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Chairman: Mr. Milko TARABANOV (Bulgaria).

AGENDA ITEMS 33 AND 92 *(continued)*

International co-operation in the peaceful uses of outer space: report of the Committee on the Peaceful Uses of Outer Space (A/8420, A/C.1/L.569, 570, 571, 574, 575 and 576)

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

GENERAL DEBATE *(continued)*

1. Mr. SHARIF (Indonesia): Although representing the Government of a non-space Power and a non-member of the Committee on the Peaceful Uses of Outer Space, my delegation attaches great importance to items 33 and 92, which have been under consideration in this Committee since Thursday, 4 November.

2. Ever since 1957, when man succeeded in launching objects into orbit, our interest in space affairs has grown steadily. With great admiration we have witnessed each year the spectacular achievements of science and technology unfolding ever further the mysteries of the universe, including outer space. The past year was no exception.

3. The world has noted the hitherto inconceivable further achievements of scientists of the United States and the Soviet Union, who have made it possible to bring to a successful conclusion such moon probes as Apollo 14 and 15, Lunokhod, Mars and others. We share with the United States and the Soviet Union the pride of man's ability in his search for a better knowledge of the universe, which at the same time opens new prospects and possibilities in space science and technology. On a sadder note, we also share the grief and sorrow of the Soviet Union at the loss of cosmonauts Dobrovolsky, Volkov and Patsaev.

4. We have also noted the launching of national satellites by France, Japan, Italy and China, and the multilateral launchings by the European Space Research Organization and the United States National Aeronautics and Space Administration (NASA). Contacts for exchange of information and experiences, as well as co-operation between NASA and the Soviet Academy of Sciences, are most gratifying indeed. My Government applauds the continued trend towards bilateral and multilateral co-operation in space research and exploration and is looking forward to an increasing role by the United Nations in space matters.

5. The use of outer space offers to mankind new technical advantages. To benefit from them we all must seize every opportunity for peaceful co-operation and agreement. Conflicts in space have not yet broken out, but its problems are urgent. Thus, in addition to the programme for space applications, which my country as a non-space Power believes should have first priority, we also feel equally the urgency of a progressive development of the law governing activities in outer space.

6. My Government believes in the principle of equal opportunity for peaceful scientific initiatives, but we are also aware of the extremely contrasting stage of development between space and non-space Powers, which also brings with it differences of interest and approach. In these circumstances we hope that the United Nations will be in a position to play an increasing role to meet the needs of us all, space and non-space Powers alike.

7. With reference to the report of the Committee on the Peaceful Uses of Outer Space contained in document A/8420, my delegation would like to express first of all its deep appreciation to the members of the Committee who have laboured relentlessly on behalf of us all to complete the difficult task entrusted to them in General Assembly resolution 1348 (XIII) of 13 December 1958. We are most grateful, further, for the concise but clear introduction presented to this Committee at the 1819th meeting by the Chairman of the outer-space Committee, Ambassador Waldheim of Austria, and by Mr. Wyzner of Poland, Chairman of the Legal Sub-Committee.

8. This year the report of the Legal Sub-Committee presents a brighter outlook. Considering the Assembly's disappointment during past years, expressed *inter alia* last year in its resolution 2733 B (XXV), at the Committee's failure to produce a draft convention on liability for damage caused by objects launched into outer space, my delegation is now happy and would like to congratulate the Committee most sincerely for presenting, in paragraph 32 of its report, the draft convention on international liability for damage caused by space objects. We know that that draft has been achieved only as a result of patient and painstaking negotiations of give and take for no less than eight long years.

9. For a country like Indonesia—a non-space Power but nevertheless a potential victim of space accidents—this draft

convention is of the utmost importance. With the ever-growing development of science and technology in outer space and with the constantly increasing number of space objects in orbit, we must assume that there is also a growing danger of space objects falling to the earth and causing loss of life, injury and loss or damage of property. A liability convention is, no doubt, an indispensable instrument providing an innocent and unsuspecting victim with a guarantee that his claim will be promptly and effectively processed with a view to ensuring a full measure of compensation.

10. My delegation agrees with many who have spoken before me that the draft convention is not perfect in all its intents and purposes and not completely satisfactory to all of us. For years, there was known to be disagreement among members of the Committee on the issues of the measure of compensation and of the claims procedures.

11. My delegation has noted from paragraph 35 of the report that that disagreement still exists. The Governments of Canada, Japan, Iran and Sweden reserved their position on the substance of the current text pertaining to those two issues. Having further carefully listened to the explanations by the representatives concerned, my delegation tends to support their views, since they are close if not identical to its own.

12. My delegation has throughout maintained its position in favour of payment of a full measure of compensation to the victim and effective, clear procedures for settlement of claims. We are most grateful that this position has ultimately been reflected in resolution 2733 B (XXV) of last year, the original draft of which was co-sponsored by Indonesia and which, in operative paragraph 5, states that "a condition of a satisfactory convention on liability is that it should contain provisions which would ensure the payment of a full measure of compensation to victims and effective procedures which would lead to the prompt and equitable settlement of claims".

13. Unfortunately, exoneration of the launching State from absolute liability is still permitted in our present draft, even if it is now limited to the two situations defined in article VI, paragraph 1. We are grateful that such concepts as the limitation of the amount of compensation and the concept of fault have been eliminated, and that in paragraph 2 it is further stressed that:

> "No exoneration whatever shall be granted in cases where the damage has resulted from activities conducted by a launching State which are not in conformity with international law including, in particular, the Charter of the United Nations 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."

