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Chairman:	Mr. ADEEL	(Sudan)
Later:	Mr. ENCKELL (Vice-Chairman)	(Finland)

International co-operation in the peaceful uses of outer space: reports of the Committee on the Peaceful Uses of Outer Space, the World Meteorological Organization and the International Telecommunication Union; report of the Economic and Social Council, Chapter VII, section IV [27] (continued)

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AGENDA ITEM 27

INTERNATIONAL CO-OPERATION IN THE PEACEFUL USES OF OUTER SPACE: REPORTS OF THE COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE, THE WORLD METEOROLCGICAL ORGANIZATION AND THE INTERNATIONAL TELECCMMUNICATION UNION (A/5181, 5229, 5237; A/C.1/L.320; REPORT OF THE ECONOMIC AND SCCIAL COUNCIL, CHAPTER VII, SECTION IV: A/5203) (continued)

The CHAIRMAN: Befcre I call on the first speaker inscribed on the list for this morning, I would like to announce that, subject to the approval of the Committee, the list of speakers on this item will be closed at 1 p.m. tomorrow.

Mr. BLUSZTAJN (Poland): For the last six years we have been living under the fascinating spell of the greatest human adventure of all times, the conquest of space. From the launching of the first Sputniks in the autumn of 1957 to the orbital flights of Popovitch and Nikolaev in August 1962, mankind has seen its wildest dreams come true, and for that we owe our gratitude to the scientists of many lands and, in particular, to the scientists, technicians, workers and astronauts of the Soviet Union and the United States. They, the men who constructed the many artificial satellites which orbited the earth, the men who constructed the space ships and those who manned them have projected us into a new dimension. But, at the same time, they have confronted us with serious problems which are already considerably influencing this planet of ours.

Science and techrolcgy have enabled us to emtark upcn the ccnquest of outer space, but, at the same time, this sphere of human endeavour has turned into an important factor in contemporary economics and politics. It is true that the conquest of outer space by man is taking place in a divided world, and it is therefore encouraging that we in the United Nations are striving to make this great human venture an experience in international co-operation. I think that it is generally realized how extremely important it is for us all that outer space be used exclusively for peaceful purposes.

(Mr. Blusztajn, Poland)

Its use for military purposes would confront humanity with unprecedented dangers. Therefore, we share the viewpoint of the representative of Peru, Mr. Belaunde, who at one of our meetings of this Committee stated:

> "The immense enterprises being carried out by mankind which have evoked so much admiration cn the part of the world's peoples for the Soviet Union and the United States reveal at the same time the extremely alarming and dangerous nature of the possibility of the establishment of dcmination or of the spreading of the armaments race and of the cold war to outer space."

It is gratifying to note that, as stated yesterday by the representative of the United States, Senator Gore:

> "It is the view of the United States that outer space should be used only for peaceful -- that is, non-aggressive and beneficial -- purposes." (A/C.1/PV.1289, p. 13)

However, it is hard to reconcile this statement with the remarks which the representative of the United States made subsequently in his speech. He seems in fact to refute his cwn stated objective that outer space be kept for peaceful pursuits only. He considers that military activity in space cannot be divorced frcm the question of military activities on earth and since the problem of military activities generally can be solved only within the framework of general and complete disarmament, one must conclude that, pending the conclusion of such an agreement, the United States views the utilization of outer space for military purposes as a legitimate objective. Therefore, as long as the arms race continues on earth, the United States considers the only thing that we may achieve in outer space is "scme limited measures of arms control".

The Polish delegation cannot but disagree with this approach to the problem. It is our considered view that all possible measures must be taken to prevent the spread of the arms race into outer space. We believe that disarmament in outer space can and must be divorced frcm disarmament on earth. Furthermore, we think that if we do not prevent the military uses of outer space, we will add a new dimension to the armaments race, with unforseeable dangers for all mankind.

(Mr. Blusztajn, Poland)

In concluding his remarks yesterday the representative of the United States stated:

"Outer space is not a new subject: it is just a new place in which all the old subjects come up." (A/C.1/PV.1289, p. 16)

I must confess that this is a very conservative view on the effects of progress in science and technology on human society. I should have thought that every new discovery, every new advance, permits us to take a new look at our old affairs and approach them in a new way. To consider the greatest human adventure in the conquest of outer space as the simple opening up of a new arena on which the old contests would be fought out would be, in my view, tantamount to condemning humanity to the constant threat of total annihilation.

We can make the conquest of space a blessing or a curse. The choice is entirely ours.

Last year we adopted resolution 1721 which forms the basis for our future actions. This resolution contains two principles recommended to all States, namely, first, that international law, including the United Nations Charter, be applied to outer space and celestial bodies and, secondly, that outer space and celestial bodies be free for exploration and use by all States in conformity with international law, and not subject to national appropriation.

These principles, which provide the first basis for international co-operation in the field of the peaceful uses of outer space, are formulated in very general terms and therefore need further elaboration. It is for these reasons that the Committee on the Peaceful Uses of Outer Space, in which my country has the honour to be represented, agreed to establish two Sub-Committees, the Scientific and Technical Sub-Committee and the Legal Sub-Committee.

The Scientific and Technical Sub-Committee has done considerable work and examined a series of scientific and technical aspects of international co-operation in the field of the exploration and peaceful uses of outer space. It elaborated a number of important recommendations for scientific and technical co-operation among States relating to the exchange of information, encouragement of international programmes and international equatorial sounding rocket launching facilities.

(Mr. Blusztajn, Poland)

The Legal Sub-Committee, however, failed to achieve any concrete results. We are confronted with a negative report which, is the result of different approaches to the task of the United Nations in this field. As I have already stated, the principles contained in resultion 1721, upon which the activities of all States should be based, are drafted in general terms and require further elaboration.

The Polish delegation considers that the draft declaration of basic principles governing the activities of States pertaining to the exploration and use of outer space, presented by the Soviet Union and contained in the report of the Committee on the Peaceful Uses of Outer Space (A/5181, Annex III B) constitutes a sound basis for such a formulation. The Soviet proposal provides that the exploration and use of outer space shall be carried out for the benefit of and in the interests of all mankind, that outer space and celestial bodies are free for exploration for all States which have equal rights to use and explore them.

(Mr. Blusztajn, Poland)

Among other things it also provides for two other principles which, in the opinion of the Polish delegation, are of particular value: namely, that all activities of any kind pertaining to the exploration and use of outer space shall be carried out solely and exclusively by States, and that the use of artificial satellites for the collection of intelligence information in the territory of foreign States is incompatible with the objectives of mankind in its conquest of outer space.

Having said that, I would like to add that we do not intend to limit ourselves to the elaboration of general principles only. At the same time other detailed problems should also be examined such as, for instance, the proposal for an agreement on the rescue of astronauts in space ships making emergency landings. Nevertheless, we consider that taking one problem, even if it is sufficiently important, out of the general context, is not the proper way to proceed. What we need is, first of all, a specific set of rules which would constitute the framework of the activities of all States in outer space.

My country has always been heard in support of close co-operation in the peaceful uses of outer space. The fate of mankind depends on how the latest achievements of science and technology will be used. We want them to serve peaceful purposes aimed at ensuring the greatest well-being of all peoples and not the further intensifying of the arms race. The Polish Government has always favoured broad international co-operation in space activities through all possible channels, including the United Nations of course, but our Organization should not duplicate nor replace the activities of some specialized agencies and various non-governmental organizations. We shall have more to say on that subject when we take up the draft resolution presented to us by the delegation of the United States.

We took pride in co-sponsoring the resolution establishing the United Nations Committee on the Peaceful uses of Outer Space. We gladly accepted the honour of participating in its work and we shall spare no effort to bring about the result that outer space, like Antarctica, be another field of friendly international co-operation in the interests of all mankind.

