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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE
VERBATIM RECORD OF THE ONE HUNDRED AND FIFTY-SECOND MEETING

Held at Headquarters, New York,
on Monday, 16 June 1975, at 10.30 a.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)).

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)

The CHAIRMAN: As members may recall, the Scientific and Technical Sub-Committee, at its last session, requested that consideration be given to ensuring more effective co-ordination of the activities of the United Nations and the specialized agencies in the area of space applications. That Sub-Committee, as you can read in paragraph 51 of its report, noted the efforts that had been made in this direction, in the context of the Administrative Committee on Co-ordination (ACC), and noted in particular the proposal made during the ad hoc interagency meeting on space applications, held in Geneva in March of this year, for the establishment of a standing body of ACC to deal with matters relating to space applications.

The Sub-Committee commented favourably on the need for ensuring effective interagency co-ordination which would assist in increasing the effectiveness of programmes in the area of space applications. Such co-ordination could be effected either through the setting up of new appropriate machinery for this purpose, or within existing arrangements.

The Sub-Committee recalled the request it had made to the Secretary-General at its last session for a report on co-ordination among the specialized agencies and the United Nations Space Applications Programme, with any suggestions or recommendations the Secretary-General might wish to make to the Committee on the Peaceful Uses of Outer Space.

The Sub-Committee then expressed the hope that such a report, which would be based on consultation with the specialized agencies, would be submitted in good time for consideration at the present session of our Committee.

In the preparation of his report, the Secretary-General, according to the recommendation of the Scientific and Technical Sub-Committee, should also take into account the various views expressed at its current session.

This morning we have the pleasure of welcoming to our Committee Mr. Muller from the Office for Inter-Agency Affairs and Co-ordination. I now call on him to make an oral report on this question in response to the request of the Scientific and Technical Sub-Committee.

Mr. MULLER (Director and Deputy to the Under-Secretary-General, Office for Inter-Agency Affairs and Co-ordination): I should first like to say, on behalf of the United Nations system, that the attention being paid by the Scientific and Technical Sub-Committee to the question of co-ordinating activities relating to outer space is most welcome. It is extremely important to ensure that the developing countries obtain as many as possible of the benefits of the new advances in space technology. This can be done only if all the concerned organizations of the system work together as closely as possible, and if they all make sure that their efforts reinforce one another.

The Scientific and Technical Sub Committee has asked the Secretary General for a report on co-ordination among the specialized agencies and the United Nations Space Applications Programme, together with suggestions and recommendations.

As you may be aware, over the last ten years ad hoc interagency meetings have been held every year on outer space activities within the framework of the Administrative Committee on Co-ordination, which, as you know, is composed of the executive heads of the agencies meeting under the chairmanship of the Secretary-General of the United Nations. Any problems which cannot be solved at the ad hoc meetings are brought up to the ACC Preparatory Committee, and, if necessary, to ACC itself. ACC reports on the results achieved regularly in its annual report. These meetings have provided a forum for the periodic and systematic exchange of information in order to prevent overlapping and duplication, and for making arrangements for co-operative action. In particular, since the initiation of the United Nations Programme on Space Applications, the meetings have been used for co-ordinating the United Nations Programme with those of the specialized agencies and organizations concerned. I am glad to be able to say that some co-ordination problems which seemed likely to arise two years ago have now been resolved, and that the United Nations Programme has been carried out in close co-operation with the agencies and other offices in the United Nations itself. In addition, the ACC Preparatory Committee, which considers the reports of the ad hoc meetings in conjunction with reports of meetings on related subjects such as science and technology and education and training, is able to ensure that there is no duplication between the work of the various technical meetings and to make arrangements, where necessary, for co-ordination between them.

(Mr. Muller)

In its report, the Scientific and Technical Sub-Committee suggested that the co-ordination of the activities of the system in the area of space applications could be strengthened, either by setting up new machinery for this purpose or within the existing arrangements.

(Mr. Muller)

The Secretary-General considers that it would be advisable as a first step to see whether the existing machinery cannot be strengthened to meet the concerns expressed by the Sub-Committee. To this end, there have been consultations with the agencies concerned, and agreement has been reached on the holding of an ad hoc interagency meeting on outer space activities within the framework of ACC in the autumn of this year. The timing of the meeting represents a departure which it is very much hoped will make the meeting itself more fruitful. Most of the organizations concerned, including the United Nations, will be in the process of finalizing their programme budgets for 1976/77 at this time, and if this meeting is held early enough there would still be the possibility for final budgetary adjustments to be made. This is very important in view of the fact that, once programme budgets are finally adopted, it becomes quite difficult to modify them even in the interest of better interagency programme co-ordination. In the future, also, an effort will be made in the realm of outer space applications as in other programme sectors to time interagency meetings in such a way that they take place before rather than after programmes have been fixed.

The desire has been expressed by the Sub-Committee that there should be a standing body of ACC to deal with matters relating to space applications. We in the United Nations Secretariat fully share this view. The mere fact that we have had ad hoc meetings now for 10 successive years is proof enough that the need for such a body really exists. The United Nations will, therefore, urge upon its sister organizations that such a sub-committee should be set up, and action will probably be taken on this proposal by ACC at its session in October. It is also important that the interagency meeting, whether an ad hoc meeting or a sub-committee should have the fullest possible staff support, without which no intersecretariat body can produce wholly satisfactory results. I think I can assure members of the Committee that such staff support will continue to be furnished by the Outer Space Division and the Expert on Space Applications, working closely with the Office for Inter-Agency Affairs and Co-ordination.

