

UNITED NATIONS
GENERAL
ASSEMBLY



LIMITED

A/C.1/PV.1296
10 December 1962

ENGLISH

Seventeenth Session

FIRST COMMITTEE

VERBATIM RECORD OF THE TWELVE HUNDRED AND NINETY-SIXTH MEETING

Held at Headquarters, New York,
on Monday, 10 December 1962, at 10.30 a.m.

Chairman:

Mr. ADEEL

(Sudan)

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)

Note:

The Official Record of this meeting, i.e. the summary record,
will appear in mimeographed form under the symbol A/C.1/SR.1296.
Delegations may submit corrections to the summary record for
incorporation in the final version which will appear in a printed
volume.

62-28641

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, 881; A/C.1/L.320/Rev.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 would like to draw the attention of the Committee to a revised draft resolution on this item which was originally submitted in the name of the delegation of the United States of America and which in its revised form now stands in the name of the delegations of Australia, Austria, Belgium, Bulgaria, Canada, Czechoslovakia, Japan, Hungary, India, Italy, Lebanon, Mongolia, Poland, Romania, Sierra Leone, Sweden, Union of Soviet Socialist Republics and United States of America. This revised draft resolution is to be found in document A/C.1/L.320/Rev.1.

I would also like to draw the attention of the Committee to a letter dated 8 December 1962, from the representative of the United States of America to the Chairman of the First Committee, on a draft declaration of principles relating to the exploration and use of outer space. This is to be found in document A/C.1/881.

Mr. GORE (United States of America): Members of the Committee will note the two new documents which have been circulated and to which the Chairman has just referred. The first of these is a revision of the United States-Canadian resolution, document A/C.1/L.320/Rev.1. The second is a working-paper submitted by the United States, document A/C.1/881.

We are pleased to find so many members joining as co-sponsors of the revised draft resolution. I shall wish to say a few words about that draft resolution in a moment, but now I wish to express appreciation and gratification that so many members find it agreeable.

(Mr. Gore, United States)

During my earlier intervention I said that in the course of our debate the United States would place before the First Committee a declaration of principles relating to the exploration and use of outer space. The United States draft declaration in document A/C.1/881 has been presented as a working-paper. It takes the form of a draft declaration intended to have global application. You will note that the principles set forth in the operative paragraphs of the draft resolution have meaning not only for States actively engaged in outer-space activity, but are of interest too, and have an impact upon the conduct of, all members of the international community. The preambular paragraphs of the declaration of principles recall, first of all, resolution 1721 (XVI), which had so happy a genesis in this Committee. This initial reference to resolution 1721 (XVI) seems highly appropriate in view of the two principles which part A of that resolution commended to Member States. Those two principles constitute the basis of a universally accepted charter for outer space. It is the purpose of our draft declaration to add to that charter.

We attach great importance to the remaining four preambular paragraphs of this draft resolution. As my delegation suggested last Monday, we believe that interest in the exploration of space is universal. In conformity with this universality of interest, those who explore outer space -- and we believe their number will expand at a geometric rate, and we are anxious to co-operate to that end -- have a moral obligation to devote the results of their extraterrestrial efforts to the benefit of all other States Members of this Organization, without regard to the stage of their economic or scientific development.

The converse of this proposition lies in the fact that States now exploring space need the co-operation of others. We have seen that co-operation has been readily forthcoming. Multifarious and intense co-operation in space matters has already increased the tempo of space activities and the success of those activities, and, as the final preambular paragraph states clearly, we believe "that such co-operation will contribute to the development of mutual understanding and to the strengthening of friendly relations among nations and peoples".

(A/C.1/881, page 2)

(Mr. Gore, United States)

Let me turn now to the operative portion of this draft declaration submitted by the United States. Following the pattern of resolution 1721 (XV), it "commends" to States data for their guidance in the exploration and use of outer space ..."
(A/C.1/881, page 2), certain legal principles.

"Outer space and celestial bodies are free for exploration and use by all States, on the basis of equal rights, in conformity with international law;" (Para. 1)

This principle, as you will note, reaffirms the second principle stated in paragraph (a) of resolution 1721 and, in addition, articulates an important consequence of that principle, namely, that all States have equal rights with regard to space activities.

The principle set forth in paragraph 2 carried forward the simple thesis, that the conduct of States in space does not take place in a legal vacuum but that instead, the activities of States in space should take place in conformity with, and ought to be judged by, the standards of international law and particularly by the Charter of the United Nations.

Paragraph 3 bears out another aspect of resolution 1721. It states that:

"Outer space and celestial bodies are not subject to national appropriation;"

This principle is an amplification of the principle stated in the first paragraph that all States have equal rights to explore outer space and celestial bodies. Thus, it reaffirms the concept that space, like the high seas, is a shared resource, the benefits of which are available for the betterment of all mankind.

The subject of assistance to, and return of, astronauts, is dealt with in the fourth paragraph. This paragraph advances a general legal obligation for all States to render: "all possible assistance to the personnel of space vehicles who may be the subject of accidents or experience conditions of distress, or who may land by reason of accident, distress, or mistake." This paragraph also gives a legal meaning to the humanitarian concern, that astronauts who land in a manner other than was planned, should be safely and promptly returned to the launching authority.

(Mr. Gore, United States)

As the members of this Committee are aware, during the meetings in June of the legal sub-committee of the Outer Space Committee, the United States tabled a draft resolution for adoption by the General Assembly, setting forth in detail the principles and procedures which should be followed concerning assistance and return. The text of that proposal is reproduced, in Part C of Annex III of the report of the Committee on Outer Space. We continue to believe that more detailed consideration of this practical subject is required; detailed study of such proposals will also amplify the principles stated in paragraph 5 concerning the return of space vehicles which have landed by reason of accident, distress, or mistake.

A provision is included in that paragraph indicating that the State whose authorities have found the space vehicle may request, and expect to receive, identifying data of the launching authority.

Paragraph 6 of the draft declaration states what we consider to be an extremely important principle concerning the liability of launching authorities according to which:

"A State or international organization from whose territory or with whose assistance or permission a space vehicle is launched bears international responsibility for the launching, and is internationally liable for personal injury, loss of life, or property damage caused by such vehicle on the earth or in air space;"

The United States believe that there should be an obligation of the part of the launching States to take action as quickly as possible, to ensure that persons on the surface of the earth are compensated for any injury or damage which may result from space activities. Thus, we urged at the Geneva meetings of the Legal Sub-Committee that a small working group should be immediately constituted to draw up the text of a proposed treaty to govern the problem of liability. Our proposal is found in part D of annex III of the report of the Outer Space Committee. We think that the great majority of States share our views as to the urgency of this topic.

(Mr. Gore, United States)

Paragraph 7 enunciates the principle of retention of jurisdiction by launching authorities over its space vehicles and their component parts while these are in outer space. It states, what is in reality a simple proposition, namely, that ownership and property rights are not affected by the entry of a space vehicle into outer space or its return to the surface of the earth.

Let me turn now to the revision of the draft resolution, originally introduced by my delegation, as contained in document A/C.1/L.320/Rev.1. The United States is pleased to co-sponsor this revision together with the other members of the Space Committee and commends it to the favourable consideration of the members of the First Committee. I would like to note that the second and third paragraphs of the preamble and operative paragraph 3 in section A contain the words "activities of States in the exploration and use of outer space ...". The United States supports this phrase with the clear understanding which we believe is shared by all, that it does not contain any suggestion that only States may carry on activities. In particular, my delegation does not interpret the word "States" as implying any restriction upon the future space activities of international organizations.

Sir Patrick Dean said, at our 1291st meeting last Tuesday afternoon, in speaking of the United Kingdom's draft declaration that, for the sake of simplicity: "this draft declaration does not, as at present formulated, make any reference to the exploration and use of outer space by international organizations of which States may be Members."

(A/C.1/PV.1291, page 26, 4 December 1962)

He added that:

"This is not, of course, intended to mean that the principles which, under the draft declaration, would govern the conduct of States would not also apply to such international organizations." (Ibid.)

(Mr. Gore, United States)

In addition there may be corporations, private or semi-private in character, which, in the future, will conduct space activities. The activities conducted by such organizations, must also conform to the rule of law. We adhere to the view that part A of resolution 1721 has application to the activities of international organizations. We also recognize that, in its work, the Outer Space Committee must take their activities into account.

