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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUB-COMMITTEE

Fourteenth Session

SUMMARY RECORDS OF THE TWO HUNDRED AND TWENTY-SIXTH
TO THE TWO HUNDRED AND FORTY-FIFTH MEETINGS

Held at Headquarters, New York,
from 10 February to 7 March 1975

Chairman:

Mr. WYZNER

Iceland

The list of representatives attending the fourteenth session of the Legal
Sub-Committee appears in document A/AC.105/C.2/INF.7.

14th session

Monday, 10 February 1975,
at 2.00 p.m.

(Chairman: Mr. MYCIE (Poland))

STATEMENT BY THE CHAIRMAN

The CHAIRMAN declared open the fourteenth session of the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space.

He announced that the draft Convention on Registration of Objects Launched into Outer Space, which had been completed by the Sub-Committee at its thirteenth session in May 1974, had been endorsed by the Committee on the Peaceful Uses of Outer Space in July 1974 and adopted by the General Assembly on 12 November 1974. The Convention had been opened for signature and ratification on 14 January 1975 and had already been signed by France and the United States.

He reviewed the achievements of the Sub-Committee and listed the various legal instruments which it had produced. It was an impressive and encouraging record, as the General Assembly had recognized in paragraph 4 of resolution 3234 (XXIX). The year 1975 would be characterized by intensified international co-operation in the peaceful uses of outer space and the Sub-Committee would have to make every effort to keep pace with the accelerated developments in that field. In resolution 3234 (XXIX) the General Assembly had considered the order of priority of the items on the agenda of the Sub-Committee, and had recommended that the same priority should be given to items 2 (Draft treaty relating to the moon), 3 (Elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting) and 4 (Legal implications of remote sensing of the earth from space). In addition, the Assembly had recommended that the Legal Sub-Committee should consider, at its fourteenth session, as time permitted, matters relating to the definition and/or delimitation of outer space and outer space activities, which were included in the agenda as item 5.

He hoped that in the time that had elapsed since the thirteenth session, delegations had considered the question of the draft treaty relating to the moon and that work on that subject could be concluded at the current session. With regard to item 3, despite the substantial progress that had been made at the

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previous session, much remained to be done, and the same could be said of item 4. The previous year the Sub-Committee had been unable, for lack of time, to consider the question of the definition and/or delimitation of outer space and space activities. The Sub-Committee therefore had before it a rather heavy programme of work.

ADOPTION OF THE AGENDA (A/AC.105/C.2/L.101)

The provisional agenda for the fourteenth session (A/AC.105/C.2/L.101) was adopted.

ORGANIZATION OF WORK

The CHAIRMAN said that it appeared appropriate to devote the first week of the session to the consideration of item 2, the second week to item 3, and the third week to item 4, on the understanding that the same high priority should be accorded to the three items, as recommended by the General Assembly. The remaining time available would be utilized in the light of requirements. He further suggested that the Working Group on the Moon Treaty should be re-established under the chairmanship of the representative of Hungary and that the Working Group on Direct Broadcast Satellites should be re-established under the chairmanship of the representative of India. A working group on remote sensing should also be established.

GENERAL EXCHANGE OF VIEWS

Mr. PIRADOV (Union of Soviet Socialist Republics) reviewed the space activities carried out by the Soviet Union in 1974. He mentioned *inter alia* the launching of the space vehicles Salyut 3 and Salyut 4 for further perfection of the design, on-board systems and equipment and for the purpose of carrying out scientific experiments. The Salyut 4 had just completed a successful manned flight lasting 30 days. The experimental projects on the moon, such as those involving the Luna 22 and Luna 23 stations, had continued, as had the activities aimed at the development of outer space communications, including the launching into orbit of communications satellites of the "Iolnya" series. Also, the network of earth stations of the main system had been expanded with a view to improving communications with remote

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(Mr. Piradov, USSR)

parts of the Soviet Union. Joint research activities undertaken with other socialist countries were continuing, and two new satellites of the Intercosmos series had been launched under that programme.

International relations at the present time were characterized by a trend towards détente and by efforts to intensify practical co-operation. That was confirmed by the results of the recent summit meetings, especially the meeting at Vladivostok between the General Secretary of the Central Committee of the Communist Party of the Soviet Union, L. I. Brezhnev, and the President of the United States of America, Gerald Ford.

The process of détente created favourable conditions for the further development of international co-operation in the conquest of outer space. Co-operation in space research contributed in turn to the strengthening of mutual understanding between States with different political and social systems. That co-operation was based on the principle of the peaceful coexistence of States and mutual respect and benefit.

He recalled that in one of the agreed drafts of a final document of the Conference on Security and Co-operation in Europe the participants in the Conference had already expressed their intention to co-operate on a broad scale in space research and the use of outer space for peaceful purposes.

In the field of space research the USSR and the United States were successfully collaborating. The agreement between the USSR and the United States in May 1972 provides in particular for the rendezvous and link-up of the vehicles Soyuz and Apollo, preparations for which were progressing satisfactorily. Regular meetings of astronauts and experts were being held for that purpose. Moreover, the Soviet Union had recently carried out a special launching of a space ship - the Soyuz 16 - in the course of which the modified systems of the Soyuz vehicle had been tested. The importance attached to that experiment was entirely understandable: it signified the beginning of a new stage of space activity, the raising of international co-operation in the active conquest of space to a qualitatively higher level.

Another example of fruitful and mutually beneficial co-operation between States with different social and political systems was the joint space research effort being carried out by the Soviet Union and France. France was the first

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(Mr. Piradov, USSR)

country with which the Soviet Union had signed an agreement on co-operation in space research. That agreement was being implemented successfully.

Referring to the draft treaty concerning the moon, he said that one of the most complicated questions which had arisen in connexion with the formulation of that text had been the question of the status of the moon's natural resources. It did not appear to his delegation that there were at the current stage of development of exploration of the moon, or would be in the near future, sufficient material prerequisites for the detailed elaboration of provisions to govern the status of the moon's natural resources.

His delegation felt that those complicated questions could be resolved successfully in the future, when practical experience in the use of the resources of celestial bodies would make it possible to formulate well-founded normative provisions to regulate that aspect of space activity. Otherwise, there was a danger that legal norms lacking any practical value might be adopted, norms that would have no relationship to the real tasks and trends of moon exploration and would therefore hamper rather than stimulate that activity, thus having a retrogressive effect.

Was there any justification for the recent tendency to transplant automatically to space law principles and norms from other branches of international law. The experience of the development of international law showed that its various branches, based on generally recognized principles, retained and acquired their own specific characteristics and that they therefore emerged and developed in their own individual way.

Nevertheless, motivated by the spirit of co-operation which characterized the work of the Sub-Committee and by the desire to see work completed on the draft, the Soviet delegation was prepared to accept a compromise solution regarding the matters pending. The Sub-Committee had at its disposal everything necessary to reach final agreement on the entire draft at the current session; it had before it compromise proposals on all questions, which were acceptable to the majority of delegations. All that was required in order to reach a consensus was for each delegation to display the necessary sense of responsibility in evaluating the situation which existed.

With regard to the regulation of the use of artificial satellites for direct

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(Mr. Piradov, USSR)

television broadcasts, special attention should be given to the need to reach agreement on the following principles: the purposes of direct broadcasting and the principle of prior consent; the subjects that should be excluded from all broadcasts; the concept of illegal broadcasts; the settlement of questions arising in cases of unintentional broadcasts to the territory of other States; co-operation among States in arranging and carrying out direct broadcasts, and the rights and duties of international organizations in that regard.

All the members of the Sub-Committee had sufficient information to appreciate the importance of a speedy establishment of principles which should govern the use of artificial satellites and it was to be hoped that an agreement could be reached at the current session. In that connexion, a point of interest might be the Argentine draft agreement on activities carried out through remote sensing satellite surveys (A/AC.105/C.2/L.73).

With regard to the remote sensing of the earth from space, that was a technique which might be very beneficial for all countries and it was necessary to prepare without delay the legal rules which would govern such remote sensing. In that connexion, he recalled that at the preceding session a joint draft had been officially submitted by France and the USSR entitled "Principles governing the activities of States in the field of remote sensing of earth resources by means of space technology" (A/AC.105/C.2/L.99).

In submitting that document, the sponsors had wished primarily to demonstrate their firm belief that success in solving the political and legal problems of remote sensing would guarantee the satisfactory settlement of the organizational and other practical problems of international co-operation in the use of space technology for earth resource surveys.

The aim in that regard was to guarantee fully the interests both of States which carried out remote sensing activities and of States whose natural resources might be the subject of such activities. Precisely for that reason, the draft provided that remote sensing activities should be carried out on a basis of equality and in accordance with international law, for the benefit of all countries, irrespective of their degree of economic or scientific development, with respect for the principle of the sovereignty of States and especially the right of peoples and States to exercise permanent sovereignty over their natural resources.

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The Soviet delegation expressed the hope that the Sub-Committee would consider carefully at the current session the joint draft submitted by France and the USSR. In that context, mention should be made of the draft treaty submitted by Argentina and Brazil, which had much in common with the draft submitted by the Soviet Union and France.

In conclusion, he stated that the Programme of Peace adopted at the twenty-fourth Congress of the Communist Party of the Soviet Union had promoted a significant improvement in the international climate and helped to launch an era of international détente. There was no doubt that those positive results were reflected in the development of mutually beneficial co-operation in the important sphere of human activity represented by the conquest of outer space. It was quite logical that the new international situation should provide every possibility for a more constructive approach to the solution of the varied problems involved in different space activities. The Soviet delegation hoped that work in that area would be organized precisely along those lines.

TRIBUTE TO THE MEMORY OF ACADEMICIAN ANATOLY BLAGONRAVOV

Mr. VELLODI (India) expressed his delegation's regret at the death of Academician Anatoly Blagonravov, the former representative of the Soviet Union on the Committee on the Peaceful Uses of Outer Space. He lauded the accomplishments of Mr. Blagonravov and requested the delegation of the USSR to convey his delegation's condolences to the family of the deceased and to the Soviet Government.

The CHAIRMAN praised Mr. Blagonravov, whom he described as an outstanding figure of the space age, a pioneer in international co-operation in space, and a prominent member of the Committee on the Peaceful Uses of Outer Space. He expressed the condolences of the Legal Sub-Committee and all its members to the delegation of the Soviet Union.

Mr. PIRADOV (Union of Soviet Socialist Republics) expressed thanks, on behalf of his delegation, for the statements of condolence on the death of Mr. Blagonravov.

The meeting rose at 4.15 p.m.

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227th meeting

Tuesday, 11 February 1975,
at 10.45 a.m.

Chairman: Mr. WYZNER (Poland)

GENERAL EXCHANGE OF VIEWS (continued)

Mr. WANG (Canada) said that his delegation was particularly encouraged by the fact that the General Assembly had adopted the Convention on Registration of Objects Launched into Outer Space at its twenty-ninth session and that the Convention was currently open for signature. Canada expected to sign that Convention in the course of the current month and would, at the same time, accede to the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, and to the Convention on International Liability for Damage Caused by Space Objects. In signing the latter Convention, Canada intended to make a declaration stating that it would recognize as binding, in relation to any other State accepting the same obligation, the decision of the Claims Commission concerning any dispute to which Canada might become a party under the terms of the Convention. It hoped that most, if not all, States would accept and adhere to those instruments as significant steps forward in the progressive development of international law relating to man's activities in outer space.

The Sub-Committee now needed to press ahead with the other important issues entrusted to it by the General Assembly. Those issues involved questions of great significance in the development of space law, and would require conscientious efforts to reconcile the realities of space technology and the incalculable benefits to be derived from the full development of that technology with the need to ensure that the development took place within an orderly and equitable legal framework with due regard to the rights and interests of sovereign States.

With regard to the first of the priority items on the Sub-Committee's agenda, the draft treaty relating to the moon, it must be recognized that despite the constructive efforts of several delegations in previous years to advance acceptable formulations for inclusion in that treaty, significant issues of principle still awaited general agreement. His delegation believed that the

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(Mr. Wang, Canada)

formulations already suggested had laid the groundwork for a positive consideration of those issues at the current session, and it would participate fully in the Sub-Committee's efforts to achieve a realistic and acceptable agreement on those outstanding questions.

