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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, A/C.1/L.569, 570, 571, 574, 575 and 576)

Preparation of an international treaty concerning the Moon (A/8391, A/C.1/1017, A/C.1/L.568 and 572)

GENERAL DEBATE *(concluded)*

1. Mr. RAMAMONJISOA (Madagascar) *(interpretation from French)*: The Malagasy delegation, at the twenty-fifth session of the General Assembly, has already had an opportunity of expressing in this Committee its interest in the preparation of an international convention on liability for damages caused by space objects *[1791st meeting]*. Space activities in recent years have proved that Madagascar is on the orbit and in the recovery zone of some satellites and is therefore particularly vulnerable to dangers resulting from the accidental falling of these satellites on the surface of the earth.

2. My delegation recognizes that the draft convention now being considered by the Committee *[see A/8420, para. 32]* is a result of praiseworthy work on the part of the Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee, to whom we extend our congratulations, and that it is most timely after the entry into force of the Space Treaty of 1967[1] and the 1968 Agreement on the Rescue of Astronauts[2] to which Madagascar adhered.

3. However, this draft convention, to our disappointment, does not fully reflect the wishes we had expressed concerning the applicable law in case of compensation because my delegation considers, like that of Sweden in particular, that in determining the amount of compensation, it is the law of the place where the damage was caused that should be applied and not that of the country responsible for the damage, taking into account the principles of international law, in order to ensure effective protection for the interests of the victims.

4. My delegation also feels concern as to the effectiveness, vis-à-vis those responsible for damages, of the decision rendered by the claims commission as stipulated in paragraph 2 of article XIX of the draft convention, according to which: "the decision of the Commission shall be final . . . if the parties have so agreed" and that, in the event of disagreement between the parties, the decision of the commission would only be considered as a recommendation. Such provisions, in the view of my delegation, are likely to prejudice the victims of damage, in the event that those responsible for the damages should refuse to apply the decision of the commission, despite the publicity given to this decision among States parties to the convention and its communication to the Secretary-General of the United Nations. Furthermore, the draft convention, whose article XIX in its present draft can give rise to disputes, does not contemplate recourse to an international jurisdiction for a victim State against a State responsible for damages which ignores the decision of the claims commission.

5. My delegation, being concerned for the interests of the victims of damages caused by space objects, in a spirit of compromise, welcomes the amendment in A/C.1/L.574 to paragraph 2 of article XIX of the draft convention submitted by Canada, which advocates a procedure of voluntary declarations on the binding nature of the decision of the commission, in cases of disputes among States in the matter of compensation.

6. Finally, in connexion with the convention on international liability for damages caused by space objects, and in conformity with the recommendations of the outer space Committee in paragraph 38 of its report *[A/8420]*, my delegation thinks it is useful that the Legal Sub-Committee grant some priority to the consideration of questions relating to the registration of space objects. An international convention in this field would do away with any ambiguity as to the origin of space objects and on the source of liability of launching States.

7. I should like now to say a few words about the treaty on the moon. The draft worked out and presented by the delegation of the Soviet Union *[A/C.1/L.568]* is intended to complete the Treaty on the exploration and utilization of outer space and the Agreement on the rescue of astronauts. Further, it intends to strengthen co-operation

[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).

[2] Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (resolution 2345 (XXII), annex).

among States. This initiative of the Soviet Union therefore deserves our full attention.

8. Indeed, it is too early for us to have a complete idea and detailed view of this draft but, taking into account the forthcoming meeting of the outer space Committee, my delegation wishes to present the preliminary observations of our Government on this very important question.

9. My delegation considers that the idea of prohibiting any national appropriation of the moon which has already been formally adopted by the Treaty on the exploration of space should be unanimously supported. Indeed, we see it as sanctioning the concept of the "common heritage of mankind", which guided the General Assembly when it was considering the Declaration on the sea-bed and ocean floor. Therefore, my delegation regrets that the draft presented to us should be timid and even restrictive with regard to the consequences of this concept which has been accepted by all.

10. Nothing in point of fact should prevent the rich resources of the moon from being exploited in the interests of mankind in the near future and according to the same principles as those which guide us now in the exploitation of the sea-bed. Therefore there is a definite need to enlarge the scope of co-operation among States as mentioned in this draft, taking into account the interests of technically less-advanced countries.

11. My delegation, being convinced that there is nothing to prevent exploitation of the earth's resources by satellites for the benefit of all peoples, considers that within the treaty one should envisage the idea of setting up an international body dealing with the moon. Later on, when technology permits, it will be possible, contrary to the overly restrictive concept of article VIII of the draft of the Soviet Union, to grant this body concessions within precise norms determined by the international community.

12. Concerning the procedure of consultations between the States parties, mentioned in particular in articles III, IV and V of the Soviet Union draft, my delegation considers that, as the only way for the parties to settle possible disputes, this procedure is insufficient. It does not lead to any international recourse, and one may wonder whether, in the case of a threat directed against the earth from an installation on the moon or its environment by a State party, the Security Council would be competent.

13. One may also wonder whether the case of the obstacle mentioned in articles V and VI may lead to recourse to the International Court of Justice or any body of arbitration. It seems to us that consultations are insufficient. It so happens that the development of space techniques compels us to go further than the space treaty and not to be content with consultations among States.

14. Finally, my delegation would venture to hope that the Committee will devote special attention to article XI of the draft. In fact, within the framework of activities which contain inherent risks and dangers, we must be very careful and precise when defining the concepts of fault and responsibility. We must also provide for judicial or arbitration bodies which would be able to be seized of and to remove any possible legal ambiguity.

15. Mr. KOMATINA (Yugoslavia): This year has been a very successful one in the domain of outer space activities. New and far-reaching advances in outer space technology have been more than rapid. The exploits carried out by the space Powers deserve our full recognition and especially our greatest admiration for those bold men who have sacrificed their lives in order to open new avenues for mankind. Thanks to these men the conquest of space has now reached the point of practical application of space science in a growing number of domains. After the historic exploits of the first decade in space the time has now come for reflection on how to organize international co-operation and how to ensure that the achievements of scientific skills and labour will benefit all nations, be they major, minor, developed or under-developed. In this sense, we have always considered that the United Nations should not be simply a registrar of technical activities performed by a small number of nations but should be an active factor in taking initiatives towards genuine international co-operation.

16. The Committee on the Peaceful Uses of Outer Space has indeed made important progress in adding another brick to the progressive construction of the juridical framework of outer space activities and in ensuring that these activities are based upon international co-operation. The report of the Committee *[A/8420]* indicates that it has made significant endeavours for the carrying out of its tasks. Its main achievement is, without doubt, the hard-won compromise reflected in the proposal submitted to the Assembly for a draft convention on international liability for damage caused by space objects.

17. My delegation fully appreciates the importance of this document, as well as the fact that it was the product of difficult negotiations carried out over a period of several years, and that perhaps it was the only possible text based upon the agreement of the major space Powers. This document embodies some essential concepts, such as absolute liability for damage caused by space objects, restoration to the condition which would have existed if the damage had not occurred and so on. Nevertheless, it does not fully represent our views on important questions such as assessment of compensation and settlement of disputes in case of damage.

18. It has always been our view that any liability convention should guarantee any victim full compensation. That means that the question of compensation must be, to put it in popular jargon, victim-oriented. It is true that the preamble refers to ensuring prompt payment of a full and equitable measure of compensation and that article XII provides for *restitutio in integrum.* However, we should prefer that the law of the place where the damage occurs be applied rather than that the law of the country creating the damage should determine the measure of compensation. Otherwise one creates different legal systems for the citizens of particular countries depending upon the source of damage.

