

United Nations GENERAL ASSEMBLY

EIGHTEENTH SESSION

Official Records



FIRST COMMITTEE, 1343rd
MEETING

Tuesday, 3 December 1963,
at 10.30 a.m.

NEW YORK

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*Chairman: Mr. C. W. A. SCHURMANN
(Netherlands).*

AGENDA ITEM 28

International co-operation in the peaceful uses of outer
space (continued):

- (a) Report of the Committee on the Peaceful Uses of
Outer Space (A/5482, A/5549 and Add.1);
- (b) Report of the Economic and Social Council (chap-
ter VII, section IV) (A/5503)

1. Mr. CHAKRAVARTY (India) said that since the seventeenth session of the General Assembly great advances had been made in the exploration of outer space. The prospects opened up by those advances challenged man's capacity to regulate his actions in a new environment and were compelling mankind to focus its attention on the peaceful benefits to be derived from space exploration and on the question of the law to be applied to outer space. The conclusion of the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water and the adoption of General Assembly resolution 1884 (XVIII) represented welcome steps towards the peaceful regulation of outer space. The willingness displayed by the only two States currently capable of exploring outer space to share their knowledge for the benefit of all was to be welcomed. Less developed countries could also help, by undertaking supporting research; however, the essential responsibility for co-ordinating all such efforts for the benefit of the whole of mankind lay with the United Nations.

2. Significant progress had been made in the previous year both in international scientific collaboration and in the formulation of a law of space. Under an agreement reached between the United States National Aeronautics and Space Administration and the Academy of Sciences of the USSR (A/5482), joint experiments were to be carried out in long-distance radio communication by satellite, and the two countries planned to distribute meteorological information obtained from satellites to other countries for forecasting and research purposes. Both countries, as also ITU and WMO, were to be congratulated on the part they were playing in making possible such advances.

3. In India, too, the impact of the progress that was being made in the peaceful use of outer space was

being felt. The Indian Meteorological Department had found some of the data obtained by the United States Weather Bureau satellites very useful for weather forecasting and research. Although India's own space activities were still modest, a sounding rocket launching site had been established at Thumba under the auspices of the Indian National Committee for Space Research, which had been established in 1962 to encourage research into the peaceful uses of outer space and promote international co-operation by keeping in close touch with COSPAR and other organizations. In paragraph 16 (a) of its report (A/5549), the Committee on the Peaceful Uses of Outer Space approved the establishment of a group of scientists to visit the Thumba site, from which the first sounding rocket had been launched on 21 November, and United Nations sponsorship of the project could be anticipated following that visit, which was scheduled for the end of 1963. Aside from that activity, the Indian National Committee had set up a satellite tracking and telemetry station at Ahmedabad in collaboration with the United States National Aeronautics and Space Administration and had organized a space physics seminar. India would co-operate fully in the World Weather Watch and in the international space communications system.

4. The report of the Committee on the Peaceful Uses of Outer Space also dealt with the question of education and training—a subject of special significance to the developing countries, which would derive great benefit from training in weather reading and communications. The report also mentioned that UNESCO could help Member States in various ways; in India's case, UNESCO had offered financial assistance for the organization of a seminar, and had helped to meet expenses connected with the dispatch of Indian experts for advanced training in space research techniques abroad and with a programme of fellowships to be offered to foreign technicians for training at Thumba. His country was grateful to UNESCO for that assistance.

5. Although in adopting resolution 1721 (XVI) in 1961, Member States had agreed that international law, including the United Nations Charter, should be applicable to outer space and that State sovereignty should not apply there, serious differences had remained as to what further legal principles could be formulated at the present stage, and on the question whether space law should be expressed in another General Assembly resolution or embodied in a binding international agreement. There had been wide agreement on the need to formulate the laws of liability and assistance, but not on the broad principles to govern State activity in space. However, thanks to protracted negotiations and the statesmanship of the two Powers most intimately concerned, it had now proved possible for the Committee on the Peaceful Uses of Outer Space to draw up a draft declaration of legal principles (A/5549/Add.1, para. 6), representing the

maximum area of agreement at present possible. Although the draft declaration mainly reflected the efforts of the two space Powers, it also took into account certain views expressed in the Legal Sub-Committee, notably regarding the applicability of General Assembly resolution 110 (II) to outer space, the idea that launchings need not be restricted solely to Governments so long as States retained full liability, and the principle of holding prior consultations before undertaking potentially harmful experiments. On the last point, his delegation had submitted to the Scientific and Technical Sub-Committee on 22 May 1963 a working paper suggesting that all States proposing to carry out such experiments should seek from the COSPAR Consultative Group on the Potentially Harmful Effects of Space Experiments an analysis of their qualitative and quantitative aspects, and he was gratified that that body was now generally recognized as an appropriate forum for such consultations. There was now also general agreement that the legal principles should first be formulated in a General Assembly resolution and later incorporated, as and when appropriate, in international agreements. His delegation welcomed that compromise, which it had advocated in the Legal Sub-Committee, and presumed that the same procedure would be followed in future with respect to other legal principles.

