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Chairman:

Mr. FAHMY

(United Arab Republic)

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

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## AGENDA ITEM 32

INTERNATIONAL CO-OPERATION IN THE PEACEFUL USES OF OUTER SPACE: REPORT OF THE COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE (A/6668, 6804) (continued)

Mr. ESCHAUZIER (Netherlands): The consideration of the report of the Committee on the Peaceful Uses of Outer Space is one of the events marking the transition from the first ten years of the space age into the next decade.

It is significant that the tenth anniversary of the launching of a satellite into orbit coincides with the coming into effect of the Treaty governing the peaceful uses of the new environment which has now come within man's reach.

The conclusion of that Treaty demonstrates that, in our age of rapid and unheard-of scientific and technological advances, the community of nations has become aware that its own salvation may well depend on its ability to foresee the inherent dangers ahead and to forestall them by timely and concerted action rather than to seek remedies belatedly, when it may be too late.

We have at last come to realize that man's triumphant march is leading him along a dark precipice. It is for that reason that the significance of the outer space Treaty, to my mind, goes beyond its immediate objectives. It is also of paramount importance as a precedent for future action in other fields. At the same time, the Treaty is not a model of perfection and its shortcomings point to the moral that international instruments of this kind can rarely reverse the course of events which has already taken place. The best one can do, as is exemplified by the outer space Treaty, is to reconcile the "ideal" with the prevailing "hard facts" of the political and military situation.

On the occasion of the adoption of the resolution concerning the outer space Treaty at the twenty-first General Assembly, the Secretary-General stated:

"... the door is not yet barred against military activities in space.

The crux of the difficulty is that space activity is already part of the arms race, a fact which we have to reckon with until humanity reaches the stage of an agreement on full and complete disarmament."

(A/PV.1499, p. 72)

(Mr. Eschauzier, Netherlands)

In this light the progress report of the Committee on the Peaceful Uses of Outer Space can be seen in its true perspective. It shows that some headway is being made in co-operative space activities and that international co-operation in the scientific exploration of outer space is already being translated into many practical and beneficial uses. The successful promotion of co-operation instead of continuing competition, and the practical results derived therefrom, would open the most hopeful prospects of avoiding waste of energy and resources as well as strife and conflict in outer space.

This applies in the first place to the big Powers themselves, and to such budding space Powers as are now coming into existence.

As the representatives of the Soviet Union and the United States have pointed out, co-operation between the super Powers separately with some other Powers which have meanwhile embarked on space activities of their own is taking place on an increasing scale. By way of interpolation, I should like to mention that I was struck by a news item in today's Press that the Government of the USSR has sought assistance from the United Kingdom in receiving information from a Soviet space craft that is scheduled to reach Venus tomorrow.

But the most encouraging development would be the first signs of active collaboration between the two predominant space Powers themselves. This morning Mr. Fedorenko made a plea for abandoning selfish interests and for a policy of co-operation. The representative of the United States referred to a similar proposal by President Johnson. I wish to express my sincere hope that the day will not be far off when the two big Powers see their way clear to launching joint ventures, such as probing more deeply into outer space and attempting to reach the outer planets, the scope and burden of which may even be beyond the means of either of the two Powers individually.

Turning to some other topics, it would seem advisable to me to give wider publicity to the remarkable benefits of space technology, the so-called "spin-off", for the development of what may be called conventional or down-to-earth industrial techniques. The promotion of world-wide communications by means of satellites in outer space, while raising many scientific, technical and economic questions, also has important political undertones,

inter alia because of the possible impact of mass communications and their uses for development, education and cultural purposes.

It is therefore fitting that this agenda item has been given a high priority on the tentative list of topics to be discussed during the United Nations Conference on Outer Space to be held in Vienna next August.

