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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.1/881; A/C.1/L.320/Rev.1 and Rev.1/Add.1-2) (concluded)

CONSIDERATION OF THE DRAFT RESOLUTION (A/C.1/L.320/REV.1 AND REV.1/ADD.1-2) (concluded)

1. Miss GUTTERIDGE (United Kingdom) said that her delegation was glad to be one of the sponsors of the twenty-four-Power draft resolution (A/C.1/L.320/Rev.1 and Rev.1/Add.1-2), and drew attention, in particular, to section I. The United Kingdom was prepared to consider further the elaboration of basic legal principles governing the activities of States in the exploration and use of outer space. The proposals and draft declarations referred to in paragraph 4 of section I should therefore be carefully studied. Her delegation was also glad to see that the draft resolution envisaged in paragraphs 3 and 4 of section I that the questions of assistance to and return of astronauts and space vehicles and of liability for space vehicle accidents, and the proposals already made thereon, should be referred for further legal study to the Committee on the Peaceful Uses of Outer Space. It was not too early for careful consideration to be given to the possibility of concluding an agreement on the question of assistance to and return of astronauts and space vehicles. It would be useful, in that connexion, to compare the drafts submitted by the United States and the Soviet

Union with the provisions of international agreements regarding assistance to ships and aircraft. For example, article 4 of the Soviet draft could be compared with article 25 of the Convention on International Civil Aviation, signed at Chicago on 7 December 1944, and regulation 15 of chapter V of the International Convention on the Safety of Life at Sea, 1960, signed at London on 17 June 1960. It would also be necessary to consider the possibility that space vehicles might be launched by international organizations, which was referred to in the United States proposal. Similarly, a number of questions needed to be studied in the context of liability for space vehicle accidents, in particular the question whether liability should in all circumstances rest on the launching State. For example, a space vehicle might be launched from a site provided purely on the ground of geographical suitability by a State not otherwise associated with the project, or might be launched by an international organization. The Legal Sub-Committee might consider all those questions at its next session with a view to affording a satisfactory legal basis for a subsequent international agreement. More rapid progress might be made on those practical questions than on general principles the consideration of which, furthermore, might be materially assisted if agreement could soon be reached on the two questions of immediate and practical concern.

2. Sir Kenneth BAILEY (Australia) said he was in full accord with the idea expressed in the second preambular paragraph of the twenty-four-Power draft resolution, since he believed that the Charter of the United Nations should be the basic instrument on which space law should be founded. Furthermore, the third preambular paragraph and paragraph 4 of section I showed that there was much useful work of a practical character to be undertaken in the legal field and also that much constructive work had already been done. The three topics referred to in that preambular paragraph were independent of one another and, although there was no reason at all why they should not be settled before the next session of the General Assembly, no legal difficulty would be created if one of those topics proved less susceptible of early agreement. The important thing was to secure agreement wherever, and as soon as, possible. It might be useful, therefore, to get the two more limited practical matters out of the way first, because the area of common ground there was already large. One of the points mentioned by the United Kingdom representative was of special significance, for Australia, itself a launching State, had already provided a site because of considerations of geographical suitability for vehicles belonging to other States and to international organizations.

3. With regard to basic legal principles, consideration would have to be given at the outset to the juridical character of the instrument to be formulated. The various proposals listed in paragraph 3 of section I did not all have the same character: the draft code submitted by the United Arab Republic (A/5181, annex III,

sect. E) was expressed as a draft resolution for adoption by the Committee on the Peaceful Uses of Outer Space and was intended to guide it in its work; the draft declaration submitted by the Soviet Union (*ibid.*, sect. A) was to be signed by Governments and open for accession by all States; lastly, the United States draft (A/C.1/881) fell, in point of juridical form, in between the other two, being drafted as a declaration to be submitted to the General Assembly, following the precedent of resolution 1721 (XVI). The Committee on the Peaceful Uses of Outer Space should therefore take into account the opinions expressed at the current session in the Sixth Committee, during its discussion of agenda item 75, on the place that General Assembly resolutions had in the development of international law. Most members of that Committee had held that declarations by the General Assembly were not law-making, in the sense that a treaty or a convention was, but if adhered to in practice they might be evidence of international custom and thus a source of law. The effectiveness of the work in the Committee on the Peaceful Uses of Outer Space would therefore depend on the area of agreement reached. To illustrate the legal work to be done in the field of general principles, he pointed out that the two principles adopted in resolution 1721 (XVI) were not, if read strictly, consistent: international law permitted the acquisition by States of unoccupied territory, whereas the second principle declared that celestial bodies were not susceptible of national appropriation. That was a point that should be clarified, as had been done, for example, in the working paper submitted by the United Kingdom (A/C.1/879).