19. On the other hand, we are concerned, as are many other delegations, by the fact that the arbitration decisions have a recommendatory character unless the States concerned agree that these decisions will be binding. It is difficult to accept that States creating risks for other States should not be bound by the decisions of international

arbitration. In addition to that, the omission of binding arbitration may become a precedent for arbitration machinery on other subjects. Therefore we support the idea that constitutes the basis of the Canadian amendment *[A/C.1/L.574]*. We should by far prefer to have the award of the claims commission made binding. However, taking into account the fact that the draft convention is a considerable achievement in a rather difficult field of negotiations, my delegation will support the adoption of the draft convention in its present form, even though it is not entirely satisfactory to us.

20. My delegation considers that the question of the registration of space objects launched from the earth should be taken up on a priority basis, this subject having a direct bearing on the question of the implementation of the liability convention. It would also help to prevent the misuse of outer space for other than peaceful purposes. Nobody is unaware of the fact that there are, as mentioned by the Brazilian representative yesterday, developments which do not quite follow the spirit 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]*. We take note with pleasure of the announced intention of the Canadian Government to submit a draft convention on registration.

21. My delegation also attaches great importance to and is very interested in the various implications of space communication, regarding it as a source of very fruitful international co-operation, but not losing sight of the fact that it could be a constant source of interference in the sovereign rights of States.

22. We also welcome the decision taken by the Scientific and Technical Sub-Committee to convene a Working Group on Remote Sensing of the Earth by Satellites. This new field of science can be very meaningful for the economic development of the countries through a more accurate assessment of natural resources, provided that there is assurance that the activities will be programmed so as to respect the sovereign rights of every country.

23. My delegation regards the initiative of the Soviet Union in introducing the draft treaty concerning the moon *[A/C.1/L.568]* as another contribution to the development and completion of the whole system governing outer space activities. This initiative offers a basis for further negotiations on this important question, which is rendered urgent by the further expansion of activities on the moon. The draft treaty comprises a certain number of important and valid rules and principles, irrespective of the fact that most of them have already been adopted in one form or another, such as the use of the moon for exclusively peaceful purposes, the prohibition of national acquisition, and so on.

24. The creation of new norms of international law and the establishment of new legal rules for activities in exploration of the moon and for international co-operation in its utilization in the interest of peace and for the benefit of all mankind is indispensable, and we shall support all steps towards this end. We share the view that the Committee on the Peaceful Uses of Outer Space should be entrusted with considering and further elaborating this draft treaty. My delegation is of the opinion that there is need for a closer examination of the provisions regarding the exploitation of the resources of the moon and it also strongly feels that these resources should be regarded as the common heritage of mankind and not subject to any form of appropriation.

25. The Yugoslav delegation attaches great importance to the whole problem of the peaceful uses of outer space and is convinced that the new technology offers immense potentials, which should be utilized in the interests of the whole of mankind, having in view also the interests of the developing countries. We consider that these countries should participate more extensively as objects of the creation of new international co-operation in this field. We ask ourselves, for example, whether the Committee should not think in terms of the broader participation of these countries in its future work.

26. Mr. HOVEYDA (Iran) *(interpretation from French)*: As the representative of Yugoslavia has just said, in the past year we have witnessed spectacular progress in the development of technology in the exploration and use of outer space. But before making some remarks on behalf of my delegation on the report before us, I, with some of my colleagues who preceded me in the debate, should like to recall two major events of the past year. First of all, there was the success of the Apollo 14 and Apollo 15 missions —and I wish to take advantage of the presence here of the representative of the United States, Rear-Admiral Alan Shepard, who personally contributed to that success, to express to his delegation the most sincere congratulations of mine.

27. I also wish to express my warmest congratulations to the delegation of the Soviet Union on having set up the first scientific station in outer space. This extraordinary experiment ended unhappily in the tragic deaths of three brave cosmonauts and the representative of the Soviet Union knows how much sorrow this tragedy aroused in Iran. Thus in the month of July last we gave the names of those three heroes to three new rural schools which were newly built precisely in the region where our receiving station for communication satellites is located. We are sure that such great peaceful achievements will constitute the stepping stones for many successes in the future.

28. As regards the report before us *[A/8420]*, I shall begin by saying what the representative of Canada said the other day at the beginning of his statement *[1821st meeting]* and what the representatives of Yugoslavia and Madagascar have just said, namely, that the Committee on the Peaceful Uses of Outer Space has accomplished a task which is praiseworthy and that the General Assembly has in large measure succeeded in attaining the objectives which we had set ourselves for the peaceful uses of outer space and for the application of outer space technology to benefit all nations equally, whether or not they are space Powers or developed or developing countries. Since 1962 the General Assembly has advanced a great deal in setting up legal rules in this new field.

29. The report of the Committee transmits to the General Assembly a draft convention on international liability for damages caused by objects in space. This draft convention

sets out the rules to govern the application of the concept of liability stated in article VII 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]*.

30. My delegation has had an opportunity to express its views at the 101st meeting of the Committee on outer space. I shall therefore not repeat in detail the various arguments which we developed at that time. I shall confine myself to saying that the draft submitted to us in general contains excellent and acceptable principles. Nevertheless, I am bound to recall the reservations which we, like the delegations of Canada, Sweden and Japan, expressed in the Committee in connexion with articles XII and XIX of the draft on compensation measures and, in particular, the settlement of compensation claims. These reservations are clearly stated in paragraph 35 of the report and it does not seem to me necessary to repeat them. As was stated before me by the representatives of Canada, Japan and Sweden, the text submitted to us is not completely satisfactory on these points. The position of my delegation is very clear: our only concern is to protect the interests of possible victims.

31. With regard to the other matters covered by the report of the Committee, I must say that my delegation approves the decision of the Scientific and Technical Sub-Committee to set up a Working Group on Remote Sensing of the Earth by Satellites. I also wish to focus on paragraphs 13 to 15 regarding the assessment of the needs of the developing countries, as well as the manner in which the United Nations must meet those needs. Likewise, my delegation fully shares the view of the Sub-Committee regarding the use of communication satellites to develop education, and here I should like in passing to draw the attention of our Committee to the fact that in our programme for the use of communication satellites we have taken practical measures in that direction and we are closely following the studies and efforts being made by UNESCO in this field.

32. In general the report of the Committee, like those of the Sub-Committees, meets with the approval of my delegation.

33. Having said that, I should now like to make some general preliminary remarks on problems relating to the moon. We have taken note with very great interest of the draft international treaty submitted in this connexion by the Soviet Union *[A/C.1/L.568]*, and we should like to avail ourselves of this opportunity to congratulate the delegation of the Soviet Union on its initiative. At first sight the draft treaty seems to contain many encouraging elements, some of which I should like to emphasize here: it reiterates the basic principle of the Treaty on outer space regarding denuclearization and demilitarization of the moon and stresses the fact that the exploration and use of our satellite must be carried out for exclusively peaceful purposes.

34. The explanation given at the 1820th meeting by the representative of the Soviet Union also constitutes an element of encouragement, but–because there is always a "but"–it cannot be denied that in the draft treaty there are what I might call certain gaps which should be filled. I shall give two examples, which, furthermore, have been mentioned by many speakers who have preceded me. As the representative of Canada said a few days ago, the provisions regarding liability are too vague. On the other hand, as was noted in the course of the debate by the representative of Mexico, in the draft treaty there are no provisions for multilateral and international co-operation where non-space States might benefit from the results of the exploration and exploitation of the moon. In regard to the draft treaty, my delegation endorses many of the remarks made earlier by the representative of Madagascar. Obviously, however, this draft treaty is only a preliminary text and will be examined in the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space. We completely agree that priority be given to its consideration, as is requested in one of the draft resolutions submitted to our Committee *[A/C.1/L.572]*.

