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CONTENTS

	Page
Agenda items 33 and 92 (continued):	
International co-operation in the peaceful uses of outer space: report of the Committee on the Peaceful Uses of Outer Space	1
Preparation of an international treaty concerning the Moon	1
General debate (continued)	1

Chairman: Mr. Milko TARABANOV (Bulgaria).

AGENDA ITEMS 33 AND 92 (continued)

International co-operation in the peaceful uses of outer space: report of the Committee on the Peaceful Uses of Outer Space (A/8420)

Preparation of an international treaty concerning the Moon (A/8391, A/C.1/L.568)

GENERAL DEBATE (continued)

1. Mr. RYDBECK (Sweden): My intervention today will concern the report of the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space [A/8420]. My delegation will at a later stage come back to other matters covered by this item on our agenda.

2. I will deal first with the question of liability for damage caused by space objects. The Legal Sub-Committee has elaborated and presented to its parent Committee a draft convention on the subject [*ibid.*, para. 32]. This Committee is familiar with the difficulties which the Legal Sub-Committee has met in its work. The completion of a draft convention required acceptable solutions to two problems, that of measures of compensation, also styled the applicable law, and the competence of the claims commission, also referred to as the settlement of disputes. In these two respects, Sweden, like a few other countries, has persistently advocated, respectively, the application of the standards of a national law, to wit, the law of the place where the damage occurred, and the binding and final character of the award of the claims commission. We note that, in the earlier phases of the deliberations in the Legal Sub-Committee, the delegation of Hungary, with the support of the delegation of the Soviet Union, also favoured the reference to a national law—originally the law of the State liable for damage in general, later defining the same to be the law of the launching State—and that the delegation of the United States urged the Sub-Committee to adopt a text proclaiming a binding effect of the decision of a claims commission. In spite of lengthy discussions and innumerable informal consultations, no sign of a consensus

within the Sub-Committee was forthcoming during the ninth session of the Sub-Committee held last year in Geneva. Intensive efforts were later pursued within and outside the meetings of the thirteenth session of the Committee on the Peaceful Uses of Outer Space in the fall of 1970. When the Legal Sub-Committee met again in June this year, it learned that an understanding had been reached between the United States and the Soviet Union. The Sub-Committee was at the same time given to understand that the solution reached by the super-Powers regarding the two delicate issues I have just mentioned was the only realistic and attainable one at present. Therefore it was offered to the other 26 members of the Legal Sub-Committee as a compromise to be accepted in its entirety at the risk of otherwise having no convention at all within the foreseeable future. My delegation could not fail to see certain similarities to the procedure to which the Legal Sub-Committee and the First Committee of the General Assembly became exposed at the time of the adoption in December 1967 of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space [resolution 2345 (XXII), annex]. In that connexion, the Swedish and other delegations voiced certain misgivings about the unconventional procedure that was applied for the adoption of the Agreement. My delegation is bound to declare that it experiences a similar uneasiness over the fact that the two space Powers have again settled the crucial parts of the convention between themselves without giving other members of the outer space Committee a real possibility of influencing the outcome.

3. So much for the formalities. With regard to the substance of the draft convention, my delegation, regretfully, fails to see that the actual text of articles XII and XIX meets the requirements laid down by the General Assembly in its resolution 2733 B (XXV) to the effect that a satisfactory liability convention should contain "provisions which would ensure the payment of a full measure of compensation to victims and effective procedures which would lead to the prompt and equitable settlement of claims". The relevant article in the operative part of the proposed convention—article XII—omits the explicit mention of a reparation in full to the victims; and article XIX leaves the compliance with a decision of a claims commission to the discretion of the State responsible for the damage, thus bestowing on it authority to be the ultimate judge in its own case.

4. In the course of this year's debates in the Legal Sub-Committee and in the outer space Committee many delegations have given their interpretation of the texts of these two key articles and their views concerning the extent to which they may correspond to the request of the General Assembly. It is true, as has been pointed out, that

the complete documentation on the subject over the years, which is available in the Legal Sub-Committee, in the outer space Committee itself and in this Committee and the General Assembly, may serve as a useful background for a claims commission in the reasoning leading up to its decision or award. However, in the particular respects with which I am now dealing, the impact of this written material is considerably reduced by the fact that neither in the Sub-Committee nor in its parent Committee is there a consensus relating to the interpretation of the two articles I have mentioned.

5. Accordingly my delegation feels constrained to reiterate the reservation it made, together with some other countries, in the Legal Sub-Committee as well as in the outer space Committee, which is to be found in paragraph 35 of the report of the outer space Committee. It is true that in 1967 the Swedish delegation voted for the adoption of the rescue Agreement, despite the misgivings to which I have referred. There were two specific reasons for that positive vote. First, that Agreement had important humanitarian aims; second, my delegation proceeded on the clear understanding, accepted by the two space Powers, that a satisfactory liability convention would be worked out as a correlative within a reasonably short time.

6. The critical view we hold as regards the claims settlement procedure in the present draft convention is an expression of the consistent and strong insistence of my Government upon really effective mechanisms for the resolution of differences in various contexts. We can understand hesitation or resistance to accept such mechanisms where vital interests of States may be at stake. In the present instance the resistance can hardly be thus explained. The conclusions of the claims commission cannot possibly be said to affect the vital interests of the space Powers. These conclusions will have regard firstly to the question of liability and secondly to the size of damages to be paid. If you allow me to say so, it would seem to us that States which can afford space activities should also be able to afford to accept binding decisions on liability and damages.

