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Held at Headquarters, New York,
on Saturday, 17 December 1966, at 10.30 a.m.

Chairman:

Mr. BENITES

(Ecuador)

CONTENTS

Point of order raised by the delegation of the Soviet Union .

Acknowledgement by the Peruvian delegation

International co-operation in the peaceful uses of outer space:
report of the Committee on the Peaceful Uses of Outer Space (continued)

- (a) 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 (continued)
- (b) Treaty governing the exploration and use of outer space, including the moon and other celestial bodies (continued)

POINT OF ORDER RAISED BY THE DELEGATION OF THE SOVIET UNION

The CHAIRMAN (interpretation from Spanish): I call on the Secretary of the Committee, who wishes to make a brief statement.

Mr. VELLODI (Secretary of the Committee): At the conclusion of our meeting last Thursday, the representative of the Soviet Union, speaking on a point of order, drew the attention of the Committee to certain serious delays and gaps in the publication of the verbatim records of this Committee. He requested the Chairman of the Committee to take steps to investigate the matter and report his findings to the Committee.

After the conclusion of Thursday's meeting, at the request of the Chairman of the Committee I got in touch immediately with the Under-Secretary in charge of the Office of Conference Services and, as a result of the investigation personally conducted by him we should like to offer the following explanation and clarification.

As members are aware, during the last week or two there have been many meetings of the General Assembly simultaneously with meetings of the Security Council and of this Committee, all of which require verbatim records. Due to the limited resources in terms of staff, we have had serious delays as a result of the very heavy workload. We fully agree that when unavoidable delays occur the records should be published chronologically without leaving gaps, and I have been asked to give an assurance that in future gaps will not occur.

We regret the situation that has arisen in this case, and we have taken appropriate measures to avoid any recurrence of such situations.

Mr. FEDORENKO (Union of Soviet Socialist Republics) (interpretation from Russian): As is known, at one of the previous meetings of the First Committee the Soviet delegation deemed it necessary to draw the attention of the Chairman to the lack of proper procedure which occurred in the publication and distribution of our documentation. We drew the attention of the Committee to this question because of the specific nature of our Committee and the problems with which it deals.

(Mr. Fedorenko, USSR)

We stressed, among other things, the need for precision, accuracy and objectivity in the publication of documents of our Committee. We drew attention also to the gaps that had occurred in this connexion.

We take note with satisfaction of the statement just made by the Secretary of the Committee. We take note of the fact that the persons concerned have promised to take measures to see to it that this practice does not recur and to do away with shortcomings and tendentiousness in this matter. However, the Soviet delegation reserves the right to revert to this question if such practices should again take place in the Committee. We shall then demand that the names of those people who violated the procedure and the order of the Committee be given to us. This we would do for purely businesslike considerations.

At the same time, Mr. Chairman, we should like to draw your attention to the fact that this Committee, which has certain privileges in comparison with other organs, has two kinds of documents: the summary records, which summarize the speeches; and the verbatim records, which contain the complete texts of statements made by delegations.

(Mr. Fedorenko, USSR)

We should like again to draw attention to this fact since we consider that in view of the character of the questions examined in the First Committee and in view of the special responsibility incumbent upon the various speakers in this Committee, their speeches are very carefully worked out as to substance and form. When our statements are cut and simplified -- and sometimes that is done in a rather arbitrary manner -- we cannot fail to observe that they are redrafted and censored. In any case, we attach special importance to precise formulas in the statements of various representatives. It seems that any subjective interpretations of statements made by representatives here are hardly justified. We wish to see full texts completely in keeping with the statements made by representatives because they are of interest to all other delegations during the study of political problems debated in this Committee.

The CHAIRMAN (interpretation from Spanish): I can assure the representative of the Soviet Union that his observations will be taken into account.

ACKNOWLEDGEMENT BY THE PERUVIAN DELEGATION

Mr. PEÑA-PRADO (Peru) (interpretation from Spanish): Personally, on behalf of the Mission that Victor Andres Belaunde headed, and on behalf of the Peruvian Government, I wish to express our gratitude for the heartfelt words which our Chairman, Ambassador Benites, addressed to the Peruvian delegation. I have no words with which to express my feelings since my heart is so full with emotion as a result of the speeches that have been made in the General Assembly and in this Committee where Mr. Belaunde laboured so devotedly. Since there is not much time left to us, may my sincere words of appreciation, admiration and affection for you express the feelings that we all have for this Committee wherein Victor Andres Belaunde worked so hard on matters of great importance.

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.396 and Add.1, L.397) (continued)

- (a) 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, 6352/Rev.1; A/C.1/941; A/C.1/L.396 and Add.1) (continued)
- (b) 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) (continued)

Mr. GOLDBERG (United States of America): Mr. Chairman, before I make my statement on the item on the agenda I should like to associate myself with what you said about our late and beloved colleague, Victor Andres Belaunde.

The treaty on outer space which now lies before this Committee is an achievement in which all of us here, I am sure, find cause for great satisfaction and great hope. We are happy to be a co-sponsor of the draft resolution commending this treaty. We hope and trust that it will command the virtually unanimous support of the Committee and the General Assembly. We share the wish that the treaty will be opened for signature very soon and will gain the widest possible adherence.

I should like to take this occasion to pay tribute to our distinguished colleague who opened this debate, Judge Manfred Lachs of Poland. He has shown admirable skill and impartiality in his role as Chairman of the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space, within whose framework this treaty was negotiated in Geneva last July and more recently here in New York. Much of the credit for the success of our negotiations is due to him. We are also greatly indebted to Ambassador Kurt Waldheim of Austria, the Chairman of the parent Committee on the Peaceful Uses of Outer Space, who played an outstanding role in bringing this project to fruition. There is no need for me to repeat what Professor Lachs so ably explained yesterday about the history and procedural status of this treaty. But, speaking for the United States, which takes a very great interest in the exploration of outer space, and in recognition of all that that implies for the peace of the world, I wish to make some general observations.

We of the United States regard this treaty as an important step towards peace. We do not wish to exaggerate its significance, but neither do we underrate it. It will greatly reduce the danger of international conflict, and promote the prospects of international co-operation for the common interest, in the newest and most unfamiliar of all realms of human activity -- a realm in which the actions of nations are sure to be fateful for good or evil.

The greatest danger facing us in outer space comes not from the physical environment, however cold and hostile it may be, but from our own human nature, and from the discords that trouble our relationships here on earth. Therefore, as we stand on the threshold of the space age, our first responsibility as Governments is clear. We must make sure that man's earthly conflicts will not be carried into outer space.

We know that not all of earthly conflicts are easily or quickly ended. But it has for years been the deep desire and hope of many countries, my own included, that the danger which they pose might be reduced; that their extension into new realms might be prevented; and that this might be achieved in ways which would advance the interests of all nations.

This treaty responds to that desire and hope. It thus takes its place in an historic progression. First was the Antarctic Treaty of 1959, reserving that large area of the world for exclusively peaceful activity. Second was the limited test-ban treaty of 1963. And third is the treaty which now lies before this Committee.

We hope and believe this series of peace-building arrangements will continue to grow. Nothing would make us happier than if the treaty against the proliferation of nuclear weapons would soon be added as the fourth item on this historic list.

Thus, step by step, we may manage to relieve our fellow man of the increasingly heavy burden of conflict and armaments and danger he has borne for so long. And, step by step, we may also advance the rule of law into further areas of the relations between States.

In this great endeavour we can take much encouragement from the record of the negotiations on that Treaty which took place in the Legal Sub-Committee beginning on 12 July last in Geneva and were completed here in New York. Those negotiations were remarkable for their speed and for the businesslike and reasonable attitude of all concerned.

In such a successful negotiation no party gains all it wants, but no party's major interests are injured, and every party gains something as the areas of common interest are discovered and defined. It was in such a spirit of reasonable compromise that the negotiators reached agreement on a number of points of difference, not only between the two principal space Powers but also between them and the other Powers. The result is a treaty which, in our view, reflects a very fair balance of interests and obligations from the standpoint of all concerned, including the countries which as yet have little or no space programmes of their own.

The aim of the negotiators of this treaty was not to provide in detail for all contingencies that might arise in the exploration and use of outer space -- many of which are unforeseeable -- but rather to establish a set of basic principles. The treaty's provisions are purposely broad; but they are provisions which should be welcomed by the United Nations and particularly by the General Assembly, for a great many of them derive from the recommendations which the Assembly made in two of its important resolutions of 1963: the declaration of legal principles governing activities in outer space and the "no bombs in orbit" resolution. Moreover, the treaty responds to some of the most important concerns assigned to the General Assembly by the Charter: disarmament and the regulation of armaments; international co-operation in the political and other fields; and, by no means least in importance, the progressive development of international law.

