

United Nations GENERAL ASSEMBLY

SEVENTEENTH SESSION

Official Records



FIRST COMMITTEE, 1294th
MEETING

Friday, 7 December 1962,
at 10.55 a.m.

NEW YORK

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(Sudan).

AGENDA ITEM 27

International co-operation in the peaceful uses of outer space: reports of the Committee on the Peaceful Uses of outer Space, the World Meteorological Organization and the International Telecommunication Union (A/5181; A/5203, chap. VII, sect. IV; A/5229; A/5237; A/C.1/879; A/C.1/880; A/C.1/L.320 and Add.1) (continued)

GENERAL DEBATE (continued)

1. Mr. HAJEK (Czechoslovakia) said that developments in science and technology must open to mankind not only infinite dimensions of outer space but also the road to liberation from poverty and from the contradictions of life on earth. Man must prevent those problems and contradictions from being projected into outer space where they might assume still greater dimensions and even lead to tragedy. It was imperative therefore that the peoples should join forces and combine their knowledge and experience not only to achieve further progress in the conquest of space but also to prevent the arms race and the cold war from making that endeavour negative and dangerous. That appeared to be the significance of General Assembly resolution 1721 (XVI) and the messages exchanged early in 1962 by the Chairman of the Council of Ministers of the USSR and the President of the United States. That also was the spirit in which the First Committee should consider the activities of the Committee on the Peaceful Uses of Outer Space as well as the future work of the United Nations in that field.

2. Some progress had been achieved during 1962 in the matter of scientific and technical co-operation and was reflected in constructive recommendations by the Committee on the Peaceful Uses of Outer Space in its report (A/5181). His delegation endorsed the proposal for the exchange by States of information acquired through their space research and also the recommendation concerning the encouragement of international programmes, in particular the proposal to establish international sounding rocket launching facilities under the aegis of the United Nations, on the

condition that the sovereignty of the States concerned would be strictly respected.

3. There was less reason for satisfaction with the results achieved on the legal aspect of the matter. Although the Legal Sub-Committee had had before it some very constructive proposals—in particular, a draft declaration of the basic principles which should govern the activities of States in the exploration and use of outer space—no agreement had been reached, despite the efforts of the socialist and non-aligned countries. The lack of legal rules regulating the space activities of States could slow down and even paralyse scientific and technical co-operation and help to deliver outer space over to the arms race and the cold war. It was the duty of the General Assembly to break the deadlock on that aspect of the discussions and to adopt the necessary legal principles at the present session or, at least, to entrust the Committee on the Peaceful Uses of Outer Space with the task of elaborating those principles as soon as possible.

4. It was necessary to formulate without delay the fundamental principles to which States would be required to conform in the utilization of outer space and to regulate gradually, by treaties, certain significant aspects of outer space activities, in particular the rescue of astronauts and space vehicles making emergency landings. The most important legal task, however, was the elaboration of a binding declaration of principles based on the principles already enunciated in resolution 1721 (XVI), the provisions of the United Nations Charter and the rules of international law. In the Legal Sub-Committee, the Western Powers, and the United States in particular, had expressed doubts concerning the usefulness of such a declaration, maintaining that the principles contained in resolution 1721 (XVI) were satisfactory. The United States had recommended that priority should be accorded to practical partial measures relating, for example, to assistance to space vehicles and their personnel and the liability of States arising from accidents involving space vehicles. However, during the current discussion, the United States representative had admitted the need to develop the principles of resolution 1721 (XVI) and had promised to submit his own proposals. The United Kingdom delegation had already submitted a draft (A/C.1/879). Disregarding the content of those proposals, it could be said that the change in the attitude of the Western Powers tended to confirm the position of the socialist countries that a resolution was not sufficient and that the principles should be expressed in the form of a declaration stating the precise obligations to which States would subscribe. In that regard, he noted with satisfaction that at an earlier meeting (1289th meeting) the United States representative had said that nations should take all reasonable steps to avoid activities which threatened to deny the use of outer space to other nations and that the United States had no intention of placing weapons of mass

destruction in orbit unless compelled to do so by actions of the Soviet Union. That, in substance, was the view expressed in the sixth principle contained in the Soviet draft declaration (A/5181, annex III, sect. A), and it could be presumed that the United States delegation would not oppose the expression of those principles in the form of legal obligations.