7. In the present situation and for the reasons which I have given here and which are found in our reservation, my delegation is not in a position now to take the same stand with regard to the draft convention submitted by the Committee on the Peaceful Uses of Outer Space as we took with regard to the rescue Agreement in 1967.

8. Mr. SHEPARD (United States of America): I had intended to speak at some length on the outer space item on behalf of the United States at the beginning of next week, but in view of the statement just made by the representative of Sweden I feel that I should like to take the time of the Committee this afternoon to explain the attitude of the United States concerning the liability convention. I should like to reserve my right to speak on other aspects of outer space next week.

9. The Committee on the Peaceful Uses of Outer Space has unanimously recommended that the General Assembly approve the liability convention as drawn up in the Legal Sub-Committee [A/8420, para. 32], notwithstanding the reservations of four delegations. More recently, members of

the outer space Committee have been participating in discussions on a number of widely sponsored draft resolutions, including a draft resolution on the liability convention. The representative of Belgium, whose country has been in the forefront of liability negotiations for the past eight years, has this morning submitted a draft resolution concerning the liability convention, with a large group of sponsors [A/C.1/L.569].

10. I make these points to demonstrate the widespread support for the liability convention. It is, like other works of man, imperfect. But lest the remarks of the representative of Sweden be mistakenly understood to represent a general attitude, I should like to say a few words about the benefits of the convention and its negotiating history.

11. The United States considers the liability convention to be a significant step forward in the development of space law. We think that, once in force, the convention should offer a reasonable expectation of prompt and fair payment of compensation in case of injury caused by re-entering fragments of space objects launched by another country.

12. Eleven years have passed since the United States first drew the attention of the international community to the need for a liability convention. In 1959 we suggested to the *Ad Hoc* Committee on the Peaceful Uses of Outer Space that negotiating a liability convention should be a priority task, and the *Ad Hoc* Committee at that time agreed.

13. There are a number of reasons for the long decade of negotiations and delay. For one thing, the pace of United Nations work in the early 1960s on the legal aspects of space activities was slow; it was sometimes painstakingly slow and sometimes unduly political. People were generally feeling their way at that particular time.

14. It was only in 1966 that the outer space Committee began to behave as if its representatives were aware of the need for prompt and positive work. In that year, the Committee turned its attention to working out a general treaty for the governance of certain basic aspects of man's activities in space. In December 1966 the General Assembly approved the outer space Treaty,¹ which has now been signed by 89 States and ratified or acceded to by 61 States. The outer space Treaty continues to be a major achievement of the United Nations and of the delegations that participated in its negotiation. I need perhaps mention only the outer space Treaty's prohibition on claims of sovereignty, the guarantee that outer space and celestial bodies shall be open to peaceful exploration and use by every country, the encouragement of scientific investigation and exchanges, the obligation not to orbit nuclear weapons, and the other limitations on specified military activities on the moon and other celestial bodies.

15. In the next year, the outer space Committee negotiated the text of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space [resolution 2345 (XXII), annex], which the General Assembly approved in December 1967. We believe time will confirm our

¹ Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (resolution 2222 (XXI), annex).

view that the notification, rescue and return provisions of the astronaut Agreement are a meaningful contribution to the kind of humanitarianism transcending national boundaries and prejudices that is symbolized by the best of outer space activities.

16. The time-consuming and often painful character of the negotiations on the draft liability convention has also been due, and in no small measure, to the detailed character of its provisions. Contrasts between national legal systems and traditions of law become sharpened and often serve as a barrier to the achievement of consensus as a desired legal text becomes more detailed. But the legal and financial implications of State responsibility for space activities cannot be meaningfully dealt with in a summary fashion. Some 28 articles are thus required to spell out the apparently simple and general provision of article VII of the outer space Treaty, which states that a launching State is liable for damage that its space activities may cause to the citizens of another country. The detailed liability convention constitutes a spelling-out of the implications of the basic principles in a way that will make possible what the outer space Treaty does not—assuring a reasonable prospect of the payment of prompt and fair compensation; let me repeat—prompt and fair compensation.

17. The liability convention recommended by the outer space Committee provides an assurance of this character. The convention expressly provides that a launching State is liable regardless of negligence or fault. It does away with any supposed requirement that a victim or his heirs must first seek compensation in the courts or administrative agencies of the launching State. It establishes the principle of joint and several liability as between participants in a multinational space project, and leaves to the participants the option of making arrangements, if they so desire, for sharing any liability that may result from their activities. It is indeed their option. It also establishes a formula for full compensation by requiring the payment of compensation "in accordance with international law and the principles of justice and equity, in order to provide such reparation in respect of the damage as will restore the person . . . on whose behalf the claim is presented to the condition which would have existed had the damage not occurred". It makes possible progress on a particular claim beyond unsuccessful negotiations by making possible unilateral recourse to a three-judge arbitral tribunal which is competent to make recommendatory awards concerning the basic issues of the identity of the launching State and of the amount of compensation that may properly be claimed.

18. We are aware that a number of countries, while otherwise warmly supporting the convention, would have preferred that the convention provide that the awards of the claims commission should be more binding. We have just heard the representative of Sweden indicate their disappointment that it was not possible to reach agreement on this basis.