4. Mr. SANTOS MUÑOZ (Argentina) said he was whole-heartedly in favour of international co-operation in programmes of scientific and technical activities. He therefore welcomed the agreement arrived at in that regard between the United States and the Soviet Union (A/C.1/880) and considered that the twenty-four-Power draft resolution deserved the Committee's unanimous support.

5. The recommendation referred to in paragraph 5 of section II was one of the most positive examples of scientific co-operation in outer space activities. The launching of sounding rockets for meteorological purposes was of great importance to a country like Argentina, for more than 40 per cent of its exports consisted of agricultural products. The information furnished by such rockets could be of service not only to the launching countries but also to neighbouring countries and even to countries further away, since by the co-ordination of the data obtained in that way weather maps could be prepared of great world-wide interest. The establishment of international launching facilities would therefore open up new possibilities for countries which wished to participate in space activities and, though possessing the necessary personnel, were financially unable to do so. In that way the gaps existing in the Southern hemisphere could be filled. Argentina had already undertaken activities in that field within the limits of its resources, as had Australia. In particular, it possessed a launching facility at Chimal and it would be happy to be able to make a contribution. The United Nations should therefore not consider establishing facilities exclusively in the equatorial region. In its report (A/5181), the Committee on the Peaceful Uses of Outer Space, moreover, expressly extended its recommendation to cover facilities in the Southern hemisphere. Furthermore, paragraph 5 of section II of the draft resolution stipulated that the facilities should be established in time for the International Year of the

Quiet Sun. He wished to point out that Argentina intended to participate actively in that programme and had set up a national scientific committee for the purpose. Lastly, the Committee on the Peaceful Uses of Outer Space had itself recognized that the recommendation concerning the establishment of facilities in the equatorial region in no way precluded consideration of proposals relating to other regions. The United States representative had likewise explained that paragraphs 4 and 5 of section II of the draft resolution had to be considered in the light of the report of the Committee on the Peaceful Uses of Outer Space and that launching facilities might be established in other regions, such as the Southern hemisphere, if scientific justification for them was found to exist.

6. So far as the legal principles were concerned, the Committee should recommend only those that had won almost universal acceptance, namely, that international law should apply *mutatis mutandis* to outer space and celestial bodies, that space should be used for peaceful purposes only, that celestial bodies were not susceptible of national appropriation, that the exploration of space should be open to all countries, and that all those who launched any kind of space craft should disseminate widely the results obtained. As the draft resolution was consistent with those principles, his delegation would whole-heartedly support it.

7. Mr. ATHAR (Pakistan) unreservedly supported the draft resolution and was happy to note that the two great Powers were among the sponsors.

8. Mr. VELLODI (Secretary of the Committee) drew the attention of Committee members to rule 154 of the rules of procedure of the General Assembly regarding the financial implications that would be involved by the adoption of the draft resolution. Since the members of the Committee on the Peaceful Uses of Outer Space were representatives of Governments, the United Nations would not be responsible for travelling expenses or subsistence allowances, in accordance with General Assembly resolution 1075 (XI). If the Committee and its sub-committees held their meetings at Headquarters, then the Secretary-General believed that no additional credits would be required for that purpose in 1963. If, however, the sub-committees met at Geneva, as in 1962, while the Committee itself met at Headquarters, the Secretary-General estimated that the additional expenditure would be about \$40,000.

9. The CHAIRMAN put the twenty-four-Power draft resolution (A/C.1/L.320/Rev.1 and Rev.1/Add.1-2) to the vote.

The draft resolution was adopted unanimously.

10. The CHAIRMAN, on behalf of the Committee, thanked the representatives of the World Meteorological Organization, the International Telecommunication Union, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the International Atomic Energy Agency for their constructive participation in the work of the Committee.

AGENDA ITEM 28

The Korean question:

(a) Report of the United Nations Commission for the Unification and Rehabilitation of Korea (A/5213 and Add.1, A/C.1/877, A/C.1/882, A/C.1/883, A/C.1/L.321);

(b) The withdrawal of foreign troops from South Korea (A/5140, A/C.1/869, A/C.1/877, A/C.1/882, A/C.1/883, A/C.1/884, A/C.1/L.318, A/C.1/L.321)

11. The CHAIRMAN recalled that at its 1284th meeting, the Committee had decided to examine the question of the invitation to be sent to the representatives of Korea not later than at the beginning of the debate on the Korean question. He therefore proposed that the Committee should first examine that particular aspect of the matter and then vote on the two draft resolutions (A/C.1/L.318 and A/C.1/L.321). He invited the representatives to limit their comments to those two draft resolutions and to avoid as much as possible any discussion of the substance of the question.