Mr. TREMBLAY (Canada): My delegation attaches particular importance to our debate this year on the report of the Committee on the Peaceful Uses of Outer Space. This is the first opportunity for the General Assembly to review the work of that Committee, whose functioning was made possible by agreement at the sixteenth session to enlarge the Committee's membership. Last year's debate was important because it preceded the first year of the Committee's activities and Members had an opportunity to suggest what the Committee should try to do. This year, however, our Committee has the more difficult task of assessing the results of the Committee's first year of work.

I assume that there is a natural tendency for delegations, particularly delegations of countries which are members of the Committee on the Peaceful Uses of Outer Space, to be more concerned with the shortcomings than with the successes of the Committee. This reaction is to be expected particularly after the first year of the Committee's activity. Members of the Committee on the Peaceful Uses of Outer Space had not previously had an opportunity to test whether their views were acceptable to other members of the Committee. The Committee on the Peaceful Uses of Outer Space works by consensus, and my delegation considers it important that every effort should be made to maintain this procedure. This means, however, that Governments must recognize that the Committee's activities and decisions are limited to those which are acceptable to all members of the Committee and in particular to the major space Powers. Naturally, not all proposals made to the Committee were acceptable and this may have caused certain delegations to be dissatisfied with the Committee's accomplishments. My delegation assumes, however, that once these limits of common agreement have been defined through discussion, there may be less dissatisfaction with what the Committee has not achieved and more effort concentrated on expanding co-operation in areas of activity on which agreement has been reached.

Since the General Assembly proceeds by vote rather than by consensus, it is possible for the General Assembly to make recommendations in the field of outer space for which there may not be unanimous support. This debate in the First Committee provides members of the Committee on the Peaceful Uses of Outer Space with a chance to put forward their views, including, if they wish, those which have not been generally acceptable in the Committee on the Peaceful Uses of Outer Space

and to test the response of all members of the United Nations. The Committee on the Peaceful Uses of Outer Space looks, therefore, to the General Assembly for guidance, both because many Members of the United Nations are not members of the Committee, and also because of the difference in procedure between the General Assembly and the Committee on the Peaceful Uses of Outer Space.

I think that the best proof of the success of the Committee on the Peaceful Uses of Outer Space in the technical and scientific fields is the lack of controversy over the recommendations in the Committee's report. We have the impression that all good ideas put forward at the meeting of the Technical and Scientific Sub-Committee in Geneva were accepted by the Committee on the Peaceful Uses of Outer Space and included in the report which we are considering and which the Committee has asked us to approve.

Draft resolution A/C.1/L.320 which has already been tabled and of which my delegation is a co-sponsor rightly emphasizes in its section (A) those elements in the report of the Committee on the Peaceful Uses of Outer Space which deserve special support. Although co-operation in the exchange of information is not a dramatic development, it is obvious, I think, that organized exchange of information is the foundation of any successful effort to expand co-operation in this new and rapidly developing field of outer space.

Canada particularly favours the idea of establishing sounding rocket ranges in the equatorial regions. The Committee on the Peaceful Uses of Outer Space has done useful work in drafting the principles to serve as guide lines for the establishment of sounding rocket ranges, the setting up of which would become the first concrete example of co-operation achieved through the Committee on the Peaceful Uses of Outer Space. My delegation believes that the concept of sponsorship of such a range by the Committee on the Peaceful Uses of Outer Space is an important factor in making possible co-operation between the two major space Powers in countries other than their own. I do not mean to deprecate the important possibilities that already exist for bilateral co-operation in the exploitation of outer space. For example, we welcome the agreement reached by the United States and the USSR for co-operation in the use of satellites for mapping the world's magnetic field and for expanding meteorological observations. Canada also has

special reason to know that there can be fruitful co-operation on a bilateral basis. The satellite known as "Alouette" which was entirely made in Canada and which is at this very moment conducting experiments in outer space of particular interest to Canadian scientists was launched by an American rocket. I might mention incidentally that all scientific information which Canada obtains through "Alouette" will be made available to the world scientific community. At an earlier date the United States and the United Kingdom co-operated in launching a satellite. These kinds of bilateral co-operation can and should continue. But the new element in the concept of sponsorship by the Committee on the Peaceful Uses of Outer Space is that it encourages co-operation between the two major Powers in third countries, a development which in our view is most promising.

(Mr. Tremblay, Canada)

My delegation would like to thank the World Meteorological Organization and the International Telecommunication Union for their prompt and well-conceived responses to the requests made in resolution 1721 (XVI) for the elaboration by them of programmes for taking advantage of developments in outer-space technology for the expansion of activities in those areas. We welcome the participation of the representatives of these two specialized agencies and of the other specialized agencies that are attending this meeting -- the World Health Organization, IAEA and UNESCO. We hope that WMO and ITU, assisted by member Governments, will continue to explore possibilities, particularly along the lines suggested in sections B and C of draft resolution A/C.1/L.320, for the expanded application of outer-space technology to their respective fields of activity.

I should like to take this opportunity to make one specific comment concerning the use of artifical satellites for telecommunications. Operative paragraph 3 of section C of draft resolution A/C.1/L.320 emphasizes the importance of achieving "effective satellite communications". We wish to express the hope that, in the interests of economy and efficiency, it may prove possible to design and establish a single system of telecommunications through outer space. This need not mean that the system will be controlled by one country or use only satellites designed and made in one country. What is important is that the communications network should be based on one conception and on international co-operation directed towards a system having wide coverage and a flexible design.

The field of space communications is one in which the International Telecommunication Union will have an important function to perform, especially in assigning frequencies to support this system and in other technical matters. The Outer Space Committee will wish to review developments from time to time as a reflection of our common interest in developing a satellite communications system.

Members of the Committee will be aware that there was less agreement in the Outer Space Committee on legal aspects of its work. Although there was some recognition that there was important work to be done in elaborating agreements to provide for the return of satellites and for ascribing liability for injury, loss or damage resulting from space vehicle accidents, there was no agreement on the instruments by which these obligations and responsibilities should be recorded. We

(Mr. Tremblay, Canada)

consider that these are important and necessary areas for international agreement. To illustrate the type of problem, I might refer to Canada's own satellite "Alouette". As I mentioned earlier, this satellite was made in Canada but launched by a United States rocket. Without wishing to suggest that there is any danger of accident, it is a fact that pieces of other satellites have fallen on earth. What if this were to happen with "Alouette"? Assuming that the concept of liability were to be accepted, would the liability lie with Canada or with the United States? What if the booster rocket which put "Alouette" into outer space were to cause damage? Which country would be liable for that damage? And if someone wished to claim damages, how would he go about doing so? I mention these problems because I think they illustrate the need for a decision. The situation with regard to the Anglo-American satellite is even more complex. My delegation believes, therefore, that the United Nations General Assembly should request the Outer Space Committee to seek to resolve the remaining differences and achieve agreement on the matter of responsibility for the return of space vehicles and on liability for injury, loss or damage from space-vehicle accidents.

As our debate has already revealed, the Outer Space Committee was not in agreement over the desirability and feasibility, during its first year of activities, of drafting further principles to guide the exploration and use of outer space. At the meeting in Geneva of the Legal Sub-Committee, the Soviet delegation introduced a draft resolution setting out principles to which it attached importance, many of which were in the view of my delegation contentious. In the circumstances of the Geneva meeting, this proposal was not really considered. At the meeting of the Committee on the Peaceful Uses of Outer Space in September at United Nations Headquarters, this draft resolution was reintroduced. The United Arab Republic delegation also introduced a proposal entitled "Code for International Co-operation in the Peaceful Uses of Outer Space". There was no time at that meeting to consider these two proposals, but my delegation sensed that the Committee was in agreement that at the next meeting of the Outer Space Legal Sub-Committee principles to guide the exploration and use of outer space should be discussed. In

(Mr. Tremblay, Canada)

this connexion, we attach special importance to the statement of the United States representative during the meeting of the Outer Space Committee in September that the Legal Sub-Committee "could also appropriately consider the formulation of general principles". We further welcome the information that the United States has drafted a set of principles which will be circulated in this Committee.