5. The Western Powers had also expressed doubts about the proposal in the Soviet draft that all space activities should be carried out solely and exclusively by States. In view of their economic ideology, those Powers would like the utilization of outer space to be open to private enterprise also. However, space activities involved the interests and security of all States, and only by excluding private interests from that field would it be possible to ensure the application of the principle, recognized by the United States itself, of the liability of States for accidents.

6. In addition, the Western Powers refused to endorse the provisions concerning the prohibition of espionage activities by means of space vehicles and asserted that "observation activities" were permissible in outer space just as they were on the high seas. That assertion was entirely unfounded and was made merely to justify before world opinion the launching of espionage satellites. International law could not, indeed, authorize in outer space acts which it prohibited on earth or in the atmosphere.

7. There was no doubt that the signing of a declaration of the basic principles governing the activities of States pertaining to the exploration and use of outer space would constitute, on the legal plane, a great step towards international co-operation for the conquest of space. Admittedly, at a time when the manufacture and dissemination of ballistic and nuclear weapons was in full swing, the mere fact of signing a declaration of that kind could not prevent the spread of military activities and war preparations to outer space. Czechoslovakia, which was a member of both the Committee on the Peaceful Uses of Outer Space and the Eighteen-Nation Committee which was conducting disarmament negotiations at Geneva, was aware that military and civilian utilization of space were closely linked and that both formed part, in the last analysis, of the wider problem of general and complete disarmament. During the negotiations in the Conference of the Eighteen-Nation Committee on Disarmament at Geneva, it had been clearly proved that in order effectively to prevent the arms race from spreading to outer space it was essential to achieve first the elimination of all means of delivery of nuclear weapons, with a few strictly limited exceptions. The United States proposal (A/C.1/875), whereby States would retain 70 per cent of their rockets in the first phase of disarmament and 35 per cent in the second phase, would not provide a basis, even six years after the beginning of the process of disarmament, for the taking of effective measures to ensure the peaceful use of outer space. On the other hand, the carrying out in the near future of the first stage of general and complete disarmament as formulated in the Soviet draft (A/C.1/867) would undoubtedly promote the development of international co-operation in the use of outer space. Pending the conclusion of an agreement on general and complete disarmament, positive measures, even if only provisional, could contribute to the security of outer space and help to bring about disarmament.

8. His delegation welcomed the agreement reached between the USSR Academy of Sciences and the United

States National Aeronautics and Space Administration (A/C.1/880) and hoped that, just as the great Powers had achieved agreement on the scientific and technical aspects of international co-operation in the peaceful uses of outer space, the General Assembly would also succeed in formulating the basic principles governing the space activities of States.

9. Mr. ATHAR (Pakistan) said that he was happy to learn of the agreement recently arrived at between the United States and the Soviet Union on co-operation in outer space. That agreement would certainly help to ease tension; it confirmed the faith of the Pakistan delegation in the efficacy of the United Nations.

10. The remarkable achievements of the United States and the Soviet Union in outer space did but demonstrate the need for establishing co-operation, for the absence of co-operation would have fearful consequences for mankind. Those countries should therefore be encouraged to continue their efforts to reconcile their points of view. The United States and the Soviet Union had the monopoly of space technology and could carry on their negotiations freely without being obliged to take into account the views and interests of other countries. Further, the exploration of outer space was closely linked with the question of the arms race. Co-operation between the two countries with respect to outer space technology might well be the prelude to an agreement on disarmament, for, if they could agree on joint collaboration in the future exploration of outer space, those countries would in so doing forswear using outer space as a field for the arms race and could thus achieve a measure of real disarmament.

11. It was therefore not at all surprising that the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space had not achieved much progress, because questions relating to outer space were entirely new, and outer space lent itself less easily to legal considerations than the continental land masses. It would therefore perhaps be inadvisable to attempt to tackle the new problem in terms of the old competitive values. In its resolution 1721 A (XVI) the General Assembly had, to be sure, laid down two principles with a view to bringing outer space exploration within the jurisdiction of international law and of the United Nations Charter and to prevent a new colonial struggle in outer space. Yet in spite of their undoubted importance, those principles were incomplete and could not by themselves prevent a conflict. Thus they were only a starting-point.