14. At first sight, one might feel that the principle of a full measure of compensation is strengthened by the wording of article XII, which provides for a restoration "to the condition which would have existed if the damage had not occurred". The compensation that the launching State shall be liable to pay for damage, however, shall be determined "in accordance with international law and the principles of justice and equity". No references are made to the *lex loci delicti commissi* that has been favoured by many, including my country. Nor do we see in article XIX any final and binding character for the decisions of the claims commission.

15. We shall be able, no doubt, to find a more suitable formula, which will reflect more clearly our principle of absolute liability and an adequate balance between the interests of the launching States and potential victims of space objects, based on the *lex loci* and the victim-oriented character of the convention. At this stage of our discussions, however, my delegation believes that the proposal of the representative of Canada, which is now contained in document A/C.1/L.574, in his statement on this issue at the 1821st meeting, merits our careful study.

16. On the question of participation in the convention, my delegation, believing in the principle of universality and the adherence of the greatest possible number of States to international treaties and conventions, if they are to be made effective, is completely satisfied with the "all States" formula in article XXIV of the draft convention.

17. Concluding our comments on the draft convention, my delegation believes that, in spite of its shortcomings, this present draft seems to establish to a certain extent some kind of responsibility of the launching State in the interest of potential victims of space objects, and could be regarded as the third in our series on the progressive development of the law of outer space, supplementary to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies *[resolution 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]*.

18. With the completion of the draft convention on international liability, my delegation agrees that the Committee should include for immediate future discussion such urgent items as those listed in paragraph 37 of its report. Although they are all of the utmost importance for further development of our activities, my delegation believes that some kind of balance between development of the law of outer space and space applications should be maintained.

19. My delegation wholly subscribes to the arguments of the delegation of Canada *[1821st meeting]* and therefore supports its proposal, already endorsed by others, to make matters relating to the registration of objects launched into outer space for the exploration or use of outer space the first subject for immediate consideration. For the balanced programme that I stressed earlier, my delegation believes that matters relating to activities carried out through remote-sensing satellite surveys of earth resources should be given further high priority for prompt, serious study.

20. In view of the constantly increasing number of moon flights and the progress in the orbiting of manned scientific stations, my delegation further believes that the rules which govern man's activities on the moon should also be prepared as a matter of urgency. We are gratified to have already before us the draft treaty concerning the moon

proposed by the Soviet Union in document A/8391 and explained in detail by the Soviet representative, Mr. Issraelyan, at the 1820th meeting. Full advantage should be taken of this draft. A careful study should be made of it by the Committee in its forthcoming sessions, together with other drafts and proposals.

21. In connexion with the report of the Scientific and Technical Sub-Committee, my delegation would like to welcome, above all, the establishment and convening of the Working Group on Remote Sensing of the Earth by Satellites. As an important field in addition to broadcasting and telecommunications, remote sensing of the earth by satellites is, for a developing country like Indonesia, of the utmost importance. We do not expect that the techniques of remote sensing of the earth by satellites will overnight replace our present methods of surveying earth resources. Remote sensing by satellites is still in its formative stage. We do believe, however, in the unlimited possibilities of such surveys, and that, if fully developed and carefully undertaken, remote sensing by satellites could indeed facilitate and accelerate the tremendous work that still remains to be done in this field in the developing countries. The training of skilled personnel and the procurement of the necessary equipment are no doubt the main direct issues to be studied carefully.

22. In this context, my delegation has noted with special interest paragraphs 9 to 29 of the report of the Committee on the Peaceful Uses of Outer Space, as well as the report of the Secretary-General dealing with the assessment of the needs of developing countries and the ability of the United Nations to meet them, especially in the field of space applications *[A/AC.105/C.1/L.37 and Add.1]*. My delegation shares the opinion of the Secretary-General that if the United Nations is to promote exploration and the use of outer space in the interests of mankind, it must, in the words of paragraph 3 of the report, "make certain that all Member States are in a position to fully avail themselves of the benefits of space applications and are able, if necessary, to safeguard their national interests when, on the international level, political and legal decisions have to be made on specific space applications systems". On that basis, my delegation endorses the recommendation that the Expert on Space Applications should continue his work. I should like, at the same time, to pay tribute to Professor Ricciardi for the special concern he has shown for developing countries in investigating ways of providing information and technical assistance in space applications. The two-phase programme which he helped formulate for the Secretary-General's report demonstrates his realistic and sound approach to the problem.

23. It is in this context also that my delegation agrees to endorse the draft resolution submitted by the Soviet Union and adopted by the outer space Committee *[see A/8420, para. 15]*, calling for the allocation of an additional sum of $U.S.70,000 to the budget of the Outer Space Affairs Division of the United Nations Secretariat for the purpose of promoting the participation of developing countries in practical space applications of space technology. The programmes of panel meetings for 1972, the meetings on points of contact, and the various visits and studies will enable the Expert on Space Applications to identify better the needs and requirements of each country and thus increase the effectiveness of future planning. My delegation believes that the Outer Space Affairs Division of the Secretariat is to become the most suitable organ for the co-ordination of all United Nations activities in the field of outer space. We should like to see it further develop its role as a clearing-house for information and assistance in space applications.

24. In conclusion, I should like to express my Government's deep appreciation to the United States, France, the United Kingdom, Italy, Japan and other Member States, as well as to such specialized agencies as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Meteorological Organization (WMO) and the International Telecommunication Union (ITU) for inviting panels and granting fellowships to candidates from developing countries, including my own. In serious preparation for its project for the remote sensing of its natural resources and other space applications, Indonesia, for its part, intends to seek and utilize opportunities for obtaining information and assistance by attending, whenever practicable and feasible, any panel meetings and meetings of points of contact.

