UNITED NATIONS

GENERAL ASSEMBLY

A/AC.105/PV.151
16 June 1975

ENGLISH

COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

VERBATIM RECORD OF THE ONE HUNDRED AND FIFTY-FIRST MEETING

Held at Headquarters, New York,
on Friday, 13 June 1975, at 3.00 p.m.

Chairman: Mr. JANKOWITSCH (Austria)

- Consideration of:
  (a) Report of the Legal Sub-Committee (continued)
  (b) Report of the Scientific and Technical Sub-Committee (continued)

This record is issued in final form pursuant to the decision taken by the Committee in September 1970 (see Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 20 (A/8020, para. 10)).

75-84028

CONSIDERATION OF:

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

(b) REPORT OF THE SCIENTIFIC AND TECHNICAL SUB-COMMITTEE (A/AC.105/150) (continued)

Mr. COCCA (Argentina) (interpretation from Spanish): First I must say that the delegation of Argentina wishes to applaud the report submitted to us by the Legal Sub-Committee. Of the matters dealt with in that report, the moon treaty can be concluded next year -- this is, at least, my delegation's understanding -- if certain brackets are deleted. We believe that the bracketed texts relate to fundamental aspects of this international instrument.

Regarding the elaboration of principles to govern the utilization of direct television broadcast satellites, at the last session of this Committee Argentina proposed a draft international convention. That draft has been supplemented by a working document submitted in the Legal Sub-Committee in 1974. It accords with the principles contained in what are known as the 12 tables of direct-television-broadcasting, principles which were set forth in 1970 at the third session of the Working Group on Direct Broadcast Satellites in New York.

(Mr. Cocca, Argentina)

These 12 tables are in turn based on the monograph submitted by my country at the second session of the Working Group which took place in Geneva in 1969. Consequently, there is nothing we can add that is not already expressly contained in the monograph, in the working document, in the basic texts, and in the text of the international draft convention. Therefore, I would simply say that we should accelerate the pace of our work so that the world conference which the International Telecommunication Union is going to organize in April does not come upon us while we are still in a legal and political vacuum, since the legal and political aspects are not part of the mandate of ITU but of our own.

As far as concerns the legal implications of remote sensing of the earth from space, we have little to add to what has been said in the international draft convention which my Government presented in 1970, or in the text in its updated form which was presented to the General Assembly by the delegations of my country and Brazil, in the form of a draft treaty sponsored by all the Latin American members of our Committee and supported by a large number of delegations.

The representative of Bulgaria in his statement referred to the agreement concluded in Sofia, on 20 April last, between the Government of the Soviet Union and the People's Republic of Bulgaria, on the preparation and utilization of aerospace methods for the remote sensing of the earth, and submitted the text of articles 1 and 4 of the agreement to us. This indicates that great progress has been made in the field of international co-operation, as shown by the conclusion of regional and bilateral agreements. But what we lack is the general legal framework; in other words, a consensus on the part of all States. This general legal framework will be of great value in order to encourage international co-operation.

Now, I should like to refer to the report of the Scientific and Technical Sub-Committee. This Sub-Committee devoted most of its time and effort to studying the remote sensing of the earth from space. In our opinion that is a positive endeavour and everything that

(Mr. Cocca, Argentina)

relates to this matter, as well as the rest of the report, deserves our commendation and our applause. I also indicated, in my statement during the general debate, that certain matters that were bravely -- and I would like to stress the word "bravely" -- taken up by the Sub-Committee contain a challenge to the imagination and the creative powers of the jurists. We accept this challenge and the delegation of Argentina wishes, in a constructive spirit, to contribute some thoughts about a particular substantive question contained in the debates and in the report of the Scientific and Technical Sub-Committee: by this I mean the notion of joint international undertakings or international co-operation.

