

United Nations  
GENERAL  
ASSEMBLY

TWENTY-SIXTH SESSION

Official Records



FIRST COMMITTEE, 1821st  
MEETING

Monday, 8 November 1971,  
at 3 p.m.

NEW YORK

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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 and 571)

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

GENERAL DEBATE (*continued*)

1. Mr. LAHODA (Czechoslovakia): The Czechoslovak delegation has studied the report submitted to us by the Committee on the Peaceful Uses of Outer Space [A/8420]. We note with gratification that the work of the Committee on the Peaceful Uses of Outer Space has once again yielded concrete results. We approach with no less interest new problems which we know must be solved in the future. During this year's deliberations on the problems of international peaceful co-operation in outer space our attention is drawn primarily to the following two questions: first, the draft convention on international liability for damage caused by space objects, adopted by the outer space Committee on 10 September 1971 and submitted to the General Assembly at its twenty-sixth session [*ibid.*, para. 32], and second, the draft treaty concerning the moon, submitted by the Government of the USSR in connexion with one of the questions which should be given priority in the opinion of the Committee on the Peaceful Uses of Outer Space [A/C.1/L.568].

2. The deliberations in the Committee on the Peaceful Uses of Outer Space already demonstrated last year the possibility of successfully concluding, in a relatively short period of time, the draft of the liability convention. Already at that time it seemed evident that the finishing phase of work on the text of the draft convention had to reside in finding appropriate legal formulations of several unresolved problems in the search for a generally acceptable compromise. At the same time, the very result of last year's discussions demonstrated that the attempts at that time to

seek the solution of remaining unresolved problems in connexion with the draft liability convention in a majority ruling would throw doubt on the perspectives and viability of the draft convention under preparation.

3. That was why my delegation could not have endorsed the position underlying the last year's General Assembly resolution 2733 B (XXV) concerning this problem. That is the very reason why my delegation—interested as it is in a generally acceptable convention—welcomed the course of the discussion during the session of the Legal Sub-Committee last June which opened the road towards a compromise solution. We believe that the liability convention negotiated this summer is, in given circumstances, a fair and reasonable achievement, though it does not represent a perfect solution for any viewpoint.

4. The Czechoslovak delegation supports the draft convention on international liability for damage caused by space objects submitted by the Committee on the Peaceful Uses of Outer Space and is ready to vote in favour of it at the plenary session of the General Assembly.

5. As to the questions which in the future should get priority in the work of the Committee on the Peaceful Uses of Outer Space, the Czechoslovak delegation has favoured for years the question of the definition of the utilization of outer space, the question of principles governing man's activities on the surface of the moon and other celestial bodies and, last but not least, the question of the usefulness of elaborating legal principles on which the creation and functioning of space communication should be based.

6. Taking into consideration recent developments and achievements in the exploration of our natural satellite, we are happy to support the high priority for the proposed international treaty concerning the moon. The Soviet initiative offers a more detailed legal framework than that existing now for man's activities in the lunar environment. The basic objective ought to be the internationalization of the moon.

7. The draft treaty concerning the moon endeavours to concretize and complement further the existing system of the so-called outer space treaties, especially the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, of 1967 [resolution 2222 (XXI), annex] and the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, of 1968 [resolution 2345 (XXII), annex]. In the interest of the peaceful uses of the moon, its interior and space around the moon, it is necessary to elaborate an all-round treaty concerning the moon. Therefore, the text prepared by the Soviet delegation takes over

also some provisions of the aforementioned treaties, containing mostly more comprehensive and general formulations. The draft treaty concerning the moon makes those provisions more specific and complements them by a number of new principles and rules. It is not a different regulation of the already valid general principles and norms.

8. The Czechoslovak delegation assesses the draft treaty concerning the moon as a good basis for further negotiations and as a useful document reflecting the present phase reached in the exploration of the moon. This phase already makes it imperative to establish now legal rules for the activities of States exploring the moon, as well as for further fruitful co-operation of States in its utilization in the interest of peace and for the benefit of all mankind. It is in the urgent interest of friendly relations and co-operation among States that the new norms of international law should foster such co-operation and prevent situations or sources of potential doubts or even international disputes.

9. The Czechoslovak delegation shares the view that the United Nations General Assembly at its twenty-sixth session should uphold the idea of the draft treaty concerning the moon and should entrust the Committee on the Peaceful Uses of Outer Space to consider and elaborate this treaty.

10. May I be permitted at the conclusion of my statement, since I had no opportunity to do so before, to express on behalf of the Czechoslovak delegation my deep and sincere sympathy to the delegation of India in connexion with the natural calamity which recently afflicted the eastern coast of its country and resulted in the tragic loss of thousands of human lives and immense material damage.

11. Mr. MOTT (Australia): In this discussion of outer space matters we are considering two questions, the annual item dealing with international co-operation in the peaceful uses of outer space and a new item submitted by the Soviet Union entitled "Preparation of an international treaty concerning the Moon". In this general statement today I should like to explain my delegation's views on the main developments under the heading of outer space in the year under review and to make some comments on future activity.

12. The report of the Committee on the Peaceful Uses of Outer Space, in document A/8420, which the Chairman of the Committee introduced to us at the 1819th meeting, indicates that the Committee has made progress in several directions this year in its task of promoting international co-operation in the peaceful uses of outer space. Without doubt, the main achievement was the agreement to adopt and send forward to the Assembly a draft convention on international liability for damage caused by space objects [see A/8420, para. 32]. We feel that it would now be appropriate for the General Assembly to commend the convention to Governments for signature and ratification.

13. While welcoming the draft convention, however, we are bound to add that certain of its provisions represent hard-won compromises, which probably are not fully satisfactory to any delegation that took part in the process of negotiation. However, given that the ideal of full

satisfaction for all is probably not attainable in this complex area of international law and politics, we would incline to the view that the draft convention before us is perhaps the best upon which broad-based agreement could be achieved in the foreseeable future. It elaborates rules of international law which, if widely supported and upheld, would make it possible for States to seek, and to gain, a full measure of compensation for those whom, in the last resort, it is designed to protect—the innocent victims of space damage.

14. The report of the Committee mirrors accurately the differences of view within its membership in regard to the draft convention. As representatives will be aware, those differences concerned mainly the formulas negotiated to cover what have become known as the two outstanding issues which until now have blocked final agreement on an effective convention—namely, the nature of the provisions concerning measure of compensation and settlement of claims. The report points out that four delegations in particular had difficulty with those provisions, with the result that they felt impelled to reserve their positions on the substance of the draft convention. Given the complex background of the negotiation of this draft, it is not hard to understand the considerations that have led those delegations to take that position. I am bound to add, however, that we for our part do not entirely share their attitude, although we have sympathy for it.

15. We have always felt that there are at least two essential conditions for a satisfactory liability convention. First, and most important, it should be able to ensure the payment of a full measure of compensation to the victims of space damage. As we say in popular jargon, it should be "victim-oriented", and should be seen to be so. Second, it should be capable of gaining the adherence of the two main space Powers, without whose support any convention would lack meaning. Basically, I think, our problem over the last two or three years has been to arrive at a text that would satisfy, or reconcile, both of those requirements, and the task, as we all know, has not been easy.

16. Members of the Committee will recall that the General Assembly, in its resolution 2733 B (XXV), laid down useful guidelines for the work of the outer space Committee on the draft liability convention. Agreement on a convention that accorded with the spirit of that resolution would, in our view, enable the General Assembly to discharge its ultimate responsibility to the victims of space damage. That is why the Australian delegation to the Legal Sub-Committee wanted the draft convention to reflect as far as possible the spirit of General Assembly resolution 2733 B (XXV). We believe that this has been largely achieved through the insertion in its existing form of the fourth preambular paragraph, which was one of several improvements to the text of the draft convention negotiated during the session of the Sub-Committee last summer. We would note, too, in passing, that the draft resolution in document A/C.1/L.570 contains, in its fourth preambular paragraph, a reflection of the basic provisions of resolution 2733 B (XXV).