If the Legal Sub-Committee failed to make the progress which had been hoped for in the drafting of the principles on the return and recovery of space vehicles and astronauts and on the responsibility of launching States, this was largely because some delegations to the Geneva meeting introduced proposals which clearly did not fall within the terms of reference of the Outer Space Committee. The proposals I have in mind were those involving military matters, questions which are most important but which belong in the context of disarmament negotiations in Geneva. An example of such an important problem concerning outer space which should be studied and resolved by the Disarmament Committee is the question of prohibiting the placing in space of weapons of mass destruction. Such a proposal was put forward by Canada in the Disarmament Conference in Geneva, and my Government expects it to be pursued at some stage in those negotiations. I refer to this to illustrate what my delegation firmly believes should be the approach to be followed if the Outer Space Committee is to be allowed to make progress in formulating legal rules and principles on questions concerning peaceful uses which clearly fall within its jurisdiction.

As early as 1957, the Prime Minister of Canada, Mr. Diefenbaker, spoke of the need for drafting law to govern the exploration and use of outer space. Although aware of the problem of drafting law in an area in which man is still largely ignorant of the scientific, technological and geographic problems, the Canadian delegation considers that the subject is of such potential importance that the Outer Space Committee has a responsibility to discuss it. Moreover, through discussion in the Outer Space Committee, we would expect to gain greater knowledge of the scope of the problem. When there is agreement in the Outer Space Committee on a specific principle, the Committee should record that agreement and recommend it to the General Assembly for approval. These new principles would be added to the two basic principles which the General Assembly has already approved in its resolution 1721 (XVI), part A, and which I now quote:

(Mr. Tremblay, Canada)

"(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".

(Mr. Tremblay, Canada)

With this approach in mind, my delegation considers it important that all suggested principles should be carefully considered by the Legal Sub-Committee of the Outer Space Committee -- the members of which are specialists in outer space law -- and subsequently by the Outer Space Committee before being submitted to the General Assembly for approval. This is a necessary precaution. In addition to the need for precise language, which is essential wherever the law is concerned, there is the problem to which I have already referred of uncertainty on the technical and scientific side.

My delegation nevertheless considers it necessary that our Committee should debate the merits of suggested principles such as those contained in draft resolutions A/AC.105/L.2 and A/AC.105/L.6 which were tabled in the Committee on Outer Space and those in the draft resolution which the United States representative said yesterday would be circulated. This is the only means by which members of the Committee on Outer Space can learn the opinions of Members of the United Nations not members of the Committee concerning the various principles which have been suggested. All proposals and the records of the debate in the First Committee should then be transmitted to the Committee on the Peaceful Uses of Outer Space requesting that the latter formulate such principles as seem appropriate to the Committee and keep the problem under review. In this way, as our scientific and technical knowledge grows, we can look forward to the gradual development of a set of principles which could guide the exploration and use of outer space.

At the same time, where the nature of the problem is known in sufficient detail, the Committee on Outer Space could also draft treaties, conventions or declarations as appropriate to record in more formal and precise terms obligations and rights which could form the basis of the law of outer space proper. We believe that this approach to the development of the law of outer space will ensure that the problem is kept under constant review and that we are able to make as much progress in the formulation of outer space law as technical and scientific knowledge permits.

I think that it will already be apparent from my remarks that the Canadian delegation believes that the Committee on the Peaceful Uses of Outer Space has

(Mr. Tremblay, Canada)

got off to a good start. We approve the Committee's decision to proceed by consensus and consider that, accompanied by annual reviews of its work by the General Assembly, this procedure permits maximum progress towards co-operation in the peaceful uses of outer space. On the technical and scientific side an effective if unspectacular groundwork has been laid for future co-operation. On the legal side, we detect encouraging possibilities for general acceptance of an approach which should permit an orderly and responsible development towards the formulation of law of outer space. In the view of the Canadian delegation, the Committee on the Peaceful Uses of Outer Space did good work during its first year and the prospects are for further and more rapid progress during its second year of activity.

Sir James PLIMSOLL (Australia): The nature of the discussions on outer space in the First Committee is changing now compared with what it was in our earlier debates. When we began, the need was for some general considerations. We made statements about the importance and the significance of outer space and talked in very general terms on this question. In succeeding years we moved into discussion of rather broad categories, agreeing that emphasis should be placed, from the practical point of view, on the use of outer space in meteorology and in communications. But now we have moved on beyond that and it is necessary to talk in more detail, just as we found it necessary in the peaceful uses of atomic energy.

The whole field of outer space, even in its practical applications, has become so vast that general discussions are no longer very profitable. And, of course, when we turn to discussions of detail, we are immensely helped by the report that has been presented to us by the Committee on Outer Space and based primarily on the work of the Scientific and Technical Sub-Committee.

One result of all this is that individual Governments and international organizations are confronted with the need to make decisions on priorities. What priority should we give inside our own countries to work connected with outer space as against other fields of activity? What priorities shall we give in our own countries in various forms of endeavour within the general field

(Sir James Plimsoll, Australia)

of outer space and work related to it? Is it going to be possible to assign some sort of priorities to be accorded by different nations so that we shall not be duplicating one another's work or so that we can make a more effective contribution to a total pattern? Indeed is it going to be possible to devise some priorities for mankind as a whole so that perhaps, either jointly or severally, we may pursue those lines of activity in outer space that offer the most prospect of success or of making a practical contribution?

I could illustrate this from Australia's own experience. We are doing a certain amount of work in fields related to outer space -- and I might in a few minutes give an account of some of this -- but in doing so we are faced with competing demands. Australia is a developing country and, like all developing countries, there are many other demands on our resources and our skilled manpower: water supply and conservation, for example, transport, development of mineral resources. Everyone around this table can compile a list in his own country of competing demands. Is it profitable, for example, for us to divert a great deal more of our resources to radio astronomy rather than, for instance, to the control of rabbits or something like that, which is more mundane but is very important to the development and standard of living in our country?

Even within the field of outer space we have competing demands -- for example, radio astronomy as against optical astronomy. Australia, as many representatives may know, has been a pioneer country in the field of radio astronomy and, for many reasons, we want to keep our activity in this field as great and at as high a standard as possible. But we have also got a contribution to make in optical astronomy. Our observatories have made in the past significant contributions and will be able to do so in the future, partly by virtue of the special aspects of the heavens that has opened out in the Southern Hemisphere. There is, in fact, a dispute inside Australia as to whether we are not perhaps giving too high a priority to radio astronomy over optical astronomy, or whether perhaps we could continue the present level in radio astronomy by diverting resources from something else to have a great expansion in optical astronomy. And it is a healthy thing that this dispute has attracted a great deal of attention in the Australian Press.

(Sir James Plimsoll, Australia)

Many articles in the newspapers and many letters appear arguing about the merits of the different approaches. It is an indication of public interest in this field. Then there is the problem in Australia, which I have no doubt can be duplicated in many other countries, on the competing demands in related fields of outer space.

For example, there is on one hand the possibility of the development of a system of international communications by means of satellites which has to be seen against the background of our large expenditure to which we are committed on the Commonwealth Telegraphic Cable Service.

