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Chairman: Mr. Leopoldo BENITES (Ecuador).

Point of order raised by the representative of Malta

1. Mr. PARDO (Malta) said that he had placed his name on the list of speakers to explain his vote on the draft resolutions on agenda items 31 and 93 that had been voted on at the 1490th meeting.^{1/}
2. The CHAIRMAN said that he had not been aware of the fact. The representative of Malta would be given an opportunity to explain his vote when the Committee had completed its consideration of the items relating to outer space, on the understanding that the debate on items 31 and 93 would not be reopened.

AGENDA ITEMS 30, 89 AND 91

International co-operation in the peaceful uses of outer space: report of the Committee on the Peaceful Uses of Outer Space (A/6431, A/C.1/941, A/C.1/L.393 and Add.1, A/C.1/L.394 and Add.1, A/C.1/L.395, A/C.1/L.396 and Add.1)

Conclusion of an international treaty on principles governing the activities of States in the exploration and use of outer space, the Moon and other celestial bodies (A/6341, A/6352/Rev.1, A/C.1/941, A/C.1/L.396 and Add.1)

Treaty governing the exploration and use of outer space, including the Moon and other celestial bodies (A/6392, A/C.1/941, A/C.1/L.396 and Add.1)

3. The CHAIRMAN said that, in accordance with the wishes of the delegations which had originally requested the inclusion in the agenda of item 89 (Conclusion of an international treaty on principles

governing the activities of States in the exploration and use of outer space, the Moon and other celestial bodies) and of item 91 (Treaty governing the exploration and use of outer space, including the Moon and other celestial bodies), those items would be taken as sub-items of item 30 (International co-operation in the peaceful uses of outer space: report of the Committee on the Peaceful Uses of Outer Space).

4. He welcomed the representatives of the International Civil Aviation Organization (ICAO), the World Health Organization (WHO), the World Meteorological Organization (WMO) and the International Atomic Energy Agency (IAEA), who had come to take part in the discussion.

5. Mr. LACHS (Poland), speaking as Chairman of the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space, drew attention to the report on its fifth session (A/6431, annex III) and to draft resolution A/C.1/L.396 and Add.1, to which was annexed the text of a treaty on principles governing the activities of States in the exploration and use of outer space, including the Moon and other celestial bodies.

6. In resolution 1721 (XVI) the General Assembly had approved a new membership of the Committee on the Peaceful Uses of Outer Space and had invited it to study and report on the legal problems which might arise from the exploration and use of outer space. Since then the Legal Sub-Committee had met every year to discuss the law of outer space. Its work had resulted in the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space, adopted unanimously by the General Assembly in resolution 1962 (XVIII), which had hitherto been the not important document on the subject. The Sub-Committee was also in the process of drafting an agreement on assistance to and return of astronauts and space vehicles and on an agreement on liability for damage caused by the launching of objects into outer space. As far as the former was concerned, a working group of the Sub-Committee had produced the text of a preamble and a number of provisions. It had discussed other provisions, but there were still difficulties which required further negotiation. As to the agreement on liability, the Sub-Committee had clarified the main issues without being able to draft any agreed text.

7. At its fifth session, the legal Sub-Committee had given priority to the drafting of a treaty on principles governing the activities of States in the exploration and use of outer space on the basis of two draft treaties submitted to it. The preamble and final clauses had not been discussed, but nine articles had been agreed upon. Subsequent consultations had led to agreement on the remaining articles and thus on the treaty as a whole.

^{1/} The explanation of vote was given by the Maltese delegation at the 1499th plenary meeting, on 19 December 1966.

8. The declaration adopted by the General Assembly at its eighteenth session, in 1963, had been the outstanding achievement in the development of the law of outer space. It had its limitations, however, and was to be seen as a beginning rather than an end. From the formal standpoint, the best instrument in which to embody the rights and obligations of States was a treaty, a more solemn instrument than a declaration. As regards the substance, many proposals placed before the Committee on the Peaceful Uses of Outer Space had not been reflected in the declaration, and further elaboration had thus been necessary. The main provisions of the declaration now appeared in appropriate form in the treaty annexed to draft resolution A/C.1/L.396 and Add.1.

9. With the adoption of the treaty, international law would acquire a new dimension. That was the result of the extension of States' activities into the new domain of outer space, since there could be no legal vacuum in any field of activity. That did not mean that all existing rules of international law could automatically be applied to outer space. Some were quite unsuitable. For example, both the declaration and the treaty stated that outer space was not subject to national appropriation. Any claim to appropriate any part of it, on whatever basis, was void. States' freedom of activity in outer space was further limited by the requirement that its exploration and use must be for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development. Not only must States not abuse their rights, but they must respect those of others. Science should be used for all mankind and those unable to explore or use outer space should not be deprived of its benefits.

10. The treaty also contained provisions which were not in the declaration. The goal was that outer space should be used for peaceful purposes, and in that connexion he drew attention to article IV. Future developments on earth would affect outer space as well, so that the treaty would not mean an end to efforts in that matter. It did not exhaust the problems requiring international regulation, but should be regarded as a first step in that direction. Work on the draft agreements on assistance and liability should be completed as soon as possible, and other aspects of the exploration and use of outer space would have to be studied. A programme of work along those lines was set forth in general terms in the draft resolution.

