

(Mr. Blagonravov, USSR)

however, having examined the substance of the proposal, I am obliged to say that I shall object to the introduction in the report itself of the proposal in the form in which it is formulated, because I definitely do see in this the forcing of an individual point of view upon other delegations, which is at variance with the general principles dealing with the voluntary nature of the presentation of information.

Mr. FRUTKIN (United States of America): We intended our proposal to fit within the framework of voluntary submissions by States and we did not intend at all to compel any State to depart from the more narrow views of information exchanges which it may entertain. However, we have no objection to the position of the representative of the Soviet Union.

The CHAIRMAN: If the Chair correctly understands the intervention of the representative of the United States, it would mean that the United States delegation does not intend to have these guidelines in the report.

Mr. FRUTKIN (United States of America): We respect the right of the Soviet Union to object, and in view of that objection we do not insist that our proposal be made a part of the report.

The CHAIRMAN: I think that the Committee agrees with the Chair that we have completed all the recommendations that are to be included in our report to the General Assembly, with the exception of paragraph G on page 7 of the recommendations of the Sub-Committee (A/AC.105/20), and that we shall make a new effort to find a common language.

Since there are no other speakers I shall have to adjourn the meeting. We will meet again this afternoon at 3 o'clock and go on with the two reports of the Legal Sub-Committee. There will be an introductory statement by the Rapporteur, after which members can comment on his statement.

The meeting rose at 11.50 a.m.

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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

VERBATIM RECORD OF THE THIRTY-FOURTH MEETING

Held at Headquarters, New York,
on Thursday, 5 November 1964, at 3 p.m.

Chairman:

Mr. MATSCH

(Austria)

Report of the Legal Sub-Committee on the work of its third session

REPORT OF THE LEGAL SUB-COMMITTEE ON THE WORK OF ITS THIRD SESSION (A/AC.105/19 and A/AC.105/21)

Mr. MOROZOV (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation notes with satisfaction that, as distinct from the practice of the two previous years, the Legal Sub-Committee convened twice during the current year -- in March and in October. Moreover, the days devoted to the discussion of legal problems connected with the peaceful uses of outer space and international co-operation therein were used to good advantage. The fact that we have had two sessions of the Legal Sub-Committee, and the material in the reports that are presented here for our consideration, show that unquestionable progress has been accomplished in this field of the exploration and use of outer space, in regard specifically to the preparation of appropriate legal principles governing this form of international co-operation.

The very tone of the discussions that took place both in Geneva and here has shown that there is increasing preparedness on the part of States represented in the Sub-Committee to seek, patiently and with mutual understanding, solutions of the problems facing them.

(Mr. Morozov, USSR)

During the rather short period of its existence, the Legal Sub-Committee has been able to show itself as an effectively operating organ capable of finding ways to solve on a universally acceptable basis the complex new problems in international law that arise in connexion with the formulation of the legal principles applicable to international co-operation among States in the field of the peaceful uses of outer space.

Members of the Committee, in the course of the discussion which took place at the present session of the Sub-Committee, had justly pointed out that the Legal Sub-Committee had diligently and fruitfully worked at the formulation of the document, or at least as important a document as the declaration of legal principles governing the activities of States in outer space, which was unanimously adopted by the eighteenth session of the General Assembly.

If we carefully analyse the results of the work of the last session of the Legal Sub-Committee, we will be able to come to the conclusion which in our opinion has been appropriately reflected in the report of the Sub-Committee. It may be possible to conclude that the work that has been carried out at the last session of the Sub-Committee was useful, and this applies to both questions that were considered at the last session of the Sub-Committee: the draft international agreement on assistance and rescue of astronauts, and equally the question of liability for any material damage that may be done through the activity of States in outer space.

We impart considerable importance to the fact that in the Legal Sub-Committee it has been possible to harmonize, if only on a preliminary basis, a preamble and a number of articles in the draft agreement on the rescue of astronauts and space vehicles. As is known, the agreed articles are contained in the annex to the report of the Legal Sub-Committee, and the preamble of that agreement is also contained in that annex. The articles agreed upon deal with notification on the part of the launching States regarding the fact of the launching of space ships and other space objects; and also a notification to the Secretary-General by the States concerned of any instances of distress, and the provision of assistance to the crews or personnel of foreign space craft which have landed on the territory of a contracting State. We had also agreed on a certain number of provisions dealing with the discovery of foreign space objects on the territory of contracting States.