Perhaps the main thing is to arrive at an agreement about the terms we are using: What is, in the present state of international law, a joint venture or undertaking? We could perhaps, as a point of departure, say that such ventures seek an essentially operational objective, are devoted to scientific-industrial or commercial management tasks, and do not take the form of classic international organizations. Common elements are to be found in the make-up of such ventures as, for instance, multigovernmental initiative; the existence of an international convention; the participation of many States in its corporate capital or joint fund; the satisfaction of a need which is of international public concern; the character of its legal nature, which is essentially variable; the existence of a certain number of privileges; a certain degree of governmental protection. And we ask ourselves, what would be the reasons for the existence of a joint undertaking? I understand them as the same reasons which at a national level prompt legal or physical persons to come together in a partnership; and the reasons which prompt States to set up public, industrial, commercial or scientific establishments, in conformity with the standards and principles of their national law.

But already we see a potential obstacle: the problem of avoiding favouring the host State over and above other interested States. In this way one might reach the point at which an atmosphere of alegality -- I mean not "illegality"

(Mr. Cocca, Argentina)

but "alegality" -- in favour of the joint enterprise: that is to say, that it would not function in any given country totally in accordance with the rules of that country. Such a common undertaking would be exceptionally favoured, but that exception does not have a sufficient legal basis to make us thus abandon without further ado the notion of "alegality".

(Mr. Cocca, Argentina)

Another question that arises is the following: What freedom of action do the members of a joint enterprise have? To which we reply: such freedom can exist only in so far and only as long as the higher imperative of its establishment -- the international general interest -- is not affected.

I turn now to the applicable law, basing myself on some precedents that I have observed. Under the EURATOM Treaty, the law of the host country has subsidiary application. In the case of EUROFIMA, which is a Swiss corporation, provision has been made in the convention and in the statutes that national law shall be applied on a subsidiary basis.

As concerns the legal structure, all conceivable formulas are to be found: an international enterprise; a corporation or partnership, or public international establishment; or an international consortium, as was the case of Intelsat for a few years. We do not at this time have a definition that would easily suit a joint international enterprise; we do however have some examples that might assist us in our thinking.

The Franco-Belgian Society of the Ardennes for Nuclear Energy (SENA) is a joint enterprise of EURATOM in France. Although held to be a French corporation, it is actually a joint corporation, owing to recognition of its joint public utility. In short, it is a French-Belgian corporation of French nationality, within the EURATOM system.

Corporations based in Germany are constituted as German corporations, or societies, but have to observe the rules for joint corporations. They are subject to the law of the Federal Republic of Germany, on the one hand, and, on the other, to the legal provisions emanating from the EURATOM Treaty.

We should also bear in mind that the establishment of joint corporations can come about not only by the conclusion of specific international agreements, but also under the provisions of general agreements which may establish legal machinery, that, in turn, may make possible the establishment of joint corporations I might add that there are already joint corporations without legal personality; there are so-called joint international corporations which are purely national; and there also exists the formula of a purely international partnership, such as EUROCHEMIC.

(Mr. Cocca, Argentina)

We shall not offer a description of a joint or co-operative corporation, but we could single out some elements which would go into it, such as international management bodies or entities having the legal status of corporations with State or para-State, or purely private, participation. They might also be public establishments of an industrial, commercial or scientific nature, subject to a particular international régime whose purpose is to meet a public-interest need of several or, in matters of space activities, of all States and whose creation stems from a particular international convention or from general provisions which have been provided for in agreements and which would allow for the establishment of joint corporations.

On the basis of studies carried out over the past 10 years by highly authoritative jurists, may I take the liberty of summarizing some of the elements that are useful in elaborating a general theory of the joint enterprise. Let us start with the available possibilities.

In the first place, we have joint enterprises without legal personality. We should clarify that it does not suffice for the statute to state that the enterprise should possess that personality. The elements have to be provided, as well as the recognition of such personality.

We have a second group of joint national enterprises under the rule of a given national law, but with the participation of various nationalities. In this connexion, we could point to some disadvantages, among which fiscal and customs disadvantages; commercial disadvantages with regard to payments; legal disadvantages -- dependence upon the discretion of the host State; labour disadvantages with regard to national or foreign labour; as well as judicial disadvantages, in the case of residents as opposed to nationals, who, in matters of contracts and crime, would be governed by the legislation and the courts of the host State.

Finally we could add another disadvantage relative to the management control envisaged in the legislation of the host country.