11. The pressure of events meant that the law of outer space had to be developed rapidly. Because of the rate of scientific progress, the law of outer space could not evolve at the leisurely pace of the law of the sea or the air. Its rules must reflect the most progressive tendencies in international law and the great changes taking place in the world. They must be adjusted to the realities of modern life: a world of sovereign nations that, having lived on the periphery of politics, had moved to become important factors in international relations. It was necessary to look to the future and not to perpetuate outdated principles.

12. There was much still to be learned about outer space. There were many unanswered questions, such as whether man could establish himself permanently

in space and whether there was already life outside the earth. But whatever the answers, the law of outer space was anthropocentric. It was man-made and therefore reflected man's shortcomings. Success was possible, however, provided the main aims were not lost sight of; they were furtherance of the interests of all countries, protection of life, both terrestrial and extraterrestrial, and the maintenance of international peace and security. The present treaty could be followed by other treaties and by agreement on both general principles and specific problems, each of which would interact with the others, giving rise to a general body of space law. That alone would not guarantee a future for man. True, history was on his side, but if he did not master the forces he himself had released, he risked destruction. International co-operation was therefore essential. The law of outer space could not be drafted in the abstract, but must be rooted in the life of the world, and particularly in its desire for peaceful coexistence. A world without law was not in accordance with the objective needs of the time. Man's entry into outer space made it all the more necessary to eliminate causes of strife. In an interdependent world, progress in space could lead to progress on earth and vice versa. Peaceful coexistence could become a living reality by acceptance of the rule of law in all dimensions.

13. The CHAIRMAN asked representatives who were about to speak to confine themselves in the first instance to comments on the question of the proposed international conference on the exploration and peaceful uses of outer space and the proposals relating thereto: the twenty-eight-Power draft resolution (A/C.1/L.393 and Add.1), the ten-Power amendment (A/C.1/L.394 and Add.1) and the seven-Power sub-amendment (A/C.1/L.395).

14. Mr. FAHMY (United Arab Republic), introducing the twenty-eight-Power draft resolution, said that the Second Conference of Heads of State or Government of Non-Aligned Countries, held at Cairo in October 1964, had requested States that had succeeded in exploring outer space to exchange and disseminate information on their research in order that scientific progress in the peaceful uses of space might be of common benefit to all. It had also proposed an international conference on the subject. The United Nations had since taken up the question and there seemed to be no disagreement on the principle that all countries, regardless of their level of development, should profit from the peaceful uses of space. The programmes already undertaken, including weather satellite and communications systems, showed what possibilities there were. The interest of the non-space Powers, including the developing countries, had been aroused and they had realized the need to play a more active part in order to derive full benefit.

15. The Working Group of the Whole of the Committee on the Peaceful Uses of Outer Space had prepared a draft agenda for the proposed conference (A/6431, annex IV) that showed the wide range of possible benefits. The Scientific and Technical Sub-Committee had recommended further study of the application of space technology to meteorology, to improvement of mass television communications and to the problem of providing food for large parts of the world's population.

The conference would discuss such matters and ways of increasing international co-operation in space activities, particularly the role of international organizations.

16. He welcomed the Mexican proposal for the establishment of an international centre for space information and consultation (A/6431, para. 13). While the first decade of space activity had been mainly concerned with scientific and technological research, the second might see its practical application. The recommendation by the Committee on the Peaceful Uses of Outer Space for an international conference was a step in that direction.

17. Mr. WALDHEIM (Austria) said that his delegation was gratified that it had finally been possible to submit to the Members of the United Nations the text of a treaty on principles governing the activities of States in the exploration and use of outer space, including the Moon and other celestial bodies, and as Chairman of the Committee on the Peaceful Uses of Outer Space he wished to pay a tribute to the delegations which had worked so hard to make it possible.

18. Since the adoption of General Assembly resolution 2131 (XX), there had been a number of major events and technological achievements in the exploration of outer space. He congratulated the United States and the Soviet Union on the successes they had achieved, particularly in the exploration of the Moon. He also noted that France had become the third independent space Power. The whole world followed such developments with interest, while hoping that man's entry into space would serve the interests of all nations and would be used for peaceful purposes only. It was necessary to strengthen that hope through international co-operation and to ensure that solutions to the many political and legal problems were adopted in good time.

19. The report of the Committee on the Peaceful Uses of Outer Space (A/6431) and the subsequent consultations leading to the preparation of a treaty were encouraging steps in that direction. The report made a number of constructive proposals on the exchange of information, education and training, the use of navigation satellites and the prospects for international collaboration in space activities relating to meteorology and mass communications. It recommended in particular the encouragement of international programmes and the continuation of United Nations sponsorship of the Thumba Equatorial Rocket Launching Station in India. His delegation trusted that the Assembly would endorse the Committee's recommendations and thus strengthen international co-operation in scientific and technical space research. The review of the activities and resources of the United Nations, its specialized agencies and other competent international bodies prepared by the Secretariat, (A/AC.105/L.29) clearly showed that there was no lack of international co-operative efforts. What was needed, however, was better co-ordination and an over-all survey of such activities so that the Committee on the Peaceful Uses of Outer Space could serve as a rallying point for the work of all the organizations concerned.