6. While his delegation welcomed the draft declaration as a major advance and recognized that it represented the widest measure of agreement possible at the present time, it regretted the absence of any reference to the principle—contained in the draft code submitted by the United Arab Republic in the Committee on the Peaceful Uses of Outer Space^{1/} that the activities of States in outer space should be confined to peaceful uses. Although the question of the peaceful uses of outer space was undeniably connected with that of disarmament and it was sometimes difficult to distinguish peaceful from military uses, the enunciation of that principle would constitute a significant step in the development of the rule of law in outer space.

7. It was even more regrettable that despite the adoption of General Assembly resolution 1884 (XVIII), which called upon all States to refrain from placing weapons of mass destruction in outer space, a corresponding legal principle was not embodied in the draft declaration. Although his delegation was not at present pressing for the formulation of a general legal principle prohibiting the military use of outer space, it felt that the limited agreement embodied in resolution 1884 (XVIII) should have been reflected in the draft declaration.

8. It had been argued at the seventeenth session by both the United States and the Soviet Union, first, that the Committee on the Peaceful Uses of Outer Space was not competent to deal with the question of reserving outer space for peaceful uses, which was closely linked with the question of disarmament and therefore a matter for exclusive consideration by the Conference of the Eighteen-Nation Committee on Disarmament; and secondly, that the adoption of a legal principle relating to the military use of outer space would be contrary to the accepted policy followed in disarmament negotiations, inasmuch as there would be no provision for verification. The Indian delegation could not agree that the Committee on the Peaceful Uses of Outer Space was not competent in the matter,

since the Committee had come into being because of the space Powers' concern to avoid any misuse of outer space. He recalled that in raising the question of outer space at the thirteenth session of the General Assembly the Soviet Union had stated in its explanatory memorandum^{2/} that scientific and technical progress in outer space must be directed towards exclusively peaceful uses, while the United States, in proposing an item relating to outer space at the same session, had stated in its explanatory memorandum^{3/} that action to further international co-operation in the peaceful uses of outer space could parallel the efforts being made to reach agreement on the disarmament aspects of outer space and that the two questions could be dealt with separately. Moreover, the General Assembly had recognized in the first preambular paragraph of its resolution 1348 (XIII) that outer space should be used for peaceful purposes only.

9. If the exploration of outer space was to benefit mankind, there must be the widest possible measure of co-operation, embracing even those who were unable to engage in independent space exploration. At the previous meeting, the representative of the United States had informed the Committee that President Johnson had reaffirmed President Kennedy's offer of closer co-operation with the Soviet Union in the exploration of space. If agreement could be reached that all space exploration should be conducted on a joint or co-operative basis, it might be possible to achieve the objective of reserving outer space for peaceful purposes outside the context of general and complete disarmament, and the problem of verification would no longer arise.

10. He recalled that many members of the Committee on the Peaceful Uses of Outer Space had urged that outer space should be reserved for peaceful purposes only; moreover, the Chairman of that Committee, speaking in the First Committee on 16 October 1963 (1311th meeting), had stated that the draft resolution then under consideration (later adopted as General Assembly resolution 1884 (XVIII)) was entirely in harmony with the work of his Committee and should be taken into account in elaborating the legal principles under study by that body. In the light of those considerations, his delegation felt that it was too late to challenge the competence of the Committee on the Peaceful Uses of Outer Space to deal with such questions.

11. With regard to the argument that a legal principle relating to the military use of outer space could not be formulated because it would not provide for verification, he would point out that the obligation embodied in resolution 1884 (XVIII) had been accepted without specific provision for verification. Thus, the adoption of a corresponding legal principle would not entail any added risk.

12. His delegation felt that it would be premature to draft a comprehensive space code at the present time, since the legal principles in question must evolve gradually with increasing knowledge of and experience in outer space. It was pressing only for the declaration of a legal principle that outer space should be reserved for peaceful purposes—a principle which could later be embodied in a binding agreement. In particular, a legal principle covering the agree-

^{1/} Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 27, document A/5181, annex III, E.