(Mr. Muller)

This autumn's interagency meeting will concentrate its attention on how technical assistance to developing countries in space activities can be expanded. If, as we hope, the organizations come to the meeting with full information on their current programmes and plans, the meeting will be able to look at the whole picture of outer space activities carried out by the United Nations system. It will attempt to identify where the gaps may be, in the light of evolving technology, and whether the direction of the total effect may need to be modified, bearing in mind the wishes of Governments as expressed in this Committee and its Scientific and Technical Sub-Committee and in the governing bodies of the agencies. In particular, it will try to ensure that a multidisciplinary approach is adopted by all the organizations concerned.

With regard to specific programmes, the meeting will explore how co-operation can be increased, especially in the area of education and training in which all the organizations are concerned in their various areas of competence.

We would, of course, welcome any suggestions which the members of the Outer Space Committee may wish to make in the present discussion, especially regarding future directions of the technical assistance in space activities provided by the United Nations system for the developing countries.

Mr. VELLODI (India): Let me hasten to thank Mr. Muller for a very useful statement. My delegation would of course have preferred to see a report in document form from the Secretary-General on this important issue. In the absence of that, I should like to suggest that the statement just made by Mr. Muller be made available to us so that we can look at it. I see that the verbatim reporters are not here today. So presumably the verbatim record of this meeting will not be available for some time to come. Therefore I would suggest, Mr. Chairman, if it is acceptable to you and to the Office for Inter-Agency Affairs, that the statement made by Mr. Muller be made available to us as soon as possible, because we should certainly like to take advantage of the appeal he made at the end of his statement, an appeal to the Committee to make any suggestions it might wish for improving efficiency in this area.

(Mr. Velloidi, India)

Furthermore, there is the possibility of some discussion, and we should prefer to have this when we have representatives of all the specialized agencies present with us. I think we have the representatives of FAO and UNESCO with us at present, but it would be preferable for us to have some discussion on this when representatives of all the concerned specialized agencies and also representatives of UNDP are present with us.

I should also like to put a few points to the representative of the Office for Inter-Agency Affairs. If he would kindly note these points and come back to us either this afternoon or tomorrow, I would appreciate it very much. The points I have I shall list.

First, we should like to know a little more on how the ad hoc meetings -- the one, for example, it is proposed to hold this autumn -- are to be organized. We should like to have some indication on how ACC or the Office for Inter-Agency Affairs goes about preparing for this conference. I think it is very important, because, although, as he put it, the ad hoc meetings have been going on for almost 10 years, if I heard him correctly, we -- and I hope Mr. Muller will not take it amiss -- are not yet happy about this area of interagency co-ordination. He said that certain problems that arose -- or seemed likely to arise a few years ago were solved satisfactorily. We do not know what these problems were, but it seems to us that the preparation for these meetings is very important, and therefore we should like to have from him some indication of how they are prepared, how the agenda is prepared, what sort of notice is given to the specialized agencies, whether they are asked to submit any documents, and so on.

Secondly, I should like to ask, through Mr. Muller, the Office for Inter-Agency Affairs whether this Committee could not receive an official report from that Office regarding those ad hoc meetings. Some of us recall that at the last session of the Scientific and Technical Sub-Committee we did receive a report on what took place in March in Geneva, but that was not an official report. It was something that was circulated as part of a statement made by the Expert on Space Applications. It came in ditto form. It never came out as a document, and it certainly is not available to the Committee.

(Mr. Vellodi, India)

I do not see any reason why the report of the ad hoc meetings -- presumably there is a report which the Office for Inter-Agency Affairs and Co-ordination prepares -- should not be made available to us. Mr. Muller mentioned that reports or accounts of those meetings are contained in the annual reports of ACC. Now even that is not available to us as a Committee document. I am sure that if some of us were interested we could probably search around somewhere and find out what ACC has reported, but we should very much like to have, and my delegation would insist that we be given, authoritative official documentation regarding those meetings. If there are any problems regarding this matter, I am sure that Mr. Muller will tell us when he speaks to us again.

Thirdly, we were extremely happy to hear Mr. Muller say that at least in the future -- because we believe that this has been the case in the past -- these ad hoc meetings of ACC to consider space matters will not merely consist of an exchange of information. We have a suspicion that previous ad hoc meetings consisted largely of statements by the specialized agencies indicating what they have been doing in this area, and probably similar statements by the United Nations Expert on Space Applications. We are not sure whether there was any serious attempt made at these meetings -- if I am wrong I beg to be excused -- let alone to co-ordinate the activities, even to think in terms of what else could be done. I was very glad to hear from Mr. Muller that apart from the systematic exchange of information in order to prevent overlapping and duplication, these meetings will attempt to make arrangements for co-operative action to consider how technical assistance to developing countries in space activities can be expanded. This is a very constructive approach and we hope that the Office for Inter-Agency Affairs and Co-ordination will succeed. We are aware of the difficulties, but we hope that it will succeed in getting this type of approach accepted by the specialized agencies and in the ad hoc meetings.

We are happy to hear Mr. Muller say that the United Nations Secretariat, at least, is solidly behind the idea of a standing committee and we also hope that the Secretariat, and particularly the Office for Inter-Agency Affairs and Co-ordination, will succeed in convincing the specialized agencies of the need for setting up a standing committee. We understand the problems that Mr. Muller

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has raised about the financial implications of having a secretariat of such a standing committee, but these are not serious obstacles. We do believe that there is a need for a standing committee. In fact it was that, and that alone, that prompted my delegation and some other delegations to suggest at the last session of the Scientific and Technical Sub-Committee that consideration might be given to the setting up of a committee for joint programme action in this area. We hope, therefore, that the idea of the standing committee will gather support during the September meeting and that we shall be told next year that the standing committee has been or is being established.