Now this is one illustration of the way in which, within a general field related to outer space, the problems have arisen of determining priorities or indicating the emphasis to be given to competing possibilities, and this applies to all countries, great and small. We can see from even the most cursory reading of the United States Press that in the United States the practical problem has arisen of which project should be developed. We have seen reports that certain projects have to be deferred or abandoned, not because they would not be successful, not because they would not produce results, but because the resources were not available to do everything, and a choice had to be made. Priorities had to be laid down as to which project, out of limited resources, would produce the best and possibly the quickest results.

We know also that the Soviet Union has these problems of determining how much of the total resources can be devoted to outer space as against the other demands on the national income. The costs of outer space to the United States and to the Soviet Union are enormous. They are staggering, and the same problem confronts the international agencies, what priority should the Special Fund give to the requests for aid to outer space projects.

The Special Fund is authorized to give assistance in this field but it has to weigh up the different possibilities open to it. Should a country develop its outer space activities with the assistance of the Special Fund -- that would be mainly in either meteorology or communications -- or should it develop with Special Fund assistance some of the fields that are more conventional such as agriculture or industry.

(Sir James Plimsoll, Australia)

The problem arises in Specialized Agencies, how much of their budget should they devote to outer space? Outer space has a certain appeal of glamour. Every agency inevitably wants to be in on something that shows signs of booming and it has to be balanced against the possibility of solid achievement in other directions where immediate and practical results can be produced, particularly for underdeveloped countries, and in making that decision I am not suggesting, of course, that glamour is the only or the predominant consideration in the minds of the agencies. In some cases, they are going to be able to make real and practical contributions. In almost all cases, one must be conscious of the fact that if they do not do something in the particular field in outer space -- for example, in the World Health Organization -- they might be losing the chance of maintaining the expertise in order to make judgements and in order to give some guidance to their member nations.

So we all have this problem of establishing priorities, and all countries look to the Outer Space Committee to help to give a lead to countries and agencies in determining priorities. I do not believe that the Outer Space Committee or any of its subordinate bodies should necessarily, themselves, give a lead in the sense of determining or recommending priorities but they can help see that the processes are in train in various bodies, both United Nations bodies and private and international bodies such as Cospar, which will help provide the guidance needed by governments and agencies.

Now what I have said has led me into some mention of what Australia has been doing and perhaps I might say a little more, very briefly, about this. In the first place we, in Australia, have done quite a lot of outer space work primarily in the very large range of Woomera, in the development by Australian scientists of sounding rockets and in the launching of these and of United Kingdom and United States sounding rockets. Secondly, Australia is also a member of ELDO, that is the European Launching Development Organization. Australia has two members on the governing body of that organization and has three Australian officers in posts in the ELDO Headquarters in Paris. ELDO is to use Woomera as its launching range.

(Sir James Plimsoll, Australia)

In the third place, in addition Australia is doing a lot of work in Woomera and elsewhere on upper atmosphere research. Let me quote an example of the possibilities of international co-operation on a necessarily limited scale by two countries, neither of which have anywhere near the capacity of the great Powers but which, nevertheless, are trying to make some contribution to the total international effort.

Last Wednesday, 28 November, a Skylark rocket was fired at twilight from Woomera, reaching a height of 155 miles and emitting a glow which was visible for more than 800 miles. This rocket firing was co-ordinated with a similar twilight firing in Chamical, Argentina, ten and a half hours earlier, and the whole operation was co-ordinated by the National Aeronautics and Space Administration in Washington, in the United States. Now that is an example of the way in which two countries in the Southern Hemisphere, in association with the United States, have worked together on one project and we believe that the success of this operation will lead to further internationally co-ordinated rocket research firings.

A fourth field is radio-astronomy, about which I have already said something. Australia, by some fortune, got into this field immediately after the Second World War and since then Australian scientists have built up a consideration international reputation, both for their observations and for the development of instrumentation.

The first work was concerned with the radiation from the sun, and a number of important discoveries were made from that. On instrumentation, Australian scientists have developed a number of outstanding instrumental devices. The most famous of these, I suppose, is the Mills Cross, which is a device which employs a number of antennae arranged in two long lines which intersect symmetrically to form a cross. Now this has some disadvantages compared with a steerable telescope. It cannot be manoeuvred around in the way that a radio dish can be but it is very much cheaper and it can make, and has already made, important contributions.

I understand that the largest Mills Cross in the world is in the Soviet Union, where each arm is more than half a mile long and some forty yards wide, and there have been other instruments. I will not mention them all. There is the Christiansen cross-grating, interferometer, and solar radiofrequency spectroscope.

(Sir James Plimsoll, Australia)

The most important development in this sphere in Australia has been the completion and putting into operation of a 210-foot paraboloid telescope at Parkes, in New South Wales. This has already done something of some significance: it has discovered, for example, the existence of magnetic fields in space, 20 million light-years from the earth, in the Centaurus-A galaxy. This is expected to help scientists to test conflicting theories about the origin of the universe.

Up till now, the search for the evolution of the universe has been based on the use of gases, dust, and ionization. It was known that magnetic fields played their part in evolution, but it has not been possible to get at them. Now, with instruments like this new Australian telescope in Parkes, it will be possible to measure these magnetic fields far out in space.

Among the roles that we envisaged for this telescope are the study of the detailed structure of our own galaxy, the exploration of the nearest external galaxies to us, the Greater and Lesser Magellanic Clouds; the survey of sources, in the outer-most regions of the universe, and the search for clues to its origin, mode of formation, and laws of development.

I have mentioned something of what Australia was doing; but of course this is only a very small part of the total international effort, and a very small thing beside what the United States and the Soviet Union are doing. In the past year, the United States has achieved a number of remarkable things: there has been a series of United States manned orbits; there has been Telstar; there has been a probe sent out towards Venus, and there has also been the accomplishment which was announced in this Committee yesterday by Senator Gore, which Australia sees as having an immediate practical significance for us. Senator Gore said that an experimental system for sending direct local cloud-cover pictures from meteorological satellites to inexpensive ground stations has passed initial ground-base check-out tests. This, as I have just said, has an immediate, practical importance for Australia. We have been using the Tiros satellite a great deal in our meteorological work; but one defect, from our point of view, has been the delay in getting the information after it has been recorded by Tiros. It takes eight hours or more at present for this information to reach Australia. It has to come from the satellite to the United States and then get back to Australia.

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Although eight hours may not seem very long, when one is working in the field of meteorology and needing to make predictions or to give information for immediate use, on the spot, to persons affected by some atmospheric development, eight hours is very important.

According to this latest United States announcement, it will be virtually instantaneous -- the recording of the phenomena by the satellite, and its reception on the ground, where it is needed. Of course, problems will still remain, of analysing the data and so forth; and we have been working on this in Australia a great deal, because of the use and importance of this to our own development. But the reduction in the time, from recording to reception at the point where it is needed, is of very great practical importance.

The Soviet Union also has made great progress in the past year. It has accomplished a number of outstanding things -- outstanding in their public appeal, in their spectacular nature, and outstanding in their technical accomplishments, as well as in the possibilities for future development that they hold for us. I would like to mention a number of these.

Unfortunately, the Soviet Union has not put in a reply to the request for information. Hence, document A/AC.105/7 does not contain any statement of what the Soviet Union has been doing; but we know, from the Press and other reports, some of these things -- the group flights by the Soviet Union, which are a remarkable achievement; the probe that is now being sent out towards Mars. It is quite an exciting time to be living, when we think that within a few months we should have an entire, new field of knowledge, if all goes well, of what is happening on two planets: Venus and Mars.

Another important development in the past year was opened up by the exchange of messages between President Kennedy and Chairman Khrushchev, which looked to co-operation between the two countries in the field of outer space and, indeed, foreshadowed some specific possibilities. This was followed up in Geneva by talks between Dr. Dryden of NASA and Academician Blagonravov. This resulted in a joint communiqué, issued on 8 June, which appeares as Annex 3 to document A/AC.105/5.

