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Chairman: Mr. Agha SHAHI (Pakistan).

AGENDA ITEM 28

International co-operation in the peaceful uses of outer space: report of the Committee on the Peaceful Uses of Outer Space (*continued*) (A/7621 and Add.1; A/C.1/L.509)

1. Mr. KLEIN (Czechoslovakia) (*translated from Russian*): In commenting on the report of the Committee on the Peaceful Uses of Outer Space [A/7621 and Add.1], I cannot pass over in silence the major successes in the exploration of space achieved in the course of this year. Two great Powers—the Soviet Union and the United States—have set new records in the exploration of the universe. During the flights of Apollo 11 and Apollo 12, man for the first time set his foot on the moon. Another important step in the conquest of space was the flight of the three Kosmos manned spacecraft, a group flight around the earth. This feat is of unquestionable importance for the further conquest of space and construction of space stations. I would therefore, on behalf of the Czechoslovak delegation, congratulate, above all, the scientists and technicians of the two major “space” Powers on their latest remarkable achievements.

2. This year is a landmark for Czechoslovakia as well, for it has now become an active participant in space exploration. The General Assembly was informed two years ago, in document A/6668, of the development of co-operation on space research among the socialist States. At that time, the international organization Intersputnik was formed. In 1967, in welcoming the formation of this organization at the twenty-second session of the General Assembly, my delegation said that the development of such co-operation, in view of the potential of Soviet science and technology in this field, would open up new and broader prospects for the active participation by other countries in the practical and direct exploration of the universe. These remarks have been fully substantiated, since in the autumn of this year the first satellite “Interkosmos I”, equipped with special instruments designed and manufactured in certain socialist States, was successfully launched into space. Czechoslovakia, too, had manufactured some of the devices on board this satellite. This co-operation is greatly stimulating the devel-

opment of space science in my country. Preparations are now being made for the launching of other Interkosmos satellites, in the course of which other States will be able to take an active part in space exploration.

3. The facts I have cited demonstrate once again the great importance of international co-operation and the benefits it can confer on States which otherwise would have been unable to assume their share of activities aimed at increasing our knowledge of the cosmos.

4. Czechoslovakia supports all efforts to expand international co-operation in this sphere. It was therefore happy to welcome the scientists from many countries who took part in the conference of the Committee on Space Research of the International Council of Scientific Unions held at Prague and it hopes it was able to provide conditions conducive to the success of the Conference.

5. The swift development of space technology and the great mass of knowledge acquired should be used in the interests of all States. At its sixth session, the Scientific and Technical Sub-Committee of the Committee on the Peaceful Uses of Outer Space considered this very matter. The Sub-Committee intends to intensify its activities, as is clear from the decisions it has taken concerning its future work.

6. By its resolution 2453 (XXIII), the General Assembly established a Working Group on Direct Broadcast Satellites, which held two sessions this year. The Working Group has certainly done useful work. It has shown that, technologically speaking, satellite broadcasting is feasible in the very near future. At the same time, it had brought to light a number of economic, political and legal problems. These problems will have to be solved. My delegation took part in the Working Group’s activities, and believes that the Group has successfully coped with its assignments.

7. On the other hand, the results thus far attained with regard to the legal problems concerning the peaceful uses of outer space are not fully satisfactory. Although at the second part of its session, which was held during the session of the General Assembly, the Committee on the Peaceful Uses of Outer Space made an additional effort to reconcile the differences encountered in its Legal Sub-Committee: but it was unable to do so. Consequently, this year again it was unable to submit to the General Assembly a draft convention on liability for damage caused by the launching of objects into outer space.

8. Although failure to complete this assignment means that not enough progress has been made in the legal sphere, my delegation is inclined to be optimistic and to believe that the Committee will be able to complete the draft convention in the course of the following year. One reason

for this optimism is that considerable efforts were made this year to elucidate positions on certain controversial questions and to bring them somewhat closer together.

9. Of the four main unresolved issues, some compromise was achieved on the question of limiting the amount of compensation for damage and on that of the position of international organizations, where agreement was reached on the basic principles. Partial progress was made, however, on the remaining two questions as well, since new compromise proposals were submitted. As to the question of which law is applicable, in our view the Indian proposal [A/7621, annex III, appendix II] points the way to a solution.

10. My delegation believes that, as regards the settlement of disputes, the decision taken must not be based on the positions of some States only, but must take account of the principle of the sovereignty and the established practice of other States.

11. Czechoslovakia, which has been taken part in the work of the Committee on the Peaceful Uses of Outer Space from the very beginning, is resolved, to the best of its ability, to continue to work for a gradual elimination of the existing difficulties and for ensuring the continuation of the peaceful co-operation of all peoples, in space exploration on an ever-larger scale.

