaps even reaching some conclusion on the advisability and appropriateness of the possible future creation of our own all-encompassing United Nations space agency.

As far as the work of the Working Group on Direct Broadcast Satellites is concerned, let me state that my delegation is most satisfied with the results which emanated from the session in Geneva and regards the report before us as a most useful one. I think the report clearly shows how beneficial is the interdisciplinary approach to direct broadcast satellites, not least for the discussion of the matter in the Legal Sub-Committee itself. For the moment, all I wish to say is that my delegation favours the reconvening of the Working Group before the session of the Legal Sub-Committee next year in order not to lose sight of the manifold problems and developments in this field other than legal considerations.

Let me conclude by saying a few words of praise and farewell to Mr. Abdel-Ghani. My delegation has already had the opportunity to address Mr. Abdel-Ghani on the occasion of the session of the Scientific and Technical Sub-Committee last April. Mr. Abdel-Ghani gave invaluable help and assistance to the Committee on the Peaceful Uses of Outer Space as a whole, as well as to individual members.

(Mr. Christiani, Austria)

I should also like to take this opportunity to express our sincere appreciation to the excellent, competent and dedicated staff of the Outer Space Affairs Division of the United Nations Secretariat.

As I said at the outset, my delegation will have to make more detailed comments on the various subjects when they are taken up for discussion.

Mr. SKALA (Sweden): The enlarged Outer Space Committee is reconvening for another summing-up of work carried out in its subsidiary bodies during the past twelve months and for the planning of the next sequence of meetings in the 1975 conference calendar.

In past years my delegation, like others, has in its general statement often marvelled at the phenomenal progress achieved in outer space during the year as developments raced forward at a breathtaking pace, culminating in that forever-glorious day of the first moon landing.

In comparison, the 1973-1974 period seems to us less dramatic both generally speaking and in regard to the United Nations Outer Space Committee itself and the work that has been carried out in it. That is not to say that this period has been unproductive. It has, on the contrary, been the most intensive in the history of the Committee, with four subsidiary bodies meeting for a total of eleven weeks.

Part of our work -- particularly in the remote-sensing field -- was carried out under the impact of the world's growing energy and raw-material predicament, which lent a sense of increased relevance and urgency to our efforts.

For our part, we welcome the intensity of work that characterized last year, and we also welcome, in general terms, the organizational framework which made that intensive work possible. It has permitted the achievement of important progress in at least three main areas of discussion.

It is true that final results have been reached in just one case -- that is the drafting of a Convention on Registration -- thanks mainly to the Working Group on Direct Broadcast Satellites and the Working Group on Remote Sensing. It was, however, also possible to advance considerably in these two areas of central significance to this Committee and the United Nations membership generally.

(Mr. Skala, Sweden)

The main task of our Committee this time will be of a procedural nature in order to ensure that work now going on in the various subordinate bodies be continued in a manner likely to promote speedy and generally acceptable results. This is not as self-evident as it may sound. It was obvious from the experience we held early this year that a certain hardening of positions and a certain polarization of opposite views is taking place with regard to some of the more important items on our agenda. We should therefore like to plead now for a certain spirit of compromise on the part of all delegations at this particular session. This will be necessary with regard to both procedure and substance. Only if there is a willingness to accept equality for the various views -- technical and organizational, as well as legal -- held on the various items of our agenda, and only if there is a readiness to preserve flexibility with regard to the selection of the proper bodies for the discussion of those items, is it likely that we shall be able to agree on a useful working schedule for next year and, in the somewhat longer run, to find a consensus on the substantive issues themselves.

The Swedish delegation will, of course, revert to the separate items on our agenda as they are dealt with in the course of this session. Generally speaking, of course, our views are well known by now since we have had so many meetings in the course of this year. In this introductory phase of the Committee's work we should like to offer the following remarks.