^{2/} *Ibid.*, Thirteenth Session, Annexes, agenda item 60, document A/3818.

^{3/} *Ibid.*, document A/3902.

ment embodied in resolution 1884 (XVIII) should be formulated by the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space. During the coming year, the Legal Sub-Committee should also endeavour to draft international agreements on the laws of liability and assistance and should consider what other principles were ready for formulation in binding agreements; it might, for example, take up the question of potentially harmful experiments in outer space, since the two space Powers had already agreed that there should be international consultation before such experiments were undertaken.

13. Mr. CSATORDAY (Hungary) said that conditions for international co-operation in the peaceful uses of outer space had improved during the previous year, thanks largely to the conclusion of the partial test ban treaty and the ensuing international détente. Evidence of the progress already made could be found in the scientific and technical recommendations in the report of the United Nations Committee on the Peaceful Uses of Outer Space (A/5549) and the recent draft declaration of legal principles (A/5549/Add.1, para. 6). He was gratified to note that the preamble and paragraphs 4 and 6 of the draft declaration referred to international co-operation in the scientific, legal and other aspects of space activities. Since he was aware of the great efforts on the part of the Committee that had been required in order to reconcile the differing views of the great Powers, the comments he was about to make were neither conditions of acceptance nor reservations, but constructive remarks meant to express his delegation's intention of improving the effectiveness of the legal principles.

14. Paragraph 2, which referred to the free use of outer space, must be interpreted subject to the understanding that such use was subject to the limitations of international law; no State was entitled to jeopardize from or in that environment the security of another State and its rights and interests in the exploration of outer space. Paragraph 6, which mentioned appropriate international consultations, reflected the necessity of concerting all space activities. Every sovereign State expected to be able to give its opinion before the initiation of any potentially harmful experiment. The more fully States complied with the rules of international co-operation and respected the interests of other States in space exploration, the fewer limitations would have to be enforced against States by the community of nations. As to the sixth preambular paragraph, in which General Assembly resolution 110 (II) condemning war propaganda was recognized as applicable to outer space, he agreed with the Brazilian representative in the Committee on the Peaceful Uses of Outer Space, who had said, at the 24th meeting (see A/5549/Add.1, annex), that a ban should be imposed on the utilization of satellite communication systems for purposes of encouraging national or racial rivalries.

15. The principle of State responsibility set forth in paragraph 5 was the most important of the draft principles, since State responsibility was the safeguard necessary to ensure that space activities were kept within the bounds set by international law. An important aspect of international responsibility was liability for damage caused by space activities, a principle referred to in paragraph 8. The principle of territorial responsibility should be one of the main criteria underlying the international convention to be concluded on the subject.

16. He agreed with the Polish representative that the draft declaration did not constitute a closed chapter but was in fact the beginning of an all-embracing legal settlement. He welcomed the statements made at the preceding meeting by the representatives of the United States, the Soviet Union and the United Kingdom that their Governments intended to respect the principles of the draft declaration. It now remained for the Committee on the Peaceful Uses of Outer Space to work out the legal principles in further detail, so that they might be incorporated in international conventions and adopted in a more effective form binding upon all; Hungary was ready to co-operate in that effort.

17. International co-operation had become broader, covering a larger field of common interests, as was evidenced by the recommendations made in the report of the Committee on the Peaceful Uses of Outer Space for the exchange of information, the encouragement of international programmes, the establishment of international sounding rocket facilities and education and training. He stressed the significance of the sounding rocket launching site built at Thumba, India, for which United Nations sponsorship had been proposed. The recommendations relating to potentially harmful space experiments should be used as a starting-point for working out the necessary preventive and precautionary measures and finding means for their effective international application. He complimented WHO, WMO, ITU, UNESCO, IAEA and COSPAR on their international programmes and projects related to space exploration.

18. His delegation fully shared the view of the USSR that every large-scale space experiment necessitated thorough scientific and technical preparation and safeguards that reduced risks to a minimum. There was no point in carrying the competition in space exploration to excess for the sake of national prestige; the policies to be pursued were those which made allowance for realities and thus met the interests and expectations of mankind.

19. It was his Government's continuing intention to strive to broaden the extent of co-operation between States in the exploration and use of outer space for peaceful purposes. It was clear, however, that until general and complete disarmament had been achieved—including the dismantling of all military bases in foreign territories—full, sincere and unrestricted co-operation among States having different social systems would always be limited by considerations of security. In the meantime, however, the draft declaration of legal principles offered a start toward the creation of the political and legal safeguards needed to protect the common interests of all mankind and the cause of international co-operation in outer space. His Government agreed with the recommendations and programmes contained in the report of the Committee on the Peaceful Uses of Outer Space and would be ready at all times to contribute to their implementation within the limits of its modest means.