Indeed, one of the most important principles in the treaty is that contained in article III, which binds all parties to carry on their activities in outer space "in accordance with international law, including the Charter of the United Nations". As man steps into the void of outer space, he will depend for his survival not only on his amazing technology but also on this other gift which is no less precious: the rule of law among nations.

I shall not detain the Committee with a full discussion of the treaty's provisions, which I am sure are well known to all members of the Committee; but I do wish to comment both on its arms control provisions and on those relating to peaceful co-operation.

(Mr. Goldberg, United States)

The United States view of the significance of the treaty's provisions on arms control was summed up by President Johnson in his statement a week ago, when he welcomed this treaty as

"the most important arms control development since the limited test ban treaty of 1963."

The substance of the arms control provisions is in article V. This article restricts military activities in two ways: first, it contains an undertaking not to place in orbit around the earth, install on the moon or any other celestial body, or otherwise station in outer space, nuclear or any other weapons of mass destruction; second, it limits the use of the moon and other celestial bodies exclusively to peaceful purposes, and expressly prohibits their use for establishing military bases, installations or fortifications, testing weapons of any kind, or conducting military manoeuvres.

Quite as important as those arms control provisions are the means available for assuring each party that the others are living up to them. I wish to call attention particularly to articles I, II and XII. The principle used is similar to that embodied in the Antarctic Treaty of 1959: namely, free access by all parties to one another's installations.

That principle finds expression first in article I, which provides that "there shall be free access to all areas of celestial bodies". It is reinforced by the prohibition in article II against national appropriation of outer space or of celestial bodies; and it is further reinforced as regards celestial bodies by article XII, under which

"All stations, installations, equipment and space vehicles on the moon and other celestial bodies shall be open to representatives of other States Parties to the Treaty on a basis of reciprocity."

The words "on a basis of reciprocity" in article XII do not confer or imply the existence of any right or power to veto proposed visits to other countries' facilities on a celestial body. As I said on this point in the Legal Sub-Committee in Geneva on 3 August last, a veto is not compatible with the idea of reciprocity and reciprocal rights. If there is a veto, there are no meaningful rights; without the existence of rights there can be no reciprocity.

(Mr. Goldberg, United States)

The meaning of the words "on a basis of reciprocity" in article XII is in fact the meaning which common sense would dictate -- and which was fully accepted by all the members of the Legal Sub-Committee in Geneva -- namely, that representatives of a State party to the treaty conducting activities on celestial bodies will have a right of access to the stations, installations, equipment and space vehicles of another State party on a celestial body, regardless of whether the second State has ever claimed, or has ever exercised, a right of access itself. The fact that the second State may not have asserted such a right, or may not have exercised it, in no way impairs the first State's right of access. However, if the first State has denied access to representatives of the second State, then the latter is not required -- on the principle of reciprocity -- to grant access to representatives of the first State. Indeed, the same logical result would follow whether or not this treaty provision contained any express mention of reciprocity.

Moreover, any denial of access to facilities contemplated in this article would entitle the other party to exercise such other remedies as it would have under international law.

In my statement of 3 August to the Sub-Committee I made clear that the United States delegation was prepared to agree to inclusion of the words "on a basis of reciprocity" if the understanding I have just outlined, and have just repeated here, was generally shared and, in particular, was shared by the Soviet Union, and if the remaining provisions in the article were consistent with the idea of reciprocity and meaningful treaty rights. I stated explicitly that the veto clause was not consistent and not acceptable. In fact we have no problem on that score, since that concept of the meaning of the article has been accepted by all. Nor does the requirement of advance notice of a projected visit suggest any veto right or power. The United States accepted the advance notice provision on the suggestion of the delegation of Japan, which pointed out at an early date that concern for the safety of our astronauts and the integrity of our facilities on celestial bodies required that a visitor be asked to give reasonable notice of his intended visit. Indeed, our discussion of this subject in Geneva was on the

basis of that proposition. The restricted purpose of the notice requirement is expressly stated in article XII to be:

"in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety and to avoid interference with normal operations in the facility to be visited."

There is no veto in that or any other provision of the agreement.

Now I turn to the more affirmative provisions of the treaty -- those which lay down some basic ground rules for peaceful co-operation among nations in the exploration and use of outer space.

The keynote is struck in the very first operative words of the treaty, in article I:

"The exploration and use of outer space... shall be carried out for the benefit and in the interest of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind." (A/C.1/L.396, Annex)

The same article goes on to make clear that the exploration and use of outer space shall be the right of all States without any discrimination and on a basis of equality. This and other provisions -- particularly that which prohibits claims of territorial sovereignty -- make clear the intent of the treaty that outer space and celestial bodies are open not just to the big Powers or to the first arrivals, but shall be available to all, both now and in the future. This principle is a strong safeguard for the interests of those States which have at the present time little or no space programmes of their own. Their interests are also protected by other provisions, for example: article VII, which fixes on the launching State the responsibility for any damage caused by objects launched by or for them, or from their territory; article IX, which requires States to conduct their space activities

"... with due regard to the corresponding interests of all other States Parties to the Treaty." (Ibid.) --

this includes a specific obligation to avoid harmful contamination of outer space, or of celestial bodies, and also to avoid adverse changes in the terrestrial environment; and article XI, which requires the fullest practicable public reporting, by parties conducting space activities, of "... the nature, conduct, locations and results of such activities..." -- a practice which my own country has voluntarily followed since the space age began. This provision seeks to ensure that the full scientific harvest from space research will be available to all the world -- not just to the parties that do most of the exploring.

It is wise and proper that the treaty should secure these rights and benefits to all parties, including the non-launching nations. For their co-operation also is necessary in many respects, some of which the treaty also provides for -- such as assistance to and return of any astronauts who may make emergency landings on their territory and return to the owner of objects launched into outer space which fall on their territory. In addition, maximum benefits from the exploration of outer space depend on the co-operation of the international scientific and technical community in all nations, large and small alike. No nation has a monopoly of wisdom in this area. We are all in this venture together and we need one another's co-operation.

The same spirit of co-operation, let me say emphatically, should prevail also among the major space countries, specifically my own country and the Soviet Union -- and any others that are developing or may develop comparable programmes of space launchings and manned flights. Two provisions of the treaty concretely illustrate this desirable relationship. Article IX calls for international co-operation and mutual assistance and includes a provision for consultation in the case of potentially harmful experiments. Article V requires that the same universal respect for life and limb which has been traditional among mariners at sea for many centuries shall also govern among astronauts in outer space. In all space activities, under this article, "States Parties to the Treaty shall render... all possible assistance..." to the astronauts of other States Parties. And any party which discovers conditions in outer space that could endanger the life or health of astronauts is obliged to report this to the other parties or to the Secretary-General of the United Nations.

As the space age proceeds, and particularly as manned space flights develop, many forms of co-operation between astronauts of major space Powers are sure to develop which today cannot be foreseen. The framers of this treaty did not try to peer into the unforeseeable; rather we tried to ensure, by laying down broad principles, that all concerned will enter this unknown realm as friends and partners in peace.

Before concluding, I wish to make brief additional comments on two of the articles of the treaty.

The first of these is article X, dealing with the granting of tracking facilities. In this I speak on behalf of a large number of States, some of which have granted tracking facilities and some of which have not.

We welcome the revised form in which this article appears in the final text of the treaty and the spirit of compromise in which it was concluded. The article requires that if a party has granted tracking facilities to another party it is obliged, on an equal basis, to consider a request for tracking facilities by a third party. It is quite clear from the text of the article, however, that there must be agreement between the parties concerned for the establishment of a tracking facility. The article as thus revised recognizes that the elements of mutual benefit and acceptability are natural and necessary parts of the decision whether to enter into an agreement concerning such a facility, and it properly incorporates the principle that each State which is asked to co-operate has the right to consider its legitimate interests in reaching its decision.

Finally, I wish to comment briefly on the accession clause in article XIV of the treaty. The adoption of the accession clause now included in the treaty on principles governing the activities of States in the exploration and use of outer space -- urged because of exceptional circumstances favouring a very broad geographical coverage for the space treaty -- does not, of course, bring about the recognition or otherwise alter the status of an unrecognized regime or entity which may seek to file an instrument of accession to the space treaty. Under international law and practice, recognition of a Government or acknowledgement of the existence of a State is brought about as the result of a deliberate decision and course of conduct on the part of a Government intending to accord recognition. Recognition of a regime or acknowledgement of an entity cannot be inferred from signature, ratification or accession to a multilateral agreement. The United States believes that this viewpoint is generally accepted and shared, and it is on this basis that we join in supporting the present final clauses of the space treaty.

(Mr. Goldberg, United States)

In conclusion, perhaps I can best express my country's feelings about this treaty by recalling an encounter which several of us, including the Secretary-General, shared here at the United Nations last year with an American astronaut. He is Colonel Edward White, and he had then only recently returned from a four-day Gemini mission in which he had carried out the first American "walk in space".