That is all that I wish to say on this subject now, but my delegation may have some remarks to make after I receive the clarifications that I have sought on the preparation and on the reporting. Those are the two main things.

I have one final point to make. We hope that the ad hoc meetings of ACC for space matters are regularly attended by the representative of UNDP. We realize that UNDP is not a specialized agency, but we hope that the Office for Inter-Agency Affairs and Co-ordination has issued a standing invitation to UNDP to be present at these meetings. This to us is vital because we believe that UNDP has an important role to play.

That is all I wish to say now, but I would appreciate it very much if Mr. Muller could come to us perhaps this afternoon or tomorrow morning, a time when all the representatives of the specialized agencies are present, because any discussion on this subject would be much better conducted in the presence of the representatives of all the specialized agencies.

The CHAIRMAN: I see that no other representative wishes to comment at this stage on the remarks made by the representative of the Office for Inter-Agency Affairs and Co-ordination. I take it that Mr. Muller would like a little time in order to prepare his replies. We shall arrange a mutually convenient time for the replies to be given to the Committee, and perhaps the Secretariat can also follow up on the desire expressed by the representative of India to ensure the presence of the observers from the specialized agencies.

(The Chairman)

As there is no further comment at this stage, I should like to thank the representative of the Office for Inter-Agency Affairs and Co-ordination for his remarks this morning. We shall look forward to seeing him again in the Committee when the time comes for his replies.

Incidentally, I should explain to the Committee before we take up consideration of item 4 of our agenda that our good friends the verbatim reporters are engaged in follow-up work as a result of the Security Council meeting on Friday afternoon and Friday night, which was a particularly lengthy one. As there will be another meeting of the Security Council this afternoon, I expect that the verbatim reporters will be absent again. Therefore, the arrangements for recording will apply, which means that the verbatim record, as the representative of India suspected a little while ago, will be available only at a later stage. However, I expect that his request for the circulation of the report of the representative of the Office for Inter-Agency Affairs and Co-ordination will be taken up so that we do not have to wait for the verbatim record to have it available.

Mr. VELIODI (India): I am sorry to speak again, but there is a question that I should like to ask, through you, Mr. Chairman, of the Secretary of the Committee. Although my delegation at one time did suggest that we do away with the verbatim records, we do believe that some records of the Committee are necessary and, in a sense, even essential for the meaningful continuation of our work. I should like to ask the Secretary -- perhaps it is too late now, but in future if similar situations arise -- on occasions when the verbatim reporters are busy with the meetings of the Security Council or some other organ, whether we could have summary records for our meetings? Is it possible for summary records to be made available for those meetings for which we do not get verbatim records?

Mr. ROBINSON (Secretary of the Committee): I do not believe that I have an immediate answer to the question asked by the representative of India. It is my general understanding that any organ of the United Nations cannot have summary records and verbatim records at the same session. However, we shall take this matter up with the Department of Conference Services and give the representative of India a reply later this afternoon.

Mr. CHAHID NOURAI (France) (interpretation from French): My delegation followed with great attention the discussions held last week and will, of course, carefully study certain of the ideas put forward by delegations. I am thinking in particular of the proposal on the legal definition of an international enterprise. At this time, my delegation will merely make a few comments which arise from the three series of questions mentioned.

Let me first of all revert to two questions dealing with organization. The site of the next session of the Legal Sub-Committee is to be the subject of discussion later on, as you, Mr. Chairman, have indicated. So I would not have mentioned this except that other delegations have referred to it. My delegation would like to reserve its right to recall the reasons it has always had for wanting this session to be held in Geneva. Those are the reasons that lead us to state emphatically that in no way whatsoever will it be possible for us to support the recommendation in document A/AC.105/L.83.

With regard to the convening of an international conference on the application of space technology, my delegation, like others, has not yet officially adopted a position. Before doing so we would like to have a better idea of what delegations feel should be the goals and the ways and means of holding this conference. My delegation is also sorry that, because we did not receive early enough a French text of the document presented by India and Austria it has been impossible for us to study the drafting of that text.

Other questions that have been raised during our discussion are ones of legal principle or philosophy, but they do have concrete application and are important in a practical sense. Some have asked whether law should follow or precede technology, particularly with regard to whether the instruments drafted in this Committee should precede or follow the application of space technology.

My delegation, for its part, has always felt that what must be avoided at all costs is delay in the rule of law with regard to technological progress. No gap can be tolerated unless there is a risk of dissension or of conflict within the

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international community. But if we want to arrive at a positive, applicable law that is in fact applied, we must be pragmatic and we must be cautious. Thus, when all the implications inherent in a given technology are not clearly evident, two procedures are adopted. The first consists in having the drafting of the treaty preceded by an intermediate phase during which only the principles that are not legally binding are defined. The second, which may be envisaged when the implications are clearer and have already led to the drafting of a binding legal text, consists of providing in the draft treaty for a medium-term revision of its articles. The two procedures have been and continue to be utilized in this Organization. The first was utilized in defining the principles governing the exploration and utilization of space before the 1967 Treaty was drafted, and it is at present being utilized with respect to direct television broadcasting. The second has been utilized to solve problems of licensing and responsibility. By proceeding in that manner at the international level, we have simply reflected a trend that is already perceptible within national legislations. While it is true that one of the fundamental traits of law is stability, the time is past when we could straightway set about engraving the tablets of the law for all eternity.