I have but one final point. Members of the Committee will note that in section A of operative paragraph 3 expresses an urgent request to the Outer Space Committee to continue its work on a variety of problems. These problems are listed. They include the further elaboration of basic legal principles, the question of liability, the question of assistance and return, and the question of other legal problems.

I wish to stress that as between these four varieties of problems, no priority has been accorded to any particular one. They are all deemed to be of equal importance and of equal emergency. The order in which they are listed carries with it no implication of any scheme of priorities. I understand that the representative of the Soviet Union is in agreement with what I have just stated in this regard.

For its part, the United States continues to hold the view that the Outer Space Committee can best and most wisely deal, at this early stage, with those practical problems such as liability and rescue, which are of immediate importance to the conduct of space activities. I should like to draw the attention of this Committee to the judicious and eloquent words of Ambassador Seydoux on this point. I might also note that Ambassador Chakravarty, at our 1294th meeting, said that the Outer Space Committee should give priority consideration to liability and rescue.

On the other hand, we recognize that many members feel that the further elaboration of basic legal principles is a task of both importance and urgency. The United States supports this new operative paragraph, which puts that problem on an equal basis with liability, rescue and other legal problems. Indeed, it is the hope of my delegation, that the entirety of draft resolution 320 in its revised form, will commend itself for unanimous support by this Committee and by the General Assembly.

(Mr. Gore, United States)

I need hardly add that it is the opinion of my delegation that no specific action is called for to extend the mandate of United Nations Committee on the Peaceful Uses of Outer Space, a Committee of this Assembly which we hope will long play a constructive role in the task of harmonizing the actions of nations in the attainment of our common ends.

Mr. TCHOBANOV (Bulgaria) (interpreted from French): The serious concern shown by each of us at present is obvious, as well as the obstacles that we confront at every step we make in order to be able to achieve the ends of the Organization, but this cannot hide the pride and joy we feel at observing this truly grandiose conquest of the human mind, namely, over outer space.

To leave behind the earth and not only to travel in the atmosphere around the earth but in addition to leave the earth's atmosphere and travel amongst the celestial bodies is one of the most illuminating and thrilling exploits. However, what is most important is that this is not purely a question of achieving a poetic dream that might increase the pride and the confidence and the trust of the human race in itself but really to achieve such faith that will allow us to make practical use of human activity, in different fields, of what we have already achieved, as well as the unlimited areas open now to scientific investigation and research.

My delegation is honoured to be a member of the Committee of the Peaceful Uses of Outer Space and to have contributed from its modest capacity to the work of that Committee and of the Sub-Committee of the General Assembly in the achievement of international co-operation in the peaceful uses of outer space. So, a mere two years since the first Sputnik was launched, the United Nations has now taken up this problem, and at the fourteenth session of the General Assembly, by resolution 1472 voted on, on 12 December 1959, the Assembly outlined the principles of international co-operation in this field and expressly recommended that what it called the present national rivalries not be extended to this new field.

(Mr. Tchobanov, Bulgaria)

By the same resolution, the Committee on the Peaceful Uses of Outer Space was set up, and you will remember that three years ago the General Assembly especially recommended that a study be made on the legal aspects which might arise in the exploration of the cosmos. At the sixteenth session of the General Assembly last year, as you will recall, the Assembly went even further, and in adopting resolution 1721 (XVI), gave a more precise formulation of a programme of international co-operation in the peaceful uses of outer space, proposing to achieve co-operation in the field of meteorology and of telecommunications. This self-same resolution stressed two very important principles; one, it proclaimed that outer space and celestial bodies can be really explored and used by all States in conformity with international law and that they are not subject to national appropriation; and secondly, the Assembly announced the principle that international law, including the Charter of the United Nations, applies to outer space and celestial bodies.

Thus, these two corner-stones of the edifice of outer space were laid but, in the year that has elapsed, little has been added to these two corner-stones of the edifice. I shall refer to these later on if you will allow me.

In March, the Committee on the Peaceful Uses of Outer Space held its first meeting and in May, it set up the two Sub-Committees.

(Mr. Tchobanov, Bulgaria)

My delegation can only express its gratification at the result of the work achieved by the Scientific and Technical Sub-Committee, especially on the following questions: exchange of information, encouragement of national programs, international equatorial sounding rocket-launching facilities, etc., all of which are of great assistance. The second meeting of the Committee on the Peaceful Uses of Outer Space was able to approve these recommendations of the Scientific and Technical Sub-Committee at the same time as it adopted the views of the WMO and the ITU. That same second session of the Committee, held in September, had, however, to take note of an absolute stalemate in the work of the Legal Sub-Committee that had met in Geneva and was forced to submit to us, purely and simply, the different proposals made in that Committee in its own verbatim records. We must say that the second meeting of the Committee was one in which its members resigned themselves purely to assessing and evaluating the sterility of the work of the Legal Sub-Committee in June of this year.

Without referring to the delegations of the socialist countries, a certain number of non-aligned nations made laudable efforts to try to break the log-jam in the legal aspects of the question, a log-jam created by certain delegations in Geneva, and maintained during the September session of the Committee itself.

On this point, we must stress the efforts made by the delegation of the United Arab Republic and, particularly, in so far as the code that that delegation submitted for international co-operation in the peaceful uses of outer space, going much further forward than resolutions 1472 (XIV) and 1721 (XVI) expected. This code more concretely and more specifically developed the ideas that had been outlined originally in an abstract and general way in resolution 1721 (XVI). The Egyptian draft expressly stressed a very important principle: namely, that the activities of Member States in outer space should be strictly limited to peaceful purposes.

The delegation of Bulgaria feels that that is a fundamental and basic principle, and that the efforts of all men of good will in our Organization should continue until this principle is accepted by all.

(Mr. Tchobanov, Bulgaria)

My delegation also considers that it is not too late to make a final effort to have this principle accepted formally during the present session of the General Assembly. The draft code, submitted by the United Arab Republic in September last, is extremely interesting for other reasons, since it devotes much of its attention, if not all of it, to the principles that must, in the future, guide co-operation among States in the field of exploitation and use of outer space. It also encourages peaceful co-operation and ensures security for astronauts in outer space, assistance in case of accidents, the obligatory return of space vehicles to the State or international organization launching them, encouragement given all countries of the world, including those whose possibilities are limited, to be expressed in outer space, and the use, by States, of the facilities and experience of all international organizations; the voluntary furnishing, by States, of information that they have been able to gather in their experiments; assistance to be given by these States to the United Nations and its affiliated organizations to undertake joint programmes of training and research to promote science and technology in space.

My delegation is, therefore, of the opinion that this draft code, submitted by the United Arab Republic, has played a very important role and has greatly contributed to easing of difficulties at the present session.

I think we could be pleased at the fact that the representative of the United States, in his speech on 3 December, referred to the United Arab code as one that could be termed extremely thoughtful and constructive. He said that this code had created an impression on his delegation. We would like to believe that this favourable effect of the draft code on the American delegation would also have bearing on one of the main points in this code: namely, the principles cited at the beginning-- as I have just stated -- that the activities of Member States in outer space should be confined solely to peaceful uses. My delegation would be very grateful to the American delegation if it would clearly and precisely tell us whether the positive appreciation it has given the United Arab Republic draft code would also include the first paragraph of part one of the code, where it refers to the solely peaceful uses of outer space. This assurance is very necessary to us because certain passages of the

(Mr. Tchobanov, Bulgaria)

statement made on 3 December by Mr. Gore, to which I shall refer in a few minutes, make us fear that there may be a somewhat ambiguous position on the part of the United States delegation on this matter. If the principle stated in paragraph one of the Egyptian draft is accepted by the United States, as it has been by the Soviet Union, then the world will be able to breathe a sigh of relief, because then we will have felt that the important step has been taken so that outer space will not -- and cannot -- become a new arena for the arms race, nor a new source of danger to international peace and security. If this be not the case -- and this is why we need an unequivocal answer to our statement -- then we would have every right to fear and would have to buckle down and realize that the greatest task is still ahead of us: that men of good will all over the world would have to deploy all their efforts in this Assembly, as well as outside these halls, to try, with all the persuasion and persistence, to bring about an agreement on the matter; and we will have to strive unremittingly towards that end until such a principle is made binding upon all nations. This is why we attached such great importance to the question we have addressed to the United States delegation.