17. My delegation attaches importance to the fourth preambular paragraph of the draft convention. We believe that it should be read in conjunction with article II, dealing

with the liability of States, and article XII, dealing with measure of compensation. We are all aware of the compromise that article XII represents. We recall in this regard, however, that in the discussion of the convention both in the Legal Sub-Committee and in the outer space Committee several delegations made useful interpretative statements on the question of measure of compensation. On the basis of those statements and of the link between the fourth preambular paragraph and articles II and XII of the draft convention, Australia could accept the provisions relating to measure of compensation, as making possible the prompt payment to innocent victims of damage caused by space objects of a full measure of compensation.

18. As regards the articles on the settlement of claims, these also represent a painfully-negotiated compromise, where agreement has been hard to find. The effect of those articles, as we all know, is that a claims commission would render a final and recommendatory award unless the parties to a dispute had agreed to the process of binding arbitration. My delegation is among those that would have preferred the inclusion in this draft convention of a provision that would require parties to accept as binding the decisions of a claims commission. As the draft convention stands, the decision or award of the commission would be made public and a certified copy would be sent to the Secretary-General of the United Nations, as well as to the parties. The parties would be obliged to consider in good faith the commission's findings. In the light of the circumstances in which this draft convention has been negotiated, the international community has the right to expect that the parties would observe that obligation with the utmost seriousness. We were encouraged in this regard by the comment of the representative of the United States at the 1820th meeting, that there was reason to expect that parties would comply with awards because they would recognize that it was in their self-interest to do so.

19. Against the background of the foregoing comments my delegation welcomes the negotiation of the draft liability convention and hopes that the General Assembly will commend it to Governments for signature. I should perhaps add that the Australian Government's attitude towards the question of signature of the convention will be for consideration in the future.

20. The priority accorded the draft liability convention has given the agenda for the annual sessions of the Legal Sub-Committee a certain predictable similarity—some might say inevitability—for some years now. Adoption of the draft convention in the Assembly, however, would open the way for more detailed consideration of other items of business in the Sub-Committee. It would create a novel, and I may say welcome, situation for the Sub-Committee to be able to give more time to other matters.

21. The outer space Committee, at its fourteenth session last September, considered the question of the future work of the Legal Sub-Committee, and recommended that priorities be given to matters relating to the registration of objects launched into space for the exploration or use of outer space and to questions relating to the moon. It will now be appropriate for the Sub-Committee to devote itself more fully to these questions, and, as time and opportunity permit, to the other subjects set forth in the Committee's report.

22. My delegation does not want to comment substantively at this stage on the subject of the preparation of a treaty concerning the moon. We would recall, however, that the Australian representative to the meeting of the outer space Committee last September felt that it would be appropriate for the Legal Sub-Committee to give some priority to this matter at its next session. We believe that the correct course of action now would be for the Assembly to remit the draft treaty submitted by the Soviet Union under this item [*A/C.1/L.568*] to the Legal Sub-Committee for study, along with other proposals put forward on the same subject.

23. Perhaps the most important result of the 1971 session of the Scientific and Technical Sub-Committee was that body's positive response to the General Assembly's request, in resolution 2733 C (XXV), that it determine whether, at what time, and in what specific frame of reference to convene a working group on earth surveying. The Sub-Committee decided unanimously to establish a working group, to be named the Working Group on Remote Sensing of the Earth by Satellites. An organizational meeting of the Working Group, at which Mr. Franco Fiorio of Italy was elected Chairman of the Group, was held in conjunction with the annual session of the outer space Committee. We look forward to the initiation of substantive activity by the Working Group, under Mr. Fiorio's leadership, in 1972.

24. As a result of action during the session of the Scientific and Technical Sub-Committee last July, the outer space Committee agreed to request the allocation to the budget of the Outer Space Affairs Division of an additional sum, not exceeding \$70,000, for the programme of promotion of the applications of space technology set forth in the Sub-Committee's report. This programme, which in fact is a continuation of activity that is already in progress, comprises the despatch of survey missions to explore the potential of space applications and the holding of panel meetings on subjects that are of practical interest to developing countries. At the same time, the programme, as we all know, represents something of a departure from past practice in the activities of the outer space Committee; we hope strongly that it will be a success, and we shall be looking with confidence to the Expert on Space Applications and to the staff of the Outer Space Affairs Division to make it so. At the same time, of course, it is fair to add that the programme will have to be judged in future on the basis of the response it attracts and on the results it achieves, particularly for the developing countries, which it is particularly designed to serve.

25. This is all that my delegation would like to say at this stage on the two space items that are under consideration.

26. Mr. FRAZÃO (Brazil): The year 1971 has been a very fruitful one for outer space affairs. New and far-reaching exploits have been carried on by the space Powers, and in the legal field the Committee on the Peaceful Uses of Outer Space has also been able to make a remarkable achievement. After eight years of negotiation, its Legal Sub-Committee was finally able to conclude the text of a draft convention on international liability for damage caused by space objects [*see A/8420, para. 32*]. Another brick has thus been laid in the progressive construction of the juridical framework for outer space activities. May the

example set by the high spirit of compromise that prevailed among the great majority of members of the Committee illuminate the road still ahead, so that we can achieve harmonious and effective solutions to the many important problems which remain unsolved.

27. The draft liability convention itself is not perfect. Like every work of man, it reflects our individual imperfections, and, like every multilateral agreement, it is the result of a complex set of divergent forces. Fortunately, juridical and rational considerations were capable of making some points and paved the way for the solution finally reached. The twin issues that for a long time defied our negotiating skill, the clauses of the applicable law and of the settlement of claims, were at last agreed upon with the support of a large majority of members of the Committee. The resulting compromises in each case were made possible by significant concessions by both sides. And that, after all, is the way in which international law is moulded. International law presupposes, above all, the consent of States, so that it can be duly enforced. There exists no supra-national police power to guarantee enforcement. States are invited to place themselves voluntarily under the sway of the treaty, which must therefore be acceptable to all, particularly to those that may be eventually required to fulfil specific obligations under it.

28. Let me make it clear that I am not proposing realism or pragmatism as the standard for the solution of our common problems. Quite the contrary, we would have very much preferred a treaty which would reflect more closely the positions consistently upheld by my delegation in the course of its active participation in the debates of the outer space Committee and of the Legal Sub-Committee. But I cannot fail to recognize the fact that a certain dose of give-and-take is inevitable when there is a political will to arrive at universal and enforceable solutions.

29. It is not my intention to dwell upon previous criticism of the draft liability convention. Let me just remark, nonetheless, that our main concern regarding its provisions was the solution envisaged for the problem of the applicable law, or, in other words, the measure of compensation. My delegation would have preferred the adoption of the principle of *lex loci delicti commissi*, instead of *restitutio in integrum*. We felt, however, that in this case, as in the question of the settlement of claims, it would be better to have a compromise solution—which can perhaps in the future be brought closer to perfection—than to have no solution at all.

30. It is, therefore, the hope of the Brazilian delegation that the present session of the General Assembly will endorse and finally adopt the text which has been put forward by the outer space Committee. We believe it to be the best possible solution at the present stage.

31. In this connexion, and assuming that the draft liability convention will be adopted by the General Assembly and opened for the signature of Member States, the Brazilian Government will be in a position to re-examine its stand on the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space [*resolution 2345 (XXII), annex*]. As a matter of fact, my Government has consistently advocated that the

conclusion of the liability convention, of more general interest, is a prerequisite for its accession to the astronaut Agreement, which is undoubtedly an instrument of more restricted scope.

