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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE
VERBATIM RECORD OF THE ONE HUNDRED AND FORTY-NINTH MEETING

Held at Headquarters, New York,
on Thursday, 12 June 1975, at 3.00 p.m.

Chairman:

Mr. JANKOWITSCH

(Austria)

- Consideration of:
 - (a) Report of the Legal Sub-Committee
 - (b) Report of the Scientific and Technical Sub-Committee

This record is issued in final form pursuant to the decision taken by the Committee in September 1970 (see Official Records of the General Assembly, Twenty-fifth session, Supplement No. 20 (A/8020, para. 10))

75-84020

CONSIDERATION OF:

- (a) REPORT OF THE LEGAL SUB-COMMITTEE (A/AC.105/147)
- (b) REPORT OF THE SCIENTIFIC AND TECHNICAL SUB-COMMITTEE (A/AC.105/150)

The CHAIRMAN: Before proceeding with the discussion, I should like to draw the attention of the Committee to document A/AC.105/L.83 which contains a letter, dated 10 June 1975, from the Acting Chairman of the Committee on Conferences addressed to the Chairman of the Committee on the Peaceful Uses of Outer Space. This document, which is relevant to the question of meetings of the Legal Sub-Committee, will be considered by the Committee when we come to item 5, "Other matters". We shall now proceed to consider item 4.

Mr. CHRISTIANI (Austria): Before making a few brief observations on certain items on the agenda of the Legal Sub-Committee, I would like to express the hope that this afternoon, and tomorrow also, we will have another succession of statements that, while having perhaps very little relation to each other, will promote a stimulating and interesting dialogue. Especially when we come to specific items in this Committee, we feel we should have a dialogue that could also be useful for our Sub-Committees. Therefore, I shall limit my remarks today to a few items only and with your permission, Mr. Chairman, I will speak on other items as the debate progresses and in the light of statements by other delegations.

The three issues before the Legal Sub-Committee are really well known. As far as the discussion on the moon treaty is concerned, we feel that at the present stage we have, of course, made some progress in the Legal Sub-Committee, although, as we all know, the main issues involved are still open. We feel there is very little this Committee can do at the present stage, because, as we have said in the past, there are a few delegations which have strong views on a particular subject and I think it is more or less up to those delegations to see whether they can meet somewhere in the middle; then I think that it would be only a matter of days before this issue could be resolved and the moon treaty could be adopted.

(Mr. Christiani, Austria)

In other words, we should, of course, always make attempts, but I think the key to resolving this question lies with a few delegations. I hope that next year we can find enough willingness for accommodation on these subjects. As far as the substance is concerned, my delegation has no strong views on the question of natural resources. We could, of course, accept any solution which is acceptable to the major space Powers on the one hand and the developing countries on the other.

As far as the question of direct broadcast satellites is concerned, I must say that, like other delegations, we are very pleased with the progress the Legal Sub-Committee has made, although I would also sound a note of caution, as the representative of India did this morning, to the effect that we should not overemphasize or overestimate the progress achieved. What we have before us, of course, is not four texts, but one text; it is practically four texts in one, or, let us say, at least two or three texts in one. I think this will be a very important field for the Legal Sub-Committee next year. We find particularly significant, as far as the substance is concerned, the quite considerable measure of agreement on the very important issue of consent and participation. I think this takes into consideration the discussion we have had in previous years on prior consent. As everybody can see, we still have two alternatives. But the alternatives do not seem to be worlds apart and I think this is a very important achievement.

As the representative of India said this morning, if we really want to fulfil the mandate of the General Assembly as rapidly as possible, then we should try next year to take a big step forward, and adequate preparation perhaps prior to the commencement of the session of the Legal Sub-Committee might be called for.

(Mr. Christiani, Austria)

Of course, there are quite a number of alternatives which I just want to mention here. At the present time I do not want to make any specific proposals; I might do so later on in the light of our discussion. The alternatives that come to mind are as follows. First of all, that the Working Group presided over by the representative of India could meet some time before the commencement of the session -- during the General Assembly, for example, or at the beginning of next year, or informal consultations could be held. Without, of course, trying to infringe upon the programme of work of the Legal Sub-Committee we might suggest that the most viable solution would be for the Working Group on Direct Broadcast Satellites to start working right away within the session of the Legal Sub-Committee, perhaps at the same time as the general debate is held, and then to report to the Sub-Committee itself. But I think we should perhaps have a debate on whether delegations wish to have that preparation beforehand.

The third subject I wish to touch upon is that of remote sensing. It was pointed out in the Legal Sub-Committee -- and most of us who were present in the Sub-Committee at the time know this created many difficulties -- that there was not only a question of substance but also a question where we should go and what our mandate was. And, of course, while we acknowledge that there are different opinions on the mandate, we have, I think, always stressed that the Austrian delegation regards the mandate contained in operative paragraph 6 (c) of the resolution as unambiguous and clear. We recognize that is not the case for many other delegations, but I think studying legal implications does not mean drafting a treaty. For the moment I am not going into the merits of whether we should do it or not. I shall do that a little later. But, taking the language of the resolution -- "to study legal implications taking into account proposals submitted" -- it seems to be quite clear.

What do we understand by "legal implications"? Of course, I recognize that there might be quite a number of different interpretations, but I think one which might be given to the notion of legal implications is this: first of all, the discussion and study of potential legal problems inherent in a variety of configurations or organizational patterns, be it on the national, regional or global level and, secondly, the attempt to suggest adequate solutions or perhaps even legal remedies in relation to a variety of alternatives. If we take this

(Mr. Christiani, Austria)

kind of interpretation, what follows seems to be clear: we all agree -- and this is probably a fact which is not disputed -- that there are legal implications in the use of the technology of remote sensing, and the report of the Working Group on Remote Sensing suggests that there are legal implications on the national, regional and global levels, without specifying -- I would stress that -- what those legal implications could be.

Taking as a starting point that we all agree that there are legal implications, we find, of course, that the next step, whether we really need legal regulations, is not so clear and not so undisputed. Do we really need regulations for the use of technology, whether expressed in guidelines or by a treaty? I think that is the first point. There is still quite a good measure of agreement on this point. I think the majority of delegations are convinced some kind of legal framework is needed to prevent misuse. But still there are delegations that have so far remained convinced that any legal framework might restrict the use of technology.

Coming to the next step which would logically follow -- what kind of legal framework should be established -- I think this is a point where quite a considerable diversity of opinion exists. The two perhaps basic alternatives before us are drafting a treaty, a binding legal international instrument, or drafting non-binding guidelines. I must say that, while we should not be misunderstood, my delegation fully recognizes that there are legal implications; there is potential for misuse. But the question we must ask ourselves is what kind of organizational pattern or configuration we are talking about. Are we talking about the regional level, the global level or the national level? In the view of my delegation there are quite substantial differences between legal approaches regarding those organizational patterns.