20. Suggestions had been made during the past few months by a number of Member States about United Nations work in the matter. For example, Mexico had raised the possibility of establishing a permanent centre for information and consultation on space matters within the Secretariat. Similar suggestions had been made by other countries such as Pakistan and Iran. The Committee on the Peaceful Uses of Outer Space, in co-operation with the Secretary-General, might consider those proposals, together with any others that might be put forward, and determine how United Nations work could best be organized in order to achieve the goal set by the General Assembly of providing a "focal point" for international co-operation in space. He drew attention to the importance of training and to the possibilities offered by the establishment of international space programmes. Projects such as the sounding rocket range at Thumba enabled countries without the means for independent space programmes to take an active part in the exploration and use of outer space. His delegation also believed that the Committee on the Peaceful Uses of Outer Space should give more weight to the practical application of research, since that was how Members could benefit most directly, irrespective of their level of development. Three major applications deserved special attention: the creation of a global satellite communications system, the establishment of a world weather watch and the development of a navigational satellite network.

21. The importance of a communications system was obvious. The demand for international, and in particular intercontinental, telecommunication services was growing and it had been clear for a number of years that the existing facilities were insufficient. Recent experiments offered promising prospects for the future. The establishment of a global communications system could also help the developing countries in their struggle against illiteracy and related problems. His delegation therefore noted with satisfaction that the report of the Committee on the Peaceful Uses of Outer Space contained recommendations to that effect.

22. The World Weather Watch established by WMO was also of great importance for developed and developing countries alike. The plan for a world weather watch for the period 1968-1971 was to be submitted to the Fifth Congress of WMO for formal adoption in April 1967, when States would have an opportunity to demonstrate their willingness to follow up General Assembly resolution 1963 (XVIII).

23. The possibility of using a satellite network for navigation purposes was under study by ICAO and the Inter-Governmental Maritime Consultative Organization (IMCO). The use of satellites for navigation could greatly increase the safety and effectiveness of traffic control, both at sea and in the air. His delegation therefore noted with satisfaction that the Committee on the Peaceful Uses of Outer Space recommended the establishment of a working group on the question.

24. Space research and its practical application were not a matter solely for the space Powers, but were by their very nature of global concern, requiring more and more the co-operation of all nations. His

delegation had repeatedly expressed the view that it would be in the interests of all countries, and particularly the developing countries, that knowledge of space achievements should be more widely disseminated and that the application of space technology should be actively promoted. It therefore noted with satisfaction the unanimous recommendation by the Committee on the Peaceful Uses of Outer Space that an international conference be held in 1967. His Government would be proud to act as host to the conference and would be prepared, in accordance with General Assembly resolution 2116 (XX), to defray any additional costs resulting from the holding of the conference in Vienna.

25. The conference would have the important task of examining the practical benefits of space programmes on the basis of scientific and technical achievements and the opportunities available to non-space Powers for international co-operation in space activities, in order to ensure that the advanced countries did not have a monopoly. It would have to promote co-operation in the application of space technology to such subjects as biology, medicine, communications, meteorology and navigation and give impetus to the establishment of programmes for the education and training of specialists, in order to help the non-space Powers and particularly the developing countries. Smaller countries, which did not have the resources for independent space programmes, had made and were still making important scientific contributions and, if given an opportunity, could help to advance the theoretical understanding of the universe and the technological conquest of space. Full application of space research was only possible on a world-wide scale and would benefit all countries. International co-operation to that end could quickly reduce the existing distrust among the leading Powers and thus encourage disarmament. In introducing the twenty-eight-Power draft resolution, the representative of the United Arab Republic had stressed the importance attached to the conference by the non-space Powers and particularly the developing countries, and as a sponsor of that draft resolution his delegation trusted that it would win the Committee's unanimous support.

26. Mr. FRUTKIN (United States of America) said that his delegation was particularly pleased that the Committee was now at last discussing a specific proposal for an international conference on the exploration and peaceful uses of outer space. Since 1959, when the General Assembly had first called for such a conference, scientific conferences and symposia had been held in increasing numbers by various national and international scientific bodies. In recent years, indeed, there seemed to have been too many, rather than too few, scientific conferences on the peaceful uses of outer space. Accordingly, when the question had been raised in the United Nations once again in 1964, his delegation had stressed the difference between a scientific conference and a conference on the practical benefits of space activities and the opportunities for taking part in them. It believed that many States would be interested not so much in cosmic ray research as in improvements in local weather forecasting made immediately and directly available to them by the United States

weather satellite services. The renewed interest in an international conference on space activities had been reflected in the Declaration of the Second Conference of Heads of State or Government of Non-Aligned Countries held at Cairo in 1964, which had also placed particular emphasis on aspects of space research and exploration which were of practical value to the developing States, including opportunities for participation and training.

27. In the Working Group of the Whole of the Committee on the Peaceful Uses of Outer Space, his delegation had tried very hard to preserve that distinction and that emphasis. His own country, with its extensive activities in outer space, could contribute substantially to a conference of either type. But it believed that the particular interests of Member States would be better served by a conference that was focused sharply on the practical application of space activities. That view had been shared by most delegations in the Working Group. The Working Group had made recommendations on the terms of reference, agenda, date, place, general magnitude and cost of the Conference. It had also recommended the establishment of a panel of experts to review papers submitted by Member States. Those recommendations had been approved by the Committee on the Peaceful Uses of Outer Space and should now be approved by the First Committee. He regretted only that there had been some delay in preparing the recommendations. As a result, a conference that would normally take about two years to organize would now have to be prepared in nine months.