12. Mr. ALLOTT (United States of America) observed that the immediate issue before the Committee was the invitation to be sent to Korean representatives to participate in the debate. There appeared to be no disagreement that Korea should be represented before the Committee; the question to be decided was which representatives should be invited. During preceding sessions, the General Assembly had expressed the opinion by an enormous majority that only Korean spokesmen who accepted the competence and authority of the United Nations to act on the Korean question should be heard. Korean participation was not a mere matter of procedure. There was a striking contrast between the attitude of the Republic of Korea and that of North Korea. The Republic of Korea had accepted the decisions of the United Nations and supported it in its task, whereas North Korea had refused on every occasion to recognize the competence and authority of the Organization. Under those conditions no useful purpose could be served by inviting the representatives of a régime which went so far as to deny the right of the United Nations to discuss the Korean question. If the North Korean régime were to change its attitude and demonstrate its willingness to co-operate in a constructive manner with the Committee and with the United Nations, then the question of participation could be considered in a completely different light.

13. Unfortunately North Korea had not changed its attitude since the days of its aggression against South Korea. On 14 November 1947 the General Assembly had adopted resolution 112 (II) containing a reasonable programme which might have allowed of a solution of the Korean question while still respecting the right of self-determination of that country. It had recommended free elections under United Nations observation, proportional representation and the formation of a national government by the freely elected representatives of a national assembly. At a time when a lawful government was being established in Seoul in accordance with the United Nations programme, in North Korea a régime had been set up which had never ceased to oppose the endeavours of the United Nations to settle the Korean question; it had refused to permit the United Nations Commission even to enter its territory and had challenged the right of the United Nations to propose a solution. In fact, since 1947 the representatives of North Korea, through their speeches, newspaper articles and radio, had clearly indicated that they disputed the right of the United Nations to take any action with respect to Korea. Recently again, on 8 December 1962, the North Koreans had declared that the United Nations had no right to discuss the Korean question.

14. The position of the Republic of Korea was in stark contrast, for it had complied with General Assembly

resolution 112 (II) and had proceeded to hold elections under the supervision of the United Nations Temporary Commission on Korea and to set up a Government. In its resolution 195 (III) of 12 December 1948, the General Assembly had confirmed its view that the Government of the Republic of Korea was a lawful government which exercised control and jurisdiction over that part of Korea which the United Nations Temporary Commission had been able to observe. It had recommended that Member States should take that into consideration in establishing relations with the Government of the Republic of Korea. Since then, as revealed by reports of the United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK) the Republic of Korea had continued its co-operation with the United Nations; it had authorized UNCURK to travel throughout its territory, it had accepted the United Nations programme as a basis for unification of Korea; it had rejected the idea of reunification by force and had in all matters accepted the competence and authority of the United Nations.

15. The United Nations had been endeavouring to help Korea for fifteen years. Although those efforts had not been crowned with success, nevertheless they were being continued and the Korean people placed all its hopes in the Organization. In spite of its enormous handicap, the Republic of Korea had succeeded in developing its relations with other countries and in making a constructive contribution to international affairs. Fifty-one States Members of the United Nations had established or agreed to establish diplomatic relations with its Government. Although it had been deprived of membership of the United Nations by the Soviet veto, the Republic of Korea had been admitted to membership of a number of specialized agencies and had been admitted to the Colombo Plan on 16 November 1962.

16. Notwithstanding the different positions adopted by the Republic of Korea and North Korea, the Soviet Union proposed in its draft resolution (A/C.1/L.318) to place the two countries on the same plane, and called on the First Committee to act as if it thought that the two régimes could participate in the debate in the same way and with the same aims. The United States considered that the representatives of North Korea could not participate in the debates of the Committee unless they were prepared to recognize the competence and authority of the United Nations, within the terms of the Charter, to take action on the Korean question. In its draft resolution (A/C.1/L.321), the United States proposed that a representative of the Republic of Korea should be invited to take part in the discussion and noted, in operative paragraph 1, the attitude taken by the Democratic People's Republic of Korea. In the circumstances it would be undignified to go through the formality of a further invitation to North Korea. The Democratic People's Republic of Korea rejected the competence and authority of the United Nations because it was determined, with outside guidance and assistance, to impose its own solution to the problem of Korean unity, even contrary to the wishes of the Korean people. The question of the participation of the North Korean régime in the Committee's discussion was not merely a question of procedure; it went to the very heart of the purposes of the United Nations and its effectiveness as an instrument for security and peace throughout the world.

17. Mr. MOROZOV (Union of Soviet Socialist Republics) noted that, in accordance with the procedure mentioned by the Chairman, the Committee, after

having examined the two draft resolutions, should make a decision and then begin discussing the substance of the Korean question.

