

VERBATIM RECORD OF THE SIXTY-EIGHTH MEETING

Held on Tuesday, 16 September 1969, at 10.30 a.m.

Chairman:

Mr. HAYMERLE

(Austria)

## REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY (continued):

- (a) REPORT OF THE SCIENTIFIC AND TECHNICAL SUB-COMMITTEE (A/AC.105/55 and Add.1, 2 and 3)
- (b) REPORT OF THE LEGAL SUB-COMMITTEE (A/AC.105/58)
- (c) REPORTS OF THE WORKING GROUP ON DIRECT BROADCAST SATELLITES (A/AC.105/51 and A/AC.105/66)

The CHAIRMAN: I had hoped that in internal consultations and in a spirit of compromise -- for which I am extremely grateful to all those delegations who have been involved -- we could make some progress this morning. We have not settled completely the problem which divides us but I should like to tell you now where we stand.

I have before me a text, a text which I feel could be agreed upon by most of the delegations here. This text, which will be distributed to all of you, is on the question of the draft Agreement on Liability and reads as follows:

"The Committee decided to conclude the first part of its twelfth session with the adoption of this interim report. In addition the Committee determined that in view of its mandate in resolution 2453 B (XXIII) of the General Assembly 'to complete urgently the preparation of a draft agreement on liability for damage caused by the launching of objects into outer space and to submit it to the General Assembly at its twenty-fourth session', consultations and negotiations should be undertaken among the member States of the Committee under the leadership of its Chairman and in consultation with the Chairman of the Legal Sub-Committee with a view to coming to an agreement on a draft convention on liability for damage. The Committee decided to hold its resumed session at the earliest possible date, and in any case not later than

1969 in order to discuss the results of these consultations and negotiations. The Committee further decided that it would submit its report of its resumed session on this matter to the twenty-fourth session of the General Assembly."

There is one difference of opinion which remains to be settled. As we know, in the Belgian motion which has been submitted to us there was a date -- I think it was 13 October -- for the meeting of this Committee. There are other delegations who feel the date is too close and they would need more time in order to reach a successful conclusion. This delegation would propose the following formula:

(The Chairman)

that the Committee should meet at the earliest possible date and in any case not later than 1 December 1969. I think both delegations feel that agreement on this paper should be subject to an acceptance of the date proposed. That is the situation with which we are faced. I invite comments on whether these proposals accord with the views of the delegations involved. But firstly I would ask the Secretariat to circulate the draft to the members.

Mr. PIRADOV (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation, as a result of the consultations which have been held with a number of delegations, understanding the full seriousness of the question which is on the agenda and wishing to co-operate to the utmost in the work of our Committee, considers that the date of 13 October is not serious since this question requires a very careful approach. It is necessary to look very closely into the ways and means which would permit us to find a mutually acceptable solution. Today is 16 September, less than a month if you take into account the fact that this question must be settled by the Governments of the interested States and each one might, before that date of 13 October, indicate that it does not want to have a businesslike or serious approach to this matter. Therefore, guided by considerations of common sense, we propose 1 December as a final date, on the understanding that, if it is possible to arrive at a modus vivendi considerably earlier than that, then we could meet within the time prescribed. It might be 25 October or perhaps 10 November -- in other words, at whatever time delegations are able competently to speak on this question and come to a proper solution.

In the course of many years, it has not been possible for us to make progress on this question; however, everyone must fully realize and understand that the dates which are being proposed here -- for instance, the date of 13 October -- simply reflect a reluctance to adopt a constructive, sensible approach to the facts.

The Soviet delegation and a number of other delegations therefore consider that it would be necessary for us to have an optimum date -- in any circumstances not later than 1 December -- and if we can find a way to all agree on an earlier date then we will accordingly meet as soon as possible.

(Mr. Piradov, USSR)

If members of the Committee will permit me I will draw an analogy with what has already happened in our Committee. On 12 December 1967, if my memory does not betray me, we convened a special session of the Legal Sub-Committee which considered the Agreement on the Rescue of Astronauts, the Return of Astronauts, and the Return of Objects Launched into Outer Space. After this session -- which lasted for several days, when all the questions had been finally discussed -- a special session of the Committee was convened, our plenary Committee, which presented a text to the General Assembly; on 12 December 1967 the General Assembly adopted our approved text which, as you will remember, on 22 April was simultaneously signed in three capitals. I ventured to take up the time of my colleagues with this small historical excursus in order to remind you that there is no such critical situation, there is no fire breaking out, and it seems to me there is no real sensible need to name a date which would not be acceptable to all. Therefore our delegation considers that as a latest date we could set 1 December and agree -- and I am not saying that any delegation has a special interest in dragging out things -- that, if necessary in order to attain a mutually acceptable decision, the Committee could meet at any time under the chairmanship of the Chairman of the Committee and his assistants.

