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AGENDA ITEM 21

Chairman: Mr. Mario AMADEO (Argentina).

In the absence of the Chairman and the Vice-Chairman, Mr. Encieff (Finland), Rapporteur, took the Chair.

AGENDA ITEM 21

1. The CHAIRMAN announced that UNESCO, WHO, ITU and WMO, which were interested in the item under consideration, had indicated that they would like to be represented by observers; their observers were attending the present debate.

2. Mr. FERREIRA (Argentina) said that the conquest of outer space posed new legal, political, technical and other problems which would not always be capable of solution by the methods employed in human relations on earth. His Government had always held that only on the basis of broad international cooperation could these problems be approached constructively. The United Nations therefore had a great responsibility in the matter and it was for that reason that his delegation had unconditionally supported the establishment of the ad hoc committee set up by General Assembly resolution 1348 (XIII), and subsequently the Committee on the Peaceful Uses of Outer Space, and had agreed to take part in their deliberations. The question was one which affected all mankind and not merely the countries which had the technical means of exploring space. The results obtained so far were as far as were admitted fairly discouraging, although the Committee had been able to meet and to appoint its officers, whose selection was based, as far as was possible, on the principle of equitable representation. It was to be hoped that the Committee would be able to begin its work without delay, in a spirit of international co-operation.

3. C. Wilfred Jenkins had said that any projection of territorial sovereignty into space beyond the atmosphere would be inconsistent with the basic astronomical facts and the most eminent legal authorities in the Soviet Union shared that view. For that reason it had been necessary to modify the prevailing concept of national sovereignty over outer space, and the principle of the freedom of outer space now seemed to have won acceptance. States were not being called

upon to give up part of their own national sovereignty, but rather to clarify its meaning and scope. Since only two States were capable of exploiting the potentialities of outer space, other countries had the right to insist that the principle of freedom of outer space should be strengthened by the adoption of international rules which would ensure the peaceful use of outer space for the benefit of all mankind.

4. The recent technological revolution posed another problem: that of delimiting, on the one hand, the air space subject to the sovereignty of States and, on the other hand, outer space. None of the theories put forward in that connexion had won general acceptance. His delegation therefore shared the view expressed in the report of the Ad Hoc Committee on the Peaceful Uses of Outer Space (A.4/44) that the matter could be settled only by means of an international agreement establishing agreed limits which were the same for all States and taking account, inter alia, of the factor of national security.

5. With regard to the legal status of outer space, his Government took the view that it was a res communis extra consortum. In other words, as the eminent Uruguayan jurist Eusébio Jiménez de Artechaga had pointed out, that outer space and the objects to be found in it were not subject to occupation or appropriation by any State and could be freely used by all States. Moreover, the principles of international law and, in particular, of the United Nations Charter could be applied to outer space. His delegation therefore endorsed the provisions of draft resolution A in document A/C.1/L.301 submitted by Australia, Canada, Italy and the United States of America. It felt that the General Assembly should proclaim the principle of the freedom of outer space with a view to ensuring its peaceful use by all States, as well as the principle of res communis extra consortum. The consideration of the practical consequences of the application of those principles should be entrusted to the Committee on the Peaceful Uses of Outer Space, which should also study the other legal problems about which there were differences of opinion and should make recommendations on the subject, for submission to the General Assembly at its next session.

6. His delegation had listened with great interest to the statements by the United States and Soviet representatives concerning the new opportunities which space research afforded (or the development of telecommunication, television and weather forecasting, It was certain that a broad programme of international co-operation could make it possible for all countries without exception to benefit from the advances made in that field. Hence the programme proposed in draft resolutions B, C and D in document A/C.1/L.301 represented a significant step forward. The Committee on the Peaceful Uses of Outer Space could, with the assistance of experts and of the specialised agencies, undertake a thorough study of the various aspects of

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The Charter of the United Nations, applied to outer space and celestial bodies, and that outer space and celestial bodies were free for exploration and use by all States, On the other hand, those States that had not been directed towards the peaceful and industrial uses of nuclear energy, but had led instead to the development of a nuclear war and its potential to cause a holocaust on the earth. He wondered whether the conquest of the infinitely great would really be realized for the good of mankind, for its existence as a hostile world was a real danger, evidence of which was to be seen in the reports of the Committee on the Peaceful Uses of Outer Space.