So that the law may continue to serve in organizing relationships, we must be aware of the constraints inherent in its subject and framework; in this particular case they are the constraints of technology and technological progress. This does not mean that the legislator must stand still; but he must proceed with prudence.

Here we come to another point raised during our discussion, namely the risk of creating a straitjacket that would hamper the free development of technological progress. My delegation believes that if caution is observed that risk will not exist. Rather to the contrary, it is the legal framework itself that alone enables technology to develop smoothly and for the betterment of all. Thus in the absence of a definition or delimitation of space there is reason to fear that difficulties may arise among States when activities taking place at the border line between the atmosphere and space take on greater importance. And those difficulties would be bound in their turn to hinder such activities. On the other hand, it can be maintained that the instruments that have already been drafted in the realm of space law have made possible a certain security and stability in relations that have promoted the development of research and of experimentation.

(Mr. Chahid Nourai, France)

These comments would be without any interest whatsoever if they were not designed to lead towards concrete possibilities, namely, the work of this Committee. I should like, therefore, to turn now to questions concerning the substance and the method of our work. Let me do so by returning to and expanding on the distinction made the other day by the representative of Austria with regard to remote sensing. When a problem is studied in this Committee, three situations may arise, each corresponding to a specific stage of deliberation and to a specific question.

In the first situation the first question is whether the drafting of an instrument is necessary for the organization of a particular sectoral activity or a particular aspect of space activities as a whole? In other words, is the 1967 Treaty sufficient in this or that case, or must it be spelled out in greater detail and adapted to a given situation? In the second situation --- which indicates a later stage in the deliberations --- the question is to know whether the drafting of an instrument is technically possible and practical. The third situation corresponds to an even more advanced stage when drafting has already started but is not yet concluded. The question is then to define the nature of the difficulties and obstacles so as better to compass the means of overcoming them. Those difficulties and obstacles may be technical, they may be legal, or they may be political.

The sketch I have just given is perforce brief and sketchy. It neglects any intermediate situations, as well as the fact that the difficulties are always complex and have various aspects. However, it may aid us in roughly defining the problems confronting the Committee.

(Mr. Chahid Nourai, France)

With regard to the definition of space, it is not yet certain that we have really gone beyond the first stage. Indeed, there are some who still are not really sure that the problem needs to be solved. In any case, it is obvious that the second question has still not been clearly answered. At the scientific level there is still a large amount of uncertainty, and in 1967 the Scientific and Technical Sub-Committee even drew up a balance sheet of failure, as it were.

This year new points have been raised in our discussions. They will undoubtedly have to be made more specific in a very detailed written note by the body that presented them. Furthermore, if it is found that scientific thinking is still confronted by major difficulties, it will perhaps not be impossible to overcome those difficulties, as my delegation suggested a few years ago. However that may be, there is another, purely practical problem to be faced: the size of the priority agenda makes it impossible now to devote sufficient thought to the question. That is another reason for us to hope that progress will be made in the discussion of these priority questions.

With regard to remote sensing of the earth's natural resources, we have now gone beyond the stage where everyone is wondering whether an instrument in that field is needed. The differences of view relate to the question whether the drafting of such an instrument is possible or timely. At its last session the Legal Sub-Committee first put the question in semantic terms. Indeed, last week some representatives reverted to this interesting analysis of the term "legal implications of remote sensing" which appears in the Legal Sub-Committee's terms of reference.

Since everyone has stated the conviction that such an instrument is necessary, does not that very necessity constitute one of the implications involved? If the reply is in the affirmative, it is difficult, within the framework of the analysis of the terms used, to see how the judgement can be made that an attempt to draft an instrument is a priori inconceivable.

But, above and beyond the quarrel about terminology, there is a very serious problem of substance which has been summed up in this way: technically and practically, is it possible to draft such an instrument today? At the technical level, there is still some uncertainty but, as Mr. Cocca quite rightly reminded us,

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that should not prevent the drafting of an instrument. There is also some uncertainty at the practical level, with regard to the future organization of remote sensing activities. That uncertainty, however, does not affect the principles envisaged as a whole, and it particularly does not affect those principles on which agreement was noted last February. Moreover, we must bear in mind that even if the establishment of a structure were decided upon, it could not reasonably be brought to fruition for a number of years. Must we, then, decide that until that date -- about which there is a great deal of uncertainty--- there must be a complete void regarding the applicable principles? And if the undertaking finally is not brought to fruition, are we to wait until then to tackle the task, with that very considerable delay? In my delegation's opinion, the present situation should not lead to the immobility that would be brought about by the prolongation of a discussion of ideas on the subject. It should, rather, lead to a first attempt to draft a declaration of principles.

Practically speaking, still other arguments have been put forward. It has been stated that the differences are too serious for positive solutions to be set down within the framework of an attempt at drafting. The reply to that argument is undoubtedly found in the experience of the last session of the Legal Sub-Committee. During that session it was found that there was very great agreement on some points connected with remote sensing. That shows that the differences, even though they remain numerous, are not so great as might have been thought. Furthermore, there are serious differences on at least two essential points in the field of direct television broadcasting. That proves that it is not impossible to start drafting in principle even when everyone is not in agreement on all points.

