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Chairman:

Mr. ADEEL

(Sudan)

later:

Mr. ENCKELL

(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  
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## AGENDA ITEM 27

INTERNATIONAL CO-OPERATION IN THE PEACEFUL USES OF OUTER SPACE: REPORTS OF THE COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE, THE WORLD METEOROLOGICAL ORGANIZATION AND THE INTERNATIONAL TELECOMMUNICATION UNION (A/5181, 5229, 5237; A/C.1/879, 880; A/C.1/L.320 and Add.1; Report of the Economic and Social Council, Chapter VII, section IV; A/5203) (continued)

The CHAIRMAN: Before I call on the first speaker inscribed on my list for this morning, I should like to draw the attention of the Committee to the letter, dated 5 December 1962, from the Permanent Representatives of the Union of Soviet Socialist Republics and the United States of America addressed to the Secretary-General of the United Nations. This letter is to be found in document A/C.1/880.

I now recognize the representative of the Netherlands.

Mr. SCHURMANN (Netherlands): In the view of my delegation, the main importance to be attributed to the report of the Committee on the Peaceful Uses of Outer Space lies in the light it sheds on two particular aspects of its work: one frustrating, and the other encouraging.

The disappointing part concerns the lack of agreement in the Committee on the legal regulation of the use of outer space. This negative aspect is important because it reveals the fragile basis of international co-operation in this field of human endeavour and, therefore, the compelling need for greater efforts towards the reaching of consensus by all concerned.

(Mr. Schurmann, Netherlands)

The lack of agreement on the legal rules is all the more regrettable because, while further progress in the exclusively peaceful uses of outer space remains our aim, such progress, if it is to be sustained, will before long require that practical arrangements of a legal nature be made. I shall revert to these legal aspects in the second part of my statement.

The other feature of the report of the Committee to which my delegation attaches great importance is, happily, an entirely positive one. The report advocates -- and in a very convincing way -- a number of concrete forms of international co-operation in many fields of space research as well as between a great variety of bodies: specialized agencies, non-governmental organizations and government agencies of many countries.

What is still better is the announcement to which the Chairman just drew our attention a few seconds ago of the agreement between the United States and the Soviet Union concerning co-operation with regard to some important projects in the field of the peaceful exploration of outer space. My delegation expresses the hope that the spirit of co-operation which made this agreement possible will also extend itself to other fields of common interest; for instance, the cessation of nuclear tests.

Furthermore, the Powers concerned have agreed that they will make the results of their co-operation freely available to other interested parties, thereby encouraging co-operation between a great number of countries. This announcement we also welcome because it is too often taken for granted that space research is a reserved field for a few great Powers. The report makes it clear that the scope and the financial and material requirements of space research, even apart from large ventures such as satellites and manned space flights, call for the participation of as many countries as possible in order to be really effective. Indeed, the report repeatedly mentions not only the interest that progressive space research must have for all countries but also the active co-operation that they can and should provide.

(Mr. Schurmann, Netherlands)

My delegation would like to congratulate the International Council of Scientific Unions on its valuable initiative in organizing the International Year of the Quiet Sun and the World Magnetic Survey Programme. In the Kingdom of the Netherlands plans are being made for a research project on the wind structures in the upper layers of the atmosphere above Surinam by means of rockets. The results of this project may be of interest for the International Year of the Quiet Sun. Since these experiments will take place in an area close to the geomagnetic equator they might, perhaps, serve as a preparation for one of the international sounding rocket facilities referred to in paragraph 21 of the report of the Committee on Outer Space. Both Government and science in the Netherlands take a keen interest in this sort of facilities.

My delegation welcomes the important contributions by ITU and WMO to the practical applications of space activities in the field of communications and meteorology. The tasks of both these agencies should, in our view, be extended, and we are convinced that this will soon be done. In this field, as in so many others, my delegation deems it necessary once again to stress the need for close co-ordination within the family of the United Nations of all activities connected with space research. We are equally appreciative of the work done by UNESCO in this field; and, finally, we hope that ample use will be made of the functions and resources of the Secretariat for the collection and distribution of data on space activities of countries and organizations.

Speaking of international co-operation in the peaceful uses of outer space, I may perhaps be allowed to say a few words about the organization and the prospects of European space research.

The foundation for this European co-operation was laid in the treaty establishing the European Space Research Organization (ESRO) which was signed by twelve countries and which entered into force in March 1961. That treaty provided for the creation of three enterprises, namely, a European Space Technological Centre, called ESTEC, in Delft in the Netherlands; a European Space Data Centre, called ESDAC, in Darmstadt in Germany; and a Space Laboratory that will operate in Italy. Furthermore, a launching area is being made available near Kiruna in Sweden.

(Mr. Schurmann, Netherlands)

In the Technological Centre at Delft, 800 scientists and technicians from the twelve participating countries will soon be at work.

In December of last year another treaty was signed, this time by seven European countries, through which a European Launching Development Organization (ELDO) came into being. The first aim of ELDO which it hopes to achieve within five years is the production and launching of a heavy type of artificial satellite. Each of the participating countries has its own task in this organization: that of the Netherlands being "the design, development and construction of the long-range telemetry links, including associated ground equipment".

European space research will, of course, need some time to develop; but there can be no doubt that it will gradually increase in scope and importance and that Europe will in due course be able to contribute its share to worldwide space research.

International, regional and bilateral co-operation in space activities is undertaken mainly for its expected scientific and practical results. But, in the opinion of my delegation, it may also contribute to a closer and, perhaps, a lasting understanding between the main Powers concerned on the fundamental principles which States will have to observe in their activities in outer space.

