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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE
VERBATIM RECORD OF THE ONE HUNDRED AND FORTY-EIGHTH MEETING

Held at Headquarters, New York,
on Thursday, 12 June 1975, at 10.30 a.m.

Chairman: Mr. JANKOWITSCH (Austria)

- General debate (continued)
- Consideration of the report of the Legal Sub-Committee

*Mr. Jankowitsch
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GENERAL DEBATE (continued)

The CHAIRMAN: This morning we shall conclude item 3 on our agenda, the general debate.

Mr. BYAMBA (Mongolia) (interpretation from Russian): The delegation of the Mongolian People's Republic wishes to express its feeling of deep grief at the passing of an eminent Soviet scholar, Academician Anatoli Arkadjevitch Blagonravov, who made an impressive contribution to the development of international co-operation in the field of space exploration.

Our delegation also wishes to express its condolences to the Italian and French delegations on the loss of Mr. Charvet and Mr. Fiorio.

Today we are witnessing significant positive changes in the world where in international relations the principles of peaceful coexistence among States with differing social systems and the principles of mutually beneficial co-operation in the fields of economics, science and technology are being more and more frequently reaffirmed. This atmosphere offers excellent prospects for international co-operation among scientists and specialists in the exploration of outer space. The forthcoming joint flight of space ships Soyuz and Apollo is a striking example of the possibility of fruitful international co-operation in the utilization of outer space for peaceful purposes.

In our opinion, the joint activities of the Soviet and American scientists and cosmonauts represent a major step forward on the way to strengthening international détente, which will undoubtedly give a fresh impulse to the further development of space exploration.

My delegation would like to take this opportunity to wish success to the scientists of the Soviet Union and the United States in their future work in this field. We would also like to congratulate the scientists of India for launching their first satellite, with the assistance of the Soviet Union. It is quite obvious that properly organized and active co-operation between States in carrying out joint space projects will in the future have a tremendous impact in the field of space technology and the utilization of its achievements for economic purposes.

(Mr. Byamba, Mongolia)

As far as our country is concerned, thanks to its co-operation with the Soviet Union and other socialist countries, it is already starting to reap the benefits of the peaceful utilization of outer space. We have our own national co-ordinating body on the Intercosmos programme in which we participate by working on space physics, space meteorology and space communications. The Hydrometeorological Service of the Mongolian People's Republic, when establishing weather forecasts to cover the vast expanse of the country's territory, uses the information which is received from meteorological satellites.

The Mongolian People's Republic actively participates in the steps which are being carried out by the international space communications organization, InterSputnik. The utilization with the help of the Soviet Union of a group of ground receiving stations for space communication called "Orbit", to a large extent has broadened the horizons of our television broadcasting.

In May, in our country, we celebrated the thirtieth anniversary of the victory over Hitler's fascism, as a result of which the United Nations was founded. Thus, international co-operation is expanding within this Organization, particularly in the field of the exploitation of outer space.

We attach great significance to the Outer Space Committee and its auxiliary bodies, which over the last period have done a great deal of work to develop international co-operation in this new sphere of human endeavour, and to elaborate the legal principles which may have to be brought into play when carrying out programmes of outer space exploration. There is every reason to believe that as mankind gradually explores outer space for peaceful purposes, the role of the United Nations in the development of international co-operation in this field will grow apace.

May I make a few brief comments on the reports we have before us from the Legal and Scientific and Technical Sub-Committees. Our delegation would like to commend the results which have been achieved by the Legal Sub-Committee at its fourteenth session when agreement was reached on the preliminary versions of draft articles X and X bis on the natural resources of the moon. Although consensus was not reached on certain sentences and some of the wording of these drafts, we still believe that they can form the foundation for further discussion of this matter.

(Mr. Byamba, Mongolia)

Our Committee and its Sub-Committee still has to tackle the important task of putting these articles into final form and thus to speed up the work on the draft treaty on the moon in accordance with resolution 3234 (XXIX). The Legal Sub-Committee, at its spring session, was able to formulate the first version of a single text on the principles of the legal regulation of activities in the field of direct television broadcasting. This represented a positive step towards bringing the views of Committee members on this matter closer together. Our delegation hopes that the Legal Sub-Committee will speed up its work on the principles regulating the use by States of artificial satellites of the earth for direct television broadcasting in order that an international agreement or agreements can be concluded in accordance with General Assembly resolution 2916 (XXVII).