32. Now that the work on the liability convention is over, our attention can be devoted to the other major legal questions still unsolved. The report of the outer space Committee [*A/8420*] reveals, in its careful wording, that no agreement has yet been reached on a rigid set of priorities for the future work of the Legal Sub-Committee. This difficulty derives from the very fact that all these questions are urgent in one sense or another.

33. We firmly trust that the spirit of compromise finally displayed in the draft convention on liability will not take another eight years to manifest itself when it comes to the future assignments of the Legal Sub-Committee. For its part, Brazil is prepared to contribute its efforts towards any constructive approach to the items to be tackled in the future work of the Committee.

34. In our opinion, the most urgent problems to which initial priorities should be assigned are: the registration of objects launched into space for the exploration or use of outer space; the various implications of space communications; and the definition or delimitations of outer space.

35. As to the first point, my delegation gladly took note of the announced intention of the Canadian Government to submit at an early date a draft convention on registration. We are ready to co-operate in the rapid conclusion of such a long-needed convention, thus establishing a system of registration which, besides conferring a higher degree of order on the exploration and use of outer space, will prevent its use for other than peaceful purposes.

36. Although we all voice praise for the outstanding achievements in the field of space research and exploration, we cannot fail to express some apprehension regarding recent 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*]. There are, for instance, reports on experiments in an offensive system utilizing a fractional orbit of the earth for aggressive purposes; it is also known that warning systems through satellites of a military nature are being installed in outer space. This situation is being allowed to develop perhaps because the Treaty itself is in need of specific regulation. In this particular question, the Treaty has provided us with the framework. It states in Article IV:

“States Parties to the Treaty undertake not to place in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station weapons in outer space in any other manner.”

Let us now set rigid criteria of registration and controls, so as to keep outer space immune from the arms race. Outer space is of benefit to all; it is, as the Treaty recognizes, the province of mankind. It is thus imperative that it should be, as soon as possible, definitively free from the harmful side effects of our earthly disputes.

37. The second point, space communications, is a matter in which my Government has a great interest and also some concern. The prospect that absolute discretion might prevail regarding direct international broadcast satellites to the point of allowing undue interference in the sovereign rights of States cannot be overlooked by my Government. Sovereignty is not merely a physical concept and should not be confined to the material integrity of the territory. The sovereignty of a State is defied, not only by the invasion of its territory by enemy troops; it is also at stake when unwarranted propaganda of a political or commercial nature invades its boundaries.

38. Thus the Brazilian Government, while developing the technological benefits of space communications as a means of integrating its vast territory, has been, at the same time, unswervingly advocating the adoption, through some sort of international means, of adequate controls. Direct international satellite broadcasts must be an instrument of valuable and unbiased international co-operation, open to all nations of the world without discrimination; for that purpose they can never be used without the explicit agreement of third States.

39. Finally, in what concerns our third priority—that is, the definition or delimitation of outer space—I should like to say at this stage that my delegation hopes we shall soon be able to arrive at a conclusion based on sound scientific criteria. This may seem, at first glance, rather an academic discussion. Quite the contrary, the very fact that up to now we have been unable to agree on what outer space means precisely is enough to prove the importance of the definition.

40. With reference to questions concerning the moon, my delegation will present its views on the draft treaty concerning the moon proposed by the Soviet Union [A/C.I/L.568] in a separate statement. Let me, however, advance the opinion that it would be much more appropriate to discuss this subject using the approach suggested by the delegations of Argentina and France at the last session of the Legal Sub-Committee; that is, to study the legal régime governing substances coming from the moon and from other celestial bodies. Curiously, not a word is included in the Soviet draft treaty about this problem, which concerns us all, and whose solution would be of universal interest.

41. Before concluding, I should like, very briefly, to welcome the decision taken by the Scientific and Technical Sub-Committee, on the initiative of the Swedish delegation, to convene a Working Group on Remote Sensing of the Earth by Satellites. My delegation expresses its confidence in the Working Group's future activities and looks forward to its conclusions. This pioneering field of science can indeed be extremely meaningful to the economic development of countries through a more accurate assessment of natural resources. It is up to us, however, to make sure that activities in this field be programmed in such a way as to respect fully the sovereign rights of States.

42. Neither should I fail to mention the interest with which the Brazilian Government views the United Nations programme on applications of space technology. We express the hope that the financial solution envisaged by the outer

space Committee will enable the Organization to carry on further with its activities in this field of particular interest to developing countries.

43. Brazil attaches great importance to outer space activities and is fully aware of the practical benefits that can result from actions taken in this field at the United Nations level. In this spirit, we have organized a United Nations Panel Meeting on the Establishment and Implementation of Research Programmes in Remote Sensing, to be held from 29 November to 10 December this year in Sao José dos Campos at the Brazilian Institute of Space Research.

44. We hope that the number of similar initiatives will multiply in the coming years, so that a true sense of co-operation may be established within the international community in matters relating to outer space, thus contributing towards minimizing the growing technological and scientific imbalance prevailing in the world today.

45. Mr. St. PIERRE (Canada): The General Assembly has worked for several years to preserve the regions of space for peaceful use and to make space technology available to all nations, major and minor. These objectives we have pursued through the Committee on the Peaceful Uses of Outer Space and its two Sub-Committees, and also in related activities through the Conference of the Committee on Disarmament. Let us now examine the present report [A/8420] to see how successful we have been.

46. Certainly, the Assembly has on the whole made conscientious efforts and, as is not unusual in such matters, it has found itself in the position of making or suggesting new law in a new field. True, there are obvious analogies with traditional terrestrial international law. Nevertheless, the Assembly finds itself obliged to employ much ingenuity and imagination in an area where, until a few years ago, the only interest could be academic, and that interest would have been scant.

47. The Assembly has moved logically from the very general Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space, which is contained in resolution 1962 (XVIII), to the more comprehensive and authoritative outer space Treaty<sup>1</sup> approved in resolution 2222 (XXI), which embodies basic principles governing activities in space. Since then, the Assembly has been trying to translate some of the most important principles into realities by setting out practical rules and procedures. In resolution 2345 (XXII) the Assembly was able to translate the general principles of article V of the outer space Treaty into a specific Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space.

48. In paragraph 32 of its report the outer space Committee submits for the Assembly's consideration and final adoption a draft convention on international liability for damage caused by space objects, and this lays down specific procedures for implementing the principle expressed in article VII of the outer space Treaty. After many

<sup>1</sup> Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

years of negotiation—often difficult negotiation—the two major space Powers were able to agree on a compromise package at the Legal Sub-Committee's session last June.

49. Most countries represented in the Committee on the Peaceful Uses of Outer Space seem to have concluded that, although the text may not be perfect, it is the best that is possible, given the *sine qua non* of agreement between the major space Powers. We agree that the draft convention embodies a number of essential or desirable ideas, such as absolute liability for damage caused by space objects on the surface of the earth, and the requirement for restoration to the condition which would have existed if the damage had not occurred. Nevertheless, Canada finds itself unable to support the draft convention. This is made clear in paragraph 24 of the Legal Sub-Committee's report [A/AC.105/94], carried forward in paragraph 35 of the outer space Committee's report; and, to quote from the latter, "it would have been preferable to have had incorporated in the text provisions on measures of compensation and especially on the settlement of claims more in accordance with those that they had earlier proposed in the Legal Sub-Committee". In expressing this view, Canada is in association with Iran, Japan and Sweden.

50. During the long negotiation of the draft convention, the position of my Government has remained constant. Our fundamental concern has been to ensure that any liability convention guarantees any victim full compensation.