My delegation notes with satisfaction that the Committee has spared no effort to comply with the specific recommendations contained in the resolution adopted by the twenty-first session of the General Assembly. I am referring in particular to the draft agreements on assistance to and the return of astronauts and space vehicles and on liability for damage caused by objects launched into space. These problems are closely related to article 5 and article 7 of the space Treaty itself. While progress on matters of such complexity has been disappointingly slow -- as the Chairman of the Committee stated candidly this morning -- I do not doubt that they will prove to be successful in the end.

At this juncture I should like to express my delegation's great interest in the endeavours of the Committee to formulate a definition of outer space. In the words of Mr. Goldberg, the lack of such a definition was one of the "purposeful ambiguities" of the Treaty -- and rightly so, it seems to me, since at the time of its drafting there was neither time nor hope for agreement on this matter. It would be dangerous, however, to leave this point open indefinitely, since it would appear to me that legal conflicts involving the question of the upper limit to which national sovereignty extends may arise in the not-too-distant future.

My delegation is therefore confident that the Legal Sub-Committee, in co-operation with the Scientific and Technical Sub-Committee, will pursue actively its deliberations on this subject and weigh the advantages and disadvantages of various approaches to this problem.

In this connexion, perhaps consideration might also be given to a negative formula for defining outer space, such as the proposal that national sovereignty shall not extend to the lowest perigee of satellites actually in orbit.

Mr. BERARD (France) (interpretation from French): Our work on the consideration of items dealing with the peaceful uses of outer space has been undertaken under very happy auspices, because you, Mr. Chairman, whose interest in questions related to outer space is well known to all of us, are presiding over the work of the First Committee. We are familiar with your wide experience, your eminent qualifications, and we are convinced that under your enlightened leadership the work of the First Committee in the course of this session will be carried out under the best circumstances. We warmly congratulate you on your election and we also congratulate our colleagues, Mr. Tchernouchtchenko and Mr. Torsten Orn, who will assist you in your work.

The fact that the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space came into force a few days ago is also perhaps -- at least so we hope -- a very happy augury for our work. On this point my delegation shares the satisfaction expressed by the Secretary-General at the implementation of that agreement, which, as he said, "spells progress ... towards the legal control of the feat of man's entry into space", and because we share U Thant's feeling regarding:

"... the basis on which the law of outer space can be developed later, taking into account the rapid scientific and technological progress that we have at present noted in questions related to outer space".

However, to be frank, I must state that the satisfaction of my delegation is accompanied by some regrets, since the Treaty on outer space is not, to our eyes, as satisfactory as it might be. The French Government has very carefully pondered and attentively examined all the provisions, and it also took into account all the collateral work before deciding to sign this new international agreement on 28 September 1967.

Our task is to facilitate the development of international co-operation in the scientific and technical fields by setting up the legal framework within which space activities may be carried on freely and with respect for the customary rules of international law. It is this legal aspect of our work that I wish to examine first.

During the twenty-first session my delegation expressed regret over certain deficiencies in the Treaty on outer space. In particular, we found it difficult to understand how, in the absence of a definition of outer space, it might be possible to reconcile in practice the traditional principle of the sovereignty of States over their air-space with the new principle, enunciated in the Treaty, of the renunciation of States of all sovereignty over outer space. We likewise found it difficult to understand how the principle of freedom in the utilization of outer space could be affirmed in the Treaty without there being at the same time an affirmation of the necessity of preventing the excesses that might come from abuses in the exercise of such freedom by a given State, abuses resulting in infringement on the interests or the sovereignty of other States.

To fill in these gaps the General Assembly, in its resolution 2222 (XXI) of 19 December 1966, last year requested the Committee on Outer Space

"To begin... the study of questions relative to the definition of outer space and the utilization of outer space and celestial bodies, including the various implications of space communications".

My delegation is pleased to see that that study was in fact undertaken; but to tell the truth, we are somewhat disappointed to note that it has not led to any significant results and that the problems that were raised still remain.