That brings me to the second part of my remarks which will deal with the legal side of the report of the Committee on the Peaceful Uses of Outer Space.

As I intimated at the beginning of my intervention, it is difficult to suppress a feeling of disappointment on reading this part of the report.

In its resolution 1721 (XVI), the General Assembly invited the Committee "to study and report on the legal problems which may arise from the exploration and use of outer space."

(Mr. Schurmann, Netherlands)

Now, obviously, such legal problems may arise both in respect of the activities in outer space and in respect of conduct and situations on earth, connected with activities relating to the exploration and use of outer space.

In the same resolution the General Assembly, by unanimous vote, "Commends to States for their guidance", two basic legal principles. The first of these principles stipulates that the fact that certain activities take place in outer space or on celestial bodies does not exempt them from what might be called the jurisdiction of international law.

The second principle determines the regime of outer space and celestial bodies in declaring them "free for exploration and use by all States in conformity with international law" and "not subject to national appropriation".

The first principle hardly requires elaboration as a specific matter of space law; it rather emphasizes the applicability of the general rules of international law to all activities of States in their international relations and also, by the specific reference in resolution 1721 (XVI) to the Charter of the United Nations, it highlights the need for full implementation of the Purposes and Principles of the Charter also in the field of State conduct relating to the exploration and use of outer space. Of course, this does not mean that a priori there would be no room for specific international measures in this field; but it is clear that such measures would have to be viewed in the general perspective of the elaboration of practical application of those principles. This is particularly true in respect of State activities having a military character. It seems obvious that an international regulation of the use of outer space with regard to such activities -- military activities -- would be less hard to achieve if more progress were made in the field of general and complete disarmament under international control.

The second principle differs from the first in that it embodies a rule that is particular to space law. In declaring outer space and the celestial bodies therein res communis the principle implicitly calls for international regulation of its use by States and by individuals in order to prevent that the use of outer space by one party, impairs or unduly hampers the actual or potential use of outer space by another party. Obviously the elaboration of such regulations must be based on a review of present and foreseeable future uses of outer space

(Mr. Schurmann, Netherlands)

and their effects on the environment, in so far as such effects condition further use. A close collaboration between lawyers and experts in the field of outer space activities is clearly required in order to arrive at a workable set of rules, and it would seem that the Committee on the Peaceful Uses of Outer Space is an appropriate forum for the study and discussion of this problem.

One of the legal questions that arise in this respect is that of the rules to be applied to relationships between States which have more or less fixed establishments in outer space, possibly, even on a celestial body. The second principle, embodied in General Assembly resolution 1721 (XVI), excludes national appropriation of outer space or of celestial bodies. Therefore, the concept of territorial sovereignty cannot serve as a basis for the rules to be drafted. An application by analogy of the rules of international law relating to other -- what we might call "stateless areas", such as the open sea or perhaps the Antarctic -- may seem appropriate, provided that such rules be adapted to the particularities of the environment and to the particular and specific nature of space activities.

My delegation would think that the legal sub-committee of the Outer Space Committee, could usefully undertake a preliminary study of this question, which might well become of practical importance in the near future.

Less urgent, perhaps, are two other legal questions implied by the second principle: firstly, the determination of the line of demarcation between outer space and the air space subject to the regime of national sovereignties; and, secondly, the establishment of rules regulating the entry into and the exit from outer space through air space.

With the latter problem we are gradually returning to earth again, and thereby to some of the incidentals of space activities which require regulations to be applied on our own planet. In this field, the Committee on the Peaceful Uses of Outer Space, seems to have made some progress. I am referring here to the various proposals made in respect of measures to be taken in case of emergency landings and other space-vehicle accidents.

In the various proposals submitted to the legal sub-committee by the USSR, the USA and by the UAR, in so far as they relate to assistance to and return of astronauts and space vehicles, there appear to be enough common elements to warrant the hope that an agreement on these matters will be reached.

(Mr. Schurmann, Netherlands)

Such accidents occurring to space vehicles of one State may cause damage to persons or property under the jurisdiction of another State. There is no doubt that under the first principle stated by the General Assembly in resolution 1721 (XVI), the general rules of international law apply to the international liability for such damage of the State launching the space vehicle. Here again, however, the particularities of space activities and their environment require an elaboration and adaptation of the international rules and procedures. For this subject, the ideas put forward in the United States draft proposals on liability for space-vehicle accidents would seem to my delegation to provide a usable basis for international regulation.

In particular, the application of the principle of responsibility without fault, of the principle that no prior exhaustion of local remedies is required in this case, and of the principle of obligatory settlement of claims by international judicial procedure, seems to be eminently suited to the conditions under which space activities are carried out.

My delegation earnestly hopes that a general multilateral convention along those lines will be prepared by the Committee.

Summing up, I would say that there appears to be ample scope for constructive legal work in the Committee, provided that its members refrain from trying to score points by orbiting political slogans, and concentrate instead on finding generally acceptable solutions to the problems of the development of legal principles and procedures and to their adaptation and application to the conditions of this new field of human activities.

Mr. Mahmoud RIAD (United Arab Republic): The United Arab Republic is a member of the Committee on the Peaceful Uses of Outer Space. Therefore, it is not my intention to tax the patience of those present in this hall with a detailed analysis of the work so far achieved by the Committee, but I propose to take up the item under discussion from a different angle, namely, what action is expected from the General Assembly to bolster further the work of the Committee on the Peaceful Uses of Outer Space. I do so because it is my belief that the report of the Committee on the Peaceful Uses of Outer Space is, in fact, a compromise report and as such cannot possibly present a full picture to those who are not members of the Committee.