Mr. Amsden (Argentina) took the Chair.

Mr. MARTINO (Italy) said that, whereas great progress had been made in the use of outer space during the previous two years, the Committee on the Peaceful Uses of Outer Space had met once only during the three years and 10 days during which the Committee had been in session. The situation in which the Chairman of the Committee had come to report (A/48/177) to the Assembly on 19 October (117th meeting) seemed to indicate a lack of consideration towards that Committee and gave rise to the suspicion that the Soviet Union was not really interested in international co-operation in that field. His decision sincerely hoped that that suspicion would be proved during the discussion to be unfolded.

It was anticipated that within the next few years other countries would undertake space exploration. It was essential that the extension of the cold war into space, and the appearance of a new kind of colonialism in space, did not take place. It was necessary therefore to reaffirm the principle that no nation or group of nations, no matter how powerful or how technologically advanced, should acquire an exclusive right to the utilization of outer space. World political responsibility must be preserved, lest a war involving the use of outer space could be avoided, an international solution must quickly be found to the problem of outer space.

The sovereignty of the United States, Japan, the United Kingdom, Australia, India, France, Brazil, and China was not the same as the sovereignty of the United Nations, and the Committee was entitled to discuss the problem. The issue was no longer whether exploration of outer space should be permitted, but how it should be promoted. The Committee of the Whole had adopted a resolution that the Committee should consider a treaty on the peaceful uses of outer space. That resolution should be accepted and become the basis for international co-operation. The Committee could not, however, be expected to do the full work of the entire Assembly.

Mr. LEE (Korea) appealed to the United Nations to complete the work on the third session of the General Assembly. The United Nations was the only body that could deal with the problem of outer space. It was for the Committee on the Peaceful Uses of Outer Space to consider the problem and recommend a treaty. The pursuance of space exploration was not only a national interest but a common interest. It was the policy of his Government to use its national space research and development for the sake of mankind.
The sponsors of the draft resolutions in document A/C.1/L.301 rightly stressed the role and significance of international law in the problem under discussion. International law must keep pace with the changes occurring in the world. The conquest of outer space had an impact upon all aspects of life—politics, economics, sociology, philosophy, and technology—and it therefore, be disregarded. That was why it was indispensable that the three groups of States of which the world was present composed should be represented on the organ entrusted with settling questions relating to outer space.

31. The Polish delegation subscribed to the declaration in operative paragraph 1 (g) of draft resolution A that international law, including the Charter of the United Nations, applied to outer space. It hoped that that principle would be put into practice by the United Nations and by the Committee on the Peaceful Uses of Outer Space in particular. It followed that the basic principle of the sovereign equality of States enunciated in Article 2, paragraph 1, of the Charter must be extended to outer space. But, during the negotiations, the United States had consistently refused to base the Committee's activities on the genuine equality of its members, by rejecting the procedural proposal submitted by the Soviet Union with a view to reducing the disproportion in the existing membership of that Committee. Needless to say, the only way to ensure the proper functioning of the Committee was by sincere international co-operation, based upon the genuine equality of members, and of the two cosmic Powers in particular. It was in that light that the General Assembly should consider the question of that Committee, particularly its composition and terms of reference.

32. The Polish delegation wished to protest against the scattering of 310 million tiny copper wires in outer space by the United States under a project which had nothing to do with the peaceful uses of outer space and had been carried out in defiance of two resolutions passed by the International Astronomical Union, and of the protests of hundreds of leading astronomers, one of whom had called it an "intelligent atomic bomb". Other activities, such as the "skywriting" operation, proved that, contrary to the assurances of the United States representative, his country did not have strictly peaceful intentions regarding outer space.

33. The draft resolutions in document A/C.1/L.301 contained many interesting ideas and the Polish delegation would comment on them in detail later. They expressed the hope that the debate and the forthcoming negotiations would bring about an agreement which would make it possible to establish international co-operation in the field of the peaceful uses of outer space.

The meeting rose at 5.49 p.m.