20. Mr. ALI (Pakistan) said that the great strides made in all spheres of activity connected with the peaceful uses of outer space during the previous year were evident from the report of the Committee on the Peaceful Uses of Outer Space and the special reports prepared by ITU (E/3770) and WMO (E/3794 and Corr.1). The projects envisaged included a global telecommunication network making possible the worldwide transmission of radio and television broadcasts, the use of photographs taken from space to ascertain the extent of snow cover, thereby permitting more

accurate forecasts of water supply and potential flood danger, and perhaps the adoption of measures not only to forecast the weather but also to control and modify it.

21. The information submitted by Member States in compliance with General Assembly resolutions 1721 (XVI) and 1802 (XVII) indicated how many had already entered the field of outer space research. In Pakistan, the Space and Upper Atmosphere Research Committee, a member of COSPAR, had carried out rocket launching experiments with the assistance of the United States National Aeronautics and Space Administration, the Smithsonian Astrophysical Observatory and the Royal Society, and proposed to carry out further experiments in 1964 in connexion with the programme for the International Year of the Quiet Sun; that was an example of the contribution that even the developing countries could make to the joint effort to harness the knowledge and technology of space for the common good.

22. If all States, irrespective of the state of their economic and scientific development, were to benefit from the peaceful uses of outer space, they must be in a position to participate effectively in space activities within the limits of their resources and capabilities. For the developing countries, the first need was for education and training, and his delegation therefore attached great value to the recommendations contained under that heading in the report of the Committee on the Peaceful Uses of Outer Space (A/5549, para. 17). The time had come, as the Italian representative had said, to think in terms of a comprehensive and specific plan for the collection and exchange of information and for the assessment both of the training needs of developing countries and of the facilities that were or might become available for training purposes through bilateral, multilateral, regional or international programmes. He hoped that the draft resolution adopted by the First Committee would contain a provision enabling the Secretariat or, if it was preferred, the Committee on the Peaceful Uses of Outer Space itself to carry out that task.

23. If the promise held out by the peaceful uses of outer space was to be fully realized, outer space must not be allowed to become the arena of national rivalries and, above all, the competitive struggle between the two major space Powers must gradually be transmuted into friendly co-operation. Such co-operation in man's first flight to the moon had been suggested by the late President of the United States, Mr. John F. Kennedy, in his last address to the General Assembly (1209th plenary meeting); there could be no greater monument to that great man and the ideals he had stood for than that the very first expedition to the moon should be a joint venture of all mankind, carrying the flag of the United Nations.

24. The most outstanding developments during the past year in the field of outer space had been in the direction of peaceful co-operation between the great Powers. A beginning had been made toward the demilitarization of outer space by the conclusion of the partial test ban treaty and by the declarations made by the United States and the Soviet Union of their intention to refrain from placing weapons of mass destruction in orbit, which had been noted in General Assembly resolution 1884 (XVIII). In addition, co-operation in important spheres of space research had gone forward in pursuance of the space agreement concluded in June 1962 between the United States and the Soviet Union, as shown in document A/5482.

25. The draft declaration of legal principles constituted, in the light of the previous disagreement on such principles, a virtual break-through towards the goal of peaceful and orderly development in the exploration and use of outer space; however, it was not a closed book, nor was it comprehensive. He regretted in particular that it had proved impossible at the present stage to include a reference to General Assembly resolution 1884 (XVIII) on the banning of weapons of mass destruction from outer space, and he trusted that in due course the declaration would be amplified to cover the ideas and principles set forth in that resolution.

26. Of course, the spirit of the draft declaration was obviously opposed to the use of outer space for military purposes or other purposes prejudicial to friendly relations among States. Attention had been drawn to various shortcomings in the text, and it was clear that the questions of liability in the case of multilateral space ventures, liability of States which lent their territory to another State for the launching of space vehicles, and prior registration and notification of launchings all needed further study. He agreed with the Australian representative that the principles relating to State liability and responsibility should be embodied in a more comprehensive international liability agreement.

27. Nevertheless, the draft declaration was a major advance towards filling the legal vacuum in outer space. Congratulations were due to all who had contributed to it, and especially to the major space Powers, which had displayed a commendable and far-sighted spirit of compromise.