12. Mr. CSATORDAY (Hungary): Man has been dreaming for a long time of exploring and discovering the secrets of the universe. In 1969 we witnessed his new steps in that secret dream-world. The successful group flight in outer space of Soyuz 6, Soyuz 7 and Soyuz 8, the moon landing of the astronauts of Apollo 12 and their return, to mention only the latest two great events, are all important stages in the exploration and scientific observation of outer space.

13. My delegation avails itself of this opportunity to offer its congratulations to the delegations of the two space Powers, the Union of Soviet Socialist Republics and the United States of America, and to all those whose knowledge and efforts made possible those great and often and amazing feats. It is our conviction that further successful undertakings in space exploration will serve the universal interests of mankind.

14. I should now like to set out briefly the views of the Hungarian delegation regarding the work done since the twenty-third session of the General Assembly by the Committee on the Peaceful Uses of Outer Space, as well as its Sub-Committees and Working Groups.

15. As can be seen from the report we have before us [A/7621 and Add.1], the Scientific and Technical Sub-Committee which met in session in the first half of this year, was engaged in such questions as professional training, applications of space technology and the exchange of information on the exploration of outer space.

16. My delegation agrees with the conclusions and recommendations contained in the report of the Sub-Committee [A/7621, annex II]. We also note with satisfaction the information which was submitted by the various United Nations specialized agencies concerning the work they had

done in the practical application of space technology and the possibilities available for them to promote the co-operation of the developing countries in that sphere.

17. This year the outer space Committee has taken up a new problem: the use of space communications for direct radio and television broadcasts from satellites. At this time my delegation expresses its appreciation to the specialists of the Working Group for their careful study of the problem and its technical and economic aspects, as well as the political, legal, social, cultural and other implications of television transmission from satellites. The reports of the Working Group [A/7621/Add.1, annexes III and IV] contain useful material.

18. In the second report of the Working Group we find the conclusion that the legal and other pertinent questions related to direct broadcast satellites call for further examination. My delegation agrees with that conclusion because it is convinced that the recent scientific and technical achievements should serve not only the well-being of peoples but also improve their co-operation and good neighbourly relations. That is feasible only if the satellites are used for television broadcasts by observing the generally recognized norms and principles of international law. However, broadcasting by satellites without the consent of the interested States would constitute a violation of their sovereignty and interference in their internal affairs.

19. We believe the principle of State responsibility for outer space activities which was laid down by the United Nations General Assembly in 1963 [resolution 1962 (XVIII)] and which was recognized as an international obligation under the 1966 space Treaty,¹ applies also to television broadcasts from satellites. Accordingly, my delegation is of the opinion that the outer space Committee, or rather its Legal Sub-Committee, should consider first of all the international legal aspects of the question. For those reasons, my delegation agrees with the recommendation, contained in paragraph 13 of document A/7621/Add.1, that next year the Working Group should submit its report to the Legal Sub-Committee.

20. My Government follows with special attention the activities of the Legal Sub-Committee, which has thus far performed highly important work. It will suffice here to mention only such commonly known international instruments as the space Treaty and the Agreement on the rescue of astronauts.² My country is a party to those international treaties, which have an important part to play in governing the relations between States in the exploration and use of outer space.

21. As the exploration of space goes on, it emphasizes the importance of legal regulation of liability for damage. My Government holds the view that that question should be regulated by a multilateral international treaty at the earliest date possible. That, however, as evidenced by the work of the Legal Sub-Committee, is not an easy task. The

¹ Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies; see resolution 2222 (XXI).

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

States concerned hold different positions on some very important issues and that fact has thus far, in spite of the repeated appeals of the General Assembly, hindered the elaboration of a draft convention concerning liability for damage.

22. My Government wishes to contribute its modest share to the earliest possible drafting of such a convention. It was guided by that aim when it submitted the Hungarian draft of the convention [see A/7621, annex III, appendix II] which is now before the Legal Sub-Committee for consideration, together with other drafts.

23. It is the opinion of my delegation that the States concerned should solve the pending issues related to the convention by a compromise. The convention should contain provisions which are acceptable to all interested States. My delegation welcomes every effort made in that direction. Therefore it expresses its congratulations to the Chairman of the outer space Committee, Mr. Haymerle, for his valuable contribution to the consultations of the Committee during the current session of the General Assembly. The report before us, and especially the statement by the Chairman of the outer space Committee, show that the representatives of the States concerned have made their positions clearer and that may certainly lead to a mutually acceptable solution of the questions to be settled. It should be noted here that the supplementary report of the Committee, especially the statement by the Chairman, may be of help to that end and also to the next session of the Legal Sub-Committee.

24. I should like to speak briefly on the questions still to be settled in connexion with the draft convention concerning liability for damage.