We consider that the utilization of artificial satellites for television broadcasting should serve the cause of strengthening peace, progress and the development of friendly relations among all peoples.

Regarding the question of the legal consequences of exploring earth's resources with the help of remote sensing satellites certain positive changes occurred here when as a result of detailed consideration of a number of concepts, certain common elements were found. My delegation would like to point out that the Scientific and Technical Sub-Committee quite correctly focused its attention on the question of remote sensing of the earth from outer space, the use of which we believe will play an undeniable role in helping to solve the problems of the economic development of all countries, particularly the developing countries.

(Mr. Byamba, Mongolia)

At the same time, our delegation considers that the technical and organizational aspects should not obscure the political and legal consequences of remote sensing.

In conclusion, Sir, our delegation would like to wish you and the other officers of the Committee, and all representatives of States members of the Committee success in your work at this session, and to express our conviction that under your skilful guidance our Committee will take positive decisions on the important items on the agenda.

Mr. GUARIGLIA (Italy): Since we met last year, two eminent colleagues have passed away: Academician Anatoli Blagonravov of the Soviet Union and Mr. Jean-Félix Charvet of France. They have been taken from us, but their outstanding contribution to the work of the United Nations in the field of outer space will remain. On behalf of my delegation I join you, Mr. Chairman, as well as the members of this Committee who have spoken before me, in expressing sincere condolences to the bereaved families and to the Governments of the Soviet Union and France. In this connexion, I should like, on behalf of the Italian delegation, to convey to you and to all representatives my deep gratitude for the warm words of condolence expressed on the occasion of the untimely death of Mr. Franco Fiorio and for the tribute paid by this Committee to his memory. The family of the deceased and the Italian Government, to whom I will convey those sentiments, will highly appreciate, I am certain, this recognition of Mr. Fiorio's contribution to the work of the United Nations.

Allow me to extend the wholehearted congratulations of the Italian Government to those Member States that have achieved further far-reaching results in the exploration of outer space during the year which has elapsed since our last meeting.

A great number of remarkable scientific feats have been and are being conducted in outer space, particularly by the major space Powers. In this connexion, I should like to recall particularly the continued success of the United States Landsat programme, the progress of the United States ATS-6 satellite and the successful flights of Soyuz spacecrafts.

(Mr. Guariglia, Italy)

As far as the joint Apollo-Soyuz flight is concerned, we express our best wishes to the American and Soviet astronauts. I wish also to congratulate Canada for the launching of Anik-3, and India for having successfully orbited the experimental satellite Aryabhata.

I wish finally, on behalf of my delegation, to express my gratitude and admiration to all space scientists, space workers and astronauts.

Turning now briefly to what Italy itself has accomplished in this field during the past year, I wish to report to the Committee on some events in the Italian space programme since we met last July.

I shall first say a few words about the San Marco programme. The Aerospace Research Centre (ARC) is the agency responsible for the San Marco programme, which is being carried out in co-operation with the American NASA. The Centre's headquarters is located in Rome, and the launching facilities are located in Kenya: the San Marco off-shore equatorial range at Gwana Bay, and the mobile Italian telemetry and tracking station near Nairobi. Various launchings have been successfully performed from the Kenya range, and, in particular, I would like to mention here the last one. In April 1975 a small astronomical satellite (SAS-C) was successfully orbited by the vehicle, Scout, launched from the San Marco equatorial range. The launching vehicle, Scout, is supplied by NASA.

We are now planning to launch a new Italian satellite -- San Marco-D -- probably at the end of 1975; development and testing of the main system of the San Marco-D have been nearly completed.

Turning now to the well-known TERRA programme on the application of remote sensing techniques for the future management of earth resources, we should like to recall that this system includes two main facilities: the receiving and tape recording ground station at Fucino, Rome and the data-processing and display equipment computer centre.

"TERRA" stands in Italian for "Techniques for Collection and Processing of Earth Resources Data"; the system provides a capability in real-time data collection and processing, using both spacecraft and aircraft on board remote sensing platforms. Skilled teams of qualified scientists and technicians contribute to converting the processed data into the information required by users. The TERRA receiving and recording station is now in operation, and the computer centre will be operating after the validation phase, which is almost complete.