51. We note with approval that the preamble refers to ensuring the prompt payment of a full and equitable measure of compensation, and that article XII provides for compensation to restore victims to the condition which would have existed had no damage occurred. However, we continue to believe that the convention should be what is called in legal jargon more "victim-oriented". To accomplish this we suggest that the law of the victim State should apply, rather than the law of the country creating the damage, in determining the measure of compensation—that is, provided that the law of the victim State is consistent with the relevant principles of international law.

52. It would, in our view, be unjustifiable to create a situation in which an innocent citizen of any State who suffers damage caused by a falling object is placed under a different legal régime. If he is hit by an object falling from a barn, the law of his own State applies. If he is hit by an object falling from space, another law may apply. Why such a difference? The citizen knows only that he has been hurt while innocently going about his business. In either case, we suggest, he should be entitled to have the law of his own country applied and to be compensated for the damage in the manner and to the extent that that law provides—no more and no less.

53. During consideration of the draft convention in September, at the last session of the outer space Committee, a number of representatives commented that, although international law provided for restoration to the prior condition, it would be unrealistic to apply the law of the place where the damage occurred, because there were differences between national legal systems in delimiting those elements of restoration which would be compensable.

54. It is precisely because of these differences between legal systems in measuring compensation that my delegation believes that the normal liability law of the victim State should apply—again with the proviso that an impartial claims commission should consider the law of the victim State with respect to compensation to be consistent with the relevant principles of international law.

55. While my delegation regrets that there is no specific reference in the draft convention to the law of the place, we are even more concerned by the fact that, according to the provisions of article XIX, paragraph 2, arbitration decisions will be merely recommendatory unless the States concerned agree that the decisions shall be binding. We recognize the argument that the lack of binding arbitration should not prove fatal, since it would be difficult for a launching State to ignore recommendations of an impartial claims commission. It would be particularly difficult in consideration of the fact that article XIX, paragraph 4, provides that these decisions shall be made public and that copies of the decisions shall be delivered to the Secretary-General. However, we are still unable to persuade ourselves that victims are adequately protected if arbitration awards can be ignored by the State causing the damage.

56. We continue to believe that States which are willing to create risks by launching objects into space should be willing to be bound by any decisions reached by a fair system of international arbitration. We are particularly disturbed by the omission of binding arbitration, because the formula used in article XIX may well become a precedent for arbitration procedures in other legal régimes. We have in mind, for example, possible developments in environmental law and the law of the sea, where inherently dangerous activities should entail the full responsibility, subject to binding third party arbitration, of the States carrying out the offending activities.

57. For these reasons my delegation will abstain in the vote on the draft resolution [A/C.1/L.570] that commends the convention. My Government's decision on whether we shall eventually sign and ratify the convention will depend upon our careful consideration of a number of factors, including our evaluation of the effectiveness of the convention taking into account the statements and interpretations made by other States. We are aware from paragraph 34 of the report that, in addition to Canada, Iran, Japan and Sweden, many delegations would have preferred binding arbitration awards even though willing to support the convention as being the best achievable compromise. Accordingly, my delegation wishes to propose that States consider making a declaration when they sign and ratify the convention, or even at a later date, to the effect that they accept as binding in relation to any other State which makes a reciprocal declaration the decision of any claims commission appointed under the convention. Such declarations should, of course, be communicated to the Depositary States and, through them, to all the States parties to the convention. By making such declarations, States will be able to express their faith in the efficacy of international arbitration and they will be able to do so, we suggest, without placing themselves under any disadvantage vis-à-vis other States which do not make similar declarations.

58. This afternoon my delegation will submit an amendment to incorporate in the draft convention the procedure



for making voluntary declarations. We believe that the inclusion of a specific provision within the convention will encourage States to make declarations, and a series of such declarations will make the arbitration system more effective. My delegation has deliberately refrained from proposing any substantive amendment at this late stage in our considerations. We decided to propose an amendment providing for the making of declarations after concluding that such an amendment would be non-controversial and could be approved speedily. We regard the amendment as non-substantive because it will be completely within the discretion of any State whether or not to make a declaration, and by making a declaration no State would place itself under any disadvantage vis-à-vis other States which did not.

59. On another subject, as noted in paragraph 40 of the report, Canada intends to submit a draft convention on the registration of objects launched into space, for consideration by the Legal Sub-Committee at its 1972 session. This will follow the paper we submitted in April 1970 to the Scientific and Technical Sub-Committee [A/AC.105/C.1/L.31]. An international system for the registration of objects will be of much assistance in determining the identity of parties who may be liable for damage caused by space objects. Moreover, such a system will be consistent with the general obligation, contained in article XI of the outer space Treaty, to inform the Secretary-General of the nature, conduct, locations and results of space activities. As described in paragraph 28 of the report, some information is already being received from launching States in accordance with paragraphs 1 and 2 of resolution 1721 B (XVI). Helpful information has also been provided by the Secretariat in its paper entitled "Information on the technical aspects of the registration of objects launched into outer space" [A/AC.105/L.52]. However, the time has come to go beyond the exploratory stage and to draft a treaty. Accordingly, my delegation considers that the General Assembly should be asked to endorse the outer space Committee's recommendation that the Legal Sub-Committee should assign a high priority to registration in its work next year—and Canada pledges its full co-operation.

60. On the question of remote sensing of the earth by satellites, Canada welcomes the decision of the Scientific and Technical Sub-Committee to establish a Working Group on Remote Sensing of the Earth by Satellites. Canada participated in the Working Group's organizational meeting on 9 September. We intend to take an active part in the Working Group under the capable chairmanship of Mr. Franco Fiorio of Italy. We believe we shall be able to make a contribution as a result of our experience with NASA in the joint Earth Resources Technology Satellites (ERTS) experimental programme. We are now modifying a ground station to read out data about Canadian terrain and we are building facilities for processing and interpretation of data. We began fairly extensive studies in 1969 and we have focused our national planning on a Canadian programme of remote sensing which includes satellites, aircraft and field investigations. While it may not be unique, we think our experience is relevant to the studies of the Working Group. So we look forward to an early start in the substantive activities of that Working Group. My delegation wishes to commend the United States for undertaking, at

its own expense, the ERTS and Skylab experiments. We think this is a praiseworthy example of international scientific co-operation; it should foster even wider and more truly international co-operation in remote sensing.

61. We are in the first stage of what promises to be an international programme with obvious advantages for all countries, and particularly the developing countries. Our first task must be to catalogue our scientific and technological resources, establish the priority of our work and decide on the most effective forms of co-operation. Later, as the representative from Brazil pointed out a few moments ago, we shall have to address ourselves to developing a legal framework for earth resources sensing activities and for co-operative programmes so that national and international aspects are balanced positively and responsibly.

62. Canada is studying with interest the provisions of the draft international treaty concerning the moon, which was submitted by the Soviet delegation [A/C.1/L.568]. The comments made at the 1820th meeting by the Soviet representative were helpful in explaining the objectives and some of the main features of the draft treaty.

63. We find the Soviet draft repeats many provisions of the outer space Treaty, but in several articles, such as those dealing with ownership, resources and pollution, there appears to be an elaboration of the comparable article of the outer space Treaty. We think these articles will require careful consideration and we look forward to further discussion of these aspects of the draft treaty. There are also some apparent omissions in comparison with the outer space Treaty in that the Soviet draft does not explicitly permit scientific research; also, the Soviet draft contains liability provisions which we think are just as vague as those found in the outer space Treaty. We should be interested to learn whether the Soviet delegation would interpret the convention on international liability for damage caused by space objects, when it comes into force, as applicable to activities on the moon. The Soviet draft also refers to possible consultations in article III, paragraph 3, and in article V, paragraph 3, but without establishing procedures for such consultations.