With regard to the definition of outer space, the Legal Sub-Committee of the Committee on Outer Space, after its first debate on this question during its July session in Geneva and on the initiative of the French delegation, agreed to request the Scientific Sub-Committee to formulate a list of scientific criteria that might assist it in its study and serve to keep it informed of its views regarding the choice of scientific and technical criteria which might be entertained, pointing out, naturally, the advantages and disadvantages of each of these, for purposes of working out a definition that would remain valid for long-term application.

Judging from the report of the Committee on the Peaceful Uses of Outer Space, it appears that the Scientific Sub-Committee did not consider it possible at the present time to identify such criteria for a definition of this nature; but it did note that

"... a definition of outer space, on whatever basis recommended, is likely to have important implications for the operational aspects of space research and exploration". (A/6804, para. 12)

The Committee concluded from this that there was a need for the Sub-Committee to continue its study of this question during its forthcoming meetings, and for Member States to submit for its examination any new and pertinent documentation.

The French delegation agrees with these views and shares the opinion of the Committee on the timeliness of a new study of this question. If from an analysis of the comments of the Scientific and Technical Sub-Committee it appeared that the physical criteria thus far examined could not be entertained, the problem might then be raised of formulating a purely conventional definition resting upon an arbitrary limit set between the area of sovereignty and the area made subject to any other law.

But it might also appear that a different approach could be considered, namely that of envisaging a definition of outer space from the more pragmatic aspect of the uses of outer space, the term "outer space" in this case being defined not by the drawing of an imaginary line in the infinite, but on the basis of the activities undertaken, the procedures employed or the vehicles used.

In any case, my delegation, without being unaware of the difficulties of the task and the fact that it might take a long time to complete, considers that it cannot be said to be impossible to achieve a definition of outer space as long as the question has not been thoroughly studied in all its aspects. In the meantime, I shall confine myself to repeating that a definition of outer space seems necessary first of all on the level of simple good sense, since we must know what we are referring to when we speak of outer space, and on the level, as well, of legal technique, for it would, of course, be preferable not to create a precedent of dodging difficulties in the preparation of agreements where the field of application might give rise to challenge. On this latter point, we might again meet this same difficulty in the near future if we are called upon to work out an agreement on the sea-bed.

The study of "questions relative to... the utilization of outer space and celestial bodies, including the various implications of space communications" (General Assembly resolution 2222 (XXI)) has made even less progress during the past year than that of the definition of outer space. I think I should recall to this Committee the particular interest my delegation brings to the study of this question for the purpose of defining the extent and the limits of freedom in the utilization of outer space and of preventing the conflicts, indeed the abuses, that could result therefrom. My delegation therefore regrets that the proposal we submitted to the Legal Sub-Committee was not accepted, the proposal suggesting the formulation of an inventory of the various uses of outer space, followed by a study of those that should be placed under regulation on the basis of some order of priority to be established.

We should like to see such a study carried out, for example, in determining by common agreement the forms of the utilization of outer space which as of this moment give rise to certain concrete problems and which it might be useful to regulate for a fair and profitable utilization of outer space.

We have in mind, among other things, the very timely problems of the distribution of orbiting priorities and the assignment of frequencies to satellites, and, generally speaking, all the diverse implications of space communications as included in the Committee's agenda on your own initiative, Mr. Chairman, and that of certain other delegations.

There are some aspects of the Treaty, furthermore, that must be completed through specific conventions, as we have agreed, and that task is being undertaken in other studies being carried on by the Legal Sub-Committee.

In this regard, my delegation is glad to note that the work of that Sub-Committee has made some progress: on the one hand, in the preparation of a convention on assistance to be rendered to astronauts and space vehicles and on the return of astronauts and space vehicles, and, on the other, in the preparation of a convention defining the responsibility for damages caused through the launching of objects into outer space.



(Mr. Bérard, France)

There is agreement on a certain number of points at present and, in the opinion of my delegation, over-all agreements could be concluded quite rapidly if the Legal Sub-Committee is ready to resume its work in the first months of 1968.