(Mr. Morozov, USSR)

As for the delegation of the Soviet Union, as was stated at the session of the Legal Sub-Committee and as was sufficiently clearly expressed in the introductory statement of the representative of the Soviet Union in the present Committee, Mr. Federenko, we for our part have made a number of new efforts to achieve agreement on a mutually acceptable basis. The revised draft presented by us for the agreement on the rescue of astronauts and space vehicles was drawn up in the light of a number of considerations uttered by many other members of the Sub-Committee. I should like to recall the latter few days of the session of the Legal Sub-Committee whose activities was not reflected in the report of the Sub-Committee itself, but this can be judged on the basis of the records of the meetings themselves and principally on the basis of the report that was made as a result of the work carried out at the semi-official, I would say, basis in the Working Group that was created by the Sub-Committee.

As the Committee will recall, many among us participated in that Working Group which was open to all members of the Legal Sub-Committee, to all members represented here as well, and who had been able in a very short interval of time to demonstrate that with the presence of good will it was possible to agree upon and harmonize a substantial number of important issues related to the draft agreement on the rescue of astronauts. We for our part had tried in that last stage -- and I think the most important stage of the work of the Legal Sub-Committee -- to make further efforts -- not insisting for reasons of pride of authorship or for any other reasons that have no relation to the matter -- to harmonize a whole series of provisions which had been the cause of substantial objection and had earlier even precipitated discussion in Geneva.

This question was discussed at a large number of meetings. In the course of the harmonizing of these articles, the Soviet delegation had taken further steps in trying to take most accurately into account the views of other members of the Sub-Committee. And I should like to say that this is the only possible kind of logic for the formulation of any international agreement. After all, it is obvious that in this instance we simply have to bring to one common denominator the interests and points of view of a large number of States. And a reasonable compromise presupposes that account will be taken, to a reasonable and logical extent, without injury or harm to the purposes and goals of an agreement, of all the points of view that can be expressed and have in fact been

(Mr. Morozov, USSR)

expressed in the course of the discussion concerned. We were within our right to expect that. And I think that I would be expressing the point of view not only of the delegation of the Soviet Union but also of many of my esteemed colleagues who represent various continents here in this Committee, if I said that all of us are within our right to expect that such an approach to the solution of various items of principle, which demonstrates the good will and the desire to achieve agreement, should at subsequent stages of the discussion of the draft agreement on the rescue of astronauts meet with corresponding actions on the part of those delegations which for various reasons -- not very many delegations I would say -- were still unable to assist in the solution of certain important issues in the right fashion; namely in the sense that it might be possible to conclude our work on the preparation of a draft agreement on the rescue of astronauts, which serves these high lofty humanitarian purposes, so that such a draft might in the forthcoming future be presented for the consideration of the General Assembly and ultimately made available for signature by those countries which wish to be parties to such an agreement.

In this connexion we would wish to recall certain important questions that have remained unsettled and in regard to which we have reason to expect that agreement will be reached upon them, because these matters are especially important precisely for the attainment of the agreement -- of a very noble and humanitarian kind -- which we are all striving to achieve here.

First of all we have in mind the fact that in the course of that discussion a definite firm view was expressed on the part of many members of the Sub-Committee to the effect that the future forthcoming agreement must be open to signature by all States.

(Mr. Morozov, USSR)

We had already stressed that this is an important question of principle whose successful solution will largely govern the viability and effectiveness of the whole agreement. We consider that this is a humanitarian agreement, one which meets the interests of all mankind. It must be truly universal in regard to the nature of its participants, and all States should be allowed to participate in it without any discrimination. This is something that is in line with the interests, first of all, of those persons who are the envoys of mankind as a whole in outer space, the heroic astronauts, from whatever country they may come. This is also in line with the interests of those States which wish to ensure the maximum effectiveness of the contemplated agreement.

It is scarcely necessary at this stage in any sense to prove in detail that space craft with personnel aboard may be launched from the territory of any State and that they may also land on the territory of any State. In substance it should be pointed out that no serious or weighty arguments have been adduced against the idea of the agreement being available for signature by all States. These arguments cannot in fact be advanced in view of those considerations that I have just had the honour of recapitulating. Indeed, we expect that the delegations which have not done so yet and which have not yet supported such a point of view will approach our solution of this vital matter in a reasonable manner because all those who are genuinely interested in the effectiveness of this present agreement cannot solve it in any other way than trying to find a compromise basis for a solution of this problem. In this regard the Soviet delegation has proposed that the concluding provisions in the new agreement should be drafted in accordance with the concluding provisions of the Moscow Treaty on the prohibition of nuclear weapons tests in the three media, which was, as is known, unanimously approved by more than 100 States in the world.

There is no need to recall the usual kinds of political difficulties that lie at the basis of customary disputes in this matter; these usual political difficulties could successfully be overcome by that system of organization of depositories that has been adopted in accordance with the provisions of the Moscow Agreement and which could easily be reproduced within the framework of the Agreement which we are now working to formulate. Thus there are no political difficulties normally present, as I pointed out, in this case, and the task which we are trying to achieve here would thereby be fulfilled in the best possible way.