Colonel White had carried with him on this flight a memento which he was eager to present to the United Nations -- a United Nations flag, probably the first ever to fly in space. The Secretary-General very graciously agreed to accept this flag for the United Nations.

We had a little ceremony in the Secretary-General's office in which Colonel White made a short speech, and in that speech he said something I shall never forget. He said that as he looked down from space at the earth passing below, and recognized the familiar shapes of the oceans and continents moving past, one thing that struck him very forcefully was something he did not see: he saw no national boundaries.

Most of us who sit in this room as envoys of our respective Governments will probably never see that sight, which history has reserved for a younger generation than ours. But perhaps it is not too much to hope that we will see it in our mind's eye, and that in the work we have to do we will be able to serve also, in some small measure and in our own way, as "envoys of mankind".

(Mr. Goldberg, United States)

In conclusion, I should like to express appreciation to all those who have worked with the Committee on the Peaceful Uses of Outer Space -- to its experts, in addition to Professor Lachs and Chairman Waldheim, to its Secretariat, to the Legal Counsel of the United Nations and to the many people behind the scenes who helped us so much in Geneva and New York in arriving at the text of the draft resolution and agreement which we tender here.

I wish also to express my appreciation to all the countries that participated in this common effort, to all the countries that worked so much in harmony in developing the principles of this treaty, to all the countries that worked so much in harmony in developing the principles of the draft resolution. Every individual, as I said earlier, who participated in this effort engaged in the process of negotiation in the best sense of the word. It was a negotiation conducted with goodwill, with integrity, with honesty and with the desire to arrive at a constructive agreement in the interests of mankind as a whole. No individual and no nation has the right to claim or even to assert the parentage of this agreement. This agreement is the common effort of all those who engaged in developing it.

On behalf of the United States, I have the privilege of commending with great satisfaction this treaty to the First Committee of the General Assembly and to urge that the draft resolution which will speed it forward be promptly and unanimously approved.

Mr. FEDORENKO (Union of Soviet Socialist Republics) (interpretation from Russian): The Committee is seized today of a draft treaty on principles governing the activities of States in the exploration and use of outer space, the moon and other celestial bodies. This draft treaty on outer space is an important result of the efforts made by many members of the Committee on the Peaceful Uses of Outer Space. It is the result of the work of many delegations which, during the present session of the General Assembly, have shown goodwill and the desire to reach agreement. In this connexion we should like to note in particular the important and constructive part played by representatives of neutral countries and, above all, by the representatives of India, the United Arab Republic, Mexico and others, in the drawing up of the

(Mr. Fedorenko, USSR)

draft treaty by the Committee on the Peaceful Uses of Outer Space. We also note with satisfaction the important role played by our colleague and friend, the Chairman of the Legal Sub-Committee, Professor Lachs. It goes without saying that we pay due tribute to the positive role which has always been played by the Chairman of the Committee on the Peaceful Uses of Outer Space, Ambassador Kurt Waldheim.

The draft treaty under discussion is a result of the constant effort undertaken by the Soviet Union over many years to solve the important legal problems confronting mankind owing to the development of rocket technology and space exploration. We should like to recall that as early as 1958 the Soviet Union proposed the conclusion of an international treaty on co-operation in the exploration and peaceful use of outer space and presented that question to the United Nations for discussion. In 1961, soon after the flight of the first astronaut, who was an envoy of my country, the Soviet Union again took the initiative and proposed that co-operation should be established and developed with other countries with a view to solving problems of outer space. In 1962, at the first session of the Legal Sub-Committee, the Soviet Union submitted a draft declaration on the basic principles governing the activities of States in the exploration and use of outer space. We proposed that States should sign that declaration, thus giving it the binding force of an international agreement. As a result of the persistent and energetic efforts of the Soviet Union and other peace-loving countries, the General Assembly adopted at its eighteenth session the Declaration on the Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space. However, even after the adoption of the Declaration, the Soviet Union did not cease its efforts to work out a wide international treaty which would define the principles governing the activities of States in outer space and which would be binding on all States.

(Mr. Fedorenko, USSR)

At sessions of the United Nations Committee on the Peaceful Uses of Outer Space and of its Legal Sub-Committee in 1964 and 1965, the Soviet delegation proposed immediately to start working out a wide international agreement governing the activities of States in outer space, the moon and other celestial bodies. Pursuing its consistent efforts to solve legal problems concerning outer space, the Soviet Government, on 30 May 1966, presented for discussion at the twenty-first session of the General Assembly, as an important and specific separate item on the agenda, the question of the conclusion of a treaty on principles governing the activities of States in the exploration and use of outer space, the moon and other celestial bodies, together with a relevant draft treaty.

We can take note that the wide and comprehensive approach towards important legal principles governing activities in space, which was the very foundation of the Soviet draft treaty, was supported by members of the United Nations Committee on the Peaceful Uses of Outer Space and is embodied in the treaty which today is presented to the First Committee.

It is difficult to overestimate the significance of the treaty the text of which we are asked to approve. The need to conclude a treaty containing binding legal principles governing the activities of States in the exploration and use of outer space has existed for a long time. In 1967, ten years will have elapsed since the launching by the Soviet Union of the first artificial earth satellite. As is well known, this opened the era of the conquest of space.

Everybody knows that in ensuing years there have been important achievements in this field. Each year the scope of space exploration increases and the number of States engaged in the exploration and use of outer space increases. In recent years there has been a great increase in exploration of the natural satellite of the earth, the moon, and other celestial bodies. The day is not far removed when an envoy of our planet will set forth on the surface of the moon. As space exploration expands, it becomes ever more important to determine in what direction and on what basis the activities of States will be carried out in this field. That question is of paramount importance for all States, for those carrying out exploration of outer space and its use, as well as for those which are not as yet engaged in such activities.

(Mr. Fedorenko, USSR)

We attach great importance to the fact that in the course of the elaboration of the draft treaty of the provision of the Soviet draft treaty forbidding the placing in orbit around the earth of any objects carrying nuclear weapons or any other weapons of mass destruction was widely supported and is reflected in the draft treaty.

Another very important provision of the draft treaty forbids the use of the moon and other celestial bodies for military ends. The Soviet Union has constantly and persistently fought for disarmament, for the limitation of the armaments race, for a relaxation of international tensions. We consider that the prohibition of orbiting around the earth objects carrying nuclear weapons on board, and the prohibition of any military use of the moon and other celestial bodies, will be important steps in that direction and can contribute to ensuring peace on earth. The conclusion of a treaty on space containing such important provisions will substantially limit the possibility of making this important field of human endeavour a source of international disputes and frictions, and will contribute to a decrease in international tensions.

The principles of international law contained and provided for in the draft treaty concern practically all important aspects of the activities of States in the exploration and use of outer space, including the moon and other celestial bodies. They will create conditions for more successful co-operation in space between all States, whatever their economic or scientific development. The treaty precludes any discrimination or inequality among States in the field of space exploration and lays a solid lasting basis in international law for the peaceful exploration and use of outer space.

The treaty also excludes the possibility of discrimination in the field of rights and obligations of all the States of the world, their activities in space and celestial bodies. This measure is enshrined in the provision concerning the universal nature of the treaty, according to which all States of the world can take part and become signatories. We are convinced that the conclusion of a treaty on space, governing a wide field of activity of States in the exploration and use of outer space in celestial bodies, would contribute to better mutual understanding and to strengthening friendly relations between States in their interests.

(Mr. Fedorenko, USSR)

Assessing this treaty, we would like to stress that we consider the elaboration of the treaty and its approval by the General Assembly of the United Nations as an inspiring victory for peace-loving forces in their struggle against those who wish to use outer space for provocation and aggression. The conclusion of the treaty, in our view, will be the conclusion of an important stage in the history of the struggle of peaceful States to make of outer space a zone of genuine peace and international co-operation.

(Mr. Fedorenko, USSR)

With all the importance of the treaty governing the activities of States in the exploration and use of outer space, the moon and other celestial bodies, one must not forget nor ignore for one minute the fact that a solution has not been found to the very important problems of disarmament, the prohibition of the use of nuclear weapons and even the question of the non-proliferation of nuclear weapons.

One must realize that if pressing problems are not solved in the near future there will continue to be a threat hanging over the world; and this treaty, with all its importance, cannot, of course, be construed as replacing all those fundamentally important agreements in the field of disarmament. The conclusion of such agreements continues to be hampered by the United States of America and some other Powers.

We are convinced that the conclusion of a treaty governing the activities of States in the exploration and use of outer space creates an excellent foundation for the future elaboration of agreements on legal problems arising from the exploration of space. Provisions of the treaty will undoubtedly serve as a firm basis for the elaboration of agreements on the rescue of astronauts and liability for space vehicle accidents -- agreements which are at present being debated in the Committee on the Peaceful Uses of Outer Space.