Let us look now at the advantages. The first, perhaps, would be that there are no surprises in joint corporations: they attract confidence for credit. EUROFIMA, for example, was constituted under Swiss legislation in order to attract investment.

(Mr. Cocca, Argentina)

In the third place we have international or multinational corporations, and here we should like to make one exception very clearly, namely that we are not referring to transnational corporations; they are something else. We would cite the example of the Bâle-Mulhous Airport, which is a public establishment, and also of EUROCHEMIC, which is a European corporation.

What are the advantages of these? They do not have the inconveniences of national corporations to which I referred to earlier. As for the disadvantages, this formula has not been sufficiently proved, and its international character is also restricted, since in many situations it is necessary to resort to the law of the host country, which is a delicate matter.

The new Air Afrique corporation is a multinational one; it was established on the model of international corporations, but it requires a large number of head offices. We cannot easily escape the great problem constituted by applicable law. There is a void in international law in that connexion.

In practice, resort is constantly had -- and to a greater extent than envisaged -- to local law, which in some of the cases I have mentioned is certainly very far from having only subsidiary application.

I should now like to cite the view of Professor Rodier, who has studied joint corporations in great detail, in particular those established for international air transport. He says that the so-called international status frequently has a false legal appearance, which makes it possible to think that, even though nationalism has been condemned to death, it is doing fine.

(Mr. Cocca, Argentina)

We should also remember the Chicago Convention on International Civil Aviation of 1964, which had to be amended in one of its annexes in order to leave room for establishments such as Air Afrique. We cannot ignore the very interesting experience of Intelsat, an international consortium with undivided ownership of the space sector and without legal personality until in 1971 it became an international organization with legal personality but, in my view, an atypical international organization, that is atypical in the light of the Vienna Convention on the Law of Treaties. This is a very valuable precedent, as also is -- and we should bear this very much in mind -- the agreement of 1971 for the establishment of the Intersputnik system.

I shall briefly refer to the efforts being undertaken for the establishment of the Inmarsat system. Document A/AC.105/151 has been circulated to us, concerning the last International Conference on the Establishment of an International Maritime Satellite System, which took place from 23 April to 9 May 1975. This document is very brief, but we can read on page 5 that "there was a need for a world-wide maritime satellite system and also that there was a need for an International Inter-Governmental Organization" -- and I stress "Inter-Governmental" -- "to administer and manage this system".

Also, as an attachment to that document, resolution No. 2 makes reference to the fact that the Working Group should consider at its first session the following fundamental principles: "type and number of the appropriate international instruments". Repeated mention is made of the appropriate international instrument or instruments.

I should like also to refer to the text presented by the Chairman of the First Committee at the Third Conference on the Law of the Sea. It is stated in the foreword of that document (A/CONF.62/WP.8/Part I): "/This text/ must not in any way be regarded as affecting either the status of proposals already made by delegations or the right of delegations to submit amendments or new proposals.

(Mr. Cocca, Argentina)

With that clarification, I shall now refer to article 35, which makes reference to "the Enterprise". It states:

"1. The Enterprise shall be the organ of the Authority which shall, subject to the general policy directions and supervision of the Council, undertake the preparation and execution of activities of the Authority in the Area, pursuant to Article 22. In the exercise of its functions, it may enter into appropriate agreements on behalf of the Authority.

"2. The Enterprise shall have international legal personality and such legal capacity as may be necessary for the performance of its functions and the fulfilment of its purposes."

In another paragraph it states:

"Members of the Authority are ipso facto parties to the Statute of the Enterprise."

It also states:

"The Enterprise shall have its principal place of business at the seat of the Authority."

In annex I of that document, "Basic conditions of general survey exploration and exploitation", part B, paragraph 4 (e) reads as follows:

"Minerals and processed substances produced by the Enterprise shall be marketed in accordance with rules, regulations and procedures adopted by the Council in accordance with the following criteria:

"(i) The products of the Enterprise shall be made available to States Parties.

"(ii) The Enterprise shall offer its products for sale at not less than international market prices. It may, however, sell its products at lower prices to developing countries, particularly the least developed among them.