19. I should like to explain in clear terms the dilemma faced by the Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee on this point. From the outset of negotiations in the early 1960s, we had witnessed extremely strong and persistent objection to arbitration in general and to binding awards in particular. It became clear

in 1970 that our common choice was to agree to strong provisions on settlement of claims with only recommendatory awards and an option to make them binding, or to insist on binding decrees in the knowledge that this would make impossible the conclusion of the convention, and not just for one or two years, but more likely for five or 10 years, or for a completely indeterminate period. In these circumstances we could not responsibly choose a course of action involving substantial delay. As the United States has said on a number of occasions, we think our people are entitled to the best possible treaty based on assurance of the payment of fair and prompt compensation. Many other countries feel the same way and have said so.

20. None of us now has a practical assurance of compensation in the absence of workable and detailed treaty provisions. But we will all have good assurance indeed under the liability convention recommended by the outer space Committee, and notwithstanding what are criticized as merely recommendatory awards. We believe there is reason to expect that parties will in fact comply with awards because they will recognize that it is in their own self-interest to do so. And I should like to emphasize the point again that I feel very strongly that countries will comply because they will recognize that it is in their own best self-interest to do so.

21. I would be remiss if I did not say how much the United States appreciates the contribution made by Brazil in resolving the controversy over the arbitration provisions of the convention.

22. We believe that, although there may be understandable disappointment over the recommendatory awards provision, the convention as a whole deserves warm approval. The liability convention bears witness to the fact that the Committee on the Peaceful Uses of Outer Space is one of the most useful and productive bodies in the United Nations system.

23. We hope this Committee will support the liability convention; and we believe that the overwhelming majority of the Members of the United Nations will want to sign and ratify the convention at the earliest possible date.

24. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (*translation from Russian*): In recent years major new advances have been made in space research. Through his genius and effort man has placed in orbit hundreds of artificial satellites, launched space ships to the planets of the solar system and taken the first steps in utilizing space technology to meet practical needs on the earth.

25. Scientists and experts in the Soviet Union, the United States, France, the People's Republic of China, Japan, Italy, India and a number of other countries have made considerable progress in the development of their space programmes. Through the application of modern science and technology mankind has crossed the threshold of a new stage in the conquest of outer space—penetration to other celestial bodies. The mission of the United States astronauts and the experiments conducted by the USSR with the help of Lunokhod-1 and other automatic devices have opened up new prospects for mankind in the exploration of the moon, our planet's natural satellite.

26. As you know, quite recently, on 4 October of this year, the Soviet Union completed a programme of scientific and technical research using the automatic self-propelled lunar vehicle Lunokhod-1. The Lunokhod-1 automatic science laboratory, which was controlled from the earth, continued to operate successfully for 10 and a half months. In carrying out these investigations and experiments the self-propelled vehicle covered a distance of more than 10 kilometres, making possible a detailed examination of the lunar surface over an area of 80,000 square metres. More than 20,000 pictures of the lunar surface were received by means of the vehicle's television systems. The physical and mechanical characteristics of the top layer of soil along Lunokhod's route were investigated and its chemical composition was analysed.

27. The Lunokhod experiments made it possible to verify the principles of operation of the remote-control system, which was in use for the first time, and to test methods of navigating the self-propelled vehicle. Lunokhod-1 is at present positioned in such a way that the French reflector, which is installed on it and directed towards the earth, will make it possible to locate the vehicle by means of a laser from the earth for many years to come.

28. It is quite obvious that the use of outer space and space technology will lead to tremendous improvements in the material conditions of human life and the development of culture and science. Space technology is already being used in long-range weather forecasting, geodetic photography of the earth and multi-channel telephone and radio communications. There are items on the agenda concerning the utilization of space technology in the creation of new high-speed means of transport, the exploration of earth resources by means of artificial satellites and the transmission of television programmes to the most remote areas of our planet.

29. The experiments carried out on the moon will increase our understanding of the interaction of our planet with the space surrounding it and the relations between various processes on the earth and will prepare the way for the further development of space and terrestrial technology.

30. The tremendous speed and vast scope of achievements in the conquest of outer space are constantly creating new problems in international law which require urgent and immediate solution. That is why the Soviet Union has put forward a proposal for the preparation of an international treaty concerning the moon.

31. The letter of 27 May 1971 from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics addressed to the Secretary-General of the United Nations, requesting the inclusion in the agenda of the twenty-sixth session of the General Assembly of an item entitled "Preparation of an international treaty concerning the Moon" [see A/8391], reads in part as follows:

"The Soviet Government is of the opinion that steps should be taken now towards the further elaboration and formulation of rules of international law to govern the activities of States on the moon. As the earth's only natural satellite, the moon has an important role to play in the conquest of outer space, and it should be used

exclusively in the interests of peace. . . . It is essential that the activities of States on the moon should not be allowed to become a source of international conflict and that a legal basis should be established for potential uses of the moon."

32. As representatives are aware, at all stages in the conquest of outer space the Soviet Union has constantly advocated the progressive development, in the interests of all peoples, of a body of international law on outer space. We have always argued that the establishment of a solid basis in international law for the activities of States in outer space will further the cause of peace and strengthen mutual understanding and co-operation between States. This was the reason for the USSR initiative which led to the conclusion of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies [resolution 2222 (XXI), annex] and the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space [resolution 2345 (XXII), annex].

33. The Soviet Union also took a very active part in the preparation of the draft convention on international liability for damage caused by space objects [see A/8420, para. 32]. In this connexion we have always worked on the understanding that legal norms should have a stimulating influence on scientific and technical progress and should ensure the utilization of the most advanced scientific and technological developments in the interests of peace and for the benefit of all mankind. If this goal is to be achieved, the elaboration of legal norms must keep pace with—and sometimes keep ahead of—the preparation of technical programmes in any particular field, so that when those programmes are carried out, they will have a suitable foundation in international law ensuring that the knowledge and skill acquired in the conquest of outer space will be used to improve human life on the earth and to develop science and culture.