Man's penetration into space is being carried out at a tremendous pace and it is our duty to move with parallel speed, with a view to securing man's best interests on this new frontier. Therefore the immediate and principal objectives of the United Nations in relation to the item under consideration is to ensure that outer space will be used exclusively for peaceful purposes. We believe that the international community has not so far exerted enough effort to ensure the protection of mankind in outer space. It might be relevant to recall our experience in the field of atomic energy. The fact that we, in 1945, failed to ensure the exclusive peaceful uses of atomic energy makes it far more difficult at present to come to an agreement on the cessation of nuclear tests and the prohibition of nuclear weapons. Consequently, if we do not act swiftly in prohibiting the non-peaceful uses of outer space, we shall at a later stage find ourselves in a similar position.

On our earth we are frequently being faced with problems which arise from the existence of nuclear bases. We wonder what the situation would be if we ultimately have to live with nuclear bases looming in our skies. My delegation therefore finds it imperative to stress to the Committee that the international community is being slow in taking the necessary measures to ensure that outer space and celestial bodies shall not be used for non-peaceful purposes. Indeed, we are as yet far away from our objective.

(Mr. Mahmoud Riad,  
United Arab Republic)

It is true that the General Assembly, in its resolution of last session, resolution 1721 (XVI), has laid down some basic principles to guide the activities of States in outer space. My delegation feels, however, that these principles are not clear and specific enough as to the peaceful nature of these activities. We are encouraged by some of the principles which have subsequently been submitted by both the United States and the Soviet Union to the Committee on the Peaceful Uses of Outer Space. Judging from these declarations it is clear that it is the intention of both the United States and the Soviet Union to confine activities in space to peaceful uses, yet we cannot overlook the differences which separate these two Powers, who are at present the only ones who have the means to penetrate into outer space.

For this reason my delegation found it appropriate to submit a draft code to govern activities in the field of international co-operation in the peaceful uses of outer space. This is annex III of document A/5181. We do not claim that this draft code provides all the answers. We can only say that it presents a step forward towards the more comprehensive code which we should strive for.

Allow me to say a few words on the provisions of the draft code of the United Arab Republic. Although the principles contained therein are self-explanatory, it may be of benefit to this Committee to state the reasons which motivated us to submit this code. We were, and still are, of the opinion that in spite of the limited progress achieved by the space Committee on the scientific and technical questions, there remains a serious impasse in so far as the legal aspects are concerned. This lack of progress is due to the absence of basic principles necessary to guide the members of the space Committee in their drafting process. In our view it is not feasible to expect the legal experts to define norms and regulations governing co-operation of a large number of Member States in a new realm such as outer space without providing them in advance with the framework within which they can perform their task. Such a framework should contain a set of principles which would serve as guidance for the experts in coming to grips with the various issues emanating from international co-operation in such a new field. We should always remember that all legal questions have political foundations, and the link between law and politics is crystal clear, and the refusal to admit it can only frustrate prospects for further progress.

(Mr. Mahmoud Riad,  
United Arab Republic)

With this in mind, I should like to refer to the specific provisions of the draft code proposed by my delegation. I have already emphasized the fundamental considerations which underline the first principle contained in the operative part of the draft code, which provides that "the activities of Member States in outer space should be confined solely to the peaceful uses". It has been suggested that this can only be achieved as part of an agreement on general and complete disarmament. This is a position which was also suggested several years ago in relation to the question of nuclear tests, but we are gratified indeed that the nuclear Powers came to realize that the dangers inherent in nuclear tests justify the conclusion of a separate agreement, without waiting for the comprehensive agreement on the wide issue of disarmament.

(Mr. Mahmoud Riad,  
United Arab Republic)

It was a positive step when the nuclear Powers agreed to negotiate an agreement on the cessation of nuclear tests without making it dependent on the final outcome of an agreement on disarmament. We should therefore expect that the space Powers would adopt a similar approach in relation to the activities of Member States in outer space.

Reference has been made to the resemblance between the exploration of space and the freedom of navigation on the high seas. It is true that the General Assembly, in its resolution 1721 (XVI), declared that

"Outer space and celestial bodies are free for exploration and use by all States in conformity with international law."

This principle should not be considered in isolation from the other principle recognized by the General Assembly in the same resolution, namely that the Charter of the United Nations applies to outer space and celestial bodies.

We are aware that the Charter is an instrument of peace which could not conceivably be interpreted so as to tolerate the introduction of weapons of mass destruction into the skies of this planet. The peoples of the world are fully and unequivocally entitled to insist that objects and vehicles in space should be peaceful in character.

The second principle in the draft code simply underlines the concept of international co-operation in outer space. The United Arab Republic believes that Member States should in their policies toward outer space promote international and peaceful co-operation. This is a matter of particular importance which deserves the attention of all countries, especially those which are at present more advanced in space exploration.

Our belief in the necessity of this principle stems also from the fact that it is becoming increasingly difficult to co-ordinate the policies of many Governments in other fields, especially if these policies have a direct bearing on peaceful progress in a vast field like outer space.

We are all aware of the increasing alarm voiced by eminent scientists and scientific institutions as to the harmful effects of nuclear high altitude experiments, their possible interference with future projects in exploring space and their hazards to the safety of astronauts and space vehicles.

(Mr. Mahmoud Riad,  
United Arab Republic)

These considerations also underline the third principle of the draft code, which establishes a special responsibility on the part of Member States, arising from their obligation to secure the safety of space for astronauts.