"(iii) Production and marketing of the resources of the Area by the Enterprise shall be maintained or expanded in accordance with the provisions of article 10 of this Part.

"(iv) The Enterprise shall, except as specifically provided in this Part, market its product without discrimination." (A/CONF.62/WP.8/Part I, annex I, p. 2-3)

(Mr. Cocca, Argentina)

Therefore we have a wide range of precedents, all of them worthy of deep analysis and all utilizable since they do constitute a contribution with regard to the task to which the Scientific and Technical Sub-Committee calls us.

To conclude, we could say that the main constituents of a joint or co-operative international corporation to be considered could be the following: rules for the constitution and recognition of the legal personality of the corporation; scope and responsibility of the participants -- and here we must ask ourselves whether this is a clear or a false definition; the responsibility of the administrators -- here we must ask whether this will be in conformity with the law of the host State, the law of all the participating States or a law to be determined or to be created; the rights of third parties with regard to the assets of the corporation; rules of international and corporate law of the enterprise or corporation; rules for security and urban protection; relations with the users or clients and suppliers; and staff regulations.

As concerns a joint or international corporation concerned with any space activity, it is necessary to stress two fundamental factors: first, in view of the universality of outer space law, its elaboration requires a very special technique; secondly, the fundamental and basic objective that excludes all others is the well-being of mankind. Consequently our thinking on this question should start with a very clear intention, namely one aimed pro bono humanitatis, as we have always liked to repeat in the debates in our Committee.

Mr. CEAUSU (Romania) (interpretation from French): When we consider the report of the Legal Sub-Committee we should bear in mind that the preparation or elaboration of rules and legal agreements is not an end in itself· the purpose of it is to organize international co-operation, namely, to encourage States to work together in specific areas for the application of space technology in order to make it possible for all States to benefit from the results of that technology. The new rules in the area of space should be based on general principles of international law, while, at the same time, developing and adapting the principles laid down in the Treaty on space of 1967, specifically with regard to the actual utilization of outer space for space technology.

We share the views of delegations that have pointed out that legal regulations have to be elaborated as new techniques are developed, in order thus to avoid the emergence of legal problems. At the same time, we are of the view that these rules should be realistic and should avoid the establishment of restrictions or constraints which are not justified at the present stage of the development of space activities.

At its last session the Legal Sub-Committee once again attempted to resolve the most difficult of the final problems raised by the elaboration of a draft treaty on the moon. We continue to think that in order for the negotiations to succeed account should be taken of the positions and the interests of all States, and this should be done in a spirit of constructive compromise in the search for formulas that will be generally acceptable as regards the legal status and the exploitation of the natural resources of the moon. We consider that the problem concerning the exploitation of natural resources of the moon cannot be resolved only on the basis of the principle of the equality of States. To make this principle absolute in that particular case would be tantamount to consecrating factual inequality between the space Powers, on the one hand, and the other countries, on the other, in view of the disparities which exist between the two categories of countries with regard to their technological potential and level of development.

At this time the space Powers enjoy de facto exclusive rights with regard to the exploration and exploitation of the moon and its resources. That is why we think that the principle of equality of States should be complemented by the principle of international co-operation. Now the only method of encouraging

(Mr. Ceausu, Romania)

co-operation is to proclaim the natural resources of the moon as the common heritage of mankind and to establish an international régime that will govern the exploitation of those resources.

The Romanian delegation is aware of the difficulties that we may encounter in attempting to establish as of now an international régime as envisaged. Consequently, we accept the idea of deferring the elaboration of the régime until such time as the exploitation of such resources becomes possible, on the condition that the States parties to the treaty on the moon commit themselves to negotiate in good faith for the elaboration of a future international régime in the context of a conference to be called at the request of a third of the States parties to the treaty on the moon.

The Legal Sub-Committee was seized of several proposals and suggestions aimed at resolving the problem concerning the natural resources of the moon. It would perhaps be useful, in order to facilitate the work of the Legal Sub-Committee, for this Committee to give clear indications to the Sub-Committee with respect to the type of solution that should be sought at its next session in order, in this manner, to avoid the proliferation of proposals, variants and bracketed texts.