25. Mr. POZO (Chile) *(interpretation from Spanish)*: The Chilean delegation has studied with particular attention the report submitted to the twenty-sixth session of the General Assembly *[A/8420]* by the Committee on the Peaceful Uses of Outer Space, and we were able to note with satisfaction the significant progress achieved during the last years of its work. I should like to convey to that Committee and its Chairman, Ambassador Waldheim, our warmest congratulations on the work done.

26. Unquestionably, the most important aspect of the report is that which relates to the draft convention on international liability for damage caused by space objects. My delegation is aware of the arduous work that was required to obtain agreement on this point, which is the fruit of more than eight years of negotiations and which, it is equally clear to us, has been achieved through compromise.

27. In the preamble–specifically, in the fourth paragraph–we find the crux of the whole draft convention, that is to assure the prompt and full payment of compensation to victims of such damage. If we relate that to the provisions contained in article II to the effect that the launching State shall be wholly liable and shall pay compensation for damage caused by its space object, we can see that the desires of the Committee in these recent years have been met.

28. Notwithstanding the language of the declaration in the preamble referred to, the text of the draft convention would be weakened, in its operative part, if we did not establish clearly and categorically the manner in which the compensation is to be determined and complete payment of the amount to be paid, in order to restore the person, State or organization, on whose behalf the claim is presented, to the condition which would have existed had the damage not occurred. It is understandable, therefore, that certain delegations have expressed reservations concerning the solutions presented to the two most important problems raised by the draft convention: the measures for

compensation and the competence of the claims commission established in articles XII and XIX of the draft convention.

29. However, my delegation considers that it is necessary to take a realistic attitude and concede that despite its imperfections the draft convention being submitted for consideration is an important step forward with respect to liability. Moreover, we trust that this agreement, which has been widely negotiated and which, as we have already said, is the fruit of a compromise, does represent the positive intention of the contracting parties to give full compliance to its provisions. In the last analysis, its efficacy will only be measurable as we make progress in its application. If situations exist which detract from its validity or which render impracticable compliance with the rules it contains, it will be essential to proceed to its revision pursuant to the specific provision established in article XXVI of the draft convention in question.

30. My delegation also finds equally commendable the decision taken by the Scientific and Technical Sub-Committee, to establish a Working Group on Remote Sensing of the Earth by Satellites, and I should like to express our hope for the success of the work which will be started by that Group in the course of next year. My delegation also hopes that its proposed objectives will be fully realized with a view to the maximum utilization of space application, including observation of the earth environment to the benefit of all States, taking into consideration the sovereign rights of each State, and it trusts that a multilateral agreement on this question will be speedily reached.

31. I should like now to say a few words on the programme on the evaluation of the needs of the developing countries and the ability of the United Nations to deal with it—a programme which is being effectively directed by Professor Ricciardi. My delegation considers it of the utmost importance to continue, stimulate and develop this programme and to provide adequate resources for its completion so that the advances and benefits of space technology can be shared by all States, particularly the developing countries. Technological transfers and the training of scientific cadres through the granting of fellowships for special studies has become an aspiration for the developing countries which, like my own, hope to be able to participate actively in the future work in science and technology. In this sense we note with satisfaction that operative paragraph 8 of draft resolution A/C.1/L.569 reflects these concerns.

32. Lastly, my delegation has taken note with great interest of the draft treaty concerning the moon *[A/C.1/L.568]*, submitted by the delegation of the Soviet Union, which is a valuable contribution to the regulation of the activities of States in the exploration and exploitation of the moon, its subsoil and the circumlunar space.

33. We consider fully justified the recommendation of the outer space Committee to attach priority to the matters relating to the moon, as expressed in paragraph 38 of the report, and we believe that the draft convention should be studied by the Legal Sub-Committee together with all lunar matters, such as the draft treaty submitted by the Argentine delegation, concerning the legal nature of the natural resources of the moon and the principles that should govern States in the utilization of those resources *[A/AC.105/C.2/L.71 and Corr.1]*.

34. Mr. OSMAN (Egypt): Mr. Chairman, the delegation of Egypt is once again pleased to be taking part, under your distinguished guidance, in efforts to promote international co-operation in the peaceful uses of outer space for the benefit of mankind.

35. One of the main achievements this year has been the agreement, in the Legal Sub-Committee, to send forward for consideration the text of a draft convention on international liability for damage caused by space objects *[see A/8420, para. 32]*. After eight years of intensive work, the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space approved the draft convention at its meeting at Geneva on 29 June this year.

36. The draft convention as it is presented to us here is by no means perfect nor is it fully satisfactory. But, in a spirit of co-operation, my delegation, like many other delegations, has made important concessions to accommodate the different points of view presented in the Committee. It is to be hoped that the draft convention will help to promote the rule of law in the area that it seeks to cover.

37. My delegation would like to pay tribute to the Chairman of the outer space Committee, Ambassador Waldheim of Austria, and the Chairman of its Legal Sub-Committee, Mr. Wyzner of Poland, without whose continuous support and efforts the draft convention could not have reached this stage.

38. International law is still a self-regulating mechanism operating in a decentralized community. Therefore, there is a limit to what jurists can do, and it is thus inevitable that the Legal Sub-Committee should finally fall back once again on the principle of good faith. The most important aspect of the draft convention or, for that matter, of any international instrument establishing a set of legal rules, is the implementation of the rules that have been laid out. Consequently, we do hope that the signatories of the convention will fully carry out their obligations under it and that, in the last analysis, reparation will be paid to restore a given situation to the condition which would have existed had damage not occurred.