The delegation of the Soviet Union, together with the delegations of thirty-eight other countries, is now submitting a draft resolution to which the draft treaty on space is annexed. We express the hope that the draft resolution will be unanimously adopted.

We should like to express the conviction that guided by the need to strengthen international co-operation and peace, the members of the Committee will lend their unanimous support to the first space treaty in the history of man.

Mr. SEYDCUX (France) (interpretation from French): As we reopen this year the usual debate of our Committee on the report of the Committee on the Peaceful Uses of Outer Space, we have before us the important draft treaty negotiated in the course of the last few months in the Legal Sub-Committee of that Committee.

(Mr. Seydoux, France)

It is the tradition to note in our speeches in the general debate the achievements of the space Powers in the course of the year that has elapsed. That task has become really more difficult in view of the increased launchings under the Gemini Program, the last launching of which I personally had the privilege, with some of my colleagues, to watch with admiration; the placing into orbit of the Cosmos satellites and others; the reconnaissance missions of the Luna Orbiter and Luna objects -- in a word, as the two great space Powers have more actively explored infinite space whose silence terrified Pascal.

Then, together with those exploits, I should like to mention only three achievements, which are certainly more modest, but which I believe to be significant. First, I have in mind the launching by France since our last session -- on 17 February last, to be exact -- of the first French scientific satellite placed in orbit by a Diamant rocket. Other launchings of the same type are to take place in the near future.

Secondly, I would mention the launching on 31 October last of the Japanese Mu rocket. We have learned from the Press that that rocket should make possible the placing into orbit in 1968 of the first Japanese satellite and thus put Japan among the space Powers.

Lastly, I am happy to recall here that the activities of European space organizations have been reflected in a number of experiments. Last month, for example, the European Centre for the building of a launching device for space craft was completely successful in firing the first stage of the future Europa rocket; and the European Centre for Space Research for the first time launched in Sweden a sounding rocket of French origin.

I shall say only a few words on the scientific aspects of the report of the Committee on Outer Space, not because that report lacks interest, but because I believe -- as undoubtedly others do -- that it would be better at this stage if our Committee endorsed the conclusions of the Outer Space Committee as formulated by the Scientific and Technical Sub-Committee. I merely wish to stress the importance that my country attaches to the exchange

of information and of documentation on space questions, as well as to the joint training of research workers and technicians. Bilateral co-operation undertaken by the French Government with some countries -- Argentina, Canada and India, to mention only these -- is intended solely to allow our specialists and those of foreign countries to share their knowledge and techniques.

That has been the objective of the various activities carried out thus far with the assistance of the United States of America. That is also the goal of the co-operation decided upon on 30 June last by the Governments of the Soviet Union and France in connexion with the launching of telecommunication, meteorological and aeronautical satellites. It is often and rightly said that space offers very many possibilities for common undertakings.

I come now to draft resolution A/C.1/L.396, which is designed to obtain the greatest possible number of accessions to the treaty on the principles that should govern the activities of States in the exploration and use of outer space, including the moon and other celestial bodies, so that the objectives to be achieved, as specified in General Assembly resolutions 1721 (XVI), 1884 (XVIII), 1962 and 1963 (XVIII), may become binding juridical rules for those States subscribing to them.

The French Government, which has already shown its scientific and technical interest in space activities, is happy that the juridical problems raised by those activities have been considered by representatives of States members of the Outer Space Committee.

It is obvious that in the short time at the disposal of those representatives they could not draft provisions which could be complete in every way or even strictly uniform, when we consider that several years of negotiation were necessary to achieve, for example, the Geneva Conventions on the Law of the Sea, which deal with a subject that had been studied for a far longer time than space law.

The French delegation has on several occasions in the Sub-Committee emphasized the risks of over-hasty drafting. However, setting aside the drafting objections that could be made concerning the various provisions, both of substance and of protocol, we must, it seems, be satisfied that three basic principles are affirmed: that is, the prohibition of the proclaiming of rights of sovereignty or ownership in outer space; the obligation to use the moon and other celestial bodies for peaceful purposes only and to refrain from placing in outer space weapons of mass destruction; and, finally, the duty to undertake and pursue space activities in a spirit of international co-operation which will serve both peace and mankind.

The implementation of the treaty, whose provisions clearly constitute an innovation as compared with traditional international law based on the sovereignty of States, will obviously be accompanied by some difficulties. Difficulties might thus arise in the case of certain activities unless the realm of outer space is distinguished as quickly as possible from that of atmospheric space, which, pursuant to the Chicago Convention and customary law, is subject to the sovereignty of the subjacent State. For that reason it is wise that the draft resolution before us requests the Committee on the Peaceful Uses of Outer Space not only to continue the elaboration of international agreements on liability and assistance but also to study the question of the definition of outer space.

It is true that we are not unaware of the complexity of the task. However, that should not delay the preparation of a list of acceptable definitions which take account of the activities taking place above the surface of the earth. It will be for the jurists, scientists and technicians to make a choice among those definitions, and that would then be submitted to Governments for decision.

Under the draft resolution, the Committee on the Peaceful Uses of Outer Space is also given a mandate to study questions relative to the utilization of outer space and celestial bodies. That task is necessary, in the view of the French delegation, because, while the principles established by the treaty would no doubt be easy to apply in the case of the exploration of space, their application would be more difficult when space activities involve exploitation, and particularly where simple occupation has to be distinguished from appropriation, which is barred by the treaty.

(Mr. Seydoux, France)

By the same token, it will be important to act prudently in connexion with activities that might affect the territory of States. To try to proceed too quickly in this field could only create confusion. In particular, it would be inadmissible for States to pursue space activities that would affect in any way the territory of other States except with the previously declared consent of the latter. Thus, it is obvious that international commitments bearing on specific problems must be negotiated with a view to their adoption by diplomatic conferences. Otherwise the treaty might rapidly become an instrument which, while having important symbolic value, particularly with regard to the three basic principles mentioned a moment ago, would have its binding effect made subject to divergent interpretations. Those commitments will have to take into account, on the one hand, the need to leave the Powers, increasing in number, capable of engaging in space activities enough freedom to carry out useful enterprises without undue difficulty, while not depriving the other Powers of the necessary safeguards, and, on the other hand, the obligation for many States to join together, according to various arrangements, in order to engage effectively in space activity, which necessitates a recognition not only of the duties but also of the rights of groups of States or of intergovernmental organizations.

In other words, future agreements should be drawn up in a spirit of co-operation and understanding, without any systematic insistence on existing but not necessarily suitable formulas. That remark applies to liability and assistance and to such other questions as the possible regulation of certain uses of space, co-operation and mutual assistance both on earth and in space, the registration of space vehicles, and the effects of space activities on the earth's surface.

This enumeration of the problems that are of concern to the French delegation is indicative of the interest it has in the preparation of rules of law suitable to space activities. In that regard, the treaty represents a first attempt, and my delegation is aware of the efforts made on various sides to give it acceptable juridical contents. We are not the only ones to believe that the task is uncompleted. It is equally true that the treaty constitutes a document whose originality is obvious and whose historic impact must not be underestimated.

(Mr. Seydoux, France)

The important considerations I have outlined will surely guide Governments in determining their attitude towards the proposed treaty and the agreements that will be needed in order to supplement it.

I should not wish to conclude without expressing our appreciation to two men who have greatly contributed to the results that have been achieved: Mr. Waldheim, Chairman of the Committee on the Peaceful Uses of Outer Space, whose smiling and calm diplomacy we have always appreciated, and Mr. Lachs, Chairman of the Legal Sub-Committee, who has directed the work of the Sub-Committee with the authority and competence we have always admired in him.

Lord CARADON (United Kingdom): Time presses urgently upon us to finish all our outstanding business at this twenty-first session, but it is fitting that this, the senior political Committee, should take up as the last matter before it this year a subject on which such a wide measure of agreement has been reached. The treaty on outer space comes before us with the support of a large number of delegations, including in particular many of the delegations which constitute the Committee on the Peaceful Uses of Outer Space. To this treaty the United Kingdom gives its full and enthusiastic support, and to all those who have contributed to this happy result we pay our tribute.

(Lord Caradon, United Kingdom)

I particularly wish to express the gratitude of us all to the representative of Austria, the Chairman of the Outer Space Committee, who has made such an invaluable contribution. I was happily able to represent the United Kingdom when this subject was taken up in the Legal Sub-Committee of the Outer Space Committee in Geneva last summer and when we met under the distinguished and most able chairmanship of Professor Lachs, who has throughout given us such a fine lead. I said then that the Sub-Committee met under encouraging auspices. There was no agreement at that meeting itself, although much progress was made, and in the meantime difficulties have come and gone. But, at the last, the good auspices have been indicated.