12. In its resolution 1721 C (XVI) the Assembly had recommended that Member States, WMO and other specialized agencies competent in that branch of science should co-operate in weather research and analysis. That was a subject of particular concern to Pakistan, which was subject to violent cyclones. Moreover, in June 1962 Pakistan had launched two weather rockets and was prepared to place the Sonmiani rocket range near Karachi at the disposal of the United Nations and of WMO if they wished to install international sounding rocket facilities in Pakistan.

13. The Pakistan delegation had taken note with great pleasure of the progress achieved by the Scientific and Technical Sub-Committee with respect to international co-operation and of the statements made by the representatives of WMO, ITU and UNESCO. His delegation hoped that the Scientific and Technical Sub-Committee and those specialized agencies would be interested in the suggestions it was about to make. Firstly, provision should be made for more training

facilities for technical workers from under-developed countries. Secondly, it should be borne in mind that the dissemination of news on technical matters through the medium of newspapers and pamphlets was as important for the under-developed countries as the exchange of information was for the developed countries—if not more important. Thirdly, he suggested that WHO should consider studying, analysing and disseminating data on the effects of outer space activities on man's health, and the hazards he faced. That suggestion related to one of the three points mentioned in the messages exchanged early in 1962 between the Chairman of the Council of Ministers of the USSR and the President of the United States; those messages constituted a solid basis for the establishment of co-operation between the two countries.

14. It was undeniably necessary to prepare a body of law dealing with outer space, but such a code should be based on a set of new values in keeping with the spirit of the day. In other words, it should be conceived in terms of the world community and not merely for the purposes of groups of States that were merely concerned with their own interests. In view of the political realities of the day and of the spirit of conflict that prevailed between the great Powers, such a radical change of direction could not be realized immediately. First things had to be taken first, and the initial step must be to urge the great Powers to put an end to their rivalries and co-operate with each other. Such co-operation existed already in the scientific exploratory work in the Antarctic and was thus not really so impossible as it sometimes seemed. However, a passive co-operation of that kind was not sufficient in outer space, where the execution of joint projects was necessary. If on the other hand countries explored space in order to obtain military advantages, the whole of mankind would be in great peril. It was regrettable that the thermo-nuclear race had already penetrated into outer space, and though every credit should be given to the great Powers for their technical and human successes, it was to be deplored that they should have undertaken nuclear explosions in that new medium. The use of outer space could not be separated from the issues and conflicts existing on land and therefore should form part of the disarmament negotiations. Whether an agreement on joint exploration of outer space should result from an agreement on disarmament or lead to such an agreement, the whole issue was most urgent and merited the close attention of the great Powers and of those other States whose moral influence could be most effective. Further, it was desirable that the Secretary-General should be entrusted with the role of mediator in questions connected with outer space, similar to that which the Pakistan delegation had suggested for disarmament, so that something could be done in the case of a deadlock. If the resources of the Secretariat were limited, it might be desirable to consider concentrating on the essential matters.

15. Mr. DUGERSUREN (Mongolia) noted with satisfaction that the Soviet Union and the United States had shown a greater spirit of co-operation in outer space activities than in any other important international issue. He referred in that connexion to the exchange of messages between the Chairman of the Council of Ministers of the USSR and the President of the United States concerning co-operation in outer space and to the agreement which had recently been concluded between those two countries (A/C.1/880). That agreement constituted a good starting-point for co-opera-

tion between Soviet and United States scientists which would contribute to the progress of science and the strengthening of peace. The Mongolian delegation hoped that such an encouraging result would be followed by further successes.

16. The recommendations on scientific and technical matters made by the Committee on the Peaceful Uses of Outer Space had an important bearing on the establishment of co-operation between countries. The First Committee should signify its unanimous approval, for all countries would benefit by the proposed activities. WMO, ITU, COSPAR and the other international organizations concerned had also made a valuable contribution. As the climate of Mongolia was subject to rapid changes which frequently had an adverse effect on agriculture, his country was particularly interested in the projects of WMO for the improvement of weather research and analysis. His delegation intended to request the competent authorities of his country to consider close co-operation with WMO with regard to the World Weather Watch.