My delegation, jointly with fifteen other nations, is co-sponsor of a draft resolution, document A/C.1/L.320/Rev.1, that was distributed today and which was referred to by the representative of the United States in his speech. This is an improved version of draft resolution 320 that was originally submitted at the beginning of our discussions in November by the delegation of the United States, and to which Canada joined its support. In this collective draft resolution, aside from the recommendation that there be co-operation in the development of the laws for outer space, which was included in the United States draft, we also appeal to Member States to co-operate in the preparation and elaboration of principles of law that shall have application to the peaceful uses of outer space. It also requests the Committee on the Peaceful Uses of Outer Space urgently to continue its work on the elaboration of basic legal principles. Thus, we are laying the ground-work for the future activity of the Committee when we suggest that, in the fulfilment of its tasks, it take into account all the documents that have been submitted during the course of last year in the Committee, and during the present session of the General Assembly.

(Mr. Tchobanov, Bulgaria)

Imbued with a sense of co-operation, my delegation has very happily submitted its name as co-sponsor to this draft because we hope, to a certain extent, it will contribute to the advancement of the legal aspect of the work, and that it will be given the importance it warrants.

My delegation also feels in duty bound to state quite frankly what it feels regarding what ought to be done in the near future, both within the Committee on the Peaceful Uses of Outer Space and in the other affiliated bodies of the United Nations to ensure a satisfactory solution being arrived at in the legal field.

(Mr. Tchobanov, Bulgaria)

I think it is useless to stress here again that we consider it absolutely essential that a binding characteristic must be impressed on the rule contained in paragraph 1 of the operative part of the United Arab Republic draft code, namely that the activities of Member States in outer space should be confined solely to the peaceful uses. I said a few seconds ago that the position of the Western delegations, and in particular that of the United States, have at times appeared to us somewhat ambiguous on this matter. On the one hand these delegations -- and I am referring in particular to the United States delegation -- told us on 3 December, as I said before, that from the point of view of the United States outer space must be used solely for peaceful purposes. But later, in the same declaration, Senator Gore said that the United States delegation had been struck by the original and constructive ideas contained in the draft code submitted by the United Arab Republic in the Committee.

First of all, it will be recalled that that principle which I have just read out heads the entire code. Then, further on, that same declaration of 3 December by Senator Gore said things that were somewhat different from those previous comments. It was said that, strictly speaking, it is impossible to make a clear-cut demarcation line between the military uses of outer space or the non-military uses of it. And to support this assertion the United States representative invoked the fact that American astronauts and Soviet astronauts belonged to the armed forces of their respective countries, and he seemed to imply by this that any activities carried out by members of the military forces would be of a military nature even if only partially so, merely because they were members of the armed or military forces.

We do not really believe that this is the case. The activities of a military man may have a military character because he himself is a military man but not because he is a member of the military forces of his country. The representative of the United States, to support his thesis, also invoked the fact that a satellite for navigating outer space could direct a submarine or a plane or a bomber plane. But this is a question that has to be decided upon, namely that from now on satellites will only direct merchant ships and not bomber planes, because a scalpel can serve to operate on a man and save his life, but it can also serve to cut his throat and kill him. Therefore, we should try only to use the scalpel for the first of these purposes and not for the second.

(Mr. Tchobanov, Bulgaria)

I should like to turn to another subject that was dealt with in the above-mentioned declaration by Senator Gore on 3 December. He talked of reconnaissance and he said that reconnaissance from a space craft is not contrary to international law just as it was not contrary to international law when it was carried out on the high seas. This is a peculiar statement at best. We might understand it if the United States delegation were to tell us that in present circumstances the Soviet Union is not going to declare war upon us because we can keep our eyes on it from outer space. That would be clear. But to say that this activity is not a violation of international law and to refer to the case of the high seas seems to us most unconvincing.

To begin with, it might be useful to remember that the unauthorized gathering of information which a satellite may consider to be a military secret is in the eyes of all States a crime punishable by law. This is the crime of espionage which is punishable anywhere either by a prison sentence or by death. In the United States as well as elsewhere espionage is punishable with great severity. And if one doubts this, one can consult the different paragraphs of chapter 37 of the United States code which is devoted to espionage. I have already cited extracts from this text at different meetings of the Committee and I will save the Committee from another reading at this time which would be somewhat boring and tiring for the members.

But if a State carries out activities against another State which are considered a crime in the second State, surely these activities are contrary to international law and it matters little where that activity is carried out, whether it is on the high seas, or above the State, or in the State itself. Now we can be told that this is in principle a crime but a crime is not a crime if one commits it on the high seas or in outer space. Why then is this the case? How can one argue thus? Does the United States representative imagine, for example, that a murderer can take a yacht, set up artillery pieces with sufficient range, and then finding himself on the high seas shoot at the nearest coasts and kill anybody? Would he then be guiltless? I doubt it. Or does the representative of the United States feel that that same individual, in the same circumstances, could shoot incendiary bombs to terra firma and cause fires, burning up crops and buildings. Would the United States acquit an individual

(Mr. Tchobanov, Bulgaria)

of this kind if he were then captured, and say that he is innocent because when he shot these projectiles he was on the high seas and outside of our territorial waters?

Therefore, if he is able to shoot from outer space and burn crops and houses, and murder people, would Senator Gore assure us that this man, standing in an American court, would be found guiltless and acquitted? I doubt it. I am already sure that these persons, in the United States and elsewhere, would be judged, sentenced and punished as common murderers, arsonists, or whatever you like, whether or not they had shot these bullets or incendiary bombs from outer space or from the high seas. Why is this espionage from the high seas or from outer space not to be considered espionage any more? Why is it not to be considered a crime?

The Committee will note that article 795 of the United States code, which refers to the photographing of military objectives, makes no distinction with regard to where the camera is. Therefore, according to the United States law itself, to photograph military objectives is a crime punishable by law, and it is thus very difficult to understand how the United States representative has been able to outline the idea that one can commit a crime with impunity simply because one is either on the high seas or in outer space when he commits it. I must say that that idea does not have a leg to stand on, at least not a legal leg to stand on.

I apologize for having gone into such digression and in such shocking detail. I may have surprised some of my colleagues, but we are talking about the future work of the Committee on the Peaceful Uses of Outer Space and the future preparation of the principles of the law of outer space, and therefore we have to make our point clear. I have only tried to make my modest contribution towards avoiding the question of outer space becoming part of the arms race.

The CHAIRMAN: I should like to inform the Committee that the delegations of Chad, France and the United Kingdom have now become co-sponsors of the draft resolution contained in document A/C.1/L.320/Rev.1.

Mr. SILOS (Brazil): The Brazilian delegation is actually quite pleased that it did not take the floor at an earlier stage of our debates. The recent developments which have occurred since this Committee began consideration of the report submitted by the Committee on the Peaceful Uses of Outer Space have awakened new hope in us and, to some extent, overshadowed the frustrating consequences of the deadlock on legal questions which hampered the work of the Committee on Outer Space.

I believe that the General Assembly is not the proper forum for the discussion of the technical and legal matters concerning the exploration of outer space, but I would like to comment briefly on some aspects of the report submitted to us.

During the meeting of the Legal Sub-Committee held in Geneva, my delegation supported the drafting of a declaration of principles which would preside over the exploration of outer space. Unfortunately, the Legal Sub-Committee could not come to agreement on this matter. But we still believe that it would be advisable for the Sub-Committee on Outer Space to start approaching this question as soon as possible. As the Brazilian delegation stated then, one should bear in mind two categories of legal topics in connexion with the exploration of outer space. The first has to do, for instance, with the provisions relating to the assistance to and return of space vehicles and personnel and the regulation of liability for space vehicle accidents. These practical topics do not refer specifically to outer space alone. They only derive from outer space exploration and could be dealt with under international law -- earthly international law. Already existing treaties and conventions may apply or be somehow extended to those issues. In the second category we would place the general principles which would govern the actual penetration of man and space vehicles into outer space itself. In its resolution 1721, the General Assembly set up two legal principles for the use of outer space: first, international law, including the United Nations Charter, applies to outer space and celestial bodies; and secondly, outer space and celestial bodies are free for exploration and use by all States in conformity with

(Mr. Silos, Brazil)

international law and are not subject to national appropriation. I am afraid that those two principles would not suffice to assure the orderly and peaceful exploration of outer space. In the first place, they do not include the idea contained in the second preambular paragraph of that resolution which reads:

"Believing that the exploration and use of outer space should be only for the betterment of mankind and to the benefit of States, irrespective of their economic or scientific development".