25. First, the upper limit of liability for damage: since the question concerns a new kind of human activity, the possible consequences of which are just now being outlined, we believe that the convention ought not to set an upper limit to liability for damage.

26. As regards the application law in determining the extent of damages, my delegation believes that a good basis for a compromise solution can be article VI of the Indian draft [*ibid.*] which takes into consideration—in addition to international law—the law of the claimant State and that of the respondent State alike.

27. Concerning the settlement of claims and the question related to international organizations, a proper basis for solution and settlement is outlined in the statement of the Chairman of the Committee on the Peaceful Uses of Outer Space [A/7621/Add.1, para. 8]. My Government will continue to do its best—as it has until now—to promote the drafting of the convention on liability for damage.

28. Space exploration is one of the greatest scientific and technical achievements of our century. It focuses man's interest and activities not merely on scientific and technical problems. The exploration and use of outer space have a bearing also on international politics and international law.

29. The solution and regulation of these issues are of special importance. States themselves create by common

accord the rule of international law, from which they derive rights and obligations. With this in view, the Committee, or rather its Legal Sub-Committee, should work out as soon as possible a draft convention concerning liability for damage to protect the interests of the injured States amidst the perilous efforts towards the exploration and use of outer space.

30. The Committee on the Peaceful Uses of Outer Space was established by the United Nations ten years ago [resolution 1472 (XIV)] in order to chart the areas of peaceful co-operation in space exploration and to consider the methods by which a programme for the peaceful uses of outer space can be carried out for the benefit of all mankind.

31. We hold that the report and the recommendations submitted to the General Assembly are suited to this purpose. Therefore my delegation approves the report of the Committee and recommends it for acceptance by other delegations as well.

32. Mr. REECE (Canada): I should like to make a few brief remarks on some of the questions now before us. First, however, my delegation should like to pay a tribute to the United States and to the astronauts of Apollo 11 and 12 on their recent epic achievements. We should also like to congratulate the Soviet Union on its continued and significant contribution to outer space technology and exploration.

33. It must be admitted that progress in outer space since the last General Assembly has been somewhat faster than progress towards agreement on a Convention on liability for damage caused by objects launched into outer space. The international community has an increasing interest in the conclusion of an agreement guaranteeing the payment of damages to victims of space accidents. Negotiations have been under way for nearly seven years, but a number of differences remain to be resolved. Canada, together with the other members of the Legal Sub-Committee, will make every effort to overcome those difficulties and to secure final agreement at the ninth session of the Sub-Committee next summer.

34. The Canadian delegation believes that the provisions concerning the liability of international organizations and the limit of liability are nearing the point of agreement. We think that the discussions which took place recently at the twelfth session of the outer space Committee and in the Sixth Committee have demonstrated that the measure of mutual accommodation so far achieved on these issues will provide the basis for future deliberations and that the momentum already gained will not be lost.

35. In the view of the Canadian delegation the two most important unresolved issues are the machinery for the settlement of disputes, particularly the desirability of binding arbitration provisions, and the question of applicable law. During the past few weeks many delegations have engaged in detailed and thorough discussions on these questions. One of the draft conventions submitted for consideration, which in our view goes some way towards encompassing previous opposing positions, represents a firm basis for future progress on these issues. I refer, of course,

to the proposal put forward by India [see A/7621, annex III, appendix II].

36. The basic feature of an international liability convention is that the number of potential defendants is very limited whereas the number of potential claimants comprises all the members of the international community. It is clear, therefore, that while the convention must lay down equitable standards for all parties, its essential purpose is to protect potential victims. Accordingly, the law to be applied in determining the amount of compensation should give primacy to the law of the place where the damage occurred; or, in appropriate circumstances, to international law; or, perhaps, at the option of the victim State, to the law of the respondent State. To ensure certainty and to encourage the rapid and equitable settlement of claims, the convention must contain provisions for a compulsory, binding settlement of disputes procedure.

37. We are hopeful that the frank and helpful discussions here in New York during the past few months have demonstrated the importance and the urgency of adopting an acceptable liability convention at the earliest possible time. The amazing advances being made almost daily in the field of outer space exploration, which have been highlighted in the last few months by the two successful moon landings, are clear evidence of the need for such an agreement. We trust that the ninth meeting of the Legal Sub-Committee will do its utmost to conclude its work on the convention in order to ensure that the development of international law in this exciting and challenging area of human endeavour will not lag behind technological achievement.

38. Turning to another question, we have noted the decision by the outer space Committee to accept the recommendation of the Scientific and Technical Sub-Committee to appoint a space application promoter to the Outer Space Affairs Division of the Secretariat [A/7621, annex II, para. 24]. We are of the opinion that such an appointment is a beneficial step towards more effective liaison and co-ordination efforts among the departments and divisions of the Secretariat interested in outer space activities. It may well be found useful to review the location of the space application promoter at the thirteenth session of the outer space Committee so as to ensure that his office has been placed where it can best achieve the objectives for which it was created.