I am not attempting to hold up the legal discussion and I do not want to be accused of doing so. It should progress in parallel as we agreed last year. But I do not think it is feasible at the present stage to try to agree on a treaty or even on legal guidelines on a specific organizational configuration, because that would straightaway entail an agreement on such a configuration, and that we do not yet have. I think that is the subject of the debate which is going on in the

(Mr. Christiani, Austria)

Scientific and Technical Sub-Committee. This year it has been a very useful debate in which a number of alternatives have been put before the Committee. The majority probably has found that some alternatives are more viable than others, but the fact remains that as yet we do not have any clear understanding about all the implications of a certain organizational pattern. And here I am not even talking about technical restraints which are, of course, also inherent in this new technology.

While on the one hand, as my delegation has said in the Legal Sub-Committee, we are extremely grateful to a number of delegations which have put forward their views in writing and have undertaken the great labour of setting down their ideas in the form of legal guidelines or even in the form of a draft treaty, and while we certainly are of the opinion that this legal discussion should progress on the basis of those views that have been submitted as well as on the basis of views submitted orally in the course of the discussion, on the other hand we think that at the present stage it is premature for this Committee to take a specific decision that, for instance, the Legal Sub-Committee should proceed in one way or another, before we have a clear understanding as to the organizational possibilities and their various implications.

As a general remark in concluding this point, I would observe that we have agreed on a very important issue in the Scientific and Technical Sub-Committee with regard to remote sensing. Perhaps we have agreed on a number of issues, but the important thing is that we all agree that this technology should be used in the interest of all mankind or in the interest of the international community as a whole. I think all solutions we adopt or recommend should take that into account.

(Mr. Christiani, Austria)

There is another point which I forgot to make a short while ago: it is not only a question of what organizational configuration will finally emerge as the most viable one; it is also a question of whether we should talk about the space segment or the earth segment. This is a very important differentiation because a number of delegations think that both the data-acquisition phase and the data-distribution phase should be regulated. Other delegations think that, as far as the sensing --- or the data-acquisition --- phase is concerned, any regulation would be quite ill advised; but they recognize that, as far as the earth segment segment --- data management, data processing and, most importantly, data distribution --- is concerned, there should be some legal rules and organizational solutions.

So to make an additional point, we are not even clear at the moment whether we are talking about legal guidelines for the earth segment or for the space segment or both. I think this also is a very important point which has to be clarified before we attempt to go into a detailed drafting exercise.

Again I am putting these thoughts forward to stimulate the debate; I hope we will have an interesting dialogue. Over the years we have had a long debate about the legal approach as against the non-legal approach. I do not want to be accused -- nor does my delegation -- of not seeing the legal implications. We do see them; we see the potential for misuse. But we think the international community would not be served very well if we got down to specifics before having clarified the host of other questions that have a direct bearing on the legal rules which should finally emerge.

As I said at the beginning, these have been just a few of the thoughts my delegation wanted to put forward at this stage. With your permission, Mr. Chairman, we reserve our right to speak again in the light of comments made by other delegations.

Mr. LIND (Sweden): The Swedish delegation addressed itself to a number of issues connected with this agenda item in its statement in the general debate. It is clear from that statement and from statements made by our delegation in the Legal Sub-Committee itself that we consider the work done by that Sub-Committee during its session earlier this year to have been most useful and to have brought each of its priority items forward in a commendable way. This is a point which, if generally agreed on -- as seems to be the case, judging by the statements we have heard up till now -- in our view, could and should be reflected in the report of this Committee to the General Assembly.

Passing from the assessment of the work that has been done to the role that this Committee has to play so far as the future work is concerned, again it is the view of the Swedish delegation that there may be few difficulties for us to solve here. The report of the Sub-Committee is basically clear on that point: it explicitly states that it was the agreed view in the Legal Sub-Committee that the three priority items that were dealt with earlier this year remain priority items for the work to be conducted in May 1976. We have not heard any delegation during this session indicate that it has changed its mind on what it had agreed to at that stage and, again, this seems to be a point which could be included in our report to the General Assembly without any major difficulties. The exact nature of the work to be conducted under each one of these three priority subjects, is, of course, a matter that will be determined by the substance of those items and by the maturity -- if I may use that expression -- that each one has reached.

It might not be appropriate for us here in the main Committee to tie the hands of the Legal Sub-Committee too much. We should, I believe, leave an element of flexibility for the Legal Sub-Committee so that it may conduct its work in a way that will reflect, at the time it meets, the exact status of each one of the items.

It is quite clear -- and there have been explicit references to this at our meeting this morning -- that some of the issues might be advanced by informal consultations between now and the time when the Legal Sub Committee convenes next year. We would thus find it unfortunate if the mandate we were to recommend for the Legal Sub-Committee were to tie its hands in any very elaborate or detailed sense.

(Mr. Lind, Sweden)

It is quite clear, as far as the draft treaty on the moon is concerned, that there are a few points remaining to be solved. We agree with what has just been said by the delegation of Austria, that those points seem to be matters of disagreement, particularly between the major space Powers on the one hand and a number of developing countries on the other hand. We hope that those parties may find mutually acceptable solutions and that we can pass that issue on to the General Assembly and conclude our efforts with regard to the moon treaty.

It is equally clear that, in so far as the item on direct broadcasting is concerned, we are in the middle of the negotiation stage -- the stage of drafting legal principles. It is a sensitive stage because of the fact that this is a continuous negotiation. It got off to a good start earlier this year, and we certainly hope that this work will proceed in the same way as it has proceeded till now and that we can achieve further progress, specifically in the areas that thus far have caused the greatest difficulties and where the differences of view still seem to be the most important.

As for remote sensing, I do not think that any delegation denies that this is a space application having very significant legal implications. The responsibility of the Legal Sub-Committee with regard to remote sensing is a grave one; I think we also have recognized generally that remote sensing technology is one that poses legal problems of perhaps a more complicated character than many others, and the approach we have to take towards their solution will have to reflect that.

We share the view expressed in the report of Working Group III of the Legal Sub-Committee that commendable work was done earlier this year. We also share the view that that work should be continued next year. In-depth consideration of the legal aspects of remote sensing is still required, and the start that has been made is a good one.