17. It was regrettable that no appreciable progress had been made in the constitution of a body of law. The two principles laid down by the General Assembly in its resolution 1721 A (XVI) were important, but they were only of a general character. The time had thus come to work out a set of rules which would govern the conduct of nations in the exploration and use of outer space; they might indeed form the foundation of a body of space law. That was why the Soviet Union had proposed that a declaration to that effect should be adopted as soon as possible. It was difficult to understand why the United States was opposed to that proposal, especially as it had itself submitted proposals on specific questions covered by the Soviet draft declaration (A/5181, annex III, sect. A) which it would be illogical to examine apart from that declaration. The United States without any doubt understood the urgency of working out a comprehensive legal system, but it did not wish to be bound by the provisions of the Soviet draft declaration, which had been inspired by a sincere desire to promote the peaceful exploration and use of outer space. That was clearly to be seen in the statement made by the United States representative. However, the idea of an international declaration appeared to be gaining ground, since the United States itself had announced its intention of submitting a draft, and the United Kingdom had already submitted one (A/C.1/879). With respect to the latter, his delegation reserved the right to make its observations known later.

18. His delegation would support the Soviet draft declaration, which constituted an excellent basis for the establishment of international co-operation in outer space. If the Legal Sub-Committee was to take the Soviet draft declaration and the other proposals in annex III of the report of the Committee on the Peaceful Uses of Outer Space (A/5181) as a basis, it would be able to draft the text of an international agreement or convention setting forth the principles which should govern the exploration and use of outer space. The Mongolian Government was prepared to co-operate to the utmost extent in carrying out the projects and programmes outlined by the Committee on the Peaceful Uses of Outer Space.

19. Mr. CHAKRAVARTY (India) observed that the remarkable progress which had been made in the field of science and technology, and which had been illustrated in a particularly vivid manner by the recent

flights of Soviet and United States cosmonauts, had raised serious problems that must be dealt with immediately. The Committee on the Peaceful Uses of Outer Space had unanimously recommended certain measures of scientific and technical co-operation arising out of the directives of General Assembly resolution 1721 (XVI). There were thus grounds for satisfaction with the agreement reached in that regard. Furthermore, United States and Soviet scientists had reached an agreement on the co-operation of their two countries in three fields of space science, and it was to be hoped that such a spirit of co-operation would be extended to other fields. He recalled that his country had offered to be the host State for an international equatorial sounding rocket launching facility, on condition that the facility would be a United Nations project in which the principal Powers concerned would co-operate.

20. It was regrettable that progress made in the legal sphere had not been so satisfactory. The discussions which had taken place in the Legal Sub-Committee and in the Committee on the Peaceful Uses of Outer Space had nevertheless shown that the elaboration of legal principles must not be delayed too long. Various proposals had been made on that subject, but it was not for the General Assembly to discuss them in detail. Such a task should be entrusted to a small committee of experts, and the most appropriate body would be the Legal Sub-Committee. The General Assembly should therefore limit itself to requesting the Committee on the Peaceful Uses of Outer Space to continue with the study and elaboration of space law.

21. The delegation of India had always emphasized that outer space should be reserved for peaceful uses, and it regretted that the representatives of the United States and the Soviet Union, who seemed to agree with that principle, had linked the question with that of general and complete disarmament. Outer space was no doubt potentially of great military value, and it was not easy for the great Powers to agree to its demilitarization outside the context of general and complete disarmament. Moreover, it was sometimes difficult to distinguish the peaceful from the military use of outer space. Nevertheless, a declaration by the two great Powers that they would not use outer space for military purposes would constitute a significant step in the development of the rule of law in outer space. The co-operation agreement which had been concluded between Soviet and United States scientists (A/C.1/880) indicated that there was already some degree of mutual confidence which gave grounds for hoping that the two great Powers could soon come to an agreement for the joint exploration of space, thus eliminating many of the difficulties of reserving outer space for peaceful purposes.