Without going into the details of the conventions, I should like to specify the position of my Government on several points. We believe that the agreement on assistance should at the same time cover astronauts and space vehicles; the provisions of that agreement, and particularly those relative to the search for and assistance to astronauts, should, apart from undisputed humanitarian concerns, take due account of the sovereignty of States on whose territories the measures provided in the Treaty are to be applied; finally, generally speaking, the structure of that agreement must be in accord with existing national laws, as well as with the financial and technical possibilities of each State.

With regard to the agreement on the responsibility for damages, which at present are of interest to a greater number of countries, certain decisions of principle must be arrived at soon, particularly with regard to the sharing of responsibilities in the case of a launching undertaken in common by a group of States, and ultimately the choice of only one among them; the extent of financial responsibility on the part of the launching authority, which we believe should not be limited, the apportionment of responsibility, which we believe should be based also on the notion of risk; and the nature of the damages covered by the draft agreement. In a word, as far as the two conventions are concerned, my delegation hopes that both will be open and applicable not only to States but to international organizations as well. Furthermore, we wonder if it might not be equitable to set up a link between the two conventions, particularly to consider that there should exist a dependence between the obligation to reimburse the damages caused and the right to recover a vehicle that has fallen on the territory of another State.

I should like now very rapidly to take up the more technical and scientific side of our work and say that my delegation endorses the conclusions of the Scientific Sub-Committee on the different points which traditionally fall within its purview and which that Sub-Committee has been examining with authority and competence.

But the most important event we shall have to face in 1968 will be the United Nations Conference on the Exploration and Peaceful Use of Outer Space which is to be held in Vienna in August of next year under the Chairmanship of Mr. Sarabhai. Ten years after the first object was launched into space, marking the beginning of the conquest of outer space, and at a time when American and Soviet scientists are successfully pursuing their endeavours to launch a vehicle to Venus and are concluding their preparations for the landing of the first man on our natural satellite, that conference will be an opportunity to carry out an extraordinary scientific reappraisal. For its part, France -- which, as the Chairman of the Outer Space Committee was kind enough to state on 13 December to this Committee -- has taken its place among the space Powers by developing vehicles capable of launching scientific satellites into terrestrial orbits, wishes to participate actively in the work of that conference, especially in the light of the contribution that we might make to international co-operation in the realm of outer space.

My country is engaged in that co-operation on a number of different levels: with the United States, thanks to whose assistance we were able notably to place into orbit the first French satellite; with the Soviet Union, in association with which we have carried out very useful scientific experiments culminating in success a few days ago; with Argentina, India and Pakistan in the field of sounding rockets; with South Africa, Upper Volta, the Republic of the Congo, Spain, Greece and Lebanon, for tracking purposes. We also co-operate with our European partners in the European Space Vehicle Launching and Development Organization -- ELDO -- and ESRO, the European Space Research Organization. We are also associated with a number of international programmes; we are preparing various undertakings with Brazil, with the Federal Republic of Germany, and others, for we are fully aware that, less than any other activity, space activities cannot be carried out in hermetically sealed chambers, and international co-operation must be applied in this endeavour in order to improve human knowledge and to place it at the disposal of all.

(Mr. Bérard, France)

Those were the comments I wanted to make concerning the report of the Committee on the Peaceful Uses of Outer Space and the international co-operation in the field that we are dealing with.

It is those views that will guide my delegation in determining its position on the draft resolutions which will be submitted for our examination and which will serve to orientate the future work of the Committee, which we hope will be successfully carried out, and as quickly as possible, in such a way that we will be able to contribute to the development of new knowledge which is now within the grasp of man.

The CHAIRMAN: I have no more speakers on my list. Before adjourning the meeting, if no delegation wishes to speak, I should like to say that the members of the Committee may have noticed that according to the Journal two meetings are scheduled for tomorrow. Since there are no speakers, however, for the morning meeting, unless some delegation indicates its desire to speak in the morning I shall be forced to cancel that meeting.

I should like to remind the representatives that the list of speakers will be closed tomorrow at noon.

The meeting rose at 3.50 p.m.