(Mr. Lind, Sweden)

We had a tentative list of subjects as a basis for the work of the session of the Legal Sub-Committee this year which was presented to us by the Secretariat. There was general agreement on using that list as the basis for our work. There was also a general view that that list might not in all aspects be an ideal one, that it might not be exhaustive. But it will be recalled that our work in the Legal Sub-Committee covered only part of the list and that there are important points remaining to be discussed. If we can continue the useful discussions that we started last year, it is the hope of the Swedish delegation that we shall be able to enlarge upon the list of agreed points that was included in the report of Working Group III of the Legal Sub-Committee. It is also our hope that the report of the Legal Sub-Committee next year could be slightly more explicit on points that were the subject of discussion but where it was not possible to arrive at conclusive agreements among all participating delegations. We believe that it would be helpful in future drafting efforts to have a clear presentation of the concepts involved.

Finally, on the subject of remote sensing, my delegation concurs with what has been said both by the delegation of India this morning and by the delegation of Austria this afternoon that it would of course be helpful before any negotiation efforts of a different character begin, to have an agreed outline for what the aim of the effort is. Are we aiming for a binding international instrument right from the beginning, or are the texts that we are considering to be of another character? These are questions which, of course, can appropriately be raised during the session of the Legal Sub-Committee next year.

There are, of course, other matters that have been suggested for discussion in the Legal Sub-Committee, and to the extent that the time allocated to the session is sufficient, it would be useful to penetrate them a little bit further as well. For the time being, we believe that the three priority subjects do merit their priorities and that they do so owing to the urgency of finding solutions of a conclusive character for at least some of them. As soon as that has been accomplished, further work may be done and new issues may be brought in.

Mr. DAYRELL de LIMA (Brazil) (interpretation from French): My delegation, through its head of delegation, has made its views known during the general debate on the fundamental fact that our Committee is the body which really has to draw up the main policy guidelines which should guide the work of its sub-committees and that we should not confine ourselves simply to giving a blanket endorsement to their reports, but should add to or modify them if necessary. The task is essentially a political one. Therefore, I believe that we should harbour no illusions here about the fact that there are different stages in the decision making in the process of negotiation regarding the subjects dealt with by the Legal Sub-Committee and the Scientific and Technical Sub-Committee, even though in practice it is the self-same delegations that meet every two months throughout almost the entire year.

I think one of the essential political tasks of any committee is to speed up the negotiations going on in its sub-committees. I would find it very surprising if a committee of the importance of ours were to confine itself simply to rubber stamping, if I may use that term, decisions which had been previously adopted by the subordinate sub-committees. Furthermore, we must be fully aware of the fact that, as the representative of Sweden said, this Committee should not be a sort of strait jacket hampering the future work of the two sub-committees. Here I think my delegation must make some comments about the two statements that were made just prior to mine this afternoon.

Under the guise of interpreting the development of the work of the Legal Sub-Committee, at least in the case of one subject, the representative of Austria, while saying that he did not intend to interpret the terms of the resolution in question, did in fact make a perfectly unilateral interpretation, which, of course, he is quite entitled to do. What grieves me somewhat is the fact that I myself harboured some illusions about the position of that delegation with respect to the work on the legal framework in the case of remote sensing. Indeed, the presentation made by that representative of the stage reached in negotiations on the question of remote sensing up to the present is somewhat unilateral, as we

(Mr. Dayrell de Lima, Brazil)

see it. I do not think that we can in all honesty use arguments such as that "studies are necessary" or that we have to go into more detail concerning the application of our work of the implications that it may have on the drafting of legal documents as a pretext to prolong a debate of this kind, which is essentially a political debate and which has in fact already received a considerable scientific, technological and organizational contribution from the Scientific and Technical Sub-Committee and the Working Group on Remote Sensing, and in other words has a whole legal and technical framework, which is already well known to representatives.

(Mr. Dayrell de Lima, Brazil)

As regards the elaboration of a legal framework of any kind, I wish to remind the Committee that my delegation saw fit to submit draft articles for a treaty. We did that because we felt that would be the best way to organize a space application that would have direct impact on the life and economy of nations. Be that as it may, we have never claimed that our proposal was a sort of Mosaic tablet for negotiations.

At present, we have before us three draft legal texts and we have also the views of Governments that are reiterated whenever we discuss those proposals. I should like to say that, if to date the stage reached in the negotiations or the discussion of these drafts is somewhat ill-defined, that is not the fault of delegations which saw fit to put forward specific ideas and projects. I think I can even go so far as to say that many difficulties have been engendered precisely because those proposals were submitted. In all candour, many delegations have, in one way or another, refused to discuss the actual substance of those proposals. But during the last meeting of the Legal Sub-Committee, fortunately, a start was made on the consideration of the substance of those proposals, and there was even an effort to compare the different versions in, I think, a perfectly logical desire to try to arrive at a framework containing common elements on which a consensus could be reached.

That is why I must say quite frankly that the evaluation made by the representative of Austria of the stage reached in the work of the Legal Sub-Committee at its last session leaves one unconvinced. I find much wiser what the representative of Sweden just said, that he would avoid trying to make any value judgements of the kind made on the substance of the mandate given by the Assembly --- after all, it is the Assembly itself that will have to decide about this. If we find that the expression "legal implications" is vague we can change it in the Assembly. I am quite certain that delegations which have proposed an organizational approach would not have wanted a resolution that spoke of "possible scientific implications of the utilization of space technology such as remote sensing", for example.

(Mr. Dayrell de Lima, Brazil)

Thus at this stage we do observe some progress, which while it may be relative nevertheless represents the beginning of negotiations, of a dialogue that can be pursued further on an informal footing. Here, we are quite ready to discuss what is contained in the report of Working Group III; we are ready to try any constructive approach to reconcile apparently divergent viewpoints. We could continue this work which will obviously not produce results in the short term, but which may in the medium term result in a series of points on which consensus could be reached, leading eventually to the drafting of a text that would be a legal instrument acceptable to all present.

Mr. KOLOSOV (Union of Soviet Socialist Republics) (interpretation from Russian): In the statements of a number of delegations we have heard allusions made to the need to improve the co-ordination of work between our two sub-committees, on the one hand, and between the sub-committees and our Committee, on the other. It may appear that at the present time a sort of hiatus exists between our consideration of the practical problems involved in co-operation among States in the utilization of outer space and that of the legal aspects of those activities. Obviously, this might well explain what has been said by certain delegations about the need to plan the work of our Committee better; and if we understand correctly, certain representatives have suggested the need to reorganize the Committee's programme of work.

In this connexion, it appears to our delegation essential that certain comments be voiced. Specifically, our first comment relates to what has been said to the effect that while the Legal and Scientific and Technical Sub-Committees have quite definite work programmes our Committee, on the other hand, it is felt by some, does not in fact have a precise work programme. It has been suggested that the entire work of the Committee is simply considering and approving the reports submitted by the sub-committees. Our delegation would beg to differ with that opinion. We feel that it is this Committee, not the Sub-Committee, that is the main body, an organ of the General Assembly.