Mr. DENORME (Belgium) (interpretation from French): In my turn I should like to thank you for your efforts to find a solution which will make it possible to avoid a confrontation in this Committee. On condition that we can find an agreement on the date, my delegation would be happy not to press for an examination of our motion which we introduced last Friday -- that is, with the same spirit as that just demonstrated by the representative of the Soviet Union that we should get down as quickly as possible to constructive and effective work in this Committee.

However, I am forced to speak also in regard to the date which my delegation proposed in that motion, since the representative of the Soviet Union asserted that this date was, to quote him, not serious.

(Mr. Denorme, Belgium)

I would like to point out to him, therefore, what the reasons were for such a date. Firstly, we considered that by that time the Committee would be in a position to give to the Chairman of the First Committee accurate information as to the subsequent evolution of the work and the adoption of its final report in such a way as to permit him to draw up the time-table of the discussion in the First Committee. This was the first consideration which prompted us to choose 13 October.

The second reason was that, as in the case of a distant date, it is always possible to meet earlier. Similarly, of course, in the case of an earlier date, there is always a way, if the progress is not sufficient, to decide on a new date some time in the future, particularly if the possibility is discernible of obtaining some further positive results in the intervening period.

I would like to oppose the idea that the date was not a serious date. When I say this, I wish also to say that my delegation, which has made very many concessions in the course of the consultations which you have been holding so competently, Sir, is ready to make one further concession as to the date if a proposal would emerge which would take account of the two deadlines, the one presented by the Soviet Union and the one presented by my own delegation.

Frankly, I would like to say that, in regard to the analogy with the case of the Agreement on Rescue and Return, I would hesitate to consider this case as a recommendable precedent for our own Committee. I took it that the representative of the Soviet Union said there was no danger in delay. For five years, however, the Legal Sub-Committee discussed the draft agreement and was not able to reach such an agreement; we know that during that time accidents did take place, accidents which were mentioned in the debate in the Legal Sub-Committee -- and I could quote these examples, if you want them. My delegation therefore considers that there is a danger in delay, particularly so because it was the essential core of the mandate entrusted to this Committee by the General Assembly. That is why there is a danger in delay, and we must do everything in our power to meet the hopes of the General Assembly and to make ourselves worthy of the confidence placed in us. That is why it is important to have a date at which at least there will be an opportunity for the General Assembly to examine in detail the results of what we shall have done.

(Mr. Denorme, Belgium)

I cannot predict whether the results will be good or bad. If they are good, the General Assembly may be happy to endorse the results. But if they are bad, we must give the General Assembly an opportunity to examine our report in detail.

It may be true that from 16 September to 13 October there is less than a month, as was stressed by the representative of the Soviet Union, and for that reason 13 October would not be a serious date. On the same grounds, however, I submit that if 1 December is the date when we must meet in this Committee and make it possible for the General Assembly to do its work before 16 December, that leaves only fifteen days for the General Assembly to work in, and that is even less realistic than the date proposed for the Committee. That is why, in a spirit of compromise, my delegation would agree to the proposal that there should be a compromise date, but not necessarily 1 December.

Miss ALVAREZ (France) (interpretation from French): I should like first of all on behalf of the French delegation, Mr. Chairman, to thank you for all your efforts during the past two days to find a text to which all the members of the Committee on Outer Space agreed. Dates have been proposed so that the Committee on Outer Space may resume its meetings to consider the results of the informal consultations which will be undertaken with regard to the draft Agreement on Liability. These dates are 13 October and 1 December.

The French delegation understands the reasons mentioned by the representative of Belgium to the effect that the report of the resumed session be submitted in good time to the twenty-fourth session of the General Assembly so that it may examine and consider it in detail. On the other hand, the French delegation also understood the argument submitted by the representative of the Soviet Union a few minutes ago, with great eloquence, that we shall reach agreement on a later date. It is a fact that we are to carry out extremely serious and difficult work which in no case could be carried out in a precipitous manner.

(Miss Alvarez, France)

In these circumstances the French delegation wonders whether in fact it might not be possible to find a deadline which would meet with the agreement of the Soviet delegation as well as the Belgian delegation. I should like to propose formally as a compromise solution the date of Monday, 3 November. I think this would give us six weeks during which we might do very fruitful work, and I think that this is a reasonable amount of time. For this reason I most warmly urge the delegations of the Soviet Union and Belgium -- as well as the other members of the Committee on Outer Space -- to consider this date to see if we could come to an agreement on this compromise which is roughly midway between the two dates that were proposed.