With regard to remote sensing, there is no doubt that the past year has seen great progress both in the field of practical applications and in the United Nations context. ERTS-1 has proved an outstanding success, and most scientists and practical applicators are eagerly awaiting the launching ERTS-B. The Sioux Falls Distribution Center is undoubtedly experiencing certain problems as a result of the very great demand for images, but that situation is in itself an interesting fact for those who, like us, are studying the international aspects of this technology.

Within the United Nations context, progress has, as always, been quite slow, but to our mind there is little doubt that we are moving ahead in the right direction, thanks primarily to the intensive work performed by the Working Group on Remote Sensing under the very able chairmanship of the representative of Italy now in our midst and, in certain respects, by the Scientific and

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Technical Sub-Committee. At the same time it seems clear to my delegation that our work is at a cross-roads with regard to the main course to choose for our future work in this field. There is a strong tendency to favour the purely legal aspects of the use of remote-sensing satellites and the distribution of data. We, of course, are not insensitive to the importance of devising a legally-oriented framework for remote-sensing activities.

(Mr. Skala, Sweden)

Our own analysis of the problem has, however, led us to doubt that global roles will be easily applicable in this field, which constitutes one of the more complicated webs of technical, economic, organizational, legal and other components which we have had before us so far in this Committee.

Given also our fundamentally different attitude to some of those components, we have gradually come to the conclusion -- well known, I would think, to many members by now since we have harped upon it repeatedly -- that a legal framework, however desirable in principle, will not be able to handle all relevant problems satisfactorily and in a universal pattern. We have therefore urged that our efforts be concentrated on the possible patterns of the international organization of an operative remote sensing system.

Such a system, be it with regard to the space segment or the ground segment, could demonstrably be so devised as to take care of a number of justified political and legal apprehensions held by a number of States in relation to remote sensing activities. It will also have the advantage of going to the heart of the matter more directly than is possible through the intermediary of general legal rules, which will furthermore be slow to materialize.

I should say, in passing, that I listened with great interest to the statement just made by the representative of Belgium. He asked certain direct questions with regard to the organizational problem concerning possible patterns of organization. I should like to say only that those questions were dealt with by the Swedish delegation in its reply to the questionnaire, which is reproduced in document A/AC.105/C.1/WG.4/L.6/Add.1 -- perhaps we have not dealt with those problems conclusively, but at least we have made a first attempt to analyse them.

I should also say that I sense a certain contradiction in the statement just made by the representative of Belgium in which he said that he also saw a need for a legal framework and lent his support to the new draft presented by the French and Soviet delegations. As we see it, if the organizational path is pursued, the need for even some of the clauses contained in that French-Soviet draft would become superfluous. There is perhaps a further need to analyse

(Mr. Skala, Sweden)

exactly what I said -- that is, the organizational possibility in this field. That was a parenthetical remark.

The Scientific and Technical Sub-Committee, realizing the interest of pursuing the organizational course, decided to recommend the commissioning of a number of general studies in this field. They would relate both to the ground segment and to the space segment and the training needs of developing countries. We are convinced that the Outer Space Committee will now want to decide formally on the actual launching of those studies. They would constitute a most timely basis for next year's work in the remote sensing field, including the legal parts thereof.

Procedurally, our simple wish for next year is that enough time will be devoted to all aspects of the remote sensing item, undoubtedly the most important one now on our agenda. It is possible that the best way of obtaining good results during next year would be to reconstitute the interdisciplinary Working Group on Remote Sensing as a group of the Outer Space Committee itself and to give it the unambiguous mandate of assessing and analysing the studies now to be initiated by the Secretariat and to point to salient organizational and legal features which should be kept in mind for the future in the work of the two permanent Sub-Committees. Such preparatory work would undoubtedly assist the two Sub-Committees in their respective tasks.

In this context, representatives will also recall that the Legal Sub-Committee has requested certain information on the legal aspects of remote sensing from the existing Working Group information which has not yet been supplied.