This principle, in our view, should be one of the paramount points in any declaration of general principles.

Another would be the supervision by the United Nations of the broadcasting of radio and television programmes through satellites. But I shall deal with this point later on.

The Brazilian delegation has some reservations concerning the automatic extension of international law and of the United Nations Charter to outer space. This point has been raised by other delegations in previous meetings of the Committee on the Peaceful Uses of Outer Space. In our view, the principles stated in resolution 1721 should constitute only an initial stage to be followed by limitations to the sovereign rights of States in this matter. Just to give an example of the doubts relating to the extension of international law to outer space, one could mention the conflicting views expressed in this Committee on the legitimacy of military observations through satellites. We think, on the other hand, that not all the Articles of the United Nations Charter could be automatically extended to outer space. The United Nations Charter, which embodies most of the highest ideals of humanity, is a political instrument which necessarily reflects the problems existing in the world when it was drafted. But the Charter was drafted before the nuclear and space ages. There is nothing in the Charter, for instance, which forbids the use of outer space for military purposes or which prohibits the carrying out of thermonuclear tests in that environment. On the contrary, Article 51, which allows Member countries to take measures of individual or collective self-defense in case of armed attack, could be invoked to justify the use of outer space for military purposes.

The Brazilian delegation is opposed to such uses and to the carrying out of thermonuclear tests in outer space. This is the stand taken by us at both

(Mr. Silos, Brazil)

the Eighteen-Nation Disarmament Conference in Geneva and in the current session of the United Nations General Assembly. We recognize, however, that the first question at least is closely connected with the wider problem of disarmament. And we believe that there are many positive points which could constitute a basis for discussions in the Soviet draft declaration of general principles, in the British draft declaration of principles circulated in our Committee a few days ago, as well as in the draft code of space presented by the United Arab Republic. I say the same about the United States draft which has been circulated this very morning.

The Technical Sub-Committee took many decisions of paramount importance, and I would like to comment upon some of them. I would like to stress, for instance, the importance of the decision regarding the setting-up of international equatorial sounding rocket launching facilities under the aegis of the United Nations.

By having access to those installations, countries, which as a consequence of economic or technological reasons, or as a consequence of their geographical position, have not yet started the exploration of outer space would be enabled to do so through international co-operation. In the case of the installation of such facilities on Brazilian soil, the Brazilian Government would maintain its sovereignty and jurisdiction over such facilities and would need the technical and financial co-operation of the most developed countries for their construction and equipment. The Brazilian Government, on the other hand, would give its fullest support to the carrying-out of programmes internationally agreed upon and of common interest.

The Scientific and Technical Sub-Committee took two other decisions in which my delegation is particularly interested. The first refers to the study of several programmes and suggestions submitted by the International Telecommunication Union regarding the use on a world-wide basis of telecommunications by means of satellites. On several occasions the Brazilian delegation raised the issue of the supervision by the United Nations of the broadcasting of radio and television programmes by means of satellites. The idea submitted by the Brazilian delegation was listed as one of the topics which the Legal Sub-Committee will consider. In the opinion of my delegation, the misuse of the broadcasting and transmission of radio and television programmes on a world-wide basis by means of satellites

(Mr. Silos, Brazil)

might endanger the cause of peace and widen the gap of misunderstanding among nations. Our concern becomes even sharper when we see private enterprises entering this field for commercial purposes. It is very well known, and I am not going to elaborate on this point, that conventional media of communications of some highly developed nations reporting on conditions, facts and policies of foreign countries have in many cases built up an entirely wrong image of under-developed countries. This has been happening for many decades in newspapers, international news agencies, radio and television programmes. The Brazilian delegation fears that satellite communications without the supervision of the United Nations could lead not only to the violation of the principles embodied in resolution 1721 (XVI), according to which the benefits derived from the exploration of outer space would extend to all countries, regardless of their stage of economic or technological development, but also to the violation of the principles and aims of the United Nations Charter. Radio and television transmissions through satellites should exclude war propaganda, propaganda of class struggle, discrimination based on race and religion and any material which could be offensive to another nation. In our opinion, the United Nations should enter this field and -- by utilizing UNESCO, for instance -- carry out massive cultural and educational programmes which would benefit all countries, particularly the under-developed ones.

(Mr. Silos, Brazil)

The Brazilian delegation was also particularly pleased with the recommendations submitted by the Technical Sub-Committee regarding the recommendations addressed to Member States and to the Specialized Agencies in connexion with the improvement of the world system of distribution of meteorological information. These recommendations pave the way to the not-too-distant possibility of the observation, transmission and interpretation of meteorological data through satellites. The Brazilian delegation has already emphasized at one of the meetings of the Committee on the Peaceful Uses of Outer Space the tremendous importance of this achievement, having in mind that the scientific data collected by satellites would open up new vistas for the improvement of weather forecasting, chiefly in the tropical areas. It is not difficult to image the far-reaching consequences which this would have on the economic development of those areas.

The Brazilian delegation warmly supports the recommendations contained in chapter VI of the "First Report on the Advancement of Atmospheric Sciences and their Applications in the light of the Developments in Outer Space". The report, referring to the measures which should be taken to establish co-operation on a world-wide basis, stresses the necessity of improving the present network of classic meteorological observations in the regions in which they are scarce or entirely nonexistent. My country -- like, I assume, many countries represented around this table -- is deeply interested in this particular point. The Meteorological Department of the Brazilian Ministry of Agriculture has already expressed its interest in the improvement of meteorological observations in the tropical areas of Brazil.

I have only one further remark to make. On behalf of my delegation, I am happy to state that in our view the agreement reached by the representatives of the United States and of the Soviet Union on co-operation in the peaceful uses of outer space might pave the way for better understanding between the two great Powers. For a long time it has been our view that, by searching for a peaceful and orderly conquest of outer space, by mastering its wonders and channelling to all nations the benefits of its exploration, the two great Powers could perhaps find a shortcut on the road leading to the solution of their earthly problems. It has been our opinion that it would be foolish in an age fraught with

(Mr. Silos, Brazil)

tremendous dangers to extend to outer space the fears, rivalries and hatreds of our planet. We are convinced that partnership and co-operation in such a marvelous endeavour will give new shape to the mind of man because it will bring him closer to the mysteries of life and of the universe.

In the light of these observations, the Brazilian delegation will support the revised sixteen-Power draft resolution (A/C.1/L.320/Rev.1).

Mr. MALALASEKERA (Ceylon): I would begin by saying that my country, Ceylon, makes no claim to any acquisitions on this new science of outer space. Nevertheless, we are fully aware of the place of the small and developing nations in the new vistas which are opening before us -- vistas which are, in fact, ushering in a new age. It is an age in which man will explore the universe -- first, in order to learn more about his own planet and, second, in order to seek out possible contact with other living things, and possibly other living beings.

Looking back into history, we can see that the flight of the human mind into the vast beyond has already taken place in ancient times; this constitutes one of the richest chapters in man's moral and spiritual history. I refer to man's desperate and brilliant quest for divine guidance which gave us the world's great religions. Our mythologies are the records in which man's gods have enacted their great dramas. In these dramas the gods not only revealed themselves to us, but also revealed the great moral laws by which they wished to govern us. Some of these dramas are inscribed in the great temples which are the pride and the wonder of my beautiful country, and I am sure that they are also to be found in the temples of the countries of many of my colleagues here.

When man sought to delve into the inner space of his mind and his soul, he always looked outwardly to the stars, and he always returned with two precious things. He found that our universe and the many universes beyond are a very orderly organization. And he always came back with a law, in Hebrew or in Arabic, in Latin or in the tongues of India and China. He always returned from his mental thrust into the unlimited with a concept of law and order.

(Mr. Malalasekera, Ceylon)

From then on he developed a contempt for and a dread of chaos and dedicated himself to the worship of organization. That is why we in this United Nations are seeking to organize the world against the chaos of war, against the confusion of an archaic economy, against the dearth of international law.