The fourth and fifth principles in the code prepared by my delegation deal with the responsibilities of Member States in connexion with their obligation to return space vehicles and their personnel to the State or international organization responsible for launching them, in case of forced landing or mishap. These two principles are necessary for any real progress in international co-operation in outer space. In formulating these two principles, my delegation was guided by similar provisions contained in the draft agreements and declarations submitted by the delegations of both the Soviet Union and the United States to the Space Committee.

The sixth principle provides that one of the main objectives of international co-operation in outer space is to develop special programmes in which the developing countries can participate with a view to promoting world-wide interest in outer space. The acceptance of this principle is of particular importance to all of us, and we hope that it earns the support of Member States.

In dealing with such problems, the United Nations and the specialized agencies directly concerned could play a leading role. It is relevant to mention, in this connexion, that the Committee on Outer Space has already embarked in such a direction. It supported the creation and operation under United Nations auspices of an international equatorial sounding rocket launching facility to be established in the equatorial region of India.

Similarly, we are satisfied with the offer made by the Italian Government in connexion with the floating launching facilities, the San Marco project, which the Government of Italy is ready to provide as a very constructive scientific contribution to promote international co-operation in outer space.

As to the ways and means of promoting world-wide interest in outer space, we are confident that, given the necessary facilities and support, the United Nations and UNESCO, as well as COSPAR, can make a substantial contribution. This would entail a great deal of work, negotiation, preparation and co-ordination, but before we go any further we have to agree on the basic principles which pave the way for everyone concerned to play his part.

(Mr. Mahmoud Riad,  
United Arab Republic)

The seventh principle of the code invites Member States to make full use of the facilities and experience of all international organizations, specialized agencies and non-governmental organizations which are active in space research. We definitely believe that the vast resources of international organizations, both governmental and non-governmental, can render effective assistance to Member States, in their national programmes, to explore and benefit from the great potentialities of outer space.

The eighth principle invites Member States to exert every possible effort to provide the United Nations Secretary-General, on a voluntary basis, with all information necessary for the promoting of international co-operation in the peaceful uses of outer space.

My delegation believes that human civilization is founded on the contribution of all nations, in all ages, to knowledge in all fields. In relation to outer space, a sphere of a special universal character, those who have accomplished marked advance and substantial progress, for which we have the greatest admiration, are urged to pool their efforts with others so that international co-operation becomes a reality.

(Mr. Mahmoud Riad, United Arab Republic)

Thus, the international scientific community is entitled to be informed regularly about the progress and discoveries made by the leading countries in space. We have already received assurance from both the Soviet Union and the United States to the effect that they shall continue to inform the scientific community on their programmes, and I am sure the Committee shares with me a sense of appreciation for this attitude.

In the ninth principle of the draft code my delegation sought two objectives. First, that all possible assistance should be rendered by Member States to the United Nations and its specialized agencies in their effort to encourage and co-ordinate research on outer space. In this connexion it is relevant to recall the contribution of UNESCO in relation to the international geophysical year as carried out by the International Council of Scientific Unions. WMO and ITU have equally demonstrated a great sense of responsibility in responding to the needs of the space age. The reports which they have submitted are of definite value to international co-operation in the peaceful uses of outer space. Thus, it is imperative that these specialized agencies should receive every possible assistance in this great effort to which I have just referred. The second objective of the ninth principle is to encourage joint programmes of training and research to promote science and technology in outer space within a framework of truly international co-operation. The benefits of such joint programmes under the auspices of the United Nations and its specialized agencies need no further elaboration.

Having explained the motives and the objectives behind our draft code, and before proceeding any further, let me once again make it clear that this draft is far from complete and that is why we welcome any other suggestions.

I turn now to the course of action which we think advisable for the General Assembly to take during the present session.

First, the Assembly should, in our opinion, pronounce itself on the general principles submitted by different delegations to the Committee on Outer Space as well as other documents which might be submitted during this debate.

Secondly, the General Assembly should once again support the continuation of the Committee on Outer Space. I am sure that Member States will agree on the necessity of preserving the Committee and giving it the expressed support of the Assembly.



(Mr. Mahmoud Riad, United Arab Republic)

Thirdly, directly linked to this point is the competence and the relationship between the Committee on Peaceful Uses of Outer Space and other specialized agencies and other international organizations concerned with outer space. This is a very important point because any lack of co-ordination or the absence of continued and systematic inter-agency consultation will produce unwelcome results, so it is important from the very beginning to guarantee the maximum co-ordination; otherwise we will be faced once again with the same problems which exist between the international organizations which now make up the United Nations family. This co-ordination problem could not be solved unless the General Assembly makes it once again abundantly clear that the United Nations Committee on the Peaceful Uses of Outer Space is the focal point of international co-operation in this field. Therefore, any resolution should take care of this basic point, and the Committee on Outer Space should be entrusted with the task of studying this problem from its various aspects and report to the General Assembly as its eighteenth session.

Fourthly, this point brings me to the relationship between ITU, IMO, WHO, UNESCO, and the Economic and Social Council, so far as the actions of these specialized agencies on outer space are concerned.

I am fully aware of the relationship which exists between the Economic and Social Council and the specialized agencies in accordance with Article 64 of the Charter of the United Nations, but it becomes increasingly difficult for my delegation to visualize how we can avoid the overlapping which might occur as a result of various policies and resolutions between ECOSOC, on the one hand, and the Space Committee, on the other.