22. As the formulation of detailed legal principles by the Legal Sub-Committee would no doubt take some time, there should not be any delay in reaching an agreement on the assistance to and rescue of astronauts and on liability for space vehicle accidents, matters on which there was already an agreement in principle between the two great Powers. The best procedure would be to establish multilateral agreements, as a resolution of the General Assembly would not have the same kind of legal obligation on States. The Committee on the Peaceful Uses of Outer Space should also take up the problem of preventing the use of outer space for experiments which might endanger human lives or change space environment in such a manner as would jeopardize the chances of obtaining

important scientific information. In a resolution adopted earlier in the year, COSPAR had suggested the establishment of a consultative group on potential harmful effects of space experiments, and it might be worth while considering the possibility of establishing international machinery for attaining that objective.

23. In the view of the delegation of India, the Assembly should endorse the recommendations which had been unanimously approved by the Committee on the Peaceful Uses of Outer Space and were based on the report of the Scientific and Technical Sub-Committee and the reports prepared by WMO and ITU; it should instruct that Committee to draw up, on a priority basis and in the form of multilateral agreements, laws concerning assistance and liability; and it should ask the Committee to proceed with the drawing up of legal principles based on the proposals made up to that time, taking into consideration the discussions in the General Assembly, and to make a special effort to ensure that outer space was reserved for peaceful purposes.

24. Mr. MATSEIKO (Ukrainian Soviet Socialist Republic) recalled the progress made in the field of space science in the last few years, particularly by the Soviet Union and the United States. Soviet cosmonauts had co-ordinated their activities during space flight for the first time. Today, all the countries of the world were interested in outer space, and they must unite their efforts if they wished to make progress in that domain. For its part, the Ukrainian SSR was carrying out numerous projects, particularly on space biology, space medicine and astronomical observation, and it hoped that international co-operation could be achieved for the conquest of space.

25. The Committee on the Peaceful Uses of Outer Space, WMO and ITU had submitted very interesting reports. The discussions between the United States and the Soviet Union and the agreement concluded between them in three important fields of space activities marked an important advance towards the development of international co-operation, scientific progress and the strengthening of peace.

26. While the work of the Committee on the Peaceful Uses of Outer Space had been fruitful with regard to science and technology, progress in the legal aspects of the matter was much less satisfactory. Such delay could not be condoned, for it was essential that scientific and technical co-operation between Governments should rest on solid legal foundations. In its resolution 1721 (XVI), the General Assembly had stated two fundamental principles but because of the rapid progress of science it was necessary to go further. The Soviet Union had submitted a draft declaration (A/5181, annex III, sect. A) whose object was to create the most favourable conditions for peaceful co-operation in the field of space. Today, there was much talk about "the conquest of space", and while most people attached a purely peaceful meaning to that term, there were others whose object was to penetrate into outer space in order to be able to dominate the rest of the world. The use of space for war propaganda or for obtaining intelligence data was, however, inadmissible. The Soviet draft had been criticized as being negative in character, but by specifying which activities would be forbidden and which would be permitted in space, the draft was really very constructive and was in harmony both with the United Nations Charter and with resolution 1721 (XVI). Unfortunately, the United States had rejected that draft at Geneva. The question might be asked whether that was not a

move on the part of certain circles in the United States to extend the cold war to outer space. The United States was envisaging expenditure of the order of \$50,000 million in the next few years in order to try to ensure its supremacy in space, and it was obvious that, in such a case, other countries would be forced to react. The draft code put forward by the United Arab Republic (*ibid.*, sect. E) was also of great interest, as it emphasized the need to use outer space for peaceful purposes.

27. The General Assembly should adopt a resolution requesting the Committee on the Peaceful Uses of Outer Space to continue its work on the legal aspects

of the matter and should draw its attention to the fundamental principles which must govern the activities of States in the exploration and use of outer space for peaceful purposes. It had to be admitted that, at present, progress in international co-operation was hindered by the fact that no solution had been found for the problem of general and complete disarmament. It was essential, however, to take advantage of any possibilities which presented themselves for putting the first successes obtained in outer space at the service of mankind.

The meeting rose at 12.45 p.m.