39. The Legal Sub-Committee has now concluded the priority task that was entrusted to it by the General Assembly and it is now time for it to turn its attention to the other items on its agenda. In this regard my delegation is happy to note that the outer space Committee has established a set of priorities for the consideration of the Legal Sub-Committee. My delegation will be happy to discuss matters relating to the registration of objects launched into outer space and questions relating to the moon, which are now established as the two priority items.

40. With regard to the registration and identification of objects launched into outer space, my delegation welcomes the draft convention on that subject, submitted to the Legal Sub-Committee by the French delegation,[1] which

1 See *Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 21*, annex III, appendix I.

endorsed the principle of full access to information on activities in outer space; it will be of considerable practical value with regard to the implications of liability for damage. At the same time my delegation recognizes the technical difficulties of registration and identification as expounded by the Scientific and Technical Sub-Committee at its seventh session *[see A/AC.105/82]*, but it does feel that the legal importance is such that the subject should be studied by the Legal Sub-Committee.

41. My delegation has always been of the opinion that if efforts to reach agreement on some of the issues before the outer space Committee do not prove effective enough, for reasons beyond the Committee's power, the Committee and its subsidiary organ should turn to other subjects on their existing list of topics. Therefore my delegation welcomes the recommendation of the outer space Committee in its latest report to the General Assembly *[A/8420]* that any decision taken by the Legal Sub-Committee to accord priority to one item should not preclude the consideration of any other item on the agenda during any further session of the Sub-Committee, if the Sub-Committee so desires.

42. In this regard we note that next priority was given to the implications of space communications, the definition and/or delimitation of outer space and outer space activities, and matters relating to activities carried out through remote sensing satellite surveys of earth resources. My delegation attaches considerable importance to the question of direct broadcast satellites. The Working Group on Direct Broadcast Satellites, in its report on its third session *[A/AC.105/83]*, pointed out in paragraph 69 (3) that several delegations considered that the existing legal principles and instruments should be completed by the adoption of general principles which would favour the development of television broadcasting for satellites in accordance with the interests of all States. On the other hand, other delegations thought that such an effort was premature and might hinder international co-operation in that domain. While appreciating the point of view held by the second group, my own delegation endorses the first approach and feels that the existing legal instruments which are relevant to direct broadcast satellites–in particular the United Nations Charter and the 1967 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]*–should be supported by further legal regulation of this new activity, for, as noted by the Working Group, while individual Governments would no doubt be able to exercise a significant degree of control over regional or local broadcasts from satellites, the possibility of doing so would depend on the availability of the necessary means, which would differ from one country to another depending on the stage of technological development each one had reached. Developing countries might not have the expertise to control direct broadcast programmes from satellites and their only source of protection would be legal principles restraining the use of that form of broadcasting.

43. My delegation therefore attaches particular importance to early consideration by the Legal Sub-Committee of this item, which is included in its priority list. It might be useful to recall the five general principles which, if adopted, would in the opinion of my delegation favour the development of television broadcasts by satellite. These principles are first, strict observance of the principle of State sovereignty over the national territory and of non-interference in internal affairs; second, the consent of the Government of the State receiving direct broadcasts via satellites and the recognition of its right to protect its citizens and institutions; third, the need to provide guarantees against the abuse of broadcasting by satellites; fourth, the importance of making the benefits of the new techniques of space communications available to developing countries; and fifth, the need to act in accordance with the principles governing friendly relations among States.

44. Another question to which my delegation attaches great importance is the survey of earth resources. As a developing country, Egypt hopes that the new techniques will help to promote the economic and social development of the whole world. In view of the legal and political aspects of this question, my delegation welcomes the draft intentional agreement on this matter submitted by Argentina in document A/AC.105/C.2/L.73, in which it stressed that such techniques should be used in close international co-operation for the benefit of all mankind, with special reference to the interests and needs of the developing countries. Satellite surveys of earth resources should take full account of the principle of the sovereignty of States over their own natural resources, including resources in their territorial waters, and of their absolute right to have access to the findings of such surveys. It is essential for non-space States, and developing countries in particular, to share the benefits of these new techniques when applied within their national countries or in areas recognized as the common heritage of all mankind. My delegation also considers it of paramount importance that States conducting such surveys should be guided by the letter and spirit of the principles of the United Nations Charter concerning friendly relations among States. My delegation therefore hopes that if for any reason the efforts of the Legal Sub-Committee to reach agreement on the first two items listed in its priority list are being delayed, the Legal Sub-Committee should turn immediately to the rest of the topics on its priority list, in particular the questions relating to direct broadcasting satellites and earth resources surveys.

45. I should like now to turn to the subjects relating to activities on the moon, which is an issue at the top of the list in the agenda of the Legal Sub-Committee. On 27 May 1971, in document A/8391, the Soviet Union submitted to the United Nations a draft treaty concerning the moon. This draft would preclude States from establishing sovereignty over any part of the moon and from carrying out certain military activities there. The draft treaty would also seek to protect the lunar environment and guard against contamination, and provide for the exchange of information on any phenomena that could endanger human beings there, as well as on any signs of organic life.

46. My delegation welcomes initiatives that encourage other States to participate in and to contribute to the discussion of developing space law in such a way as to cope with the far-reaching progress of science and technology in the field of outer space. One of the advanced aspects of outer space technology is the scientific exploration of the moon's surface, which would serve peaceful purposes and promote international co-operation. Such scientific explora-

tion necessitates the development of international legal norms that meet the expectation of the ultimate goal of such exploration–namely, improving the quality of human life by making economic, cultural and scientific benefits attainable for both developed and developing countries.