With regard to the second priority item, the elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting, his delegation, together with the Swedish delegation, had prepared and circulated a working paper (document A/AC.105/C.2/L.102) which was intended to direct the attention of the Sub-Committee to certain considerations which they believed would be helpful in making further progress in that area. As far as the work programme was concerned, his delegation believed that the Sub-Committee should proceed using the method of considering general statements in plenary, if and when required, and concentrating attention on the substance of the principles in a working group. His delegation also believed that the Sub-Committee should leave aside for the moment the five principles discussed at the thirteenth session. Although those principles contained a number of formulations in square brackets which would eventually have to be considered and reconciled, his delegation felt that it would be difficult to proceed further with those principles until a greater level of consensus had been achieved on the more contentious issues which remained to be discussed. For that reason, his delegation wished to propose that the Sub-Committee should focus its attention at the current session on the issues of prior consent, participation and spill-over, with a view to drafting further principles. His delegation would like the Sub-Committee to proceed with a first reading of the proposals and suggestions which had been made in connexion with the principles governing direct broadcasting by satellites.

In dealing with the third priority item, the legal implications of remote sensing of the earth from space, his delegation would like the Sub-Committee to examine the legal implications of the various organizational proposals set forth in the recent reports submitted by the Secretary-General and of the draft principles proposed by various delegations. His delegation believed that the Sub-Committee should work towards a basis for generally acceptable measures, including both legal principles and organizational arrangements, which would ensure that the international community reaped the maximum benefit from that promising

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(Mr. Wang, Canada)

area of technology while minimizing any potential risks that the technology might infringe upon the economic, political and legal interests of individual States.

His delegation was in complete agreement with the suggestions made by the Chairman for dealing with the three items of major concern, and particularly welcomed the suggestion that the Sub-Committee should take a flexible approach to its programme to ensure that the best use might be made of the time available.

REQUEST FOR OBSERVER STATUS

The CHAIRMAN said that the European Broadcasting Union had addressed a request to the parent body for observer status with the Legal Sub-Committee. He invited the members of the Sub-Committee to indicate their views on the question.

Mr. PIRADOV (Union of Soviet Socialist Republics) said that the application by the European Broadcasting Union called for the most careful consideration. There appeared to be no precedent for such a request and he wondered how other non-governmental organizations would view the matter. If the Sub-Committee acceded to the request, such organizations might be impelled to make similar requests. His delegation believed that the Sub-Committee should not act with undue haste; in any event, his delegation would need time to reflect on the application and weigh its numerous implications.

Mr. VELLODI (India) agreed that if the Sub-Committee decided to grant observer status to one non-governmental organization, it would be committed to grant similar status to other broadcasting unions. He felt it would be useful if the Sub-Committee could be given more information on the non-governmental organizations enjoying observer status with the Outer Space Committee and its Sub-Committees.

Mr. LIND (Sweden) felt that it would be appropriate for a decision on observer status for non-governmental organizations such as the European Broadcasting Union to be taken before the Sub-Committee took up the items which most concerned those organizations.

The CHAIRMAN said that the Secretariat would endeavour to comply with the request made by the Indian representative. In the meantime, he was able to

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(The Chairman)

inform the Committee that four organizations had been granted observer status with the Working Group on Direct Broadcast Satellites. The Legal Sub-Committee had never granted observer status to any non-governmental organization, and in that sense it was true that the request for observer status with the Sub-Committee was without precedent. However, observer status granted to organizations by the Outer Space Committee automatically applied to its subsidiary bodies.

He suggested that the Sub-Committee might wish to defer its decision on the granting of observer status to the European Broadcasting Union to enable it to reflect more fully on the question, while bearing in mind the view expressed by the Swedish representative.

It was so decided.

DRAFT TREATY RELATING TO THE MOON (A/AC.105/133)

The CHAIRMAN drew the attention of the Sub-Committee to section 1 and annex I of document A/AC.105/133. He recalled that at its eleventh session, in 1972, the Sub-Committee had approved the text of a preamble and 21 articles of the draft treaty, including final clauses. Those texts, however, contained certain points on which agreement had not been reached and which had therefore been placed in square brackets. The Sub-Committee had continued its work on the draft treaty at its twelfth session, in 1973. The texts of six provisions had been formulated in a working group and the Sub-Committee had taken note of those provisions. The three main issues still unresolved were the scope of the treaty, the information to be furnished on missions to the moon, and the question of the natural resources of the moon. In 1973, a text on the question of the natural resources of the moon had been worked out in informal consultations, but no agreement had been reached in the working group. The text had been annexed to the report of the Legal Sub-Committee on its twelfth session.

Later in 1973, the Committee on the Peaceful Uses of Outer Space had established an informal Working Group to endeavour to complete the elaboration of the draft treaty. The Group had concentrated its efforts on the question of the natural resources of the moon, but agreement on a text had still proved elusive.

The report of the Committee on the Peaceful Uses of Outer Space on its sixteenth session (document A/9020) reproduced the texts of the preamble and the

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(The Chairman)

21 articles approved by the Legal Sub-Committee at its eleventh session, in 1972; the texts of the six provisions formulated in a working group and noted by the Legal Sub-Committee at its twelfth session, in 1973; the text relating to natural resources worked out in informal consultations and considered but not agreed to in a working group at the twelfth session, in 1973; the report of the Chairman of the informal Working Group; and an informal proposal relating to natural resources submitted by the Austrian representative in the course of the discussion in the informal Working Group.

A number of working papers had been submitted by delegations at the thirteenth session. The Bulgarian delegation had submitted the text of a draft treaty consisting of a preamble and 21 articles, based on texts formulated by the Sub-Committee, together with certain changes and amendments (document A/AC.105/C.2/L.93). A working paper by the United States delegation (document A/AC.105/C.2/L.91 and Corr.1) had proposed a rearrangement of the articles of the draft treaty. The delegations of Egypt, India, Nigeria and Mongolia had also submitted working papers proposing amendments to specific articles.

At the thirteenth session, agreement had not been reached on three main outstanding issues, and efforts to complete the elaboration of the draft treaty had been unsuccessful. However, he hoped that the subsequent consideration which delegations had given to those issues since the last session would make it possible to resolve them and complete the treaty.

The meeting rose at 11.25 a.m.

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228th meeting

Tuesday, 11 February 1975,
at 3.15 p.m.

Chairman: Mr. WYZNER (Poland)

STATEMENT BY THE CHAIRMAN

The CHAIRMAN, replying to a question put by the representative of India at the preceding meeting, said that the Committee on the Peaceful Uses of Outer Space had granted observer status to two organizations, the Committee on Space Research (COSPAR) and the European Space Research Organization (ESRO), which automatically had the same status in the Committee's subsidiary bodies, including the Legal Sub-Committee.

He further informed the Committee that the World Intellectual Property Organization had recently been recognized by the United Nations as a specialized agency and possessed the corresponding rights and privileges.

The International Astronautical Federation (IAF) had observer status in the Scientific and Technical Sub-Committee, and had thus also participated in the work of the Working Group on Remote Sensing of the Earth by Satellites.

GENERAL EXCHANGE OF VIEWS (continued)

Mr. STOWE (United States of America) associated himself with the expressions of sympathy on the death of Anatoly Blagonravov, an outstanding representative of the Soviet Union who in 1973 had headed his country's delegation in the negotiations which had led to the first bilateral agreement between the United States and the Soviet Union concerning co-operation in the exploration and use of outer space for peaceful purposes.

Those initial contacts had laid the groundwork for the important co-operative activities being conducted in that field, among which perhaps the most widely known was the Apollo-Soyuz Test Project, scheduled for launching within five months. In 1974 the United States had also participated, through the National Aeronautics and Space Administration (NASA), in a wide range of other joint international programmes concerning the exploration and use of outer space. Progress had likewise been made in preparations for the Spacelab project under an agreement between NASA and the European Space Research Organization (ESRO).

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(Mr. Stowe, United States)

At its current session the Sub-Committee would no doubt be particularly interested in the launching, on 30 May 1974, of the ATS-6 satellite, which was designed to conduct experiments on the transmission of television signals to community receivers. Tests had already been carried out in various parts of the United States and the ATS-6 satellite would later be used in the Satellite Instructional Television Experiment (SITE) conducted by NASA in co-operation with the Indian Space Research Organization (ISRO). Although much remained to be done, it was already clear that instructional television technology promised a number of beneficial applications in all parts of the world, regardless of their level of development.

As for remote sensing of the earth's environment, experiments had continued in the United States and many other countries. In the previous month NASA had orbited its second experimental remote sensing satellite - Landsat 2 - from which data were already being received. Investigators from 45 countries and five international organizations had been selected to analyse those data, thus bringing to more than 200 the number of investigators - and to over 52 the number of countries that had participated or were participating in the analysis of data from Skylab and from the two NASA remote sensing satellites. As part of its activities in the field of remote sensing, NASA was planning to sponsor an Earth Resources Symposium in the Johnson Space Center at Houston, Texas, from 8 to 13 June 1975, and a special invitation was extended to the members of the Committee on the Peaceful Uses of Outer Space.

In his delegation's opinion, both direct television broadcasts via satellite to home receivers and remote sensing of the earth's environment raised numerous important questions, many of which should be considered by the Sub-Committee. With regard to direct broadcasts, it would be constructive to try to reach agreement on a set of guiding principles. The most productive approach would be to focus initially on those areas on which there seemed to be the widest agreement and only afterwards take up more complicated and controversial problems which, as was known, centred on the question of prior consent. His delegation hoped that the discussion would produce results in keeping with the draft principles submitted to the Working Group on Direct Broadcast Satellites in March 1974.

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(Mr. Stowe, United States)

In the field of remote sensing, the Sub-Committee could do constructive work by making a thorough analysis of current and future problems. His delegation believed that, before identifying problems and trying to reach agreement, the consequences of remote sensing should be carefully analysed, views on the subject should be exchanged and the relevant facts should be investigated. His delegation intended to participate in that work when the Sub-Committee took up the relevant agenda item.

Lastly, he felt that perhaps the time had come to reach agreement on a new step forward in the development of international law relating to the exploration and use of outer space for peaceful purposes. After years of detailed debate on the question of a treaty on the moon and other celestial bodies, it was to be hoped that delegations which held divergent opinions on that subject would demonstrate their flexibility and willingness to compromise. His delegation was prepared to co-operate in reaching an agreement on the first substantive item of the agenda.

The CHAIRMAN invited delegations which so wished to inscribe their names on the list of speakers and expressed the hope that the general exchange of views could be completed by Friday, 14 February.

The meeting rose at 3.35 p.m.

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229th meeting

Wednesday, 12 February 1975,
at 10.45 a.m.

Chairman: Mr. WYZNER (Poland)

GENERAL EXCHANGE OF VIEWS (continued)

Mr. DELROT (Belgium) associated himself with the condolences extended by other delegations to the delegation of the Soviet Union on the death of Academician Blagonravov.

He was pleased to announce that the Belgian Government, having already ratified the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, was initiating the procedure which would lead to the ratification of the Agreement on the Rescue of Astronauts and of the Convention on International Liability for Damage Caused by Space Objects, and was contemplating becoming a signatory of the Convention on Registration of Objects Launched into Outer Space.

Referring to the draft treaty relating to the moon, he said that one of the main stumbling-blocks was the question of access to and exploitation of the moon's natural resources. Either the Sub-Committee could postpone consideration of the question until such time as the necessary technological and economic data became available - a course which his delegation could support - or it could assume the existence of exploitable resources and proceed on that basis. His delegation, while regarding the Austrian proposal in that connexion as the best attempt to resolve the question so far, was also prepared to consider any new efforts to achieve a compromise. However, prior to the establishment of an international régime, the Sub-Committee might also consider the possibility of setting up a system which would provide the international community with guarantees. Such a measure would calm the legitimate fears of some States that they might find themselves confronted by a fait accompli.

Referring to the question of direct television broadcasting by satellite, he pointed out that the regulations of the International Telecommunication Union (ITU) stipulated that all available means must be used to reduce as far as possible spill-over into the territory of other countries, except where the countries involved had reached an agreement beforehand. As the necessary technological means

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(Mr. Delort, Belgium)

were currently being developed, it was reasonable to assume that spill-over would be, if not eliminated, at least drastically reduced. Furthermore, since States or broadcasting organizations for which they were responsible were obligated to respect the ITU regulations, important progress could be made in that direction at the next ITU conference on frequency planning. Furthermore, regardless of the technological advances made, a certain amount of spill-over was inevitable, a fact which was recognized by ITU. His delegation believed that broadcasters should be afforded complete freedom and that there should be no prior censorship of programmes. However, such measures would not exonerate broadcasters from abiding by the ethical rules or from providing compensation for any impairment of interests for which they might be responsible.

In the field of remote sensing, tangible and promising results had been achieved at all levels. As a member of the European Space Research Organization, Belgium participated in and contributed to the development of that field of technology and was prepared to consider any system for the collection, interpretation and dissemination of data. However, his Government's position was based on the twin premises that no obstacle should be placed in the way of scientific research and that the sovereignty of States in the utilization of data relating to their natural resources must be respected.