(Mr. Guariglia, Italy)

The potential capability of the TERRA system, and in particular of the computer centre, to provide a nodal point for a regional remote sensing network is the outstanding feature of the programme.

I would also recall the SIRIO programme, concerning the development of an experiment geostationary satellite carrying a telecommunications package to perform communications and propagation experiments in the upper region of the spectrum, called the super-high-frequency band.

The satellite was completely designed, developed and manufactured in Italy; the launch vehicle, Thor Delta, is supplied by NASA, under contract with the National Research Council, the Italian governmental agency for research and development activities. The satellite will be launched in the summer of 1976.

The experiments will contribute to the future exploitation of the upper region of the radio frequency spectrum for the communications needs, including television, of both developed and developing countries.

Co-operation with various countries, in particular with Finland, the United Kingdom, France, Belgium, the Netherlands and the Federal Republic of Germany, is now being discussed. Without entering into other details, I wish only to recall that Italy contributes to the European Space Agency, in particular to the Spacelab programme, and to many NASA experiments.

After these comments of a general nature, I should like now to make a few comments on various topics brought to our attention.

It has been repeatedly remarked that priority now needs to be given to the legal questions, since the rules adopted in this sphere have a decisive impact on the related technical aspects of space problems. As for the development of space technology as a whole, this technology may, in fact, have to mark time until legal guidelines are forthcoming. Space law is no longer conditioned by the problem of prematurity, as was the case when we used to be reminded of the principle ex facto oritur jus, but is now conditioned by the necessity to expedite the establishment of international rules to keep pace with increasingly advanced and specialized space techniques.

Before dealing with the legal points at issue, I wish to express our satisfaction at the adoption by the General Assembly of the Convention on Registration of Objects Launched into Outer Space.

(Mr. Guariglia, Italy)

I should like now to refer to some problems dealt with by the Legal Sub-Committee.

First I shall turn to the draft treaty on the moon. Now that it has been established that a treaty on the moon should be regarded as one of the conventions forming part of, and enlarging on, the general principles laid down in the space Treaty of 27 January 1967, which space law views as its Magna Carta, agreement has taken shape on one of the three main issues which lawyers in this field have been labouring to solve for years. This is the question of the natural resources of the moon, dealt with in articles X and X bis, on which an agreed text has been reached.

The Italian delegation hopes that the points under discussion can be settled in the light of the basic principle that the natural resources of the moon, like the whole of outer space and the celestial bodies other than the earth are the "common heritage of mankind", res communis omnium civium.

Two further questions, namely, the question of the scope of the convention and the information to be provided on missions to the moon, will have to be confronted and solved, through general goodwill, within the framework of the principles of the 1967 space Treaty and of space law codification.

I shall now turn to direct broadcasting. The task of elaborating a set of principles governing the use of artificial satellites for direct television purposes has not been completed, despite the urgings of the General Assembly, which called for the speedy conclusion of this question in its resolution 2916 (XXVII), of 9 November 1972. The urgency of the need to complete this task is evident from the fact that, until an agreement on this subject is reached, a most important instrument for the progress of civilization and for the peaceful use of outer space, although technically ready, cannot be made available to mankind for the free exchange of information, of cultural programmes and entertainment.

I shall next deal with remote sensing of the earth. As regards rules in the area of remote sensing of the earth, the work of the Legal Sub-Committee and the Working Group has been proceeding at a laboured pace. Action has been taken, with commendable judgement, to enumerate the points on

(Mr. Guariglia, Italy)

which agreement has been reached and to identify the problems that remain to be solved. The sovereign rights of the sensed States and the general rights of the sensing States are still at variance. The Italian school of law specializing in this subject called general attention to the importance of the great qualitative advance which the development of direct sensing will bring about and to the need for a reasonable sacrifice of sovereign rights for the general good of mankind. I should like to stress that the detection of the earth's resources is the first stage in the process of the practical and immediate utilization of space conquests, which must be followed by two further stages -- those of the preservation and of the development of the earth's resources, which are becoming increasingly necessary for the general good of the human race.

I wish to present now some brief comments of my delegation on items dealt with by the Scientific and Technical Sub-Committee at its twelfth session. As far as the possible convening of a United Nations conference on space is concerned, we shall have more to say later on but, at this stage, we wish to point out that the Italian Government favours, in principle, the idea of convening such a conference.