I do not need to remind you that the draft treaty has not been achieved without effort. Some measure of agreement was reached in the Legal Sub-Committee; some of the progress which secured final agreement was made in valuable informal consultations. This agreement can thus be said to be a fruit of our collective work and an achievement of the United Nations. Several of the provisions of the treaty are of the first importance in the field of disarmament and the strengthening of peace, such as the prohibition in article IV whereby States undertake not to place in orbit around the earth or station on celestial bodies or in outer space nuclear weapons and other weapons of mass destruction.

Some are of the broadest scientific interest, such as the undertaking to make available information concerning the peaceful exploration and use of outer space under article XI. Other provisions are principally of interest to the lawyers, and I might cite the prohibition on claims of sovereignty confirmed in article II. The representative of the United States has already commented on article X, which concerns facilities for the observation of the flight of space objects, and I wish expressly to associate my delegation with all that he has said.

Furthermore, I should like to add that article XIV, which relates to participation in the draft treaty, does not of course bring about recognition by other States or otherwise alter the status of an unrecognized regime or entity which may purport to accede to the treaty. It is on this understanding, which is fully supported by international law and practice, that my Government has not, in the exceptional circumstances of this treaty, objected to a participation clause in this form.

(Lord Caradon, United Kingdom)

Few countries have the financial and technical strength to carry out alone these bold and difficult initiatives in outer space. Many States, including the United Kingdom, find it preferable to give practical content to that spirit of co-operation which runs through this treaty by collaborating with other nations in international organizations. The United Kingdom therefore welcomes the recognition in article XIV of the need to take full account of the position of those States which conduct activities through and in the form of international organizations.

The writing of this treaty is not the end of the book. It represents, as Professor Lachs reminded us yesterday, only the end of the first chapter. Some of the provisions contained in the treaty represent only a sketch of the full legal structure which will no doubt be built in the course of time by further action of the United Nations. In particular, there remains the important question of liability for damage referred to in article VII. That summary formulation of that principle should not prevent the United Nations from pressing on vigorously with the drafting of a convention on this subject which is already before the Legal Sub-Committee.

In paying most sincere tribute to all those who have worked to bring about this heartening result, I think of the feelings which will, I believe, spread eagerly outward as the news of our agreement is heard in so many countries of the world, feelings of fresh encouragement and feelings of new hope. We have not disgraced by dispute amongst ourselves the dazzling achievements of the scientists and the astronauts. We have not allowed the noise of our earthly squabbles to rise to new heights. We have not gone bickering into space. Indeed the fact that we have not contaminated a new dimension with petty rivalries and human animosities gives us some ground for renewed faith, for faith in the United Nations and in our capacity to harmonize our earthly actions.

We used to speak of bringing the new world to restore the balance of the old. Today we can think of bringing in a higher and wider world to dwarf and shame the divisions of our own.

This Committee has before it a draft resolution commending the treaty of which I have spoken and providing for the further work of the Legal Sub-Committee. With many other delegations, the delegation of the United Kingdom has joined in co-sponsoring this draft resolution, and I hope that it will be the last formal act of this Committee at this session to adopt that draft resolution with overwhelming support.

Mr. WALDHEIM (Austria): My delegation has already had an opportunity to express to the Chairman of the Legal Sub-Committee, Professor Lachs, our deep appreciation for his efforts and for his excellent introduction of the treaty on principles governing the activities of states in the exploration and use of outer space, including the moon and other celestial bodies.

My delegation is indeed gratified that it has been possible, after intensive discussions and negotiations within the Legal Sub-Committee and subsequent consultations among Members of the United Nations, to submit this important treaty to the Members of the United Nations for their signature and ratification.

Once again I should like to pay a tribute to all those delegations, in particular those of the space Powers, which have spared no effort in order to achieve in a spirit of compromise this important result.

In the past my delegation has consistently expressed the view that the tremendous scientific and technological achievements in outer space are not only a subject for the probing mind of the scientist and a new field of action for engineers, but a matter of growing importance and responsibility for the political leaders of nations. We have therefore repeatedly stressed that we must not lag behind the speedy scientific and technical progress in this field and that we should endeavour to reach adequate legal and political agreements in time.

The treaty on principles governing the activities of States in the exploration and use of outer space, including the moon and other celestial bodies, represents, beyond any doubt, a most important milestone in our endeavour to provide for law and order in outer space. It is a culmination of the efforts carried out for many years, and it provides a substantial basis for further work in this important field.

(Mr. Waldheim, Austria)

The first breakthrough in the work of the Committee on the Peaceful Uses of Outer Space was achieved in 1961 in the form of resolution 1721 (XVI), unanimously adopted by the General Assembly, which commended to the nations of the world for their guidance in the exploration and use of outer space the following principles:

"(a) International law, including the Charter of the United Nations, applies to outer space and celestial bodies;

"(b) Outer space and celestial bodies are free for exploration and use by all States in conformity with international law and are not subject to national appropriation;"

These basic principles, which are clearly of the utmost importance for the orderly exploration and use of outer space, have now been incorporated in the treaty before us. Outer space and celestial bodies have thus become res communes omnium. This means that the territorial sovereignty of States does not extend into outer space; in other words, outer space is not subject to a legal régime like that of the territorial sea or airspace. Exemption from territorial sovereignty would not by itself, however, make outer space and celestial bodies res communes omnium. They would rather become res nullius, free to be appropriated by any State in accordance with international law. To exclude this contingency, it is clearly stated that outer space and celestial bodies are not subject to national appropriation by claim of sovereignty, by means of use or occupation or by any other means. Res communes omnium cannot, however, exist in a legal vacuum. The principle that outer space and celestial bodies are free for exploration and use by all States therefore had to be linked to a definite legal order. The treaty consequently provides that international law, including the Charter of the United Nations, applies to outer space and celestial bodies.

This extension of the validity of the standards of international law to a new accessible sphere is especially important in connexion with the Charter of the United Nations, since an act of aggression against a State from outer space would thus be covered by the sanctions provided for in the Charter of the United Nations. It means, furthermore, that all norms developed to govern the régime of outer space and celestial bodies form part of international law

(Mr. Waldehim, Austria)

and not of a new order applicable solely to outer space. The unity between man and his activities, as well as the link between the planet Earth and the universe, has thus been fully safeguarded.

The next important step in the work of the United Nations Committee on the Peaceful Uses of Outer Space was achieved after the signing on 25 July 1963 of the Moscow Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water. On the basis of proposals submitted by the Committee on the Peaceful Uses of Outer Space, the General Assembly on 13 December 1963 unanimously adopted the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space, contained in resolution 1962 (XVIII). Moreover, the General Assembly recorded with satisfaction in resolution 1884 (XVIII) the understanding reached between the Soviet Union and the United States during the Geneva disarmament negotiations to abstain from stationing nuclear or other weapons of mass destruction in outer space. In addition to the basic principles adopted in 1961, the General Assembly solemnly declared that:

"The exploration and use of outer space shall be carried on for the benefit and in the interests of all mankind.

"Outer space and celestial bodies are free for exploration and use by all States on a basis of equality and in accordance with international law."

In order to strengthen those principles, the Declaration provided that States must conduct their activities in outer space with due regard to the corresponding interests of other States. The legal principle that outer space is free for exploration and use by all States would indeed be of little value if enjoyment of that freedom could be destroyed by the use which a single State might make of it.

Finally, I should like to point out that the Declaration of legal principles provided that the activities of States in the exploration and use of outer space shall be carried on in the interest of maintaining international peace and security and promoting international co-operation and understanding.

(Mr. Waldheim, Austria)

My delegation notes with satisfaction that all these basic principles have found their expression in the treaty governing the activities of States in the exploration and use of outer space, including the moon and other celestial bodies and that the treaty contains, in addition, a number of important provisions relating to other matters. The treaty provides that States shall bear international responsibility for their national activities in outer space, and that they shall be internationally liable for damage caused to another State. States parties to the treaty shall be guided by the principle of co-operation and mutual assistance and shall render all possible assistance to astronauts, who are rightly regarded as "envoys of mankind in outer space".

Finally, the treaty contains a number of important provisions regarding the nature of activities carried out in outer space and imposes, in particular, the obligation that the moon and other celestial bodies shall be used exclusively for peaceful purposes.

My delegation would have preferred a clear-cut obligation that the principle of exclusively peaceful uses applies not only to the moon and other celestial bodies but also to the vast expanse of outer space. We note, however, that the activities of States must be carried out in accordance with international law, including the Charter of the United Nations. Consequently, any action contrary to the maintenance of international peace and security would be inconsistent with the purpose of the treaty.