As you all know, the Committee on the Peaceful Uses of Outer Space is, according to resolution 1721 (XVI) of the General Assembly, the committee responsible for the activities of the United Nations and its affiliated agencies so far as international co-operation in outer space is concerned.

Fifthly, it is necessary, similarly, to request the Committee on Outer Space to consider at its forthcoming session the possibility of the participation and co-operation of other non-governmental organizations which may be able to make significant contributions in the technical, scientific, and legal fields

(Mr. Mahmoud Riad, United Arab Republic)

to international co-operation in outer space affairs. The reason for such a study is the important contribution by COSPAR and the assistance which it provided to the Committee on Outer Space. COSPAR's contribution is indeed commendable, and this is why we should encourage other non-governmental organizations to follow the example which COSPAR so efficiently demonstrated.

The United Arab Republic cannot but welcome the two declarations which were made yesterday by the representatives of the United States of America and the Soviet Union concerning the recent agreement reached between their respective Governments regarding their co-operation in outer space. This is indeed an important step, which I hope will be followed with similar steps in the future. This bilateral agreement will no doubt pave the way for further and wider co-operation through the United Nations and on the international level.

It is with great reluctance that I have attempted to address the Committee at such length. But this is a field to which my delegation attaches great importance, and in spite of the fact that all we can offer at this stage is a modest contribution, nevertheless you may agree with me that it is of primary importance to proceed in the proper direction, realizing from the outset what we are embarking upon in an attempt to make the views of Member States, large and small, known lest we reach a point when it becomes increasingly difficult to steer the space ship of the human race to a safe shore in this unlimited horizon.

Mr. SEYDOUX (France) (interpretation from French): In participating in this debate, the French delegation intends to limit itself to the subject matter before us. As the Chairman has so pertinently pointed out, the Committee is called upon to consider three reports: first, the report of the Committee on the Peaceful Uses of Outer Space, which deals with its own work and that of its two Sub-Committees, the Scientific and Technical Sub-Committee and the Legal Sub-Committee (A/5181); secondly, the report of the World Meteorological Organization (A/5229); and thirdly, the report of the International Telecommunication Union (A/5237).

These documents represent a considerable amount of work and cannot but give way to certain optimism if we consider that they constitute the implementation of a resolution adopted by the General Assembly only one year ago. Would we then be justified in considering that next year as positive a result can be achieved as that of this year? That, I think, basically is the main problem which the First Committee must endeavour to solve.

In listening to those who have taken the floor before me, I was struck by their impatience to make progress, and this impatience is not always made manifest in the same manner. It would be useless to blind ourselves to the fact that there are important differences which are not insurmountable, but which should be defined in order that they may be eliminated as rapidly as possible.

The interest shown by the French Government in questions of outer space is not second to the interest shown by other countries. National programmes have been set up, and administrative and co-ordination bodies have been established, showing the ever increasing importance that France attaches to scientific research in the question of outer space.

Furthermore, France has considered that the exploration and use of outer space represents the ideal field for international co-operation. Thus, for example, together with nine other European Governments on 14 June 1962, we signed a convention setting up a European organization for space research -- ESRO. France is also a member of the European organization for the building and launching of space crafts -- the ELDO.

I do not wish unduly to tax the patience of the Committee in outlining the French projects that have bearing on outer space; I would, however, like to point out that, together with about forty other Member States, the French Government communicated to the Secretariat of the United Nations as much detailed

(Mr. Seydoux, France)

information as possible on this matter and there was so much of it that it comprises approximately twenty pages of document A/AC.105/7. Anyone reading that document will be able to note that all the scientific questions dealing with outer space have been studied by the appropriate scientific institutions of France, thus testifying to my country's desire to join others in participating in the discovery of the cosmos. Whether it is in the field of basic scientific research or in the field of space technology, the French Government intends to continue its activities at the pace required by the present-day world. Our solid-fuel rockets of the Bélier, Centaure and Dragon types, can achieve an altitude of 600 kilometres and we expect to have completed, by 1965, construction of a satellite launcher, the Diamant, that will be able to put in orbit a light satellite built entirely in France.

As we have been in favour of the development of multilateral co-operation, we are also ready to associate with other countries on a bilateral basis and to exchange scientific information on space technology with them.

With regard to the improvement of the means for meteorological surveys, my delegation is extremely gratified to note that Member States have been requested to increase their meteorological forecasting services and that, at the same time, the World Meteorological Organization, which plays a key role in this matter, has been asked to direct all its efforts in its expanded programme of strengthening and broadening meteorological services and research. We know that such expansion and strengthening, as well as other legitimate requirements of technical and financial assistance to countries in need of this, will call for the mobilization of important sums. These problems will have to be studied in the very near future and they form the basis of the principles set forth by the General Assembly in its resolution 1721 (XVI) of last year.

Our interest is certainly not less so far as space telecommunications are concerned. Through the national centre for telecommunications studies, France collaborated with the United States in the achievement and fulfilment of the Telstar operation. The importance of the results obtained and the prospects opened in this field were very felicitously stressed by Senator Gore in the speech he made last Monday on behalf of the United States. Furthermore, we are very grateful to him for having made a complete report, listing his Government's projects. As we have said, we were grateful for the information he gave us

(Mr. Seydoux, France)

with regard to the American concept of a single international system for the commercial utilization of communication satellites. He referred to Eurovision, and that led us to believe that the numerous practical and technical problems, that are as yet to be solved in order for international collaboration to be satisfactory in this field, will be studied with a true will to achieve results.