(Mr. Morozov, USSR)

The general debates that have taken place in our Sub-Committee have shown that many members of the Sub-Committee had firmly stood in favour of the idea that the present agreement should be of a universal character; in other words that all States might be given the opportunity of becoming a party to that agreement. We have noted with considerable satisfaction the statements of the representatives of India, United Arab Republic, Italy, Czechoslovakia, Poland, Lebanon, Bulgaria, Mexico and a number of other States which have actively spoken in favour of the principle of universality and which thereby had spoken in favour of the concluding provisions of the agreement on the rescue of astronauts being prepared on the basis of the concluding provisions of the Moscow Agreement on the prohibition of nuclear tests.

Another question that I wish to bring to the attention of the Committee lies in the fact that we still consider that it is important to provide provisions to the effect that an immediate return applies to all personnel and foreign space craft and vehicles whose launchings have been made in accordance with the declaration of legal activities in the exploration and use of outer space. This formulation, as we have already pointed out, was drafted in the light of paragraph 5 of the declaration of legal principles that was adopted at the last session of the General Assembly. In that paragraph it is pointed out that States bear international responsibility for ensuring that national activities will be carried out in accordance with the principles of the declaration. In this connexion the Soviet delegation took into the account the wishes that had been expressed by a number of States that were not entirely satisfied with the provisions of the previous Soviet draft to the effect that space objects are returned to the State which had launched them, for the purpose of the peaceful uses and exploration of outer space if that State had officially notified the launching of that object and the purpose for which it was launched.

We consider that our new proposal is constructive and one which is a proper basis for achieving appropriate agreement. The Soviet delegation is prepared to do everything necessary for the speedy conclusion of the work on the agreement of the rescue of astronauts and space craft. We had stated this earlier and we wish to reiterate it now. We had stated this also in a number of unofficial consultations and negotiations that had taken place and on contacts made in the course of the work of the Legal Sub-Committee, as well as most recently in course of the work of the

(Mr. Morozov, USSR)

present Committee. We wish to repeat that the Soviet delegation is prepared to utilize any means in order at any time to continue the efforts that are needed for the attainment of a speedy conclusion of the agreement on the rescue of astronauts and space ships.

The next question that I deem it necessary to draw to the attention of the Committee is the question of the great and important work that was carried out by the Legal Sub-Committee in connexion with the discussion of the question of the formulation of a draft agreement on liability for damage done by objects launched into outer space. The members of the Sub-Committee, during the course of the session, had the opportunity to discuss in a thorough fashion the various aspects of this problem. They have had the opportunity of explaining the positions of the parties concerned and of having the first reading of the drafts available. There are at present before the Sub-Committee three drafts, as is known, and these are: the draft of Hungary, the revised draft of Belgium and the revised draft of the United States. In the view of the Soviet delegation the best way in which the problem can be handled is taken up in the draft introduced by the delegation of Hungary. The Soviet delegation will again analyse in great detail all the drafts concerned and it will study in detail all the considerations adduced by the members of the Sub-Committee; it will be prepared to continue its work on the preparation of a draft on liability for damage done by space craft on the basis of the Hungarian draft at the next session of the Legal Sub-Committee in the light of, and taking due account of, those comments that have been made in the course of the discussion by a number of other delegations.

I should also like to refer to another matter which should not be set aside and overlooked if we are now at this concluding phase of the session of the Sub-Committee and if we are to cast a glance at the agenda of our Legal Sub-Committee and consider those questions that are under the consideration of the Legal Sub-Committee. As is known, in resolution 1963 adopted at the eighteenth session of the General Assembly, there is a recommendation to the Committee on the Peaceful Uses of Outer Space to consider the question of the formulation in the form of an international agreement of the legal principles governing the activities of States in the exploration and use of outer space. The Soviet delegation cannot but express regret over the fact that the Sub-Committee has thus far been unable to proceed with the formulation of an agreement on the legal principles governing the activities of States in the use and exploration of outer space.

(Mr. Morozov, USSR)

We still consider that the formulation of such a draft agreement is a task which should be given top priority in the Legal Sub-Committee. We have stressed that repeatedly at two previous sessions of the General Assembly. We believe that our views are marshalling more and more support and acquiring more and more importance. We are grateful to the many delegations which have supported our views. We think that we must not limit ourselves to the document adopted at the last session -- that is, the formal declaration of legal principles. It is true that that constitutes a moral obligation, and some delegations have said that they are prepared to be guided by the provisions of the declaration in their practical activities. Nevertheless, as the next step in the development of international law and, particularly, in the activities of this Committee, it is important that the provisions contained in the declaration should be converted into a legally binding set of standards for Governments. It is not necessary to repeat the detailed arguments that we have already adduced in favour of that consideration. The difference between a declaration, which has the force of a recommendation, and an agreement, which contains firm legal obligations, is so obvious that it is not necessary to elaborate on it.