39. Another important question facing us is the need for increased attention to the challenges and problems raised by progress in the development of direct broadcasts by satellites. We consider it most important to hold another meeting next year of the Working Group on direct broadcasting. At this meeting we would hope that every effort would be made by the Working Group to examine in depth problems relating to the programming of broadcasts from satellites, particularly into developing countries. I should like to pay a tribute here to the outstanding contribution which has been made by Sweden to the progress achieved in the Working Group to date.

40. At the UNESCO Space Communications Conference,³ which recently adjourned in Paris, many delegations

³ Meeting of Governmental Experts on International Arrangements in the Space Communication Field, held on 2-9 December 1961.

stressed that, in considering the use of satellites for the free flow of information, urgent consideration should be given to questions concerning the control of programme content and, indeed, to the whole question of Member States' rights to veto the free access of satellite signals into their respective jurisdictions. The Canadian authorities will be giving special study to this problem between now and the next meeting of the Working Group on Direct Broadcasting. We look forward to consulting other Governments about appropriate solutions to these problems.

41. I should like to commend to this Committee the final report of the UNESCO Space Communications Conference. We believe that this report usefully identifies in some detail problems which are not solely the responsibility of the Committee on outer space and its sub-committees and working groups. The UNESCO Conference underlined the urgent need for strengthening international arrangements governing the free flow of information and the protection of broadcast signals from uses not authorized by the originating organizations. Various draft declarations about the right of States to determine the contents of programmes transmitted by satellite to their residents and to participate in the production of programmes were circulated at the Conference. The final report refers to these draft declarations.

42. The outer space Committee should not, in our opinion, fail to recognize the importance that these matters have for the tasks of the Working Group on direct broadcasting. This Group should, in our view, be prepared to examine many of these problems in detail at its next session.

43. In conclusion, my delegation would like to comment on draft resolution A/C.1/L.509, which concerns remote earth resources surveying. This resolution, in our opinion, breaks new ground in the area of international co-operation in the use of advanced technology for the benefit of all mankind. The objective of making available to all members of the international community the experience gained by the more advanced technological Powers in the field of earth resources surveying is, we think, of particular importance. We are hopeful that this resolution will lay the foundation for assisting and encouraging international co-operation in this new field, and provide a framework for the sharing of the benefits of this significant type of technology, taking into particular account the interests and needs of the developing countries. We would also expect that all the organizations in the United Nations family of agencies can contribute in a significant manner towards the achievement of these goals. In this way contributions from individual States and international organizations will eventually lead to even further development in this field, which should be channelled into programmes of universal benefit.

44. Therefore, we intend to support this draft resolution and hope that it will receive widespread support in the Committee.

45. Finally, my delegation should like to pay high tribute to the Chairman of the outer space Committee, Mr. Haymerle, whose great devotion and ability have played a large part in the progress achieved to date by the Committee, as

summarized in its report which we also commend to the Committee.

The meeting was suspended at 11.35 a.m. and resumed at 12.10 p.m.

46. Mr. DENORME (Belgium) (*translated from French*): A decade elapsed between the space signals of the first Sputnik and the first steps taken by man on the moon; and the distance covered in those years is truly immense. In the light of those exploits, it is not easy to evaluate the work accomplished by the United Nations and its Committee on the Peaceful Uses of Outer Space.

47. The United Nations has confined itself to two areas, which nevertheless are of considerable importance: first, the promotion of applications of space technology for the benefit of mankind; and secondly, the establishment of a legal system designed to regulate this unexplored universe through the progressive formulation of space law. Its guiding principle was, I might say, summed up in the words engraved on the plaque which the first men who walked on the moon deposited on its surface: "We have come in peace for all mankind." For it is true that the spectacular human and technical achievements in space have been peaceful undertakings carried out under the sign of international co-operation.

48. As regards the promotion of applications of space technology, the United Nations Conference on the Exploration and Peaceful Uses of Outer Space, held at Vienna in 1968, was our first landmark along a promising road. It is now to be expected that the new techniques will be put to practical uses conferring direct benefits on all mankind.

49. Space techniques are already being applied daily in meteorology, navigation, geodesy, television relaying, medicine and education. It is to be hoped that all countries, regardless of their degree of economic and technical development, will reap the benefits of such uses. Various proposals, intended to follow up the work of the Conference, have been studied by the Scientific and Technical Sub-Committee, which decided "that henceforth it would itself promote more energetically the applications of space technology and . . . would consider various concrete initiatives, including, for example, panel meetings" [*ibid.*, para. 26]. One such panel might study the possible application of space and other long distance observation techniques for the conservation of food resources.