28. A conference of the type recommended could be of real value to participating States. It could make clear what was required for practical space activities, what benefits were already available from existing programmes, what benefits could be expected from future programmes, what those benefits meant for Governments and universities, what participation and co-operation had already been established and what real opportunities existed for those who had not yet taken advantage of them. He hoped that the Committee would quickly approve the twenty-eight-Power draft resolution and that Member States would then act promptly to appoint their representatives to the panel of experts. The panel should begin work immediately, lest the objective of holding a conference in 1967 should be further compromised.

29. He regretted that the First Committee was obliged to discuss, and vote on, the formula for participation in the conference. The United States and nine other States had submitted an amendment (A/C.1/L.394 and Add.1) which employed the traditional "Vienna formula". Seven other countries had submitted a sub-amendment (A/C.1/L.395) whereby invitations to take part in the conference would be addressed to all States. His delegation supported the Vienna formula, first, because it had always been used for United Nations conferences, including the three International Conferences on the Peaceful Uses of Atomic Energy; secondly, because at the present session the Assembly had decided to reject the "all States" formula for the International Conference on Human Rights to be held at Teheran in 1968 and the international conference of plenipotentiaries on the law of treaties to be held

at Vienna in the same year; thirdly, because the "all States" formula would be difficult to apply. It would require the Secretary-General to determine which entities that were not States Members of the United Nations should be regarded as States. The Secretary-General and his Legal Counsel had repeatedly stated that they could not do so. It was easy to understand why the Secretary-General would not be able to determine the "statehood" of, for instance, East Germany, Esthonia, Oman or Southern Rhodesia. Fourthly, the great majority of Member States did not recognize the statehood of entities which were not Member States, and should not be compelled to take part in a United Nations conference with entities which they did not recognize. Fifthly, a United Nations conference should be held for members of the United Nations family; it was they who paid the bills. Sixthly, the fact that the treaty on principles governing the activities of States in the exploration and use of outer space contained an "all States" accession clause was not in itself a valid reason for inviting all States to the United Nations conference. The triple depositary device—for which provision was made in that treaty, as in the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water—had been introduced precisely to avoid the necessity of compelling a country to enter into political and legal relationships with an entity whose statehood it did not recognize. But in the case of the international conference on space activities there would be no such device to protect the sovereignty of States, since it was the Secretary-General who would issue the invitations.

30. The Committee should therefore reject the seven-Power sub-amendment.

31. Mr. KUTAKOV (Union of Soviet Socialist Republics) said that the Soviet Union had from the outset supported the idea of holding a conference on the exploration and peaceful uses of outer space. Such a conference would help considerably to develop space research programmes throughout the world and to promote international co-operation. It would enable scientists from many countries to sum up the results of the first decade of the space age, to exchange experience gained in space research in that time and to plan future activities. The conference would also be very valuable for the developing countries, which could derive scientific and practical benefits from it. It would help in making a correct assessment of the possibilities of increased participation by developing countries in existing space research programmes, and of the use by developing countries of space techniques for meteorology, communications and other practical activities.

32. The Soviet Union had always regarded its successes in space research as achievements not only of the Soviet people, but of all mankind. It was ready to share its experience with specialists from other countries—particularly developing countries—which were interested in the practical applications of space techniques to economic and cultural development. The panel of experts that had been set up by the Committee on the Peaceful Uses of Outer Space, on the recommendation of its Working Group of the Whole, would have a very important task to discharge in preparing

the conference. Its services should be used as efficiently as possible in order to ensure the success of the conference.

33. The question of participation in the conference was still unsolved, owing to the attitude of the United States and other delegations which had spoken a great deal of the development of international co-operation but where in fact trying to persuade the Committee to adopt a one-sided and discriminatory attitude on the matter of invitations to be issued to States. The United States representative, for instance, had cast doubt on the statehood of one independent and sovereign State, the German Democratic Republic. That country had been recognized by many States Members of the United Nations. The fact that it was not recognized by the United States did not mean that it did not exist. For nearly twenty years the United States had not recognized the Soviet Union. But the Soviet Union had continued to exist and was now one of the world's great Powers. The United States representative had even cast doubt on the status of one of the Republics of the Union of Soviet Socialist Republics. The Republic in question had joined the USSR more than twenty-five years previously, as a result of the free expression of its people's will.

34. Space research was the concern of all States, regardless of their level of economic development and regardless of whether or not they were Members of the United Nations or members of the specialized agencies. In the circumstances, it was wrong to discriminate between States, or to adopt an approach which was based not on a spirit of co-operation but on "cold war" considerations. The Soviet delegation believed that all States wishing to do so should be invited to take part in the conference. It would therefore vote for the seven-Power sub-amendment and against the ten-Power amendment. A discriminatory approach to participation in the conference would be contrary to the provisions of the treaty that had been submitted to the Committee in draft resolution A/C.1/L.396 and Add.1.

35. He hoped that the Committee would decide unanimously to hold the conference in 1967 and he was grateful to the Austrian Government for suggesting that it should be held in Vienna.

36. Mr. DELEAU (France) said that his delegation had taken part with great interest in the meetings of the Working Group that had discussed the organization of the international conference on the peaceful uses of outer space. It shared the view—which was particularly widespread in the non-aligned world—that the conference could and should facilitate the dissemination of knowledge on space sciences, and their practical applications, to countries which were not yet engaged in space activities. The agenda for the conference that had been approved by the Committee on the Peaceful Uses of Outer Space fully met that requirement.