34. Why is it that we need to prepare and conclude a special treaty concerning the moon, as the Soviet Union is proposing? Above all, it is because a new and radically different era in the history of the moon has begun, an era which will see the rapid conquest and then the direct utilization of the moon by man. The rules of international law must meet the needs of this new era, in which we are thinking no longer in terms of approaches to problems but in terms of their practical solution; they must deal not only with matters of general principle but also with specific, concrete subjects. This would be in keeping with the body of experience and procedure already established in international law. For example, the general principle contained in article V of the outer space Treaty of 1967 to the effect that States shall render all possible assistance to astronauts in the event of accident, distress or emergency landing on the territory of another State or on the high seas was elaborated in more detail in the 1968 Agreement on the rescue of astronauts. In the same way, the general provisions concerning liability contained in the 1967 Treaty were developed in detail in a special instrument of international law. The process of preparing new instruments of international law, based on the generally recognized rules of international law and the provisions of the outer space

Treaty of 1967 and governing various areas of outer space activity, is entirely consistent with established law and will, no doubt, continue in the future.

35. I should like to offer some explanation in connexion with the Soviet draft treaty concerning the moon. This draft was annexed to the letter, which I have already mentioned, from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics addressed to the Secretary-General. At the request of the Soviet delegation, the draft treaty was circulated to the members of the First Committee. In our opinion, the text of such a treaty should contain a precise formulation of certain very important provisions. Of course it should by no means be all-embracing and too detailed or contain provisions governing all aspects of the multifarious activities of States on the moon. At the present stage that would clearly be premature and, what is more, incorrect in substance.

36. Thus, in the preparation of our draft we were guided primarily by the principle that it should develop and define the fundamental provisions and principles of international agreements on outer space already in force, especially the 1967 Treaty, in relation to specific lunar conditions and the present stage in the conquest of the moon. The Soviet draft contains, first of all, a number of important new provisions. It contains a new provision prohibiting any use of the moon or circumlunar space for military purposes. Whereas the outer space Treaty of 1967 stated that outer space, including the moon, should be used only for peaceful purposes and forbade the placing in orbit around the earth of any object carrying weapons of mass destruction, the stationing of weapons in outer space in any other manner, and the establishment of military bases, the conduct of military manoeuvres and the testing of any type of weapons on celestial bodies, the provisions of the draft treaty, taking account of the new era—that of the conquest of the moon—go considerably further: they forbid on the moon any use or threat of force, any other hostile actions or threat of such actions and the use of the moon to commit hostile actions in relation to the earth or space objects. This is the substance of article 1 of the draft treaty.

37. Article 2 of the draft treaty supplements the 1967 Treaty by prohibiting the placing of weapons of mass destruction in orbit around the moon or their installation in its subsoil. The draft treaty concerning the moon contains the new provisions that activities on the moon shall be carried on with due regard to the interests of present and future generations and with respect for the rights of all States without exception to engage in the exploration and use of the moon.

38. The draft includes a number of new norms forbidding the appropriation in any way whatever of portions of the surface or subsoil of the moon, together with any actions having such appropriation as their aim. In contrast with article II of the outer space Treaty, which states that outer space, including the moon and other celestial bodies, is not subject to national appropriation, the Soviet draft treaty concerning the moon denies the right to claim the surface or subsoil of the moon as their property not only to States but also to international intergovernmental and non-governmental organizations, national organizations and juridical or natural persons. It states further that the moon may not be

the object of any transaction designed to create a right of ownership over portions of the surface or subsoil of the moon.

39. The Soviet draft confirms the right of States freely to pursue scientific activities on the moon and for that purpose to establish manned and unmanned stations there, land their space objects on the moon and launch them from the moon and dispose their equipment and personnel there. These specific norms governing the practical activities of States in the conquest of the moon have no parallel in existing agreements on outer space.

40. Since activities on the moon involve increased danger to persons who are on the moon, the draft makes provision for the further elaboration of legal norms requiring States to adopt all practicable measures to safeguard the life and health of men on the moon and also to bear liability for any damage caused by their activities or the activities of their personnel on the moon to the personnel or property of another State.

41. In particular, article VII includes a new provision requiring States to offer shelter in their stations, vehicles, installations or other facilities to persons in distress on the moon who are part of the personnel of other States Parties.

42. With regard to liability for activities in outer space, the provisions of article XI of the draft, introducing a new principle, supplement the norms contained in article VII of the outer space Treaty by establishing the liability of a State not only for damage caused by its space objects but also for the activities of its personnel on the moon.

43. A number of the provisions of space agreements already in force have been spelled out in more specific terms in the draft treaty concerning the moon.

44. The Soviet delegation believes that a treaty based on the more concrete principles outlined above would be an important contribution to the formulation and development of international space law. The conclusion of such a treaty would promote the further elaboration of rules of international law relating to the activities of States in the conquest of celestial bodies, would be in the interest of all States, large and small, developed and developing, and would open up possibilities for further fruitful legislative work in the interest of all peoples. Such a treaty could serve as a basis for the preparation, at the proper time, of instruments in international law concerning the activities of man on other celestial bodies. And that time is no longer so far off.

45. Of course the Soviet Union is putting forward its draft only as a basis for the preparation of a generally recognized instrument in international law defining the legal aspects of the activities of States on the moon.