18. In introducing the Soviet draft resolution (A/C.1/L.318), he pointed out that, as distinct from the United States text (A/C.1/L.321), the provisions of the Soviet draft were not inspired by any political sympathies or enmities but were based on a lucid appraisal of the situation in the Korean Peninsula. That attitude was clearly different from the position adopted by the representative of the United States, who had attempted by untruths and slander to discredit the Democratic People's Republic of Korea and to impose the point of view of the United States on the other members of the Committee. The Soviet Union admitted freely that its sympathies were with the régime that truly represented the Korean people, and not with the puppet government that was maintained in power only by American bayonets. Nevertheless, for the sake of objectivity it proposed to invite the representatives of both régimes to take part in the discussion without a vote. The members of the First Committee, whatever their political allegiance might be, must recognize that the participation of the representatives of the Democratic People's Republic of Korea in the discussion on the withdrawal of foreign troops from South Korea was indispensable. That part of the country had been transformed by the United States into a strategic base with many military installations including nuclear rocket bases for intermediate-range rockets. Those installations were immediately adjacent to the frontiers of the Democratic People's Republic of Korea, the People's Republic of China and the Soviet Union. The maintenance of foreign troops in South Korea in violation of the Armistice Agreement of 27 July 1953^{1/} was the principal obstacle to the peaceful unification of Korea. All foreign troops, including the Chinese volunteers, had long since been withdrawn from North Korea. Further, the Government of the Democratic People's Republic of Korea has solemnly declared that it would in no circumstance resort to force provided that it was not itself subjected to aggression. Under those conditions it could not be maintained that an invitation to the representatives of that Government to take part in the discussion would diminish the authority and prestige of the United Nations. Quite on the contrary, it was those who desired that the flag of the United Nations should continue to be used by the United States to conceal its aggressive policy towards the Korean people, and in the Far East generally, who would vote for the United States draft resolution. That draft had been dictated by the desire to perpetuate the American occupation of South Korea and to continue a policy that would augment the tension in the Far East and endanger international peace and security.

19. He protested against the blatant distortion of historical events in the statement by the United States representative. By the admission of General MacArthur, the former Commander-in-Chief of United States forces in Korea, the Korean war had been started by the United States even before the Security Council had adopted—illegally and without the participation of one of its permanent members—its resolutions of June 1950. From the outset, therefore, the Korean operation

had been inspired, organized and financed by the United States and had had nothing to do with the measures prescribed by the provisions of the Charter relating to the use of armed force for the purpose of enforcing a decision of the United Nations. To realize that, one need only refer to United Nations operations in other regions.

20. In view of those facts, it was not surprising that the Head of the Government of the Democratic People's Republic of Korea had stated on 23 October 1962 that, in his opinion, the United Nations had no right to consider the Korean question or to interfere in the internal affairs of his country. He had added that the question of the unification of Korea was one that must be settled by the Koreans themselves, at Pyongyang or at Seoul, and not by foreigners in New York or Washington. Only the people itself, not a foreign army, could unify a country. It had been argued that those legitimate reservations and objections should prompt the members of the Committee to reject the USSR draft resolution. In fact, the purpose of that draft resolution was to invite the representatives of the Democratic People's Republic of Korea and of the South Korean régime to take part in the discussion of the withdrawal of foreign troops from South Korea. The settlement of that question would remove a dangerous source of tension in the Far East and would help to create conditions in which the Korean people would be able to settle the question of the unification of Korea by peaceful means and without foreign interference. Interference in the internal affairs of other countries, especially when it took the form of military occupation, was intolerable and contrary to the Charter, even when the puppets and traitors in Seoul agreed to submit to everything. The remarks of the United States representative regarding the alleged competence of the United Nations in no way invalidated the invitation contemplated in the Soviet draft resolution. Consequently, he continued to expect that the delegations of the independent countries, which were anxious to consolidate international peace and security, would support that draft resolution and reject the United States draft as completely unacceptable.

21. Mr. ALLOTT (United States of America), exercising his right of reply, pointed out that all the references in his statement were to be found in documents available to anyone. He therefore rejected wholeheartedly the Soviet representative's statements about lies and slander. It was, on the contrary, the Soviet view of the outbreak of the war in Korea that had been rejected by everyone outside the Soviet group. It was worth noting that the Soviet representative had carefully avoided discussing the central theme of the United States statement, which was that the North Koreans had repeatedly, and again very recently, rejected the right of the United Nations not only to intervene in the Korean question but even to discuss it. It was as if a party to a lawsuit denied the competence of the court. The USSR representative had himself agreed that that was the position of the North Koreans. No useful purpose could be served, therefore, by inviting them to take part in the discussion, since it was they who were flouting the efforts of the United Nations and Member States to bring about a solution of that serious problem. He reserved the right to reply at a later stage to the matters mentioned by the Soviet Union representative.

The meeting rose at 1 p.m.

^{1/} Official Records of the Security Council, Eighth Year, Supplement for July, August and September 1953, document S/3079, appendix A.