50. Furthermore, various types of assistance are being planned to ensure that the countries less advanced in space research, including particularly the developing countries, derive every possible advantage from the various applications of space techniques which might meet their needs.

51. In order to set in motion the entire process for increasing co-operation in the joint exploitation of the practical advantages to be derived from the immense scientific and technical progress resulting from space research, the Sub-Committee recommended the establishment of the post of an expert, who would devote himself entirely to promoting practical applications of space technology and who would be assigned a number of specific tasks.

52. This expert will certainly play a central role; he will have to be closely associated with the work now being done by the office of the Director for Science and Technology, whose functions include encouragement of applications of science and technology to economic and social development. He will have to work closely with the Resources and Transport Division, which has recently taken an interest in the use of satellites for making maps and surveys and is now communicating these techniques to the developing countries. Lastly, he will have to maintain close contact with the specialized agencies concerned and, in particular, with the United Nations Development Programme, so as to be able to handle requests for information and meet the needs for fellowships and other forms of assistance.

53. Because of these considerations, my delegation supports the Canadian suggestion that this expert should be assigned to the Development of Economic and Social Affairs. It is gratified that the Secretary-General, as stated in his note of 13 November 1969 [A/7621/Add.1 annex II], intends to re-examine the various arrangements in the field of peaceful uses of outer space, "bearing in mind the need to achieve optimum co-ordination in the work of the Secretariat." My delegation is awaiting with interest the Secretary-General's report on the question.

54. A particularly promising area in the utilization of satellites is direct broadcasts. The possibilities of such broadcasts have been studied from the technical viewpoint by a special working group [*ibid.*, annex III], which concluded that direct broadcasts would not be commercially feasible for a number of years and that the various problems concerned would therefore not be of practical significance. Nevertheless, it is essential to undertake a study of those problems even now, so as not to lag behind technical progress. At a second stage, the Working Group considered the various social, cultural and legal aspects involved in the application of these new techniques [*ibid.*, annex IV], and concluded that any abuses in such application might have particular unfortunate results.

55. My delegation hopes that the Working Group, in close collaboration with UNESCO, will be able to carry further its study of these problems, in particular, the implications of direct broadcasts in international law, the principle of regulating the content of the broadcasts, and ways of offering appropriate technical assistance to the developing countries, bearing in mind the extraordinary possibilities of this new technique.

56. Another matter which is still in the experimental stage, but which is equally rich in possibilities, is the use of satellites for scanning. Two days ago [1718th meeting], the United States representative mentioned various uses of such techniques for taking an inventory of the earth's resources and made a number of valuable suggestions. My delegation sees in that statement a further proof of the spirit of co-operation which has from the outset manifested itself in space exploration.

57. I said a little while ago that the United Nations had a twofold task in space affairs—promoting applications of space technology, on the one hand, and elaborating space law, on the other. In legal matters, we see that, two years after completing a draft agreement on the rescue and return

of astronauts, the Committee on the Peaceful Uses of Outer Space found itself unable to formulate a convention on liability for damage caused by the launching of objects into outer space:

58. The Belgian delegation solemnly warned the Committee that the General Assembly might be very displeased if it failed to complete a task assigned to it years ago.

59. The Belgian delegation formally proposed that negotiations should be continued until either a positive result was obtained or the beginning of the debate in the First Committee would oblige the Outer Space Committee to admit failure.

60. In this connexion, I should like to pay a heartfelt tribute to the unremitting efforts of Mr. Haymerle, the talented Chairman of the Committee on the Peaceful Uses of Outer Space, who spared no effort to achieve agreement. The lack of any positive result is due neither to lack of time—the Outer Space Committee has been working on the draft for years—nor lack of effort—the Committee remained in session during the major part of this session of the General Assembly—nor lack of new compromise suggestions, avoiding sterile polemics. My delegation, like other delegations, has looked for new formulas to meet the criteria set by the few and increasingly fewer countries that have thus far prevented progress. These countries are of course forever saying that it would be ridiculous to expect any progress while engaging in mutual recriminations. But it would be equally naive to think that agreement could be reached by taking account only of the interests of the launching countries, when those countries cannot either legally or morally evade the obligation of making good the damage caused by their space devices.

61. I should now like to examine the four main problems still outstanding. They are listed in the addendum to the report: first, the settlement of claims; secondly, the question of the applicable law; thirdly, the question of a limit on liability; and lastly, the question of the liability incurred by international intergovernmental organizations.

62. It seems to me that this last problem can now be satisfactorily resolved. My delegation is satisfied with the four principles on which agreement might be attained, as defined in the Chairman's statement [A/7621/Add.1, para. 8], and it is delighted to note the progress made.