37. The programme of international conferences for 1967 was already heavy, and the proposed conference on the peaceful uses of outer space was to be held shortly before the twenty-second session of the General Assembly. He hoped, nevertheless, that as many Member States as possible would be represented there. It would be useful, too, if observers could

attend from the specialized agencies, the competent intergovernmental organizations and COSPAR, which would all be likely to benefit from the conference themselves. The practical value of the conference would depend on the number of Member States and international organizations taking part in it.

38. His delegation would vote for the twenty-eight-Power draft resolution if the ten-Power amendment was adopted.

39. Mr. SHAW (Australia) said that, even in the first decade of space technology, an increasing number of medium-sized and smaller countries were participating in space research and in the application of the benefits of the space age to everyday life. As the scope and extent of space activities increased, international co-operation in space science should be encouraged and the resulting benefits should be applied to as many countries as possible. A number of scientific and learned societies were fostering an international understanding of space studies at the scientific level, while the Committee on the Peaceful Uses of Outer Space was an instrument of international co-operation at the Government level.

40. At the present stage of the space age, it had once again been proposed that the United Nations should convene an international conference on the exploration and peaceful uses of outer space. His delegation had taken part in the discussions of the Working Group of the Whole of the Committee on the Peaceful Uses of Outer Space, and believed that the Group's recommendations—which were reproduced in annex IV to the Committee's report (A/6431)—could be regarded as an acceptable blueprint for a conference which would be compact in size and would be concentrated on areas where it could be of most service. Because of the publicity already given to the endeavours of the major space Powers, the conference should not deal primarily with the national space programmes of participating States. Nor should it merely sum up the achievements of the last decade, spectacular though many of them had been. It should be concerned mainly with the practical applications and benefits the space age could bring to Member States, particularly to the medium-sized and smaller Powers which had only a limited capability—or perhaps no capability at all—for directly engaging in space research themselves. Mankind was already benefiting from the advantages provided by communications and meteorological satellites. In the years to come, outer space activities would undoubtedly bring even greater changes in everyday life. The proposed conference should therefore be designed to provide greater knowledge of the potentialities and applications of space science to an increasing number of countries, so that all Member States could share in the benefits of the space age and play a more active part in space science research.

41. His delegation fully supported the Working Group's recommendations. Through participation in the panel of experts, it hoped to be closely associated with the preparations for the conference. It would also be glad to prepare papers on subjects on which it could make a useful contribution.

42. On the question of participation, his delegation adhered to the attitude it had adopted in the Working Group. A conference organized under the auspices of the United Nations should be open to participation by States Members of the United Nations, States Members of the specialized agencies, States Parties to the Statute of the International Court of Justice and any States which the General Assembly might especially decide to invite. It would also seem appropriate to invite, as observers, the specialized agencies and other world and regional intergovernmental organizations which were listed in the review of the activities and resources of the United Nations and other international bodies relating to the peaceful uses of outer space prepared by the Secretariat (A/AC.105/L.29). His delegation also endorsed the Working Group's recommendation that COSPAR should be specifically invited to attend as an observer. In keeping with its views on participation, it had joined in sponsoring the ten-Power amendment.

43. Some delegations contended that the participation formula proposed in the amendment discriminated against some States, and that an invitation should be extended to all States to take part in the conference. But the latter solution was open to various objections. In particular, it would present the Secretariat with the almost impossible task of ascertaining which entities claiming to be States were entitled to take part in the conference. On a number of occasions already, the Secretary-General had declared that he was not able to settle that question himself and had asked for instructions from the General Assembly. For that very reason, the sponsors of the ten-Power amendment had included provision for participation by States "that the General Assembly decides specially to invite to participate in the conference". It would thus be open to the General Assembly to invite any State, even one which was not a Member of the United Nations. That provision should meet the wishes of certain delegations which feared that non-member States might automatically be denied the right to take part in the conference.

44. Mr. BOZOVIC (Yugoslavia) introduced the seven-Power sub-amendment (A/C.1/L.395) to the ten-Power amendment (A/C.1/L.394 and Add.1).

45. While listening to the United States representative, he had hoped that it would not be necessary to present any arguments in favour of the sub-amendment. In the earlier part of that statement, the United States representative himself had urged that the practical benefits of space activities should be made available to all peoples. Later in the statement, however, the United States had asked the Committee to adopt the so-called "Vienna formula" for deciding which States should be invited to take part in the conference.

46. The United States representative's arguments for the Vienna formula were not convincing. The fact that the "all States" formula had been rejected, at the current session of the General Assembly, for the International Conference on Human Rights and the international conference of plenipotentiaries on the law of treaties was irrelevant. The First Committee was not in any way obliged to adopt procedures selected by other Committees for other conferences on other subjects.

47. The United States representative had argued that the Secretary-General would find it difficult to decide which political entities that were not Members of the United Nations should be regarded as States. But, given the co-operation and goodwill of all Member States, there were no questions which the Secretary-General was incapable of solving. The United States representative had argued that the conference should be restricted to members of the United Nations family, as it was they who paid the bills. But the question of the financial implications of a conference attended by all States could easily be settled by the Advisory Committee on Administrative and Budgetary Questions.