In connexion with remote sensing, the Italian delegation shares the view that a regional international and national approach would be preferable for the reception of data from satellites. In this regard, we wish to recall that the area of space applications has been the subject of a significant and continuous effort by Italy, as indicated, inter alia, by the establishment of the aforementioned ground receiving station for servicing a regional centre for collecting and storing earth survey data transmitted by the American Landsat-type satellites.

Our station, which is located at Fucino, Rome, and operated by the Telespazio Company under governmental supervision, has a regional character and is in a position to make available the data collected to all States that may request them.

(Mr. Guariglia, Italy)

Turning now to the possible establishment of a centre for training in all aspects of remote sensing, particularly with regard to developing countries, my delegation is ready to endorse the recommendation made by the Scientific and Technical Sub-Committee for the initiating of co-operative efforts by the Secretary-General and appropriate specialized agencies to explore the feasibility of utilizing existing facilities and expertise to establish on an experimental basis an international centre, which could train and assist persons from developing countries to make the most effective use of remote sensing information. We support also the suggestion made by the Sub-Committee that, if the study demonstrated that such an experiment could be implemented without additional financial implications, it should be carried out.

Concluding these general remarks, I wish to stress our conviction that this Committee, under your experienced and wise leadership, Mr. Chairman, will in the next few days make another important contribution to the development of space activities for the benefit of mankind.

The CHAIRMAN: We have now heard the last delegation on the list of speakers in the general debate.

I shall now therefore call on the representative of the European Space Agency.

Mr. MELLORS (European Space Agency (ESA)): First, the European Space Agency wishes to associate itself fully with all other delegations in offering its most sincere condolences to the delegations of France, Italy and the Soviet Union on the deaths of the three members of this Committee, who had brought to it so much expertise and wise counsel, namely, Mr. Charvet, Mr. Fiorio and Academician Blagonravov. They will all three be sorely missed and my Director-General has asked that I express his personal sympathy to the delegations concerned.

Secondly, we wish to thank you, Mr. Chairman, for your kind comments on our formation and also the many other delegations that have remarked on our birth and have expressed wishes for our future well-being. It should perhaps be mentioned that, until the Convention of the Agency has been ratified -- and

(Mr. Mellors, ESA)

as members of this Committee will know, this may take some little time -- the Agency will have only de facto existence. Hence, to preserve legal continuity, ESRO will in fact continue in de jure existence until ratification. Nevertheless the new name, as you all know, has been taken into general use and the Agency will follow, as far as legally possible, all the provisions of the new Convention.

In addition to the Spacelab programme already mentioned, the Agency has a full and balanced programme including space science, space applications and launch vehicles and I am pleased to be able to say that arrangements have been made for NASA to launch the first satellite to come from the Agency in approximately two months from now. This will be a scientific satellite for the investigation of the gamma rays which can only be observed from outside the earth's atmosphere.

Finally, I should like to close by assuring you, Mr. Chairman, that the new Agency hopes both to strengthen and to expand the very fruitful international relations already initiated by ESRO -- for example, those with COSPAR and the International Marine Consultative Organization and, of course, its very close association with this Committee.

The CHAIRMAN: Before concluding item 3 of our agenda, I call on the representative of the Soviet Union, who wishes to make a statement.

Mr. MAIORSKI (Union of Soviet Socialist Republics) (interpretation from Russian): As we approach the end of the general debate in this Committee, the Soviet delegation would like to make a few general and specific comments.

During the general debate the observer from COSPAR, Professor de Jager, took part in our work. He is a scientist whom we all know and respect, as we do also the organization which he represents. In his statement he shared with us a number of views and ideas that in one way or another relate to matters that we are at present discussing under the Committee's agenda. If the statements made by Professor de Jager reflect his personal views, then we are prepared to take note of them with great interest and confine ourselves to that. To be quite candid, however, we have some serious misgivings about the timeliness and appropriateness of using the status of observer in an international organization or in an organ representative of the United Nations to express personal views. If, on the other hand, the statement made by Professor de Jager is meant to reflect COSPAR's position as an organization in which Soviet scientists, among others, participate, then some of the views expressed by him give rise to the expression of some regret.