For that reason my delegation will take its position on the side of those who, disappointed with the negative achievements of the Legal Sub-Committee, feel that the science of outer space without law would be chaos. The greatest discovery of science is the mathematically precise nature of the organized universe, and for that same science, while speaking of the laws of nature, to temporize on the formulation of international law in space would, in our opinion, be a grotesque paradox.

Of course, we understand the apprehensions of States which fear to commit themselves to finalized juridical concepts in an area where our knowledge is still so meagre. In effect they ask this question: What will be the effect on our national rights if we now accept this or that kind of ruling? It is natural for powerful States to wish to reserve their positions when the road ahead is not too clear. The assumption here seems to be that international law is already final, or can become final at some time in the future. The first law which characterizes the progress of law is that it is fluid, dynamic and ever-changing, and certainly it must be so in a changing society. No jurist will acquiesce in the thesis that there should be no law at all unless we can have it final and perfect.

Right here, under this very roof and as part of this Assembly, the Sixth Committee has been debating for weeks on the urgency of developing international law in the light of the great changes taking place in the relationship of States. There, too, the debate has centred largely on the group of States which moves cautiously and the group which moves boldly to give greater scope to the Charter and more accurate expression to the rise of new States. That long and interesting debate has stressed the necessity of revitalizing the principles of the Charter and of establishing friendly relations among States because of the animosities, the fears and the threats spawned by a nuclear science, in a world with insufficient law to deal with its terrible consequences.

(Mr. Malalasekera, Ceylon)

I might add that the same States, confronted with such a revolutionary change in the world as complete and general disarmament, were the first to warn us that such a world without the prior establishment of a new concept of international law might be more dangerous to live in than a world armed to the teeth. Let us recall that in the realm of armaments the tragic threat which now hangs over humanity is the development of a nuclear science far beyond a concomitant development in international law.

If we examine the situation before us with regard to outer space, we see a similar threat. The year 1962 has been a year of tremendous progress in the field of outer space. This has been the year when the United States astronauts, Scott Carpenter and Walter Schirra, followed by Soviet astronauts, Pavel Popovich and Andrian Nikolayev, made orbital flights. These flights have demonstrated the ability of man to navigate in space at great speeds and in ships which are plausible models of the ones that will eventually fly to the planets. It has also been the year in which Soviet Major Titov met the American Major Glenn and discovered a fellowship which might well be emulated by others elsewhere.

In May of this year, COSPAR held its third international science symposium in Washington, in which scientists from many lands revealed how far the science has already progressed. Other aspects of the spaceman were discussed in a UNESCO conference in Paris only a month ago. Hundreds of scientists around the world are daily working on every aspect of this new science. Their researches undoubtedly will have a great impact on the progress of medicine, on the development of new materials and on new industrial usages affecting the major problems of the developing countries from health to industrialization, and, through discoveries on the weather, on their agriculture.

In contrast to this progress, we have even less law than there is in the almost lawless field of the nuclear arms race. Here we have the repetition of the pattern of all science and no law. And we should ponder deeply on this before we permit the consequences of outer space to run out of control, as happened in nuclear science with its almost uncontrollable armaments race.

(Mr. Malalasekera, Ceylon)

It is a fact, a deplorable fact, that this galloping science cannot stand still while the law drags. For this reason, it would appear to my delegation to be all the more urgent that we at least adopt a minimum, basic set of general principles sufficient to guarantee that the auspicious beginning of the co-operation between the two big Powers continues to advance without a break.

On this point, my delegation sees no disagreement on the need for some basic rules. We have the draft declaration of the United Kingdom, the draft declaration of the Soviet Union, and the draft declaration of the United Arab Republic. They have many points in common. I will not attempt to analyse them point by point, but at least this much is clear, there are no great clashes in their various provisions. My delegation sees most merit in the draft code of the United Arab Republic, which bases itself more firmly on the principles of the Charter. Like the Soviet draft, it stresses the primary principle that the area of outer space should be free from military implications. It differs from the Soviet draft in avoiding certain controversial phrasing which, upon re-examination, might well be dispensed with. For example, there is the prohibition of the use of outer space for propagating war and hostile propaganda. Such propaganda should, of course, be prohibited, but my delegation cannot imagine that, for example, the world communications system in which the two Powers are prepared to co-operate would ever be so misused. Propaganda for war stands condemned by a world public opinion far broader than any written formulation can make it.

The United Arab Republic draft incorporates these fundamentals which have become first principles in the years of discussion in this Assembly, particularly article I of the operative part, which confines the activities of States in outer space solely to peaceful uses.

On this point, my delegation cannot agree that the demilitarization of space should be linked with the disarmament issue. To do this would be to transfer the problem from the impossible to the unknowable. We cannot agree with the statement made by Senator Gore, of the United States, that the question of military activities in space cannot be divorced from the question of military activities on earth, and that there is no workable dividing line between military and non-military uses of space. Nor can we agree with the similar thesis stated by Soviet Academician Korovin, who quoted Premier Khrushchev to the effect that co-operative use of space

(Mr. Malalasekera, Ceylon)

would be impossible without a prior disarmament accord. The United States would, however, appear to offer a tacit truce on the military invasions of space. But this still leaves a loophole which might be closed by incorporating the offer as a protocol to a declaration of principles or in a multilateral, non-aggression, non-military pact with the authority of the Security Council of the United Nations.

My delegation is happy to note that the spirit of co-operation which began with the exchange of letters in March between the two Heads of State of the United States and the Soviet Union has been fulfilled to a greater extent than any similar co-operation between them except in the field of cultural exchange. The culmination of this co-operation in the new Agreement on Scientific Co-operation should be a source of joy to all of us, especially in this auspicious hour of a general detente between the two Powers. If this co-operation moves forward under the brilliant programmes set before this Committee by the International Telecommunication Union, the World Meteorological Organization and UNESCO covering the fields of improved weather forecasting and the world's first truly international world communications system, a great forward step will have been made in the direction of a growing peaceful collaboration between East and West.

But all this will not be secure so long as we permit the military virus to lodge in this body of co-operation. Like any other virus, it will strike at the point of lowest resistance in the unpredictable gyrations of the cold war. This Assembly must, therefore, not permit even the remotest possibility that the arms race will be carried into the planets.

If the slightest loophole is permitted for the conversion of outer space activities to military uses, the tracking stations which the United States and the Soviet Union now enjoy in about fifty countries between them would become military appendages with the first use of a satellite or ship for a military diversion. Thus it would be possible for an innocent nation to become, in a matter of hours, an unwilling accomplice in a military plot. Obviously this is an impossible situation. It would, therefore, be advisable for these nations at once to specify that their tracking station privileges would be nullified if and when they became part of a military project. The inclusion of such a provision in bases for outer space, that they are to be used for peaceful purposes only, might therefore be the most effective way to scotch at once the idea that the world of peaceful science could become overnight the world of a Wellsian nightmare.

(Mr. Malalasekera, Ceylon)

Permit me to say a word about the non-space nations, like ourselves. We are asked to participate in a number of scientific and highly-specialized conferences within the framework of the most technical specialized agencies. It is no secret that most of the small and new nations do not have the technicians to take effective part in such conferences. As implied in the brilliant presentation by our colleague, the representative of Peru, Mr. Belaunde, there is nothing so international as outer space, which transcends the sovereign jurisdictions of States. It would appear, however, that the whole science is already fragmented into too many international organs. To remedy this, Mr. Belaunde has suggested an executive committee. Perhaps, at the rate at which this new science is moving -- and it is already becoming as complicated as its nuclear forbear -- it may be advisable eventually to establish a specialized agency for outer space, just as we had to create a specialized agency: the International Atomic Energy Agency.

Pending this, the appropriate agencies, if I may say so, are doing a splendid job, and my delegation wishes to express its highest admiration for the manner in which they have risen to the precipitous demands on their knowledge and organization. But it might be more helpful to the non-space nations if the activities of these agencies were harmonized under a co-ordinating committee such as we now have in the field of Technical Assistance under the Economic and Social Council.

In conclusion, my delegation feels that the United Nations may find its ultimate destiny and its quest for peace and co-operation among nations under this great umbrella which we call outer space. This thrust by which Man seeks to lift himself to the stars can become a profound moral and spiritual evolution in Man's progress to mutual co-operation. But, we shall certainly miss our opportunity if we think of it only as a stunt-ride to the dead worlds of cold, forbidding stars.