Our conviction that it is necessary to formulate an agreement containing firm legal obligations for States in respect of their activities in outer space has been further strengthened by the regrettable fact, which cannot be overlooked, that certain trends have appeared indicating an attempt to by-pass the United Nations and, in particular, the Committee on Outer Space, in the settlement of questions which under the principles contained in resolution 1963 (XVIII) are of great importance to the proper development of international co-operation in the peaceful uses of outer space. The matter has already been discussed in the Legal Sub-Committee, and it is especially important to draw the attention of this Committee to these attempts to by-pass the competence of the United Nations in this field. We have in mind provisions concerning organizational and legal aspects of a world satellite communication system which are contained in the agreement concluded in Washington on 24 July of this year. We cannot fail to note that some of the principles contained in that agreement and its very approach to the solution of the problem, at the organizational and legal levels, are not in conformity with

(Mr. Morozov, USSR)

the requirements of the declaration adopted last year, which provides that international co-operation in the peaceful use of outer space -- and the establishment of satellite communication systems is one form of such co-operation -- should be undertaken on the basis of the sovereign equality of all States concerned and should bear in mind the interests of all such States. That consideration is emphasized in General Assembly resolution 1721 (XVI), which provides that satellite communications should be available to all States, on a universal basis which would exclude any form of discrimination.

We energetically support the statements made here by a number of delegations which have stressed the importance of this matter and in which severe criticism has been levelled at the above-mentioned agreement.

It is clear from the text of the Washington agreement that the envisaged system of space communication is not to be related to the United Nations or the International Telecommunications Union, despite the fact that that matter is a form of international co-operation which has direct bearing on the question of the organization of space communication. The system envisaged in the Washington agreement is to be effected outside the framework of those organizations. That organizational approach to the formulation of measures for the establishment of a world-wide system of space communication cannot but give rise to serious objections. Indeed, such objections have been raised during the discussion of the matter at the present session and earlier. After all, the United Nations has all the organs necessary for the discussion and formulation of international legal questions, including those related to space communication systems. There is this Committee, the Committee on the Peaceful Uses of Outer Space, and there is the Legal Sub-Committee. It is also well known that the International Telecommunications Union, in which all the countries represented here participate, has responsibility for the rational utilization of all means of long-range communication and for the settlement of questions in that field on the basis of international co-operation, without which chaos may be created as a result of the breaking down of efforts of individual countries.

(Mr. Morozov, USSR)

Despite statements which have been made at this session regarding the international justification for the above-mentioned agreement and similar agreements, we have so far been unable to obtain any convincing explanation of why it has been necessary to draw up measures for the establishment of a world space communication system outside the framework of the United Nations and the International Telecommunications Union. We can only come to the conclusion that the organizational principles contained in the Washington agreement for an international commercial satellite communication system diverge from the organizational, political and practical methods for the solution of other aspects of international co-operation in the peaceful uses of outer space. We can only conclude that in the agreement in question there is no reference to genuine international co-operation on a broad inter-State basis. In fact, it is a question of a certain private company and of the participation of private capital. Thus, an attempt is being made to strengthen the domination of a United States monopoly, the American Telephone and Telegraph Company, in the field of satellite communication. The entire development, construction and operation of the space communication system is to be entrusted, in fact, to the above-mentioned United States monopoly and its branches. Through a special system of voting, dominant positions are to be retained in the so-called international organization by that monopoly, and it is that so-called international organization which is to lay down the principles for the activities of the system. It is sufficient to indicate that the right to vote of each participant in the agreement will depend upon its share of the total capital.

(Mr. Morozov, USSR)

From this principle flows a rather interesting practical conclusion to the effect that the American monopolies would have available to them in this international governing organ no less than 61 per cent of votes. In order to have a right to be a member of the committee, each State or group of States would be required to have no less than 1.5 per cent of the total capital. This in practice it must be stated most definitely and alarmingly -- bars participation in the control of the system by economically less developed countries, strange as it may seem and however contradictory to the already established principle of international law and, in the first place, of all the principles of the Charter of our Organization, in this so-called international organ; and the introduction of a system of weighted voting is contemplated.

This system of weighted voting, as I have already mentioned, is quite incompatible with one of the most important principles in inter-governmental relations: that of sovereign equality. In accordance with the decisions which we have adopted, and which may be boiled down to the fact that the principle of international law, including such an important series of provisions in international law as the Charter, must be applicable also to activities of States in outer space.

In view of all this, it is difficult to see how one can insist upon such a system of government or control. By way of comparison, we might consider such a western European international organization as ESRO. In spite of the defects of that organization, each European State has the same right to a voice on the basis of sovereign equality, and this conforms to international practice and the principles of international law.