63. I shall not stress another problem, which would present no real obstacle once all the other outstanding issues have been settled—I mean the limit on liability. All the States without space capability seem to agree that the draft convention should set no ceiling for reparations. At the same time, those States would no doubt be willing, in a spirit of conciliation, to accept such a limit if this important legal instrument could then enter into force quickly. They would no doubt ask for a reasonable limit, i.e., one taking account of the immense hazards presented by space activities. They would also point out that a convention on liability is humanitarian and that, in the interests of the possible victims, the limit should be set reasonably high. In that case, the difficulty would arise with the two super-Powers, which have taken rigid positions for reasons I prefer not to discuss here. At the same time, I

must confess I was surprised to hear the USSR representative say in the outer space Committee on 9 December that this is the question giving rise to the greatest difficulties [see A/AC.105/PV.75].

64. In our view, the greatest difficulties are elsewhere. They are connected with the two problems I mentioned: the settlement of claims and, in particular, the status of the conclusions of the arbitration commission, and the applicable law, i.e., the choice of the rules on the basis of which compensation for the damage should be assessed.

65. There are two schools of thought with regard to the first of these problems; the first school holds that, after the first stage, that of diplomatic negotiations, and the second, that of bilateral conciliation, there should be a third stage, culminating in a fair settlement through the intervention of a third party; while the second school objects to the "binding" character of the decision taken during the third, or arbitration, stage.

66. It should be noted that the matter concerns the settlement of claims for damage and not the settlement of disputes. The bitter debates at recent diplomatic conferences related to this later problem of public international law. I can, if with difficulty, understand objections to recourse to arbitration in the case of disputes relating to political or territorial claims. But the case before us does not, properly speaking, fall within the realm of inter-State relations. The respondents might be Government agencies or non-governmental organizations, while the victims would nearly always be private persons. Consequently, the problem is essentially one of private international law.

67. Furthermore, if the decision is a mere recommendation, it is far from certain that this so-called "final" decision will be carried out.

68. Belgium nevertheless studied with interest the compromise formula proposed by the French delegation. It is worded as follows:

"The Commission shall state the reasons for its decision, which shall be final and with which the respondent State and the claimant State shall comply" [A/7621/Add.1, para. 8].

69. The commitment by the States parties to the convention to comply with the decision of the arbitration commission would seem to be a minimum safeguard for a prompt and fair settlement. We have been told that even if the decision is merely a recommendation, States would manifest good faith and comply with it. If that is so, why could they not so declare in a legal instrument to which they are parties? Why should it be impossible for them to undertake such a commitment?

70. The French formula—and I would emphasize this—carefully avoids the use of the word "binding"; no decision is imposed on States. The clause merely provides that both the respondent State and the claimant State "shall comply" with the arbitration commission's decision. The States themselves will, by ratifying the convention, undertake to comply with such decisions. They will be taking such a commitment in full exercise of their sovereignty; no solution is being thrust upon them.

71. Nevertheless, that proposal met with no response. Can it be that some States, while generally recognizing the high moral and political value of the decisions taken in such circumstances, nevertheless wish to reserve the right not to comply with them whenever that does not suit them?

72. The question of the applicable law has been clearly expounded in the addendum to the report. As we all know, the great majority of delegations consider that the best basis for the solution of this question would be international law, taking into account the law of the place where the damage occurred. Hungary and the Soviet Union, however, demand that account should be taken of the law of the respondent State.

73. I am, I confess, puzzled by the reference to the law of the respondent State, as in my view it is irreconcilable with the existing public and private international law. I take the position that to take account of the law of the launching State when it has caused damages in the territory of another sovereign State would be interference in the latter's internal affairs and would therefore infringe the principle of sovereign equality.

74. My delegation has made an effort to understand the attitude of its opponents, and has concluded that the reason why a space Power, such as the Soviet Union, insists that the law of the respondent State should be taken into account is that it wants its own law to be applicable in case it should incur a liability. Thus the Soviet Union is asking us, as a final measure, to apply its own law to persons outside its territory who have been injured by its space experiments. I believe—or at any rate I have found no other explanation—that, in defence of this requirement, the Soviet authorities claim that they cannot go beyond certain principles of their legal system.

75. I understand perfectly that under the socio-economic system of the Soviet Union, foreigners are subject to the national law, as defined in its legal system. I realize and accept that a foreigner in the Soviet Union cannot own a tract of land or engage in a commercial or industrial activity. I know that a Soviet court cannot be more lenient towards a foreigner than towards a citizen of the USSR. In brief, a foreigner in the Soviet Union enjoys the same civil rights as USSR citizens, and cannot claim any additional civil rights.

76. All that is true within the Soviet Union's frontiers. But I fail to see why that should still be the case when reparations are claimed under private law for damages suffered outside the Soviet Union and having no relation to Soviet society, even though the liability has been incurred by the Soviet Union.