47. My delegation will support all efforts to seek an elaboration of rules of international law for the development of further firm legal bases to govern all kinds of activities of States on the moon. I also express my delegation's hope that the Legal Sub-Committee will during its next session concentrate its attention on this subject in order to be able to report positive results to the twenty-seventh session of the General Assembly. Such positive results are badly needed to narrow the gap between the scientific and technical development of outer space, on the one hand, and the legal provisions and rules to organize such scientific and technical activities in outer space, on the other.

48. Early in my intervention I dealt with the legal aspects of the remote sensing of the earth by satellite. With your permission I should now like say a few words on the technical aspects.

49. The main feature of the 1971 session of the Scientific and Technical Sub-Committee was its response to the General Assembly request contained in its resolution 2733 C (XXV): its decision to establish a Working Group on Remote Sensing of the Earth by Satellites. The purpose of the new Working Group is to study the use of satellites for the remote sensing of the earth, with the objective of promoting the utilization of this application of space technology for the benefit of individual States and of the international community, taking into account, as may be relevant, the several rights of States. The Working Group is also to look into the potential benefits of such space application for developing countries.

50. My delegation welcomes the decision of the Scientific and Technical Sub-Committee to set up that Working Group. We attach great hope to the outcome of the work of that body under the able chairmanship of Mr. Franco Fiorio. If the work is carefully planned and undertaken, and if the co-operation of all States, including the space Powers, is ensured, a significant contribution could be made to the economic development of developing countries, and the position of the United Nations as the focal point for international co-operation in the field of space application would consequently be strengthened.

51. My delegation notes also with satisfaction the present programmes undertaken by UNESCO and ITU in satellite broadcasting for the purpose of contributing to the advancement of education and training. Communication by way of satellite has been the subject of specific recommendations by the United Nations, UNESCO and ITU. In this context it is of particular relevance to note the wording of General Assembly resolution 2733 (XXV) of 16 December 1970, in which the General Assembly unanimously recognized that the use of satellites for television, for educational and training purposes, and particularly in the developing countries, can in many instances contribute towards national programmes of integration and community development and economic, social and cultural development in such areas as formal and adult education, agriculture, health and family planning.

52. The UNESCO General Conference, at its sixteenth session, in 1970, reaffirmed its conviction that space communication offered great possibilities for contributing to education and national development through educational television and radio broadcasts via satellite and recognized that broadcasting via satellite to receivers in remote areas would provide in the shortest time the means of narrowing the gap between the educational level and opportunities of urban and rural populations. In that regard I wish to mention the commendable action taken by both UNESCO and ITU a few months ago in sending a mission to Egypt and several other Arab countries to study the possibilities of introducing a project of space communication for educational and national development purposes. That mission was sent at the request of the Governments of Algeria, Morocco, Egypt, Sudan, Kuwait and Iraq and the Arab States Broadcasting Union. The mission carried out a good study of the present broadcasting system and the possibility of introducing the use of communications satellites, yet it was an exploratory study which should be followed up in due time by further and more detailed study with the object of introducing in that Arab area a project similar to the Indian project for using space communications for educational and training purposes. These further steps should be taken with co-operation among the three competent bodies in the field, namely UNESCO, ITU and the Committee on the Peaceful Uses of Outer Space.

53. The role of the outer space Committee in this field should be ascertained–probably through its Working Group on Direct Broadcast Satellites, which is headed by Ambassador Rydbeck, the representative of Sweden.

54. Ever since the question of education and training has been under discussion in the outer space Committee, my Government has always advocated the strengthening of international co-operation in this field so that the non-space Powers may benefit from space research. The full participation of the developing countries depends on adequate training for personnel from these countries. It is in that context that my Government is gratified at the establishment of internationally sponsored education and training programmes, as stated in paragraphs 21 to 25 of the report of the outer space Committee. Because of the scholarship award already made, and the possible increase in such awards for technical training, the outer space Committee may consider establishing a more cohesive programme of education and training.

55. I should like to refer now with appreciation to the valuable programme on the promotion of applications of space technology which has been carried out by the Secretary-General during the past year in accordance with the relevant resolutions of the General Assembly. My delegation firmly believes that activities of this kind can play a vital role in developing in those countries not yet involved in the space applications programme an awareness of the possibilities in mind when drawing up their national plans. My delegation, therefore, welcomes the programme on applications of space technology envisaged for 1972 as outlined in paragraph 24 of the report of the Scientific and Technical Sub-Committee *[A/AC.105/95]* and hopes that

the funds required for the implementation of this programme will be made available.

56. In conclusion, may I be allowed to express the appreciation of my delegation for the efforts made by the Outer Space Affairs Division as well as the Expert on Space Applications during the year 1971 in carrying out this programme.

57. Mr. DUGERSUREN (Mongolia): The year 1971 has been marked by further major advances in outer space research, more especially in the exploration of the only natural satellite of our planet, the moon. It has likewise witnessed encouraging achievements in the work of the Committee on the Peaceful Uses of Outer Space. It is in the light of these and other relevant developments that my delegation would like to make a few brief comments on the question of international co-operation in the peaceful uses of outer space and on the report of the Committee on the Peaceful Uses of Outer Space *[A/8420]* in particular.

58. First of all, I should like to address myself briefly to the draft convention on international liability for damage caused by space objects which appears in the report. The draft convention, which represents the main achievement of the outer space Committee, was obtained as a result of arduous negotiations for nearly eight long years. After the most comprehensive and lucid introduction of the draft convention given at the 1819th meeting by Ambassador Waldheim, Chairman of the outer space Committee, and Mr. Wyzner, Chairman of the Legal Sub-Committee, and after statements made by previous speakers, I can hardly add anything more to underscore the importance of this new legal instrument. It can be said that the draft convention has arisen from and responded to the practical needs deriving from the increasingly rapid progress in the field of outer space exploration. As such it has further developed one of the basic provisions 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]*. The elaboration of the principle of liability into a convention represents a significant contribution to the development of international space law.