With regard to the utilization by States of artificial earth satellites for purposes of direct television broadcasting, my delegation has noted with satisfaction the progress made by Working Group II under the chairmanship of the representative of India. We also note in this connexion that the Working Group succeeded in drafting texts which were generally acceptable or which contained very few brackets in connexion with six of the 14 principles that were examined.

Some delegations have proposed that future rules in this regard should embody the right of individuals to benefit fairly from the advantages emanating from such activities. In that connexion I should like to make the following comments. There is no doubt that the beneficiaries or the ultimate recipients of the benefits of these new technologies will be peoples, individuals, but it is up to States to take the necessary measures at a national level to ensure that individuals have access in equitable conditions to

(Mr. Ceausu, Romania)

the advantages which stem from direct television broadcasting. Our task here in the United Nations is to prepare legal regulations which will govern the relations between States, that will result from the activities they carry out in space. It is true that, in conformity with the Treaty of 1967, non-State entities, corporate or legal bodies are free to participate in space activities alongside States and their organizations; but such participation must be governed by national regulations. International legal instruments, such as those in the field of space, create rights and duties only for States, including the duty to see to it that all activities of that nature carried out by non-governmental organizations are carried out in conformity with the provisions of international agreements.

In the preparation of the instrument proposed for television broadcasting by satellite, two essential questions will have to be resolved -- the content of programmes and the participation of the States concerned. The principles of consent and participation are essential to safeguard the sovereign rights and interests of States whose territories are covered by that type of broadcast. To achieve that it is necessary for the principle of consent and the right to participate to be defined in such a way that it will ensure to the State covered by the broadcast the right to know in advance the content of the programmes and to refuse their broadcasting if it feels that the programmes could have effects harmful to its own interests.

(Mr. Ceausu, Romania)

At any rate, we do not accept that the principle of freedom of information should be invoked to support regulations that may be contrary to fundamental principles of international law, in particular to the principles of sovereignty and the inadmissibility of interference in the internal and external affairs of States. We should like this new space technology to contribute to understanding and entente among peoples, rather than to engendering hatred and discord.

At its last session the Legal Sub-Committee also examined the subject of remote sensing of the earth from space. Once again we have seen that the Legal Sub-Committee has made progress in its consideration of that subject. The Working Group established for that purpose, and very ably presided over by Mr. Abdel-Ghani, commenced the examination of various proposals submitted concerning the preparation of international legal instruments in that field.

We have been encouraged by the fact that the delegation of the United States has submitted a working document concerning the elaboration of additional guidelines on remote sensing of the natural environment of the earth from outer space. Thus, it seems to us, this time there is unanimity with regard to the need to prepare specific regulations for remote sensing of the earth.

The need to establish a separate and distinct legal régime for remote sensing activities stems from the fact that that type of activity is slightly different from those of the exploration and utilization of outer space, activities that are governed by the 1967 outer space Treaty. Remote sensing activities are very specific owing to the fact that the subject of scientific investigation is the surface of the earth, its subsoil and the earth's atmosphere -- all of which are to a large extent within the sovereignty of States.

Remote sensing activities are both spatial and terrestrial; therefore it does not seem possible for us to find in the space Treaty the answers to all the questions raised by remote sensing. If, for instance, the Treaty gives a specific reply to the question concerning the launching and placing in orbit of a remote sensing satellite, it does not offer any indications concerning the legality of remote sensing activities carried out over the territory of a foreign State, or regulations regarding the data thus obtained.

(Mr. Ceausu, Romania)

Working Group III had a very useful debate on the basis of the preliminary list of questions prepared by the Secretariat. True, we were not able to have an exhaustive debate nor was it possible to draft complete texts to be included in the future instrument; nevertheless, it was possible to arrive at certain common views, based on the principles submitted, on existing drafts and on the views expressed. The fact that it was possible to reach general agreement on those points leads us to believe that there might be a possibility of complementing, developing and finalizing them at the next session. Of course, the essential questions have not yet been touched upon and the report of the Working Group contains a very long list of aspects on which views are still very far apart.