Mr. ARORA (India): We are indeed grateful to you, Mr. Chairman, for the consultations you have undertaken on behalf of the Committee to get an acceptable statement put before the latter. You have read to us a statement which you have worked out in consultation with various delegations. It seems that it covers most of the points, and, as you also said, there is one outstanding point which is now before us for consideration.

Before I come to that, really we can hardly thank adequately the delegations of the Soviet Union and Belgium for the spirit of compromise that they have shown in the negotiations that you undertook on behalf of the Committee. We know the strength of the feelings of the two delegations, and we also know that they had very strong views. Therefore, each had very great difficulty in accepting any position other than the one that it had stated. They had very good reasons for what they wanted to achieve, and therefore the compromise that you now have for us is all the more creditable, not only to you but also to these two delegations and others who participated in the negotiations.

(Mr. Arora, India)

I may say again that we owe a great debt of gratitude to them -- particularly, if I may say so, to the representative of the Soviet Union. He is, if I may say so in all humility, an accomplished diplomat of great discretion, calmness, self-confidence and wisdom and he has displayed these virtues and qualities in great measure during these consultations. We are also familiar with our good friend Mr. Denorme who has provided leadership not only in this Committee but also in the Committee on the Sea-Bed and who has contributed a great deal to the functioning of both committees.

The representative of France has just now made a compromise suggestion regarding the date on which the session could be resumed. Without wishing to state whether this is a good suggestion or not -- that will very much depend on whether the representative of the Soviet Union and the representative of Belgium can accept it -- this appears certainly to be motivated by a desire to achieve a compromise and for that we are thankful to the representative of France for having made the suggestion.

I have made some calculations in these few minutes that I had after the representative of France made her proposal; I must confess I am not good at calculating figures but I think that an exact midway date would be in November. This is very close to the date suggested by the representative of France and, if I remember correctly, the representative of the Soviet Union had himself suggested that a meeting of the resumed session could take place on 10 November. I think 10 November is as close to 3 November as possible, if that is acceptable to the representative of the Soviet Union. So, I think we are moving in an area of agreement now. Obviously, the thinking is turning in the direction of a date in November. I think two dates were suggested by the representative of the Soviet Union, 10 November or 25 November, so we are moving closer now. The representative of France has formally moved 3 November. We should like to hear the views of the representative of Belgium and the representative of the Soviet Union on this proposal.

My delegation will be prepared to accept 3, 6, 10 November or any date which could, as a compromise, be acceptable to all the delegations and causes them no inconvenience. Before I conclude I might say -- this is on another subject. I had an opportunity during the informal consultations to have a word with our

(Mr. Arora, India)

Rapporteur; I mentioned to him that we would have a few suggestions to make for the report. He was kind enough to say that we could do so from the floor later when we considered the report and we shall seek an opportunity to do so when we come to that point.

Mr. THACHER (United States of America): I know we are all very grateful to you, Mr. Chairman, for the work you have put into this effort and for the success that you have brought in reaching a formula which we all hope will meet the requirements of the situation. Let me say that my delegation appreciates very much the concern of the Soviet delegation in needing a sufficient period of time for businesslike proceedings. I can only remind you, Mr. Chairman, and other members of the Committee that our delegation just the other day found it very difficult to agree in a relatively short period of time on the question of priorities for discussion next year with regard to sub-items under the general utilization item in the Legal Sub-Committee. These are difficult problems and they require time for those of us who represent States -- and there are many of us in this Committee -- with active space programmes.

Therefore, I must express a degree of sympathy with the Soviet view that more time is needed than the period from today to 13 October. Similarly, I think that the point made by the representative of Belgium, if I understood him correctly, is completely valid. I think we are all in agreement that some time during the forthcoming session of the General Assembly there will be a report from this Committee. That report will deal with the subject of an agreement on liability and there must be sufficient time left in the Assembly to take note of and give due consideration to that report. I think we all know that if we were to begin a session of the Outer Space Committee as late as 1 December, it might be difficult to complete the work of that Committee and still leave sufficient time for consideration by the General Assembly at the present session. For this reason my delegation sympathizes with and supports the feeling, if I understood it correctly, of the Belgian representative that this date is too late. As to whether we should adopt the approach suggested by the representative of France or find some other date as suggested by the representative of India, I question whether we need to resolve this matter at the meeting this morning.