64. My delegation believes that the General Assembly will be adopting the most appropriate procedure by requesting the Legal Sub-Committee to consider questions relating to the moon. This is the recommendation contained in paragraph 38 of the report of the Committee on the Peaceful Uses of Outer Space. Thus the Legal Sub-Committee would be able to consider not only the Soviet draft treaty but also the ideas of other countries, including a draft agreement submitted to the Legal Sub-Committee at its ninth session by Argentina [A/AC.105/C.2/L.71 and *Corr.1*].

65. This summarizes the Canadian position at this stage of our proceedings.

66. Mr. NAKAGAWA (Japan): As it is the first occasion for the Japanese delegation to take the floor in the First Committee, may I take this opportunity to extend to you, Sir, my heartfelt congratulations on your unanimous election to the chairmanship of the First Committee. My

sincere congratulations go also to the other members of the Bureau, His Excellency Ambassador Ramphul of Mauritius and Mr. Giovanni Migliuolo of Italy. My delegation will co-operate fully with the Bureau as well as with the other delegations in the fulfilment of the tasks assigned to us.

67. Before speaking on the agenda item, I should like to express my delegation's deepest sympathy for the tragic loss of lives and property and the sufferings of the people resulting from the recent cyclone and flooding on the eastern coast of India. We were deeply shocked by the news of this disastrous event and we earnestly hope that at least a part of the damage resulting from the disaster will be made good and the sufferings alleviated as soon as possible.

68. The past year was no exception in having witnessed spectacular achievements of space science and technology in the field of exploration and use of outer space.

69. The most remarkable feats accomplished by the missions of Apollo 14 and 15 again show the unlimited possibilities inherent in what science and technology have to offer for the future of mankind. The successful orbiting in June 1971 of the first manned scientific station by the Soviet Union was also an event of outstanding importance. I should like to congratulate sincerely both the United States and the USSR on their great success. I should like to express my sincere congratulations also to the distinguished representative of the United States, Rear-Admiral Shepard, one of the protagonists of the Apollo programme, on his personal success. I think his presence here, as an astronaut who, having travelled in outer space, has directly witnessed its marvels and potentialities, adds particular significance to our deliberations on the item now before us.

70. In connexion with these manifestations of the activities of the two major space Powers, my delegation particularly welcomes the increasing trend towards closer co-operation between the United States and the Soviet Union in the field of the exploration and use of outer space, as was clearly explained by the representative of the United States when the outer space Committee met last September. This trend will surely make for significant accomplishments for the benefit of all mankind in the field of outer space and, at the same time, enhance the cause of world peace.

71. Before passing on to the report of the Committee on the Peaceful Uses of Outer Space [A/8420], I should like to touch upon the space activities carried out by Japan, which have continued to make steady progress in the past year. A test satellite named "Taisei", Japan's No. 2 satellite, was successfully launched into orbit in February this year, and, later on, Japan's first scientific satellite, called "Shinsei", was also successfully launched into orbit on 28 September. The primary objectives of this scientific satellite are to carry out scientific observations, including ionospheric experiments, solar radio emission experiments and energetic particle experiments.

72. My delegation is hopeful that our success, even if it is still modest, will be useful as part of our contribution to the exploration and use of outer space for peaceful purposes.

73. I now turn to the report of the outer space Committee. May I begin first by commenting on the part of the report of the Committee dealing with the report of the Legal Sub-Committee. It is indeed gratifying that the Outer Space Committee, through the valuable efforts of its Legal Sub-Committee, was finally able to adopt the text of the draft convention on international liability for damage caused by space objects [*ibid.*, para. 32]. This accomplishment is certainly the welcome result of compromise resulting from lengthy negotiations and hard bargaining over the past several years.

74. Having said that, my delegation, as a member of the outer space Committee that participated actively in this process of hard negotiations, feels obliged to reiterate its feelings of dissatisfaction as to the substantive provisions now incorporated in articles XII and XIX of the draft convention, namely the key articles relating to the measure of compensation and the settlement of claims. It should be recalled in this connexion that my delegation, together with the delegations of Canada, Iran and Sweden, while not objecting to the procedure whereby the outer space Committee forwarded the whole text of the draft convention to the General Assembly for its consideration, was unable to support it in the Committee. This was because we would have preferred a modification of these two articles on the measure of compensation and especially on the settlement of claims more in line with the earlier proposals we had made with other delegations in document A/AC.105/C.2/L.74. Our reservation on these articles is clearly recorded in paragraph 35 of the present report. This specific position of ours has been consistently maintained since our final discussions on the draft in the Legal Sub-Committee in June, and we still remain most reluctant to change our position on these two articles. From the viewpoint of protecting the legitimate interests of victims of damage caused by a space object through effective and prompt payment of full and equitable compensation, we feel that the relevant text as presented to us in the General Assembly can hardly be called satisfactory. We would adhere to the view that the final text concerning the procedures for the settlement of claims should contain at least some indication that the decision of the claims commission is to be final and binding. In article XIX of the text submitted to the General Assembly, however, the decision or award of the claims commission is clearly stated to be of a recommendatory nature only, so long as the parties do not agree to make it binding. And also, in view of the total disappearance of reference to the *lex loci delicti commissi* and the subsequent dilution of the concept of full compensation, my delegation entertains considerable apprehension regarding the degree of protection which victims could justifiably obtain under this formula.

75. From a slightly different angle, my delegation considers it most important that, in the best interest of the international community as a whole, this liability convention should strike an equitable and harmonious balance between the rights and obligations of launching States and those of non-launching States. In this respect, we do not feel that this balance and harmony is substantially secured by the present text, since it seems not to be sufficiently victim-oriented. My delegation wishes to remind this Committee that, in elaborating the draft convention on liability for damage caused by space objects, we are



evolving a new legal concept and are setting up a new legal framework, which should serve as invaluable precedents for future lawmakers when they have to consider other liability conventions on other like matters. For example, the provision for State responsibility based on absolute liability is a novel one.

76. For all these reasons, my delegation is not in a position to cast an affirmative vote on draft resolution A/C.1/L.570, sponsored by Belgium and a number of other countries, in which the General Assembly would commend the draft liability convention.

77. We regret very much indeed that we are obliged to bring this tone of concern and misgivings to the General Assembly, since we know that there are many in the outer space Committee—and naturally we respect their view—who welcome, despite its above-mentioned shortcomings, the common draft text finally completed after years of hard work. We are also aware that there are those, and of course we respect their view also, who feel that this is about the best compromise draft convention realizable, at least in the foreseeable near future and that, *faute de mieux*, the Assembly should approve it.

78. However, we think it is our duty to point out to those countries which do not happen to be members of the outer space Committee and therefore have not participated in the previous discussion, the points which we feel should be taken into consideration. In this connexion we have listened with great interest to the proposal made by the Canadian delegation to the effect that States should consider making a declaration when they sign and ratify the convention, or even at a later date, to the effect that they accept as binding the decision of any claims commission appointed under the convention vis-à-vis any other party which makes a reciprocal declaration.

79. My delegation wishes to indicate that it fully supports the idea and will be happy to see the proposal incorporated in the draft convention now before us. My delegation earnestly hopes at the same time that, once the convention enters into effect, the shortcomings I have pointed out will be remedied at the stage of implementation by the prompt and effective application of the relevant articles in such a manner as to secure the complete satisfaction of victims and that our misgivings in this connexion will prove to be groundless.

80. With the completion of the draft liability convention, the future work of the Legal Sub-Committee was also an object of intensive discussions both in the Legal Sub-Committee and in the recent session of the parent Committee.

81. My delegation can generally support in this connexion the recommendation of the outer space Committee contained in paragraph 38 of its report that priority should be given to matters relating to the registration of objects launched into space for the exploration or use of outer space, and to questions relating to the moon. My delegation, for one, attaches particular importance, as it made clear at the September session of the outer space Committee, to giving priority to matters relating to the registration of objects for the exploration or use of outer

space. After the conclusion of a liability convention, we feel it will only be logical for us to take up urgently this matter and try to make secure, through prior registration of objects, the identification of parties who may be liable in case of occurrence of damage.