35. This leads me to speak on the texts on which we shall have to vote. As I indicated earlier, we cannot accept the draft treaty on liability as worded at present, and we shall probably have to abstain on the draft resolution contained in document A/C.1/L.570. My delegation is in favour of the amendment submitted in this connexion by the delegation of Canada *[A/C.1/L.574]*. But it seems that many delegations, although agreeing with the substance of this draft amendment, hesitate to vote for it. If I have correctly understood the explanations given earlier by the representative of Yugoslavia, many other delegations take the view that the draft treaty is the result of a compromise and that it would be best to vote for it. I find myself caught between opposing currents. I have already stated the position of my delegation on the Canadian amendment, but should it not be voted on or withdrawn, we would wish that the idea contained in this amendment nevertheless be included somewhere in the draft resolution which will be adopted by our Committee. Perhaps if the author of the amendment, namely, the Canadian delegation, wishes it, it might be possible to find a few words with a certain shade of meaning which would be acceptable to the majority or even to the whole Committee and which could be included in draft resolution A/C.1/L.570.

36. We are among the sponsors of the draft resolutions contained in documents A/C.1/L.569 and 571 and shall therefore vote in favour of them.

37. In conclusion, may I be allowed to repeat myself–and I do so all the more willingly since it will be neither the first nor the last time that a representative repeats himself. I should once again like to emphasize the importance which my Government attaches to the question of the peaceful uses of outer space. This is a field that is as yet almost untouched, and it is of the utmost importance that it be approached in a purely peaceful spirit of mutual co-operation and understanding. I shall not embark upon the subject of science fiction, even though I am an author in that field, but the possibilities for the use of outer space are beyond imagination. That is why we should avoid excessively rigid legislation, at least in certain cases. On the contrary, in this new field we should go step by step with the science of outer space itself.

38. Mr. ORTIZ DE ROZAS (Argentina) *(interpretation from Spanish)*: Mr. Chairman, speaking for the first time in the First Committee, allow me to say, first of all, that we congratulate you on your election as Chairman. To express these feelings to you is for me a source of double satisfaction: on the one hand, because these are connected with your own human professional qualifications, which have shown that you are an outstanding diplomat capable of guiding our work and bringing it to a successful conclusion; and furthermore the second reason it gives me such pleasure is because, as you know, at the start of my career I had the privilege of serving in your country, in Sofia, for three years. All this means that the sentiments I have just expressed are for me a source of even greater satisfaction. May I also congratulate the Vice-Chairman, Mr. Ramphul, and my good friend Minister Migliuolo, the Rapporteur.

39. The delegation of Argentina is aware of the significant advances which have taken place this year in the field of the exploration of outer space, and it appreciates the efforts made in this direction by the space Powers, the successes they have achieved and also–there is no reason to hide it–the sorrow we feel when we remember the Soviet cosmonauts who added their names to the roster of those who have given their lives for progress. I also wish to express my satisfaction at seeing in this room, participating in our work, one of the protagonists in this advance towards space, Rear-Admiral Alan Shepard.

40. The Committee on the Peaceful Uses of Outer Space has successfully discharged its mandate, and this encourages us in our hope that, despite the considerable ground which remains to be covered, the tempo of its work in future will enable it within a short time to achieve the results which the international community so badly needs in this field. To that end, all States represented here will have to contribute their efforts, particularly those which have the greatest responsibility because they are in the vanguard of the exploration of outer space.

41. In this connexion, my delegation notes that important decisions were taken by the Committee on outer space at its last session. Among these, we wish to emphasize in the first place the one which recommends the continuation of the programme to promote the practical applications of outer space technology *[see A/8420, para. 15]*. We believe in the benefits of this programme, because we know of the successes it has achieved so far, despite the fact that the means available are far from sufficient to meet the needs for assistance in technology which most countries have in this field, and in particular the developing countries. We trust not only that this programme will be continued, but that it will be intensified and broadened so as to demonstrate that the benefits of international co-operation are real. We are pleased to note that draft resolution A/C.1/L.569, which the delegation of Argentina supports, contains a specific provision to this effect in its operative paragraph 8. With regard to this programme and its implementation, I should like to recall the very wise decision to appoint an expert of the Organization to carry out the tasks related to assistance in the field of the application of outer space technology. We have been able to note in a little more than one year how fruitful that measure has been and we therefore wish to join in the many expressions of appreciation extended to Professor Ricciardi. His valuable contribution, we believe, should be ensured for the future so as to consolidate and broaden the efforts made so far. As we see it, this is a priority interest for the developing countries, and the role which the United Nations should play in this regard is unquestionably fundamental, without prejudice to the role of the specialized agencies within the sphere of their special competences.

42. The Committee on outer space recommended the continuation of United Nations sponsorship of the Thumba rocket-launching station in India and of the CELPA station in Argentina. We trust that this measure will be ratified by the General Assembly, as proposed in paragraph 12 of the draft resolution we have just mentioned. We are convinced that this vote of confidence will make it possible to continue to offer this clear example of what international co-operation undertaken by the Organization means.

43. The delegation of Argentina attaches great importance to the recent decision to set up a Working Group on the Remote Sensing of the Earth by Satellites, and we appreciate the initiatives taken on that matter by the delegations of Sweden and Italy. My delegation hopes that draft resolution A/C.1/L.571, of which we are a sponsor, will receive the unanimous approval of this Committee, so that in this way the Working Group can start its substantive work in an auspicious manner during 1972. We feel sure that this organ will soon carry out its work successfully and that it will conclude by recommending an adequate multilateral system which will make possible the acquisition and processing of data and the later distribution of information in such a way that the use of such inventory techniques and the study of the resources of the earth will be to the benefit of mankind. This is precisely what is proposed in article 1 of the draft international convention on activities carried out by means of remote sensing satellites of the resources of the earth, which was submitted by the delegation of Argentina at the ninth session of the Legal Sub-Committee *[A/AC.105/C.2/L.73]*. We hope that this draft will be considered in due course by the competent organs of the Committee, and that its provisions will be reflected in a future international agreement. We believe, indeed, that it will be necessary to draft rules of law which will make it possible for the activities carried out in this field to be of benefit to all countries, and which, at the same time, will ensure that these activities will be carried out with due respect for the sovereign rights of States. In this connexion, we share the views expressed by, among others, the delegations of Brazil at the 1821st meeting, and by Iraq and Ghana at the 1823rd meeting.

44. With regard to the draft treaty on international liability for damage caused by space objects *[see A/8420, para. 32]*, I must first of all emphasize the merits of the agreement which has been reached, even though this, like any compromise solution, does not contain all the aspirations of those who participated in its drafting, including, among others, those of my own delegation.

45. Bearing these merits in mind, we confirm at this time our approval of the draft in an attitude of confidence in it. We hope that its norms will lead to ensuring full compensation to the victims by means of effective procedures which will make possible the prompt and just payment of claims. That purpose was stated in several resolutions of the General Assembly and it is clearly expressed in resolution

2733 B (XXV) of 16 December 1970. In this connexion, we share the legal interpretation whereby the prescription of article XII of the draft will be linked with the fourth paragraph of the preamble, since it gives a true sense of this future convention, namely, to lay the basis for complete and total compensation for damages caused by objects in space, which includes both damage strictly speaking and losses, without need for any differentiation between various types of damage such as, for example, between non-nuclear and nuclear and, among the latter, as between those which are instantaneous and deferred. The correct interpretation of the context of the principle of *restitutio in integrum* which is incorporated in that article brings us to this conclusion.

46. As for article XIX, on which I have commented, I must join those who have indicated their preference for a system which is the opposite of the one proposed, namely, a system whereby the judgement would be binding and not merely a recommendation, unless otherwise agreed by the parties. That was precisely the content of an initiative of my delegation. We had to yield so as to obtain a compromise, which was needed for the final drafting of the treaty, but together with the delegations of Australia and the United States we believe it will be in the mutual interests of all States without exception faithfully to comply with the decisions taken under the treaty.

47. On the other hand, the procedure to revise the treaty provided for in article XXVI, which takes up the proposal made by the delegations of Austria, Brazil, Mexico and Argentina, will, as the representative of Mexico has said, ensure an adequate assessment of the effectiveness of this treaty, which will only be a part of the positive law on outer space, the standards of which must be reconciled with those of other international instruments in force.