AW/hl

(Mr. Kolosov, USSR)

There can be no doubt in anyone's mind as to the veracity of this and our delegation in particular --- and obviously we are not the only one to hold this view --- has in its activities always presumed that the basic decisions and the major decisions are taken by the United Nations Committee on the Peaceful Uses of Outer Space. This is so and has in fact been borne out by everything the Committee has done. The activities of the two sub-committees, the Legal Sub-Committee and the Scientific and Technical Sub-Committee, we regard as being activities proper to auxiliary bodies of our own Committee, which work under the guidance of our Committee and whose agenda essentially only exists to the extent that the items on it have been approved and adopted by our Committee. In other words, the work programme of the sub-committees is in fact the same thing as the work programme of our Committee. Obviously, any work programme that falls neither to the Legal Sub-Committee nor to the Scientific and Technical Sub-Committee simply cannot exist in practice since it has not initially been approved as a subject by our Committee.

Therefore, the thesis to the effect that our Committee has no hard and fast work programme is something we cannot support. It has one. At the same time, as our delegation already stressed during its statement in the general debate, we do concur with the view that obviously we must determine more precisely which part of the work programme of the Outer Space Committee should be undertaken by the Scientific and Technical Sub-Committee. It is obviously for that reason precisely that statements here have been made by certain representatives to the effect that the Scientific and Technical Sub-Committee, in carrying out the general programme of the Committee, is, as it were, working in isolation from, or is divorcing itself from, the actual tasks facing the Committee; that there is a sort of artificial gap between the activities of the Legal Sub-Committee and the Scientific and Technical Sub-Committee.

(Mr. Kolosov, USSR)

In the preliminary introductory statements of my delegation during the general debate, we did in fact emphasize this point. Obviously, the conclusions reached by one Sub-Committee, the Scientific and Technical Sub-Committee, for example, should be cloaked in political garb, as it were, by the other Legal Sub-Committee. That is precisely the reason why we have two sub-committees in the first place. That is the point of having two sub-committees attached to our Committee. And more attention should be paid to ensuring that the Scientific and Technical Sub-Committee only adopts the sort of practical recommendations which are based on norms and principles which have been elaborated and approved by the Legal Sub-Committee.

This must be seen as the interrelationship -- and the necessary interrelationship, I would say -- that should exist between the two working bodies, namely the sub-committees.

My delegation already has put forward the proposal that the Scientific and Technical Sub-Committee might consider giving help to the Legal Sub-Committee in arriving at certain definitions, and in fact recommendations along these lines could be made by our Committee by way of giving guidance to the Sub-Committee. Certain practical recommendations could be made in that respect precisely on those issues which appear on the agenda of the Legal Sub-Committee.

Since we have already referred to some statements made during the general debate, we would like to make one further comment, or, as it were, reply to something which was said on a question which we regard as important. In one of the statements it was said that the idea of utilizing outer space exclusively for peaceful purposes, which was put forward in 1957, was very quickly cast into oblivion and remained unheeded for almost a year, before our Committee started its work.

Now that we are discussing the work programme of the Committee and the sub-committees, this question perhaps is not quite so urgent. In the debate little discussion has been devoted to it, but we felt it necessary to clarify this concept.

(Mr. Kolosov, USSR)

We believe that this is not exactly so. We believe that all documents adopted by our Committee, all the initiatives which have been taken by States which put forward proposals either in the General Assembly or in this Committee or in the two sub-committees of the Outer Space Committee, in particular all the proposals and initiatives which the Soviet delegation has put forward in these bodies, were based fair and square on a fundamental principle, that is a cornerstone of our work: namely, principle of the utilization of outer space exclusively for peaceful purposes. The aim and purpose of all the proposals which have been put forward by the Soviet delegation in all bodies has in particular, and first and foremost, been to ensure that all achievements relating to the exploration of outer space and the utilization of space technology should serve the cause of co-operation, peace among peoples, and should be used exclusively for peaceful purposes.

This is one of the most important purposes of the Soviet proposals regarding the moon treaty and also the draft conventions on principles governing the use by States of artificial earth satellites for direct television broadcasting, and the utilization of artificial satellites for remote sensing of the earth. We think that it is the role of our Committee to support peaceful and friendly relations among States, which is what we emphasized basically in our statement. We believe that this role should be reflected in the report of the Committee on the work of this session, particularly when we are discussing general guidelines and the general outline of the Committee's work and the usefulness of what it is doing. If the principle of utilizing outer space exclusively for peaceful purposes is little reflected in our actual work, it obviously cannot be reflected in the reports of our Committee. On the contrary, we believe that the opposite should be true.

(Mr. Kolosov, USSR)

But from the entire discussion we have had here and from the statements made during the general debate and those on agenda item 4 we can quite clearly see that considerably more co-ordination of the work of the two Sub-Committees could be realized, and in this connexion we cannot fail to agree with what has been said by a number of delegations to the effect that our Committee could play a more decisive part.

Mr. VELLODI (India): The points to which I should like to refer in this statement include the question of the legal implications of remote sensing and, perhaps even more important, the fact that I was, I must confess, very pleasantly surprised and very happy to listen to the last statement of the representative of the Soviet Union. I shall refer to that first.

We all recall that perhaps eight or ten years ago, when we were trying to formulate first the guidelines and later the outer space Treaty which was finally adopted in 1967, the arguments went on for quite some considerable time. My own Government and delegation at that time tried very hard to get the concept of the exclusive use of outer space for peaceful purposes embodied in the outer space Treaty. That is no secret: I think most delegations know this, and in fact it was not only my own delegation. Quite a number of delegations tried very hard to do that. We were not successful at that time, but perhaps there is reason to hope that we may still be able to correct that situation. Therefore I am most grateful to the representative of the Soviet Union for his last statement.

As far as the question of remote sensing and the legal implications is concerned, I should first like to express the view of my delegation and my Government on the question of the legal implications. We have always held the view that in an area as sensitive as that of remote sensing, which impinges very closely on questions of national sovereignty over resources, it is necessary -- I say this very clearly -- it is essential, in our opinion, that activities in this field be conducted within an adequate legal framework. On this my delegation has never wavered. We continue to feel very strongly that the subject is sufficiently important particularly to most of the developing countries, for it to be essential -- I repeat, essential -- that we try to develop an adequate legal framework for the conduct of these activities.