It was paradoxical that the Sub-Committee should be engaged in space legislation without having as yet been able to agree on a definition of outer space and outer space activities. However, he was convinced that there was an unexpressed consensus among the members of the Sub-Committee on that question and that any difficulty in reaching a definition was due to the diversity of the approaches adopted by delegations.

Mr. KONSTANTINOV (Bulgaria) said that his delegation wished to convey to the delegation of the Soviet Union its condolences on the death of Academician Blagonravov. He observed that each year scientific and technological progress facilitated the further development of national and international space activities for peaceful purposes. Bilateral and multilateral co-operation contributed to détente, strengthened confidence and encouraged the development of international relations in all fields. Space activities were being increasingly directed towards solving major scientific and economic problems of the world. Bulgaria, for its part, was able to participate directly in those activities through INTERCOSMOS.

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(Mr. Konstantinov, Bulgaria)

The results of the current session would undoubtedly confirm the Sub-Committee's already established reputation. His delegation fully agreed with the inclusion in the Sub-Committee's agenda of the three items recommended in paragraph 6 of General Assembly resolution 3234 (XXIX).

It was regrettable that the Sub-Committee had been unable at the previous session to conclude its work on the draft treaty relating to the moon. With regard to the main stumbling-block - the question of the legal status of the natural resources of the moon - his delegation had taken the view that the adoption of a necessary and useful treaty should not be jeopardized by a mere divergence of views on one issue. His delegation continued to consider that the elaboration of a draft treaty relating to the moon was a matter of high priority for the current session and, given a more flexible approach, could be concluded within a short time. His delegation was ready to assist in achieving that aim in a spirit of goodwill and co-operation.

His delegation had repeatedly stressed that the question of the use of artificial satellites for direct television broadcasting was one of the most pressing problems of contemporary space law. Unfortunately, only the first steps had been taken at the previous session. Nevertheless, the various proposals made might assist in bringing together the divergent points of view.

In his delegation's view, the basic principles to be included in an agreement on a legal régime - such as State responsibility, prior consent, programme content and radiation of a territory - presupposed a high degree of responsibility and co-operation on the part of States in the application and organization of direct television broadcasting. That accounted for the international significance of elaborating a generally acceptable agreement that would serve the purposes of peace, security, co-operation and the strengthening of confidence among peoples, and would ensure that one of man's greatest scientific and technological achievements did not become a source of friction.

The necessary prerequisites also existed for constructive work on the legal implications of remote sensing. There was no lack either of general ideas or of concrete proposals that might constitute the working basis for the preparation of a generally acceptable document on that question.

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Mr. VELLODI (India) said that, as far as the draft treaty relating to the moon was concerned, the most important question still to be resolved was that of the moon's natural resources. That was an area beyond the limits of national jurisdiction and one in which mankind as a whole had a common interest. It was only just and equitable that the exploitation of the moon's resources should be undertaken only in accordance with an international régime established with the participation of all States. His delegation obviously could not sanction the use of the technological superiority of some States to establish exclusive claims to given areas or resources which were the common heritage of mankind. His delegation was not opposed to scientific research and development efforts in respect of the moon's resources, and was in fact gratified that the Governments of the United States and the Soviet Union had permitted Indian scientists to participate in research on lunar rock samples. If the existing provisions relating to scientific research and development were felt to be inadequate, his delegation was prepared to consider suggestions for improvements provided that they were based on the premise that the resources of the moon were the common heritage of mankind.

Direct television broadcasting was a field in which technology was developing at a rapid pace. Although the experiment which his Government proposed to conduct during 1975 and 1976 with the assistance of the United States concerned exclusively direct reception by community receivers and rediffusion through urban transmitting stations and limited rebroadcast facilities, the day was not far off when television broadcasts from satellites would be picked up by very slightly augmented home receivers. The Sub-Committee should therefore give careful consideration to the legal issues involved before it was overtaken by events.

As the Chairman of the Working Group on Direct Broadcast Satellites, he would take into account all suggestions made by delegations with regard to the way in which the Working Group might proceed. He recalled that in March 1974, the Working Group had been helped in its consideration of the question by a broadsheet prepared by the Secretariat setting out under different subject headings the various provisions contained in the proposals presented by Canada and Sweden, the Soviet Union and the United States. Since that time, Argentina too had submitted proposals. Consequently, he requested the Secretariat to update the document in question by incorporating in it the provisions contained in the Argentinian proposal.

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(Mr. Vellodi, India)

The question of the legal implications of remote sensing of the earth from space was one of great urgency, since the technology of remote sensing was already very advanced. Remote sensing could contribute very significantly to national development, particularly for the developing countries. However, the technology was such that activities could not be confined within national frontiers. Clearly, every effort should be made to prevent a country engaged in remote sensing activities from misusing the information collected, to the detriment of another country. At the same time, the legal framework established should not contain so many restraints as to make it impossible to embark on remote sensing activities at the national, international, multilateral or bilateral levels. Several countries already had earth stations and many others were planning to construct them. Consideration was even being given to setting up global and regional data centres with or without earth stations. The Sub-Committee should bear all those practical considerations in mind in considering the establishment of an adequate legal framework within which remote sensing activities could be conducted.

The CHAIRMAN said that he was sure that the Secretariat would take note of the request made by the representative of India. The updating of the document in question would require some time, but it was hoped that it would be ready before the Working Group on Direct Broadcast Satellites began its work.

Mr. KLEINPETER (German Democratic Republic) joined with other delegations in expressing his condolences to the delegation of the Soviet Union on the death of Academician Blagonravov. He thanked the Soviet Union and the United States for the efforts they had made in 1974 towards the peaceful exploration and use of outer space, and congratulated the Soviet Union on the success of the recent Salyut mission. His delegation noted with appreciation the drawing up of the Convention on the Registration of Objects Launched into Outer Space. That Convention was undoubtedly an important step towards the codification of the norms of the law of outer space.

One of the priority tasks in connexion with the draft treaty relating to the moon was to determine the legal status of the moon and its resources. In that connexion, his delegation welcomed and supported the initiative taken on articles X and X bis of the draft treaty relating to the moon. That compromise

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(Mr. Kleinpeter, German
Democratic Republic)

proposal would help to speed up the finalization of the draft treaty, as recommended in General Assembly resolution 3234 (XXIX). He believed, however, that it was too early to draw up an international legal régime including appropriate rules governing the exploration and exploitation of the moon's resources. That question, which was an important one in international law, should be considered when the exploitation of those resources became economically significant.

His delegation considered that all States, without any discrimination, had the right to use artificial earth satellites for direct television broadcasting on the basis of strict respect for the sovereignty of States, in accordance with General Assembly resolution 2916 (XXVII). The content of direct television broadcasts from satellites should be such as to foster co-operation among States by raising educational levels in underdeveloped areas of the world, by increasing scientific and technical knowledge and by disseminating cultural programmes of a humanistic nature. Where programmes broadcast in one State could also be received in the territory of another State, the States concerned should conclude a bilateral agreement prior to such broadcasting. Such agreements should determine the content and scope of the broadcasts concerned, as well as the frequencies to be allocated for that purpose by the International Telecommunication Union.

As far as the legal implications of remote sensing of the earth from space were concerned, his delegation believed that all States, without any discrimination, had the right to engage in remote sensing of the earth, provided that they respected the generally recognized principles of international law such as the permanent sovereignty of States over their natural resources. In that connexion, his delegation welcomed the drafts submitted by the Soviet Union and France in document A/AC.105/C.2/L.99 and by Argentina and Brazil in document A/C.1/1047.

The meeting rose at 11.35 a.m.

230th meeting

Thursday, 13 February 1975,
at 10.45 a.m.

Chairman: Mr. WYZNER (Poland)

ORGANIZATION OF WORK

The CHAIRMAN announced that, following consultations, it would be possible to proceed to the appointment of the Chairman of the Working Group on Remote Sensing. He had been informed that the candidature of Mr. Abdel-Ghani, head of the Egyptian delegation, had been put forward for that office. If he heard no objection, he would take it that the Sub-Committee wished him to be appointed.

It was so decided.

The CHAIRMAN suggested, with regard to the programme of work, that since Mr. Vellodi, the Chairman of the Working Group on Direct Broadcast Satellites, would be absent from Headquarters during the second week of the current session, the Sub-Committee might wish to transpose consideration of agenda items 3 and 4, on the understanding that the number of days available for consideration of item 4 would not be affected by the fact that the second week consisted of only four working days. Accordingly, if his suggestion was acceptable, item 4 would be taken up on Tuesday, 18 February, and item 3 on Tuesday, 25 February, it being understood that, as already agreed, some degree of flexibility in the time-table would be maintained.

It was so decided.

Mr. VELLODI (India) suggested that, as in the case of direct broadcast satellites, the Secretariat might be requested to prepare a comparative table of the proposals before the Sub-Committee on the question of remote sensing, in order to assist the members of the Working Group on Remote Sensing in their study of the item before it was taken up the following week.

Mr. STOWE (United States of America) took the view that it would be premature to prepare such a table at the current stage, since a number of issues concerning remote sensing had not yet been considered. In the consideration of direct broadcast satellites, some time had elapsed before it had been possible

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(Mr. Stowe, United States)

to prepare a comparative table of issues and proposals; in the case of remote sensing, that stage had not yet been reached.

The CHAIRMAN accordingly suggested that the matter should be left open for Working Group III to decide at a later stage.

It was so decided.

GENERAL EXCHANGE OF VIEWS (continued)

Mr. CHAHID-NOURAI (France) said that new developments in space activities during 1974 fully justified the interest attaching to further progress in the elaboration of a body of space law which took account of the interests of all, and particularly the developing countries.

At the scientific level, some important events had occurred during the past year. His delegation wished to congratulate the two major space Powers on the success of their ventures, particularly Pioneer 10, the ATS-6 satellite, and the recent success of Soyuz 17 and Salyut 4. France, for its part, was methodically pursuing its space activities: a few days earlier, it had successfully launched the Starlette satellite from a Diamant BP4 launcher; while one month earlier the launching of the Symphonie telecommunications satellite jointly with the Federal Republic of Germany had testified to France's co-operation with other countries. Useful results continued to be achieved within the framework of France's bilateral co-operative activities with the Soviet Union, the United States and other countries of Europe. France intended to pursue such co-operation and wished to extend it to other countries.

The rapid development of technology was a serious reason for accelerating the elaboration of a body of space law as complete and equitable as possible. Space law should not be overtaken by space technology at a time when the latter was sufficiently advanced for its results and implications to be seen clearly. Furthermore, if a body of applicable and applied positive law was to be developed within a short period, there was a need for a pragmatic, progressive approach characterized by a constant desire to compromise.

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(Mr. Chahid-Nourai, France)

The draft treaty relating to the moon constituted one field in which such a compromise could be applied. With regard to the three main points of contention - particularly the essential one concerning the natural resources of the moon - his delegation hoped that the positions adopted most recently were not final. It also hoped that, during the current session, it would be possible to take account of the concessions already made with regard to the conference entrusted with the task of applying certain provisions of the treaty. His delegation supported in principle a text similar to those which it had already endorsed, and would welcome any improvements that would facilitate a final settlement of the issue.

With regard to direct television broadcasting by satellite, his delegation had always considered the question to be one of great importance and high priority. The law in that field must not be overtaken by technology if considerable drawbacks were to be avoided. He therefore wished to thank Canada and Sweden for their joint working paper (A/AC.105/C.2/L.102), which provided some useful clarifications. His delegation also felt that, before new principles were considered, it would be prudent to eliminate the large number of square brackets from the text drafted at the previous session in order to achieve a treaty which organized freedom rather than permitted licence.

In the case of remote sensing of earth resources, too, there was a need for the formulation of certain basic principles. That was why, at the previous session, France had put forward jointly with the USSR some precise proposals in such a form. It was, however, aware of the many qualities of the draft treaty proposed by Argentina and Brazil, although that text did not perhaps take sufficient account of the difficulty of reaching a consensus on certain points and there was a danger that, by seeking to avoid the intermediate stage of formulating principles, it would take longer to achieve concrete results.

In conclusion, his delegation wished to stress once again the importance of the definition and/or delimitation of outer space. Attention had been drawn at the previous meeting to the ambiguity characterizing space law in the absence of a clearly defined consensus on that point. Apart from the desire of jurists to avoid elaborating legislation whose sphere of application had not been defined, there was above all a serious danger in so far as there was an increase in experiments involving both air and space law, characterized by widely differing legal rules.

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Mr. LUKASIK (Poland) said he wished to join previous speakers in paying tribute to the memory of Academician Blagonravov, and to express his delegation's sincere condolences to the delegation of the Soviet Union.