The main advantage of the treaty lies in the fact that the great number of principles contained in previous resolutions of the General Assembly which, despite their high moral value, are technically only recommendations, are now incorporated in the form of an international agreement which, after its signature and ratification by a number of States, will have binding legal force. My delegation, which in the past consistently stressed the importance of concluding international agreements in the field of outer space, considers this treaty as a significant and constructive step in that direction, and notes with appreciation the request for further work in this field. There can be no doubt that this treaty represents an important legal and political instrument designed to eliminate the most likely causes of political friction among space Powers, thus ensuring a favourable climate for the exploration and use of outer space, of the moon and other celestial bodies, which, in turn, could have a decided impact on the prevention of the regrettable possibility of an armaments race in outer space.

(Mr. Waldheim, Austria)

To create, as is proposed, a vast and theoretically unlimited zone of activity reserved exclusively for scientific research and for the benefit of all mankind is indeed a step that deserves the support of all peace-loving nations. My delegation, as a co-sponsor of draft resolution A/C.1/L.396, therefore trusts that the treaty on principles governing the activities of space in the exploration and use of outer space, including the moon and other celestial bodies, will have the approval of all delegations.

Mr. VINCI (Italy): I shall commence now with the second and third topics of our space item, namely, the report of the Committee on the Peaceful Uses of Outer Space and the space treaty. I wish to note first that, as far as the legal problems connected with space activities are concerned, the text of the space treaty prepared by the Committee through its Legal Sub-Committee does not exhaust by any means the task in the area of legal activities. Much remains to be done in the detailed spelling out of law in the field of space liability and damages, as well as in other legal matters.

I am sure that the Committee on the Peaceful Uses of Outer Space, fortified by the success obtained in elaborating the space treaty, will tackle its other legal tasks with equal determination and, let us hope, with equal success. But before taking up the space treaty, I should like, with your permission, Mr. Chairman, to make a few remarks on the report before the Committee.

The recommendations in the scientific and technical area, which emerged from the meeting last April in Geneva of the Scientific and Technical Sub-Committee, deserve all our consideration. It has been almost customary, in all of our past meetings, to praise the work of that Sub-Committee and to adopt its recommendations as a matter of course. But this year I feel that they deserve fuller recognition inasmuch as several new ideas and proposals have been put forward which represent a decisive step forward for the development of international co-operation in the peaceful uses of outer space.

(Mr. Vinci, Italy)

I am referring, among other things, to the proposal which originated with the representative of Austria to examine the possibility of a civil satellite world navigation system. The Italian delegation supports the recommendation to establish a working group of specialists to study this matter and to propose a satisfactory development programme if it is deemed advisable.

Also of extreme interest is the Sub-Committee's proposal to evaluate the possibility of using synchronous meteorological satellites and mass television to solve the agricultural and educational problems of developing nations in many parts of the world. The recommendations on the subjects of education and training reflect the growing need to keep abreast of space developments, not only for the scientific and technical community of the world, but also for the political leaders in each country, as well as to assure full popular understanding of the purposes and potentialities of space activities.

My delegation, having co-operated in the formulation of those recommendations, wishes to renew its full support of them, seeking their approval by this Committee and by the General Assembly, as reflected in draft resolution A/C.1/L.397, which we are glad to co-sponsor.

Annexed to the report of the Committee on the Peaceful Uses of Outer Space are the ad hoc reports of several United Nations specialized agencies which are involved in the space effort. Among them, the report of the World Meteorological Organization deserves special praise for its clear and efficient presentation of the useful work accomplished in the meteorological domain during 1966, for its progressive preparation of the World Weather Watch, for its excellent activity in meteorological education and training, and for its skill and energy in using space for weather forecast and analysis throughout the world. The World Meteorological Organization can be proud of a job exceedingly well done.

By the same token, interesting and useful reports have been presented on space subjects by UNESCO, ICAO, WHO and ITU. It would certainly be proper for the latter agency to consider in its next report the matter of satellite broadcasting, as suggested by the representative of the United Arab Republic during the discussions of the Legal Sub-Committee.

(Mr. Vinci, Italy)

There should not be any need to reaffirm here that the space age has already had a profound impact on human affairs since 4 October 1957. Yet, the reactions of individuals as to the significance of such an impact vary widely, from positive to negative. In our view, it is to the lasting credit of the wisdom and foresight of the United Nations that it took the decision early in 1958 to choose a positive reaction to the significance of the space age and to consider outer space as a tremendous opportunity for international co-operation, a place where the nations of the world may work together for peaceful purposes and for the benefit of mankind.

Today, as regards the text of the proposed space treaty now submitted for the official approval of this Committee and, we hope, later to the General Assembly -- where it originated and has come to fruition through the labours of the Legal Sub-Committee for the peaceful uses of outer space -- we can hail and be proud of the first concrete step toward the goal we have all been working for in these last eight years; namely, the establishment of unanimously accepted rules of law that will ban forever war and warlike activities from space and preserve it for new generations as a permanent challenge for new ideas and new fantastic developments to be achieved in the spirit of peaceful international understanding.

The Italian delegation is in full agreement with the proposed text of the treaty placed before the Committee, which it helped to shape and conclude in co-operation with the other twenty-seven members of the Legal Sub-Committee. My delegation believes that it represents the best compromise language between many requirements, sometimes conflicting, such as the individual interests of the main space Powers, the need of adhering to the principles stated in several General Assembly resolutions, the lack of experience about the applicability of common rules of law to a completely new area of endeavour, and, above all, to the requirements of plain common sense in dealing with the unknown.

(Mr. Vinci, Italy)

In particular, while articles I, II and III have been taken from previous United Nations resolutions, article IV is perhaps the most important article of the treaty inasmuch as it prohibits weapons of mass destruction, and war and warlike activities in space. But with a remarkable show of common sense, it does not preclude peaceful activities in space by the military. By thus leaving open an area of exciting activity to military personnel -- more attractive, I should say, than the ones normally attached to their profession -- this clause might reveal itself of far-reaching importance in the future for the achievement of peace in the hopeful event of lasting disarmament agreements on earth.

Articles V, IX, X, XI and XII represent the measures devised to ensure and promote international co-operation among States for the peaceful exploration and use of outer space.

(Mr. Vinci, Italy)

Articles VI and VII establish the concepts of damages and liability, laying the groundwork for future and more detailed agreements on such subjects, a task indeed that our Legal Sub-Committee should take up again as soon as possible since the provisions of the treaty in that regard appear to be too broad and vague to be fully satisfactory. Article VIII, which deals with the question of sovereignty, is of special significance, in view of the fact that after eight years of studies and discussions among the most brilliant legal minds of the world the problem of defining space territorial sovereignty, that is, where the atmosphere ends and where outer space begins, is far from solved. Article VIII circumvents the problem in some ways and transfers sovereignty to the objects in space and not to the surrounding environment, supplying at least a fresh solution to a very complex matter.

Articles XIII, XIV, XV, XVI and XVII are of an administrative nature and follow the customary line of other treaties, with the exception of the "open clause", that is, that the treaty is open to all States of the world including non-Members of the United Nations. My delegation has accepted such a provision, recognizing the universality of States and the obvious link with article IV of the Moscow Treaty, which prohibits nuclear tests in space and which is also open to non-Members of the United Nations. For that reason, as well as because of the far-reaching effects which we hope the space treaty will have on general disarmament and especially on the necessary controls by offering the first encouraging example on this key point, my Government has decided to give its approval. But this agreement on our side should not be construed as a binding precedent for other treaties or United Nations deliberations in other sectors.

I should now like to express the sincere appreciation of my delegation to the two great space Powers, the United States and the Soviet Union, and to congratulate their respective delegations for the spirit of co-operation which they have shown all along in composing early differences between their original drafts, thus enabling us to reach a unified version. Their agreement on a joint text is to the credit of both Governments and countries and it is an excellent omen for the future of space.

(Mr. Vinci, Italy)

Moreover, I wish to express the gratitude and appreciation of my delegation to all the other members of the Legal Sub-Committee on the Peaceful Uses of Outer Space which have worked very hard indeed and brought a fruitful contribution of ideas to the solution of difficult problems. A treaty such as this touches very deeply upon the sovereign rights of all States, so that each of them had to show goodwill and co-operation to the greatest extent in foregoing some of its own needs and requirements for the sake of unanimity.

Finally, I should like to express the appreciation of my delegation to the outgoing Chairman of the Legal Sub-Committee who, with unending patience and consummate skill, performed an excellent job in assimilating the many proposals and ideas in the text which is before us. To Professor Lachs, who has been elected by such a significant vote to the high and well-deserved honour of being a Judge at the International Court of Justice, go our best wishes and thanks for an outstanding performance. We lose here a great asset; the Court at The Hague acquires it. However, we are fortunate that a prominent international figure, endowed with so many talents and such knowledge and experience, like Ambassador Lachs, remains within the framework of the United Nations.