The Scientific and Technical Sub-Committee recognizes that work on organizational and legal aspects of remote sensing should proceed together, in parallel. There is a good possibility of proceeding in that manner next year. Our insight into the organizational requirements will grow and our understanding of the limits of legal regulations will also become more realistic -- as was, by the way, already quite noticeable in this year's preliminary debate in the Legal Sub-Committee.

(Mr. Skala, Sweden)

We remain hopeful, therefore, that in the long run this Outer Space Committee will be able to arrive at a judicious blend of organizational and legal requirements for the use of remote sensing technology on the international level.

Important progress was also registered in the direct broadcasting satellite field, although it is true that in that field too positions on essential points seem to harden and become more uncompromising as the debate proceeds. However, in our view the promising signs prevail. It is interesting to note that it is now six to seven years since this item was formally introduced on our agenda through a joint Canadian-Swedish proposal. We have certainly come a long way since then, although our speed has not exactly been break-neck. A change that has taken place since then, however, is that nobody any longer denies the rather imminent probability of a direct broadcast satellite technology, and even the most incredulous in this Committee have, this year, gone so far as to draft their own set of principles for the international use of direct broadcast satellites. This is a most welcome step forward, which means that the whole panoply of different viewpoints is now on our table. The merging of those into a generally acceptable whole has now started.

This is not the moment to enter into the substance of the matter. I should only like to register my delegation's satisfaction at the support and understanding that have been lent to the joint Canadian-Swedish draft principles presented to the Committee in 1973 and explained and discussed quite extensively in this year's debate of the Working Group on Direct Broadcast Satellites and in the Legal Sub-Committee. This proposal, as is by now well known to most representatives, deliberately tries to place itself in the mainstream of the discussion and to heed the appeals for certain regulation made by the great majority of the General Assembly. We harbour a certain hope that even those who today hold somewhat extreme views on the subject -- that is, those who abhor the idea that international communications of a devious nature should be regulated internationally and those who would like to regulate it in minute, probably impossible, detail -- will gradually find it acceptable to move towards the middle road, which we have tried to establish together with our eminent Canadian friends.

(Mr. Skala, Sweden)

The Working Group on Direct Broadcast Satellites and the Legal Sub-Committee did start an amalgamation of the various proposals on our table, but it became quite evident that on crucial points there is still a very great amount of explanation and discussion is still needed before we can hope to reach a consensus. This has direct implications for our work next year.

On questions such as prior consent, co-operation and participation and the technical problem of spill-over, there does not yet seem to be enough of a common understanding --- not even conceptually -- for us to be able to draft articles of a declaration.

(Mr. Skala, Sweden)

As those of you who participated in the Legal Sub-Committee will recall, even the five relatively easy subjects approached there gave rise to considerable discussion and a text with many square brackets to denote varying opinions. We hope that those problems will not be too difficult to overcome, but this does point to the fact that there are problems.

We believe, therefore, that on the more complicated issues I have just mentioned further preparations are necessary. It would seem advisable, therefore, to reconvene the Working Group on Direct Broadcast Satellites again and to give to it a clear mandate to elaborate further the concepts of consent, co-operation and participation for the benefit of the drafting of articles on this subject in the Legal Sub-Committee. Unless some time and effort are spent on this, it seems most unlikely to us that one can hope to get very far in the Legal Sub-Committee next year within the relatively short time which will be allotted to that item there. It would certainly be neither a waste of time and resources nor a duplication of work, as some delegations maintained when this question was brought up earlier this spring. We hope that upon reflection those delegations will now have come to realize that it would be in their own interest, which we presume to be to achieve an agreed text of a declaration on direct broadcasting as soon as possible, to support the reconvening of the Working Group with the mandate which I have just indicated.

Incidentally, I want to stress that Sweden's interest in this matter is purely factual and motivated solely by a desire to promote results in the field of direct broadcasting by satellite. We would welcome it if such results could be achieved in less than the seven years that we have needed to get just as far as we have today.