I could continue to analyse this document, but I think that, at this late hour when we are about to finish our work, I shall limit myself to some further remarks concerning this question.

For the reasons which I have just stated, the Washington agreements cannot but lead to the following situation. The countries which wish to utilize the services of the world system of telecommunications and would construct an overhead receiving station would have no guarantee against arbitrary and discriminatory measures on the part of the so-called provisional committee which, in fact, would only defend the interests of the American company COMSAT.

(Mr. Morozov, USSR)

The rates for the utilization of channels in the space communications system would be computed so as to cover all the expenses of administration and also to provide profits. In other words, in the final analysis, the expenses of the space sector would be shifted to the shoulders of the subscribers, with the difference that a number of smaller countries included among them would have no rights at all in the governing of the entire system, but by virtue of the circumstances which I have just described. That is why we cannot fail to reach the conclusion that the important tasks in the area of international co-operation connected with the development of space communications and the utilization of satellites for this purpose have so far been brought down to the level of the narrow, selfish interests of a certain number of monopolies which, because of material and technical reasons and by virtue of their being appropriately equipped, are able to carry out certain experiments in this field. This is the only basis through the exploitation of which they are trying to force conditions of international co-operation not at all in keeping with the principles which we profess and practise here, and which are also, of course, at variance with the principles of the Charter of our Organization.

And this is not all. It is not by chance that the United Nations or the International Telecommunication Union have not been utilized up to now. They are not participating in this matter. It is obvious that this is no coincidence. The whole attitude is linked with a desire to create certain precedents contrary to the principles of the Declaration adopted last year. These precedents could, in turn, serve as a springboard from which to continue to develop this manner of treating the problems of the Organization and legal problems connected with the utilization of space communications. We would wish most emphatically to warn against this manner of bypassing the United Nations, against these efforts to place the world system of telecommunications in space in the hands of American monopolies. We would wish that other States, especially the developing countries which have not at present the necessary resources for the development of modern communications, would not be placed in a position where they would have to adopt, without criticism or comment, whatever is handed out to them, or else not be able to participate in the activities in this field. Of course, in the consideration of such activities as the creation of a world telecommunications system by means

(Mr. Morozov, USSR)

of satellites, a system which affects the interests of many countries, it is absolutely essential that the principles of international co-operation should be respected and that the representatives of the various countries of the world have the same rights and the same powers. Technical advantages or weaknesses must not serve as criteria for determining the rights which should benefit all Members of the United Nations in this field.

I should like to emphasize that the special character of the whole problem of the utilization of satellites for communication and the results of the activities in this field are such that it is essential for a real system of international space telecommunications to be created on the basis of an agreement between all interested States. These are States, and not corporations, monopolies or private companies, which must participate. These firms and corporations could participate in a technical plan, but they must not dominate the interests of others; they must not force on all others the considerations which I have mentioned.

The measures, according to the Washington agreements between different countries, constitute a backward step in the field of international co-operation and testify to the need of redoubling efforts to adopt, in the United Nations, certain measures which will permit the creation of a real system of international telecommunications by satellites. That is why we believe that the elaboration of measures for the utilization of artificial satellites is an important international problem, and we continue to affirm that a true international system can only be based on the absolute equality of all States, without discrimination; that is to say, in conformity with resolution 1721 (XVI) of the General Assembly and according to the Declaration of juridical principles concerning the activities of States in the exploration and use of outer space.

(Mr. Morozov, USSR)

As we see it, along with the formulation of obligations of States in regard to international co-operation in outer space, in the form not only of a declaration but also of an agreement, there is great value to be placed in the formulation of principles of international co-operation and legal principles in outer space; this is a task which could be and should be embarked upon by the Legal Sub-Committee; and by our Committee as a whole.

In conclusion, I should like to express confidence in the fact that the active work of the Legal Sub-Committee for the previous few years is a guarantee that many of the complex matters of international law involved in the co-operation of the most diversified States in the field of outer space in the interest of all mankind, can be intensified on the basis of existing principles and that on the basis of further principles it will be possible to obtain further decisions which will contribute to the successful solution of problems of the further development of international co-operation of States in this area so that the attainments of science in the peaceful uses of outer space might be the heritage of all mankind and of all countries independently of their technical level of development. Each of these States can and should make its contribution to the development of a common task, especially when we speak of the development of principles of international law and the corresponding contribution in the further development of norms of international law that govern these activities in international co-operation.

These are the considerations which the Soviet delegation deems it necessary to present at this juncture in connexion with the discussion of the report of the Legal Sub-Committee.

Mr. HILMY (United Arab Republic): I should like to make a few brief comments with regard to the report of the Legal Sub-Committee as contained in documents A/AC.105/19 and A/AC.105/21.