46. In the light of the foregoing, we believe that the General Assembly should take a decision to instruct the Committee on the Peaceful Uses of Outer Space to consider, as a matter of priority, the question of preparing a draft international treaty concerning the moon, with a view to submitting such a draft to the General Assembly at its twenty-seventh session. The Soviet delegation, together

with a group of co-sponsors, intends to submit a draft resolution to that effect for consideration by the First Committee.

47. I should now like to turn to matters connected with our consideration of the report of the Committee on outer space [A/8420]. First of all we should like to record our satisfaction at the fact that the Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee have successfully carried out the extremely complex and difficult task entrusted to them by the General Assembly. They have completed the preparation of a draft convention on international liability for damage caused by space objects. This draft, as we all know, is the fruit of many years of collective effort on the part of the Committee and its Sub-Committee and the result of a reasonable compromise between States with differing legal and social systems. Of course, like any document resulting from compromise, it is not one hundred per cent satisfactory to any of the parties to the agreement, including the Soviet Union. I should like to draw the attention of the Ambassador of Sweden, who has just touched upon this point, to the fact that the document we are dealing with is the result of compromise. Such is the internal logic of any international agreement—without a reasonable spirit of compromise it is impossible to get nations to agree.

48. On the whole, however, we consider the draft convention a useful and timely document, which can be approved by the General Assembly. The draft is in keeping with the present scale of activities of States in the conquest of outer space and with the present stage of development of space technology; it also takes into account the interests of all States and, most important, the different legal systems existing in today's world.

49. The Soviet delegation believes that approval of this draft by the General Assembly and the early opening of the convention for signature by all States will be an important contribution to the further strengthening of legal order in outer space and will encourage the prompt and equitable solution of problems connected with compensation for damage resulting from outer space activities.

50. The Soviet delegation is basically in agreement with the conclusions and views contained in the section of the report that summarizes the work of the Scientific and Technical Sub-Committee. We regard as particularly important the conclusion, stressed in the report, that the Committee on the Peaceful Uses of Outer Space, being the focal point of the activities of the whole United Nations system in the field of the study and utilization of outer space and the practical application of space technology, should endeavour to prevent unnecessary duplication of work in this field by the agencies and organizations of the United Nations system. In this connexion we consider it important as a matter of principle that the Committee on the Peaceful Uses of Outer Space should consistently guide and direct all aspects of the activities of United Nations agencies relating to the exploration and use of outer space; this is particularly important at a time when many other United Nations agencies are preparing and carrying out their own programmes in this field.

51. We have drawn attention to the recommendations to the Secretary-General contained in the report concerning

the need for further improvement in the effectiveness of the Outer Space Affairs Division of the United Nations Secretariat [*ibid.*, para. 15]. Our efforts to prevent duplication of United Nations work on matters connected with the exploration and use of outer space obviously should include widening the scope of this Division's work; it should become the main practical instrument of the guidance which, as I have just said, the Committee must provide. Improvement of the Division's effectiveness will lead to a more rational and purposeful use of available resources. We are sure, for example, that the existing programme for the application of space technology could be carried out largely within the framework of the activities of this Division of the Secretariat.

52. As members are aware, at the last session of the Committee on the Peaceful Uses of Outer Space a working group was set up to study questions related to earth resources surveys conducted by means of artificial earth satellites.

53. It is our understanding that this group was set up to carry out a specific and strictly limited task as a temporary organ of the Scientific and Technical Sub-Committee. Here I must point out once again that this new field in the application of space technology—the remote sensing of earth resources—is bound up, apart from its purely technical aspects, with a wide range of political, legal and economic questions. First and foremost, it involves respect for the sovereign rights of States. Every State has the unconditional and exclusive right to dispose not only of its natural resources but also of information concerning those resources. We must not forget that any abuse in this new field of application of space technology may be fraught with dire consequences. It is my delegation's view that the study of the technical aspects of this problem should be accompanied by the preparation of legal norms governing practical activities for the application of space technology on an international basis.

54. In conclusion I should like to stress once again that the broadest international co-operation, firmly rooted in international law, is essential for the successful conquest of outer space.

55. Mr. VINCI (Italy) (*interpretation from French*): Mr. Chairman, since this is the first time that I have taken the floor in the First Committee this year, before proceeding to the matters on our agenda I should like to address to the Deputy Foreign Minister of Bulgaria, Mr. Tarabanov—who is elsewhere at the moment—my congratulations which will be very brief in accordance with the practice established during this Assembly on the recommendation of the Special Committee on the Rationalization of the Procedures and Organization of the General Assembly. I should like to say to our Chairman especially that I was very happy when his candidacy was first proposed and my delegation immediately supported him because my feelings of esteem and friendship have dated from the time when we first became acquainted many years ago, since when we have worked together here in these halls.

56. I would also express my warmest congratulations and best wishes to our Vice-Chairman, Mr. Ramphul, whose outstanding qualities have already been appreciated here at

the United Nations. It is an equally pleasant duty to thank all those colleagues who were good enough to express sentiments of friendship to our Italian Minister Counsellor, Mr. Migliuolo who, incidentally, is presiding today, on the occasion of his election to the post of Rapporteur. I would include in all these congratulations the Under-Secretary-General for Political and Security Council Affairs, Mr. Kutakov, Mr. Chacko and all other members of the Secretariat.

[The speaker continued in English.]

57. One of the most positive accomplishments of the General Assembly in the realm of space is undoubtedly the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space [resolution 2222 (XXI) annex], commonly called the outer space Treaty. All members of the Committee will remember that Article V of the outer space Treaty states that "States Parties to the Treaty shall regard astronauts as envoys of mankind in outer space".