In the view of the Romanian delegation any regulation of remote sensing should be based on respect for the principle of the sovereignty of States, in particular with their sovereignty over the natural resources of their territories and over information about them. Such regulations should encourage international co-operation so as to promote the optimal exploitation of space technology and thus to benefit all countries, in particular those which are still developing.

My delegation has taken note with interest of the comments made at the Legal Sub-Committee's session and here during this session by the representatives of France, Argentina and Pakistan concerning the delimitation or definition of outer space. We, too, believe that this is an extremely important question on which the development of international co-operation in this area will depend. Indeed, what particularly interests us is how to distinguish between space activities and activities which take place in the earth's atmosphere, which is to a large extent under the sovereignty of States; because when we speak of sovereignty over natural resources of the earth there is a tendency to refer only to raw materials in solid or liquid form, namely, mineral and vegetable substances utilized in the production of goods for consumption. It is thus forgotten that one of the most essential natural resources of the earth is oxygen that is found in the atmosphere. The earth's atmosphere is therefore a raw material, a commodity, which is consumed permanently and continuously by every human being and which is

(Mr. Ceausu, Romania)

fundamental to life on earth. We believe that concern about the preservation of the atmosphere, with all its functions so essential for maintaining life on earth, should occupy an important place in the legal regulations governing the various aspects of space activities.

Mr. MAGNO (Italy) (interpretation from French): We believe that what we have to do here is not merely approve the reports submitted by the sub-committees which reflect the facts, that is to say, the difficulties encountered in trying to find solutions to the substantive problems. It is therefore necessary for us to consider those problems.

The first is the problem concerning the moon treaty. In this connexion, it is our belief that it would be better to call it a "convention" rather than a "treaty", so as to be logical and systematic and to make it conform with the other documents on this matter: the Agreement on Astronauts, the Convention on Liability, the Convention on Registration -- and the convention on the delimitation of space, which is now being prepared. From the substantive point of view, it is really the same thing in view of the fact that the value of an international instrument depends on its content and not on its title, but we space lawyers also have to concern ourselves with an organic nomenclature. In this case, we would more easily be able to extend the scope of this convention to cover other celestial bodies as well.

The task of surmounting the difficulties encountered in formulating this convention relating to the moon, so far as legal questions are concerned, must be taken up by the Legal Sub-Committee or, if it is so decided, by a special working group. But it is the task of this Committee to speed up the conclusion of this convention, since the various texts, variants and square brackets do not appear to present any insurmountable difficulties.

(Mr. Magno, Italy)

The second problem is direct television broadcasting. There many questions arise that have to be studied very specifically. It would appear to be timely to establish a working group consisting both of jurists and of technicians. The Committee, however, must give some guideline -- my delegation referred to this during its statement in the general debate -- that is, a reasonable waiver of the sovereign and national rights of States in order to reap the benefits which would be derived by all from direct television broadcasting and from remote sensing of the earth's resources.

The third problem is remote sensing. It was undoubtedly an excellent procedure to indicate the points on which agreement had been reached and the points on which there were still divergent views. There are essentially two points on which there are divergent views: first, whether or not the consent of the observed State has to be requested; and secondly, the question of access to information. With regard to those two questions, we need more legal guidelines -- such as those formulated in the two alternatives and the variants -- and the political will. We hope that delegations will show their goodwill in order that progress may be made in this field.

There remains the problem of the delimitation of outer space. We all understand the importance of that problem. I listened carefully to what was on this subject by Professor Jager of COSPAR, the representative of the Soviet Union and other representatives. For my part, I am puzzled by and must express great reservations about the solution proposed by Professor Jager -- that is, to divide space into three zones instead of the two that we have always envisaged: the atmosphere and outer space. I do not think that that method would help us to solve the problem of the delimitation of space; on the contrary, it would complicate the problem. It really has no utility since the third, intermediary zone would give rise to the very same disadvantages that the convention on the delimitation of space seeks to remove.

We reserve our right to speak again during the discussion of specific questions.

The CHAIRMAN: I would remind members that we are now considering simultaneously the two subitems of item 4 of the agenda. Several representatives have asked whether it would be possible to make their comments on subitem (a) on Monday morning, and I have replied in the affirmative. In view of that fact, any representatives who wish to comment now on subiten (b) may certainly do so. Indeed, that has already been done by some members of the Committee.