48. I should now like to express my delegation's appreciation for the initiative taken by the Soviet Union on the drafting of an international treaty concerning the moon *[A/C.1/L.568]*. We received with interest the draft treaty submitted by that delegation, and in due course Argentina will state its views on the substance of that draft.

49. We have also taken due note of the fact that several delegations have recalled the draft treaty on principles governing activities utilizing the natural resources of the moon and other celestial bodies, submitted by the delegation of Argentina to the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space at its ninth session *[A/AC.105/C.2/L.71 and Corr.1]*. We agree with the views expressed by those delegations, namely, that that draft, together with the one submitted by the Soviet delegation and any future initiatives that may be taken on this item, will have to be considered as elements of a single subject, which is to be the object of legal regulations.

50. In conclusion, I should like to recall, as did the representative of France, that my delegation and his jointly submitted a proposal that was adopted by the Legal Sub-Committee advocating that this item be studied under the following headings: standards to govern human activities on the moon; questions relating to the legal régime applicable to materials from the moon and other celestial bodies, including the principles governing activities utilizing the natural resources of the moon and other celestial bodies. Later, the Committee decided to recommend priority for the study of these items, as is stated in paragraph 38 of the report which we are now considering. Draft resolution A/C.1/L.572 includes that approach, particularly in the seventh preambular paragraph and in operative paragraph 2. My delegation will therefore support it.

51. The CHAIRMAN *(interpretation from French)*: I thank the representative of Argentina for his congratulations to the officers of the Committee and myself.

52. Mr. CHEBELEU (Romania) *(interpretation from French)*: At its present session the General Assembly is engaged in drawing up an especially positive balance-sheet of United Nations activities in the promotion of international co-operation in the field of the peaceful uses of outer space by registering new and important progress in this field.

53. In our view this is a natural consequence of the fact that today an increasing number of countries, whether large or small, take an active interest in the problems of the exploration and utilization of outer space for peaceful purposes. To the remarkable successes in recent years of the Soviet Union, the United States of America and the People's Republic of China we must add a series of achievements by other countries, either individually or collectively through co-operation.

54. In view of these attainments, which have been made possible by the extraordinary developments in modern science and technology, the United Nations has moved forward in two main directions: first, promoting the rule of law in this new field in the activities of States and, secondly, facilitating international co-operation in the practical applications of space technology to development in all countries. In both directions the Committee on the Peaceful Uses of Outer Space has performed an extremely useful task and I would even say has worked most effectively, as can be seen from its report *[A/8420]* and the draft resolutions presented to the Committee. The Romanian delegation would like to take this opportunity to pay a tribute to Ambassador Kurt Waldheim, the Permanent Representative of Austria to the United Nations, for his efforts as Chairman to ensure the success of the work of the Committee.

55. Concerning the first aspect of United Nations activities in this field, that of promoting and developing space law, a significant achievement is doubtless the draft convention on international liability for damages caused by space objects, submitted by the Committee on outer space to the General Assembly for its consideration and final adoption. The draft convention, which was concluded after lengthy efforts, and is now before us, satisfies the Romanian delegation in so far as the compromise solutions for two essential matters which were left pending for a long time are concerned: the "applicable law" and the "settlement of disputes". Once again I should like to congratulate the members of the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space for their work in preparing the text of the draft convention, as well as its Chairman, Mr. Wyzner of Poland, for his contribution to the activities of that Sub-Committee and, above all, for the conclusion of the draft convention.

56. We consider that the draft convention, as submitted to us, does achieve its main objective, that of ensuring the effective protection of the interests of a possible victim. We should like here to make clear our interpretation of the text of the convention relating to compensation for damages. In our view, article II, which states that "a launching State shall be absolutely liable to pay compensation for damage caused by its space object", and article XII, which, among other things, stipulates that reparation shall be such, in respect of the damage, "as will restore the person, natural or juridical, State or international organization on whose behalf the claim is presented to the condition which would have existed if the damage had not occurred"—are two articles which without ambiguity lay down the principle of full compensation for damages caused by space objects. Since Romania has consistently favoured equitable compensation for damages as a fundamental element of the convention, my delegation is able to accept the text of the draft convention submitted by the Committee on the Peaceful Uses of Outer Space and to vote in favour of the draft resolution submitted by Belgium in document A/C.1/L.570, which recommends that the convention be opened for signature and ratification.

57. The new initiative taken at this session by the Soviet Union *[A/8391]*, aimed at the preparation of an international treaty concerning the moon, should strengthen the contribution of the United Nations to the progressive development of law in the various fields of activity of States, especially of space law. For this reason, we are of the view that the elaboration of such a treaty would harmoniously complete 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]*, which was concluded within the framework of the United Nations in 1966.

58. Romania supports this Soviet proposal which would determine that the activities of States on the moon and in the adjacent area should be carried on in conformity with the United Nations Charter and international law, and would also prohibit the use of the moon for purposes involving the threat or the use of force under any guise whatsoever, or for other hostile acts. We consider that rapid technological advances make timely the preparation of such a treaty, and we therefore support the idea that the Committee on the Peaceful Uses of Outer Space should consider this question as a matter of priority and report on it to the twenty-seventh session of the General Assembly. This is the reason why Romania became a sponsor of draft resolution A/C.1/L.572, which we hope will be unanimously adopted.

59. My delegation considers that the Committee on the Peaceful Uses of Outer Space, and particularly its Legal Sub-Committee, should make an even greater effort to contribute to the development of space law. In addition to the problems that the Sub-Committee will have to consider as a matter of priority—we are all in agreement on this matter—my delegation thinks that the time has come to do more with a view to arriving at a definition of outer space. As we stated at the September session of the Committee, Romania is ready to make its contribution to the study and solution of this problem.

60. As to activities designed to promote the practical applications of space techniques in favour of the economic and social development of nations, we consider that the results achieved within the framework of the United Nations are encouraging. They are described in detail in the report of the Committee. One important result was the decision of the Scientific and Technical Sub-Committee to set up and organize a Working Group on Remote Sensing of the Earth by Satellites. We are, of course, aware of the potential advantages of remote sensing of the earth by means of satellites, and we shall most actively participate in the work of that Group. In our opinion, the activities of the Working Group should start after final experiments on the possibility of remote sensing from space platforms, which is planned for next year, have been evaluated. Likewise, in the view of the Romanian delegation, it would be appropriate, in order to facilitate the task of the Working Group, to ensure the widest possible dissemination internationally of the results of these experiments. Having clarified this matter, the Romanian delegation is ready to support draft resolution A/C.1/L.571 concerning the convening of the Working Group, submitted by the delegation of Sweden at the 1822nd meeting.

61. Without wishing at present to go further into other aspects of the applications of space techniques, we should like to note that, generally speaking, the Committee on the Peaceful Uses of Outer Space has been consistently active during the past year. We favour an even more active role for the United Nations in the promotion of international co-operation in the peaceful uses of outer space, and I should like to assure the Committee that my country will do its best to make a positive contribution to the attainment of that objective.

62. Mr. JENEBY (Kenya): In the last few years we have seen great achievements in space exploration and space technology. Man has landed on the moon and various man-made space vehicles have gone into orbit around the moon and landed on it. Man, during this short period, has gained greater understanding of his own planet by the use of satellites.

63. Kenya has followed with great interest the remarkable feats that have been accomplished by the two great space Powers in their endeavour to conquer space. As a result of those achievements, many more States are now engaged in space activities. We wish the two space Powers, and all others that are contributing actively to space technology, greater successes in the future, in the hope that their conquests of space will, in the last analysis, be in the interest of mankind as a whole. The achievements so far claimed are a demonstration of the possibilities open to man if nations of the world are prepared to co-operate and work together for the common good.