77. This notion is utterly at variance with the internal logic of public and private international law. Certain relations in private law, precisely because they occur in an international context, must necessarily transcend the principles applicable within Soviet society. That remark naturally applies first of all to trade relations; but it is also true of other relations in private law. Moreover, Soviet legislators have themselves foreseen this and provided for possible derogation from the national law.

78. We do in fact read in article 129 of the Principles of the Civil Law of the USSR and the Union Republics that:

“If the rules laid down by an international treaty or agreement to which the USSR is party are different from those of Soviet civil law, the rules of the international treaty or agreement shall apply.”

79. Article 569 of the Civil Code of the RSFSR reads as follows:

“If the rules laid down by an international treaty or agreement to which the USSR is party are different from those of Soviet civil law, the rules of the international treaty or agreement shall apply.”

“The same principle shall apply in the Russian Soviet Federative Socialist Republic if the rules laid down by an international treaty or agreement to which the RSFSR is party are different from those provided for by the civil law of the RSFSR.”

80. I therefore do not believe that, in the case of the convention on liability for damage caused by the launching of objects into outer space the Soviet Union has any justification for insisting that the law of the respondent State—in this case, Soviet law—should be taken into account. If an international treaty can lead to derogation from Soviet civil law within the Soviet Union, it can certainly do so for relations in private law, which are unquestionably international.

81. Despite these objections of principle and in a spirit of conciliation, my delegation has examined the relevant provisions of the Indian draft [*see A/7621, annex III, appendix II*], which, according to the Soviet Union, offers the best basis for a compromise solution. That provision refers to the law of the claimant States and “where considered appropriate”, to the law of the respondent State. In order to make sure that this double reference does not lead to a conflict between the two bodies of law in question, thereby reducing the right of the victim to its lowest common denominator, my delegation has drawn up a compromise wording, based on the Indian provision, and reading as follows:

“The compensation which the respondent State shall be required to pay for the damage under this convention shall be determined in accordance with the law agreed upon the claimant and the respondent States. In the absence of such an agreement, the compensation shall be determined in accordance with international law and the law of the respondent State or of the claimant State, at the discretion of the latter.” [*See A/7621/Add.1, para. 8.*]

82. My delegation thought that the express reference to the law of the respondent State on an equal footing with the law of the claimant State took due account of the USSR's point of view. However, this proposal met with no response.

83. It is stated in the addendum to the report that “the consultations and negotiations were conducted in a constructive atmosphere”, and that they “led to a certain

rapprochement” of views; and also that the Outer Space Committee should make “a special effort . . . to complete the draft convention in time for submission to the General Assembly at its twenty-fifth session” [*ibid.*]. The Belgian delegation, for its part, is pleased that the report drawn up at the end of the resumed session clearly sets out the problems still outstanding. On the other hand, it regrets that the compromise proposals have not met with greater favour and that even a procedural suggestion—that the Indian draft, which represented an attempt at reconciling divergent views, should be used as the sole reference document in future discussions—have been rejected out of hand. My delegation cannot agree to once again merely referring the matter back to the Outer Space Committee or its Legal Sub-Committee. Such action could not be justified unless it was accompanied by a clear statement that the Committee in question was being given a last chance, and that it must produce a draft protecting the interests of the victims and providing for the prompt and fair settlement of claims.

84. It is now clear that the problem is no longer a legal one; it has become a political problem and can be solved only in political terms.

85. I feel that it is for this Assembly to make certain Powers understand that they cannot continue to claim they are ready to compromise while rejecting every compromise solution offered on the pretext that they cannot surrender principles having to do with differences between the social and legal systems of States.

86. I am pleased to note that the report on the recent resumed session clearly indicates the progress made in the elaboration of space law. The draft convention on liability has not been completed, but some advances have been made and the areas of disagreement clearly delineated.

87. That being so, I would conclude my statement neither on a note of disappointment nor on one of optimism. Rather, I would make an urgent appeal that every effort should be made so that the twenty-fifth anniversary of the United Nations may coincide with the completion of a project which has been all too long on the agenda of the Committee on the Peaceful Uses of Outer Space.

88. Mr. SEN (India): The year that has seen such magnificent achievements by the space Powers in outer space has increased further the hopes and expectations of mankind that this great new field of adventure will also provide practical benefits through international co-operation. The report before us goes some way towards encouraging such hopes.

89. We should like, once again, to extend our special congratulations to the United States on the extraordinary accomplishment represented by Apollo 11 and 12. Although one of the principal objectives of the outer space Committee—the convention on liability for damage—still seems as much out of reach as the moon did until recently, we must congratulate the Committee, its Sub-Committees and its working groups on the advances they have made. The distinguished Rapporteur of this Committee has our thanks for his fine contribution. Our special thanks are due to the distinguished Chairman, Mr. Haymerle, for his

dedicated and admirable guidance of the outer space Committee in its important work.