It will not be long before valiant astronauts will scar to the moon, then to Mars and perhaps to Venus. The courses to these are already amply plotted. We yet know little about the possibility of life on those planets. Scientists now believe that in the Milky Way alone there may be millions of planets upon which some sort of life exists. This year, in a speech at the World's Fair in

(Mr. Malalasekera, Ceylon)

Seattle, at which I had the great pleasure to attend, the United States Secretary of State, Mr. Dean Rusk, cited the great American scientist, Dr. Willard Libby, to the effect that there is a 95 per cent probability of finding some sort of life on Mars. And where there is life there are many evolutionary possibilities.

Thus, the discovery of living beings like ourselves -- who knows? -- on some other planet in the next century cannot be ruled out. How are we to greet such a race -- as men of war, just as we now imagine the inhabitants of Mars to be ... or as messengers of peace and co-operation among the planets?

I listened with great interest to the statement made this morning by the representative of the United States. In the statement of our own delegation we did not preoccupy ourselves with any concrete proposals for such matters as an agreement on specified topics, as for example, liability for space vehicles. Nor did we touch upon, in detail, the brilliant plans put before us by ITU, WMO and UNESCO. We sincerely hope that the United States initiative for a revised resolution will open up an opportunity for an agreed resolution in which the big Powers as well as the small Powers can join unanimously. We are convinced, however, that if the plans for scientific and legal co-operation are not to be jeopardized, at some point it will be necessary to establish broad principles or laws to assure that such co-operation will move on a sound and lasting basis.

Finally, my delegation would like to see the United Nations become the supreme moral force in this outer space issue. We would like to see a commitment that all space ships moving to other planets should plant on them, along with their national flags, the flag of the United Nations -- the flag of peace and co-operation. It colour, we feel, is certainly the most appropriate.

Mr. MCROZOV (Union of Soviet Socialist Republics) (interpretation from Russian): I want to say a few words in connexion with the draft resolution presented to the Committee in document A/C.1/L.320/Rev.1.

We, the Soviet delegation, have had an opportunity of giving our views in detail during these discussions. We had occasion to stress our concern at the fact that there is a threat of a gap between the solution of the legal aspects of the problem of the peaceful uses of outer space between States, and the technical problems raised by such co-operation. We stressed that between these

(Mr. Morozov, USSR)

two aspects of the activities of States, there was an indissoluble organic link, and that one cannot defer forever the solution of the important legal problems governing the activities and relations of States in the field of the peaceful uses of outer space. And we were concerned to see that in the original draft resolution presented by the delegation of the United States, and later joined by Canada, no mention was made of the need to devote some attention to that important aspect of international co-operation in the field of outer space.

In this connexion we prepared and presented unofficially to several delegations our draft amendments to this draft resolution during intensive conversations in the last four or five days. We must state with satisfaction that we succeeded in convincing many delegations, including that of the United States, of the need to accept these amendments. The result of this is the successful step forward which many delegations in this Committee took, and this enabled us to present the joint draft resolution which has now been submitted to the Committee.

Secondly, the main idea of this draft resolution -- if one leaves aside some technical matters on which we had no disagreements, since, I repeat, recommendations of the Technical Sub-Committee in Geneva, and then the United Nations Committee on the Peaceful Uses of Outer Space in September, were agreed upon in the main -- is the fact that attention should be paid in the further work of the Outer Space Committee to working out legal principles governing the activities of States in outer space.

(Mr. Morozov, USSR)

This is why we came to an agreement during these negotiations so that the Committee on Outer Space should receive all documents presented up to now, beginning with the declaration on the main principles governing the activities of States in the exploration and use of outer space, submitted by the Soviet Union, the draft agreement on the assistance to and return of astronauts and space vehicles, and other documents which were mentioned during the debate and presented by the United Arab Republic, the United Kingdom and the United States.

Referring to the brief description of these documents, especially the last one presented by the United States in this Committee, we must say that the Committee on Outer Space is seized with the very important task of studying all these important documents, which must serve as a basis for the work of the Legal Sub-Committee, and in connexion with which the Committee must submit recommendations on this subject to the next session of the Assembly.

We must say in advance that these drafts have much in common, and this argues well for the successful work of the Committee if, of course, there is goodwill on the part of the participants in the negotiations regarding the search for mutually acceptable solutions. At the same time, I must point out that there are important divergencies which have not as yet been overcome, and this also must be an important part of the work of the Committee on Outer Space.

In the documents presented by the Soviet Union it is stressed quite clearly that international co-operation in the matter of outer space presupposes that it is intolerable to undertake any activities which might be considered as prejudicial to the peaceful uses of outer space on the part of all States. I think that it does not behove me now to comment on the draft resolution co-sponsored by the Soviet Union and to describe it in detail. Nevertheless, if we take note of what still separates us -- and this is what the Committee on Outer Space should work on -- it is the problem of the elaboration of principles of international law whose adoption would preclude the possibility of creating in outer space obstacles to successful scientific co-operation of States with regard to outer space.

(Mr. Morozov, USSR)

In this connexion we must say that, without excluding the need to study the details of the various legal problems concerning international co-operation in outer space, we must stress categorically the positive fact that in the third operative paragraph of the draft resolution the Committee on the Peaceful Uses of Outer Space is invited to continue urgently its work on the further elaboration of basic legal principles governing the activities of States in the exploration and use of outer space and on liability for space vehicle accidents and on assistance to and return of astronauts and space vehicles and on other legal problems. I think that that paragraph, read together with the preamble, which stresses that the activities of States in the exploration and use of outer space should be carried out in conformity with international law, including the Charter of the United Nations, in the interest of friendly relations among nations, if these two recommendations are adopted, the Committee on Outer Space will have the necessary political directives from the General Assembly which will enable it to discharge its duties successfully.

These are the brief remarks which I wished to make as one of the co-sponsors of draft resolution A/C.1/L.320/Rev.1.

Mr. BUDO (Albania) (interpretation from French): The outstanding successes in the field of outer space which, since the launching of the first artificial satellite in October 1957, have followed each other without interruption and with impressive celerity have opened marvellous perspectives for the conquest of space and for the development of universal science in the interests of all humanity and of the amelioration of the material and cultural standards of living of man.

The success of science and techniques, including the progress in the field of outer space, can, however, be utilized in the interests of man depending on the application of discoveries through the genius of man in outer space, and particularly depending on the efforts which are deployed by peace-loving States with a view of trying to prevent certain Western Powers from using such progress for their own political aims and for the maintenance of positions of force and of preparation for a nuclear war.

(Mr. Budo, Albania)

The report submitted by the Committee on the Peaceful Uses of Outer Space and all the documentation of the work of the Committee and its two Sub-Committees -- Scientific and Legal -- give testimony of the importance of this problem and of the urgent task confronting the United Nations in order to ensure that outer space is not explored and utilized except for the benefit of all peoples of the earth.

Although an appreciable result has been obtained by the Committee on Outer Space in the preparation of recommendations concerning international co-operation on many aspects of the exploration and peaceful use of outer space, such as the exchange of information, programmes for the International Year of the Quiet Sun and the study of the world magnetic field, space telecommunications and meteorological satellites and other programmes, the situation is quite different as far as the legal aspects of the matter are concerned. The work of the Legal Sub-Committee at Geneva, as well as in the full Committee, have not achieved any results; on the contrary, they have reached an impasse.

The vast development in space activities and the speed with which most fascinating progress has been achieved in outer space, urgently raise the need to set up certain rules of conduct to be followed by States in the exercise of these activities and in order to determine the fundamental principles whereby these rules will become obligatory. This responds to the necessity of the rational exploration and utilization of space, conforming to the interest of all nations, and stresses the necessity of international co-operation, which is so important in this field, as well as the safeguarding of peace on our planet. International collaboration in the field of outer space and the legal norms which must regulate space activities are two indissoluble aspects of the same problem of the utilization of outer space for peaceful ends.

(Mr. Budo, Albania)

The discoveries and conquests of science and technology, including the achievements already recorded in outer space, are the result of the work of experts, scientists and technicians. They must serve the same lofty aims that inspired these men in their prodigious tasks; they must be considered as the common heritage of all peoples and used for the general welfare and progress of mankind. Under no circumstances must they be allowed to be used, as the United States Government is trying to use them, for purposes of intimidating peace-loving peoples, destroying their freedom and making plans for nuclear warfare.