64. Kenya's interest in space technology lies primarily in the fields of satellite communication, weather forecasting and mapping, and education. In this connexion, my Government has for some time now been actively co-operating with Italy in the atmosphere exploration of the equatorial belt. The "San Marco" project, which involves

the University of Nairobi, has achieved great successes in the launching of sounding rockets into space. The data thus acquired is, we hope, of great use not only to Kenya but to the world as a whole. We are indeed aware of the great importance of meteorological services for aviation and surface traffic, as well as for agriculture, and my Government is interested in participating in future improvements of such services by means of satellite systems.

65. My Government, in co-operation with the two other East African Governments, established a satellite-earth receiving station at Mount Longonot, in the Athi Valley, which became operational in August 1970. It is the hope of the three East African countries that this station will play its part in the development of East Africa and serve our educational and cultural purposes.

66. Kenya is a signatory to 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 (XXI), annex]* which entered into force on 10 October 1967. Kenya, however, is not a party as yet to the Agreement on the rescue of astronauts–although that would not preclude our rendering assistance in case of emergency–or the return of objects launched into space.[3] My Government's view has been that, until an appropriate convention on the liability for damages which might be caused by objects launched in space has been finalized and agreed upon, we will not be a party to the Agreement. My delegation is, therefore, very gratified that the Committee on the Peaceful Uses of Outer Space has at last presented us with such a draft convention *[see A/8420, para. 32]*.

67. My delegation has listened very carefully to the various statements made in this Committee on this issue so far. It would appear to us that there is unanimity on the fact that the draft convention which we are discussing now is far from being satisfactory. It is therefore imperative that this Committee should address itself to the issues that form a bone of contention and try to resolve them by the best possible method.

68. I have no hesitation in informing this Committee that my delegation is in full agreement with the arguments put forward by the delegations of Sweden *[1820th meeting]*, Canada, and Japan *[1821st meeting]* to the effect that the substantive provisions in articles XII and XIX are unsatisfactory. We are indeed of the opinion that compensation for damage attributable to a launching State should be determined in accordance with the local laws of that State which has suffered the damage, wherever and when the laws are in accordance with the accepted principles of international law. This, in the view of my delegation, is fair and just. As regards procedures for settlement of such claims, we can visualize all sorts of complications if the decision of the claims commission is not made final and binding.

69. Although my delegation recognizes and appreciates the great task undertaken by the Legal Sub-Committee in producing this draft convention, for which we should all be thankful, we agree with the content of the amendment proposed by Canada in document A/C.1/L.574, aimed at incorporating in the draft convention the procedure for making voluntary declarations.

3 *Idem.*

70. Kenya's stand regarding the draft convention should not be construed to mean that it rejects that draft. Kenya has always been interested in and supported United Nations efforts in this field. We greatly appreciate the United Nations programme for the application of space technology to national development in general and to economic, social, educational and cultural developments of the third world in particular. We believe that the dispatch of United Nations experts to advise interested countries on the application of space technology is a commendable idea. This is one way of achieving the dissemination of information regarding developments which are taking place in this important field. We believe that it would be commendable if all countries were to send Government representatives at management level to attend meetings that might be convened under the auspices of the United Nations on this subject from time to time.

71. My delegation believes that the Soviet Union's request that a treaty concerning the moon should be prepared as soon as possible *[see A/8391]* is a timely one. We would therefore go along with the draft resolution *[A/C.1/L.572]* which suggests that the draft treaty as submitted by the Soviet Union should be referred to the Committee on the Peaceful Uses of Outer Space, whose Legal Sub-Committee should study its implication and report to the General Assembly at its twenty-seventh session.

72. Mr. KOSTOV (Bulgaria) *(interpretation from French)*: As has been stressed by several speakers before me, the past year was particularly notable in the field of spectacular achievements in science and technology in the exploration and peaceful uses of outer space. It suffices to recall some of the most recent events in this area to have an idea of the scope of the tremendous progress achieved by human ingenuity in this period. Thus, the operation of the automatic station Lunokhod 1, the launching of the first orbiting manned scientific station Salyut, as well as the docking of the space ship Soyuz with that station, carried out by the Soviet Union, the successful achievements of the Apollo 14 and Apollo 15 missions by the United States, are only a few examples of the progress in the tremendous enterprise represented by the conquest of outer space.

73. The exploration and utilization of outer space have given rise to many legal phenomena. The just and adequate solution of the problems raised by this activity will facilitate the arduous task of the explorers and will serve the interests of science and of mankind as a whole. As my delegation has said on other occasions, by the very nature of things one cannot expect to see a customary law being born here which would regulate all the complex matters of different and new relations. On the contrary, international law is entering into the field of outer space essentially as conventional law accepted by common agreement by all States. This is a characteristic of space law that must be taken into consideration, especially when it is criticized, rightly or wrongly, for being somewhat backward by comparison with scientific and technical development.

74. The primordial role of this new section of international law is to prevent the arms race from encompassing these new spaces where tremendous perspectives are open to the whole of mankind. The legal regulation of the activities of States in this field started quite correctly with the laying down of fundamental principles in the Treaty of 1967[4] and is continuing with the development of those principles into more concrete norms as the various aspects of space activities progress.

75. Thus, as can be seen from this year's report of the Committee on the Peaceful Uses of Outer Space *[A/8420]*, a new convention will be added to the existing legal instruments–a convention which would regulate the international liability of States for damages caused by space objects. The brilliant introduction of that draft by the Chairman of the Legal Sub-Committee, Dr. Wyzner *[1819th meeting]*, greatly facilitates our task, and I should like to take this opportunity to warmly thank Dr. Wyzner, Ambassador Hambro, the former Chairman of the Committee on the Peaceful Uses of Outer Space, and Ambassador Waldheim, the present Chairman of the Committee, for their valuable contributions to the preparation of the draft convention.

76. Being the result of patient consultation and negotiations, this draft contains principles and norms which were carefully worked out and, if it is adopted, it could become a secure instrument of law for the protection of the interests of space and non-space States. At the same time, the draft convention is a new proof of the fact that, given goodwill, it is possible through negotiation to find solutions to the most complex international problems.

77. During our debate in this Committee, some delegations have expressed reservations about certain provisions of the draft convention, and I should like this to be clarified. My delegation could also find provisions which do not fully satisfy it; it would have preferred to see reflected all the provisions of the Hungarian draft, for instance, which we supported in the Committee. However, we are perfectly aware of the fact that the final draft is the result, as are all instruments of international law, of a compromise between different starting positions; however, it is in keeping with the needs and essential concerns of every country and could at the same time serve the interests of the international community.

78. That was the criterion used by my delegation in deciding unreservedly to support the draft convention. Careful scrutiny of the draft would lead us to remark, first of all, that it reflects, to a very large extent, the interests of the victim; it is what is called in English "victim-oriented". I could mention, for example, article II, which stipulates the principle of absolute liability–no-fault liability–the main object of which is to protect the possible victim of damages. This is also the meaning of the concept of joint and several liability reflected in articles IV and V, which enable victim countries to send their claims for compensation to any State responsible. Another element that is also inspired by the desire to protect the interests of the victim can be found in article XII of the draft, which deals with determination of the amount of compensation. The object of such compensation, according to that article, would be to "restore the person, natural or juridical, State or international organization on whose behalf the claim is presented to the condition which would have existed if the damage had not occurred". Taking into account the difficulties that the Legal Sub-Committee had to overcome, which were due to a large extent to differences in the internal law of various countries on the question of determination of the amount of compensation, we are convinced that the formula contained in article XII is a praiseworthy achievement.

4 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).

79. In the same spirit of compromise, the Legal Sub-Committee found a solution to questions relating to the liability of international organizations, the settlement of disputes, etc.

80. My delegation is particularly happy to note the fact that the draft is based on the principle of universality of article XXIV which would make it possible, first of all, for all States, without discrimination, to adhere to it.

81. Finally, I should like to stress the link existing between this draft convention and positive international law, which stems directly from article VI, paragraph 2. According to that article, there cannot be any question of absolving anyone from liability in a case where the damage results from activities of the launching State not in keeping with international law. Therefore, the new convention would become an integral part of positive international law, while at the same time being an essential step towards its codification and progressive development.