90. My Government attaches great importance to the application of space technology to help solve economic and social problems. We have made several suggestions in this respect and I am glad to find that the Committee on the Peaceful Uses of Outer Space has taken a favourable decision on many of them. We welcome, in particular, the views expressed in paragraph 15 of that Committee’s report contained in document A/7621 in which it was decided that:

“The Committee . . . would itself promote more energetically the applications of space technology . . . [*and*] welcomed the recommendation that the Secretary-General be requested to prepare a comprehensive assessment of the requirements concerning meritorious specific requests for practical space applications . . . as well as . . . initiate . . . consultation with FAO and other United Nations bodies concerned on the advisability of convening . . . a panel to discuss the applicability of space and other remote sensing techniques to the management of food resources. . . .”

91. We look forward to the results of the Secretary-General’s action on these two recommendations, as well as to the Committee’s future work in promoting the application of space technology, *inter alia*, by convening panel meetings. We are also glad that the Committee has endorsed a recommendation for the appointment by the Secretary-General of an expert to be appointed specifically to promote practical applications of space technology and we are sure that the Secretary-General will appoint him in that part of the Secretariat where he can be most effective. We hope that favourable action will be taken on other suggestions put forward by Indian representatives to the outer space Committee, its Sub-Committees and working groups.

92. We in India are actively pursuing various space programmes, of which the most familiar to this Committee is the Thumba Equatorial Launching Station. We are glad to find that the outer space Committee has recommended again the continued sponsorship of this project by the United Nations, and we hope that the General Assembly will accept this recommendation.

93. Another important project undertaken by us is the Experiment Satellite Communications Earth Station at Ahmedabad. We have received extremely helpful contributions in setting this up from the International Telecommunications Union and UNDP, and we believe that such co-operation by specialized agencies will be of great benefit in developing fruitful programmes of a similar kind. One of the objectives of this Ahmedabad project is to provide training for engineers from India and other developing countries in the field of satellite communication. This is a field in which specialized agencies can be extremely useful, and we would like to repeat our suggestion that these bodies, as well as Governments, should provide more fellowships for specialized training.

94. Another project in the field of outer space which has been recognized as being of great value is satellite television.

This is of enormous importance to all countries, especially to developing countries, where questions of national integration need attention. My Government is undertaking a joint experiment with the National Aeronautics and Space Agency of the United States on a satellite television system. Our project at Ahmedabad will provide essential links for television programmes and it is my Government's hope that the ITU and the UNDP will help this experimental station at Ahmedabad further and widen its scope of activity.

95. We should like to express our appreciation of the statement of the ITU representative before the outer space Committee voicing readiness to make its own contributions to this project. We hope that other specialized agencies also will make significant contributions. For example, UNESCO can help in "software" as well as in training. If the requirements of "hardware" and "software" can be integrated and the contributions of the specialized agencies made complementary, we would achieve the best and quickest results.

96. The document before us includes a most valuable report by the Working Group on Direct Broadcast Satellites [A/7621/Add.1, annex IV]. It has drawn attention to the need for appropriate international bodies to consider how to assist States to benefit from such satellite broadcasts, emphasizing that there can be made available, first, information regarding the latest technological development; secondly, fellowships; and, thirdly, survey missions. The Working Group has also pointed out that direct broadcasting from satellites can make an effective contribution to meeting the needs and particular interests of developing countries, and has again noted that appropriate international agencies should study further these needs and interests and provide information and appropriate assist-

ance. My delegation strongly supports this recommendation.

97. Since the convening of this session of the General Assembly, an expert team, including a specialist whom my Government was glad to make available, has visited Argentina and has given a most favourable report [A/AC.105/69 and Add.1] on the Mar del Plata Station. We are happy to note that the outer space committee has approved United Nations sponsorship for that station. We congratulate Argentina and should like to see the outer space Committee's decision confirmed by the General Assembly.

98. While the outer space Committee has made very satisfying progress on these and other scientific and technological aspects of its work, we regret that it has not found it possible to conclude a draft convention on liability for damage caused by objects launched into outer space. My Government attaches very great importance to the urgent conclusion of such a convention, and we find it most unfortunate that success still eludes us. We appreciate the very sincere efforts made by all delegations in the outer space Committee to reach agreement and we are gratified to find that there was a certain rapprochement of views. The completion of an agreed draft is a vital necessity, and we should like to urge all members of the Legal Sub-Committee to carry out this task most urgently so that the outer space Committee can present an agreed convention for consideration by the General Assembly next year. My delegation has been active in trying to reach agreement. We thank those delegations which have supported our draft and we should like to assure members that we shall continue to do everything we can to try to achieve success on this most pressing need.

The meeting rose at 12.55 p.m.