At this point and in order to facilitate the work of the next Chairman, I should like to call the attention of this Committee to the suggestion introduced by the Italian delegation at the last session of the Scientific and Technical Sub-Committee on the Peaceful Uses of Outer Space that the bureau of that Sub-Committee and the bureau of the Legal Sub-Committee should each be expanded by the addition of a Vice-Chairman and a Rapporteur. It appears to me that that suggestion, in view of the increasing work and responsibilities in the area of outer space, has now become more timely.

I should like to pay, on behalf of my delegation, a special tribute to the Chairman of the Space Committee, Ambassador Kurt Waldheim, who, acting in the real spirit of the so-called parent body, has played a leading role in the achievements which we are in a position today to acknowledge fully.

I should like to close my remarks with a renewed pledge by my delegation, which is a co-sponsor of the present draft resolution and which is privileged to commend the space treaty for the unanimous approval of this Committee, to dedicate its best energies to the goal of international co-operation in the peaceful use of outer space as solemnly advocated by the General Assembly

(Mr. Vinci, Italy)

for the past eight years. It is in this spirit that our scientists are at this very moment pursuing their space research objectives of the East Coast of Africa. They are preparing to launch the second San Marco satellite in co-operation with the United States and with the Republic of Kenya. We look at the joint space venture of three continents, of more developed and less developed countries, as one of the encouraging examples of translating into deeds the principles of the United Nations and the true spirit of the new space treaty.

Mr. FUENTEALBA (Chile) (interpretation from Spanish): The delegation of Chile has received with great satisfaction the announcement of the agreement arrived at in the Committee on the Peaceful Uses of Outer Space on a draft treaty which will govern the exploration and the use of outer space, including the moon and other celestial bodies.

Quite modestly and humbly our contribution as a small country compels us to make a few comments. This agreement is one whose importance might be slightly overlooked at the moment or even minimized, but doubtless it does have an historic importance if we project our minds into the future. Although the great majority of the Members of the United Nations, and my country falls into that category, have not participated in the activities already achieved in the exploration of outer space and, because of limited economic means and technological progress these countries are far from being able to plan on carrying out such achievements in the next few years, such activities cannot leave us indifferent nor can we feel that the need to regulate such activities is unimportant.

(Mr. Fuentealba, Chile)

A recent editorial in The New York Times stressed the imminence of the space age:

"In two or three years a modern Columbus will earn immortality by landing on the moon. By the end of this century men will have visited or travelled around most of the planets of the solar system and established important colonies, at least on the moon and Mars. In the twenty-first century and those that follow, the human community will truly be interplanetary, not merely international."

The principal merit of the treaty on outer space is that it lays down rules governing the activities of States in outer space and at the same time it provides a solution for potential problems whose seriousness is only too obvious. For example, article II provides that neither the moon nor other celestial bodies are subject to national appropriation, thus eliminating the possibility of a new type of colonialism on an interplanetary scale, with all its consequences of national, political and economic rivalries.

Furthermore, it marks a step forward towards preventing an expansion of the arms race and war to outer space. Apart from the declarations that the exploration and use of outer space must be carried out in the interest of the maintenance of international peace and that the use of the moon and other celestial bodies must be exclusively for peaceful purposes, there are specific obligations set forth in this treaty. They are the prohibition of the placing in orbit of objects carrying nuclear weapons or other weapons of mass destruction, and of the installing of such weapons on any celestial body or stationing them in outer space in any other manner. Furthermore, it prohibits the establishment of military bases, installations and fortifications, the testing of weapons of any type and the conducting of military manoeuvres on celestial bodies.

It is important and significant that the great Powers have reached agreement on this step, which might be described as "disarmament in advance". Thus we shall avoid carrying to the ever widening confines of the universe accessible to man the grave evils of armaments and war, evils which we on earth seem incapable of eradicating. This disarmament in advance in outer space and the provisions of the treaty which regulate, perhaps in a somewhat timid fashion, international co-operation in the tasks of exploration and peaceful use of that environment permit us to hope that this agreement will have

(Mr. Fuentealba, Chile)

favourable effects in other fields. In particular, we believe, it will be the desire of all that it may facilitate the achievement of an agreement on non-proliferation of nuclear weapons and also on the permanent cessation of nuclear weapon tests in all environments.

It is cause for satisfaction that this Committee, in which so much energy has been expended, with meagre results, to achieve progress in disarmament, is able to conclude its work for this year on a hopeful note owing to the agreement reached on the space treaty.

Mr. CARVALHO SILOS (Brazil): First of all, I should like to associate my delegation with the tributes that have been paid by many previous speakers to Mr. Lachs for the highly constructive role he has played in the discussions and negotiations which led to the treaty on outer space.

My delegation was most gratified to co-sponsor draft resolution A/C.1/L.396, which commends to Member States the treaty on principles governing the activities of States in the exploration and use of outer space, including the moon and other celestial bodies, the text of which is annexed to that draft resolution. In the view of the Brazilian delegation, this treaty, which is a natural development of the principles contained in resolution 1962 (XVIII), entitled: "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space", will be a landmark in the work of the United Nations. Indeed the treaty, on the one hand, is an important partial disarmament measure which might very well facilitate progress in other areas of disarmament negotiations and, on the other hand, the treaty sets forth legal rules of paramount importance governing the activities of States in outer space and on celestial bodies.

The treaty was mostly the result of the lengthy, objective and business-like negotiations and discussions which took place last summer in Geneva during the fifth session of the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space. If one peruses the records of that session, one realizes that almost every member of the Legal Sub-Committee contributed ideas, opinions and clarifications to help in the drafting of the agreed treaty. The views of my Government on the various provisions of the treaty were thoroughly presented during the meetings held in Geneva. Therefore I shall confine myself today to dealing briefly with a few points.

(Mr. Carvalho Silos, Brazil)

I should like to comment first on what I consider one of the most positive provisions of the treaty. The Brazilian delegation was very pleased that its proposal concerning article I of the draft met with the approval of the Sub-Committee and was incorporated in the treaty. As members of the Sub-Committee may recall, that proposal consists of the inclusion in article I of the words "irrespective of their degree of economic or scientific development". My delegation has had the opportunity on many occasions to explain the underlying reasons for its pressing for the adoption of that principle. I would recall that some years ago we failed to obtain the inclusion of that principle in the operative part of resolution 1962 (XVIII). Its inclusion in the first, and perhaps one of the most important, of the articles in the draft treaty represents, in our view, a legal obligation on the part of space Powers to carry out the exploration and use of outer space and of celestial bodies for the benefit of all countries, whether space Powers or not. That is the basic philosophy of the treaty, and we hail it with wholehearted enthusiasm.

Another outstanding feature of the treaty is one contemplated in article II, which establishes that the moon and other celestial bodies are not subject to national appropriation. In adopting that article, we are avoiding a repetition in outer space of the rivalries which have so deeply marked and poisoned relations among States during the age of early discoveries.

Article IV is tantamount to an important partial disarmament measure and codifies the principle contained in resolution 1884 (XVIII) prohibiting the placing in orbit around the earth of any objects carrying nuclear weapons or any other kinds of weapons of mass destruction or the installing of such weapons on celestial bodies.

Of course, all the articles of the treaty are of the greatest importance from a political or legal standpoint, and at this stage of the discussion I do not see the necessity of repeating what my delegation said in the Legal Sub-Committee. However, I should like to recall here in New York, as I did in Geneva, the disappointment of my Government at the fact that the treaty, in its article IV, establishes that only the moon and other celestial bodies shall be used exclusively for peaceful purposes, thus allowing the non-peaceful or military use of outer space. That broad loop-hole is, in the view of my delegation,

(Mr. Carvalho Silos, Brazil)

contrary to the principles set forth in the relevant General Assembly resolutions and in the Declaration of Legal Principles. Moreover, it does not conform to the whole United Nations approach to the problem. On many occasions my delegation has expressed its doubts regarding the wisdom of the automatic application of international law and the Charter of the United Nations to outer space and celestial bodies.

(Mr. de Carvalho Silos, Brazil)

That broad loop-hole in space, in the view of my delegation, is contrary to the principles set forth in the relevant General Assembly resolutions and in the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space. Moreover, it does not conform to the whole United Nations approach to the problem. My delegation has on many occasions expressed its doubts regarding the wisdom of automatically applying international law and the United Nations Charter to outer space and celestial bodies. As I said at Geneva, present-day international law is the law of peace and it is also the law of war. Our intention here is to prevent outer space and celestial bodies from being contaminated by our long heritage of misfortune.

During the discussions which took place at the last session of the Legal Sub-Committee, my delegation often stressed the necessity of maintaining an adequate balance between the rights and obligations of the space Powers and those of the non-space Powers. We are glad that agreement was reached on the wording of article X of the treaty concerning the granting of facilities to observe the flight of space objects. As the representatives of the United States and the United Kingdom have pointed out this morning, article X of the treaty is a clear-cut recognition that any granting of tracking facilities by parties to the treaty will depend on agreements between the States concerned.