48. In view of the spirit of the draft resolution on the proposed conference (A/C.1/L.393 and Add.1), the Committee should do everything in its power to ensure participation by all States, whether they belonged to the United Nations family or not. In the treaty annexed to draft resolution A/C.1/L.396 and Add.1, it was stated that all mankind had a common interest in the progress of the exploration and use of outer space, that the exploration and use of outer space should be carried on for the benefit of all peoples and that co-operation in the use of outer space would contribute to the strengthening of friendly relations between States and peoples. The fact that the conference would be held under United Nations auspices was not a valid reason for discriminating between Member and non-member States. All States should be invited to take part in a conference on a subject which was of concern to all peoples without exception.

49. Accordingly, he urged the Committee to adopt the seven-Power sub-amendment.

50. Mr. VINCI (Italy) said that the Working Group of the Whole of the Committee on the Peaceful Uses of Outer Space, and subsequently the Committee itself, had established practically all the general guidelines for the proposed international conference on the exploration and peaceful uses of outer space. But there were still some decisions which had to be taken before preparations for the conference could begin. For that reason, his delegation had hoped that some way could have been found to avoid postponing the discussion of agenda item 30 until the present late date. In the circumstances, the time left for a successful and orderly preparation of the conference was very short indeed. Some delegations were wondering whether it would not be better to postpone the conference until 1968. His delegation fully shared that concern. In the past it had repeatedly stated that one to three years would normally be required for preparing a conference of the type proposed. He was not sure that a well organized conference could be prepared in the nine months remaining before September 1967. It would not indeed be impossible to hold the conference in September 1967. But it would have been much better if all the pertinent decisions had been taken three or more months earlier.

51. His delegation favoured the appointment of a committee of specialists which should start work on preparing the conference immediately after the General Assembly had approved the draft resolution before the Committee. In view of the important part

played by the Committee on the Peaceful Uses of Outer Space, the Chairman of that Committee should be appointed Chairman of the conference. It would not be appropriate to nominate a scientist for the office of Chairman, as some representatives had suggested, since the whole emphasis of the conference would, he hoped, be on the practical benefits and economic and political implications of space activities.

52. The need for a conference on the practical applications of space research had been indirectly confirmed by a recent appeal addressed to the United Nations by the President of Liberia (A/C.1/941), suggesting that space activities should be discontinued for the next five to ten years and the resources saved thereby used to assist the developing countries. The Italian delegation hoped that the Liberian Government would be represented at the international conference on the peaceful uses of outer space, where it would see that the development and application of space technology was one of the brightest hopes for all mankind, and especially for the developing countries. New achievements in space science might accelerate, rather than impede, the development of less developed countries.

53. His delegation advocated the use of the Vienna formula on the subject of participation in the conference and had therefore joined in sponsoring the ten-Power amendment. He could not agree with the arguments advanced by the Yugoslav representative in favour of the "all States" formula.

54. Mr. CSATORDAY (Hungary) said that Hungary, which was a member of the Committee on the Peaceful Uses of Outer Space, had joined in accepting the recommendations of the Working Group of the Whole on the proposed international conference (A/6431, annex IV). In the matter of participation in the conference, his delegation was convinced that the principle of the equality of States in international relations should be observed. The conference would deal with problems of interest to all States, and mankind would benefit from it. Participation in the conference must, therefore, be universal. The General Assembly had affirmed the principle of universality when it said, in the preamble to its resolution 2130 (XX), that the benefits of space exploration could be most widely enjoyed if Member States supported the widest possible exchange of information and promoted international co-operation in the peaceful uses of outer space. The United Nations must not continue to divide peoples by following the discriminatory policy advocated by some States. If States which were on the threshold of space exploration were excluded from participation now, they might later remain outside international agreements on outer space. He appealed to Member States not to carry their disagreements into that new endeavour. If the United Nations applied the principle of universality in the peaceful uses of outer space, its efforts there might help it to resolve its disagreements on other matters.

55. The proposed treaty on principles governing the activities of States in the exploration and use of outer space would be open to accession by all States, so that it would be possible for all States to assume obligations on the exploration and use of outer space. Where rights and benefits were concerned, however, as in the

proposed conference, some delegations wished to deny universality of participation. His delegation would vote for the seven-Power sub-amendment.

56. The proposed conference should be held in September 1967. It was possible to organize it within the time remaining, particularly as preparatory work had already been done by some national groups and by COSPAR. Postponement would only delay the benefits to be derived from the conference. The exchange of information and experience concerning technological advances would help the specialists of the non-space Powers to speed up the over-all technological development of their countries and to utilize the benefits of space exploration.

57. His delegation favoured a flexible ceiling of between \$300,000 and \$350,000 for the cost of the conference, as the Committee on the Peaceful Uses of Outer Space had recommended (A/6431, para. 15).

58. Mr. ARORA (India) said that his country had supported the idea of holding an international conference on outer space from the very beginning. Such a conference would provide an opportunity for stock-taking and would highlight not only the basic scientific results of the physical exploration of the upper atmosphere and outer space, manned space flight, and lunar and planetary research but also, and in particular, their practical meaning.