Poland observed with great satisfaction the important events of the past year in the field of space activities. The two leading space Powers had been implementing their 1972 Agreement concerning Co-operation in the Exploration and Use of Outer Space for peaceful purposes. The successful completion of their joint Apollo-Soyuz programme would prove once again that, despite ideological, social and economic differences, fruitful scientific and technical co-operation was possible, and indeed necessary in order to promote mutual understanding.

His country was grateful to the Soviet Union for the creation of favourable conditions enabling all socialist countries to participate actively in some very important space projects and to receive scientific information on space activities. His Government was considering the possibility of utilizing, for national purposes, data received from the United States ERTS-II satellite.

His delegation was confident that the spirit of co-operation that had characterized the Sub-Committee's work in the past would also prevail at the current session. With regard to the draft treaty relating to the moon, his delegation shared the view that the most promising solution of the problem of the legal status of the natural resources of the moon was to be found in the draft treaty submitted by the Soviet Union. Its basic position was that the draft treaty should not include a provision concerning the régime for the use and exploitation of the moon's natural resources, and that the possibility of preparing, at a subsequent stage, a special international agreement on the natural resources of the moon should be kept open. However, his delegation was ready to accept any compromise solution enabling the Sub-Committee to overcome the current difficulties. Consequently, the paper containing such a compromise solution which had been submitted to the Working Group deserved particular attention.

As to the question of the elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting, his delegation likewise took the view that, in the light of the current stage of technology, the codification of those principles represented an exceptionally important task. An international legal instrument elaborated by the Sub-Committee should place direct television broadcasting from artificial satellites in the

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(Mr. Lukasik, Poland)

service of mankind in such a manner as to contribute to peaceful co-operation among States. His delegation therefore considered that direct television broadcasting from artificial satellites should be subject to the prior consent of the receiving State. Failure to secure prior consent would constitute both a violation of the receiving State's sovereignty and interference in its internal affairs. States concerned should therefore have the right to undertake such action as they deemed necessary in order to prevent illegal transmissions. In his delegation's view, a number of proposals already submitted to the Working Group would enable it to find a solution acceptable to all States and to prepare a draft treaty very soon. Both the Soviet and the Argentine proposals could serve as a proper basis for deliberations.

As to the question of remote sensing, his delegation took the view that it was one of the Sub-Committee's most urgent tasks. A binding juridical framework for such space activities must be elaborated as soon as possible, since remote sensing was already a technological reality with far-reaching economic implications. International regulations concerning remote sensing should be based on the principle of respect for the sovereignty of all States and their rights to their resources. Those regulations should not limit in any way the rights of States capable of carrying out such survey activities. Several useful proposals and suggestions had been submitted, including particularly those contained in the working paper submitted jointly by France and the Soviet Union.

Mr. LIND (Sweden) said that the Sub-Committee's previous session had been very useful and constructive. His delegation looked forward to continuing such progress during the current session, and therefore welcomed the fact that the agenda had been restricted to three priority items. The programme of work agreed upon for the current session seemed to be a useful one, particularly if the degree of flexibility called for was kept in mind at all times. He welcomed the decision to transpose items 3 and 4, in order to ensure Mr. Vellodi's presence during the entire consideration of item 3.

With regard to the draft treaty relating to the moon, his delegation hoped that the latest formulations placed before the Sub-Committee would facilitate the solution of the questions that remained outstanding. His delegation, for its part, felt that a provision concerning the natural resources of the moon should be unambiguous and should balance the interests of the world community and the

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(Mr. Lind, Sweden)

rights of the space Powers in regard to their research activities. Furthermore, a treaty relating to the moon should cover all celestial bodies.

With regard to direct television broadcasting by satellites, his delegation took a strong interest in reaching generally agreed principles governing such activities. It was encouraged by the initial drafting work carried out at the previous session, and agreed with the view taken by the Canadian delegation that encouraging progress could continue to be made at the current session.

His delegation associated itself fully with the suggestion that the work of the current session should be directed towards some of the more contentious and difficult, but also more important, principles that should be included in an agreed set of principles governing direct television broadcasting by satellites. The working paper submitted by the Canadian and Swedish delegations (A/AC.105/C.2/L.102) would be introduced in more detail when the item was taken up.

His delegation also looked forward to a constructive exchange of views on the question of remote sensing, which should be discussed in the greatest detail. Since remote sensing was a very complicated activity, it was essential to take account of various considerations that would have to apply to the different phases, such as the sensing, data acquisition and data distribution phases. The discussion was, however, still at an early stage. The usefulness of a debate on the legal implications of remote sensing should be seen against the background of the work being carried out in other bodies: the final outcome of the combined efforts of the Committee on the Peaceful Uses of Outer Space and its subsidiary bodies should be a judicious blend of action in both the organizational and the legal fields. Only then would it be possible to secure for mankind as a whole, and particularly for the developing countries, the very significant benefits which remote sensing could offer, and to take account of concerns with regard to State sovereignty in the interest of all States.

The CHAIRMAN suggested that the general exchange of views should be concluded by the morning of Tuesday, 18 February at the latest.

It was so decided.

The meeting rose at 11.35 a.m.

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231st meeting

Friday, 14 February 1975,
at 10.45 a.m.

Chairman: Mr. WYZNIECZAK (Poland)

GENERAL EXCHANGE OF VIEWS (continued)

Mr. COCCA (Argentina) said that his delegation wished to pay tribute to the memory of Academician Blagonravov, an outstanding man of science, and one of the founder members of the Committee on the Peaceful Uses of Outer Space.

Turning to the Sub-Committee's work programme, he said that the fact that four useful conventions on such new issues had been concluded in so short a time was ground for considerable satisfaction. Although the Convention on Registration of Objects Launched into Outer Space had been opened for signature recently, a number of States, including Italy, had proved that the provisions concerning information on such launchings could be complied with fully. The Sub-Committee was now in a position to conclude, or make substantial progress on, other international instruments in accordance with the terms of reference given to it in General Assembly resolution 3234 (XXIX).

A number of delegations had already stressed that 1975 would be a year of international co-operation in space activities. His delegation had consistently supported the concept of international co-operation and therefore welcomed the forthcoming Apollo-Soyuz mission to be undertaken jointly by the United States of America and the Soviet Union as a striking example of international co-operation.

Argentina was following with keen interest the work relating to the draft treaty on the moon, for it had been the first nation to raise the question of the legal status of the natural resources of the moon in 1970 in a draft international convention. It had also submitted amendments to a number of articles in the draft treaty relating to the moon as well as a working paper on the legal principle of the "common heritage of all mankind". Of the three main unresolved issues, namely the scope of the treaty, the nature and content of the information to be furnished on missions to the moon and the legal régime governing the natural resources of the moon, the latter was of such importance that many delegations believed that if it

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(Mr. Cocca, Argentina)

was not resolved, there would be no point in concluding a separate instrument on the moon. In the view of his delegation, the recognition in an international instrument of the principle of the common heritage of all mankind would be most timely, for it was generally acknowledged that that legal status was appropriate and had already been established in the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, although the latter instrument did not specifically mention natural resources. The document submitted unofficially by the Soviet Union at the twenty-ninth session of the General Assembly and discussed in Working Group I of the Sub-Committee was an excellent piece of work. However, his delegation believed that it provided a basis for a new approach to the problem rather than the final stage of a compromise solution. The competent authorities of his country had studied the draft treaty relating to the moon very carefully and had transmitted detailed instructions on it to his delegation. Some of them related to improvements in the text with a view to bringing it into line with the progress achieved in codified space law and new achievements and new developments in applicable technology.

Argentina had also given considerable attention to the question of the use of satellites for direct television broadcasting and had submitted, inter alia, a draft international convention on direct broadcasting by satellite (document A/AC.105/134). His delegation wished to stress that direct television broadcasting using community receivers had been thoroughly tested and had yielded excellent results and that a number of electronics companies had produced and placed on sale new receivers designed for direct television broadcasting. Priority attention should be given to the questions of clandestine direct broadcasting, the legitimate reaction to inadmissible broadcasts, and the possibility that broadcasts affecting the legitimate interests of States could take place with impunity, because they entailed no international State responsibility. In that connexion, it was necessary to bear in mind the principle that broadcasts should be made from the territory of a State or a place subject to the jurisdiction of a State. In Argentina, the issue had been studied in depth not only in governmental organs and

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(Mr. Cocca, Argentina)

specific State agencies like the National Commission for Space Research but also in the universities. For instance, in 1973 the National University of Córdoba had organized a seminar to study the question and to analyse the international draft convention submitted by Argentina in 1974.

His delegation had been pleased to join with the delegation of Brazil in elaborating a draft treaty on the remote sensing of natural resources by means of space technology - draft basic articles, which had been submitted to the General Assembly at its twenty-ninth session (document A/C.1/1047). The draft by no means exhausted the theme, but was a reasonably clear statement of the general principles which in the view of both delegations should be embodied in an international instrument.

His delegation wished to stress that the very considerable advances in remote sensing techniques made since the time the question was first raised in the United Nations had not, thus far, been accompanied by similar progress in the legal aspects of remote sensing. The Sub-Committee, which had anticipated many events and policies, could not now disregard a legal problem which affected all States, nor could it content itself with academic discussions. Such debates had already taken place in a number of international forums and a number of principles had already been drawn up. For example, the Iberoamerican Institute of Aeronautic and Space Law had stated in 1973 that the activities of States in connexion with the remote sensing of the natural resources of the earth from outer space could not take place with complete freedom, since they were regulated by the principles and norms contained in the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space and other international instruments. Consequently, any activity contrary to those principles and norms constituted a violation of international law. Another principle formulated in that Institute stated that, in accordance with such principles and norms, competence to regulate the remote sensing of natural resources for the benefit of mankind devolved upon the international community. The Institute had expressed the view that a specific multilateral agreement on those activities, open to all States, should be concluded without delay. Thought should also be given to a principle formulated by jurists meeting in 1973 at La Rábida, Spain, that States should not refuse arbitrarily to allow the remote sensing of the natural resources existing in areas subject to their sovereignty when their refusal would be contrary to the needs of mankind.

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(Mr. Lopez, Argentina)

Finally, with regard to the definition and/or delimitation of outer space and outer space activities, his delegation continued to believe that the decision rested with sovereign States, and that the definition and/or delimitation should be based not on a physical criterion but on a political and legal one.

Mr. LOPEZ-BASSOLS (Mexico) said his delegation believed that the main obstacle to the conclusion of a draft treaty relating to the moon could be removed if delegations showed sufficient flexibility and a spirit of conciliation. His delegation appreciated that the main purpose of the treaty was to prevent any claims of sovereignty or ownership being made with regard to the natural resources of the moon and the other celestial bodies; it maintained that they were the common heritage of mankind and that, accordingly, all countries should participate in their exploitation and the benefits to be derived from them, particularly the developing countries. For that reason, his delegation believed it essential that that principle should be embodied in the treaty, and was encouraged by recent proposals in the Sub-Committee.

With respect to the principles which should regulate the use by States of artificial earth satellites for direct television broadcasting, his delegation hoped that the Working Group would be able to remove the greater part of the square brackets which appeared in the document drawn up in 1974 and to reach agreement on a number of guiding principles. His delegation believed that there was an urgent need for an international instrument based on the general prohibition of broadcasting without the prior consent of the State directly concerned. The free circulation of information was a generally recognized principle, but it could be neutralized by the principle, fundamental in international law, of State sovereignty. As far as the principle of responsibility was concerned, his delegation believed that States should be obliged to enact laws to prevent private individuals or companies from engaging in activities from which the States themselves had undertaken to refrain.

Turning to the legal implications of remote sensing of the earth from space, he said that Mexico considered that the principles to be agreed should be incorporated in a binding international agreement or treaty. For that reason, it was attracted by the draft submitted by the delegations of Argentina and Brazil.

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Mr. TAYLHARDAT (Venezuela) congratulated the countries which had made new contributions to the development of space science and research during the past year, particularly the United States and the Soviet Union.

His delegation attached an equal degree of importance to the three substantive items on the Sub-Committee's agenda. Since, however, an equal rate of progress had not been achieved regarding all three items, attention should be concentrated on the item concerning which concrete results could most easily be achieved in the short term; that did not mean, of course, that the consideration of the other items should be neglected.

With regard to the draft treaty relating to the moon, the progress achieved thus far was highly satisfactory, a considerable degree of consensus having been reached. However, three important issues remained unresolved. With regard to the first of those issues, namely the scope of the treaty, Venezuela shared the view that it should be extended to other celestial bodies. Specific agreements governing the status of those bodies could be concluded when scientific advances so justified, and when the need to establish a special legal régime became clear.