(Mr. Thatcher, United States)

I assume that we are all in agreement that we must agree on a date before we submit our interim report. I do not suppose any of us expects to complete our interim report at the meeting this morning and I think that, in the light of the experience we have had, all of us have confidence in the ability that you have demonstrated repeatedly in recent days, Mr. Chairman, to attack this remaining question and find an equitable solution that would take into account all the views that have been expressed. So I would suggest that we give no further consideration at this meeting to the date and that we ask you, Mr. Chairman, once again to return to the task so that when we next meet, which may be this afternoon or some other day this week, we can finish our work.

Mr. BUDAI (Hungary): First of all, I should like to express my delegation's appreciation of your work, Mr. Chairman, in finding a compromise solution on this subject.

During the debate on this subject some delegations showed considerable flexibility in seeking and finding solutions and compromises. On the other hand, unfortunately, other delegations, although appearing to show some flexibility, finally failed to do so. Now we are seemingly engaged in a debate concerning dates and, to my delegation, the discussion does not seem to lead to any compromise. Your suggestion, Sir, that the Committee should decide to hold its thirteenth session at the earliest possible date and not later than 1 December 1969, seemed to be quite flexible and a good compromise, as did also the proposal of the Soviet Union. But there are still some problems regarding the date. Therefore, I would suggest a different wording, for example, that the Committee decided to hold its thirteenth session at the earliest possible date, to be determined by the Chairman of the Committee after consultation with members. Since we do not appear to be able to agree on the date, we could leave it to the Chairman to decide.

The CHAIRMAN: I should like to make one correction. I did not say the "thirteenth session" because I think that we had agreed that it would be the second part of this session. In the draft paper now before representatives the agreed text can be found.

Mr. ARORA (India): The representatives of the United States and Hungary have made certain suggestions. We now have the draft statement which has just been circulated, and the hour is getting late. My delegation is wondering whether it would not be better to disperse now for consultations and to come back to the final paper some time during this week or early next week when other matters which have been left over could also be taken up. It will be difficult for us to decide on all the pending matters today with only about another ten minutes left for this meeting. Therefore, we could adjourn now, if the Committee so wishes and if you are in agreement, Mr. Chairman, so that you might undertake further consultations. We could take a decision on this paper as well as on other matters at a later date. Of course, if other delegations wish to continue the meeting and to take a decision now, we would not be opposed to that; we would be very happy if that could be so. But if it is not possible, then we suggest that we adjourn now and continue our consideration of this matter at a later meeting.

Mr. EVANS (Australia): I have no wish to recapitulate points made with great clarity this morning by the representatives of Belgium and the Soviet Union, but merely to record the view of my delegation, that the representative of France has made a very useful proposal which, we would hope, might form the basis for an acceptable conclusion of this matter that I think we are all trying to negotiate in good faith and in the best interests of the progress of the work of this Committee.

Mr. HILDYARD (United Kingdom): I should like to second the suggestion put forward by the representative of India that we should now disperse and that agreement on the knotty question of a date should be solved privately, with you taking the lead, Sir, as you have done so extremely effectively up to now. When agreement is reached on that, it seems to me that agreement on other outstanding points should not take too long, and we might be able to have a further meeting to conclude our work, which would be quite brief, in a day or two. But I do believe that agreement on the outstanding points, particularly on the date, would be more quickly and effectively reached in private consultations rather than in either formal or informal meetings of this Committee.

The CHAIRMAN A proposal has been put forward to adjourn now in order to get an agreed view on this matter which is still pending.

Mr. ROBERTSON (Canada) I do not wish to disagree at all, but I wonder if the Committee Secretary could give us any idea of when we might expect to reconvene, in the light not only of your discussions, Mr. Chairman, but of available Committee servicing within the next three or four days.

The CHAIRMAN: Could we perhaps dispose of this problem first and then say a few words about the work which still lies ahead of us? Is there agreement among representatives that we should now adjourn the discussion of the question of the date of the meeting and try in consultations to reach agreement on this point too?

Mr. MIGLIUOLO (Italy): I should like to ask whether the consultations would deal with both proposals which have been put forward here -- that is, the proposal by the representative of France on a compromise date and the proposal by the representative of Hungary which, if I understood it properly, would leave with the Chairman full responsibility for fixing the date for the reconvening of our session.

The CHAIRMAN: All these problems are wholly interrelated, and whatever the delegations in question agreed upon would, I suppose, be agreeable to the Committee. Therefore, I think that we should leave this open for discussion.

Mr. FIRADOV (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation proposes that we should meet tomorrow morning in order finally to settle the outstanding question of the date. In the time remaining before tomorrow morning we could exchange views and hold consultations among ourselves.

The meeting rose at 1.10 p.m.