If outer space opens an entirely new field to science and techniques, as I have just indicated, then they also render possible and necessary close international co-operation. But, by the same token, they open entirely new legal problems which are even more difficult to solve because, here, precedents are lacking and usually jurists are extremely careful to build their theories on precedents, and if these do exist in any way they have only an approximate meaning here and must be the object of very delicate transpositions.

(Mr. Seydoux, France)

Furthermore, political considerations which science overlooks obviously must underlie a legal construction and cannot but retard the rhythm of progress. It is therefore not surprising that the Legal Sub-Committee, set up by the Committee on the Peaceful Uses of Outer Space, went more slowly in the achievement of its objectives than did the Technical and Scientific Sub-Committee. It might, perhaps, have been assisted in its work if, as the representative of France asked in the Sub-Committee, it had drawn up an inventory of questions that had to be solved before trying to reply to some of them. We continue to believe that it would be a better method if such a census were to be drawn up, namely, to begin at the beginning.

Having made this point, the French delegation is, however, far from believing that we can overlook or neglect the work that the Legal Sub-Committee has accomplished. The texts that have been submitted to us in the annex to the report of the Committee were not unanimously agreed to, but they certainly represent a useful contribution to the study of many problems; and we believe that having in our discussion cast light on these matters -- thanks to the feelings of the Assembly -- and also, following upon the suggestions submitted here by a number of delegations, the members of the Sub-Committee will be able to resume their tasks not only at the point where they left off, but at a point that is even closer to their final solution.

Let us, for example, consider the two drafts submitted on the question of the rescue of space-ships and astronauts. Obviously, as far as their substance is concerned, they seek the same objectives: to rescue the space travellers who, because of an accident, have to be assisted in order to ensure their immediate repatriation to their country of origin and to see to it that the equipment will be promptly made available to the State or body that launched them. Of these two texts, one is submitted as a draft international agreement and the other as a draft resolution of the General Assembly of the United Nations. My delegation considers that each of these procedures has advantages. Urgency seems to militate in favour of the second, while the first would have the advantage of giving the provisions agreed to an unchallengeable binding force.

Why should the Legal Sub-Committee not entrust the experts with the simultaneous preparation of a draft resolution and a draft treaty? Doubtless, the rapid adoption of a General Assembly resolution on assistance to astronauts and their crafts would not exclude the ultimate signing of an

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international convention on the self-same subject. We trust that if this idea of common sense is taken up the Legal Sub-Committee will be able to overcome the slight obstacles which it came up against at its last meeting.

Then, too, in regard to the question of responsibility in the case of accidents to space-craft, we believe that we are ready to have the Sub-Committees take up the study of a draft international agreement as soon as possible. In point of fact, I note that on this important problem only one draft resolution has been submitted (A/C.1/L.320). The ideas developed in the text that were due to the initiative of the United States have certainly not been opposed, as far as I know, by other members of the Committee on Outer Space, and have neither been criticized nor challenged in the debates of our Committee thus far. There are only procedural difficulties that have apparently delayed the consideration of the document; but the concessions made on this matter by the sponsors of the proposal should allow the Sub-Committee to come speedily to a consideration of the substance of the problem here, too.

The preparation of a declaration of principles obviously raises more delicate problems; but the French delegation believes that this task is not one of priority. There is surely no danger involved in delay here, and it would be better in such a matter to give ourselves time to reflect on the issue. It would hardly be reasonable for that Committee, in the short period of time given to it, to take up an improvisation of a charter for outer space. All the strength of imagination and all the care of the jurists of our Sub-Committee will have to be brought to bear, as well as all the time that is required for the drafting for a document of such great scope, dealing with such a new subject. When it resumes its work, the Legal Sub-Committee will also have had the benefit of the studies on the results of which the United Kingdom delegation has drafted a document that has been distributed as A/C.1/379. It will also be able to use the document, the conclusions of which the United States delegation has stated it also intends to have distributed. These are texts that will usefully widen the basis for discussion which initially supplied by the delegations of the United Arab Republic and the Soviet Union.

(Mr. Seydoux, France)

The French delegation does not itself wish to add a new document to the list of those already distributed, but we do believe that it might be useful to indicate the difficulties that confront the Legal Sub-Committee in its efforts, and that my delegation feels should be skirted.

First of all, the Sub-Committee -- whose own mission is already quite broad -- should not allow itself to be tempted by the ambition to attack problems that are beyond its competence or by problems which are already submitted to other international bodies. For example, at a time when the delegation that took the initiative of including in the agenda of the Committee a point dealing with war propaganda has just renounced the right to have the subject discussed here and has agreed that this matter be referred to another body, it would not be understandable for such a question to re-emerge in the Outer Space Committee or in its Legal Sub-Committee. We believe that this comment is all the more valid when we talk about so-called "intelligence" activities -- a very controversial subject, if not the most moot question of the lot -- on which there has never been agreement as far as the land and the seas are concerned, and it would be illusory to imagine that we could draft regulations of this nature bearing on the question of outer space.

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Furthermore, where does information end, where does espionage begin? We all know that the concepts of these limits adopted by the East and the West are radically different. Do these sovereign rights mean, as some one asked yesterday -- I believe it was the representative of Peru -- a type of right to invisibility? It is obvious that the Outer Space Committee could not serve as an adequate framework for such a discussion. And, in taking up such matters, the Legal Sub-Committee would be sentenced to marking time eternally. Generally speaking, in principle we believe that, if the Sub-Committee wishes to achieve a solution and complete its work, it must recognize that the questions of disarmament are not within its competence.