82. I now turn to the part of the Committee's report dealing with the report of the Scientific and Technical Sub-Committee. My delegation considers that the most significant work done by the Scientific and Technical Sub-Committee during the past year is the establishment and convening of the Working Group on Remote Sensing of the Earth by Satellites, and it welcomes the decision of the Sub-Committee to that effect, which was welcomed in its turn by the parent Committee. It seems to my delegation that this field of remote sensing of the earth by satellites is an area in which our activities are still in the formative stage and that much remains to be done. My delegation, therefore, favours a cautious and reasonable approach to the matter and considers that the Working Group at the outset should begin its work with limited objectives and gradually expand its activities in the future, when accurate data will become more available.

83. The draft resolution contained in document A/C.1/L.571, of which Japan, together with a number of other countries, is a sponsor, represents, in the view of my delegation, this reasonable approach. It would in substance provide the means of procuring necessary information from various quarters, namely, from Member States, from United Nations bodies and specialized agencies, as well as other relevant international organizations, and from the Secretary-General, so that the Working Group could begin its work effectively. The draft resolution also requests the outer space Committee to bring about the early initiation of the Working Group's substantive work.

84. I should like to point out that this field of remote sensing of the earth by satellites is very wide and that there are various bodies both within and outside the United Nations whose work is relevant in one way or another to this field. Careful attention should, therefore, be paid to the problem of co-ordinating the work of such bodies.

85. We wish to pledge our full co-operation to the Working Group when it addresses itself to its most challenging tasks next year. As a member of the outer space Committee, we anticipate playing an active part in the work to be carried out by the Working Group.

86. It is gratifying to note that considerable progress has been achieved in the field of international co-operation in education and training in the peaceful uses of outer space. A number of countries have announced their offers of new forms of international co-operation in this regard. In this field, Japan indicated at the last session of the outer space Committee its intention to issue an invitation to a panel on satellite broadcasting for education which is likely to be held in 1973. This intention is referred to in paragraph 22 of the report. We also announced, on a preliminary basis, the possibility of our offering fellowships for space application studies to the developing countries. As we said in the outer space Committee, we hope to be able to make a more concrete proposal on this point at the next session of the Scientific and Technical Sub-Committee. Such efforts show

the earnest desire of Japan to contribute to the promotion of closer international co-operation in education and training in the peaceful uses of outer space.

87. My delegation believes that the United Nations, as a centre for the co-ordination of international co-operation, has a large role to play, particularly in meeting the needs of developing countries in this field. We would like to express our support, therefore, for a programme of action for space applications, and especially the first phase of the programme, along the lines proposed by the Secretary-General in the report contained in document A/AC.105/C.1/L.37. We wish to reiterate, in this connexion, our appreciation of the work done so far by the Expert on Space Applications, Mr. Ricciardi.

88. Finally, we have noted with considerable interest the item proposed by the Soviet Union relating to the preparation of an international treaty concerning the moon [see A/8391] and at a later stage in the course of the present debate my delegation may wish to comment on it.

89. Before concluding my statement, I should like to stress once again that Japan attaches great importance to the whole field of the peaceful uses of outer space, in which we feel there is so much potential for the benefit of humanity. Accordingly, we shall do our best to contribute as much as we can to future progress in this field.

90. Mr. IBINGIRA (Uganda): May I first say that the capable and courteous manner in which you, Mr. Chairman, have handled the proceedings of this Committee since you and your colleagues were elected to conduct our business shows our collective wisdom in having chosen the right people for the job. I am sure that we shall continue to have fruitful deliberations under your competent guidance.

91. I wish, before discussing matters of outer space, to congratulate those nations which are carrying out space exploration, in particular the United States of America and the Soviet Union. Beyond our world we must all feel oneness as members of the human race when any of us ventures into the limitless vastness of outer space. It was therefore fitting when the first human being on the moon, the representative of the United States here, placed the flags of our nations on the lunar surface and declared it a State for all mankind and not just for his country alone.

92. We are discussing the report of the Committee on the Peaceful Uses of Outer Space [A/8420]. My delegation in principle supports the text of the draft convention on international liability for damage caused by space objects as it appears in the report. We welcome the realization of States involved in outer space exploration. They have an obligation to compensate those who may be adversely affected by their activities. But we do regret that the measure of compensation proposed in the relevant article of the draft convention is not supposed to be in accordance with the law of the State in which the injury occurs, but rather in accordance with the principles of international law. It is the view of my delegation that it is only fair and proper that compensation in the event of any injury to any object or thing in another State must be measured by the law of that State, unless, as the representative of Canada has just pointed out, that law is contrary to the established principles of international law.

93. This point is quite important for my country as a developing nation which is not going to engage in the space programme in the foreseeable future, but which may conceivably be involved in receiving some misguided or misdirected objects which have been pushed up into space by some other Member State.

94. It is quite self-evident that the historic era of man in outer space portends incalculable consequences for our world, whether on this earth one walks on foot or moves in a Cadillac, whether one lives in grass huts or in skyscrapers, whether one is starving and hungry or having more than enough to eat, and irrespective of political and social systems. What happens in the heavens, in outer space, is very much a matter for careful and serious attention for all mankind, and it should not be assumed that, simply because some developing States do not have space programmes, they therefore have no interest in outer space exploration.

95. The draft convention now before us, and the others still to come, are conceived exclusively on the basis of the assumption that only States from this planet can explore or use outer space. The rights and obligations concern one State in relation to another on our planet. Consequently, we exclude all possibility that we might share outer space with some other space explorers possessed of intelligence and capabilities matching our own, from some undetermined place of origin.

96. If there is any possibility that there might be other users of outer space than those from the planet earth, it becomes imperative that in a convention such as the one before us or others to come a clause must be included ensuring that any State engaged in outer space exploration must conduct itself in such a way as not to prejudice the safety of our planet. If, for instance, a State sent out a spaceship on an exploration voyage into outer space, it should ensure that such a spaceship would not conduct itself in a hostile manner should it by any chance encounter other spaceships or objects from undetermined places of origin. It is not enough to leave this to the good sense of the exploring State. The matter is far too important and fundamental. This responsibility to our planet must be appropriately spelled out in a liability convention such as the one before us.

97. The liability incurred when one space object causes damage to another State on earth is almost nothing compared with the liability a State would incur in relation to our whole earth in attracting hostile reactions from origins that are unknown, undetermined, but real all the same.

98. I know that the problem of whether or not there can be other space travellers has involved great controversy over a long period of time. The official position of all the States involved in exploring outer space seems to be that there is no intelligent life comparable with our own in the universe; that, therefore, there are no chances that space explorers from earth will encounter others from other worlds.

99. These Governments have consistently discredited any suggestion that the unidentified flying objects (UFOs) which have repeatedly been observed at different times in

different parts of the world could not possibly be interplanetary spaceships. They have concluded that all the alleged sightings of UFOs and flying saucers in our skies are balloons, comets, planets or things of that kind. It is true that a lot of these things could not lead one seriously to believe that they were in fact interplanetary spacecraft. But there is ample evidence to raise a reasonable doubt that some of them just might conceivably be. There are in the United States, in the Soviet Union and in the United Kingdom, in addition to other countries, serious scientists who believe that some of these unidentified flying objects are interplanetary or intergalactic spacecrafts. Let me quote some of them.