59. The draft convention sets a number of important rules and procedures reflecting the new legal approaches stemming from man's activities in outer space. My delegation submits that by endorsing the draft liability convention the present session of the General Assembly would take a step which would have major significance for strengthening further the existing treaty rules relating to the activities of States in outer space. In the same connexion, my delegation thinks that this new convention will in effect pave the way towards wider accession to the previous agreements on outer space by countries which have not yet joined them so far.

60. At the same time, my delegation is well aware of the fact that the draft convention is neither absolutely perfect nor does it satisfy each and every one. The draft convention, being as it is a product of accommodation and compromise, contains certain stipulations which are inclined to rely to a great extent on the good faith of the parties concerned. There are also some provisions which could possibly have gained from explicit wording.

61. My delegation has listened attentively to those representatives who expressed reservations with regard to certain important provisions of the draft convention, namely those concerning the measure of compensation and the decision of the claims commission. With due respect to the motives for such reservations, my delegation submits that, taken as a whole, the draft convention in its present form has achieved its primary objective, that is, to formulate new legal rules and procedures governing the payment of a just and equitable compensation to victims of damage caused by objects launched into space. We share the view that the draft convention on the whole is "victim-oriented", a phrase that has been so often used to describe the main value of the present draft.

62. It is rightly said that the value of any new international instrument is measured by the support it enjoys. The draft convention under consideration surely commands the approval of the majority.

63. The Mongolian delegation, which has always advocated the early conclusion of an effective agreement on international liability for damage caused by space objects, fully associates itself with those who have endorsed the draft convention and requested the General Assembly to adopt it at the current session. In the same spirit my delegation has become one of the sponsors of the draft resolution contained in document A/C.1/L.570, which *inter alia*, proposes that the General Assembly commend the draft convention on international liability for damage caused by space objects.

64. My delegation fully subscribes to the view expressed here that the legal aspect of man's activities on the moon should be accorded the high priority it rightly deserves as an important matter with immediate practical implications.

65. Man has not only set foot on the moon, but has chosen it as the immediate object of the closest study and tangible use for over-all space activities. Nowadays, exploration of the moon by manned missions or automatic devices has almost become a routine exercise for the space Powers, and it is bound to increase rapidly. It is rightly considered, further, that the moon is destined to serve as the springboard for man's future missions to other celestial bodies. In the light of these developments, the timely initiative of the Soviet Union to prepare now a treaty governing the activities of man on the moon deserves the warm support of those who are genuinely interested in preserving the moon exclusively for peaceful purposes and for the benefit of mankind.

66. In the opinion of my delegation, the main advantage of the Soviet draft treaty concerning the moon, contained in document A/8391, is that it bases itself firmly on the generally accepted rules of international law as expressed in the outer space treaties concluded earlier, as well as in the Charter of the United Nations. This treaty will further enhance, in a more concrete and detailed legal framework, the important principles contained in the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies.

67. My delegation considers that the Soviet draft treaty concerning the moon *[A/C.1/L.568]* has supplied a very

opportune basis for the outer space Committee, more precisely for its Legal Sub-Committee, to engage actively in the urgent work of elaborating a final treaty comprising the specific rules of law governing the activities of States on the moon.

68. With these considerations in view, we, together with other like-minded delegations, sponsored the draft resolution contained in document A/C.1/L.572, which *inter alia* requests the outer space Committee and its Legal Sub-Committee "to consider, as a matter of priority, the question of the elaboration of a draft international Treaty concerning the Moon in accordance with the recommendations contained in paragraph 38 of the report of the Committee and to report thereon to the General Assembly at its twenty-seventh session".

69. Turning to the matters on the agenda of the Scientific and Technical Sub-Committee, I should like to make some very brief observations on certain aspects of the application of space technology. In this connexion, I should like to say that my delegation has examined with great interest the report of the Secretary-General on the assessment of the requirements for assistance in connexion with practical space applications *[A/AC.105/C.1/L.37 and Add.1]*. As may be seen from the report, practical applications of space research and technology can assist in the solution of a number of economic and social problems. Mongolia, being as it is economically a developing country, takes a live interest in availing itself of the benefits of such applications in the economic, educational, health service and other fields. Our stake in this regard is still augmented by the fact that Mongolia is a country with a fairly large territory and an adverse continental climate, whose whims often tend to cause great damage to the national economy, especially to animal husbandry, which is an important branch. As a matter of fact, Mongolia has made a modest beginning in receiving the benefits of satellite meteorology, which is extremely important for us. But these are, of course, a modest beginning so far.

70. The use of remote sensing of the earth from space platforms for the discovery, management and conservation of resources clearly represents one of the promising areas where space research and technology could be used for the benefit of all countries, especially the developing ones. Though we fully share the concern expressed by many delegations at the fact that remote sensing as well as satellite broadcasting for education may seriously infringe the sovereign rights of States, we take, on the whole, a positive view of those projects. My delegation therefore endorses the decision of the outer space Committee to establish a Working Group on Remote Sensing of the Earth by Satellites and looks foward to early substantive results in the work of the Group. In this spirit my delegation is fully prepared to support the draft resolution contained in document A/C.1/L.571, which *inter alia* requests the Committee on the Peaceful Uses of Outer Space to bring about the early initiation of the Working Group's substantive work.