Mr. VELLODI (India): I should like to make some observations regarding one of the issues covered in the report of the Scientific and Technical Sub-Committee. I was hoping to make those observations in the context of a proposal that my delegation, along with the delegation of Austria, is submitting to the Committee. We put in a paper just before lunch today, and it would have been easier for me to make my statement if the paper were already before the members of the Committee. The paper has not yet been distributed, but since there is a possibility that it will be before I conclude my statement, I am going to be bold enough to take a little of the Committee's time to explain the motivations of my delegation and that of Austria in submitting this proposal.

The position regarding a United Nations conference on space matters is somewhat as follows. A suggestion to hold such a conference was made last year in the Scientific and Technical Sub-Committee. As a result of that suggestion -- which, incidentally, was made by the United Nations Expert on Space Applications -- the main Committee endorsed the idea of soliciting the views of Member States regarding the conference. The Secretary-General undertook to send round a communication to all Member States, and he did that some time in August last year. The communication took the form of a questionnaire.

When the Scientific and Technical Sub-Committee met this year, just about two months ago, it had occasion to consider this question. The Secretary-General had submitted -- in addition to the replies received from Member States -- a short report, in which he had indicated at one point that the number of replies received was not sufficient to make a proper, full assessment of the general desire of States Members of the United Nations with regard to the conference. Since then a few more replies have come in.

(Mr. Vellodi, India)

Our own view is that the Outer Space Committee is sufficiently representative of the United Nations to consider the matter and make appropriate recommendations to the General Assembly on the basis of our discussions, deliberations and conclusions, and that it is perhaps not necessary for us to receive the views of all the States Members of the United Nations, or even of a substantial number of them, before dealing with this question. I think that we have the competence, and we certainly have the responsibility, to make appropriate recommendations in this regard.

I see that our proposal is now before the members of the Committee, and it should be easier for them to follow my statement.

In this paper we have tried also -- because we felt it would be very useful -- to consider the analogy of the 1968 Vienna Conference. Paragraph 2 of our paper gives a sort of historical account of what happened at that time. On the basis of a proposal made in the Scientific and Technical Sub-Committee, the main Committee established a Working Group composed of its entire membership to examine the desirability of holding the conference. I wish to explain that what we are suggesting is a similar step-by-step process to set up a working group without prejudice to the question of whether the conference should be held and when. These are all matters which the Committee itself will have to decide upon at a future date.

(Mr. Vellodi, India)

What we are suggesting is precisely what was done on the previous occasion -- that, setting up a working group of this Committee which would examine this question of the desirability of holding of a conference. In so doing it would naturally take into account the various views that have been expressed in the Committee, in the replies to the questionnaire that have been received and possibly in other forums, including the General Assembly. Many views have been expressed. As we have tried to indicate in paragraph 1, from the replies that have been received one cannot fail to see that there is wide support for the holding of a conference. However, there are a few delegations and Governments that have not supported it. I do not think it is fair to say, as the introduction to the Secretary-General's report might indicate, that they are objecting such a conference. I do not believe that is a correct statement of fact. As far as we can make out, they have reservations. They certainly feel that any decision concerning the holding of such a conference, which could have some serious financial implications, should not be taken casually but should be decided on after a very clear determination of the purposes and objectives of such a conference.

Therefore, if some delegations, whom I do not want to name, since it is clear from the replies received who they are, have some reservations -- and I would call them only reservations, not serious objections to the holding of the conference -- and even if there are Governments which still do not see the need for or desirability of the conference, what we are saying is that we feel that in order to move forward in this matter, as I repeat we must do, the procedure adopted on the previous occasion could very usefully be followed. We are suggesting the setting up of the working group, and we have tried to indicate clearly in paragraph 5, which, in a sense, gives the terms of reference of this working group, that the group will in its examination of the desirability of holding an international

(Mr. Vellodi, India)

conference on space matters, and while making suggestions regarding its organization and possible objectives -- which it will obviously make only if it comes to the conclusion that it is desirable to hold the conference -- it would take into account the various views and suggestions made and options referred to that may explain the views of those delegations.