For example, the following questions might arise: Has COSPAR made a thorough study of the problems of the intermediate zone that Mr. de Jager referred to as "no-man's space" in the section of his statement devoted to problems of the delimitation of outer space? During his statement we heard that no reference could be found to such space in any scientific work. That is not quite true, because the idea of an intermediate zone or "no-man's space" was developed in the late 1950s in legal texts. This is therefore not a new discovery. But do we really believe that this idea is sufficiently ripe to submit it, on behalf of an international organization with great authority, to our Committee, which is at present only just tackling the consideration of the legal foundations of the problems of the delimitation of outer space? We should like to know whether COSPAR as a whole is prepared to support that idea.

(Mr. Maiorski, USSR)

Furthermore the statement made by Professor de Jager also concerned objects launched into outer space. Specifically, Professor de Jager said that it was necessary to continue further consideration, from the technical and scientific point of view, of two aspects. I shall quote from the English text because I do not have a Russian translation of his speech.

(spoke in English)

"... there is, in the first place, the matter of the marking of space objects so that those objects, or parts thereof, will be identifiable when returning to earth; and the second matter is that of a clear and internationally acceptable registration of the objects." (145th meeting, page 19-20)

(continued in Russian)

I assume however --- with all the respect that I owe to Professor de Jager --- that the question of the registration of objects has now been resolved in the Convention on Registration of Objects Launched into Outer Space, which we drafted with great effort over a long period of time. The fact is that only last year the Committee adopted that Convention and the General Assembly approved it.

What was not mentioned was the fact that the Committee feels the adoption of that Convention constitutes one of its major successes --- quite rightly --- and that serious difficulties did emerge that had to be overcome by means of compromise.

Finally, it might not be superfluous to recall that at present States are studying that Convention and trying to decide whether or not to sign it. It is in these circumstances that the representative of a well-known and respected international organization makes a statement that in substance contains a veiled criticism of the provisions of the Convention that the Committee has just prepared, and at least creates the impression that there are substantial gaps in the Convention. One may wonder whether this is

(Mr. Maiorski, USSR)

of any service to our Committee or to the States which have not yet become parties to the Convention. We think that it is not; and, for that reason, that the comments made by the distinguished professor, to put it mildly, seem indelicate.

The Soviet delegation is of the opinion that our Committee should more precisely and more concretely determine the role, functions and tasks of the observers who attend its meetings.

Gentlemen, we all still remember quite clearly the paradoxical instance when a representative of a non-governmental organization which had only just been accorded the status of observer in one of the organs of the Committee started his statement in that organ by saying that he was disappointed with a resolution of the General Assembly. We think that that kind of event should not take place in our Committee or its subsidiary organs.

(Mr. Maiorski, USSR)

It is our belief that the main task of observers from international organizations that are given the signal honour of being allowed to be present at meetings of the Committee --- where each representative speaks not on his own behalf but on behalf of the State whose name is on the sign in front of his seat --- is to inform the Committee of what is being done by their organizations and to expound to the Committee the views and proposals reflecting the agreed opinion of all the members of those organizations, or at least enjoying their total support.

Mr. STONE (United States of America): I would simply state that the United States Government, as a very active participant in the work of COSPAR, is not aware of any detailed study by that organization on the question of the delimitation of outer space, as addressed in depth by the COSPAR representative.

We do believe, however, that a very valuable purpose is served -- both for the members of this Committee and for the organizations represented by observer delegations here --- by representatives of those organizations being present. We certainly would not wish to cast any general doubt on the value that our delegation sees in the continued active, but appropriate, participation of those organizations.

The CHAIRMAN: Since no one else wishes to speak in the general debate, agenda item 3, I shall declare our consideration of that item concluded.

I am happy to report that this year the representatives of 27 delegations addressed the Committee in the general debate, as opposed to only 23 last year. I think that that is a welcome development, showing the increasing participation of delegations in this part of our work.

We shall turn now to item 4 of our agenda, which, as members are aware, is divided into two sub items: (a) report of the Legal Sub-Committee, and (b) report of the Scientific and Technical Sub-Committee. Under our schedule,

(The Chairman)

meetings have been set aside today and tomorrow for the consideration of item 4 (a), report of the Legal Sub-Committee.