Secondly, the French delegation feels that the Legal Sub-Committee cannot reach a conclusion unless, in a realistic frame of mind, its members renounce the right to submit ideas which they know in advance will slow down and damage the fundamental concepts of human society and which cannot ultimately be unanimously accepted. This applies to ideas according to which the achievement of certain space activities projected by States should be subject to the consent of another State. Such an idea, so contrary to the principle of sovereignty, could obviously not be upheld. Then, too, we do not see how societies based on the concept of State monopoly of the economy, education or research could impose on other societies which rest on different principles the adoption in the field of space enterprises of a State monopoly which they would be unable to accept.

To sum up, the French delegation wholeheartedly appeals for a development of international co-operation in the field of outer space. We advocate the speedy realization, drafting and preparation of recommendations on the part of the Committee on the Peaceful Uses of Outer Space at the scientific and technical level; and in this respect we welcome the draft resolution submitted by the United States and Canada (A/C.1/L.320/Add.1), on which we reserve our right to speak in greater detail later in our discussion. This draft resolution proposes that the Legal Sub-Committee be invited to resume its work in the light of the debates of this Committee and in the light of

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the suggestions that have been, or may be, formulated including the remarks that I have just had the honour to make before the Committee.

Mr. ZOPPI (Italy): May I, first of all, express the satisfaction and gratification of my delegation for the positive report submitted to the Assembly by the Committee on the Peaceful Uses of Outer Space. Indeed, the document testifies to the good work and progress accomplished by the Committee in furthering international co-operation in the peaceful uses and exploration of outer space. For the first time since the inception of the space age five years ago, a full, open and, indeed, constructive exchange was possible in the framework of the United Nations. In this respect, we wish to commend especially the Chairman of the Committee, Ambassador Matsch, who has at all times directed its deliberations with remarkable impartiality and wisdom, as well as with dedication and enthusiasm, conscious as he is of the importance that our Organization should keep abreast of the fantastic developments in space exploration and technology.

The Italian delegation, on its part, shares fully this enthusiasm and this conviction, and it is in this spirit that we have endeavoured to contribute to the work of the Committee and its two Sub-Committees.

On the basis of General Assembly resolution 1721 (XVI), adopted unanimously last year -- a resolution which I am proud to recall originated from a draft proposal co-sponsored by Italy and other countries -- the Committee on the Peaceful Uses of Outer Space was successful in working out concrete and constructive recommendations in respect of scientific and technical international co-operation in outer space. I shall not deal at length or in detail with these proposals which concern the exchange of information, the encouragement of international programmes and the creation of international equatorial sounding rocket facilities. Such recommendations are familiar to all delegations here, which, I am confident, will not fail to appreciate their full value and beneficial impact in strengthening, indeed, in bringing about, successfully international co-operation in outer space in the framework of the United Nations.

(Mr. Zoppi, Italy)

Our representatives in the Scientific and Technical Sub-Committee have eagerly contributed, in Geneva, to the elaboration of these proposals; and, later, when the Committee met in New York last September, we joined with all other countries represented on that body in expressing our approval and support for them. Equally, at that time we had occasion to commend the World Meteorological Organization and the International Telecommunication Union for their outstanding reports concerning, on the one hand, the advancement of atmospheric sciences and their application in the light of developments in outer space, and, on the other, the development of telecommunications in outer space.

Now, I should like to summarize the activities which we have undertaken in Italy in the framework of peaceful international co-operation in outer space. As is well known, we actively participate in ESRO and EICO. Other speakers before me have eloquently illustrated the activities of these organizations and I shall, therefore, not go over the same ground. We are also carrying out a most constructive bilateral programme with the United States National Aeronautics and Space Administration; other bilateral arrangements with other countries for specific projects are currently under consideration. However, here I shall confine my remarks to the activities sponsored by the Italian Government which are directly relevant to the recommendations contained in the report of the Committee on the Peaceful Uses of Outer Space.

The Italian Commission for Space Research is preparing to contribute to the scientific activities of the International Year of the Quiet Sun. This will encompass the launching of meteorological rockets at low altitude to collect basic data on the characteristics of the atmosphere in the Mediterranean as well as at the equator, the launching of sounding rockets at higher altitudes to measure the characteristics of the equatorial ionosphere, the performing of oceanographic measurements correlated with the atmospheric and ionospheric ones.

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So far as synoptic sounding rocket launchings are concerned, the Italian Commission for Space Research can be considered the pioneer in the type of activity recommended by the Committee on the Peaceful Uses of Outer Space. Last year the Italian Commission for Space Research, in close co-operation with the United States National Aeronautics and Space Administration, launched two series of twilight sounding rockets, producing clouds of sodium vapour at altitudes between 150 and 200 miles, which, through photographic techniques, yielded very valuable scientific data on the structure of the upper atmosphere. In particular, by comparing the results obtained from Italian launchings with the correlated launchings in the United States, an entirely new phenomenon was observed and reported to COSPAR, which is planning further studies and experiments on this significant discovery.

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Similar sounding rocket launchings, correlated with other countries, are planned by the Italian Commission for Space Research at regular intervals, beginning next March, through the full period of the International Year of the Quiet Sun in 1964, in close agreement with the recommendations of COSPAR's special working group on synoptic rocket launchings.

My Government is co-operating closely with several other countries in the field of space communications. Italian agencies are already taking part in the Telstar project, in co-operation with the United States, and a ground installation for future work on space telecommunications, beyond the Telstar project, is being prepared.

My Government is contemplating improvements in its meteorological system to fully exploit and disseminate meteorological data obtained from satellites.