58. In this spirit my delegation wishes to salute and express its admiration to Astronaut Alan Shepard, Commander of the Apollo 12 lunar mission—and celebrated lunar golfer—who has spoken today as the representative of the United States in our Committee and who for us represents at the same time that select corps of heroic envoys of mankind, composed of Soviet and American astronauts who have explored on our behalf the unknown reaches of outer space.

59. As in the past 11 years, this is the time of reckoning for the space-related activities performed during the past 12 months by the United Nations, and I am happy to say that, on the whole, my delegation considers 1971 a good vintage year for the United Nations goal of promoting international co-operation in the peaceful uses of outer space.

60. This is due to many factors: first of all, the goodwill of the Member States involved in space activities; second, the positive approach taken by the United Nations specialized agencies in studying the utilization of space techniques as useful means of solving traditional problems within their jurisdictional competence; third, the excellent work of the Outer Space Affairs Division, headed by Mr. Abdel-Ghani, in supplying the background for many of the important decisions related to space matters taken by United Nations bodies and agencies; and, finally, the positive action of co-ordination, clarification and policy recommendation on space matters performed by the Committee on the Peaceful Uses of Outer Space and its two pertinent Sub-Committees.

61. In this respect I wish to pay a tribute of gratitude and special appreciation to Mr. Waldheim, Chairman of the Committee on the Peaceful Uses of Outer Space, to Mr. Wyzner, Chairman of the Legal Sub-Committee, and to Mr. Carver, Chairman of the Scientific and Technical Sub-Committee, for their dedication to our common endeavour and for the skill and patience they have demonstrated in dealing successfully with complex and sometimes controversial matters.

62. Of course, the progress of international co-operation in space on the United Nations front has been second-lined

as usual by the progress made on the actual outer space frontiers through the spectacular achievements of the two space super-Powers and the successes of bilateral and multilateral space enterprises.

63. The missions of the Apollo and Soyuz astronauts and cosmonauts, and the results obtained by the automatic space vehicles such as Lunik, Mariner, OSO, Mars and many others are too numerous and too well known to require a detailed listing. They are fresh in the minds of all members. A little less known but equally promising at a different level of magnitude have been the successes of bilateral projects, among them the faultless launching by the Italian San Marco team of the SAS-A scientific satellite from the San Marco range.

64. Also among this year's achievements are the launchings of national satellites by France, Japan, the People's Republic of China and the multilateral launchings in co-operation between the European Space Research Organization (ESRO) and the United States National Aeronautics and Space Administration (NASA).

65. Finally, my delegation considers the definitive INTELSAT agreement reached this last May among 80 nations for the joint exploitation of communications satellites as a milestone in the history of the space age. The possibilities of a link-up, which, we understand, are being explored at the moment, through an exchange of earth stations of the INTELSAT system with the Soviet MOLNYA system would further expand the benefits of satellite communications to the people of the world, as called for by the space Treaty itself.

66. On the whole this has been a very active space year and a very satisfactory one for international co-operation in space.

67. I should like now to make some specific comments on the legal matters contained in the report of the Committee on the Peaceful Uses of Outer Space [A/8420]. The most important item therein is the draft convention on international liability for damage caused by space objects. Italy has for a long time advocated the urgency and the importance of having such a convention concluded as soon as possible, and for that reason we shall support the recommendation that the General Assembly request Member States to sign and ratify the draft convention adopted by the Committee on the Peaceful Uses of Outer Space.

68. We all know that the text of that draft convention is the result of long and difficult work carried out by an outstanding group of jurists and that, like any document born after a long and arduous debate during which many delegations had to accept compromise solutions to otherwise unsolvable questions, it is far from perfect.

69. In this respect I wish to reiterate that the position of my Government, which was expressed several times in the Legal Sub-Committee as well as in the Main Committee, has not changed in regard to those provisions of the draft convention which concern the value of the awards of the claims commission. I am referring, in particular, to article XIX, paragraph 2, of the draft convention. Italy believes that the rule contained in that article is not sufficiently

effective to guarantee that the victims will in all cases receive proper compensation. For this purpose, we feel—as the representative of Sweden pointed out—that a different rule should have been adopted, according to which the awards would be binding in all cases, without qualifications.

70. The Italian Government wishes to state, therefore, that its decision to support that text has been taken in a spirit of conciliation and general co-operation, with the hope that the draft convention may constitute one step forward—as the representative of the United States said, I believe—towards an ever more substantial progress in pursuing the goal of an effective and comprehensive body of space laws.

71. This brings about the question of priority to be followed by the Legal Sub-Committee in dealing with the many unsolved legal space matters left behind during the long debate on the draft liability convention.

72. My delegation supports the recommendation made in paragraph 38 of the report of the Committee on the Peaceful Uses of Outer Space that “priorities be given to matters relating to the registration of objects launched into space for the exploration or use of outer space, and to questions relating to the moon”. In the view of my delegation the priority envisaged in such a recommendation for questions relating to the moon allows early consideration of the elaboration of a draft international treaty concerning the moon without any further specific request.

73. I should like now to make a few remarks on the scientific and technical aspects of the report of the Committee on the Peaceful Uses of Outer Space. My delegation believes that, true to its tradition, the Committee on the Peaceful Uses of Outer Space, with the valid help of its Scientific and Technical Sub-Committee, has performed excellent work, and it has submitted for approval during this session of the General Assembly several recommendations of real importance and interest.