My delegation greets with satisfaction the fact that agreement has now been reached on a convention on registration, a result which so narrowly escaped us last year, and we should like to pay a tribute to the untiring efforts of the delegations of Canada and France in particular, which made this result possible. As in the case of earlier outer space conventions concluded or agreed by this Committee, there will be argument whether the present text is satisfactory

(Mr. Skala, Sweden)

and provides sufficient protection of the interests of all States. Although the wording of one of the key articles -- that is, the one on marking -- appears too facultative to be really meaningful, we for our part believe it goes as far as is technically motivated at this time. No doubt the usefulness of the review clause will become apparent in this case in due time. Furthermore, we are hopeful that the new convention means a strengthening of the role of law in outer space and constitutes an important corollary to the liability convention. For Sweden it will also constitute a positive element as we assess the pros and cons of ratifying the liability convention itself.

Little if any progress was achieved on the proposed Treaty Relating to the Moon. Our regrets on that score are, however, limited, since we have never been wholly convinced about the urgency of that project. Sweden, for its part, would not object if it were decided to leave that item aside for some time. This would allow us more time for items of real timeliness and urgency, that is, remote sensing and direct broadcast satellites, and would bring our priorities closer into line with the real world around us. It would also have the advantage of allowing some of the major stumbling blocks in the moon treaty to mature and perhaps receive their solution in other international bodies working with analogous problems.

Other important subjects have been handed over to this Committee for decision -- inter alia from the Scientific and Technical Sub-Committee. In order to save your time, Mr. Chairman, and that of the Committee, I should like to revert to those subjects as the debate unfolds on separate items late in the course of this session.

In conclusion, I should like to join you, Mr. Chairman, and those representatives who preceded me in expressing regrets at the departure of Mr. Abdel-Ghani. We shall miss him very much.

The CHAIRMAN: I call on the representative of Belgium.

Mr. DELROT (Belgium) (interpretation from French): I should like to apologize for taking the floor once again, but since my excellent colleague from Sweden referred to my statement I should like briefly to make Belgium's position somewhat clearer.

Since the representative of Sweden felt that there was some ambiguity in our position, I should like to repeat the general lines of our statement. Belgium does not at all overlook the very excellent document on the organizational aspects of remote sensing, but there is a nuance between the Swedish position and the Belgian position in that Belgium has not as yet opted for international organization and is waiting until thorough studies have been made in that field. We are not absolutely sure that remote sensing can be governed at the international level alone. If we were to design a system for the surveillance of natural catastrophes, it is quite obvious that there we might be moving towards the global concept of the system. But it is also quite obvious that remote sensing will surely remain focussed on national programmes which are more specific. It is possible that the space goals in Europe may be different from those of a country like Brazil, which carries out surveillance of the Amazon.

That is the explanation. We think that if we could internationalize the entire remote sensing sphere, that would be fine. But if only a part of remote sensing is to be focussed on nationality or regionality, then we think that we should move in the direction of legal concepts. That is precisely what Belgium wished to say.

The CHAIRMAN: I call on the representative of Sweden.

Mr. SKALA (Sweden): I should simply like to thank the representative of Belgium. It does seem indeed that we are very much on the same lines on this question.

The CHAIRMAN: So far we have heard seven statements in the general debate. For this afternoon four delegations have indicated their intention to speak, three definitely and one tentatively, and since, for the concluding part of the debate tomorrow morning, there are eleven names on the list I would appeal to delegations that are scheduled to speak then to consider whether they could speak this afternoon instead. In order to make full use of the time available to us this afternoon, I propose that, when members have made their statements, we should, with the Committee's consent, hear statements from the observing agencies, ESRO and COSPAR.

In accordance with the decision taken yesterday, the list of speakers was closed at noon today when, as I have indicated, it included a total of twenty-two delegations, but if other delegations still are weighing the possibility of taking part perhaps the Secretary could stop the clock at that hour and allow them, with the indulgence of the Committee, a few more minutes in which to submit their names.

The meeting rose at 12.20 p.m.