If the work of the Committee on Outer Space has made no progress on the question of the legal aspects involved in the matter, this has been due to the obstinately negative attitude of the United States which, by using various subterfuges, has tried to prevent settlement of the legal problems involved in the peaceful uses of outer space. This position of the United States was also confirmed by the statement made here in this Committee on 3 December last by its representative, who tried to justify, by completely baseless and inadmissible theories, the use of outer space for military espionage to be carried out against sovereign States. He quite clearly told us that his Government does not intend to stop using outer space for military purposes, under the pretext that there is as yet no settlement of the problem of disarmament. Of course there is nothing new in the use of such subterfuges. They represent the same type of vicious circle whereby they sabotage all constructive solutions of various problems by subordinating the settlement of one question to the settlement of another. What is interesting, however, in all this, if one can use those words, is the flagrant character of the aggressive claims of the United States Government. They openly claim right to use outer space for acts of espionage directed against independent and sovereign States and make not the least effort to camouflage their position as they do in the case of the problem of a nuclear test ban, where they make regulation conditional upon the granting to them of permission to carry out espionage on the territories of the socialist countries and other peace-loving States.

To sum up, it appears clear that the United States does not seem to be interested in settling the real problems of activities in space. It certainly does not wish to bring order into the exploration and utilization of outer space in keeping with the higher interests of mankind as a whole; on the contrary, it wishes to keep its hand free to continue its strategy of war and world domination.

(Mr. Budo, Albania)

We do not intend to go into any prolonged discussion of this matter, but we cannot fail to draw the attention of the United Nations to the seriousness of such an attitude, so fraught with consequences for international peace. Very recent events should serve as a warning to us, and our Organization should make every effort to see that the utilization of outer space is for peaceful purposes.

In our opinion, the fundamental principles enunciated in part A of resolution 1721 (XVI) of the General Assembly must serve as the guiding-line in the work of preparing legal instruments applicable to outer space and the celestial bodies.

Paragraph 1, part A of resolution 1721 (XVI) states that

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

The universally recognized principles of international law and those of the Charter itself must, then, be the basis for space law. It is obvious that these principles cannot be applied mechanically to the field of outer space. They must be adapted to the specific conditions involved, and it is of importance in this regard to bear in mind, first and foremost, the guiding principle in this matter, that is, that space, which by its very nature affects the interests of all States, must be studied and utilized solely for the benefit and welfare of all peoples.

It is therefore imperative and urgent, at the present state of the development of outer-space activities, that we define and round out the general principles contained in resolution 1721 (XVI) and establish in an appropriate international instrument that will be binding on all parties, the essential principles that must regulate space activities and the relations among States in this domain, all this to be done as thoroughly as is possible in the light of present information and experience already acquired in the exploration and utilization of outer space.

The delegation of the People's Republic of Albania feels that the draft declaration of the Soviet Union appearing in Annex 3 of the report of the Committee on the Peaceful Uses of Outer Space contains the fundamental principles which must constitute the set of laws applicable to outer space and the celestial bodies. In our opinion, it meets the needs of the moment for resolving the principal present problems arising from the exploration and utilization of outer space. The adoption of such a declaration would encourage international co-operation in this field in accordance with the interests of all peoples.

(Mr. Budo, Albania)

Along this same line of thinking, we welcome the draft agreement submitted by the Soviet Union relating to the rescue of cosmonauts and space-ships, and we are ready to study the other drafts contained in annex III of document A/5181, submitted by the Committee on the Peaceful Uses of Outer Space.

Unlimited possibilities are opened up to mankind by the grandiose achievements already carried out in outer space. It depends only on whether or not these activities are directed to peaceful ends, that these wonderful successes of the genius of man may be placed as fully as possible at the service of all peoples. Outer space by its very nature belongs to all humanity. It is incumbent upon our Organization to do everything in its power to see that outer space is used only for the benefit and in the interests of all nations.

The delegation of Albania, in accordance with the policies steadfastly pursued by its Government, policies of peace and international co-operation, will support every constructive proposal aimed at encouraging the exploration and utilization of outer space for peaceful ends, and at furthering international co-operation in this very important field.

Mr. FORTHOUME (Belgium) (interpretation from French): The work of the seventeenth session of the General Assembly is approaching its end and my delegation has no desire to prolong our discussions. But as a member of the Committee on the Peaceful Uses of Outer Space, we deem it proper to state briefly the views of the Belgian Government on the question now under discussion in this Committee.

I have already had occasion to give some indications on Belgium's contribution to the exploration of space. I shall therefore limit myself to recalling that as far as basic pure research is concerned, Belgium now has two study groups working, the one well known for its work in astrophysics, the other concentrating its attention on the theoretical and experimental problems of aerology. Their work has led to very interesting results, especially in the creation of terrestrial atmospheric models, helium belts, etc.. Furthermore, in Belgian universities research is being carried out in the fields of space medicine, generalized relativity and cosmic rays.

As far as specific fundamental research is concerned, there are likewise two groups. The first is investigating problems of the construction of space engines and their external ballistics, while the second is devoting its time to theoretical and experimental studies in the field of new techniques and means in propulsion.

(Mr. Forthomme, Belgium)

In the international field, Belgium, together with several European nations, is a member of two international organizations, both bodies dealing with space matters.

Other speakers have already told this Committee about the objectives of ELDO and ESRO. I would like to note that the European Space Research Organization hopes to undertake about 500 space experiments which will begin next year with the launching of sounding rockets.

On the other hand, ELDO is giving its attention to the working out and building of launching facilities for space engines and their practical utilization. I should like to mention Article 2 of the convention creating this organization:

"that the activity of the organization will only deal with the peaceful uses of this launching equipment."

I believe it necessary to sketch as briefly as possible the efforts being made by my country in the space field on the national and the European level. Indeed, the use on a world level of principles and objectives of national activities shows the main lines along which, my Government thinks, organization should follow: policies of international co-operation in the field of the peaceful uses of outer space. The United Nations in general, and the Outer Space Committee in particular, should devote their attention to the fundamental principles of international co-operation towards the commonweal of the world community which they must serve. This is a commonplace, but it is good to recall it in order to avoid all doubt.

Resolution 1721, adopted by the preceding Assembly, already stressed that the United Nations should be a centre of international co-operation in the space field. The task entrusted to our Organization must especially deal with the orientation of efforts on the international level. This task was entrusted by the General Assembly to the Committee on the Peaceful Uses of Outer Space who, under the remarkable Chairmanship of Mr. Matsch, have already laid down the first foundations for space policy.

On the other hand, co-ordination must be exercised in two fields, scientific and legal. In other words, the role of our Organization is to

(Mr. Forthomme, Belgium)

promote space research and to recommend national programmes, especially those that might advance scientific knowledge of the atmosphere and thus include meteorological forecasting; to intensify space uses, which will give rise to new methods of teaching and new techniques of gathering information. In this connexion my delegation would like to congratulate the representatives of the Specialized agencies for their constructive and realistic reports containing most concrete suggestions. In the legal field, the Special Committee on Outer Space must work out the legal principles which would bind States or bodies taking initiative in the field of outer space. This is a completely new field, requiring a solid legal structure which must be just as operative as that governing terrestrial or maritime relations.

Concerning the work of the Scientific and Legal Sub-Committee, created by the Outer Space Committee in March of this year, my delegation is happy to see that its recommendations were supported by the overwhelming majority of Member States of the Outer Space Committee. Proposals and suggestions were made by experts enable developing countries, in particular, to participate in the study and use of outer space. In this connexion, the idea of creating launching facilities for sounding rockets in the interests of the United Nations in the equatorial area should be stressed. This shows how realistic scientists were in studying this problem.

In this connexion, my delegation would like to draw the attention of the Committee to paragraph 20 of the Report of the Committee on the Peaceful Uses of Outer Space, A/5181.

"The Committee:

- (i) Recognizes the essential need of nations wishing to take part in international co-operative programmes of space research, exploration or use, for scientific and technological assistance, and for additional education and training, both broad and specialized, in science and technology;
- (ii) Recommends, as one way of achieving this, that support be given to the efforts of UNESCO to assist Member States (within the limits of resources available to UNESCO) in the training of scientists and technicians through fellowships at leading observatories and institutions,".