71. Mr. ADENIJI (Nigeria): Mr. Chairman, permit me, first of all, to convey to you and to the officers of the Committee the congratulations of my delegation on your election. You have already shown that the confidence of the members of this Committee was not misplaced.

72. The past year has been quite productive both from the point of view of individual country activity and of the Committee on the Peaceful Uses of Outer Space. The achievements of Apollo 14 and Apollo 15, launched by the United States, have considerably increased man's knowledge of the moon's surface. The establishment of the first manned scientific station in earth orbit by the Soviet Union constitutes an important milestone in orbital manned flights. That such a breakthrough should have ended tragically in the death of the three cosmonauts underlines the close proximity of success and disaster in these sophisticated endeavours of mankind. While we regret the accident, my delegation congratulates both the United States and the USSR for their achievements, and we salute those brave men—represented here by Rear-Admiral Alan Shepard—who are making great sacrifices for the advancement of human knowledge. It is our hope that the two foremost countries in the exploration of space will bear constantly in mind the need to ensure, as stated in General Assembly resolution 1472 A (XIV), "that the exploration and use of outer space should be only for the betterment of mankind and to the benefit of States irrespective of the stage of their economic or scientific development".

73. Nigeria is this year making a modest effort in the application of space technology. In less than a month from now the Satellite Communication Station in Lanlate will be officially opened. We hope, in the near future, to explore the use of direct satellite broadcast and television for educational and cultural activities, and we shall certainly avail ourselves of the various training opportunities so generously offered by countries with advanced space programmes.

74. Turning to the activities of the Committee on the Peaceful Uses of Outer Space, described in its report in document A/8420, my delegation has noted with satisfaction the increasing efforts to interest developing countries in the practical application of space technology. My delegation is particularly pleased with the attention which the Committee has paid to the Secretary-Genral's report on the assessment of the requirements for assistance in connexion with practical space applications *[A/AC.105/C.1/L.37 and Add.1]*, and the consequent adoption by the Committee of a draft resolution requesting the Secretary-General to allocate an additional sum of $70,000 to the Outer Space Affairs Division for the implementation of the programme of promotion of the applications of space technology.

75. My delegation believes that the activities of the Outer Space Affairs Division and of the Expert on Space Applications are of great importance in bringing home to developing countries the tremendous possibilities in the applications of space technology to alleviate some of the economic and social problems faced by these developing countries. The fact has to be realized that only a few nations—and these are mostly advanced nations—are aware of the developments and the potentialities in outer space technology which, by their nature, are quite complex and expensive.

76. Nigeria had the benefit of a visit in June of this year by the Expert on Space Applications, Professor Ricciardi, during his trip to some African countries. In his short stay

in the country Professor Ricciardi had very useful discussions with Nigerian officials on developments in space technology and on the activities of the Committee on the Peaceful Uses of Outer Space. As a result of his visit, interest has become keener in the application of space technology, particularly the potentials in the use of remote sensing for the discovery of earth resources. We therefore look forward with great interest to the activities of the Working Group on Remote Sensing of the Earth by Satellites, and we share the hope of the Scientific and Technical Sub-Committee that the Working Group will be able "to promote the optimum utilization of this space application including the monitoring of the total earth environment for the benefit of individual States and of the international community, taking into account, as may be relevant, the sovereign rights of States and the provisions 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". *[A/8420, para. 10.]*

77. Nigeria has decided to send a technically qualified representative to participate in the forthcoming United Nations Panel on the Establishment and Implementation of Research Programmes in Remote Sensing, which will meet in Brazil later this month.

78. I wish at this juncture to express the gratitude of my delegation to Professor Ricciardi and the officials of the Outer Space Affairs Division for the dedication with which they have approached their responsibilities.

79. While still on the subject of the promotion of the application of space technology, particularly in developing countries, my delegation wishes to suggest to the Committee on the Peaceful Uses of Outer Space the consideration of an increase in the number of developing countries participating in that Committee. My delegation hopes that, in submitting its next report to the twenty-seventh session of the General Assembly, the Committee will include a recommendation for a modest increase in the number of developing countries consistent with efficiency and in keeping with the interest which, as the Committee itself has constantly underlined, must be shown by developing countries in its work.

80. The Committee on the Peaceful Uses of Outer Space, after years of hard labour, has at last been able to submit a draft convention on international liability for damage caused by space objects. My delegation has studied the draft convention with considerable interest and we should like to convey to the Committee on the Peaceful Uses of Outer Space, especially its Legal Sub-Committee, our appreciation of the effort that has gone into it. For all countries, but especially for the developing countries, the need to elaborate a draft convention on liability becomes more urgent with the increased tempo of space activities. This is one reason why we cannot wait too long in order to obtain an ideal draft convention, none of whose articles would tend to put a cog in the wheel of the machinery so carefully elaborated. In its resolution 2733 B (XXV), the General Assembly noted the two main obstacles to agreement. These are the legal rules to be applied for determining compensation and the procedures for the settlement of claims. We note with satisfaction the efforts made to resolve these two issues.

81. It seems to my delegation that article XII contains all the elements which should enable a commission set up under the carefully balanced conditions in articles XV, XVI, XVII and XVIII to make binding decisions. As it stands, article XIX, paragraph 2, seems to us to introduce an element which may slow down considerably the element of promptness highlighted in the fourth paragraph of the preamble to the draft convention. This criticism is in no way intended to minimize the "many long hours of meticulous consultations and negotiations" which resulted in this draft. Thus, notwithstanding its shortcomings, my delegation will lend its support to the adoption of the draft.