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I had hoped that, at this meeting of the Outer Space Committee, the United States and Soviet Union representatives might have been able to tell us whether they had accepted these recommendations, and I hope they will be able to do so before we finish our discussion.

I spoke earlier about determining priorities, and mentioned as one possibility that we might have some joint efforts by mankind as a whole, instead of having competing projects. This has become increasingly necessary as the years go by and the enormous costs of national efforts appear. The cost of sending a man to the moon is enormous. The United States and the Soviet Union are each embarked upon this project, with great prospects of success, and are, no doubt, duplicating many of their efforts. But if we go beyond that into attempting to send men to other planets further out than the moon, then the cost, I think, will be prohibitive if restricted to one country. Yet there are impediments, which we must realistically recognize at present, to joint efforts on such a scale as this. In certain fields there can be -- and indeed there already are -- some efforts; but in some of the bigger and more spectacular undertakings, the impediments are great. For example, there is the desire for prestige. Both countries are engaged in a series of races, in the hope that one will be first to achieve something.

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Then again there is the desire to acquire knowledge, and this, of course, applies not only to the great Powers. The reason why each of us is doing something in outer space is that if we did not have some general knowledge of what is going on in this important new field of outer space with its implications also for atoms and the structure of nuclear, if we cut ourselves off entirely from this form of activity we would be cutting ourselves off from an important field of human knowledge with great implications for the future.

Then again there are the military implications, and we must not blink at this. It is not a bad thing to come out in the open and state specifically, for example, as Senator Gore did yesterday, that there are military implications to whatever is done in the field of outer space, indeed, to human activity everywhere. Everything that man does has military implications, sometimes very great, sometimes very small. Even a thing like the conquest of malaria, which is so good in itself, has military implications because it enables military operations to be conducted under new conditions.

The thrust that puts a satellite into outer space can put a rocket across oceans or across land for destructive purposes. If one body can rendezvous with another in space, it can observe and photograph another in space -- and this has military implications. If a satellite can record data for peaceful purposes, then it can do so for military purposes. Very often information has both uses: information that can be utilized for peaceful purposes can be utilized for military purposes; that is one of the hard facts of our situation and no one would seriously deny this.

Both the United States and the Soviet Union openly and realistically admit that there is a connexion. President Kennedy has said so at Press Conferences. Senator Gore said it here yesterday. Spokesmen of the Soviet Union have said it on a number of occasions. In fact, Marshal Malinovsky has several times, following some achievement in outer space, drawn attention to the fact that it has military implications. On one occasion when a satellite was put up, he said that this demonstrated that the Soviet Union could land a missile anywhere in the world, that the same equipment that put the satellite up could send forth a missile. After the Russian group flight, Marshal Malinovsky said:

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"The flight should serve as a warning to the enemies of the Soviet Union. Let our enemies know what techniques and what soldiers our Soviet power disposes of."

I quote these examples, drawn from both the United States and the Soviet Union, to show that it is realistically accepted by both of the two great Powers, the two Powers with potential in outer space, that anything which is done for peaceful purposes in outer space has military implications. It seems to me that in the military sphere, progress in disarmament in outer space will depend on progress in disarmament generally. I do not say that no restrictions can be achieved in aspects of military activity in outer space except in disarmament as a whole in outer space. The ending of nuclear tests in outer space is one example of the possibility of progress in one field. But progress in detail in disarmament in outer space must be made in the context of disarmament generally and against that background. Therefore, work by the United Nations is appropriate for the Eighteen-Nation Conference on Disarmament which meets in Geneva rather than here. Here, I believe, the Committee on Outer Space, acting under the aegis of the General Assembly, can have better prospects and indeed has a more appropriate field in the positive promotion of co-operation in the peaceful uses of outer space.

I should like to turn now to the more detailed reports that have come to us from the World Meteorological Organization (A/5229), the International Telecommunication Union (A/5237) and the report that was prepared by the Scientific and Technical Sub-Committee of the Committee on the Peaceful Uses of Outer Space (A/5181).

I should like to take first the reports of the World Meteorological Organization and of the International Telecommunication Union. These reports show the co-operation and also the importance of the regulatory capacities of the United Nations. They also show that there is still a long way to go because both are preliminary reports which need more study both by the World Meteorological Organization and the International Telecommunication Union themselves and by member Governments. Indeed, Mr. Davis, the Secretary-General

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of the World Meteorological Organization, told the Committee on Outer Space that the reports still needed by be looked at in detail from a technical viewpoint and that the World Meteorological Organization itself had much to do in this direction. The World Meteorological Organization has in fact already convened a working group on meteorological research to follow up the report and this working group has just finished its sessions in Geneva.

The need for more study is fully recognized in the United States draft resolution (A/C.1/L.320), which has attained a satisfactory balance between the need to keep interest in the World Meteorological Organization report alive and the need to insure that it receives the full technical consideration that it will require at all levels before an agreed line of action can be determined.

On the report of the Scientific and Technical Sub-Committee of the Committee on Outer Space (A/5181), the Australian Government welcomes and fully endorses the recommendations relating to scientific and technical matters following under the three broad headings of I, II and III of that report. This is the outcome of deliberations in Geneva which were presided over by Dr. Martyn of Australia who was the Chairman of the Sub-Committee. Dr. Martyn is to be here in New York for our work. He was the United Nations Educational, Scientific and Cultural Organization at the World Meteorological Organization working group that I have just mentioned.

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With respect to the exchange of information, we have found very valuable the information relating to outer space activities supplied by Governments in response to resolution 1721 (XVI). We hope that this can be kept up to date. We hope equally that some way can be found of standardizing the information to make it more comparable and useful.

As for the recommendations or encouragement of international programmes, Australia will do all it can to further the various programmes, such as the IYGS and WMS. Australia also places great hopes in the international sounding rocket range, not only because it should be very useful in itself, but also because it should serve as the inspiration and pattern for future international co-operative ventures of this kind. I have already had occasion in the Outer Space Committee to welcome the proposal to establish such a range and to hope it will be put into execution if conditions satisfactory to the Government of India, which has expressed its interest, are met.

Before leaving this consideration of the scientific and technical aspects, I shall add only that Australia will support the draft resolution which has been introduced by the Government of the United States.

I shall now turn to the legal aspects. On this point, like almost everyone here, I regret the absence of agreement. I do not take too tragic a view of this. We would like to have agreement and we hope that agreement will be reached, but agreement is not a precondition for progress in the immediate future in international efforts in outer space. Agreement might help. It would be good to reach agreement in advance and to work it out in some detail, but it is not essential at this stage. There is no need for recrimination against anyone because agreement has not yet been reached. After all, the idea of principles covering all aspects of outer space has been injected very late in our considerations. It was not an appropriate situation when we met last year or even when the Outer Space Committee began its meetings last year.

We reached agreement in this Committee and in the General Assembly at the last session on commending two principles to States for their guidance in the exploration and use of outer space: that international law, including the

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Charter of the United Nations, applies to outer space and celestial bodies; and that 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.

The fact that these principles have been commended unanimously by the General Assembly offers some basis for agreement and does satisfy our immediate needs.

One of the points of principle that will arise for discussion is the character of any formulation of principles of law that might arise from the Committee or from any sub-committee. A decision will have to be made on whether the formulation is to have any binding character or whether, on the other hand, it is to be regarded as an agreed declaration of objectives in the political field looking to eventual legal embodiment. But the adoption of various legal proposals, or the failure to adopt them, has no early bearing one way or the other on any of the three groups of recommendations in the scientific and technical section of the report of the Outer Space Committee. These stand on their own, quite apart from the legal recommendations.