(Mr. Forthomme, Belgium)

This question is doubly important. It will enable countries that do not yet possess sufficient personnel to increase their personnel in number and quality. On the other hand, even countries that are ahead in the conquest of space suffer from a dearth of scientists. Many scientists complain that at present equipment for exploration and measurements have obtained so much information and data that laboratories cannot use them fully because of lack of qualified scientists. It might be good to base a draft resolution, which we shall submit to the General Assembly, on this point but I understand that resolutions should not be overly long. However, I will consult the other co-sponsors of draft resolution A/C.1/L.320. This draft should also take into account the role of our Organization in the conquest of Outer space and conciliate the various opinions in order to obtain an overwhelming majority, if not unanimity.

My delegation is happy that efforts have been made to cover at least the wide legal principles that should be the basis of future space law. One can only regret that the Legal Sub-Committee could not have reached results that were concrete as those obtained in the technical field.

In Geneva, for reasons which I shall not analyze, the tempo of work was much too slow. In addition, one can only regret that little heed has been paid to previous work, most important work, done by the ad hoc committees in 1958 and 1959. During a previous speech, I directed the attention of the Outer Space Committee to the work of the committee presided over by Professor Ambrosini. It is regrettable that the Legal Sub-Committee has not, for any practical purposes, progressed at all, compared to the work and accomplishments of the former committee. In addition, some delegations seemed to be much more prone to talk over old complaints or to launch accusations, however more or less well-founded, rather than seeking a common agreement. My delegation would like to make a new appeal to members of the Outer Space Committee to avoid introducing in their discussions elements of politics which divide the world today. I know that, even in outer space it is difficult to disregard matters of policy, but I would like to note that the Outer Space Committee has been entrusted with the purely scientific task by the Assembly and that unanimity has been adopted as a rule for its work, which is excellent, but this excellent rule will lead to sterility unless all delegations make a real effort towards conciliation and understanding.

(Mr. Forthomme, Belgium)

The Outer Space Committee and its legal sub-committee must resume their work. In spite of the fact that my delegation is in favour of a general declaration of principles which would define the law of space, we nevertheless think that it would be more realistic at present to set up new rules of law. One should not reject out of hand the idea of ^apre-established framework and principles of guidance. Belgium fully subscribes to the resolutions already adopted by the General Assembly that lay the ground-work for the legal principles governing outer space. I wish to note that the General Assembly recommended Member States to respect international law, including the United Nations Charter, in the exploration of space. It also affirmed the principle that outer space and celestial bodies may be freely explored and exploited in conformity with international law and that outer space and celestial bodies are not susceptible of national appropriation.

My delegation, therefore, is in favour of the elaboration of space law, but wishes to stress the need to find an immediate solution to the most urgent problems in the field of indemnities, of assistance to crews in case of emergencies, and other similar problems. It is worthy of note that during the meetings of the Legal Sub-Committee both the United States and the Soviet Union tabled draft legal texts concerning assistance to crews in case of accidents. These texts are not so different that one might not be able to find a common ground between them. My delegation hopes that the Committee of Experts created by the Outer Space Committee will soon meet. It should study these matters and present recommendations of all these legal problems.

(Mr. Forthomme, Belgium)

Experts will examine the scope of these principles and their practical application as suggested to the Assembly by the United Arab Republic, the United Kingdom, the United States and the USSR. I would like to stress that in the United Arab Republic text, there is no mention made of the urgent problem of international responsibility.

To conclude, my delegation considers that only international co-operation -- and I think that Europe has already given a concrete example of this need -- constitutes the determining factor for progress in this new field. My delegation is happy to see that agreement has been reached by the United States and the Soviet Union in the field of co-ordination between them for the launching of satellites and the exchange of information. We hope that this agreement between the two most advanced Powers in the field of outer space will be reflected in the work of the Outer Space Committee, for the benefit of mankind and, especially, for the economic and social progress of developing countries.

Mrs. RÖSSEL (Sweden): Since this Committee last discussed the question of international co-operation in the peaceful uses of outer space, a fascinating development has taken place in space science and technology. We have visible proof of this fact in the remarkable space flights carried out by American astronauts and Russian cosmonauts. It is noted in such phenomena as Telstar, the launching of satellites for more and more diverse purposes, and the launching of rockets through the co-operation between two or several States. We have new demonstrations of the possibilities which the new science and technology have in store for all humanity.

The Political Committee has now before it the report from the Outer Space Committee, A/5181, which reflects the different steps of the work of Committee and its Sub-Committees during the last year. Chapter II, Recommendations based on the report of the Scientific and Technical Sub-Committee and the reports prepared by the World Meteorological Organization and the International Telecommunication Union, is encouraging, and the Swedish delegation approves the recommendations contained in this chapter.

(Mrs. Rössel, Sweden)

My delegation is particularly anxious to support the recommendation to give the ITU and the WMO renewed mandates to continue their work in the space field, according to the lines drawn up in their respective reports. The ITU should concentrate on the comprehensive and intricate frequency problem. The continuation of the programme outlined for the WMO would, however, require a much more substantial financial contribution. Possibly contributions could be obtained from UNESCO and other specialized agencies concerned as well as from the United Nations technical assistance programmes. These financial aspects of the future organization of space meteorological co-operation need further study.

My delegation, as regards the announcement made last Wednesday by the representatives of the United States and the Soviet Union that an agreement had been reached between these two Powers for co-operation in three important fields of space activities, looks on this agreement as a most promising step forward. The three fields for peaceful co-operation and financial sharing, as outlined in that agreement, are meteorology, the mapping of the earth's magnetic fields, and telecommunication. The Swedish delegation is hopeful that the agreement will lead to a further expansion of outer space co-operation, in which many countries will take part.

If chapter II is a source of satisfaction, as an example of international co-operation, chapter III, dealing with the legal questions, unfortunately presents a contrast. In this part of the report, there are five draft resolutions on which no agreement has been reached. However, at the very outset of the current debate, there was a clear indication of a willingness to find a common ground for the continued work, notably in statements made by the representatives of the Soviet Union and the United States, as well as many others.

It is with great pleasure that my delegation notes that there is also now more reason for optimism as to co-operation in the legal field. There is already general agreement on certain fundamental legal principles which are embodied in resolution 1721 (XVI) of the General Assembly. There was, however, a difference of opinion concerning urgency and priority rather than on the basic principles as such. While the United States advocated that liability problems had to have

(Mrs. Rössel, Sweden)

first priority with or closely followed by such questions as the assistance to and safe return of astronauts and parts of space vehicles which have accidentally come down elsewhere than intended, the Soviet Union stressed the importance of the guiding universal principles of legal rights and responsibilities being settled first, in the form of a code or declaration, so as to form the basis for the settling of other problems such as liability for the return of astronauts, etc.

There had been endeavours to bridge the gap and to find a way out of the deadlock at the last meeting of the Legal Sub-Committee by some countries such as the United Arab Republic, the United Kingdom and especially, during the final days of the meeting, by the main space Powers, the Soviet Union and the United States. This trend to come to an understanding in the legal field has, so to speak, culminated in the draft resolution now before us, A/C.1/L.320/Rev.1, which Sweden has the honour to co-sponsor together with a number of members of the Outer Space Committee. Besides containing well-adjusted proposals in the scientific and technical domains where co-operation is well under way, the draft resolution also reflects the common willingness to continue the work of laying down the necessary rules for activities in outer space.

The different proposals dealing with this question, made by various countries, are all enumerated in the draft resolution. My delegation finds that they all contain valuable elements. All the members present, of course, are aware of the complexity of the questions involved. A number of considerations and problems are intertwined in each other here. Neither one nor the other space Power can be expected to suddenly revise positions which have been founded after long consideration, but if the present trend of co-operation remains, we have good reason to look with confidence on the future work of the Outer Space Committee as well as of the Sub-Committee.

Allow me to express the hope that we, at this session, as in last year's session, may be able to unanimously adopt the resolution before us.

The CHAIRMAN: I would like the Committee to take note that the delegation of Mexico has now become a co-sponsor of the draft resolution in document A/C.1/L.320/Rev.1.

I propose to adjourn the meeting now and to reconvene at 3 p.m., and we shall complete the general debate on this item, this afternoon, and we hope to proceed to the vote on the draft resolution tomorrow morning. If we are able to finish this item by tomorrow morning, the Committee will be able to take up the next and last item on the agenda, which is the Korean question, tomorrow afternoon.

The meeting rose at 1 p.m.