28. So commonplace had reports of manned and unmanned launchings become that it was hard to recall that the first satellite had been launched only six years ago. Yet, man's break-through into outer space was an event of portentous significance, the full implications of which could not yet be grasped. Certainly, the merging of day and night and of East and West as he orbited the globe should strike the astronaut as symbolic of the essential unity of mankind; but the fact that they were earthbound need not prevent politicians and diplomats also from drawing the inevitable conclusions from the facts and allowing themselves to be inspired by the exciting vistas that were opening up. It was for man now to use his new-found powers wisely and to avert in space the anarchy and injustice that had accompanied his discovery of his own world. There was hope that by demonstrating the unity of mankind the advent of the space age would finally teach man to live with himself.

29. Mr. GOLEMANOV (Bulgaria) said that thanks to the international détente and the efforts of the Powers directly concerned, substantial progress had lately been made in international co-operation in the peaceful uses of outer space. The report of the Committee on the Peaceful Uses of Outer Space offered proof of that fact, and the recommendations contained in that report, which mapped the area of present understanding and provided a basis for future co-operation, deserved special attention.

30. But however promising the outlook might be, the fact remained that the development of international activities in outer space was a function of the degree of understanding achieved in other fields, especially in general and complete disarmament. So long as the cold war was allowed to continue, international scientific co-operation would be correspondingly limited.

31. States would have much to gain from the standpoint of scientific development and the improvement of international relations by keeping each other mutually informed of national space activities. The possibilities held out by such co-operation were clearly apparent in the field of space telecommunications; despite the difficulties that still remained to be overcome, he was convinced that a world without a space communications system would within a very short space of time have become inconceivable. The Committee on the Peaceful Uses of Outer Space had therefore acted logically and wisely in asserting that international space communications should be available for the use of all countries without exception (A/5549, para. 14 (b)). It was also gratifying to note from the report the interest displayed by all countries in the establishment of a World Weather Watch, using data obtained from satellites and by conventional methods; that was a valuable project and deserved every support.

32. The recommendations concerning international sounding rocket facilities, education and training, and the potentially harmful effects of space experiments met the requirements of scientific and technological progress and would serve to promote international co-operation in those fields. In that connexion, the United Nations should give particular attention to the problem of ensuring that certain types of experiments did not interfere with other space activities.

33. The draft declaration of legal principles governing the activities of States in the exploration and use of outer space submitted by the Committee on the Peaceful Uses of Outer Space was evidence that progress was being made in the legal regulation of relations between States in the peaceful uses of space; he was pleased that the relaxation of international tension and the useful work of that Committee had resulted in the acceptance of certain broad principles in that regard.

34. In particular, his delegation welcomed the basic idea underlying the draft declaration, i.e. that the exploration and use of outer space should be carried on for the benefit of mankind and of all States, irrespective of their degree of economic or scientific development. That principle ruled out any possibility of national appropriation of outer space or celestial bodies by claim of sovereignty, by use or occupation, or by any other means. Although the draft declaration

was inspired by General Assembly resolution 1721 (XVI), it marked the first occasion on which the General Assembly had sought to ensure, by means of such a declaration, that certain highly important scientific advances were made accessible to all mankind.

35. The draft declaration called for the achievement of that objective through close co-operation between States in the exploration and peaceful uses of space. The idea of co-operation was embodied in paragraph 6, which provided that States should conduct all their space activities with due regard for the interests of other States and should undertake international consultations before proceeding with any potentially harmful activity or experiment. The draft declaration also called for the space activities of States to be carried on in accordance with international law, including the United Nations Charter.

36. His delegation hoped that the legal regulation of space activities and international co-operation in space would go even further as time went on. A positive step towards that end was the formulation, in the draft declaration, of certain rules governing the rights and obligations of States in space. Thus, paragraph 7 provided that States should retain jurisdiction and control over any objects which they launched into space and that such objects or their component parts found beyond the limits of the State of registry should be returned to it upon identification. Paragraph 5 very properly enunciated the principle of international responsibility for space activities—which also applied to the activities of non-governmental entities—and provided that, when space activities were carried on by an international organization, responsibility was to be borne by that organization and the States participating in it. Paragraph 8 clearly stated the principle of international liability for damage caused by objects launched into space. Finally, paragraph 9 provided that States must assist astronauts in the event of accident, distress or emergency landing. The description of astronauts as "envoys of mankind in outer space" was a fitting tribute to the heroic role they were playing as pioneers in the exploration and peaceful uses of space.

37. His delegation would support the draft declaration, which represented an important advance in the development of international space law.

The meeting rose at 12.20 p.m.