As to the second issue - information to be furnished on missions to the moon - his delegation considered that such information should be supplied in advance. As had already been stated in the Sub-Committee, one of the purposes of that stipulation was to enable measures to be taken to prevent the disruption or contamination of the lunar environment. If information was supplied only subsequently, it would be impossible to take preventive measures.

With regard to the third main unresolved issue - that of the legal status of the natural resources of the moon - Venezuela shared the view that the treaty should expressly state that the natural resources of the moon were the common heritage of mankind, thereby ensuring an equitable distribution of the advantages deriving from the exploitation of those resources for the benefit of the entire international community, in accordance with an internationally agreed régime that took special account of the interests and needs of the developing countries.

His delegation trusted that, given the necessary goodwill, it would be possible during the current session to arrive at a generally acceptable text. In that connexion, it was pleasing to note that recent proposals represented a further step in that direction.

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(Mr. Taylhardat, Venezuela)

Work concerning direct television broadcasting by satellites was less advanced. Some measure of consensus had been reached with regard to some of the principles to be incorporated in the relevant instrument, but many points remained to be elucidated, because they had not received the necessary acceptance or had not been sufficiently discussed. Such broadcasts were currently playing a very important role and offered extensive possibilities for the dissemination of culture and the promotion of friendly relations, mutual understanding and co-operation among all countries. The main problem was that of striking an appropriate balance between the sovereign rights of States and the principle of freedom of information. Both aspects of the question were of equal importance and value, and both should be borne in mind in any solution found. His delegation felt sure that new progress would be made during the current session.

The more concrete question of remote sensing was of particular importance in the current year. Activities in that field were progressing rapidly and were of interest to all States, since they provided practical results which could be applied immediately. For the developing countries, it was a fundamental issue, since such activities could contribute to a more rational and effective utilization of their natural resources. The issue was also of the utmost interest to mankind as a whole, since remote sensing could assist in alleviating shortages by means of the better exploitation of known resources and the discovery of new resources. In that field, it was both necessary and possible to establish international regulations which would define the duties and rights of States and, without impeding the development of remote sensing, ensure for all States the full participation in the benefits derived from it.

His delegation was pleased to note that the most significant impulse to the work on that question had come from two Latin American delegations, namely those of Argentina and Brazil, which had submitted useful draft articles and had now presented a structured text that could serve as the point of departure for the

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(Mr. Taylhardat, Venezuela)

elaboration of a final text. His delegation warmly supported their initiative, and requested that his country be included as a sponsor of the draft treaty on remote sensing of natural resources by means of space technology (A/C.1/1047) submitted by Argentina and Brazil. His delegation hoped that the Working Group on Remote Sensing would be able to devote the necessary time and attention to the item in order to make as much progress as possible in drafting a final text.

In conclusion, he informed the Sub-Committee that, from 24 February, a multinational symposium on aerospace sciences would be held in Valencia, Venezuela, under the auspices of the University of Carabobo and the Venezuelan Society for Aeronautics and Space Law, particular stress being placed on the legal problems arising from co-operation in that field. He wished to thank the Chief of the United Nations Outer Space Affairs Division for his inaugural message addressed to the organizing authorities.

Mr. ABDEL-GHANI (Egypt) expressed his condolences to the Soviet delegation, and through it to the members of the Space Organization of the Soviet Academy of Sciences, on the death of Academician Blagonravov, to whom the United Nations owed so much.

His delegation welcomed the new compromise working paper submitted by the Soviet Union concerning the legal status of the surface and subsurface of the moon and the natural resources thereof which took into consideration the views expressed by certain other delegations, particularly those of Austria and Bulgaria. Nevertheless, his delegation wished that the new formulation had taken into account the views expressed by the delegations of India, Nigeria and Egypt; such a compromise was still possible, and would enable the Sub-Committee to complete the drafting of the treaty relating to the moon within a short space of time, perhaps during the current session.

The main point of difference between the Soviet proposal and the views of the other three countries concerned the question of whether the natural resources of the moon were the common heritage of mankind. Since the Sub-Committee had commenced consideration of the item, efforts had been made to close the gap between the two opposing viewpoints. In his view, however, the question was when

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(Mr. Abdel-Ghani, Egypt)

and where those resources could become - not only in principle but also in practice - the common heritage of mankind. As to the reference in article 10 of the new Soviet proposal to the common heritage principle, his delegation took the view that it should be made explicit and unconditional.

His delegation's formal position was that which it had taken together with India and Nigeria in working paper A/AC.105/C.2/L.97. He wished, however, to put forward an informal compromise suggestion. A deadline should be agreed for the establishment of the international régime governing the exploitation of the natural resources of the moon. Accordingly, the Soviet delegation should change the structure of article 10 of its proposal in order to make it imperative to convene an international conference for the establishment of the régime within a specific period of time, and to provide that the adherence of a State to the treaty constituted an obligation on its part to accept and attend that conference. Furthermore, paragraph 6 of article 10 should be slightly amended: the promise of the space Powers to provide information on the natural resources of the moon was not enough; the international scientific community and the international organizations concerned should be involved in a practical way in recovering and investigating whatever resources were brought back to earth. While his informal suggestion implied the postponement of the establishment of the international régime for up to 10 years, it made the convening of an international conference for the establishment of the régime imperative, unconditional and automatic, and would ensure that States adhering to the treaty participated in the conference.

Turning to the question of direct broadcast satellites, he commented on two issues which reflected fundamental differences of approach, namely the sovereign rights of States and the free flow of information. In general, his

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(Mr. Abdel-Ghani, Egypt)

delegation shared the view expressed by Canada and Sweden in their most recent working paper (A/AC.105/C.2/L.102) that the sovereign rights of States and the free flow of information were not incompatible. The reasons which they gave appeared to be convincing; in particular, his delegation agreed that the concept of prior consent should also imply that the consenting State had the right of participation with regard to the content of programmes designed for reception in its territory, in whole or in part. But the crux of the problem was the need to reach agreement on an acceptable definition of the word "information". Presumably, all were agreed that activities in the field of direct television broadcasting would be based on international co-operation. The word "information" should accordingly be understood to mean information considered mutually beneficial by both broadcasting and receiving States. It might be difficult to formulate a general rule by which all States agreed which kind of information was beneficial, since it depended on the social, cultural, moral and other values of peoples and States; nevertheless, as stated in the working paper submitted by Canada and Sweden, there would appear to be strong incentives on the part of all States concerned to work out co-operative arrangements in the mutual interest of both the technologically advanced States and the other States which would stand to benefit from the orderly development of the technology. However, that did not mean that, as indicated in the Canadian and Swedish paper, there would be no need for rules governing programme content. His delegation thought that such a decision was beyond the Sub-Committee's terms of reference: that political problem should be tackled either in the Committee on the Peaceful Uses of Outer Space or in the General Assembly. The work of ITU greatly contributed to efforts aimed at solving differences of opinion in that field. His delegation had noted the progress made in the legislative instruments of ITU in order to enhance advances in international telecommunications in that regard, and looked forward to receiving more information on the ITU World Administrative Radio Conference for the Planning of the Broadcasting-Satellite Service to be held not later than April 1977.

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(Mr. Abdel-Chani, Egypt)

His delegation believed that the most urgent question on the Sub-Committee's agenda was that concerning the legal implications of remote sensing. That view was probably shared by all other developing countries whose national resources were sensed, with or without their consent. His Government had recently become deeply interested in the use of remote sensing for preparing detailed geological maps and surveying agricultural land. In September 1974, Egypt had served as host to a United Nations/FAO seminar concerned with remote sensing. Attended by at least 35 countries from Africa and the Arab region, the seminar had been very successful, and the presentation of the Egyptian experiment in that field had been highly appreciated.

Remote sensing activities were already taking place in a number of developing countries, and in some of them, such as Brazil, the work was of a scope which Egypt wished to match in the very near future. Their involvement in remote sensing made the consideration of its legal implications the most important and urgent item on the Sub-Committee's agenda.

Much work had already been done in that field. The background paper prepared by the Secretariat (A/AC.105/118), contained two useful chapters concerning respectively legal implications and alternative modes of international co-operation. Furthermore, in the past month, the Outer Space Affairs Division had produced a series of papers which, although not of a legal or political nature, would be helpful to the Sub-Committee in considering the question.

The basic document was of course that presented by Argentina and Brazil (A/C.1/1047) containing draft basic articles of a treaty on remote sensing. The articles met the concerns and interests of the developing countries which, although eager to avail themselves of the new technology, wished to maintain their sovereignty over their national resources. The document dealt with the problem in a sensible and balanced way, leaving room for consideration of other views. That applied particularly to articles VII to X, which dealt with the sensing of resources with the consent of the countries possessing them. undoubtedly the earlier proposals submitted by France and the Soviet Union, as

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(Mr. Abdel-Chani, Egypt)

well as other proposals or views put forward in the Committee on the Peaceful Uses of Outer Space and the First Committee, would help in considering the question. What was really important was to give the question the urgent and earnest consideration that it deserved.

Mr. LINDENBERG SETTE (Brazil) extended the condolences of his delegation to the delegation of the Soviet Union on the death of Academician Blagonravov.

He said that, while all space applications and activities were of concern to mankind as a whole and their development should be stimulated, in view of the great benefits to be derived, space technology was still the preserve of a few Member States. A balance should therefore be struck between safeguarding the interests, rights and needs of those States which did not have all the technological means necessary for full participation in space activities and encouraging those which had been pioneers in the exploration of outer space and the utilization of space applications. Space technology, because of its global character, had an enormous impact in the economic, political and juridical spheres. A set of rules should be established to regulate the entire field, if space technology was not to develop in an anarchic fashion, thus creating serious problems. The development of international law relating to man's activities in outer space should not be construed as a hindrance to the development of the relevant technology, but the desire for progress in space technology should not lead to disregard of certain well-established legal principles concerning the fundamental rights of States, or to automatic and systematic acceptance of a fait accompli, which would reduce the fundamental rights of sovereign States to the status of mere symbols.

Referring to the draft treaty relating to the moon, he said that the main obstacle was the question of the natural resources of the moon and other celestial bodies. Thus far, certain delegations had been unwilling to consider either the pertinence of a clear and unambiguous commitment to an international régime for the natural resources of the moon, or the concept of the moon as the common heritage of mankind. Recent developments might be interpreted as a first step towards some degree of acceptance of those conditions, which were vital if the

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(Mr. Lindenberg Sette, Brazil)

treaty was to have any meaning. His delegation greatly appreciated the efforts made in the preparation of the unofficial working draft of articles X and X bis, and was prepared to discuss that draft in a constructive manner. However, a number of points in the text still presented considerable difficulties for his delegation. Even if a certain key expression was included in the treaty, it would still be necessary to have a clear, definitive and unequivocal statement of a commitment to the establishment of an international régime for the exploration of the resources of the moon, together with a clearer picture of the procedure to be followed until such a régime was fully implemented.

As far as the question of direct broadcasting by satellites was concerned, his delegation had read with interest the working paper presented by Canada and Sweden (A/AC.105/C.2/L.102), but was not sure that the Sub-Committee should engage in a sterile procedural discussion of what it should do first. It might be advisable either to continue with the drafting of the five existing principles or to consider immediately some of the controversial issues relating to the question of direct broadcasting by satellites. His delegation was prepared to do everything possible to help in the search for a positive solution.

The importance his delegation attached to the question of remote sensing of the earth from space was well known. It was gratifying to note that the two sets of proposals submitted by Argentina and Brazil and by France and the Soviet Union concerning the establishment of a legal framework contained fundamental similarities. He was confident that careful consideration of those proposals would bring out those similarities quite clearly. Speaking also on behalf of the delegation of Argentina, he thanked the delegations of Mexico and Venezuela for their support. The establishment of a legal framework for remote sensing was long overdue and it was the task of the Sub-Committee to start consideration of any proposals made in that connexion. Although he was not opposed to a preliminary exchange of views on the question as a whole, he felt that greater progress could be made if the question was discussed at once on a more concrete level, as had been done with the other two priority items on the agenda. He was confident that constructive work would be done by Working Group III.

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Mr. MOGHADDERI (Iran) said that his Government had consistently supported the view that the natural resources of the moon formed part of the common heritage of mankind and considered that the formula agreed on by the mini-group during the 1973 session of the Legal Sub-Committee still provided a good basis for resolving that issue. It was heartening, however, to observe that the various proposals made recently seemed to provide a possible basis for an eventual compromise.