My delegation regrets that the Sub-Committee was not able to reach agreement on drawing up draft conventions both on assistance and liability. I should like to stress once more the position of my delegation on this question.

(Mr. Hilmy,
United Arab Republic)

We have always been of the opinion that both agreements constitute a single problem and should be approached accordingly. I am not going to elaborate further on this point as my delegation has previously stated its views before the Legal Sub-Committee. However, I should like to express our hope that the Sub-Committee at its next session will take this into consideration so that agreement on both questions will be reached simultaneously. Moreover, it is worth noting that the discussions which took place during the two parts of the last session of the Sub-Committee were not entirely negative, as the Sub-Committee was able to achieve some progress in drafting a preamble and some operative paragraphs on the question of assistance.

We hope that the Legal Sub-Committee at its next session will be able to fulfil the mandate entrusted to it by the General Assembly in resolution 1963 (XVIII).

Mr. KARASIMEONOV (Bulgaria) (interpretation from French): In view of the fact that in the course of the general debate my delegation in its intervention referred only to problems that fell rather within the competence of the Technical Sub-Committee, I shall now make some observations on the work of the Legal Sub-Committee. The report of this Sub-Committee enables us on this occasion to take note of some progress accomplished in the field of the codification of activities in outer space. Although no draft convention was drawn up in its final form an important piece of preliminary work has been accomplished.

At the Geneva session of the Committee progress was registered in the field of assistance to astronauts and space vehicles and their return. At the New York session there was a more detailed discussion to such an extent that it was possible to agree on some texts or parts of a future convention.

The fact that the Soviet delegation presented a new revised draft added an even further contribution. In its draft the Soviet Union took into account some of the points contained in the drafts of the United States, Australia and Canada.

(Mr. Karasimeonov, Bulgaria)

Originally, in connexion with this discussion, there were some fruitful results and it was possible to prepare some of the articles in the preamble and other important articles. We hope that the final elaboration of a unified draft on assistance to and return of astronauts will be forthcoming soon.

In the debates in the Sub-Committee my delegation referred to the substance of the convention. Once again we wish to reaffirm our conviction that all international agreements in the field of outer space should take as a basis the Declaration on legal principles governing the activities of space in the exploration and use of outer space. While we hope that in the near future this Declaration will have the compulsory force of an international convention, we are convinced that it should be reflected in any and all agreements concerning activities in outer space.

We are also gratified to see that concerning another important principle to which my delegation attaches great importance -- the principle of universality -- there were no objections in substance. It is obvious -- and this was confirmed again at this session -- that certain formal objections cannot be used as a pretext to prevent all States, without discrimination, from becoming parties to the convention governing activities in outer space.

According to the report of the report of the Legal Sub-Committee, a step forward has also been taken along the path leading to the elaboration of a convention on liability for damages caused by objects launched into outer space.

Although the main interest of the session centred on the first of these two conventions, nevertheless there was a fruitful discussion in the Sub-Committee and the Sub-Committee concluded the first reading of the draft put forward by Belgium, Hungary and the United States. Delegations commented with interest on the Hungarian draft which distinguished itself by its clarity and the desire of its authors of faithfully reflecting the spirit of the Declaration on legal principles. During the discussion views were brought closer. We hope that at the next session greater progress will be achieved in the formulation of a unified draft.

To conclude, we consider that the report we are discussing faithfully reflects the work and progress achieved in the Legal Sub-Committee and we give it our support.

The CHAIRMAN: Does any other member wish to take part in the special debate on the two reports of the Legal Sub-Committee? I would suggest that the Committee, in order to save time, now take up the third part of our report to the General Assembly, dealing with the report of the Legal Sub-Committee on its work of the third session. Of course, any member who would like to participate in the special debate on the legal issues has the right, even tomorrow, to do so. Only in order to save time I suggest that we go through the third part of the report of our Committee to the Assembly. The document, Conference Room Paper No. 3, has been distributed to all members, and I now invite members to comment on this conference paper.

Mr. NARENDRA SINGH (India): I have a brief amendment to suggest. I feel that at the end of paragraph 3, after the word "space", the last word in the paragraph, we should add "and recommended that further work should be continued at its next session."

It could be argued that that is already written into paragraph 4, the following paragraph. The only purpose of my suggestion is that when we talk of a convention on assistance in the last sentence but one of paragraph 3 we have this idea expressed: "and recommended that work on the convention be continued at the next session of the Sub-Committee". Therefore, both from the point of view of form and from the point of view of balance, when we talk of the instrument of liability we should also have this inserted. An alternative would be that the words "and recommended that work on the convention be continued at the next session of the Sub-Committee", in the last sentence but one of paragraph 3, be removed, because this idea is expressed in paragraph 4 in any case.