In my statement today, I have deliberately concentrated on the constructive part of the report, the scientific and technical section, which offers prospects for immediate action and results. The Australian delegation will be prepared to take part in more detailed discussion here, if it develops, for example after the United States presents its draft declaration of legal principles. At that time we could also express more detailed views, if appropriate, on the drafts by the Soviet Union and the United Arab Republic, or on any other drafts that might be submitted. Sir Kenneth Bailey, who is the Solicitor General of Australia and who was our representative on the Legal Sub-Committee, is here and would be in a position to take part in more detailed discussion if this becomes appropriate in the Committee.

In conclusion, I would say that we can now see better where the Outer Space Committee is heading and what it can and cannot do. In the first place, it is only one among many international bodies interested in outer space. There are other bodies in the United Nations family, such as WMO and ITU, which have a

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very real and practical interest and responsibility in space. But there are also non-United Nations and, indeed, non-governmental bodies, such as COSPAR. One feature of the report of the Outer Space Committee is the reliance which it places on COSPAR. For example, COSPAR was asked to draw up technical information booklets and other material for countries interested in developing a space effort of their own. We have no thought in Australia of trying to supplant COSPAR, and that seems to me to be the general opinion round this table.

Secondly, it is clear that the Outer Space Committee cannot at present act in any way as the international co-ordinator of national efforts, at least in a major sense. The Committee can review existing and planned programmes with a view to identifying overlaps and blind spots. But, in the opinion of the Australian delegation, the Committee cannot act as a general co-ordinator and overseer, though such a role has indeed been suggested for it by at least one delegation in the Scientific and Technical Sub-Committee at Geneva.

Thirdly, and complementary to this, the United Nations Committee has a clear role, but not yet a functional role, to play, a role, for example, of trying to ensure that space research and exploration is carried out in a planned and orderly manner in accordance with generally accepted rules, for example with regard to contamination of celestial bodies, radio frequencies and so on. The functional approach involving actual control over what is to be done and how it is to be done is not yet appropriate for the Outer Space Committee.

In the light of what I have just said, I think the attitude of the Australian delegation on this occasion is clear. We shall support the draft resolution introduced by the United States. We shall be ready to express more detailed views, if necessary, should further proposals or papers come forward, for example in the legal field.

Mr. BELAUNDE (Peru) (interpretation from Spanish): Since it is my duty to meet with a working group when that working group meets, I was deprived of the pleasure yesterday of hearing the statements made by the representatives of the United States, Austria and the Soviet Union. However, I read those statements

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very carefully today in the verbatim record, and I have now heard the very interesting statements this morning of the representatives of Poland, Canada and Australia.

My first duty is to pay a humble tribute of congratulations to the delegations of the United States and the Soviet Union, as well as to Canada, the United Kingdom, Australia, and to other countries as well, for their outstanding work in what has been called the conquest of outer space. I prefer the name that we have used for the title of the Committee, namely the peaceful uses of outer space. The inconceivable achievements that have been performed -- whose only precedent in human history was the discovery of America -- by the cosmonauts and astronauts of the United States and the Soviet Union, are a reason for human pride. They confirm those admirable words which I have cited in the past of His Holiness Pope Pius XII, that we were in fact confirming the domination over the material world which God had put in the hands of man.

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I must say that I am sad that my congratulations on the achievements and the scientific applications, of which a very complete enunciation is given us in the report of the Committee, cannot and has not thus far been extended to the field of collaboration among the great nuclear Powers, and I refer primarily to the United States and the Soviet Union. That collaboration is indispensable if this problem is to be adequately and completely solved. That collaboration becmes obvious when we read the report and see what can be achieved. We would say that in that report there is a luminous account in the scientific section, but the other section, if it does not throw us into deep pessimism cannot be considered to be very encouraging, and this section refers to the legal aspect of the problem.

The conquest of outer space is filled with hope so far as scientific advances are concerned, but, by the same token, it is fraught with danger so far as the political development and international collaboration of the two Powers is concerned. Juridical and legal progress has not run parallel with scientific progress. This, unfortunately, is a fact that has been confirmed in all stages of mankind's development, and this has led me in the past to say that if science soars like an eagle, law drags itself along like a turtle.

Basically, if we were to compare the extraordinary results achieved, for example, in the meteorological field or in the field of telecommunications with the incompatability of the viewpoints embodied in the present position of the two great Powers, then we would be led to believe in the eternal contradiction between the moral sciences and the natural sciences, between the sciences of the spirit, where there is an objective element which allows constant progress, and the sciences of the conduct of man, where there are ebbs and flows, advances and regression, where there are constant contradictions between the principles the scientists have discovered and the conduct that man manifests.

Co-operation is indispensable. Co-operation is ineluctable in outer space, and the Australian representative was quite right when he said we are living in a period of national initiative which has taken the form of competition, but we of the small nations cannot resign ourselves to that lack of effective collaboration and that lack of closely linked assistance. I do not refer to the parallel

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advances of two experiments or of two initiatives that complement each other, or to the partial information which the great Powers should mutually give one another, but we can only aspire to common enterprises, merging means and co-ordinating activities, and not merely to the exchange of views on results. Until that co-operation is achieved, we can safely say that outer space will always continue to be not only an enigma but, what is worse, a danger.

Co-operation is indispensable from the point of view of the practical purposes of the conquest of outer space. Competition is a bad system today, and the fact that enterprises into outer space are, as one of the representatives of the Soviet Union put it, of the exclusive competence of a nation obviously divorces us from close international co-operation, forces us to a duplication of expenses, forces us to a duplication of efforts, and forces us to a competition in matters where it is obvious that the line of least resistance should be taken.

We require a saving of energy, since mankind needs energy to devote to other problems which cannot be forgotten. Very often in this Committee I have reiterated the reports that have been submitted to us which state that today two-thirds of mankind are subsisting on diets with calories that are far below the minimum requirements, that illiteracy is very great in the world, and that all we have managed to do in the last few years is to increase by very little the longevity of man. Since our planet today is confronted by such serious problems, since so many men are living lives which are unworthy of the dignity of man, because of the fact that they are spiritual animals, and since at least half of mankind is living under these conditions, it seems unbelievable that a conquest that interests all mankind has not led to greater efforts being made to reduce the enormous expenses of duplicating the conquest of outer space.

This is from the human angle, which cannot be overlooked here, but fortunately, perhaps, compensating for this expenditure, which can and should be avoided by frank, full and brotherly co-operation, is the fact that all this leads us to the conclusion that co-existence in itself cannot suffice. We must co-exist in close and brotherly co-operation. The word "brotherly" or "fraternal" today has more than an idealistic meaning. It has a pragmatic meaning, the approximation of man

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to man, and not only the respect of man for man refusing the anchorite's privacy, this intangible withdrawal. Such a withdrawal is incompatible with the notion of mankind and humanity's needs.

We cannot fulfil our plans of economic assistance and of the development of the non-industrialized nations if we do not economize not only in armaments, but also by avoiding unnecessary duplication of expenditures, especially in so far as the conquest of outer space is concerned. It is somewhat curious that not only would co-operation avoid the squandering of means which are of great importance, but it would obviously accelerate the discoveries. There are times when competition is useful. It is probably useful in commercial enterprises, but co-operation has always been more important than competition in the scientific field. Had science limited itself to following the process of competition on the commercial level, then it would not have enjoyed that accelerated, rhythmic progress which it did enjoy because of the fact that science has been a field of human intercommunication ever since the first scientific discoveries were made.

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What is the seventeenth century, admirable from all points of view as far as human evolution is concerned, but a century of perfect and fraternal scientific co-operation? Therefore, when anyone states or prejudges that a system of competition can enliven spirits and bring about more progress in the system of co-operation, then humbly, despite my ignorance in these great matters, I would cite the testimony of the highest scientific historians and say that the most important phases in the programme of human science were due to co-operation. Thus, the first duty that is imposed upon us in these matters is to bring about co-operation.