All the delegations present here have paid a tribute to Chairman Abdel-Ghani for the abilities as a magician and a chemist -- indeed, as a very efficient alchemist -- that he demonstrated at the last session of the Legal Sub-Committee, when he headed the Working Group on Remote Sensing. Everyone agrees too that those abilities were displayed at the outset of the session in resolving procedural disputes of very doubtful usefulness. Everyone would undoubtedly agree that at the next session such disputes should be avoided so that our Chairman can devote his intelligence and abilities solely to helping us to begin to transform the metals and

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metalloids contributed by each of us into a single alloy. Of course, there are other conditions necessary to the continuation of the discussion; my delegation mentioned some of them in its opening statement.

With regard to direct television broadcasting by satellite, we are now in the stage of drafting, but certain difficulties have arisen and it has not been possible to conclude the drafting. Hence, we must focus upon the nature of those difficulties in order to find the ways to overcome them.

The main problem is reconciling the sovereignty of States with the principle of freedom of information. It is on that question that attention has been focused and opposing views have been polarized. My delegation believes that that problem is not primarily conceptual in nature. If we read carefully the instrument of positive international law governing the situation -- that is, the Covenant on Civil and Political Rights -- we note that articles 1 and 19, taken together, are compatible with the principle of prior consent and co-operation. Then, if we look at the practice now being followed in preparing direct television broadcasting experiments, we note that that principle is in fact already being applied. Hence, it is neither unrealistic nor unreasonable.

Therefore, if the difficulty to be overcome is not primarily a conceptual difficulty, the method of overcoming it should be relatively easy to find. My delegation believes that even if the discussion may continue, the dynamism and authority of Chairman Vellodi guarantee that an effort at conciliation will succeed.

Finally, with regard to the draft moon treaty, it seems that the only major difficulty to be resolved is basically political in nature. From the statements made last week it is clear that two conditions must be met if that difficulty is to be overcome. On the one hand, a climate of confidence must be established between the delegations principally concerned if a compromise is to be worked out. On the other hand, that compromise must respect the basic principles governing the use of space, so that the compromise may be acceptable to all the delegations.

Those were some of the conclusions my delegation drew from last week's discussion of the Legal Sub-Committee's report. We hope that the discussion this week will be as fruitful as those preceding it.

Mr. KANGWANA (Kenya): My delegation would like to make a very brief observation on the discussion as it is proceeding at present. We feel there is some information. It may not be sufficient, but, taken alongside the formulations of concepts that were arrived at by Working Group III, it could form a groundwork that would provide a basis for a legal formulation, as far as remote sensing is concerned.

It does appear that merely suggesting there is not enough information and leaving it at that would not be very positive, in our view, particularly bearing in mind the great importance of the subject as far as the developing countries are concerned.

It is quite apparent that remote sensing of the earth from space is going on, and information is being gathered and accumulated by those States which have the technology. And yet it seems to be being argued here that there is not adequate information on which to base legal formulations to cover such activities. Furthermore, this information, or some of it at least, is of economic importance to concerned countries, but there is no basis on which such information can be sought; there is no basis on which a developing country can obtain information about itself other than by bilateral arrangement, and this information may not necessarily be available.

It is my delegation's view that this Committee should work towards lessening the differences so that at least some legal framework can be obtained with a view to enabling the Committee to make progress with regard to the obtaining of information by remote sensing, particularly of the earth with respect to natural resources. That may be the only saving grace in those cases in which information as to the availability of certain natural resources can be made available to countries that are putting their efforts into the development of areas that could benefit therefrom.

With regard to the question of direct broadcast satellites, it seems to our delegation that there are many problems here and that the reconvening of the Working Group in order to go into detail on the questions of co-operation, participation and prior consent seems necessary. These problems arise not only with regard to those countries that have the technology but also particularly when one considers the ways and means by which the developing countries themselves can co-operate.

(Mr. Kangwana, Kenya)

There is not very much difficulty in utilizing present satellite broadcasting. What normally happens is that an individual country that wants to receive a broadcast from another country negotiates with that country and receives the programme and diffuses it into its terrestrial system, in which case it has control over the programme, can determine what time it will go on the air and who is likely to receive it. Therefore it is possible for that country to economize and, of course, relate this activity to its own development of television.

But open systems not only interfere with existing programmes but may also make it difficult for nations, particularly the developing countries, to plan their resources. It is quite possible for one country to negotiate with another country, but when it comes to a group of countries it is more difficult. They may not necessarily agree on a particular approach to programmes and yet the technology itself demands that they must necessarily give up some of their differences.

On what legal basis, through what agreements or negotiations should this be done in the absence of formulated legal considerations? It is the view of this delegation that even though caution in arriving at conclusions is a wise thing, the need for speed in harnessing the technology is such that we might as well err on the side of arriving at legal formulations with a view to modifying them later in the interests of harnessing technology for the developing countries.

Mr. AHMAD (Pakistan): During the last session of the Scientific and Technical Sub-Committee, as well as in our reply to the Secretary-General's questionnaire concerning the possibility of convening a second United Nations conference on space, the views of the Government of Pakistan were already placed on record. We support the convening of a conference exclusively devoted to space matters on the condition that adequate preparations in respect of its objectives and work programme are made prior to its being held. We believe that after nearly two decades of the beginning of the space era and about half of that period since the last United Nations Conference on Space, a full review has become due not only of the development in space science and technology, and particularly in space applications focused on man's day-to-day activities on earth,

(Mr. Ahmad, Pakistan)

but even more importantly of the political and legal aspects arising from these developments. We fully agree with the main thrust, as we see it, of the arguments advanced by the representative of Austria at the last session of the Scientific and Technical Sub-Committee and repeated here at this session of our Committee to the effect that the next conference should not be a scientific meeting but should deal mainly with the political as well as the legal and other aspects which have emerged since the last United Nations Conference.