Mr. DOBELL (Canada): My delegation was particularly gratified to notice that there had been one substantial addition to the report of our Sub-Committee: the idea that we were satisfied with the progress that our Sub-Committee had achieved. However, I notice that for the present there are in paragraph 3 both some remarks by the Committee and some quotations from the Sub-Committee's report. It might be a little clearer if we were to limit paragraph 3 to quoting from the Sub-Committee's report and to reserve paragraph 4 for the comments of the Committee. If we were to follow that principle, paragraph 3 would then begin with the second sentence, which reads: "In its report ... would appear in the convention."

Then, taking up the point made just now by the representative of India, that is, noting that we have only referred to this recommendation in reference to assistance and return and not in reference to liability, we might delete: "and recommended that work on the convention be continued at the next session of the Sub-Committee", but, as an alternative to both of the proposals of the representative of India, we might add the final sentence of this paragraph 3 -- because in fact the Sub-Committee recommended that work on both conventions should be continued at its next session -- to read as follows: "The Sub-Committee recommended that work on the two conventions should be continued at its next session."

That would complete the essential excerpts from the Sub-Committee's report. Turning to the comments of the Committee itself, we would take up the first sentence that now appears in paragraph 3:

"The Committee notes with satisfaction that substantial progress was made in the course of the Sub-Committee's third session although there was insufficient time to draft the international agreements", but then add words along the following lines "and decides that work on the two conventions should be resumed as soon as possible."

As the representative of India has just pointed out, there would be a certain pointlessness in repeating exactly the same language. The language that I have just suggested for the second part of this sentence would indicate, as was mentioned by the representative of the United Arab Republic, that we hope to see progress made on these two conventions as soon as possible, while at the same time it would note our satisfaction with the progress we had already achieved. Paragraph 4 would then read as follows:

"The Committee notes with satisfaction that substantial progress was made in the course of the Sub-Committee's third session although there was insufficient time to draft the international agreements, and decides that work on the two conventions should be resumed as soon as possible."

Mr. MOROZOV (Union of Soviet Socialist Republics) (interpretation from Russian): I apologize for having to speak for a second time. I am doing so for the sole purpose of responding to the wish that was expressed that we should not remove the possibilities, if such possibilities should arise in the course of the

(Mr. Morozov, USSR)

General Assembly or even earlier, or in any other period before the work of the next session of the Sub-Committee, to continue our efforts in the direction just referred to by the representative of Canada in particular. We should not cut off in our recommendations the possibility of continuing our efforts in preparation, especially, of the draft agreement on rescue of astronauts, on which there are real possibilities for attaining rather rapidly, with the present of goodwill on all sides, this kind of agreement. So in principle I do not wish to bind myself by any final wording on the situation, but I would support a proposal such as that just mentioned by the representative of Canada. I think it would be more energetic and it would be more flexible, if one may say so, than what is contained here, which a priori postpones a continuation of our efforts until the formal beginning of the next session of the Committee. Perhaps that is what will happen, and those who are more pessimistic as regards the development of events will say that we will probably not be able to undertake the necessary efforts earlier. I think we should retain the optimistic variant too, because the pessimistic variant is one we can always fall back on. Let us retain that which might turn out to be our maximum programme.

The CHAIRMAN: Is the Indian representative prepared to accept the changes proposed by the representative of Canada and supported by the representative of the USSR?

Mr. NARENDRA SINGH (India): I consider the proposal of the representative of Canada an improvement on my proposal.

Mr. THACHER (United States of America): Without in any way wishing to reflect undue pessimism, may I ask the representative of Canada to read the totality of paragraphs 3 and 4 as they would appear under his proposal?

Mr. DOBELL (Canada): Paragraph 3 would read:

"In its report on the second part of the session, the Sub-Committee took note of the preliminary agreement reached in an informal working party on the preamble, articles 2, 3, 6 (1), (3), (4), and (5), of a convention on assistance and return," --

and then the asterisk --

"with the exception of the place where article 3 (2) would appear in the convention. The Sub-Committee noted further that a working group of the Sub-Committee completed the first reading of the articles of draft agreements on liability for damage caused by objects launched into outer space." I think that that should be in the singular -- that is, articles of "a draft agreement". However I leave that to the Rapporteur.

The final sentence of the paragraph would read:

"The Sub-Committee recommended that work on the two conventions should be continued at the next session."

Paragraph 4 would read:

"The Committee notes with satisfaction that substantial progress was made in the course of the Sub-Committee's third session although there was insufficient time to draft the international agreements, and decides that work on the two conventions should be resumed as soon as possible."

Mr. CARVALHO SILOS (Brazil): I should like to ask the representative of Canada for some clarification. The last sentence of paragraph 4, as drafted by him, states that the Committee "decides that work on the two conventions should be resumed as soon as possible". If the Sub-Committee is not meeting, should it be resumed by the working group, the informal group? In that case, I think the Committee might have a decision to take, because this working group was an informal one and we should take a decision about its composition, and so on.