74. I am pleased to note that the emphasis of those recommendations is on the practical aspects of space activities. If I say so, it is not because we do not value scientific research and exploration of space, which we consider indispensable; it is rather because, at this stage of space achievements, there is a need to maintain a careful balance between space science and space applications, inasmuch as the latter present some promising solutions to the many problems today confronting the States Members of our Organization.

75. For those reasons the Italian delegation supports, among other items, the continued co-sponsorship by the United Nations of the Indian TERLS and of the Argentinian Mar del Plata ranges, where some important scientific results have been achieved and others are bound to follow in the near future. By the same token we commend the large number of bilateral agreements between the United States and other countries, amongst them my own country, largely dedicated to scientific endeavours, and we are pleased at the same time to hear about similar arrangements existing between the Soviet Union and other States for the promotion of scientific research in space.

76. My delegation is even more satisfied at the renewed efforts taking place within and without the United Nations, aimed at bringing the benefits of space technology to practical realization for the benefit of us all.

77. The experiments carried on jointly by India and the United States for the use of broadcasting satellites for educational purposes, as well as similar experiments taking place in Argentina and Brazil, the renewed interest in co-operative international ventures in the development of navigational satellites, and the first co-operative experiments on earth resources surveys by satellites—all, indeed, are applications of space techniques still at the experimental stage but proceeding gradually towards their operational capabilities, which will bring them to the forefront of the world's activities in the very near future.

78. My country is proud to play a role in the practical utilization of space techniques in the field of telecommunications by training specialists of developing nations at the Telespazio facilities at Fucino: the first three students from three different developing countries are due in Rome next Monday. We hope that they will be the vanguard of a growing breed of new specialists who will be able to help their countries to benefit fully from the new space technology.

79. Besides telecommunications, there might be other aspects of the utilization of space technology which could be even more beneficial to certain nations of the world than the applications I have just mentioned. There exists, therefore, a double need: the need to explore those activities, concerning one country or another, which could be performed more quickly and in a cheaper way through the use of satellite technology; and the need to explore the possibility for practical applications of a brand new space tool which is emerging now, loaded with all kinds of potential utilization capabilities, namely, the satellite for remote sensing of the earth.

80. The Committee on the Peaceful Uses of Outer Space has rightly dedicated great attention to these two topics, and such attention is reflected in the two main recommendations submitted for our consideration: the recommendation that the Committee should be authorized to avail itself for another year of the work of the Expert on Space Applications, Professor Ricciardi, who has performed an invaluable task this last year [*ibid.*, para. 15], and the recommendation related to the work to be conducted by the newly formed Working Group on Remote Sensing of the Earth by Satellites, which my country has the honour to chair with Mr. Fiorio [*ibid.*, paras. 10-12].

81. My delegation believes that Professor Ricciardi's scouting of United Nations Members, especially the developing ones, the better to understand and explain in personal contacts and discussions the areas of development which could lend themselves to a profitable use of space technology, has very great importance and will be instrumental in the future forging of policy recommendations by the General Assembly in this field. His findings can also help other United Nations bodies such as the United Nations Development Programme and the Committee on Natural Resources to define their aims better and will be, as they have already been, most useful for the Committee on the

Peaceful Uses of Outer Space in assessing the potential of various space applications.

82. For its part, the Working Group on Remote Sensing of the Earth by Satellites just initiated its organizational work last September and has discussed the guidelines for its future activities. My delegation has co-operated in the definition of its aims and in putting the proper emphasis on its work as envisaged in the terms of reference established by the Scientific and Technical Sub-Committee.

83. Remote sensing of the earth can really add another dimension to the capabilities of mankind to influence the destiny of the planet and to make it a better world to live in. But the economic, social and political implications of this activity are such that a very careful assessment both of the potential capabilities and of their implications is required.

84. We trust that the Working Group will engage in its task with full determination and at the earliest possible date. We feel, however, that it may be expedient first to collect as much background information and knowledge as possible on such a brand-new activity, and then to proceed gradually in its assessment by using the data which will be provided next year by the operation of new earth resources satellites as a first basis of the real capabilities in this field.

85. It is very important that the final report of the Working Group be as realistic as the state of the art in this realm of space applications will allow it to be. We are sure that the future possibilities in this area are practically limitless. But we are also convinced that it would serve no useful purpose to elaborate on capabilities which could be achieved only in a very distant future; it would be greatly preferable to have a report which would deal with capabilities that have already been proved and which could make possible practical contributions to the solution of real problems of Member States in a reasonable period of time.

86. For these reasons my delegation believes that the task of the Working Group should be completed as soon as possible, perhaps by the end of 1973, barring delays or unexpected failures of the projected satellite experiments.

87. Finally, my delegation wishes to express its gratification for the constructive steps taken by the two space super-Powers during this last year towards co-operation in various areas of space activities, such as the plan to use a special satellite link to render absolutely secure the “hot line” between Washington and Moscow; the exchange of engineering data and the standardization of some external features of the American and Soviet spaceship and orbital laboratories in order to make possible reciprocal visits and joint research activities; the recent agreement on the exchange of data on space biology—all confirm a trend which represents the best omen of a joint global approach to the exploration and exploitation of outer space, carrying with it the positive implications of a peaceful future on earth. We are convinced that such a feeling is shared by all delegations in this room, old and new Members of this Organization, and will be an increasingly important theme of our deliberations in the coming years.