82. Speaking now of future work in the legal field, my delegation welcomes the new initiative of the USSR relating to the preparation of a treaty pertaining to the moon *[A/8391]*. It is difficult to add any additional arguments to what has already been said and explained at length in our Committee in favour of the pressing need to have a juridical regulation of the activities of States on the moon. It is universally recognized that this question is especially important at present, since the moon occupies a key position in future space research. All of us know the irreparable damage that would be caused if there were any irresponsible activities on the moon. My delegation hopes that the draft resolution contained in document A/C.1/L.572, of which my country is a sponsor, which recommends to the Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee that they consider the question of preparing an international treaty concerning the moon as a matter of priority and report thereon to the twenty-seventh session of the General Assembly, will be adopted unanimously by the Committee. We also hope that the Sub-Committee will take the necessary time to consider all the questions inscribed on its agenda.

83. The report of the Committee on the Peaceful Uses of Outer Space *[A/8420]* also contains recommendations about international co-operation in the scientific and technical aspects of space activities. At its eighth session the Scientific and Technical Sub-Committee gave special attention to the question of promoting the application of space technology to non-space uses. The Working Group on Remote Sensing of the Earth by Satellites has been set up, and its terms of reference are contained in paragraph 10 of the report. I should like to note the open-ended nature of the Working Group, which makes it possible for the members of the Committee to take part in its work. We hope that it will do useful work and increase the practical

possibilities opened up by the development of space technology in this field.

84. During the same session of the Scientific and Technical Sub-Committee, special attention was devoted to the question of appraising the means available to developing countries in the field of the applications of space technology and the capacity of the United Nations to fill those needs. The delegation of Bulgaria is of the view that the United Nations, and its specialized agencies especially, could play a considerable role in the search for and discovery of possibilities which the development and perfecting of space technology could offer to the solution of various problems in the economic, cultural and social life of all countries, including the developing countries. In this connexion, the activities of the Outer Space Affairs Division of the Secretariat, as well as those of Professor Ricciardi, who was specially appointed as the Expert on Space Applications, deserve our full approval. However, we must note that it would be necessary for the implementation of the programme started by the United Nations in this field to be organized in such a way as to be better able to meet the real needs of States and avoid a situation where those different undertakings would become an end in themselves. This programme would help States to find the optimum solution to their internal economic, social and cultural problems.

85. The increasing activities in the field of space technology give rise to the problem of organization and co-ordination within the United Nations. There are many institutions, bodies and committees dealing with these activities. In these conditions, it is absolutely indispensable to ensure better co-ordination and to avoid any rivalries in the competence of those bodies. The Committee on the Peaceful Uses of Outer Space must continue to play the main co-ordinating role in any such activity within the family of the United Nations organizations. We should avoid any duplication which would lead to a wasting of efforts and financial resources without leading to any tangible results. In this regard, it is necessary to strengthen the role of the Outer Space Affairs Division as a centre for the co-ordination of efforts within the United Nations Secretariat. In view of the development and the expansion of international space co-operation, the appearance of new activities in this field, a re-organization of this division and the strengthening of its staff would seem desirable and fully justified to make it better able to meet the new needs.

86. To conclude, I should like to reiterate the determination of my delegation to contribute, as in the past, to the implementation of fruitful co-operation among all States in the field of space, in the interest and to the advantage of the whole of mankind.

87. Mr. GONZALEZ GALVEZ (Mexico) *(interpretation from Spanish)*: At the 1820th meeting, the delegation of Mexico made some preliminary remarks on the item we are dealing with today.

88. Basically, the preliminary remarks made by my delegation referred specifically to the draft convention on liability which we now realize, after having heard the representatives who have spoken, has been the main topic in the general debate. Therefore I shall not revert to this subject in my remarks. Another reason not to do so is, doubtless, the admirable statement made by the representative of Belgium *[1823rd meeting]*, dealing fundamentally with the interpretation and scope of some of its provisions. I think that his statement reflects the interpretation that my delegation accepted in the Legal Sub-Committee and accordingly, by the leave of the representative of Belgium, we should like to endorse it word for word.

89. To conclude my comments on the draft convention on international liability, may I refer to the amendment submitted by Canada *[A/C.1/L.574]*. This is an amendment which we could describe as an optional clause which has been submitted by the delegation of Canada to amend the draft convention prepared by the Legal Sub-Committee.

90. However, the delegation of Iran made an interesting suggestion at the present meeting. He said that, although he endorsed the proposal made by Canada, he thought that perhaps it might be more appropriate if it were reflected in the draft resolution covering the draft convention *[A/C.1/L.570]*, thus maintaining the integrity of an agreement which, as has been said repeatedly in this general debate, is the result of a compromise.

91. In this spirit, my delegation would like to make a specific suggestion, basically to the delegation of Canada, which has raised this interesting point. Taking up the interesting idea submitted this afternoon by the delegation of Iran, my delegation suggests adding an operative paragraph 4, which would read as follows:

> "*Urges* States, when signing the present convention, to consider the desirability of recognizing as binding, vis-à-vis any other State which accepts the same obligation, the decision of the commission referred to in article XIX, in respect of any dispute to which they may be a party."

If it is felt that this operative paragraph would be incomplete without the second sentence of the amendment submitted by Canada, we could include that sentence. I repeat that I am making this suggestion so as to facilitate the adoption of the draft resolution.

92. This suggestion for an additional operative paragraph in the draft resolution would be an alternative procedure to the Canadian amendment and logically we would submit it formally only if the Canadian delegation were prepared to withdraw its amendment. With this, I end my comments on this particular matter.

93. As for the report of the Committee on Outer Space *[A/8420]*, in general the Mexican delegation cannot but warmly congratulate the delegations of the Soviet Union and the United States for their successes in outer space, and congratulate other countries, both developed and developing, on their programmes in this field. Here, I would also wish to emphasize that my country, although on a very limited scale, is carrying out a programme of exploration of outer space. The Committee knows about it since it is mentioned in the relevant documents.

94. In the opinion of my delegation, the most important task before us is to supplement 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 draft convention on international liability for damage caused by space objects. As many speakers have pointed out, this can be done by giving priority consideration to a treaty on the registration of objects launched into outer space. We believe that the Legal Sub-Committee should continue to give priority to the examination of this item as early as possible.

95. Although this is what we consider to be the desired priority, and we believe it is reflected in the draft resolutions which have been submitted, the Mexican delegation cannot fail to recognize the importance of the draft treaty on the moon submitted by the delegation of the Soviet Union *[A/C.1/L.568]*, and in due course we shall make the relevant comments on it.

96. For Mexico, as a developing country, perhaps one of the most important paragraphs submitted is operative paragraph 8 of draft resolution A/C.1/L.569, to which the representative of Argentina referred a few minutes ago. That paragraph endorses the resolution of the Committee on the Peaceful Uses of Outer Space and recommends the continuation and development of this programme for the exploitation of outer space, fundamentally taking into account, as a matter of priority, the needs of the developing countries.

97. Likewise, my delegation believes that it is most important to set up a working group on systems on remote sensing of the resources of the earth by satellites, and we congratulate the delegations of Italy and Sweden on their happy initiative, which will of course have the support of my delegation.

98. These are the basic comments of the delegation of Mexico in connexion with this item, to be considered together with the preliminary remarks made at the 1820th meeting.

99. Mr. TURKMEN (Turkey): The progress achieved in the field of outer space has opened new horizons for the prosperity and development of mankind inconceivable only a decade ago. Special tribute should be paid to the astronauts of the United States and the Soviet Union, who through their heroic deeds and accomplishments have inspired new hopes and aspirations for the future of mankind. The presence among us of Rear-Admiral Shepard—the commander of the Apollo 12 lunar mission—symbolizes both the fact that the human capability is not confined within the limits of this planet and the importance and urgency of the problems which beset our international community. Indeed the accomplishments in the field of outer space, particularly during the last decade, emphasize more than ever the need for promoting international co-operation not only among the space Powers but also between space and non-space Powers.