59. The Working Group of the Whole of the Committee on the Peaceful Uses of Outer Space, in which his country was represented, had agreed on the objectives of the conference, its draft agenda, organizational aspects and timing, and the Committee itself had approved the Working Group's recommendations. The venue of the conference had been amicably settled by the Committee as a result of the French delegation's goodwill and co-operation.

60. The only question left open had been the matter of participation in the conference. That question ought to be settled by adopting the principle which had been adopted with respect to the convening of a world disarmament conference. His delegation had consistently maintained that all States should be invited to take part in the proposed conference on the exploration and peaceful uses of outer space and had accordingly joined in sponsoring the sub-amendment.

61. Mr. DARWIN (United Kingdom) said that his delegation fully supported the international conference proposed in the twenty-eight-Power draft resolution. The draft resolution accurately interpreted the recommendations of the Committee on the Peaceful Uses of Outer Space and, in particular, its recommendation that the cost of the conference should be limited to \$350,000. His delegation was pleased that the conference was to be held at Vienna.

62. On the question of invitations to the conference, ten countries, including his own, had submitted the amendment in document A/C.1/L.394 and Add.1. Other delegations had invoked the principle of universality on behalf of the seven-Power sub-amendment, proposing the "all States" formula, but the adoption of that formula could lead only to uncertainty and ambiguity. Certain entities laid claims to statehood

which other States contested; the sub-amendment would leave it quite uncertain how those disputes were to be resolved and would not give the Secretary-General the necessary guidance. The Yugoslav representative had suggested that the Secretary-General could resolve those problems if a spirit of co-operation prevailed, but the present discussion had already revealed the existence of controversy about the status of particular entities. On the other hand, the ten-Power amendment provided that invitations should be issued to three clearly defined classes of States and also to any State that the General Assembly decided specially to invite. That formula therefore accorded fully with the principle of universality, and it placed the responsibility for determining which entities should be invited where it belonged—on the supreme political organ of the United Nations. In the past a representative of the Secretary-General had said that if the Secretary-General was faced with a directive to invite all States he would have no recourse but to return to the General Assembly for more precise instructions. The ten-Power amendment combined flexibility with clear instructions which the Secretary-General would have no difficulty in carrying out. It provided a correct, clear, flexible and practical answer to the problem of participation in the conference.

63. Mr. DENORME (Belgium) said that his country was deeply interested in the exploration of space and participated actively in the work of two European intergovernmental organizations, the European Space Research Organization (ESRO) and the European Launcher Development Organization (ELDO). As a member of the Committee on the Peaceful Uses of Outer Space, Belgium was also aware of the role and responsibility of the United Nations in actively encouraging international co-operation between all countries, whether or not they had the necessary resources to develop a space programme themselves.

64. During the current year the Committee on the Peaceful Uses of Outer Space had made a special effort to promote international co-operation in the peaceful uses of outer space not only in the elaboration of space law but also in the scientific and technical fields.

65. Considering that the practical applications of space technology should be encouraged and disseminated, the Committee had recommended that an international conference should be convened to examine the practical benefits to be derived from space exploration, the extent to which non-space Powers, especially the developing countries, might enjoy those benefits, and the opportunities available to non-space Powers for international co-operation in space activities. His delegation agreed that, while space technology had been developed in certain countries only, the practical benefits of that technology should be made available to the greatest possible number of States.

66. The Twenty-eight-Power draft resolution reflected the views of the Committee on the Peaceful Uses of Outer Space. However, it did not specify what States would participate in the conference; accordingly, the Belgian delegation had joined in sponsoring the ten-Power amendment.

67. Since the conference was to be held under United Nations auspices, it was natural that States Members of the Organization, States members of the specialized agencies and States parties to the Statute of the International Court of Justice should be invited. However, the sponsors of the ten-Power amendment had included another category: "States that the General Assembly decides specially to invite". That formula did not require the Secretary-General to give a discretionary interpretation of the term "States"; it placed the responsibility for determining which entities should be invited on the General Assembly, which alone could take such a decision. Moreover, the formula had been adopted by the General Assembly earlier in the current session in resolution 2166 (XXI) convening an international conference of plenipotentiaries on the law of treaties.

68. On the other hand, the seven-Power sub-amendment, recommending the formula "all States" would give rise to political and practical problems for which no solution was proposed. His delegation therefore hoped that the draft resolution would be adopted after being amended in accordance with the ten-Power amendment.

69. The CHAIRMAN called on those representatives who wished to explain their votes before the voting on the twenty-eight-Power draft resolution (A/C.1/L.393 and Add.1), the ten-Power amendment (A/C.1/L.394 and Add.1) and the seven-Power sub-amendment (A/C.1/L.395).

70. Mr. IJEWERE (Nigeria) said that his delegation would vote for the sub-amendment, because all States should take part in a conference on the peaceful uses of outer space. Admittedly, there were entities whose statehood was contested, but States would take their stand as to whether or not those entities should be invited to take part in the proposed conference on the basis of prejudice rather than of legal principle. It had been suggested that Southern Rhodesia might be invited to take part in the conference if the "all States" formula was adopted. As, however, it was well known that Southern Rhodesia was not a State, the question could not possibly arise.