CONSIDERATION OF THE REPORT OF THE LEGAL SUB-COMMITTEE (A/AC.105/147)

The CHAIRMAN: Does any representative wish to speak now on this item? A number of members indicated during their statements in the general debate that they wished to reserve their specific comments on the reports before us until the Committee began its consideration of the relevant agenda item, so I assume that there will be speakers on this item.

It does not appear that anyone wishes to speak. Perhaps representatives are not yet ready to speak on this agenda item.

Mr. VELLODI (India): It is only 11.30 a.m., and I think it would be a great pity if we had to adjourn this meeting now for want of speakers. So, although I really was not quite prepared to speak this morning, in view of the situation in which we find ourselves I shall make some observations on the report of the Legal Sub-Committee.

The Legal Sub-Committee's report covers, in a sense, three issues: the draft moon treaty, direct broadcast satellites, and remote sensing. I should like to defer my observations on the draft moon treaty until, possibly, this afternoon, but I would make some comments now on the other two issues.

Section II of the Legal Sub-Committee's report relates to the elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting. While agreeing with others that some progress has been made in the drafting of the principles, I believe that we should not overestimate what has been accomplished so far. It is true that the atmosphere of co-operation and accommodation that was so apparent in the deliberations of Working Group II during the last session of the Legal Sub-Committee assisted the Working Group to produce a draft text of all the principles, although with several alternative texts and still a very large number of square brackets.

(Mr. Velloodi, India)

What has been achieved is certainly a matter of some satisfaction. One can say that it is a step forward, even if it really means only this: that instead of our looking at four different texts of proposals submitted by various delegations, it might be possible -- I repeat: it might be possible -- to have future deliberations on the basis of the texts appearing as an annex to the Legal Sub-Committee's report.

At the same time, it is a fact -- of which we are only too conscious -- that we have not been able to reach a consensus or meeting of minds on any of the controversial issues on which the positions are still quite far apart. It would seem to me, therefore, that unless there is a serious and determined effort, particularly by those who hold conflicting views, to reconcile these views we would be somewhat over-optimistic to think that the next session of the Legal Sub-Committee, scheduled for next year, would be able to finalize the draft principles. I for one would of course be very happy if it could do that, but I think that one should not be over-optimistic in that regard.

As of now I cannot see -- and I speak here to some extent also as Chairman of Working Group II -- how the Legal Sub-Committee can complete work on these draft principles at its next session unless some preparatory work is done before that session to explore possible ways of reconciling the conflicting positions and working out generally accepted formulations. Within the time constraints of the Legal Sub-Committee, I would be very surprised -- pleasantly surprised, of course -- if the draft principles could be finalized at the next session of that Sub-Committee.

(Mr. Vellodi, India)

That is why I feel there should be some sort of preparatory work. At the moment I do not know how such preparatory work can be organized; obviously it will have to be organized in some informal way. I am not suggesting the formal convening of the Working Group; but possibly some informal consultations could be arranged between interested delegations before the session of the Legal Sub-Committee to see how we can proceed from the situation we reached at the end of its last session.

I would certainly take advantage of the opportunity provided by the current session of the main Committee to sound out interested delegations on this matter. I do not think that at this session we shall be able to do much work, but I would certainly try to sound out delegations to see whether there could be some generally agreeable way in which we could in a sense prepare for the work of the Legal Sub-Committee.

I also wish to take this opportunity to thank those delegations who have expressed appreciation of the manner in which I presided over the meetings of Working Group II, and I should like to assure you, Mr. Chairman, and the Committee that I shall continue as long as possible and certainly to the best of my ability to contribute in whatever way I can to the work of this Committee and its subsidiary organs.

I shall now briefly touch upon the next item that was considered by the Legal Sub-Committee -- namely, the legal implications of remote sensing. Working Group III had an extremely difficult job, and I shall try to elaborate on that a little later. It had a very, very difficult job, and it was largely owing to the patience and understanding of the Working Group's Chairman, Mr. Abdel-Ghani, that the Working Group was able to make progress which in my delegation's view should not be minimized. What has been achieved is not insignificant.