You will recall the suggestion made during our discussions in the Scientific and Technical Sub-Committee that it might be conceivable to undertake consideration of space matters within the context of the proposed Conference on Science and Technology. My delegation and, I think, several other delegations in this Committee have expressed the view that it would not be quite satisfactory if the consideration of space applications or space matters is in a sense submerged within the context of this proposed Conference on Science and Technology, which has a very vast and impressive agenda. We believe a separate conference would be desirable. But again that is one view. There could still be delegations which feel that the option of considering space matters within the context of the science and technology Conference should still be looked into. Therefore we are leaving it open for the working group to consider all these suggestions and the options referred to and then report to the Committee at its nineteenth session.

It is possible that the working group might even consider, for example, the suggestion which I am told has been made by the Expert Group on the Restructuring of the United Nations -- that all such conferences should be banned, that there should be no conferences, that if there is any area of activity sufficiently important for special consideration it should receive it in the context of the special session of the General Assembly.

There could be many views, many suggestions. What we are suggesting is that the working group should consider all these views, all these suggestions, and come back to the main Committee, not to the Scientific and Technical Sub-Committee. It should come back to the main Committee with its report. We feel that only on the basis of that report shall we be able to take a final decision regarding the conference. If we do come to the conclusion that it would be desirable to have such a conference, obviously the matter will have to go to the General Assembly.

(Mr. Vellodi, India)

Because we do realize that the setting up of any subordinate organs and the organization of their meetings and so forth would involve quite significant financial implications, we have in the final paragraph of our paper suggested that the working group might meet in New York during the week preceding the thirteenth session of the Scientific and Technical Sub-Committee, scheduled for March/April 1976. We have made this suggestion because it is our belief that many of the representatives who might come for the meeting of a possible working group on the conference would be more or less the same as those who would come for the Scientific and Technical Sub-Committee.

It is possible that these meetings of the working group, which would probably number five or six, certainly not more, could be organized even during the meetings of the Scientific and Technical Sub-Committee, particularly during the first few days of the session when, as we know from our own experience and from the experience of the Sub-Committee, the tempo of work is not too demanding. This might not even be necessary; I am merely putting forward ideas.

(Mr. Vellodi, India)

It is possible, therefore, that one could minimize or almost avoid additional financial implications with this working group by co-ordinating the work of the group with that of the Scientific and Technical Sub-Committee.

I shall conclude by saying that we have made the suggestion in a constructive way and we hope it will be taken as a positive contribution to the work of this Committee. We believe that we obviously have to consider the proposal regarding the conference and take a final decision at some point, and we think that that would be facilitated by the suggestion that we have made.

The CHAIRMAN: As delegations may have noticed, while the representative of India spoke, document A/AC.105/L.84 has been distributed and should now be before all delegations.

Mr. COCCA (Argentina) (interpretation from Spanish): I want to say "yes" three times to the proposal just put forward by the delegations of Austria and India, the reasons for which were given by the representative of India.

I agree to the holding of the conference, as we have already said; I agree to the procedure envisaged in the document; and I concur with the date which it is presumed will be the most appropriate for the holding of such an important event. I should like to add one more thing. As concerns the venue, I think all of us could seriously entertain the idea of the desirability of holding it in Vienna, paying due heed to the extraordinary co-operation of the Austrian Government which acted as host to the 1968 Conference.

The CHAIRMAN: Perhaps delegations would like to have a little time to study the proposal just submitted by the representative of India on behalf of his delegation and the delegation of Austria. We could continue the discussion on Monday. In the meantime there remain a good many other subjects -- unless the Committee wishes to conclude its deliberations for today and return to the conference room refreshed on Monday morning. The Chairman is in the hands of the Committee and will act according to its wishes.

(The Chairman)

As there are no other speakers, I would infer that the Committee wishes to adjourn at this time. I think we have done good work in the first half of our session, including today. We had a most substantial debate in which nearly 20 delegations took part, and we can adjourn in good conscience.

The meeting rose at 4.45 p.m.