(Mr. Vellodi, India)

What I said this morning with regard to the mandate given to the Legal Sub-Committee should not be misunderstood. I was not at any time suggesting that there is no need for a legal framework. Far from it. I repeat that we believe there is every need; there is urgency, in fact great urgency, for the provision of such a legal framework. My point this morning was that the Legal Sub-Committee and particularly Working Group III were at a disadvantage because of the different interpretations given to operative paragraph 6 (c) of the General Assembly resolution, and I think the statement made by the representative of Austria this afternoon has made that very clear. Obviously there is still no consensus, no meeting of minds, among the members of this Committee as to whether the time has come for taking practical measures to draft such a legal framework.

I listened very carefully to the statement of the representative of Austria. It is not very often that I disagree with him. However, in this context I see a slight difference in approach between our two delegations. He said, and I think others also have said, there are legal implications to remote sensing. On that, I think there is no difference of views. What he suggested was that before we take any decision regarding the necessity or desirability of having either a treaty or even guiding principles it would be useful -- it would be necessary, in his opinion -- to discuss in depth the legal implications, and to discuss them under various headings, that of the space segment, the earth segment and so on. Our approach is slightly different. We also believe there is need for discussion in depth of the legal implications. I repeat, there are legal implications. We believe that such discussions would tend to be somewhat vague and in a bit of a vacuum unless they were based on specific proposals, specific ideas, specific areas, and it is in this light that we tend to look at the proposals that have been submitted to us. We believe those proposals would certainly help us in conducting the kind of in-depth discussion the representative of Austria quite correctly stated we would need. The only question, in my delegation's view, is whether the legal framework to be formulated -- and we have no doubts on the need for it -- should be arrived at, as was the case with the outer space Treaty, and as is being attempted in the case of direct broadcast satellites, by a two-step process, namely by formulating guidelines or guiding principles with a view to concluding an agreement or agreements -- I think that was the approach we took as far as direct broadcast satellites were concerned -- or whether we should bypass that step and go straight into the drafting of the treaty itself.

(Mr. Vellodi, India)

As I said this morning, among the proposals before us both these approaches appear. There is the one according to which we should start with the principles, and then perhaps later go on to the treaty; and there is the other according to which we should straight away start drafting the treaty. This, I think is the point that needs consideration. We do believe that a general discussion of legal principles should be based on specific texts or drafts that are available. Incidentally, I would hope those drafts would cover all the issues that need to be discussed. While the list of issues may be incomplete, in our opinion, the proposals made and the views expressed by Member States, both in the course of discussions here and in the replies of Member States to the questionnaire that was specifically addressed to them on remote sensing, including the legal implications, are specific and concrete, and should assist us, I believe, in the Legal Sub-Committee. Even if one were to interpret operative paragraph 6 (c) of the General Assembly resolution as asking for only a consideration of the legal implications, we believe that such consideration can best be carried out on the basis of the specific texts and proposals before us.

Our delegation sees a need for a legal framework. We do see the need for an appropriate legal framework. It is for us to consider whether such legal framework should in the first instance, as has been done in other cases, be elaborated through the help of guiding principles, or whether it should be in the form of a treaty. Perhaps this is a matter that could form the basis of consultations among the members of the Committee, particularly among those who have made specific proposals. That was the point of my statement this morning.

The CHAIRMAN: I think a great many pertinent questions have been raised which warrant further comment and exchange of opinion among representatives. Indeed, the Committee suffers no lack of subjects. Quite to the contrary, I see a wealth of highly interesting and, frankly, controversial questions which still need quite a bit of debate, so we should not be afraid to address ourselves to them.

Mr. LIND (Sweden): I apologize for speaking a second time in this afternoon's debate.

The previous statement of my delegation in this debate concerned the report of the Legal Sub-Committee and the points that, in our view, could be included in our report relating to it.

Now, a point has since been raised in the debate as to the interrelationship between the work of the two sub-committees. My delegation agrees with the delegation of the Soviet Union that there is a clear interrelationship between the two sub-committees, certainly when they deal with the same item. So, in addition to the comments, that we made earlier, we should like to add that, in our view, it goes without saying that each sub-committee, in considering a specific item -- and in this case, more specifically, the remote sensing item -- should always consider the reports of the other Sub-Committee in great detail.

To the extent that there exists any hiatus, we hope that that can be eliminated; and as we are now discussing the work of the Legal Sub-Committee, we would then like our report to include language to the effect that the sub-committee fully takes into consideration the relevant parts of the reports of the Scientific and Technical Sub-Committee. In doing so, we would be acknowledging an agreed point in the report of the Scientific and Technical Sub-Committee, which was distributed only a few weeks before the opening of this session.

My delegation does not agree with the hierarchy of the interrelationship as expounded to us by the Soviet delegation. We think that each of the sub-committees has to take into account the work that is being done in the other, and that neither sub-committee necessarily has to prepare the ground for the other, but both can certainly assist each other.

On the item of remote sensing, as is well known to all delegations, we share the view held by a great number of delegations here that the consideration of the legal aspects, including any efforts to draft international legal instruments, cannot be undertaken without a knowledge and awareness of a number of important and certainly rather complicated technical, organizational and financial factors.

Mr. CHRISTIANI (Austria): I too apologize for speaking again, but with your permission, Mr. Chairman, I should like to make a brief reply to the comments made by the representative of India on my previous statement.

He says that he is convinced of the necessity for a legal framework for the use of the technology of remote sensing. I can say, in all frankness, that I am too, I think my delegation has expressed this. We too are convinced that a legal framework should exist; it should be established mainly to prevent abuse of that technology. And there are, of course, quite a number of instances where abuse can take place; there is no question about it.

It may be recalled that my delegation, together with other delegations, was instrumental in drawing up the list of issues, which, I think, imperfect as it may have been, was the main starting point for our discussion and also for the progress we made in the Legal Sub-Committee. In all frankness, I do not think that without the list we would have got as far as we did, as is reflected in the report. I think this fact alone attests to our conviction of the need for a legal framework and our interest in a discussion of the legal implications.

I have also made it quite clear -- and this can be found in the record -- that I also believe that the discussion should progress on the basis of the proposals submitted; I have said this very clearly. Of course it should, because this is part of our mandate, although operative paragraph 6 (c) of the General Assembly resolution does not say "on the basis" but "taking into account". But still I would be quite prepared to say: "on the basis of proposals submitted in written form or in the form of draft treaties, and other proposals by other Governments".