82. Finally, my delegation wishes to express its appreciation of the initiative taken by the delegation of the USSR in proposing the preparation of a draft international treaty concerning the moon *[see A/8391]*. We are in complete agreement with the draft resolution contained in document A/C.1/L.572, which takes note of the Soviet draft treaty and requests the Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee to consider, as a matter of priority, the question of the elaboration of a draft international treaty concerning the moon.

83. The CHAIRMAN *(interpretation from French)*: I wish to announce that Hungary has become a sponsor of the draft resolution contained in document A/C.1/L.569.

84. Mr. VAN DER KLAAUW (Netherlands): In speaking in the general debate on items 33 and 92 of the agenda of our present session I shall confine my statement to the draft convention on international liability for damage caused by space objects *[see A/8420, para. 32]*. Since my country is not a member of the Committee on the Peaceful Uses of Outer Space, this is the first opportunity we have had to comment on the draft convention and to raise a few questions.

85. Like the representative of the Philippines, who spoke at the 1822nd meeting yesterday, my delegation has not the slightest intention of criticizing the valuable work of the Committee on the Peaceful Uses of Outer Space, and especially of its Legal Sub-Committee, in drafting the convention. In making my remarks I am guided by the idea that this will not be the first time that deliberations on a draft treaty or draft convention may provide useful guidance for the settlement of differences in interpretation which may arise in the implementation thereof after it has entered into force.

86. First of all, however, I wish to express my delegation's satisfaction at the successful conclusion of several years of work in the Legal Sub-Committee, resulting in the draft convention now before us, which has the characteristics of a compromise but, as has been said before, a reasonable and generally acceptable compromise.

87. Turning now to the text of the draft convention, I should first like to draw the attention of the Committee to article I in conjunction with article III and paragraph 1 of article IV. The provisions in those articles apply to damage to persons or property on the surface of the earth, on board aircraft in flight and on board a space object. However, there is no provision regarding liability for damage caused, for instance, to scientific instruments placed on the moon

or to persons operating there. The general question has already been raised in this Committee and we feel that the Legal Sub-Committee should study this problem when dealing with questions relating to man's activities on the moon and the draft treaty concerning the moon.

88. The definition of the term "damage" in article I *(a)* could be read as applying also to nuclear damage. If that were to be the case the provisions of the draft convention might, in the opinion of my Government, be at variance with the treaties of Paris and Vienna on liability for nuclear accidents.

89. Article I *(d)* defines the term "space object". My delegation wonders whether there should not be a parallel with the widely accepted principles of liability for damage caused by civil aircraft, which include damage caused by passengers, crew and luggage as damage for which compensation can be claimed.

90. In article XI 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]*, States Parties to that Treaty agreed to inform the Secretary-General of the United Nations, as well as the public and the international scientific community, to the greatest extent feasible and practicable, of the nature, conduct, locations and results of space activities. When we turn our attention to the provisions of article X of the draft convention on liability, my delegation is of the opinion that the establishment of the facts with regard to the occurrence of damage or the identification of the launching State which is liable might be facilitated if a similar provision for public information on the date of a scheduled launching were embodied in the draft convention.

91. Articles XII and XIX are interrelated in various ways. Preceding speakers have already elaborated on the dilemma with which the Legal Sub-Committee was faced in this connexion. In such circumstances one should not easily reject, or even criticize, the compromises that have been found; yet my delegation cannot but voice some reservations in this respect. The provisions of article XII, with regard to the measure of compensation, are not, in our view, completely satisfactory. We feel strongly that they ought to be balanced by provisions concerning binding arbitration. However, as no other solution than that formulated in the present draft convention seems to be possible, my delegation would express the hope that the amendment contained in document A/C.1/L.574, introduced by the delegation of Canada, will receive general support.

92. Article XXII of the draft convention states that the convention shall be deemed to apply to any international intergovernmental organization which conducts space activities, provided certain conditions are fulfilled. That implies that acceptance of the convention by such organizations is a voluntary act. Consequently, the possibility remains that damage might be caused by space activities of an organization that had not accepted the convention. In that case one could assume that the members of that organization which were parties to the convention would be liable for the damage. All this is a mere presumption but, in view of the provisions of article XXII, member States of international intergovernmental organizations which conducted space activities might feel tempted not to ratify the convention as long as the organization concerned had not declared its acceptance of the rights and obligations provided for in the convention. In its turn, that organization would not be able to declare its acceptance because the majority of its members were not parties to the convention. We earnestly hope that time will prove this presumption to be unfounded and not a reality which would oblige us to amend article XXII.

93. One can safely say that whereas the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space *[resolution 2345 (XXII), annex]* was in the prime interests of the launching States, the draft convention now before us is of the utmost importance for all those States which conduct no space activities. My delegation therefore wonders why article XXIV, paragraph 3, of the draft convention does not contain a provision similar to that contained in article 7 of the aforementioned Agreement, stipulating that ratification by the space Powers is necessary before the convention enters into force.

94. The provisions concerning amendments to the convention, which are contained in article XXV, might lead to a situation in which States parties having accepted amendments that had already entered into force would be bound by other provisions than States parties that had not accepted those amendments. That could lead to injustice and inequity.

95. Moreover, the provisions of article XXV, in conjuction with the procedure for review set out in article XXVI, might lead, especially in the first five years, to numerous disputes regarding the question whether a proposal to alter provisions of the convention was an amendment or a proposal for review.

96. The final text of the draft convention was published shortly before the beginning of this session of the General Assembly. The remarks I have just made therefore reflect only the conclusions reached by my Government since then. Although my Government has its doubts with regard to some of the provisions of the draft convention—doubts which we submit for consideration—I wish to restate that as a compromise the draft convention is acceptable to us.

The meeting rose at 12.20 p.m.

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