Referring to the question of direct broadcasting by satellites, he said that it was encouraging to note once again that, as a result of the useful work of the Working Group on Direct Broadcast Satellites at its most recent session, the Legal Sub-Committee now had before it the text of certain draft principles. Nevertheless, many important areas of disagreement remained, in particular with regard to participation, prior consent and the technical problem of spill-over. There appeared to be two divergent philosophies on the question of direct broadcasting by satellites. On the one hand, there were the advocates of strict enforcement of the principle of freedom of information, while on the other there were the proponents of the concept of absolute sovereignty. Nevertheless, those two philosophies were not necessarily mutually exclusive. In view of the significant contribution which direct broadcast satellites could make to international co-operation and to the advancement of mankind as a whole, every effort must be made to blend, in a workable formula, the best elements of those two basic positions.

His country attached special importance to the remote sensing of the earth's resources. With the increased awareness of the rapid depletion of the world's natural resources, the significance of that type of technology was quite obvious. The proper application of remote sensing technology could have untold benefits in the areas of natural resources and the environment, as well as in other fields. However, the international community must take steps to ensure that the development of legal principles kept pace with the increasing use of remote sensing technology. Failure to provide a suitable legal framework would invite the development of unnecessary tensions between States. Although the Scientific and Technical Sub-Committee and its Working Group on Remote Sensing of the Earth by Satellites had achieved excellent results in 1974, a great deal remained to be done in order to evolve equitable international principles governing the application of remote sensing technology in various fields. The basic principle on which any final

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(Mr. Moghtaderi, Iran)

agreement must be founded was that of the sovereignty of States, including sovereignty over national resources and wealth. He noted with appreciation the draft treaty submitted jointly by the delegations of Argentina and Brazil (A/C.1/1047) and expressed the hope that, together with other initiatives taken in that area, it would provide the Sub-Committee with useful guidelines.

The CHAIRMAN informed the Sub-Committee that Canada had just become a signatory of the Convention on Registration of Objects Launched into Outer Space.

Mr. MACRAE (United Kingdom) expressed surprise that a number of important documents relating to the question of remote sensing were not generally available. One such document was the report of the Working Group on Remote Sensing of the Earth's Resources on its third session (A/AC.105/125) which dealt not only with the legal, but also with the organizational and technical aspects of that question. Similarly, document A/AC.105/118, which contained a great deal of useful information, had not been made generally available. Other documents which the Sub-Committee might find useful were the studies commissioned by the Scientific and Technical Sub-Committee. He expressed the hope that the Secretariat would endeavour to make those documents generally available.

He could not agree with the representative of Egypt that the draft presented by the delegations of Argentina and Brazil would constitute the principal document to be considered by the Sub-Committee. General Assembly resolution 3234 (XXIX) stated quite clearly that the views expressed by Governments should also be taken into account. Consequently, document A/AC.105/C.1/WG.4/L.11, containing a synopsis of replies received from Governments on the question of remote sensing, should also be made available as a working document if the Sub-Committee was to comply with the instructions of the General Assembly. He therefore wished to know whether the Secretariat could make those documents available before the Sub-Committee began its consideration of the question of remote sensing of the earth.

Miss CHEN (Secretary of the Committee) said that the Secretariat had considered document A/AC.105/125 to be essential to the work of the Sub-Committee and had requested that 50 copies in English, 50 copies in French, 10 copies in Russian and 10 copies in Spanish should be made available in the conference room.

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(Miss Chen, Secretary
of the Committee)

As far as the synopsis of the views of Governments was concerned, only a very limited number of copies had been available. However, if the Sub-Committee so wished, the Secretariat would endeavour to obtain all available copies.

She pointed out that, before the commencement of the session, the Secretariat had prepared a list of basic working documents which included A/AC.105/127, A/AC.105/133, A/AC.105/134 and A/C.1/1047. One hundred copies of those documents in English, 100 copies in French, 20 copies in Russian and 20 copies in Spanish had been made available to delegations. The Secretariat had also compiled a list of background documents which included the reports of the Committee on the Peaceful Uses of Outer Space and Working Groups, together with previous reports of the Sub-Committee containing documents not reproduced in the latest report. Copies of all such documents had been made available in the conference room.

Mr. MACRAE (United Kingdom) thanked the Secretary of the Committee for her explanation and said that the synopsis of Government views would prove most useful. He found it somewhat curious that the report of the Working Group on Direct Broadcast Satellites on its fifth session should be considered a basic working document, whereas the report of the Working Group on Remote Sensing on its third session was not. Nevertheless he was gratified that the Secretariat would endeavour to make the relevant documents available.

The CHAIRMAN expressed the hope that any requests made by delegations would be complied with by the Secretariat, taking into account the availability of documents.

The meeting rose at 12.40 p.m.

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232nd meeting

Tuesday, 18 February 1975,
at 10.45 a.m.

Chairman: Mr. WYZNER (Poland)

GENERAL EXCHANGE OF VIEWS (concluded)

Mr. JACHEK (Czechoslovakia) joined other delegations in expressing sympathy to the delegation of the Soviet Union on the death of Academician Blagonravov.

His delegation agreed without reservation with the Chairman's evaluation of the work of the Legal Sub-Committee thus far. Since its establishment, the Sub-Committee had made a significant contribution to the promotion of international peaceful co-operation, particularly with regard to the formulation of principles of international space law. Czechoslovakia had welcomed the recent adoption of the Convention on Registration of Objects Launched into Outer Space and was considering the possibility of signing that Convention. It was also preparing to ratify the Convention on International Liability for Damage Caused by Space Objects. His delegation welcomed the important progress achieved during the past year in peaceful scientific and technological research relating to outer space and congratulated the countries whose efforts had made those results possible, in particular the Soviet Union and the United States. Small countries, such as Czechoslovakia, could also make a positive contribution to the current system of international co-operation in the field of research and exploration of outer space. Although Czechoslovakia was not a space-Power it was able, through INTERCOSMOS, to participate actively in space research. Czechoslovak scientists had recently been conducting research into the remote sensing of the earth, sources of environmental pollution and damage to vegetation. They had also been active in the fields of geodesy, geology, solar activity and communications, and had participated in the development of artificial satellites INTERCOSMOS 11 and 12 and in constructing the second INTERCOSMOS laser radar put into operation in Egypt in connexion with the world-wide "Great Arc" programme.

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(Mr. Jachek, Czechoslovakia)

His delegation's position on all items on the agenda had been stated at the previous session of the Legal Sub-Committee. However, he wished to point out that the current session was being held in the year which marked the thirtieth anniversary of the victory over fascism in the Second World War. The completion of the draft treaty relating to the moon at the current session would represent a fitting contribution to that important anniversary. He expressed the hope that the Sub-Committee would succeed in accomplishing that task on the basis of the proposals submitted by Austria, Bulgaria and the Soviet Union. Those proposals represented a truly important step towards a compromise solution to the most difficult of the questions as yet unresolved - that of the status of the moon's natural resources.

Mr. DIAZ-ALBONICO (Chile) said that, although the Sub-Committee had made substantial progress in its work, a great deal remained to be done. The Sub-Committee should be guided in its work by the principles of the free use of outer space and of the regulation of space activities by international law. The first, which had been unequivocally reaffirmed in the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, excluded any national appropriation and made outer space, the moon and other celestial bodies the property of all mankind, while the second concerned the peaceful uses of outer space, in which priority consideration must be given to the interests and wishes of the developing countries.

His delegation had followed with the closest interest the efforts to draw up an international convention relating to the moon and other celestial bodies. As the representative of Argentina had pointed out, the legal status of natural resources continued to be the main stumbling-block. Those resources should be declared the common heritage of mankind, a concept which had become more broadly applied in modern international law. However, it was not enough to proclaim the legal status of those natural resources. A régime must be established to regulate exploration for and the exploitation of the resources of outer space and the equitable distribution of the resulting benefits. His delegation was open to any proposal which might help in reaching a minimum acceptable consensus.

His delegation welcomed the progress achieved with regard to the principles governing the use by States of artificial earth satellites for direct television

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(Mr. Diaz-Albonico, Chile)

broadcasting. He agreed with the five principles already elaborated, while recognizing that many discrepancies still existed. He had read with great interest the working paper presented by Canada and Sweden (A/AC.105/C.2/L.102) and endorsed some of the ideas contained therein, including the statement that there was no necessary contradiction between the concept of free flow of information and the elaboration of principles designed to make that concept compatible with the right of States to safeguard the development of their own economic, social and cultural values. Nevertheless, co-operation in the field of direct broadcasting, if it was to bear fruit, must be based on the principles of consent and participation, so as to enable the receiving State to safeguard the exercise of its territorial jurisdiction and to familiarize itself not only with the content of the broadcast but also with the techniques used and their possible practical applications.

His delegation attached the utmost importance to the question of the remote sensing of natural resources. The growing shortage of food-stuffs and raw materials made it essential to consider remote sensing of the earth's resources as an effective means of promoting the economic and social development of all mankind, and in particular that of the developing countries. Consequently, his delegation endorsed the basic principle of consent, which was embodied in article V of the draft submitted by Argentina and Brazil (A/C.1/1047). Without such consent, the resolutions reaffirming the principle of the permanent sovereignty of peoples and nations over their own natural resources would become to a large extent meaningless. Furthermore, it was essential to establish regulations governing the access of the State whose territory was the object of remote sensing to the data obtained through such activities. His delegation considered that its views on that question were fully reflected in the draft submitted by Argentina and Brazil.

The question of the definition and/or delimitation of outer space and outer space activities required urgent consideration, since it appeared that there was some degree of consensus that the definition should be based on legal and political considerations.

Mr. OCHIRBAL (Mongolia) said that his delegation wished to express its deep sorrow at the death of Academician Blagonravov and to convey its condolences to the Soviet delegation.

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(Mr. Ochirbal, Mongolia)

The rapid development of space science in recent years had shown that the tasks facing the world community could be accomplished only through the combined efforts of the countries of the world. That accounted for the need to strengthen multilateral co-operation among all countries, without regard to their social and political systems or level of development. In that connexion, Mongolia welcomed the growing understanding and co-operation between such major Powers as the Soviet Union and the United States, particularly in the field of the peaceful uses of outer space, as evidenced by the joint Soyuz-Apollo space mission. Furthermore, the programme of space research undertaken jointly by the Soviet Union and France was being successfully fulfilled, and his delegation wished to congratulate those two countries on the success of the second stage of their joint experiment in the study of the ionosphere and magnetosphere of the earth under the ARAKS programme. The Soviet Union continued to make an invaluable contribution to the broadening of man's understanding of outer space. His delegation congratulated the Soviet delegation on the success of its Salyut 4 mission. Mongolia, within the limits of its modest means, was continuing its co-operation with the Soviet Union and other socialist countries in various fields of space research within the INTERCOSMOS programme, and was deriving positive results in agriculture, meteorology and other fields.

Turning to the Sub-Committee's agenda for the current session, he expressed the hope that members would again show the necessary flexibility. With regard to the draft treaty relating to the moon, in so far as it was the view of the overwhelming majority of delegations that the practical utilization of the natural resources of the moon, let alone other celestial bodies, would not be taking place in the near future, his delegation considered that it would be reasonable simply to include a provision to the effect that those resources were the common heritage of mankind; alternatively, article X could be deleted entirely at the current juncture. In his delegation's view, there would be no danger that the natural resources of the moon and other celestial bodies might be monopolized by any one country. Members should therefore show the necessary flexibility, thereby enabling consideration of the draft treaty to be concluded at the current session.

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(Mr. Ochirbal, Mongolia)

Turning to the question of direct television broadcasting by satellites, he welcomed the fact that five principles had been drafted, but considered that work on the elaboration of the remaining principles should be accelerated, since the adoption and signature of an international convention in that field would make an important contribution to the cause of peace and social progress.

As to the legal implications of remote sensing, his delegation considered that the draft principles submitted jointly by the Soviet Union and France governing the activities of States in the field of remote sensing (A/AC.105/C.2/L.99) could serve as a good basis for future international regulations in that field.

Mr. CEAUSU (Romania) joined other delegations in expressing his condolences to the Soviet delegation on the death of Academician Blagonravov.

He said that, as far as international co-operation was concerned, Romania was participating in joint research with other socialist countries as part of the INTERCOSMOS programme.

The scientific and technological progress achieved during the past year made it necessary to expedite the elaboration of rules governing co-operation between States. He agreed with the view expressed by the representative of Argentina that, under the provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, international co-operation had become a legal obligation for all States. The implementation of the principle of international co-operation called for the elaboration of rules and arrangements which would encourage States to work together in the application of space technologies for the benefit of all.