100. The problems we are facing are twofold. On the one hand we should seek to foster a system of effective international co-operation so as to exploit space technology for the benefit of all countries, particularly the developing countries; on the other hand, we should be able to define the legal norms to regulate the different aspects of outer space. We hope the positive achievements of the outer space Committee in the past 12 months will create a considerable momentum towards finding effective solutions to the new problems we are facing and towards promoting international co-operation in the peaceful uses of outer space.

101. It is a source of satisfaction to my delegation that we have before us, after eight years of arduous negotiations, the complete text of a draft convention on international liability for damage caused by space objects *[see A/8420, para. 32]*. Eight years is a long time, particularly in an age in which we can reach the moon within a few days. Indeed, the long-lasting disagreement on the question of a liability convention has blocked the way to the establishment of legal norms for space activities. Considering the gap between the rapid technological developments that have taken place in the past decade and the legal norms defining them, we believe we should welcome every opportunity for progress in this field. However, my delegation's satisfaction is due to the consideration that the draft convention is a step which we hope will pave the way to the establishment of a legal system covering all the aspects of space activities, rather than having a fully effective convention. Indeed, we share the opinion of many of the representatives who have preceded me that the convention suffers from many drawbacks. In the statement my delegation made last year in this Committee *[1792nd meeting]* we emphasized the fact that the victims should receive full protection both in respect of applicable law and settlement of disputes. Thus it should be observed that the provisions of the draft convention regarding applicable law and settlement of disputes fail to give full protection to the victims. The draft convention would be more effective if it ensured the application of the law of the place where the damage occurred and if the arbitration decisions were binding. Although article XXVI of the draft convention leaves the way open for reviewing the convention 10 years after its entry into force, this provision is by no means a remedy for the defects I have touched upon.

102. We believe the promotion of the application of space technology in different fields such as communications, education, broadcasting, earth resource surveys and meteorology may have a significant impact on the developing countries if the measures to transfer space technology from space Powers to non-space Powers are fully exploited. Having this in mind, we welcome the resolution contained in paragraph 15 of the report of the Committee on the Peaceful Uses of Outer Space *[A/8420]* on the implementation of the programme for promotion of the applications of space technology. In this connexion, my delegation would like to express its appreciation for the invaluable work done by Mr. Ricciardi in implementing the resolutions of the General Assembly relating to this subject.

103. My country is particularly interested in methods of remote sensing of the earth's resources. We have decided to participate in the Earth Resources Technology Satellite (ERTS) experimental programme and have already prepared a project on the application of this programme in my country. It is our earnest hope that this experimental programme will bear positive results in the field of earth resource surveying from satellites, which may become an important tool for the development of many countries. We believe the ERTS programme should be complemented by the training of adequate local personnel for processing and

interpreting the data collected by the satellite. The ERTS experiment may create a valuable opportunity to initiate in the shortest possible time the substantive work of the working group on earth resource surveys and thus give a new impetus to promoting international co-operation in this field.

104. At this moment the Central Treaty Organization's remote sensing seminar is being held at Ankara, and it is to last for three days. The purpose of the seminar is to review and classify the available information on this subject and to clarify the questions regarding the implementation of the remote sensing methods. The seminar is a good example of co-ordination between the space and the non-space Powers and will contribute to arousing the interest and intensifying the space activities of the States in the region.

105. Almost all the space activities that are being carried on are multifaceted, and different aspects of the same question may fall within the purview of different organs of the United Nations. Consequently an effective co-ordination between different bodies of the United Nations not only will bring about more rapid progress but will also prevent duplication and save considerable time and money. In this respect, my delegation finds operative paragraph 2 of draft resolution A/C.1/L.571, which endorses "the request of the Scientific and Technical Sub-Committee that the Working Group solicit the views of appropriate United Nations bodies and specialized agencies and other relevant international organizations", to be inadequate in serving to ensure a meaningful co-ordination within the United Nations bodies and specialized agencies.

106. The approach adopted in the operative part of General Assembly resolution 2733 C (XXV) is not quite the same as that in the draft resolution before us. Operative paragraph 8 of that resolution refers to the convening of "a working group on earth resources surveying, with special reference to satellites, and in so doing to take into account the importance of appropriate co-ordination with the Committee on Natural Resources". It is clear from that resolution that the Assembly placed proper emphasis upon the importance of co-ordination with the Committee on Natural Resources, which is omitted from draft resolution A/C.1/L.571. On the other hand, the report of the Scientific and Technical Sub-Committee states that "The Working Group should solicit the views of the Legal Sub-Committee, appropriate specialized agencies and other international organizations and agencies, and other bodies, particularly the Committee on Natural Resources." *[See A/AC.105/95, para. 19.]*

107. Earth resources surveying in its entirety is a capital question for the developing countries. Much valuable work is being carried out by the Committee on Natural Resources in this field, and it is a well-known fact that a clear-cut separation of natural resources surveying between satellites and aircraft and ground operations is not feasible.

108. My delegation believes that we should be able to give prior consideration to achieving the best results from the work in this field and ensuring the most effective means to survey earth resources. With this in view, we are of the opinion that it is important to maintain effective co-ordination with the Committee on Natural Resources, as well as other bodies of the United Nations, as envisaged in the General Assembly resolution and to a certain extent in the report of the Scientific and Technical Sub-Committee. If this concept of co-ordination is to be accepted, not only should it be included in the draft resolution before us, but so also should the means to achieve such co-ordination be explicitly spelled out.

109. All the efforts to benefit the developing countries from the achievements in the field of outer space will be futile unless they are also accompanied by technical and educational assistance. In this respect, we appreciate the educational and training opportunities offered by the United Kingdom and France as indicated in the report of the Committee. The panels on the applications of space technology are also significant contributions to this end.

110. My delegation believes in principle in the importance of defining the objective norms regulating activities on the moon. We think the draft treaty prepared on this problem deserves the careful consideration of the Legal Sub-Committee in accordance with the recommendations contained in paragraph 38 of the report of the Committee on Outer Space. At the same time, we are of the opinion that the Legal Sub-Committee should also study other proposals relating to the legal régime governing activities in the use of natural resources and substances of the moon and other celestial bodies.

111. Mr. LEGNANI (Uruguay) *(interpretation from Spanish):* Our delegation, in making a few remarks on the item of international co-operation in the peaceful uses of outer space, wishes in the first place to pay tribute to the cosmonauts of the Soviet Union and the astronauts of the United States–one of whom, Rear-Admiral Shepard, is among us–for their achievements in outer space, and to men of different nationalities who, on the basis of scientific knowledge and modern technology and their own outstanding personal qualities, representing to the highest degree the abilities of mankind, have made possible successive and astonishing progress in the use of outer space. We include in this tribute in its most emphatic form the tribute which my delegation pays to the memory of the three Soviet cosmonauts who died tragically on returning to earth after completing the space experiment entrusted to them.

112. The intelligence, the courage, the tenacity and the self-confidence of man are enabling him, perhaps not to unveil the mystery, the reason for the forces and mechanisms which surround him, but to know how these forces and mechanisms function in the universe and how to master them for the purposes of human progress and well-being.

113. We are grateful for the submission of document A/8420, which is a report on the important tasks discharged by the Committee on the Peaceful Uses of Outer Space. Among these tasks is the draft convention, which was adopted by the Committee, on international liability for damage caused by space objects.

114. We agree with many of the observations made in this room with regard to the above-mentioned draft convention. Thus, we would have wished that any decision of the claims commission be binding in all cases and not leave its being final and binding to what is agreed by the parties, as is done in article XIX. This solution provides the certain possibility that in practice decisions will have the character of recommendations, with the natural consequence that there will be an unjust delay in the payment of the compensation owed.