I shall dwell on this important matter, taking full advantages of some of the indications made by the representative of Australia, regarding priorities.

The unfavoured nations of the southern hemisphere, where jungles are as yet untouched by man because of the impenetrable foliage and growth, and because of the tropical climate or the desert areas, were put at terrible disadvantages in the development of Latin America from the point of view of the geographical factors especially when compared with the admirable development of the United States, for example, in its conquest of the Far West.

We, on the other hand, would have liked science to progress, and in so doing there are certain priorities and surveys to be made of the pluvial regimes and systems because such studies could greatly diminish, if not wipe out, the difficulties inherent in the conquest of the Amazon forests and jungles and might also facilitate the development of the desert areas on the Pacific coast.

However, I am not an expert in these matters, and therefore I must limit myself to gathering up what I would call the universal clamour for this type of co-operation, and I must welcome and applaud the fact that that co-operation seems to have been achieved in the scientific aspect, at least, that we have carefully studied and the communications that we have received from the WMO and ITU.

But I must insist, as I have done in the past, on the necessity of a regime of law and on a juridical statute to be drawn up for outer space.

Resolution 1721 set up the two fundamental principles of this juridical statute. I was very happy to read that the United States delegation had rounded out its adherence to these principles, which had already been included in our resolution, with a series of political points which drew the line that the United States would follow and that could be summed up in this form.

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The representative of the United States said that:

"... United States policy in outer space is as follows: to be guided by the general principles already laid down by the United Nations for the establishment of a regime of law in outer space, and to negotiate an extension of those principles by international agreement; to conclude a treaty banning immediately the testing of any more nuclear weapons in outer space; to preclude the placing in orbit of weapons of mass destruction;". (A/C.1/PV.1289, p. 32)

This last proposal is a very important point because I understand that these weapons of mass destruction include not only conventional weapons but also nuclear weapons, which are a perfect example of weapons of mass destruction. In other words, the international agreement must include an express prohibition to utilize satellites in any way, shape or form for the carrying of nuclear weapons; this means a prohibition on the launching into space of any nuclear weapons. The representative of the United States continued:

"... to take all reasonable and practicable steps, including consultation with the world scientific community, to avoid space experiments with possibly harmful effects;". (Ibid)

Mention has been made here of the atmospheric changes which might cause damage to peoples or to harm them, results which as yet are unknown, caused by radiation or by the use of certain cosmic elements. This point is also of great importance. The representative of the United States went on:

"... to conduct a programme which is as open as our security needs will permit and as co-operative as others are willing to make it; to press forward with the establishment of an integrated global satellite communication system for commercial needs and a co-operative weather satellite system, both with broad international participation." (Ibid)

The delegation of Peru is very happy that the United States has so solemnly expressed its commitment as regards the policy it is to follow, and I understand that these principles, which are either complementary to or a consequence of the two main principles stated in resolution 1721, are going to be considered very seriously by the Committee whose mandate we should, by the way, renew so that that Committee will be able to consider the drafting of an international treaty to which the speech of the representative of the United States referred.

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It is also extremely gratifying to note that the Soviet Union, in its turn, is ready to formulate principles which regulate and form the basis of the juridical statute for outer space. The Soviet Union made this point in the Committee when it submitted a proposal which appears in Annex III of the report. Naturally, with a spirit of being fair -- I would say with a spirit of strict justice -- I must also refer in detail to the principles outlined by the Soviet Union and to the invitation by the Soviet representative that we express our opinions frankly on the Soviet proposal. I shall endeavour to give these views. I am not going to say that I contradict the principles; I am expressing certain reservations and am requesting certain clarifications on these principles.

The first principle proposed by the Soviet Union is in conformity with the General Assembly resolution. This first principle states:

"The exploration and use of outer space shall be carried out for the benefit and in the interests of the whole of mankind." (A/5181, Annex III (A))

I shall refer to this when we study the second Soviet principle.

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Outer space and celestial bodies are free for exploration and use by all States. No State may claim sovereignty over outer space and celestial bodies. This is Principle 3 of the Soviet Union's proposal. This means that the principle of sovereignty, of State jurisdiction, ends at the atmospheric line; where the atmosphere ends, there ends States' jurisdiction. Beyond that line there can be no State jurisdiction.

You all know that Fauchille, the great statesman, did not even want airspace, especially after a certain height, to be subject to state jurisdiction. He considered that air was the same as the sea; there should be territorial air but outside of that territorial air, airspace was to be the equivalent of the high seas and the air and the atmosphere were to be free for exploration by mankind It was the exigencies and the requirements of the First World War that made it necessary to draft the Chicago Convention which limited airspace and, against the views of Fauchille and other international jurists, extended state jurisdiction over the airspace of a State. But it is not sufficient to exclude States from pretending to jurisdiction. Even if we apply the theory of unity of flight, it is imperative that we do not give an exclusive or negative definition of the principle. We have to make an affirmation,,rather, at the present time. If States have no jurisdiction beyond the Karman line then they have no jurisdiction over outer space. In that case, on whom does jurisdiction fall, within the freedom of exploration and movement, as well as the freedom of discovery? There may be or there can be conflicts between those enterprises that are undertaken and even in everyday affairs. It is imperative that we have a co-ordinating authority, and a finally decisive authority, with decisive jurisdiction.

This principle is lacking in a certain aspect, as it is lacking in the United States proposal, that there be a categorical affirmation that it is the international community itself that has jurisdiction over all matters dealing with outer space, with all due respect to the rights of those who explore it, navigate it and survey it. However, if jurisdiction on an international level is accepted, then in the case of any conflict arising, there must be a recognized authority. My view is that the grave mistake being committed thus far is that we have not been courageous enough to make a complementary declaration that would add to the two principles already mentioned and it would be a logical consequence to resolution 1721 for us to state that there is a human interest on the part of the international

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community in outer space and that any conflict, any dispute, any matter that may arise causing friction or difficulty among States that are free to explore outer space fall within the purview and jurisdiction of the international community.

We cannot set and establish a juridical statute of outer space on the basis of negative principles, principles that shirk or evade the essential nucleus of the problem. If we limit ourselves to saying that no State can claim sovereignty but at the same time we say that all States may use outer space freely, if there are any conflicts in the use of outer space, if there are any problems in that authorization, this means that our negative form leaves the conflict to be settled unilaterally or bilaterally by the States themselves, which attitude surely is wrong. There would be no international jurisdiction set up by our Organization to cope with and settle these problems. Yet the jurisdiction to be established must be the United Nations' and it must be so because State jurisdiction would be inconvenient, and inappropriate due to the human aspect of the problem, namely, that in that zone any conflict that arises must be settled, any dispute must be solved. Any struggle for domination in that area must be settled by the United Nations. We cannot dispense with principles.

I greatly admire the empirical method of reasoning. There are many who believe that very often our tendency is to race from one step to the other and that to achieve the level of principles too quickly is dangerous, and they prefer the empirical method of accumulating experience. However, I do not think that this method of discovering what Goethe would call the "mother idea" that predominates over the others, and at the same time searching out, ferretting out and accumulating on the basis of phenomena specifically studied and experiments achieved, taking the knowledge of one and adding it to the other, would suffice. We cannot say we are satisfied by the statement "no State may claim sovereignty over outer space." What if the States cannot claim sovereignty but, even so, conflicts over activities arise and there is no jurisdiction pre-established over outer space? How are the conflicts to be solved?