88. Mr. Chairman, before concluding may I, with your permission, since I had no opportunity to do so before,

convey the deep and sincere sympathy of my delegation to the delegation of India on the natural calamity which has struck the eastern coast of their country, inflicting such tragic consequences on that population by spreading death and damage so widely in the area.

89. The CHAIRMAN (*interpretation from French*): I can assure the representative of Italy that the congratulations and good wishes he addressed to the Chairman and the Vice-Chairman of this Committee will be conveyed by me to Mr. Tarabanov and Mr. Ramphul.

90. Mr. GONZALEZ GALVEZ (Mexico) (*interpretation from Spanish*): In the light of the comments made today, I should like, on the basis of the precedent established by the United States delegation earlier in this meeting, to refer to a specific question and reserve the right of my delegation to speak again in the general debate in order to comment in more detail on the other items before this Committee for its consideration.

91. Before making these preliminary observations and since this is the first statement of the delegation of Mexico, allow me, Mr. Chairman, to congratulate the Committee on the personalities it has chosen to serve as officers of the Committee; they undoubtedly guarantee the effectiveness and impartiality of the conduct of our work.

92. The comments that I wanted to make refer specifically to the question of international liability for damage caused by space objects, to which the first two speakers at this meeting devoted the major part of their statements. On this item we have a draft convention approved by a consensus both in the Legal Sub-Committee and in the Committee on the Peaceful Uses of Outer Space, and I say by consensus because there was not a single vote against the draft convention on international liability for damage caused by space objects [*see A/8420, para. 32*] when it was considered.

93. In the light of comments made, I should like to point out that the delegation of Mexico endorses the objections mentioned a moment ago by the delegation of Sweden. We consider that the objections made to a binding system of settlement of disputes have at least no legal foundation.

94. When in the Legal Sub-Committee, which met in Geneva, a delegation pointed out that the reason for not including a clause on a binding settlement of disputes was that the international community was not ready for this, on behalf of my delegation I candidly disagreed. I reminded that delegation that I thought the international community was not prepared for the binding settlement of disputes as long as the applicable rules were not drafted with the participation of that same international community, as is the case with the draft convention on international liability we are now examining. In this case it is a draft convention in which the entire international community has participated, through the Committee on outer space, and through the observations we have heard from year to year in this forum.

95. Nevertheless, despite the objections which were repeated very eloquently by the representative of Italy, the text included in the report of the Committee is the only

viable text we have before us now. We feel that in addition to the basic clauses which the representative of the United States emphasized, there is one which, to the delegation of Mexico, is crucial. It is so important that in the Legal Sub-Committee we decided, together with other delegations, to submit a proposal which fortunately was approved. I am referring to article XXVI of the draft convention.

96. This article XXVI provides for what we term a clause of revision. I shall read the text of the article to remind you what the clause says.

“Ten years after the entry into force of this Convention, the question of the review of this Convention shall be included in the provisional agenda of the United Nations General Assembly in order to consider, in the light of past application of the Convention,”—we consider that this last phrase is crucial—“whether it requires revision.”

97. This is the clause which the delegation of Mexico, together with other delegations, submitted at Geneva and it allows us to accept the draft convention in principle. Ten years after this Convention comes into force—we hope we are wrong in this—we shall be able to look at it again and see whether the system of settlement of controversies included in it has proved to be effective or not. I must add here that the review which the delegation of Mexico will make 10 years after the draft convention has come into force will not be confined to this convention, but will include consideration of whether we should continue to be a party to the Agreement on the rescue of astronauts [resolution 2345 (XXII), annex] which, so far as Mexico is concerned at least, is the other side of the coin.

98. In a spirit of conciliation we have accepted this draft convention which is now being submitted to the First Committee but we have included with unshakable faith this clause, which we think establishes beyond doubt a conditional prerequisite. We accept this text which, so far as we are concerned, leaves much to be desired, but within 10 years we shall review it very carefully. Here again I should like to stress the fact that it is not conditional that this should be included in the provisional agenda of the General Assembly, but rather it establishes as a binding obligation

that a further review of this convention on liability will be included in the provisional agenda of that session and it will be considered in the light of past application of the clauses on the settlement of disputes, which are included in this convention. I repeat, on that occasion my delegation will again review the desirability of continuing to be a party to the Convention on the rescue of astronauts which, so far as Mexico is concerned, establishes an insoluble duality. So far as we are concerned these conventions—on the rescue of astronauts and on liability—cannot be separated. They have to be considered in a special and interrelated fashion.

99. At this juncture, when our debate has just begun—and I can say quite frankly that it has begun with outstanding statements which, from the very outset, have drawn attention to the fundamental problems of the draft convention on liability—we consider it appropriate to highlight the importance of this article XXVI which we have included in the convention. On this basis we shall look very carefully at any proposal that may be submitted which could strengthen what, so far as the delegation of Mexico is concerned, should be the text we are considering, even if the proposal presented is submitted as an optional clause.

100. Mexico has given its commitment. We have given our word. We shall approve the draft convention submitted to this General Assembly. However, this does not inhibit us from examining with the same seriousness any proposal which might be forthcoming to strengthen the spirit of the convention. My delegation did not raise this point in this debate; it was the delegation of Sweden which did so, and I am very proud to say that we share its views on many political and legal issues. These points have been repeated by other delegations who have spoken today.

101. Having said this, it only remains for me to repeat once again that I reserve the right of my delegation to intervene again in the general debate if we think this necessary in order to examine the items before us.

102. I should like to conclude by associating myself with the condolences expressed by the representative of Italy to the representative of India because of the cyclone which has struck his people.

The meeting rose at 5.10 p.m.