115. We also would have preferred shorter terms for the appointment of the claims commission and that the chairman of the commission be appointed by the Secretary-General of the United Nations without the prior requirement of being selected by agreement between the claimant State and the launching State; we would also have considered it appropriate that the procedure to govern the work of the claims commission be specified in the text of the convention itself.

116. These remarks are basically inspired by the purpose that liability for damage caused by space objects be made effective in as short a time as possible without any procedural difficulties hampering the speedy payment of just compensation. Any excessive delay in this subject would be to the detriment of justice itself in the compensation solution which is finally decided.

117. We are not unaware of the undeniable merits of the draft convention on international liability. We know that this is the result of careful study and very lengthy negotiations on the complex questions raised in connexion with the adequate form of regulating cases of international liability. We are bound to admit that in so far as these and other observations are deemed to be appropriate, they will lead to essential agreements which will be presented as amendments to improve on the draft convention.

118. Our delegation still ventures to consider the possibility that, instead of the claims commission created under this draft convention, in the future preference will be given to the International Court of Justice for settling cases of international liability. The International Court of Justice, in accordance with article 26 of its Statute, may "from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of cases"; and in accordance with articles 28 and 29 of the same Statute these chambers may "with the consent of the parties, sit and exercise their functions elsewhere than at The Hague"; and with the same purpose of facilitating a prompt decision of cases, the Court shall annually form a chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. It follows that these statutory mechanisms, when assigned to the study and determination of the cases of international liability which are provided for in the draft convention, would function adequately and make it possible for the International Court of Justice to exercise its competence normally.

119. On the other hand, the solution we advocate would contribute to activating the functioning of a legal organ having the highest authority, whose strengthening and influence in international life is a requirement derived from the principles consecrated by the United Nations. By correcting or amending that which has to be corrected or amended, our delegation considers that, in accordance with the above-mentioned principles, there should be a permanent effort to strengthen the International Court of Justice.

120. It is fitting to recognize that the equal sovereignty of States, enshrined in Article 2, paragraph 1 of the Charter, requires the International Court to guarantee that equality by rising above the existing inequalities. We consider that the ideal to be reached is that of mandatory and universal adjudication, because legal equality and legal power condition one another indissolubly. While in the present state of evolution of international life one cannot claim to have achieved that ideal, my delegation considers that it is the duty of the United Nations to strengthen the functioning of the International Court of Justice, we would thereby at the same time be strengthening international security.

121. Our delegation views with the greatest interest the promotion of the application of space technology, which doubtless will be of enormous importance for the economic development of all countries, particularly of the developing countries, and also the preservation and use of the environment of the earth for the benefit of each and every State. The development of satellite broadcasting for the advancement of education and training; the use of meteorological satellites and sounding rockets to improve weather forecasting; the application of means to mitigate the harmful effects of tropical storms and their destructive potential; the application of space technology to use the human environment and its resources successfully to fight against food shortages, ignorance, the lack of communication and understanding among peoples–all constitute factors which must be encouraged and extended so as to make possible the real progress and well-being of peoples.

122. The resources invested in acquiring and experimenting with scientific and technological knowledge in space experiments, in interplanetary voyages, which in a way are resources taken away from those naturally intended for the immediate and direct development of peoples, will nevertheless be well used and most soundly invested if the conquests and achievements benefit all segments of mankind.

123. We must be watchful so that principles of justice on the international level are observed as faithfully as they must be internally within each country. To provide social justice is indispensable in co-ordinating international life as it is in social relations within each country.

124. It is true–and it is almost commonplace to emphasize it–that scientific, technical and technological progress are making a profound mark on our times when the world we live in is rapidly being transformed. This same rapidity of change should be applied at the social level to prevent modern science and technology from actually benefiting only a limited nucleus of countries and in each country a small nucleus of human beings who apply principles known only to themselves.

125. We must aspire to see to it that the number of scientists, technicians and those who manage modern technology and are working to master the forces governing our planet will be enlarged as rapidly as possible, so that the benefits will nourish a broad social base. In this way, the human race, considered as a whole, would be in a position to make real and greater contributions to the conquest of the universe.

126. For those reasons my delegation attaches the greatest importance to the question of establishing criteria whereby the benefits obtained by the rapid progress of space technology will reach all sectors of mankind. Unless we find these criteria and comply with them–for example, by generously enlarging scholarship plans and providing incentives for the progress of the developing countries–space research, which in an immediate and direct manner will be peaceful, might lead to a situation whereby the separation between the developed and developing countries will be ever deeper and wider. That in turn would lead to enormous and painful conflicts, in so far as the achievements of space research were to benefit only a limited nucleus of human beings as compared to the vastness of the community of peoples.

127. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) *(translation from Russian)*: The Soviet delegation would first of all like to express its gratitude to all delegations which in their statements have spoken favourably of the intiative taken by the Soviet Union in connexion with the question of the elaboration of an international treaty concerning the moon and, in particular, those delegations which have joined us in sponsoring resolution A/C.1/L.572, namely the delegations of Austria, Belgium, Bulgaria, Czechoslovakia, Hungary, India, Mongolia, Poland, Romania, Sierra Leone, and Sweden.

128. We should like to express the hope that the First Committee, and subsequently the General Assembly, will take a decision to instruct the Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee to consider, as a matter of priority, the elaboration of a draft international treaty concerning the moon and to report on its deliberations to the twenty-seventh session of the General Assembly.

129. We are sure that the elaboration and subsequent conclusion of a treaty concerning the moon would open up prospects for further fruitful legislative work in keeping with the interests of all countries. A treaty concerning the moon could undoubtedly serve as a basis for the elaboration, at an appropriate time, of instruments of international law governing man's activities on other celestial bodies.

130. We are very happy to note that a significant majority of delegations spoke very favourably of the draft convention on international liability for damage caused by space objects *[see A/8420, para. 32]*. Representatives who have spoken here have stressed that this draft convention is the outcome of many years of collective efforts by members of the space Committee, the outcome of a reasonable compromise between States with different legal and social systems. It was also rightly pointed out–and the Soviet delegation is in full agreement with this–that, like any compromise, this draft is of course not 100 per cent ideal for every participant. In our first statement *[1820th meeting]* we had the opportunity of stating this with regard to the Soviet Union. But that, as we all know, is the logic of any international agreement, any compromise. Consequently, any attempts to amend the text of the draft convention would upset the compromise achieved after many years of determined, painstaking and persistent effort, which could result in the convention being unacceptable for some States and thus have the effect of setting at naught the work of those many years. The Soviet delegation would therefore like to express its fervent hope that no such attempt will be made at this final stage of the consideration of the draft convention on damage.

131. Finally, the Soviet delegation would like to express its deep and heartfelt gratitude to all those delegations which have expressed to us their sympathy on the occasion of the death of the three Soviet cosmonauts who carried out a historic mission on the orbiting space station Salyut, Comrades Dobrovolsky, Volkov and Patsaev. The memory of these heroes shall forever remain enshrined in our hearts and in the hearts of all mankind.

132. The CHAIRMAN *(interpretation from French)*: The list of speakers for the general debate on agenda items 33 and 92 has now been completed. Tomorrow we shall begin consideration of the draft resolutions which have been submitted regarding those two items. Delegations wishing to explain their vote before the vote will have an opportunity to do so tomorrow morning. Finally, I should like to inform members that the delegation of Sierra Leone has indicated its intention to become a sponsor of draft resolutions A/C.1/L.569 and 571.

133. I should also like to inform the Committee that tomorrow, at the request of some delegations, and if the Committee agrees, we shall resume consideration of the agenda item on international security. That will permit the sponsors of draft resolution A/C.1/L.573 to introduce it officially.

134. Tomorrow afternoon, in accordance with the timetable we adopted, we shall begin consideration of the question of disarmament. We shall endeavour to organize our work in such a way as not to spend too much time on voting on the draft resolutions and on explanations of vote.

The meeting rose at 5.30 p.m.

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