I quite agree with the representative of India that a meaningful and intelligent discussion can or should take place only on the basis of concrete proposals, and I think that my delegation has expressed time and again its appreciation to those delegations that submitted the proposals. The only thing that we do not want -- and I wish to say this very clearly -- is that by discussing the legal implications or by taking those proposals into account, we should be committed to a certain outcome of the discussions. I think this is the main point. I do not feel that the fact that three or four delegations have submitted draft treaties should in itself commit other members of the Committee on Outer Space to accept the position that the outcome will eventually be a draft treaty. I think this is perhaps a conviction which might arise later on, but the fact that those proposals have been submitted should not ipso facto and from the beginning commit other delegations to acknowledge beforehand the final outcome. And I say again that those proposals have been most useful in clarifying the subject.

I should like to make a final point, and this may be a bit repetitive -- with respect to the legal discussion of remote sensing, we are still in the process, and in the very important process, of identifying the problem areas. We cannot help but feel that this should be the first step. I cannot see how we could meaningfully start drafting the legal framework that I am convinced should be the outcome before having identified the subjects. I think we are still in that process. The representative of Sweden has said very clearly that we have discussed five items on the list of 15, and a number remain to be discussed. Next year, as we all know, the Scientific and Technical Sub-Committee will meet before the Legal Sub-Committee, and I am sure that a great many further subjects will be clarified. I think that we shall certainly make great progress or even complete the process of identifying the issues. My delegation would then be more than happy to engage in a meaningful discussion or even in drafting legal guidelines, but not before that. We do not want to hold up what is certainly a necessary process, but we do not think it is meaningful at this stage but would lead nowhere, because we are not yet at a stage where we have identified all the problem areas in

(Mr. Christiani, Austria)

the various organizational configurations, earth segment, space segment and so forth. I say this by way of comment and answer to the representative of India. I do not feel that there is a great difference or even any difference in our opinions, but rather that it is a matter of approach. I should be most grateful if further discussion on this issue could clarify the matter.

Mr. STOWE (United States of America): I should like simply to focus on one point, namely, the question of the mandate of the Legal Sub-Committee. I do not believe that during the course of our extensive debates on this matter in the Legal Sub-Committee anyone was really arguing that we could not proceed to some drafting exercise. The essence of the argument was, in the view of my delegation, whether it was wise to do so. We tried to make it clear that we thought it was not wise to do so. I think that the hazard that the Legal Sub-Committee faces now is not one of discussing legal implications in a vacuum, in the absence of reference to specific texts, but rather one of discussing legal implications in a vacuum without reference to a specific kind of international arrangement that the international community would like to establish, would like to pursue and would like to become involved with in the area of remote sensing. Until we have some sort of general idea about how the international community wishes to develop its own ability and its own participation in remote sensing activities, whether in the space or ground segments, it does not make a great deal of sense, in our view, for us to discuss the legal implications of such activities, except in so far as it helps us to understand what are the legal implications of the various alternatives before us.

I think it is important to proceed in parallel in the Scientific and Technical Sub-Committee with the identification of the different possibilities, the organizational possibilities, for the international community in international activities in remote sensing. Part of what the Scientific and Technical Sub-Committee must bear in is what the legal implications of the different alternatives are. The Legal Sub-Committee, in our view, must undertake a thorough examination of the legal implications of the various

(Mr. Stowe, United States)

alternatives. Then the Scientific and Technical Sub-Committee and the Legal Sub-Committee have looked at the numerous possibilities, each of them could make recommendations and this Committee could make recommendations and it would be for the General Assembly, acting on those recommendations, to decide how we in the United Nations should proceed, what sort of organizational structure we should adopt, what sort of legal parameters we should decide to follow for those organizational activities.

Remote sensing was discussed in the Legal Sub-Committee for the first time in 1974. We went into a detailed examination of the legal implications at the session that was held in Geneva, but unfortunately we were able to spend only a two-day period on that subject, and I think the report of the Legal Sub-Committee reflects that. In 1975 we spent one week on the subject. The complexities of the legal implications of the various organizational possibilities before us, I think, require a good deal more debate and a good deal more examination than has been possible so far. My delegation submitted a working paper in an effort to try and clarify our view of where the international community should go. There are other papers before us and a number of important opinions have been expressed orally on the approach which the Committee and then the United Nations should take.

Given the time that we have been able to spend on this subject so far I think we have made considerable progress. But if we examine even the report of the Legal Sub-Committee for its 1975 session, we find reflected there only a series of very complicated and difficult questions which are identified as the basis for further work. I think it would be a great hazard for us to proceed to try to draft a particular legal document, first, without a great deal more consideration of the implications of a particular course, and secondly, without a great deal more basic agreement among the members of the Committee about the direction in which we would like to proceed. The mandate that the Legal Sub-Committee has had for the past several years, namely, to study the legal implications, surely does not bar us from proceeding to drafting.

(Mr. Stowe, United States)

But, on the other hand, I think it would put us exactly in the position of working in a vacuum if we were now to recommend that we should draft before we were all satisfied that we had done the requisite amount of preliminary work. Therefore, we would not be in favour of compelling or specifically requesting the Legal Sub-Committee next year to proceed with drafting, although we are certainly not trying to prohibit that Sub-Committee from doing so when it is appropriate and when we feel prepared and have an idea of the particular direction in which we would like to go and when we have clarified the very complicated issues before us.

We have pointed out in our general statement that two of the issues -- obviously the definition of the activities we are talking about -- are still unresolved. I really fail to see how we can proceed to draft guidelines, or principles, or a treaty or any other specific text until we have basically reached agreement on what the scope of the activities we are discussing should be. And that is just one particular question; it is certainly not the only issue before us.

In the past we have done a lot of detailed work on each of the agreements that we have produced and, as a result, it is our view that we have produced a great deal of very responsible, very constructive and very progressive law in this area. I think it would be acting with counterproductive haste to think that after seven days of debate we must now proceed directly to a drafting exercise when, as we all know there is substantial substantive disagreement in the area of remote sensing. Our debate this year was an excellent one, and I think that there is every prospect when the Legal Sub-Committee reconvenes of continuing it on that same useful level.

Mr. KEVIN (Australia): I would just like to make a few brief comments on the interesting debate which was opened up by the representative of India and which has carried through this afternoon.

I had the good fortune to participate in both the Legal and the Scientific and Technical Sub-Committees this year -- a fortunate accident brought about by the fact that both meetings took place in New York -- and so I feel I have a locus standi to offer a few comments.

(Mr. Kevin, Australia)

My delegation generally associates itself with the viewpoints that were expressed this afternoon by the delegations of Austria, Sweden and the United States. I realize that they are not identical viewpoints, but in general I think it would be fair to say there were points in common and that my own delegation shares those points.