As other delegations have already remarked in the general debate, this was the first occasion on which the Legal Sub-Committee took up substantive consideration of this important issue, and the fact that it was able to identify several important common elements in the various proposals it had before it does, in the view of my delegation, cutur well for the work of the Legal Sub-Committee next year in this area. But I should like to make a few additional remarks on this issue of the consideration of remote sensing in the Legal Sub-Committee.

(Mr. Vellodi, India)

A moment ago I said that Working Group III had had a very difficult task. In our opinion, that was largely due to the differences that arose on the interpretation of the mandate given to the Legal Sub-Committee by the General Assembly in its resolution 3234 (XXIX) -- I think most of us are aware of the relevant operative paragraph, 6 (c). The report of the Chairman of Working Group III, which appears as annex III to the report of the Legal Sub-Committee, in its paragraph 4 brings out what I am trying to indicate, namely, a difference in the interpretation of operative paragraph 6 (c) of General Assembly resolution 3234 (XXIX). As most of us will remember, the main point of difference was whether the Legal Sub-Committee had been called upon by the General Assembly to proceed to draft an international legal agreement on remote sensing, or whether, as some delegations held, the Legal Sub-Committee was required merely to consider the legal implications of remote sensing without prejudice -- perhaps this was their view -- to the desirability or otherwise of formulating any legal instrument which would cover the field of remote sensing from space.

That difference in interpretation and approach was in my delegation's view largely responsible for the fact that the Legal Sub-Committee was unable to make as much progress as perhaps many delegations had hoped. For example, one can compare the situation to that relating to direct broadcast satellites, concerning which the resolution of the General Assembly was not unanimously adopted. If my memory is correct, one delegation voted against it. But the fact was that the General Assembly had clearly taken a decision to elaborate principles and consult the Legal Sub-Committee.

I myself do not wish at this stage to start a discussion or debate on what the Legal Sub-Committee should be asked to do, but in my opinion this is something we cannot avoid. We must do this, and I certainly would be happy to hear the views of other delegations. I myself would say this much. In our view, there should not have been that difficulty; there should not have been that different interpretation with regard to operative paragraph 6 (c) of resolution 3234 (XXIX), had there been a meeting of minds on the principle. That is, I believe that if there had been a general feeling that this was an area of activity that should be conducted within a generally

(Mr. Vellodi, India)

acceptable framework, a legal framework, I am sure that the Legal Sub-Committee could have actually proceeded to look at the proposals that were before us. Perhaps there was one other difficulty in the Legal Sub-Committee -- this one: that even in the specific proposals before the Legal Sub-Committee there was a degree of discrepancy, in the sense that one set of proposals referred specifically to the drafting of a convention or a treaty whereas other proposals referred to principles. This is really a matter for the proponents of these proposals to decide, but it might be possible to consider whether during the session of this Committee, and we hope that this could be reflected in our report to the General Assembly, we could reach agreement as to whether a treaty is required or whether governing principles should be attempted. This was done in the case of direct broadcast satellites, where again originally there were firm proposals to have a treaty at that stage, but, as a first step, it was generally agreed we could proceed with the drafting of governing principles.

Thus I am only thinking aloud as to whether it might be possible to get rid of the difficulty as to whether we should have a treaty or only governing principles. But I repeat that this is a matter that must necessarily rest with the proponents of the proposals before the Sub-Committee.

In any case, I shall conclude by saying this. Unless we in this Committee can make specific recommendations and unless the General Assembly can, on the basis of those recommendations, give a clearer indication to the Legal Sub-Committee, I am afraid that next year in the Legal Sub-Committee we will probably be faced with the same difficulty we had earlier this year.

The CHAIRMAN: I thank the representative of India and, if I may comment, I would support what he has said concerning the function of this Committee in regard to its subsidiary bodies -- that our consideration of these two items should serve to provide guidance, orientation and perhaps even lead to substantive progress for the two Sub-Committees whose work -- especially whose future work -- we review. We are not simply looking at the reports of the Committees, we are also looking at their future work, and it should be our task here, if we can achieve a sufficient degree of agreement, to provide guidance to our subsidiary bodies to help them in their future work. Perhaps representatives would also wish to ask questions in this connexion.

Mr. MAIORSKI (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation has already mentioned in the general debate that our evaluation of the results of the work of the Legal Sub-Committee is on the whole positive. And without wishing to revise this evaluation in any way, my delegation would like to add, to this general commendation, one specific comment. In the report of the Legal Sub-Committee in annex IV we have a statement of the financial implications of convening the Legal Sub-Committee in Geneva and New York within the framework of the conference pattern for the biennium 1976-1977.