My delegation is also of the view that the main objective of the next conference should be to take a comprehensive look at the subject on an essentially political level, although undoubtedly it would be necessary to have adequate technical and scientific background coverage of these latest developments in space science and technology and in space applications. The conference should therefore aim at defining the future role of the United Nations in more precise terms than was possible hitherto. While doing so, the conference should also take advantage of the previous General Assembly resolutions on the subject and various findings and recommendations of the first United Nations Conference, in 1968.

In the light of this common viewpoint my delegation welcomes the joint proposal of the delegations of Austria and India contained in document A/AC.105/L.84 and wishes to express its support for the suggestion made therein to set up a working group of the whole, which may meet during the week preceding the thirteenth session of the Scientific and Technical Sub-Committee.

Mr. MJERNIK (Poland): The main task entrusted to the Legal Sub-Committee in regard to direct television broadcasting by satellites was the formulation of principles governing such broadcasts with a view to concluding an agreement or agreements on that subject. The Polish delegation is pleased that the Legal Sub-Committee has achieved important progress in the field of principles governing the use by States of artificial earth satellites for direct television broadcasting.

A general consensus or complete agreement was reached in regard to several principles, such as the applicability of international law; the rights and benefits of States; international co-operation; State responsibility, and the peaceful settlement of disputes. We welcome the results obtained, but we wish to emphasize that much work still has to be done.

Divergent opinions were expressed in regard to other important principles, such as those on purposes and objectives: consent and participation and the duty and right to consult. The Polish delegation would like to stress that a future agreement or agreements concerning direct television broadcasting should contain the following principles. Direct television broadcasts by means of artificial earth satellites should be carried out exclusively in the interests of progress, peace and the development of mutual understanding between all States. Direct broadcasting should be carried out for purposes of enhancing the educational level of the population, developing culture and expanding international exchanges in the fields of science, culture and sports. This activity should be conducted only on the basis of the principles of the sovereignty of States and of non-intervention in the internal affairs of States.

We believe that the strict respect of the sovereign rights of States has to be guaranteed as a precondition for the start of direct television transmission by satellites. Also, my delegation considers that direct television broadcasting should be subject to the prior consent of the receiving State.

(Mr. Mjernik, Poland)

A strict respect of these principles that are provided in international law would create the new and further possibilities in the development of international co-operation, mutual understanding and the strengthening of friendly relations between all States and peoples. That is why divergent opinions in this field, expressed by some delegations, have not been supported by the Polish delegation.

The CHAIRMAN: If I might just furnish some ideas for further discussion, I think that we have so far largely heard statements about item 4 (a) on the agenda, namely the report of the Legal Sub-Committee, though a few delegations have already addressed themselves to item 4 (b), the report of the Scientific and Technical Sub-Committee. In this context, we have also had a proposal presented by the delegations of Austria and India.

Now, I think that we might perhaps need a little more discussion on item 4 (b), which might perhaps include such aspects as the United Nations Programme on Space Applications. While this has been considered by a number of delegations, it might perhaps provide an area for further discussion.

I would also like to get a little idea of how much more time we may need for the consideration of items 4 (a) and (b). According to the schedule we adopted at the beginning of our session, four more meetings, including the present one, would be available for this item, continuing into tomorrow afternoon. Then, on Wednesday morning, we would begin the consideration of item 5, "Other matters". I believe, however, that we might not need all those meetings for the rest of the discussion on items 4 (a) and (b); so we might come at an earlier point to the consideration of item 5, and we could also begin to consider the report of the Committee at a somewhat earlier stage than originally contemplated: namely, before Wednesday afternoon.

Therefore, perhaps we should bear these possibilities of change in the schedule in mind, unless the Committee wishes to use all further meetings today and tomorrow for the discussion of items 4 (a) and (b). I have a feeling, however, that we shall not need all that time.

Mr. MAIORSKI (Union of Soviet Socialist Republics) (interpretation from Russian): In order to prepare for our discussion on item 5 of our agenda, along the lines proposed by you, Mr. Chairman, and because the representatives have already had an opportunity to read the letter of the Chairman of the Committee on Conferences regarding the next session of the Legal Sub-Committee, the Soviet delegation would like to ask you, Mr. Chairman, whether we could not request the Chairman of the Committee on Conferences to give a little more detail about the nature of the discussion of the matter in the Committee on Conferences.

The document which we have received says that the Committee had decided to make a recommendation. We know that in many other cases, in similar documents, addressed by the Committee on Conferences to other organs of the United Nations, it has been indicated that the Committee decided unanimously on such and such a matter. There seems to be a detail here which is not entirely clear and we would like to have it clarified. In other words, could we not ask the Chairman of the Committee on Conferences to tell our Committee, in a little more detail, just how the decision mentioned in his letter was taken.

The CHAIRMAN: Do I take it from the remarks of the representative of the Soviet Union that he wishes the Chairman of the Committee on Conferences to be invited to that part of our discussion on item 5 which relates to his letter?. Would that be his proposal?

Mr. MAIORSKI (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation, of course, would be very happy to see the Chairman of the Committee on Conferences at our meeting, but, as always, we hesitate to take too much of the time of this very busy person, and clearly the Committee on Conferences has a good deal of work to do. Therefore, perhaps the Chairman of the Committee on Conferences could simply limit himself to a small additional note, an addendum to the letter already sent to you, Mr. Chairman, one which would simply give us a few lines of explanation.