100. Mr. Herman Oberth, a distinguished space scientist, reputedly one of the people who developed the V-2, one of the founders of modern rocketry, and author of the book *By Rocket to Interplanetary Space*, was quoted by the *Times* newspaper in Alabama, on 1 February 1967, as having said the following:

"According to information available to me there exist more than 70,000 eyewitness reports of UFOs. Eleven per cent of these reports cannot be easily explained. They should not be lies or hoaxes because they involve responsible senior Air Force officers or radar readings or photographs from responsible sources. Their speed can be enormous. Radar measurements have shown up to 11.8 miles per second."

Continuing his comments on the UFOs, the distinguished scientist stated:

"(a) They are not built by human beings . . . today we cannot produce machines that fly as UFOs do.

"(b) They are flying by means of artificial fields of gravity. This would explain the sudden changes in direction. . . . This hypothesis also would explain the piling up of these discs into a cylindrical or cigar-shaped mother ship upon leaving the earth, because in this fashion only one field of gravity would be required for all discs.

"(c) They produce high-tension electric charges in order to push the air out of their path . . . and strong magnetic fields to influence the ionized air at higher altitudes. . . . This would explain their luminosity . . ."

101. Another distinguished scientist, Mr. James MacDonald, Professor of Meteorology and Senior Physicist at the Institute of Atmospheric Physics at the University of Arizona, in October 1966 stated that there was a real likelihood that UFOs were extra-terrestrial probes.

102. Now it was stated again in August 1965 by Professor Claudio Anguita of the Cerro Calán Observatory in Chile that "There is scientific evidence that strange objects visit our planet. . . . It is lamentable that Governments have drawn a veil of secrecy over all this."

103. I do not want to indulge at length in instances of this nature. These people are not charlatans. These people are not abnormal people. They are responsible people who have enquiring and serious minds. Not all Governments have

been altogether silent about this matter. I would like to quote the Argentinian Secretary of the Navy, who issued a press release on the sighting of a UFO on 7 July 1965:

"The Naval garrison in the Argentine Antarctica, Deception Island, observed on 3 July at 1940 hours local time a giant, lens-shaped flying object, solid in appearance, mostly red and green in colour, changing occasionally with yellow, blue, white, and orange shades. The object was moving on a zigzag trajectory toward the east but several times it changed course to the west and north with varied speeds and without sound.

"It passed at an elevation of 45 degrees over the horizon at a distance estimated to be about 10 to 15 kilometres from the base.

"During the manoeuvres performed by the object, the witnesses were able to register its tremendous speeds and also the fact that it hovered motionless for about 15 minutes at an altitude of about three miles. The meteorological conditions for the area of the sighting can be considered as very good. . . .

"The object was witnessed by the meteorologist together with 13 members of the garrison and three Chilean non-commissioned officers visiting the base. The observation lasted for 20 minutes and photographs of the object were taken."

104. I do not think we can completely ignore what these people have had to say. They do not state—neither am I trying to tell this Committee to accept—that there are actually outer space travellers, that there is actually intelligent life in the universe comparable to our own; but it is my submission that a reasonable doubt has been raised that there might be, and that therefore, in the event of our friends—to whom we would give every possible encouragement to explore outer space—going out into outer space and launching these ships or other equipment, care must be taken to ensure that no one should wittingly antagonize anything with which he might come in contact that appeared in his reasonable judgement to be intelligently controlled.

105. We are discussing a convention which deals with the liability of States in respect of other States on this planet, but I believe that this is a liability of a far more fundamental importance, because it concerns the well-being of all human beings on this planet. I accept, even without being told, that the States in question would exercise diligence and do everything in their power to take care not to antagonize any being of any description; but so would I accept, on being told the provisions we are trying to incorporate in this draft convention, without their having been incorporated, that States would try to abide by the principles contained in the treaty. That does not preclude our setting the provision down, and I would suggest that this Committee should consider the possibility of including a clause or a preambular paragraph in the draft liability convention urging those nations that are engaged in outer space exploration to conduct their space ships and objects, in so far as it is possible and practicable, should they come into contact with any other objects that might seem to be intelligently controlled, in such a way as not to antagonize or provoke them.

106. I have already stated that this is not an acknowledgement of another form of life. It is just, I think, a question of prudence. I should like to conclude with the words of Mr. Obeth: "Science should regard anything as possible so long as it cannot be proven impossible by facts based upon observations."

107. In this way, in my view and the view of my delegation, we shall outgrow the outlook of our forefathers when they argued vehemently that the earth was flat, that man could never fly, that no one could ever reach the moon or go beyond it to the stars.

108. Mr. KALOSHIN (Byelorussian Soviet Socialist Republic) (*translation from Russian*): The launching of the first artificial earth satellite and the flight by Yuri Gagarin have opened up for mankind the path to stellar worlds and have ushered in a new era in the exploration and exploitation of outer space. The way towards research into outer space by means of space vehicles is now open and an epoch of active scientific investigation into the secrets of space has begun. Scientists in the Byelorussian SSR are making a considerable contribution by carrying out extensive and intensive work on the study of outer space and on the use of the results of space research for economic requirements.

109. Man is now beginning continuous exploitation of space systems with economic applications, for the surveying of resources, weather conditions, forests, water and crops. Astronautics are influential in developments in radio electronics, machine construction, behaviour of materials, computer technology and many other fields. They are also an integrating factor in science, uniting the efforts of scientists in different fields for the study of the processes taking place in space and on the earth.

110. The intensification and expansion of space research have forcefully raised the question of international legal regulation of States' space activities. There is an urgent need for specific international legal instruments based on equality and respect for the interests of all countries, large and small, developed and developing, to define the activities of States in the conquest and utilization of space.

111. The first encouraging steps in this direction have already been taken. On the initiative of the Soviet Union, nuclear tests have been banned in outer space and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies [*resolution 2222 (XXI), annex*], and the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space [*resolution 2345 (XXII), annex*] have been concluded. The Byelorussian SSR has signed and ratified these important international agreements, which are a practical beginning to the legal regulation of States' activities in the research and use of outer space.

112. However, scientific and technological achievements in space research and exploration are so great that they are making it possible to solve the increasingly complex problems encountered in the study of near-earth and interplanetary space, the moon and the planets in the solar system.

113. The flights round the moon and photographing of its far side, the soft landing on the moon by the Soviet automatic station, Luna-9, the landing of the first man on the moon, the subsequent expeditions by American astronauts on the lunar surface and the experiments conducted by the USSR with Lunokhod-1 and other automatic devices have opened up new prospects for mankind in the exploration of the moon. These achievements will lead in the very near future to a further expansion of activities by States on the surface of the moon.

114. This raises the question of the conclusion of a broad universal agreement specially devoted to the moon. Starting from existing international legal instruments concerning space, such an agreement could regulate in detail all the main aspects of the activities of States on the moon.

115. This is precisely what is done in the draft international treaty concerning the moon, submitted by the Soviet Union for consideration at the twenty-sixth session of the United Nations General Assembly [*A/C.1/L.568*]. As was rightly pointed out in the letter of 27 May 1971 from the Minister for Foreign Affairs of the Soviet Union, Mr. A. A. Gromyko, addressed to the United Nations Secretary-General [*A/8391*]:

"... steps should be taken now towards the further elaboration and formulation of rules of international law to govern the activities of States on the moon. As the earth's only natural satellite, the moon has an important role to play in the conquest of outer space and it should be used exclusively in the interests of peace and for the benefit of all mankind. It is essential that the activities of States on the moon should not be allowed to become a source of international conflict and that a legal basis should be established for potential uses of the moon. The conclusion of an appropriate international treaty would serve this purpose."

116. The 1967 Treaty on outer space undoubtedly settled a whole series of problems relating to activities by States on the moon, as representatives who have spoken here have said. Yet it is no less true that many, indeed very many, of the important problems connected with the moon were not dealt with because they were outside the scope of that Treaty. It is essential to bridge this gap because in the future, the not so distant future, the moon will become the object of increasingly close attention and increasingly deep study by a growing number of States. If we do not settle now many questions which are pending, man's activities on the moon may be clouded by many collisions, conflicts and disagreements.