Firstly, we find it very difficult to agree to this statement. Our delegation has already mentioned this at meetings of the Legal Sub-Committee and we would repeat what we said there. Now the numerical estimates as given here are by no means beyond question, as we see it. We would not like now to take up the time of the Committee by speaking at length on this point since, as we understand it, this matter will have to be discussed under the item "Other matters" in view of the letter which has just been distributed from the Chairman of the Committee on Conferences. But we would like our colleagues to be aware that the Soviet delegation is very carefully studying these figures and will obviously endeavour, when the time is ripe, to present some more refined estimates which might well change the general picture we have of the situation.

The CHAIRMAN: If no further delegation wishes to address the Committee now, I would propose that we close the list of speakers for item 4 (a) this afternoon at three o'clock; that is, immediately after the afternoon meeting is called to order. This will give us a chance to see how many delegations wish to speak under item 4 (a) so that we can calculate the number of meetings we shall need for that item. If fewer meetings are required than we thought, then we can perhaps proceed to the consideration of item 4 (b) earlier. Therefore, the list of speakers for item 4 (a), if the Committee agrees, will be closed this afternoon at three o'clock.

Mr. VELLODI (India): Mr. Chairman, while certainly not wanting to disagree with your suggestion or to criticize what you said, it does appear to my delegation that on item 4 it might not be necessary to have a list of speakers, in the sense that we feel that the trend of the discussion on item 4 might be

(Mr. Vellodi, India)

somewhat different from the general debate since delegations might wish to speak more than once. Therefore, it might be somewhat difficult for delegations to put down their names or for you to have a firm list of speakers that could be closed, making it difficult thereafter for other delegations to speak. So I am just wondering whether it is really necessary to have a list of speakers on item 4.

The CHAIRMAN: It is certainly not necessary to have a formal list of speakers. What I really had in mind -- and perhaps there are other ways of finding this out -- is to ascertain how many meetings we will have to reserve for item 4 (a). We can achieve the same purpose if perhaps by the beginning of the afternoon delegations could indicate to the Committee Secretary or to the Chairman whether they would like to speak under item 4 (a). But this would not exclude later interventions, of course.

Mr. DAYRELL DE LIMA (Brazil) (interpretation from French): Mr. President, I have little to add after your comments, but I think I must say that I share the same misgivings expressed by the representative of India. We would like our discussions on item 4 (a) of the agenda to be rather more informal discussions than those which took place during the general debate.

Mr. VELLODI (India): I have another thought and that is that if, as we found this morning, we again find in the afternoon that no delegations want to speak on item 4 (a), the report of the Legal Sub-Committee, it might even be possible for us to permit delegations who might wish to speak on item 4 (b) to do so. I do not think it would interfere very much with the programme of work of this Committee and, on the other hand, it would probably help us to save very valuable time.

The CHAIRMAN: I have no objection to allowing delegations to speak on items 4 (a) and 4 (b) simultaneously or in the order they think fit. So we shall proceed with the necessary amount of flexibility.

Mr. CZARKOWSKI (Poland): My delegation would like to support the suggestions of the representatives of India and Brazil, as far as the organization of our work and the debate on item 4 of our agenda are concerned.

I would add that in our view the role of this Committee is to serve as a link between its two Sub-Committees, and thus the suggestion of the delegation of India is very appropriate: we could, for example, discuss the question of a treaty relating to the moon, in all its aspects -- aspects which come to us from both Sub-Committees -- or the question of direct broadcasting by satellites. Inasmuch as both of these subjects have been discussed in the two Sub-Committees, our Committee could, especially in the present circumstances, deal with their legal and technical aspects simultaneously. That is the sense in which we understand the role of our Committee.

Mr. MARTINAZZOLI (Italy): My delegation believes that the suggestion made by the representative of Poland to consider simultaneously the two aspects of the issues we have to discuss in this Committee could be very useful in our efforts to make progress.

Mr. CHAIRMAN: I shall now adjourn this meeting to this afternoon, at which time the Committee will consider the work of its two subsidiary bodies.

The meeting rose at 12 noon.