The Brazilian delegation views the present treaty as being perhaps the most important political event since the signing of the Moscow partial test-ban Treaty. Those treaties have many features in common. One is that they both constitute a basis for future agreements in that their principles can be broadened and any loop-holes can be eliminated through new political instruments.

Mr. HOYVEDA (Iran)(interpretation from French): Taking the floor after so many brilliant speakers, and particularly after the representatives of the space Powers, I am fully aware of my modest position. However, as the representative of a member country of the Committee on the Peaceful Uses of Outer Space, I should like to make some general comments concerning different points on our present agenda.

(Mr. Hoyveda, Iran)

With the consideration of the report of the Committee on the Peaceful Uses of Outer Space, the First Committee is, so to speak, abandoning the problems the immediate present in order to deal with those of the near and even the distant future. This, in our opinion, is as it should be since one of the most important responsibilities of our Organization consists precisely of preparing the conditions for a peaceful and peaceable future capable of allowing all people to enjoy the benefits of life.

While studying the Committee's report, I could not help thinking that the lack of reflection on the future has very often plunged mankind into situations from which he has not been able to extricate himself, and also into very dangerous situations. Let us reflect for a moment on the problems raised today by the deforestation of our planet, pollution of the air and water of our great cities, the lack of housing and of buildings. If we had previously sought to distinguish the forms of the future through the fog, perhaps we might have spared ourselves some serious concerns. Today we have an advantage over our ancestors; perhaps we are not wiser than they were, but we do have better tools to work with. Among those tools I would give first place to the United Nations. Our Organization can and should be the forum of the future. It is fortunate, as may be seen from the agenda item before us today, that the United Nations is fully and entirely conscious of its responsibilities. My delegation also wishes to congratulate the Chairman, the Rapporteur and all those who have worked in the Committee on the Peaceful Uses of Outer Space.

A few years ago, the object of this item on our agenda might have seemed to be, if not fantastic, then at least of less relative urgency. But the progress of science and technology has been so great and so rapid that the frontiers between the present and the future are being rolled back. The exploration of the moon, of the solar system, of interplanetary space which ten years ago belonged to the realm of science fiction today has become part of reality. Even more, the progress achieved in the last few years is such that the question has become a familiar one and, as the representative of Australia said yesterday, even trite. Nobody was surprised the other day on seeing on the first page of newspapers the extraordinary photographs of the moon taken by Lunar Orbiter.

(Mr. Hoyveda, Iran)

I should like to avail myself of this opportunity to congratulate the United States and the Soviet Union on the tremendous success that they have achieved in the last twelve months in space affairs. I also wish to congratulate France on its launching of an artificial satellite and various rockets; I also wish to congratulate Japan which has just launched a rocket. But this is not just a question of prowess on the part of a few sports-minded persons; all the information that these experiments have brought constitute an inexhaustible treasure from which all of mankind is benefiting in the different fields of science. The report of the International Telecommunication Union on the communications satellites and the report of the World Meteorological Organization on meteorological satellites are overwhelming proof of that fact. Those organizations should be congratulated for the practical work that they have carried out.

As the representative of Australia stated yesterday and as the representative of Italy just stated, space exploration has already had an influence on our lives. In our opinion, the most important aspect is not how we regard the question of outer space and the changes that have taken place on earth, but the changes that have taken place in our minds. The spirit of co-operation in this field which is increasing day by day is a harbinger of the planetary co-operation towards which the United Nations is working. I remember having read in the report the statement that was made on the opening of the work of the Committee by its Chairman, the representative of Austria, who stressed the necessity for international co-operation and collaboration. It would appear that his words have been heeded since our discussion has opened in a promising atmosphere. In fact, after long negotiations in which a number of countries participated, and particularly the space Powers, agreement has been reached on a single 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. This is an event of very great importance, and I am sure that this treaty will be as important and useful as the one negotiated a few years ago on nuclear testing. My delegation fervently hopes that this new example of compromise in such an important matter will facilitate reaching agreement on other urgent questions, especially in the field of disarmament.

(Mr. Hoyveda, Iran)

That treaty is a historic document of capital importance: first of all, because it is the first document of its kind; then because it marks the coming of age and the logical beginning of one of the greatest adventures that man has ever undertaken. Finally, it is the first time that a document of this kind makes of men travelling in outer space the envoys of all of mankind.

(Mr. Hoyveda, Iran)

I do not wish here to go into the brilliant analysis which previous speakers have made. I should like merely to stress the principle which we believe to be most important and which is at the basis of the treaty, namely, the principle of equality of all States and the principle of non-discrimination. The treaty rests under the sign of peace and co-operation. For all those reasons, we are very proud and happy to be among the sponsors of draft resolution A/C.1/L.396.

We have just heard that article I is extremely important. My delegation shares that view. However, I should like to add that the terms of that article, if we look towards the distant future, lead us to put a question to ourselves. We have been told that outer space, including the moon and other celestial bodies, could be explored and freely used by all States without distinction of any kind. The question which presents itself, in our view, and which concerns the distant future of which I spoke is to know what would happen if, in going beyond the solar system and in arriving at other solar systems, we found other beings, inhabitants of those planets. If we say in that article that the exploration and use of space shall be for the benefit of all mankind, we must also include, I think, that humanity beyond our solar system whose existence is the subject of discussion by scientists.

I turn now to the specific problems raised by the report. I should like first to express the feelings of my delegation on the subject of the international conference on the exploration and peaceful uses of outer space, and I do so because the delegation of Iran did not participate in the debate yesterday. I shall not dwell at length on this subject. I should like to say very briefly that we support the recommendations of the Working Group as a whole which the Committee has endorsed. We are happy to see that some of the suggestions that we had the honour of making with respect to the agenda of the conference were taken into account. I note with satisfaction that, in the objectives of the conference, the interests of the developing countries have been stressed. Finally, the choice of Vienna as the meeting place appears appropriate to us, and I should like to take this opportunity to express our appreciation to the Government of Austria. I am convinced that this conference will have a great effect on the world and that its decisions will be most useful for future co-operation in the field of outer space.

(Mr. Hoyveda, Iran)

Passing now to the recommendations of the Scientific and Technical Sub-Committee, we can only, as the representative of France just said, approve them. I should like, for my part, to lay stress upon the encouragement of international programmes for education and training. I should like to take advantage of this opportunity to underline the importance of disseminating information concerning the purposes of outer space exploration and the possibilities that it offers. In this connexion, my delegation would go even further than the recommendations made in the report. In the field of science as in many other fields, intensive efforts must be undertaken to inform and educate the largest possible number of people. Recently an American scientific writer, Mr. Warren Weaver, said:

"The gap between the accumulation of scientific knowledge and the public mass is increasing and a new under-development may be created on top of the existing one."

I believe we should also congratulate the Legal Sub-Committee for its work, and we hope that it will continue to work in the same spirit of conciliation. In this connexion, my delegation would like to join with all the others that have expressed their best wishes to Professor Lachs, who will now be taking up new duties.

We are pleased to be among the co-sponsors of draft resolution A/C.1/L.397, and we hope that the Committee on the Peaceful Uses of Outer Space will continue its work under the effective and wise direction of Mr. Waldheim. These are the brief remarks that I wanted to bring to the attention of the Committee at this stage of our discussion on the report of the Committee. My country is certainly not a space Power, but it wants to take full advantage of the new knowledge in order to expedite its economic and social development. I am sure that the expansion of education and training in the field of space matters will allow us to make a more effective contribution to this great enterprise.

I do not wish here to go further into the details of the recommendations contained in the report of the Committee. I should like to say simply that the question of the peaceful utilization of outer space reminds us again and again that we are living in a most unusual period in the history of mankind. This can only increase our sadness when we see this exceptional period still marred by

(Mr. Hoyveda, Iran)

conflicts, threats and tensions. The spirit of understanding and co-operation which has characterized our discussion on this point surely gives us legitimate room for hope. Today in the field of outer space we are proving with the treaty that men are aware of the projections of their undertakings and that they can work together and in peace. It is true that the spirit which underlies the treaty has still not spread to more earthly fields. But, to conclude on a more happy note, I should like to cite a phrase of a painter who has just celebrated his eighty-fifth birthday. I am speaking of Picasso. Picasso had painted the portrait of the outstanding American writer, Gertrude Stein, who, looking at the picture, said: "Does that portrait truly look like me?" To which Picasso replied: "You will end by looking like the portrait". We do not as yet resemble the picture which the draft treaty before us paints of us, but we are sure that the spirit of mankind will end up by resembling the spirit of the treaty. That, at least, is our hope.

The meeting rose at 1 p.m.