117. It is important to stress that the draft treaty concerning the moon which has been submitted provides that the moon shall be used exclusively for peaceful purposes, and prohibits the use or threat of force in any form and all other hostile activities on the moon in relation to the earth; it reaffirms the ban on the installation on the moon of nuclear weapons and other weapons of mass destruction, and any other activities involving exploration and exploitation of the moon for military purposes. In our view these provisions are extremely important because they exclude the moon from the arms race.

118. It is also noteworthy that the draft treaty goes further towards solving the urgent problems of space law relating to the possibility of extending States' jurisdiction to outer space and to celestial bodies, and that it prohibits national appropriation of outer space, including the moon and other celestial bodies, by declaring that the surface and subsoil of the moon may not become the property of States, international intergovernmental or non-governmental organizations or natural persons and may not be the object of any transactions between them.

119. It should also be pointed out that the draft treaty submitted is inspired by humanitarian considerations, since it stresses in its provisions that exploration of the moon shall be carried out with due regard for the interests of present and future generations and in such a manner as to avoid disrupting the existing balance of the lunar environment. This means that exploration and exploitation of the moon must be undertaken in a rational way, and that the scientific knowledge and experience accumulated during the investigation of the moon must be used for the good of mankind to improve living conditions for people and extend man's knowledge in the most varied fields of science and technology.

120. It is indisputable that the conclusion of such a treaty concerning the moon is urgently required and is in the interests of all States, for it concerns the international community as a whole and our common future.

121. The delegation of the Byelorussian SSR supports the initiative for the preparation and conclusion of an international treaty concerning the moon and supports the proposal that the Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee should consider, as a matter of priority, the question of preparing such a draft treaty.

122. The delegation of the Byelorussian SSR welcomes the fact that the Committee on the Peaceful Uses of Outer Space has made considerable progress in the past year. The text of the draft convention on international liability for damage caused by space objects [see A/8420, para. 32], prepared by the Legal Sub-Committee, is the crowning achievement of many years of effort made by the Committee to that end. The draft convention, which is the outcome of a compromise between States with different legal and social systems, is fully acceptable.

123. The delegation of the Byelorussian SSR supports the draft convention and urges its approval by the General Assembly and its opening for signature by States as soon as possible.

124. We should also like to say a few words about the conclusions and recommendations of the Scientific and Technical Sub-Committee, in particular concerning the establishment and the activities of the Working Group on Remote Sensing of the Earth by Satellites. We should like to stress that the utmost care must be taken in considering the use of space technology for the study of the earth's subsoil. It is an indisputable fact that every State has inalienable sovereignty over its own resources, and consequently has an exclusive right to information concerning them. Research into the technical aspects of the problem

should therefore be accompanied by preparation of legal rules governing the practical application of space technology for remote sensing of the earth's resources on a broad international basis.

125. It should also be stressed that, since the United Nations is faced with important and complex tasks relating to the further consolidation of international co-operation in the exploration and exploitation of outer space for peaceful purposes and the further codification and progressive development of space law, the role and effectiveness of the activities of the relevant bodies of the United Nations dealing with these questions must be enhanced so that they can, to the greatest degree possible, assist the work of the Committee on the Peaceful Uses of Outer Space and its subsidiary organs. We hope that the appropriate practical steps will be taken in this direction.

126. In conclusion, I wish to say that fruitful co-operation in the exploration and exploitation of outer space for peaceful purposes is possible only on the basis of genuine mutual understanding and trust and regard for the interests of all States.

127. Mr. THEODOROPOULOS (Greece): In the first place, I should like to express my delegation's appreciation for the work performed by the Committee on the Peaceful Uses of Outer Space as a whole, and by its two Sub-Committees in particular.

128. My intervention at this stage will refer to only one aspect of the item under discussion; that is the draft convention on international liability for damage caused by space objects [*ibid.*]. I should like to say quite frankly that we feel disappointed on two counts: first, in regard to the solution which the draft convention gives to the problem of the applicable law, in article XII, which, in our view, should be the *lex loci*; and second, with regard to the non-binding character of the awards of the claims commission. We realize that the text as it stands before us is the result of long and difficult negotiation; we understand that it represents the best possible compromise within the Legal Sub-Committee; we are aware that a convention is better than no convention. Nevertheless, we feel disappointed that in a field which should mark a promising new beginning in a virgin area of international law we find a spirit less far-sighted and open-minded than we had the right to expect. Here we had an opportunity to display boldness, to strengthen certain basic concepts of international law, to progress from arbitrariness to compliance with the law. This has not prevailed. It is of little help to say, as was mentioned here the other day, that we shall have a chance to revise the convention in 10 years' time and to correct its shortcomings. The disheartening fact remains that we have not been able at this time to go far enough.

129. I need not go into our objections in detail; they were summed up in a most pertinent way by the representative of Sweden at the 1820th meeting and today by the representatives of Canada and Japan. May I only add one consideration.

130. We believe that launching States might possibly find it easier at a later stage to abide by the provisions of a binding international instrument than to take upon themselves in each particular instance in the future the onus of arbitrarily deciding whether or not to comply with this or

that award decision. Acceptance of a general and objective norm of law should in the long run be a positive advantage, not a burden.

131. At this stage, for the reasons I have stated, the Greek delegation would like to reserve its position vis-à-vis the draft convention. We think, however, that the suggestion just made by the representative of Canada is of great interest and merits our careful attention.

132. The CHAIRMAN (*interpretation from French*): I propose that the list of speakers wishing to speak in the general debate on the two items now before us should be closed tomorrow, 9 November, at 6 p.m. If I hear no objection it will be so decided.

*It was so decided.*

133. I wish to draw the attention of members of the Committee to the three draft resolutions on item 33 of our agenda: A/C.1/L.569, 570 and 571. I would also like to inform the Committee that the name of Poland should be added to the sponsors of draft resolution A/C.1/L.569.

134. A draft resolution on item 92 of the agenda has just been distributed in document A/C.1/572.

#### *Organization of work*

135. The CHAIRMAN (*interpretation from French*): Before adjourning the meeting I should like to make some comments on our programme of work.

136. At the 1803rd meeting the Committee agreed on the order in which it intended to examine the items allocated to it, as appears in document A/C.1/1014.

137. At the 1803rd meeting, on 4 November, the Committee concluded the general debate on the first item of our agenda concerning the implementation of the declaration on the strengthening of international security. It also decided that consideration of the draft resolutions on this question would take place at some later meeting.

138. With regard to the programme of work for the rest of the session, I should like to suggest the following plan. For item 33, on international co-operation on the peaceful uses of outer space, and item 92, on preparation of an international treaty concerning the Moon, we would reserve four and a half working days; that is to say, from 4 to 10 November. To the seven items on disarmament, including item 98, on the declaration of the Indian Ocean as a zone of peace, we would devote 17 working days: that is to say from Thursday, 11 November, to Friday, 3 December. As to the questions concerning the sea-bed, they will be considered from Monday, 6 December, to Wednesday, 15 December. Two working days, 16 and 17 December, would be held in reserve in order to examine any draft resolutions which might call for extensive consultations.

139. I do not feel that it is necessary to ask the Committee to pronounce itself formally on the time-table I have just suggested. It is understood that we shall make every effort in our future work to conclude consideration of all the items allocated to our Committee by Friday, 17 December, at the latest. If I have suggested that target date for the conclusion of our work, it is because the General Assembly has set Tuesday, 21 December for the closing of the twenty-sixth session.

*The meeting rose at 5.15 p.m.*