The CHAIRMAN: I take it that you mean in explanation of how the Committee on Conferences arrived at its decision.

Mr. VELLODI (India): I have listened to what the representative of the Soviet Union has said. This morning we also saw document A/AC.105/L.83, and we noticed that the Committee on Conferences had decided to recommend to the General Assembly that, starting in 1977, the meetings of the Legal Sub-Committee be held in New York; and on behalf of the Committee on Conferences the Chairman has commended that recommendation to us for our consideration.

I think the Chairman of the Committee on Conferences has done the right thing in sending this recommendation to our Committee for consideration because, quite obviously, we, as the main interested party, should have an opportunity to consider this recommendation and make our own appropriate recommendations to the General Assembly. But it does seem -- and in this I support the representative of the Soviet Union -- that it might assist us in our consideration of this recommendation if we had some additional information as to why the Committee on Conferences has found it necessary or desirable to make this recommendation, particularly in view of the fact that, as far as the Legal Sub-Committee is concerned, there has been an understanding -- almost like a convention -- that meetings of the Legal Sub-Committee should alternate between Geneva and New York; and we have gone by that understanding all these years. Therefore, if we had to make a departure from that practice, I think it would certainly be very useful, as the representative of the Soviet Union has indicated, if we could have some additional information as to why it has been decided that all future meetings of the Legal Sub-Committee should be held in New York.

The CHAIRMAN: The representative of India has seconded the proposal made by the representative of the Soviet Union. If the Committee so wishes, I will approach the Chairman of the Committee on Conferences and request that this additional information be ready when we consider the fifth item on our agenda, "Other matters".

Mr. VELLODI (India): My delegation certainly intends to make a statement, as far as item 4 (b) is concerned, and we sincerely trust that other delegations also will do so. The issues comprising the subject matter of that Sub-Committee's report certainly deserve better attention from our main Committee than our merely passing it over or ignoring it. Therefore, we certainly intend to make a statement -- possibly this afternoon -- but I should like to take advantage of the fact that we still have some 45 minutes before our normal time for concluding the work of the meeting to ask the representatives of the Secretariat whether they can give us some information. If they are not quite ready to do so now they could probably look into this and provide it this afternoon. I refer specifically to the six recommendations contained in the report of our Scientific and Technical Sub-Committee (A/AC.105/150) in the section on remote sensing, paragraph 29. Of those six recommendations four call for Secretariat action on certain things, and the other two call for steps to be taken specifically by the Secretary-General.

My first question is whether the Secretariat or the Secretary-General has in fact initiated action on any of those recommendations, or whether they are waiting for the main Committee to consider those recommendations and take a decision. I assume it is the latter case because I would imagine that normally the Sub-Committee's recommendations are considered first by the main Committee and when the time lag is not too serious, action is not normally initiated, though there have been a few cases, I think, where the recommendations of the Scientific and Technical Sub-Committee have been acted upon fairly promptly and immediately by the Secretariat.

My second question is whether, assuming that those recommendations will be accepted by the main Committee, the Secretariat has considered ways of implementing them. We would be interested in having a clarification of that question.

I assume that the Secretariat will be able to comply with the first two recommendations -- the preparation of an analytical report and a feasibility study -- either with the resources available to the Secretariat itself, or possible with the help of outside consultants, as has been done in the past. So that is fairly clear to me, as far as subparagraphs 29 (a) (1) and (a) (2) are concerned. But I should like to ask how it is proposed to follow up on subparagraphs (a) (3) and (a) (4). Subparagraph 29 (a) (3) is the recommendation for the preparation

of an information paper on existing or planned national or regional ground stations, to be compiled in close contact with the Governments and agencies concerned. Do I take it that the Secretariat or the Secretary-General would address communications to all Governments? If so, would the communication be in the form of a questionnaire, or would it merely repeat what is contained in this recommendation?

Subparagraph 29 (a) (4) is a recommendation for a preliminary study on the organizational and financial requirements of a future operational space segment. Perhaps in this case it might not be necessary to send out communications. I am referring to this because we would like very much to know the Member States to which the Secretary-General or the Secretariat intends to send communications. We are not at the moment even suggesting or hinting that such communications should be cleared by this Committee, but I think it would be a good thing for us to know about it when communications are sent out, and to whom etc.

Then in paragraph 29 (b) there are two other recommendations: the first is that the Secretary-General be requested, in co-operation with the appropriate specialized agencies, to explore the feasibility of utilizing existing facilities and expertise. This relates to the international centre. Then, following upon that recommendation that there should be some such study, it is recommended further that if the study demonstrated that such an experiment could be implemented without additional financial implications, then the suggestion that an international centre be established on an experimental basis should be carried out.

I should like to ask whether any work has been carried out, whether this question has been examined, and whether it does involve any additional financial implications. I ask this because, to us, that is a very good recommendation, and we hope that it will be possible for us to take some decision on it.

Lastly, there is the user survey. Now, this does cause some problems for us. How will the Secretary-General conduct that survey? Quite obviously, it will have to be through communications addressed to all Member States; and here our view is that unless that communication is carefully drafted and is reasonably comprehensive, we will get very little in the replies that will assist us in following up this matter in the Scientific and Technical Sub-Committee next year.