This surely is a problem that warrants consideration so that it is indispensable that our principles be complete. I say this with all the respect that I owe to the delegations of the United States and the Soviet Union. I have not found among the

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principles that they have severally drawn up the principles that would satisfy me. I must say that I am closer to the United States proposal than that of the Soviet Union, but I do not find that the former embodied the ideas that have been outlined here, namely, that all matters of outer space fall within the purview of the universal community. There are many other valuable principles contained in the Soviet Union's proposal: "All States have equal rights to explore and use outer space." (A/5181, p.1) This is a principle of theoretical juridical equality but aside from the astronauts and cosmonauts that have been so brilliantly launched by the Soviet Union and the United States, I only know of the "Alouette" and the "Ariel" efforts made by Canada and the United Kingdom. The fourth principle goes on:

"The activities of States pertaining to the conquest of outer space shall be carried out in accordance with the principles of the United Nations Charter and with other generally recognized principles of international law in the interests of developing friendly relations among nations and of maintaining international peace and security." (Ibid.)

This is a principle wherein the United Kingdom and the Soviet Union coincide. But it is also a principle that does not really tackle the main problem. It refers to individual activities of States but it does not meet the possibility of a conflict arising out of an encounter between those activities and does not decide upon the jurisdiction that would be called upon to settle such a conflict.

Let us go on to the fifth principle:

"Scientific and technological advances shall be applied in outer space in the interests of a better understanding among nations and the promotion of broad international co-operation among States; the use of outer space for propagating war, national or racial hatred or enmity between nations shall be prohibited." (Ibid.)

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The fifth and sixth principles of course cannot be objected to. The sixth says:

"Co-operation and mutual assistance in the conquest of outer space shall be a duty incumbent upon all States; the implementation of any measures that might in any way hinder the exploration or use of outer space for peaceful purposes by other countries shall be permitted only after prior discussion of and agreement upon such measures between the countries concerned."

A great deal could be said here, but generally speaking, the principle sets forth collaboration as the mainstay and prohibits to any State the hindering, under any pretext whatsoever, of any scientific expedition.

The principle is more important, however, where it refers to co-operation in cases where accidents have occurred and in the matter of recoveries. These are points that have been taken into account by the Soviet Union in various proposals that are deserving of attention. But these are details which can be discussed in the Committee and, frankly speaking, from the legal point of view the delegation of Peru finds no basic objection to these principles.

The seventh principle is, in our opinion, controversial. It states:

"All activities of any kind pertaining to the exploration and use of outer space shall be carried out solely and exclusively by States; the sovereign rights of States to the objects they launch into outer space shall be retained by them."

This principle is really the contradiction of the principle of co-operation and that of jurisdiction. In the matter of outer space there are two basic ideas that form the extremes of an axis: on the one side, the idea of jurisdiction, and on the other, co-operation. It is clear that the initiative can come from States; but to consider that the utilization of outer space shall be solely and exclusively by States is, it seems to me, directly opposed to at least the emphasis expressed in the principle, amounting to what the British call an overstatement.

We know that the individual initiative will come from States. But why should this initiative lie solely and exclusively in the purview of the States?

(Mr. Belaúnde, Peru)

This principle says "solely and exclusively by States". We know that the States will take the initiative, but may there not possibly come a time when the international Organization itself may wish to take the initiative? May this not become possible by virtue of increased international co-operation and as a result of the progress which the United Nations may achieve through the enlarged co-operation of the smaller States when these latter shall have achieved significant development? May there not come a time when there will be a better concept of human solidarity, implemented by a sort of common capital, especially once the European Common Market and the international community have consolidated the situation, once the Soviet Union shall have achieved economic progress and once the United States shall have reached its accelerated rhythm, thus making possible a type of co-operation in which certain enterprises may be carried out with the collaboration of the States themselves but under the disinterested and noble supervision of an international organization?

For these reasons, Peru must make a definite reservation with regard to this principle, which is going to be analysed and studied by the Committee whose mandate we are to renew.

The eighth principle states:

"The use of artificial satellites for the collection of intelligence information in the territory of foreign States is incompatible with the objectives of mankind in its conquest of outer space."

This is also a somewhat bizarre principle. I support the principle of non-intervention; I warmly support the principle of the inviolability of a State's territory -- and by "territory" I of course include territorial waters and air-space. But to consider the invisibility involved here, and the satellites, as espionage is a mistake. If satellites, without violating air-space, take photographs and survey a territory, does this surveying and the utilization of such intelligence constitute an international crime? Are we to consider that all activity by its very nature -- activity,that is, of States -- is and must be absolutely secret and private?

With people as individuals we distinguish between a person's privacy and his relations with others. The greater part of the aspects of human life are in

(Mr. Belaúnde, Peru)

the open; they can be seen, judged, considered, pondered and criticized by other people. Meanwhile the most intimate part of a person's mind and his home life are protected by what the English call his privacy. But it appears now that this privacy -- which has no reason to be applied to States; that is the difference between States and individuals -- is being applied in an absolute way. Everything done in a State is sacred, is invisible, cannot be questioned or criticized. This is the essential difference between an open society and a closed one. This is a fundamental point wherein this principle reveals a radical difference between our conception of life and the conception of life on the other side of the Iron Curtain. This principle cannot be accepted, and since these ideas have been presented to this Committee for consideration, it is the duty of every delegation here to pronounce itself on them.

However, setting aside these criticisms, there are nine principles which have been submitted by the Soviet Union, and I believe that my objections have been directed principally at three of them. Let me look at the other side.

There is actually the possibility of an agreement -- even, I might say, the probability -- between the principles set forth by the United States and those set forth by the Soviet Union. If we eliminate those principles which form the, as it were, vulnerable and controversial parts of the Soviet proposal, agreement could be reached between the two great Powers on principles, an agreement illuminated by the idea, expressed not negatively but positively, that outer space involves the interests of all mankind and, as such, falls within international jurisdiction for decisions and determination.

There is another point which seems to me of great importance. I am to a certain extent in agreement with the representative of Australia when he says that, from this standpoint, outer space is part of disarmament. This is true, it is part of disarmament. From the psychological point of view, the superb and heroic adventures into outer space have been motivated not only by curiosity but also by the hope and the dream of finding the ultimate weapon. There is a favourable aspect to this picture -- scientific progress. There is an unfavourable aspect -- the supreme affirmation of power by means of the ultimate weapon,

(Mr. Belaúnde, Peru)

and this poison still flows in the veins of mankind. It is understandably human, but it is a weakness. However, although it be human and although we have lived through all the centuries of our history with the illusion, fostered among certain peoples, that an ultimate weapon will be found that will enable us to dominate the world, that does not mean that in this day and age, after so many centuries of civilization and in spite of the moral teachings of so many religions, we can claim that such an illusion is honourable, that such a hope is good.

(Mr. Belaunde, Peru)

That is an abominable hope. Therefore, with all the respect that the great Powers have earned from us, with all the respect for the situation that may occupy them because of the responsibilities which are incumbent upon them, a great effort should be made so that, in the question of outer space, whatever may be achieved by the Disarmament Committee, the main principle must be carried out by an executive body. Perhaps the Committee will allow me to turn to the example of Cato. He often repeated his fundamental ideas and was sometimes reproached for repeating his delenda est Carthago. I too have my slogan -- delenda est illusio, delenda est spes. The hope for the decisive weapon and the most worthy means of preventing the spirit from remaining as a parasite plant or as an unconquerable virus that stays in the blood lies in the great Powers not only agreeing on principles, but also agreeing on the setting up of an international body for the implementation of such principles. This is fundamental. In disarmament, for instance, principles are not enough, procedure is not enough; an executive body must included in the treaty, a supervisory body representing even more than the will of the parties, representing the mandate of the United Nations. It must be a body that will represent the will of the parties, but it must also be created by the will of the international community. Without an executive body, any principle on outer space would fall to the ground. Thus I make an empassioned appeal here and now to the Committee that is to meet that, together with the principles to be discussed, it should contemplate the setting up of an international executive body on which the United Nations will be represented.

The meeting rose at 1.5 p.m.