Referring to the draft treaty relating to the moon, he said that, if efforts to complete the draft treaty were to succeed, an effort must be made to understand the positions and interests of all States and to find generally acceptable formulas in a spirit of constructive compromise. The draft treaty relating to the moon was intended to govern relations between the space Powers, and between them and other States. As far as relations between the space Powers were concerned, the principle of equality in the exploration and use of the moon could be considered as satisfactory. However, in relations between the space Powers and other

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(Mr. Ceausu, Romania)

countries, application of the principle of equality would be tantamount to sanctioning the inequality which existed between those two categories of countries as a result of disparities in the levels of scientific and technological development. Therefore, since the space Powers were the only countries in a position to conduct activities relating to the moon and its natural resources, the principle of equality of States should be complemented by the principle of international co-operation. The only way to promote co-operation was by proclaiming the moon's natural resources to be the common heritage of mankind and to establish an international régime for the exploitation of those resources. His delegation was aware of the possible difficulties in endeavouring to establish such a régime at the current stage and therefore agreed to the proposal to postpone the establishment of that régime until such time as the exploitation of those resources became possible. Nevertheless, the States parties to the treaty relating to the moon must undertake to negotiate, in good faith, the future international régime at an international conference convened at the request of one third of the States parties. In view of the number of informal proposals submitted, it should be possible at the current session, to solve the problem of the natural resources of the moon and thus complete the draft treaty.

Referring to the question of direct television broadcasting by satellites, he recalled that, since 1969, his delegation had supported the elaboration of an international instrument in the form of a declaration or convention setting out the principles for international co-operation in that field. The most important question was that of the content of the programme broadcast. He congratulated Canada and Sweden for their efforts to break the current deadlock. Although the principles of consent and participation were essential in order to safeguard the sovereign rights and interests of States whose territory was covered by satellite broadcasts, they should be defined in such a way as to guarantee the State covered by the broadcasts the right to advance knowledge of the content of programmes and to refuse to allow them to be broadcast when it felt that the content might have harmful effects.

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(Mr. Ceausu, Romania)

He recalled that, in 1973, his delegation had stressed the need to adopt specific principles and norms governing the activities of States in the field of remote sensing. Remote sensing activities differed from the exploration and use of outer space in that they related to the surface, subsurface and atmosphere of the earth, most of which fell under national sovereignty. Consequently, the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space could not provide answers to all the problems raised by remote sensing. All regulation of remote sensing should be based on respect for the principle of the sovereignty of States, in particular over natural resources within their territories and over information relating to those resources. Such regulation should encourage international co-operation so as to promote the fullest application of space technology for the benefit of all countries, in particular the developing countries. The principles and rules which Romania wished to see incorporated into future regulations were set out, in essence, in the joint drafts presented by France and the Soviet Union and by Argentina and Brazil. In his view, the Sub-Committee could, on the basis of those drafts, begin to elaborate specific provisions for inclusion in the proposed draft instrument.

The Sub-Committee should bear in mind that the elaboration of legal norms for the peaceful uses of outer space was not an end in itself. The value of the instruments elaborated would, in the final analysis, be demonstrated by their contribution to the promotion of international co-operation and to the peaceful applications of space technology, particularly those benefiting the developing countries.

Mr. MAHMUD (Pakistan) said that his delegation wished to convey the condolences of the people and Government of Pakistan on the death of Academician Blagonravov to the people and Government of the Soviet Union.

Turning to the work programme of the current session, he said that his delegation fully appreciated the complexity of the issues facing the Sub-Committee. It also appreciated that the positions of certain delegations were too far apart to enable compromise solutions to be worked out quickly. It was confident, however, that patience, good will and a spirit of mutual accommodation would lead towards a solution.

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(Mr. Mahmud, Pakistan)

The finalization of the draft treaty relating to the moon was one of the priority items on which a number of issues remained unresolved. During the current session, the Sub-Committee had concentrated primarily on the most important of those issues, namely, the legal status of the natural resources of the moon. The different points of view had been presented once again, and his delegation had failed to discern any significant change of substance or emphasis in them. As a developing country, Pakistan fully supported the position reflected in the report on the work of the Sub-Committee's thirteenth session (A/AC.105/133). His delegation appreciated that the developing countries had considerable leeway to make up before they reached the levels of technological sophistication of the developed States. Moreover, most of the developing countries were poor and also anxious to improve the quality of life in their countries. They could not, therefore, afford to invest their resources in a space race, but all urgently desired to share the benefits of the technological achievements of the developed States. His delegation felt that the errors which had led to colonialism must not be repeated in outer space and that the principle of the common heritage of mankind would avert a repetition of the follies of the past. The moon was an unhabited celestial body; if it was to be owned, it should be owned by all States - rich or poor, strong or weak, developed or developing - for the benefit of all. His delegation endorsed the appeal made by the Indian representative not to hem the common heritage principle in with unnecessary reservations or to relegate it to subsequent discussions. His delegation also fully supported the Indian representative's advocacy of the earliest possible establishment of an international régime to govern the exploration and exploitation of the moon, in line with Pakistan's policy of advocating the establishment of such international régimes to safeguard against possible misuse or abuse of the fast-expanding reservoir of technical expertise and know-how. It fully agreed with the Brazilian representative regarding the risk of anarchic development if no juridical guidelines were formulated. His delegation noted with

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(Mr. Mahmud, Pakistan)

gratification that some of the formulations put forward in the Working Group might lead to an eventual compromise, and it would do its best to support all such efforts which took into account the expressed views of the developing countries.

The elaboration of principles governing the use of States of artificial earth satellites for direct television broadcasting was of great practical interest to the Government of Pakistan, which was dedicated to the social and economic betterment of the common man. His delegation had noted the suggestions that beam-shaping, satellite stability, signal amplitude reduction in border areas, antenna directivity and shielding and separate frequency assignments could be employed to reduce the level of unavoidable radiation to a neighbour. It felt that although such technological means would be of assistance, they would not be enough to safeguard against or eliminate the possible misuse of direct television broadcasting by satellite and that it would be necessary to provide for other effective safeguards, such as "prior consent" and "participation" as advocated by the delegations of Canada and Sweden in document A/AC.105/C.2/L.102. Since restrictions on the programme content for every item might not command the widest support and since differences of interpretation probably existed with regard to the definition of "prior consent", a compromise solution might be based on "prior consent to systems of broadcasting" instead of "individual items".

Remote sensing of the earth from space was of immense interest to Pakistan and other developing countries, since it was close to being operational and could therefore help in the location and subsequent exploration of unknown resources. His delegation hoped that the Sub-Committee's discussions on the legal implications of remote sensing would help to allay legitimate fears concerning possible misuse of data by the parties technically capable of collecting them. All countries were undoubtedly in a position to use and benefit from the data relating to their territories and each "sensed" State should be conceded the legal right of full access to the remote sensing data pertaining to its territory.

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(Mr. Mahmud, Pakistan)

The draft basic articles for a treaty on the remote sensing of natural resources introduced by the delegations of Argentina and Brazil in document A/C.1/1047 could, in the opinion of his delegation, provide a starting-point for further discussions and negotiations. His delegation was encouraged by statements to the effect that there was considerable identity of views between that draft and the one presented jointly by France and the Soviet Union (A/AC.105/C.2/L.99) and was confident that the Working Group would be able to produce an agreed text.

The definition and/or delimitation of outer space and outer space activities had not been discussed at the previous session, and his delegation had been concerned to learn that it might not be possible to discuss it at the current session. It felt that the progress of the Sub-Committee's work was being outpaced by developments in the field of space technology and wished to draw the Sub-Committee's attention to the growing possibilities of the misuse or abuse of the power bestowed by that knowledge.

His delegation believed that all knowledge was the common heritage of man and that efforts should be increasingly directed towards such co-operative efforts as the Soyuz-Apollo project in order to eliminate the threat of a possible misuse of space activities by States currently engaged in them and by other States which would engage in them in the future. Accordingly, his delegation urged that consideration should be given to setting up an international space agency in the foreseeable future.

Mr. OHTAKA (Japan) noted that three major issues still remained undecided with respect to the draft treaty relating to the moon. With regard to the scope of the treaty, his delegation was ready to accept a formula which would allow its provisions to be applied to other celestial bodies until separate or additional arrangements had been made for them. With regard to the protection of the environment of the moon, his delegation maintained its view that the treaty should contain a provision requiring prior notification to the Secretary-General of the United Nations of the emplacement of radio-active materials on the moon and the taking of measures to prevent the contamination of the moon. If the treaty also applied to other celestial bodies, the above-mentioned provision should also apply to them. His delegation considered that when the exploitation of the moon became

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(Mr. Ohtaka, Japan)

feasible, a conference of all States parties should be convened to establish an international régime governing the exploitation of the moon's natural resources and hoped that a practical solution could be found along those lines.

His delegation felt that the use by States of artificial earth satellites for direct television broadcasting could bring about many benefits, but believed that the uninterrupted operation of direct television broadcasting would be achieved only through international co-operation. Direct television broadcasting by satellites to any foreign States should be conducted under arrangements between the States which carried out the broadcasting, or governmental or non-governmental broadcasting entities under their jurisdiction, on the one hand, and the States to which the broadcasting was specifically directed, or governmental or non-governmental broadcasting entities under their jurisdiction, on the other hand, in view of the social impact which direct broadcasting would have on the audiences concerned.

Turning to the issue of spill-over, as distinct from trans-border radiation, he said that his delegation considered that in conducting direct television broadcasting by means of artificial earth satellites, all available technical means should be used to reduce, as much as possible, the areas where such television broadcasting could be received by the simple domestic type of receiver, if those areas were within the territories of States other than the State or States to which the broadcasting was specifically directed. If, notwithstanding those precautions, direct television broadcasting by artificial earth satellites could be received by domestic receivers in areas within the territories of States other than the State or States to which the broadcasting was specifically directed, appropriate consultations should be held between the States concerned at the request of the States under whose jurisdiction those areas fell.

His delegation did not see any particular reason why remote sensing activities by satellites should be termed unlawful under international law when carried out in accordance with the provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space. It believed that one of the

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(Mr. Ohtaka, Japan)

most important and positive aspects of those activities was their continuing monitoring of wide areas of the earth for the detection of natural disasters and the protection of the environment. It also believed that restriction of the publication, distribution and utilization of the data obtained from remote sensing activities would inevitably reduce the prospects for the promotion of international co-operation in the development of natural resources. It wished to point out that the Scientific and Technical Sub-Committee was discussing the United Nations role in relation to the establishment of modalities for data distribution. If the idea of an international centre for data classification was realized, the interests of each observed country would be fully protected, since it would be aware of the existence of data concerning it and would have access to them.

Mr. BUTLER (Deputy Secretary-General, International Telecommunication Union) said that ITU had specific interests in the long- and medium-term planning and day-to-day co-ordination of space telecommunications through its various organs responsible for the establishment and operation thereof.

Details of the policy decisions taken at the 1971 World Administrative Radio Conference on Space Telecommunications (WARC) were contained in the reports of the Working Group on Direct Broadcast Satellites on its fourth and fifth sessions (A/AC.105/117 and 127) and in ITU's eleventh, twelfth and thirteenth reports on the peaceful uses of outer space.

The Plenipotentiary Conference of all States members of ITU had strengthened the provisions of the International Telecommunication Convention regarding members' responsibilities, rights and obligations for the effective and efficient use of the radio frequency spectrum and the geostationary orbit, reinforcing at the highest level the various commitments agreed upon at WARC. That Convention had come into force on 1 January 1975 and had already been ratified by a number of Governments.

In addition, the Plenipotentiary Conference had made policy and financial provisions for the World Administrative Radio Conference for the Planning of the Broadcasting-Satellite Service in one of the six bands allocated for such facilities by the 1971 WARC.

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(Mr. Butler, ITU)

In the light of the directives of the Plenipotentiary Conference, ITU's Administrative Council had recommended that the World Administrative Radio Conference take place in January 1977. The Council had initiated action to prepare the agenda, which would be finally determined at the Council's forthcoming session in June 1975.

He wished to add certain clarifications with regard to the World Administrative Radio Conference. Firstly, a substantial majority of the members of ITU had already endorsed the recommendation to convene the Conference in January 1977, and no country had expressed any objection. Secondly, the requirements for the Conference had emanated from the needs of certain countries whose telecommunication requirements in the fixed and mobile services necessitated decisions for the use of specific bands, which the 1971 WARC had decided should not be used for those services in advance of the necessary planning for the broadcasting/satellite service in that band.

Thus, the purposes of the 1977 Conference would be, firstly, to ensure the orderly development of the fixed and mobile services, but at the same time to regulate from a technical viewpoint the long-term interests of the conventional and satellite broadcasting service users; and secondly, to plan, as far as possible and on the basis of the available technical criteria, the use of the bands concerned for the broadcasting service, but in any case to establish detailed procedures to govern the use of the bands by all the services which shared them.