One of the interesting things that happened this year was that the Legal Sub-Committee met before the Scientific and Technical Sub-Committee -- and this is not a usual thing. This year it was rather fortunate in a way. We initiated in the Legal Sub-Committee the first really substantive debate on remote sensing principles. As the representative of the United States has just pointed out, previously we had only two days in that forum to speak about remote sensing; this year we were given the opportunity of five days, and in those five days we managed to have an interesting discussion on five out of 15 principles. Unfortunately, it was not possible to record that discussion in any detail so its value is largely in the memories of those people who participated in it.

Some six weeks later, we moved into the Scientific and Technical Sub-Committee and, rather surprisingly I would say, given the record of the previous year when not a great deal of progress had been achieved, we managed to have a very substantive and useful debate on remote sensing. The results of that debate are contained in three rather lengthy paragraphs -- 27, 28 and 29 -- of the report of the Scientific and Technical Sub-Committee (A/AC.105/150).

Those paragraphs, and in particular paragraph 27 on the present preoperational phrase, indicated that, for the first time, we as an international body seem to be coming to grips with the desirability of achieving a truly international organization of remote sensing. We seem to be at last recognizing the potential for handling this interesting new application of space technology on regional lines, taking advantage of the regional economic commissions that now exist and, generally speaking, using this technology as it ought to be used.

(Mr. Kevin, Australia)

When one looks at the draft instruments now before the Legal Sub-Committee one has to say -- with all due respect to the very hard work that has gone into drafting these instruments -- that they appear, to my delegation at least, not to take into account the new perspectives that are opened up, if one does look at remote sensing from this international regional point of view. They seem to interpret the situation very much in terms of particular countries sensing particular other countries, and then the problem arising of how to deal with the transfer of information to particular third countries.

My delegation's view may be utopian, it may be idealistic, but we would like to hope that this is not the only way to look at the matter. We would like to hope that we might see a situation where remote sensing receiving stations are handled by groups of countries which come together for a common purpose in a region where these receiving stations are jointly financed, managed and staffed by countries of that region, and where they disseminate the information to the countries concerned. We see this creating a much more flexible and less problematical framework in which a great many of the issues with which we were grappling in the Legal Sub-Committee earlier this year may not be as formidable as appeared at first sight.

Having said that, I should like to state that I am very conscious of the fact that this business is rather like a pokder game: if you do not put your money on the table you do not get taken very much notice of. We can go on talking and making general-debate statements, but until we back them up with concrete texts we possibly do not deserve an equal hearing with those people who have taken the trouble to submit concrete texts. I am very hopeful that in the course of the forthcoming year the people who have these ideas -- and I have no doubt that there are a great many around this room who do have them -- may be able to see something on the table that reflects those ideas.

At the same time, I should like to endorse what my Austrian colleague said a few moments ago that putting a piece of paper on the table does not necessarily mean that one is pressing for a final product within possibly 12 months. What it means is that you are putting forward a basis for discussion, some ideas, and that you want to participate in a process of development of international consensus. That would be all my delegation would have in mind at this stage.

(Mr. Kevin, Australia)

We think there is a need for time in both Sub-Committees. We think there is a need for co-ordination in both Sub-Committees, but it should be a two-way process of co-ordination. The Scientific and Technical Sub-Committee can fertilize the thinking of the Legal Sub-Committee and the Legal Sub-Committee can fertilize the thinking of the Scientific and Technical Sub-Committee.

Those were just some general ideas, but I think I have said enough to indicate the thinking of my own delegation.

Mr. MAIORSKI (Union of Soviet Socialist Republics) (interpretation from Russian): My delegation has listened very carefully to the discussion this afternoon. Like our colleagues in other delegations, we have found that discussion extremely interesting. There is a saying to the effect that truth grows out of disputes. We think that we are now well on the way to discovering the truth about the genuine role of our Committee and the role of its Sub-Committees.

It is, of course, difficult not to agree with those representatives who have said, or hinted, that this century, this technological era, is a hard time. Technological advances are being made at a rapid pace. Exciting prospects are being opened up. To a certain extent, the way in which society will develop is being determined by technology.

In all those arguments, of course, there is a grain of truth. But it remains true that technology is created by people, and, in this era of the onrush of technology, we remain people. As such, we simply are obliged to master our technology rather than merely following in its wake.

Obviously, the correct decision in this respect will lie in finding a proper balance between the flights of human fancy not specifically connected with any particular event in the field of technology -- in this case, space technology -- and what has already been achieved in mastering a certain branch of technology as it relates to human activities. We think that we now have an opportunity to strike that proper balance in the work of our two Sub-Committees -- at least in

(Mr. Maiorski, USSR)

the case of one item -- that is, the question of remote sensing of the earth. We must say quite frankly that the more we listen to our colleagues here the more doubts we begin to harbour about the correctness of a term that is very often used; indeed it has become a permanent feature of our practice; it is used in General Assembly resolutions. It is a term that contains elements running counter to the very purpose of the work it is supposed to describe. I shall not keep members in suspense any longer about what term I am referring to: it is "legal implications".

I do not think that the word "legal" causes any difficulties. It is the word "implications" which seems to us not to be quite accurate in this case. Obviously, we should not, when we are describing the work of the Legal Sub-Committee and the work of our Committee in the legal field, speak about the legal "implications" of a particular event in the development of space technology. Rather, we should speak about the legal "foundation", the legal "conditions" which have to be applicable in any particular area of space technology.

That, I think, would be the correct way to describe the situation. No one would then have any doubt about whether the chicken came before the egg, or vice versa. Everyone would know exactly which came first, the cart or the horse.

We think that it is beyond question that however earthshaking the achievements in any particular space activity of man may be, that activity must be developed on the basis of specific agreements between States; States, as sovereign States, evidencing goodwill, have to agree on specific guidelines, specific directions in which that activity would develop and which would be in accordance with the interests of all States individually and the world community as a whole.

We regard as quite invalid the statement that remote sensing is not yet ripe for the drawing up of a final, completed international document, that it has not yet materialized enough for the formulation of specific legal rules or principles on it. That is not true. I hope that no one in this room has any doubts about that. We have been discussing the question of the technical aspects of remote sensing for about three years now. We have used all the

(Mr. Maiorski, USSR)

possibilities we have had. We have had working groups on the subject. The Scientific and Technical Sub-Committee has discussed the question. Our Committee has discussed it.

Why, therefore, could not the Legal Sub-Committee now draw up a document on the basis of the existing drafts? We find it very difficult to agree with those representatives who say that these drafts are merely pieces of paper that have been laid before the Sub-Committee. A great deal of work by qualified persons has been done on these drafts. They reflect the experience of scientists and specialists in perhaps all fields of human knowledge. These pieces of paper are covered with the sweat of the scientists who have worked on them. We can do constructive work on the basis of these so-called pieces of paper. We should do it.