(Mr. Vellodi, India)

In particular we believe that, as far as undertaking a user survey is concerned, unless the communication that goes out can give the Member States some indication of what all this is about -- I mean, why this survey is being undertaken -- it will not be a very useful survey. And here we come to the main question. What is the survey for? If we are seriously going to consider in the Scientific and Technical Sub-Committee, as we hope we shall, that there may be certain areas of activity related to remote sensing in which the United Nations can engage, then I think such a survey would be very useful. So I hope that when the communication to the Member States is issued, the drafting of that document is done in such a way that the recipient Governments of Member States, or the departments concerned within those Governments, will be in a position to give satisfactory and useful replies to it. Unless the Governments of the Member States can have some indication of what the information will be used for, what it is that they can expect from the United Nations, there will be little enthusiasm for giving adequate replies.

I think the questionnaire on the needs of the developing countries suffered from this defect to some extent. I will probably come back to this during the course of my main statement on item 4 (b) but I mention this because I should like the Secretariat to tell me, if possible -- and if other members are not interested I should be quite happy if the Secretary would tell me outside the Committee -- how these recommendations will be followed up, assuming that we are going to support these recommendations.

The CHAIRMAN: Does the Secretariat wish to comment right away?

Mr. PEREK (Chief of the Outer Space Affairs Division): Preparations have been made for complying with the wishes of the Scientific and Technical Sub-Committee, but no firm commitment will be made until the main Committee reaffirms these wishes. It is intended to prepare the studies with the use of consultants once more as in previous cases. As regards the detailed questions of the representative of India about the individual studies, I should like to prepare a detailed report for this afternoon.

The CHAIRMAN: I thank the Chief of the Outer Space Affairs Division. We shall give him the floor when he has prepared the detailed replies.

Mr. STOWE (United States of America): I would just briefly like to address myself to two questions that were raised by a previous speaker in our debate this morning about the availability of data on the remote sensing activities that are now being conducted. There may perhaps be some confusion, and I should like to try briefly to clarify it. Although I certainly cannot speak for any other Governments that may be conducting remote sensing activities, as far as the United States Landsat programme is concerned, I think it has been quite clear that all data that we have obtained are openly available to any country for the modest cost of reproduction. There are no restrictions on that, and it is certainly not necessary to conclude any kind of bilateral or multilateral agreement with the United States in order to obtain such data. Anyone in this room or from any Government or any interested party can, by writing or contacting the Aerocenter here, obtain any data that we have available. If anyone wishes to obtain the data directly from the satellite without going through the United States centre, then, as we have demonstrated, we are more than willing to engage in bilateral negotiations in order to make that possible. I think in our earlier statement we have already talked about the details of that. The United States working paper that was put forward during the Legal Sub-Committee's meetings was designed in fact to try to make this very point clear and to ensure the data we have obtained should be accessible to all countries, and it is our view that the restrictions on dissemination which have been proposed in other papers would in fact reduce, not enhance, the availability of the data.

As one of the delegations which have counselled a rather slow and deliberate pace in our considerations before any attempt is made to draft principles on remote sensing, we want to reiterate that it is not because we have insufficient information available about the conduct of remote sensing that we have counselled caution, but because as a practical matter my delegation fears that the practical implications of some of the proposals that have been put forward have not been

(Mr. Stowe, United States)

sufficiently studied and in fact are not very widely understood. We have available right now all the data that we have obtained from Landsat. There is no need to conduct any drafting exercise in order to ensure that continued availability. We have certainly agreed, and one of the reasons we put forward our paper is so that we can take a hard look at the legal implications and the legal system that this body and the international community in general would like to see applied to remote sensing in the future, but I should not want there to be any misunderstanding to the effect that availability of data to interested parties would depend on some sort of conclusion by this Committee, by the Legal Sub-Committee or by the United Nations in general. It may be shaped, it may be certainly affected, by decisions of the United Nations, but the information is available right now. Therefore, to assist the developing countries in their own planning, it is not essential to conclude an additional agreement in order to make the data available to them.

The other point I wished to make was that we have counselled caution because there is not yet any decision by this Committee, by the Legal Sub-Committee or by the General Assembly on what particular kind of involvement in remote sensing activities would be advisable for the international community.

(Mr. Stowe, United States)

We stated this point earlier but I feel compelled to repeat that if one particular organizational structure is recommended and adopted by this Committee and by the General Assembly, the legal implications of such an organizational structure for remote sensing may have certain characteristics. There may be another organizational system. For example, in the Scientific and Technical Sub-Committee we spoke at considerable length about a regional approach as opposed to a universal type of centre, or even the alternative of numerous national centres. The point I am trying to make is that, as we work out the kind of international system for remote sensing that would be desirable, the legal implications will surely change, and in some respects perhaps significantly. To rush ahead of that process is, I think, to render any work on legal implications somewhat irrelevant. That again brings us back to our counsel that the activities of the Legal Sub-Committee and of the Scientific and Technical Sub-Committee should progress together.

On that point I would finally just add that the recommendations in the report of the Scientific and Technical Sub-Committee are extremely useful in this respect and I would hope that this Committee will strongly endorse those conclusions, thereby assisting the work of the Legal Sub-Committee, and perhaps even hastening its work in focusing particularly on legal implications that will have relevance to the kind of activities that we want to undertake.

Mr. COCCA (Argentina) (interpretation from Spanish): I should simply like to support in particular the recommendations which appear in paragraph 29 of the report of the Scientific and Technical Sub-Committee.

We stated earlier that we wished to applaud the report, and now I should like to repeat that specifically with regard to paragraph 29 because it does express important points with regard to this item and also indicates what its legal impact would be, as has been noted by representatives who have spoken before me.

The meeting rose at 12.30 p.m.