Those were some of the aspects of the Conference which would establish further legislative obligations and procedures to be observed in order to permit the orderly planning and operation of services using those bands; they would complement other legislative obligations of the International Telecommunication Convention and its Radio Regulations.

The results of the 1977 Conference would also have the force of international law with regard to the carriage or transmission and reception of telecommunications and of signals affecting the capability to receive content. ITU itself was not responsible for the regulation of programme content; the agreements reached at the World Administrative Conferences and the service agreements necessary for the detailed planning and introduction of new telecommunications services determined the extent to which transmitters and receivers were able to operate effectively and

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(Mr. Butler, ITU)

without technical interference. Meanwhile, other ITU organs were continuing studies with a view to establishing collectively the technical criteria to enable the Conference to undertake its important planning tasks.

In conclusion, he expressed his condolences to the USSR delegation on the death of Academician Blagonravov.

The CHAIRMAN announced that the general exchange of views had been concluded. It had been a comprehensive exchange which would greatly facilitate further consideration of the various agenda items.

LEGAL IMPLICATIONS OF REMOTE SENSING OF THE EARTH FROM SPACE (A/C.1/1047; A/AC.105/122, 125, 133; A/AC.105/L.69; A/AC.105/C.2/L.73; 88 and 99)

The CHAIRMAN recalled that in resolution 3234 (XXIX) the General Assembly had requested that the Sub-Committee should consider the legal implications of remote sensing of the earth from space, taking into account the various views of States expressed on the subject, including proposals for draft international instruments.

He also recalled that the Sub-Committee had begun substantive consideration of the item at its thirteenth session and had held a very useful general exchange of views. It had also had before it the report of the third session of the Working Group on Remote Sensing of the Earth by Satellites (A/AC.105/125) and a number of proposals by delegations which were to be found in annex IV of the report of the Sub-Committee on its thirteenth session (A/AC.105/133).

In addition, the delegations of Argentina and Brazil had introduced a joint proposal in the course of the twenty-ninth session of the General Assembly on draft basic articles for a treaty on remote sensing for consideration at the current session (A/C.1/1047).

Mr. VELLODI (India) observed that the Canadian proposal concerning the legal aspects of remote sensing (A/AC.105/C.1/WG.4/L.5) included among the five proposals listed in paragraph 80 of the report of the Working Group on Remote Sensing on the work of its third session (A/AC.105/125) was not listed in the Sub-Committee's most recent report (A/AC.105/133). He therefore wondered whether that proposal was still before the Sub-Committee. The matter was an

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(Mr. Vellodi, India)

important one, since the General Assembly had recommended in paragraph 6 (c) of its resolution 3234 (XXIX) that the Sub-Committee should consider the legal implications of remote sensing, taking into account the various views of States, including proposals for draft international instruments.

Mr. WANG (Canada) replied that his delegation wished the document which it had submitted in the Working Group (A/AC.105/C.1/WG.4/L.5) to be considered part of the background documentation, without feeling that there was any need to submit it as a formal document of the Sub-Committee.

In that document, his delegation had not attempted to propose a set of definitive steps governing the activities of States. Its intention had been rather to set forth a range of options constituting an analytical framework, together with a synopsis of some of the problems and issues with which Member States would have to deal, without trying at that stage to reach any conclusions as to which range of options might be most appropriate.

ORGANIZATION OF WORK

The CHAIRMAN suggested that, as planned, Working Group III should commence work that afternoon, it being understood that, on any occasion when it did not meet, the mini-group concerned with drafting articles of the treaty relating to the moon would be free to hold meetings in order to continue its work.

It was so decided.

Mr. WANG (Canada) said he hoped that, at an appropriate stage, the Chairman of Working Group III would present a progress report in order to keep the Sub-Committee informed. His delegation was somewhat encouraged by the first of the conference room papers recently circulated, and hoped it indicated that progress was being made.

The meeting rose at 12.30 p.m.

241st meeting

Tuesday, 4 March 1975,
at 3.15 p.m.

Chairman: Mr. WYZNER (Poland)

DRAFT TREATY RELATING TO THE MOON (PUOS/C.2(XIV)/1/Add.2) (concluded)

Mr. HARASZTI (Hungary), Chairman of Working Group I, introduced his report (PUOS/C.2(XIV)/1/Add.2).

The CHAIRMAN said that, if he heard no objection he would take it that the Sub-Committee wished to take note with appreciation of the report of the Chairman of Working Group I, and to annex it to the report of the Legal Sub-Committee.

It was so decided.

DATE OF THE FIFTEENTH SESSION OF THE LEGAL SUB-COMMITTEE

The CHAIRMAN said he had been informed by the Secretariat that the possible dates for the convening of the fifteenth session, to be held in Geneva in 1976, were from 22 March to 14 April, or from 3 to 28 May.

Mr. VELLODI (India) said that some delegations would have difficulty in attending the sessions of both the Legal Sub-Committee and the Scientific and Technical Sub-Committee if they were held too close together. He presumed, therefore, that the dates suggested were tentative and that the final decision would be made by the Committee on the Peaceful Uses of Outer Space.

The CHAIRMAN pointed out that, although the Committee would of course make the final decision, it was the practice of the Legal Sub-Committee to indicate the dates which it preferred for consideration by the Committee.

Mr. CHRISTIANI (Austria) said that the Chairman of the Committee on the Peaceful Uses of Outer Space, while he was in the hands of the Committee, would greatly prefer the eighteenth session of the Committee to be held in June 1976. If the fifteenth session of the Legal Sub-Committee was scheduled for May, the Committee would still have ample time to study its report before convening in June.

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Mr. KEVIN (Australia) said that his delegation had informed the Chairman of the Scientific and Technical Sub-Committee that the Legal Sub-Committee seemed to prefer to meet in May rather than in April. The Chairman of the Scientific and Technical Sub-Committee would certainly take that preference into account in considering the timing of the next session of that Sub-Committee.

Mr. PIRADOV (Union of Soviet Socialist Republics) said that his delegation supported the idea of holding the fifteenth session of the Legal Sub-Committee in March or April 1976, since according to the information furnished by the Secretariat few other meetings were held in Geneva during those months.

Mr. CHRISTIANI (Austria) said that the point of the Soviet representative was well taken. However, experience in past years had shown that the work of the Legal Sub-Committee was facilitated if the Scientific and Technical Sub-Committee met first. Consequently, there was a strong argument for convening the fifteenth session in May 1976.

Mr. KEVIN (Australia) supported the views expressed by the representative of Austria.

The CHAIRMAN suggested that further discussion of the question in the Sub-Committee should be postponed to enable members to hold informal consultations.

It was so decided.

QUESTION OF THE VENUE OF FUTURE SESSIONS OF THE LEGAL SUB-COMMITTEE
(A/AC.105/C.2/L.104)

Mr. PIRADOV (Union of Soviet Socialist Republics) said that, in the view of his delegation, all future sessions of the Legal Sub-Committee should be held in Geneva during the period when few other meetings were held. The Scientific and Technical Sub-Committee could continue to meet in New York.

Mr. CHRISTIANI (Austria) said that the question of the venue of future sessions fell exclusively within the purview of the Committee on the Peaceful Uses of Outer Space and should therefore not be discussed by the Legal Sub-Committee.

The CHAIRMAN pointed out that in paragraph 64 of its report to the General Assembly at its twenty-ninth session (A/9620) the Committee had requested the Legal Sub-Committee to submit its views on the venue of its future meetings.

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Mr. KLEINPETER (German Democratic Republic) said that his delegation had already expressed its support for the proposal to hold all future sessions of the Legal Sub-Committee in Geneva. Such a measure would be justified, since it would provide for a more balanced distribution of sessions and enable delegations to make better use of the resources at their disposal. He believed that the financial implications contained in document A/AC.105/C.2/L.104 could be reduced if future sessions were held during the so-called "dead season" in Geneva. The current system of holding alternate sessions of the Sub-Committee in Geneva and New York, while it was to some extent less expensive for a number of delegations, including his own, resulted in a lack of continuity in the composition of the Sub-Committee. A greater degree of continuity would facilitate the work of delegations and would also contribute to the greater effectiveness of the Legal Sub-Committee.

Mr. STOWE (United States of America) said he found it difficult to support any change in the agreement reached in 1971, under which the Legal Sub-Committee met alternately in Geneva and New York. Contrary to the suggestion that it meet each year in Geneva - which in 1976 would entail an additional cost of some \$35,000 - the Sub-Committee might perhaps consider whether it should not meet in New York every year. He was not making such a suggestion, but if there was any need at all to modify current procedure, then logic dictated that meetings should be held each year in New York rather than in Geneva, as emphasized in the report of the Joint Inspection Unit referred to in paragraph 7 of document A/AC.105/C.2/L.104.

No persuasive reason had been put forward for incurring such additional expenditure; a mere preference on the part of some delegations to meet in Geneva constituted insufficient grounds, in view of the need for the more efficient expenditure of funds from the regular budget. The additional sum involved could make a significant contribution to other United Nations programmes.

Mr. GORBIEL (Poland) said that the question of venue was sufficiently important to require further study. Since the Committee on the Peaceful Uses of Outer Space and its Scientific and Technical Sub-Committee both met each year in New York, he took the view that, in order to preserve an equitable geographical balance, the Legal Sub-Committee should meet each year in Geneva, which had adequate conference facilities.

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Mr. BOJILOV (Bulgaria) took the view that, in 1976, the meetings of the Legal Sub-Committee should be held in Geneva. He was also sympathetic to the idea that its sessions should be held there regularly.

He acknowledged that the statement of financial implications (A/AC.105/C.2/L.104) indicated that an additional expenditure of some \$35,000 would be incurred by meeting in Geneva in 1976. However, although financial implications had always been taken into account, they had never been the exclusive reason for deciding on the venue of the meetings of a particular United Nations organ. Otherwise, why had the decision been taken to hold the Third Conference on the Law of the Sea in Caracas rather than New York - a decision which many delegations had supported, including those which argued that an additional expenditure of \$35,000 was too much? Other considerations were also valid, such as transport and subsistence costs incurred by delegations, not to mention the argument that it might be preferable to hold the session of a United Nations organ in one place rather than another because of better press coverage.

In his delegation's view, all such considerations should be taken into account, and serious attention should be given to the possibility of holding the sessions of the Legal Sub-Committee in Geneva on a regular basis.

Mr. STEEL (United Kingdom) agreed with the representative of Bulgaria that a number of factors should be taken into account in order to arrive at a well-balanced decision. Three main factors were involved. The first concerned the efficient dispatch of a committee's work. There was no doubt that some committees operated more effectively in one city rather than another. Yet, in his view, that argument was not particularly relevant in the case of the Legal Sub-Committee, since some States were represented by experts from their capitals, and others by representatives from their permanent missions.

In the case of the second factor, which concerned the convenience of countries, there was no clear balance in favour of one course rather than another. Some countries, such as the United Kingdom, would for a number of reasons find it more convenient to meet in Geneva. On the other hand, many countries, such as those in Latin America, might prefer meetings to be held in New York.

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(Mr. Steel, United Kingdom)

The third factor was concerned with the cost to the United Nations system as a whole. In that respect, there was a small but decided advantage in favour of New York. That consideration should not be disregarded, particularly in view of the current financial circumstances of the United Nations. Other things being equal, it was always advisable to choose the arrangement which involved the least expenditure.

As to the convening of the third Conference on the Law of the Sea in Caracas, that had been on the basis of the standard arrangement under which the host Government bore the difference between the actual cost incurred and the "notional" cost that would have been incurred at Headquarters.

It was necessary to balance all considerations. Since, in the current case, the advantages tilted slightly in favour of New York, his delegation took the view that the existing arrangement, under which sessions alternated each year between New York and Geneva, should be continued for the indefinite future.

Mr. HARASZTI (Hungary) said that his delegation strongly supported the convincing arguments adduced by several delegations in favour of holding sessions of the Legal Sub-Committee regularly in Geneva.

Mr. KEVIN (Australia) said that his delegation preferred the retention of the current system of rotation between Geneva and New York.

The CHAIRMAN noted that delegations were still divided: valid arguments had been put forward both in favour of and against a change in the existing system of rotation. Since it was unlikely that opposing views could be reconciled, there was no alternative but to refer the matter back to the main Committee for a final decision. At the same time a brief paragraph would be included in the Sub-Committee's report reflecting the exchange of views that had taken place.

If he heard no objection, he would proceed accordingly.

It was so decided.

The meeting rose at 4.20 p.m.