That is not all. If one looks the facts squarely in the face, one sees that at its last session, in February this year, the Legal Sub-Committee did start to formulate principles. That was an expression of goodwill on the part of those delegations that wished to continue this work on the basis of a general agreement. It is true that the process of the actual formulation of principles stopped for some time, and there was a general discussion.

(Mr. Maiorski, USSR)

I do not know how productive this was, but once again I would emphasize that the Soviet delegation generally commends the work which has been done by the Legal Sub-Committee. May I quote one more example. We all said that recently the Committee adopted the Convention on the Registration of Objects Launched into Outer Space and that that Convention which was a result of very difficult, arduous work and which helped to bring together completely differing points of view, was a great achievement for our Committee. Let us recall how the work on the Registration Convention started. The work on that Convention started by one, two or three, or several delegations stating that they were not prepared to do this work; that is, the work of formulating the specific provisions. They did not feel that this was necessary.

Nevertheless, the work did get under way and delegations which were not prepared to go along with it at the beginning subsequently changed their thinking. This is obviously also a rule of the dialectic which rules our lives. We know that in the case of registration a paradoxical situation arose in which the Scientific and Technical Sub-Committee unanimously adopted the conclusion that to change the existing system of registration would not be desirable. And then the self-same delegations, from the self-same countries in the Sub-Committee, literally a few months after that conclusion had been adopted by the Sub-Committee and when the ink had hardly dried on the document, as it were, revised its decision in the Scientific and Technical Sub-Committee and came to a completely different conclusion.

At that time, our Committee did not come to any final conclusion on that matter. Nevertheless, this did not prevent there being constructive work on specific texts. There was one text to start with, then two, then merged texts, then joint texts, then another one and another one, and another joint text, and so on, leading to the achievement of a convention, which at this stage, I think, satisfies everybody.

(Mr. Maiorski, USSR)

Therefore, for our work to be constructive and useful, we do not think that we should let our eyes be dazzled by the tremendous pace of development of space technology or premises to the effect that law can only follow in the wake of technology and in no wise should ever overtake it; that law can only formulate something in the form of legal consequences, derived from a particular technological advance. The two can develop pari passu. Sometimes the law may prompt technology as to what is the best way of going about things, and it may even overtake technology in certain cases.

If our Committee is prepared to recommend that the Legal Sub-Committee start by undertaking the concrete formulation of provisions on remote sensing at its next session, on the basis of the existing texts, even though on matters of principle we have not yet reached complete agreement among all States, the Soviet delegation would be prepared fully to go along with such a recommendation. I should like to also point out that we do not have full agreement either on the question of direct television broadcasting, on a number of major problems connected with that area. Nevertheless, we are undertaking drafting work on this and, as it appears to all of us, not without a certain degree of success.

Mr. COCCA (Argentina) (interpretation from Spanish): It had not been my intention to speak at this meeting, but listening to the representative of the Soviet Union, who gave us some very profound thoughts of great interest, I think that I must respond to those ideas and say that I agree with some of the points which he made.

Firstly, I entirely agree that technology is created by people and that at no time should we be overwhelmed by it. Obviously, in the present state of international law, we believe that man -- that is, the human personality -- has to act in in four dimensions. First there is the personal dimension; that is, man as an individual. Secondly, there is the national dimension. Thirdly, an international dimension; this is man as part of the international

(Mr. Cocca, Argentina)

community. Fourthly, there is the state, which perhaps most concerns our Committee, of the universal dimension. It is man as part of humanity. But man is always there as the basis. Consequently, it is man who creates the technology and who must dominate technology in various areas. In the very vast programmes set up by the United Nations there are specific working bodies which are devoting themselves to ensuring that technological progress does not hamper purely human activities, particularly in the United Nations. Unquestionably, we are in the process of mastering certain branches of technology, as was stated by the representative of the Soviet Union. These branches of technology affect certain specific human activities.

In addition to this preliminary point, with regard to which we wish to express our support, I should also like to add that I fully agree with the assertion that the fact that remote sensing of earth's resources from space has not yet achieved full ripeness should not be a motive to postpone legal considerations, the study of regulations and the elaboration of international instruments, which reflect these concerns, these studies and various considerations.

Furthermore, we have always maintained that international law must proceed ahead of events, and we have always seen that it did so in our country. And we the members of this Committee should not abandon this tradition.

Thirdly, I should like to state for the record, very clearly, that for the delegation of Argentina there is no difference whatsoever in this respect between the experimental or pre-operational period and the operational period, both in the question of the remote sensing of the earth and in that of direct broadcasting. I might almost say, if I may venture an example, that the consequences are identical. It is as though someone were using a weapon in an experimental period or state, and unwittingly caused the death of a person. That person could not allege that he was using a weapon merely in an experimental stage or period.

I should also like to say that many statements have been made in the Scientific and Technical Sub-Committee with regard to organizational aspects of remote

(Mr. Cocca, Argentina)

sensing of the earth. We are not concerned or worried; quite the contrary, we view this in a positive light. We believe that these are very valuable contributions from the legal standpoint, since the whole question of organization is of interest to the law, in this case international law. This is so much the case that two extremely delicate phrases are being used in these documents of the Scientific and Technical Sub-Committee. In the provisional agenda the expression "joint international venture" is used, and in the report we find the expression "international co-operative venture". These two expressions are predominantly legal and we can analyse their scope on another occasion.

Mr. de LIMA (Brazil) (interpretation from French): I had not wished to tax the patience of the Committee by speaking again in this discussion. I do so merely to express total agreement with the views expressed a short while ago by the delegations of the Soviet Union and Argentina. In point of fact, mine was among the first delegations to point to the dangers of the growing gap between the progress of technology and the relative stagnation of international law vis-à-vis this new technology.

In contemporary history we have more than one example of problems that cropped up because technology made greater progress than the law, with extremely harmful consequences for the international community. Finally, if we are not alert to this problem we might have to declare ourselves powerless in the face of the philosophy of fait accompli, which is contrary to the very principles with which this Organization is imbued.

Very often when discussing issues of international space law we are faced with a paradox. Either we are told it is too early to elaborate legal principles because the very limits of space applications of technology have not yet been fully defined or we are told it is too late because there exists a de facto situation and the law must simply accept it.

(Mr. de Lima, Brazil)

Our delegation believes this is a false dilemma. As has been stated by the representatives of the Soviet Union and Argentina, in reality there is an orientation of priorities which must guide our desire to establish either the legal or the organizational framework. There is an objective, and that objective was very clearly sketched out in the words of the representative of Argentina.

The CHAIRMAN: Does any other member wish to speak at this stage? If not, I shall adjourn the meeting.

The meeting rose at 5.25 p.m.