71. Mr. YANKOV (Bulgaria) said that his delegation would vote for the seven-Power sub-amendment. Since the proposed conference would open a new phase in the exploration and use of outer space and its aim was to serve the common interest of all mankind, participation in it should be based on respect for all States, without any discrimination. It was clear politically and legally that the participation of a State in an international conference did not of itself imply recognition by that State of the other participants. Opening the proposed conference to all States, therefore, would not create problems for a State which did not recognize certain other States. It was only natural that a conference designed to promote international co-operation in the peaceful uses of outer space—a sphere whose universal nature was recognized in article I and article XIV of the treaty annexed to draft resolution A/C.1/L.396 and Add.1—should be open to all States.

72. Mr. VELLODI (Secretary of the Committee) noted that in operative paragraph 5 of draft resolution

A/C.1/L.393 and Add.1 the Secretary-General was requested to make the necessary organizational and administrative arrangements "within the ceiling of expenditure established for the conference". The Committee on the Peaceful Uses of Outer Space had agreed that a ceiling of between \$300,000 and \$350,000 should be established for the cost of the conference (A/6431, para. 15). The question of publication of the proceedings would have to be carefully considered by the Secretary-General with the assistance of the Chairman of the Committee on the Peaceful Uses of Outer Space. If the draft resolution was adopted, the Secretary-General would need to ask for a supplementary appropriation of \$350,000 under section 2 of the 1967 budget (Special meetings and conferences).

73. The CHAIRMAN put to the vote the seven-Power sub-amendment (A/C.1/L.395) to the ten-Power amendment (A/C.1/L.394 and Add.1).

A vote was taken by roll-call.

Liberia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Liberia, Mexico, Mongolia, Nepal, Nigeria, Pakistan, Poland, Romania, Sudan, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia, Afghanistan, Algeria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Chad, Chile, Czechoslovakia, Ethiopia, Guinea, Guyana, Hungary, India, Iraq, Kenya.

Against: Luxembourg, Madagascar, Malawi, Malta, Netherlands, New Zealand, Niger, Norway, Panama, Paraguay, Philippines, Portugal, Rwanda, South Africa, Spain, Thailand, Togo, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Argentina, Australia, Belgium, Bolivia, Brazil, Canada, China, Colombia, Costa Rica, Denmark, Dominican Republic, El Salvador, France, Greece, Haiti, Honduras, Iceland, Iran, Ireland, Israel, Italy, Japan.

Abstaining: Libya, Malaysia, Morocco, Sweden, Tunisia, Venezuela, Austria, Central African Republic, Congo (Democratic Republic of), Dahomey, Ecuador, Finland, Ghana, Ivory Coast, Lebanon.

The sub-amendment was rejected by 44 votes to 31, with 15 abstentions.^{2/}

74. The CHAIRMAN put to the vote the ten-Power amendment (A/C.1/L.394 and Add.1) to the twenty-eight-Power draft resolution.

A vote was taken by roll-call.

South Africa, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: South Africa, Spain, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Central African Republic, Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador,

^{2/} See paragraph 78 below.

Finland, France, Greece, Haiti, Honduras, Iceland, Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mexico, Netherlands, New Zealand, Niger, Norway, Panama, Paraguay, Philippines, Portugal, Rwanda.

Against: Sudan, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Guinea, Hungary, Mongolia, Poland, Romania.

Abstaining: United Arab Republic, Venezuela, Afghanistan, Burma, Ceylon, Chad, Ethiopia, Ghana, Guyana, India, Iraq, Kenya, Lebanon, Libya, Morocco, Nepal, Nigeria, Pakistan.

The amendment was adopted by 56 votes to 15, with 18 abstentions.^{2/}

75. The CHAIRMAN put the twenty-eight-Power draft resolution (A/C.1/L.393 and Add.1), as amended, to the vote.

A vote was taken by roll-call.

The United Republic of Tanzania, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yugoslavia, Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Kenya, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, South Africa, Spain, Sudan, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland.

Against: None.

The result of the vote was 90 in favour and none against.

The draft resolution, as amended, was adopted unanimously.

76. Mr. TELLO MACIAS (Mexico) said that in general his delegation was in favour of inviting States Members of the United Nations, States members of the specialized agencies and States parties to the Statute of the International Court of Justice to United Nations conferences. When the subject matter of the conference justified it, however, his delegation considered that all States should be able to take part. That applied to such matters as disarmament, human rights, humanitarian activities and health. For that reason, Mexico had voted in favour of the seven-Power sub-amendment. When the time came, it would vote in favour of draft resolution A/C.1/L.396 and Add.1 and in that connexion wished to point out that the treaty annexed to that draft resolution stated in article I that outer space should be free for exploration and use by all States without discrimination of any kind, and in article XIV that the Treaty should be open to all States for signature.

77. Mr. FUENTEALBA (Chile) said that his delegation had voted in favour of the seven-Power sub-amendment, although it was generally in favour of the "States Members" formula, because the item was of interest to mankind as a whole. That was recognized in the treaty, and particularly in the articles to which the representative of Mexico had drawn attention. There was no justification for distinguishing between participation in the treaty and in the conference, and in any case a State's agreement to take part in such a conference with another State did not prejudice the position it otherwise adopted with respect to the State. His delegation had voted for the amendment after the sub-amendment had been rejected because, although not fully satisfactory, it was wider than the original text.

78. Mr. SHARIF (Indonesia) said that his delegation had been absent during the voting. If it had been present, it would have voted for the seven-Power sub-amendment, against the ten-Power amendment and for the twenty-eight-Power draft resolution.

The meeting rose at 6.55 p.m.