The Italian Commission for Space Research is willing to contribute to the training of scientists and technicians from other countries in its leading observatories and space institutes.

With regard to the proposed establishment of international sounding rocket facilities under United Nations sponsorship, I should like to recall again our offer to place the mobile San Marco platform at the disposal of States interested in carrying out experiments at the equator. We, on our part, are fully convinced that the creation of such international launching sites, as recommended in the report before us, is not only a desirable, but indeed an indispensable measure to strengthen, broaden and develop international co-operation in the exploration of outer space. Italy thus intends to afford the United Nations its concrete contribution to that end by means of the San Marco mobile platform which should be available for use before the beginning of the International Year of the Quiet Sun.

Equally appealing to us is India's offer to be the host country to one such launching facility.

It is precisely by joint ventures of this kind that we feel the future of international co-operation in space would be best assured. This is the imaginative and bold approach which should be sought and which will eventually lead to initiatives intended to establish joint training centres for space scientists, technicians, cosmonauts, joint scientific laboratories and joint launchings of space vehicles.

(Mr. Zoppi, Italy)

In reviewing the report submitted by the Committee on the Peaceful Uses of Outer Space, it is apparent that since the General Assembly, by unanimous approval, established a set of basic legal principles with respect to the use and exploration of outer space, indeed very little progress has been made in this field. However, we do not feel that the Committee's conclusions in admitting that no agreement has been reached on any of the proposals submitted to it are entirely discouraging, if due account is taken of the fact that the Legal Sub-Committee's meetings in Geneva, and later, the meetings of the Committee in New York, were useful in outlining areas and issues requiring further exhaustive consideration in an atmosphere devoid of divisive polemics.

In fact, it should not be surprising that difficulties have been encountered by our legal experts. They are faced with a most complex situation, namely, one which is essentially in evolution, subject as it is to continued technological development.

Proposals have been advanced to provide both for a general international legal framework to encompass all activities in outer space and for the need of regulating specific problems -- such as assistance and return of space vehicles and their personnel, as well as liability for damages caused by space vehicles. The latter problems are undoubtedly already pressing in the present phase of outer space developments.

We feel that both these avenues should be first pursued; on the one hand, it is necessary to deal urgently with specific, even if more limited, problems which demand immediate attention in the light of today's activities in outer space. On the other hand, we welcome also the consideration of general principles applicable to all peaceful activities in outer space; this objective surely is more ambitious and complex. Utmost caution should therefore be exercised not to hamper future scientific and technological developments which as yet cannot be foreseen.

Of the various proposals made by the Committee on the Peaceful Uses of Outer Space, may I briefly dwell on the draft tabled by the United Arab Republic shortly before the session was adjourned, concerning the participation of developing countries to outer space programmes. Such ideas, in our opinion, constitute a helpful basis for the elaboration of general principles and we have found it indeed a most interesting document deserving thorough consideration.

(Mr. Loppi, Italy)

Here, in this Committee, a further step in the right direction was made when the representative of the United Kingdom submitted a draft proposal amplifying and developing the two basic principles already approved by the General Assembly last year. This approach we view as most constructive and feel that the Assembly and the Committee on Peaceful Uses of Outer Space would do well to recognize the merits and soundness of the British suggestion.

In this same spirit of contributing ideas, which might prove useful in the preparation of general legal principles for the guidance of States engaging in outer space activities, my delegation also is considering the possibility of advancing a few ideas embodied in a draft resolution, should we deem it advisable in the course of the debate to do so.

At this point, however, let me add in all candour that if no progress has been made so far in dealing with legal problems arising from activities in outer space, this is also due to the fact that some proposals injected into the discussion, issues which fall under the terms of reference of the Disarmament Committee. We fully appreciate the importance of these aspects, also in respect of activities in outer space, and are therefore most willing to approach them in their proper context; namely, the framework of disarmament negotiations. These matters have in fact been taken up in Geneva and also a proposal is pending before the disarmament conference there, related to what is obviously the principal military issue in connexion with outer space -- I refer to the proposal aimed at prohibiting the placing of weapons of mass destruction in outer space.

It is our hope that progress will be sought in this sphere of the disarmament negotiations. Meanwhile, it should be borne in mind that the desired basic principles governing activities in outer space could not find a basis on contentious and controversial elements. It is thus essential that a further effort be made by our legal experts when the Committee on Peaceful Uses of Outer Space reconvenes to re-examine this whole matter thoroughly and dispassionately.

I should like to conclude by reminding members that the Outer Space Committee has achieved some good results working in an atmosphere of harmony and by unanimous consent. It is this harmony and this consensus which we feel it is essential to preserve, if our efforts to strengthen international co-operation in outer space in the framework of the United Nations, are to be successful. The

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announcement made yesterday by the representative of the United States and the Soviet Union, to the effect that their Governments have concluded an agreement of bilateral co-operation in the fields of meteorology, geo-magnetic activities and telecommunications in outer space constitute a most important step towards the aims which the United Nations pursues in this field. Undoubtedly, the Committee on Peaceful Uses of Outer Space will greatly benefit in its endeavours by this fruitful understanding between the two Powers that are most advanced in space activities. This is the course which we have consistently advocated and which we are most willing to further to the full extent of our means.



The CHAIRMAN: I have no more speakers on my list for this meeting. There was one speaker inscribed on the list for this afternoon but he has, however, agreed to speak tomorrow morning, when he will be one of the six speakers inscribed to speak at that meeting. This being so, there will be no meeting this afternoon. Our next meeting will be tomorrow, Friday, at 10.30 a.m.

The meeting rose at 12.30 p.m.

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