Mr. DOBELL (Canada): I had not in fact considered that there was a problem in the language proposed here. It seemed to me that this simply indicated that, if members of the Committee felt that there was an opportunity to do more work on either one or both of the conventions, they should do so -- but it would be action by the Committee, not by an informal working group or a sub-committee.

Mr. COOK (Australia): I have an extremely small drafting point. It is simply that although, in section I of the draft report, in Conference Room Paper No. 1, the document numbers of the Legal Sub-Committee's reports are given, nowhere in section III are the document symbols given. I am simply wondering whether, in order that the section might be more useful to people reading it, we could have, at the end of paragraph 1, something like "The reports of the Sub-Committee were circulated as documents A/AC.105/19 and 21".

The CHAIRMAN: I think the Rapporteur will accept that suggestion.

If the Committee is agreeable, the Chair would take it that the third part of our report to the General Assembly, as amended during this afternoon's meeting and read out by the representative of Canada, has been agreed upon, leaving open the question of how and in what way the work should be continued.

It was so decided.

The CHAIRMAN: Part III having been agreed upon by the Committee, we shall now pass on to part IV, "Registration". I note that the "IV" is missing in the Conference Room Paper.

If there is no comment, I take it that part IV is approved.

It was so decided.

The CHAIRMAN: The draft report of the Rapporteur will be available tomorrow, in English only. If the members of the Committee agree to consider the draft report in its English version, we can finish our session tomorrow. If, however, they would like to receive the report in the other languages, we will cancel tomorrow's meeting and have a meeting toward the middle of next week.

In the meantime, the efforts of the Rapporteur will be continued to find a formula on part G of the Scientific Sub-Committee's report, concerning an international meeting or conference in 1967.

Does any member wish to take the floor on the question of whether to have the meeting tomorrow or in the middle of next week?

The Chair interprets the silence of the Committee to mean that it is prepared to have the meeting tomorrow.

Mr. THACHER (United States of America): I did not wish to interrupt the debate in which we were engaged earlier, but I should like to exercise my right of reply, if I may, to the remarks made earlier by Ambassador Morozov. I am sorry that he is not here, but I would like to make a few points concerning his remarks related to the interim agreements with regard to a global commercial communications satellite system.

In the first place, I believe that we may be in a problem of phraseology -- perhaps a problem of ideology. In so far as he attacked the profit motive, I believe that this is a matter which is not really germane to our agenda or even to this Committee. Perhaps what we refer to as "profit motive" in this country is not as far removed as it might appear to be from what sometimes is translated from the Soviet press as being "profit incentive".

(Mr. Thacher, United States)

Secondly, I think there may have been a misunderstanding on my part, but I believe he was confusing the area of participation in these interim arrangements with the area of access. It is clear from the agreements themselves, which are the property of this Committee, as well as from the progress report which we submitted to this Committee and from the statement which Mr. Plimpton made at the opening of this session, that participation in these arrangements is open to all States members of the ITU and that whether or not a State is a participating member, access to the system is on a completely free and non-discriminatory basis to all States.

I can personally remember a conversation held I believe over a year ago which was one of several efforts on our part to inform the representatives of the Soviet Union of the progress that was then being made, with a view to interesting them sufficiently in those arrangements and inviting their participation. We had sought their participation in the launching of this system, and I regret that, as of the last conversation with them, the Soviet Union informed us that they were not prepared to participate. But many of the questions that were raised, I think, would have been quite satisfactorily answered if the Soviet Union had seen fit to participate. It is a matter of record that these arrangements are still open for participation.

I should point out that participation would be particularly welcomed in view of, among other things, the estimated \$200 million that it is going to cost for the operation of this system during the interim period alone. The fact is, of course, that those who are participating in these interim arrangements have agreed to share this cost, and it is a very significant one.

If there are other points that I have left unanswered, I would commend to his attention the documentation which we have submitted to this Committee. I believe I should close simply by stating that a number of other members of this Committee have expressed themselves on this matter and have not found it necessary to voice the same criticism which the Soviet Union has expressed.

The CHAIRMAN: I have no further speakers for this meeting. Tomorrow we shall consider parts I and II of the draft report of the Rapporteur. The last remaining item is the recommendation of our Committee to the General Assembly with regard to part G of the report of the Scientific and Technical Sub-Committee.

The meeting rose at 4.45 p.m.

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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

VERBATIM RECORD OF THE THIRTY-FIFTH MEETING

Held at Headquarters, New York,
on Friday, 6 November 1964, at 10.30 a.m.

Chairman:

Mr. MATSCH

(Austria)

1. Report of the Scientific and Technical Sub-Committee and reports of ITU and WMO (continued)
2. Report of the Committee to the General Assembly

64-26807