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Chairman: Mr. Mario AMADEO (Argentina).

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

AGENDA ITEM 21

Report of the Committee on the Peaceful Uses of Outer Space (A/4987, A/C.1/857, A/C.1/L.301) (continued)

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 felt that only on the basis of broad international co-operation could those 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 of 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 admittedly discouraging, although the Committee had been able to meet and to appoint its officers, whose selection was based, as far as 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 Jenks had said that any projection of territorial sovereignty into space beyond the atmosphere would be inconsistent with the basic astronomical facts,<sup>1/</sup> 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

<sup>1/</sup> C. Wilfred Jenks, *The Common Law of Mankind* (London, Stevens and Sons Limited, 1958), p. 389.

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 the 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/4141) 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 omnium extra commercium*, in other words, as the eminent Uruguayan jurist Eduardo Jiménez de Aréchaga 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 great principle of the freedom of outer space with a view to ensuring its peaceful use by all States, as also the principle of *res communis omnium*. 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 for the development of telecommunications, 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 specialized agencies, undertake a thorough study of the various aspects of

that programme with a view to submitting recommendations to the General Assembly at its next session.

7. The membership of the Committee should be enlarged, with the present members remaining in office, as proposed in draft resolution E. The potentialities of space exploration were enormous provided it was kept free of involvement in international disputes and was carried out for the benefit of all mankind. He was certain that, if the Committee worked in a spirit of genuine co-operation and understanding, it could submit to the General Assembly at the next session a constructive programme for the common use of outer space.

8. Mr. PLIMSOLL (Australia) spoke of the remarkable advances that had been made in the exploration of outer space since the fourteenth session of the General Assembly. There were many countries which, although not in a position to compete with the United States and the Soviet Union, could nevertheless play a useful part in space activities. Australia had felt for some time that its position in the southern hemisphere had enabled it to make a valuable contribution in optical astronomy in, for example, the study of the Milky Way. It had also been a pioneer in the development of radio-astronomy; very recently a giant new radio-telescope, which made it possible to probe the outer limits of space, had been put into use in Parkes in New South Wales. Australia was one of the few countries which were actively engaged in launching rockets for purposes of research in the upper atmosphere. The Woomera rocket range was the only one in the southern hemisphere. During the past year, Australia had co-operated with the United States, the United Kingdom and other States in outer space activities, including those relating to the use of artificial satellites for meteorological purposes. He gave examples of such co-operation, which illustrated that smaller countries as well as the great Powers could play a role in the field of outer space. Moreover, since weather conditions were extremely important to its economy, it had been interested for some time in long-range weather forecasting and even in the possibilities of altering weather conditions by such means as artificial rain-making. Australia had recently begun to take advantage, in that connexion, of the new opportunities afforded by progress in space exploration. For more than a year, the United States had been transmitting to Australia some of the information provided by its artificial satellites, and the conclusion of the Australian authorities was that even at the present early stage of development the Tiros cloud pictures were of definite practical value in operational meteorological analysis and forecasting. Telecommunications was another field in which the latest developments in regard to outer space would certainly have an effect. The development of techniques for reducing the cost of telecommunications by the use of artificial satellites was of particular importance to countries which, like Australia, were separated from the rest of the world by vast ocean distances.

9. Turning to the draft resolutions submitted by his delegation and those of Canada, Italy and the United States in document A/C.1/L.301, he emphasized that the text was not necessarily final; the objective of the sponsors had been to draw the First Committee's attention to some of the most important aspects of the question. Draft resolution A dealt with the legal aspects and confined itself to two principles, which seemed to be generally accepted: that international law, including

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. Operative paragraph 2 should not be interpreted as calling upon the Committee on the Peaceful Uses of Outer Space to do all the work itself; in fact, the sponsors regarded the Committee not as an executive body but rather as one whose task was to follow the work being done in the field of outer space, to call attention to any gaps that might exist and to see that the relevant specialized agencies or non-governmental organizations, or even Governments, were doing what had to be done. The purpose of draft resolution B was to ensure that there would be a central registry maintaining a record of information concerning the various objects launched into outer space. Draft resolutions C and D dealt respectively with the application of space exploration to meteorology and telecommunications, fields in which the specialized agencies would have a major role to play. Finally, under draft resolution E the General Assembly would continue the present membership of the Committee and add to it two African States.

10. Referring to the criticisms of the Committee's procedure that had been made by the representative of the Soviet Union (A/C.1/857), he pointed out that rule 162 of the rules of procedure of the General Assembly provided that the rules relating to the procedure of committees of the General Assembly should apply to the procedure of any subsidiary organ, and stressed that it was desirable, as far as possible, that there should be agreement between the United States and the Soviet Union in questions of the utilization of outer space. That was the purport of the statement that, according to the position adopted by the United States after consultation with many delegations, the Chairman of the Committee on the Peaceful Uses of Outer Space would make. Those delegations, and in particular Australia, without being prepared to accept from the very outset restrictions other than those laid down in the rules of procedure of the General Assembly, had nevertheless agreed to say that it would be the aim of all the members of the Committee to reach agreement in its work without the need for voting. He was in favour of a pragmatic approach that would enable the Committee to go ahead with its work without being hampered from the very beginning by a right of veto which might perhaps never be invoked.

11. With regard to the objection the Soviet Union had made concerning the membership of the Committee, it should be borne in mind that the Committee was to deal with the peaceful uses of outer space, not its military uses. In the circumstances, it would be a mistake to adopt too rigid an approach to the political or military affiliations of the members of the Committee, especially as it had been found by various international organizations that differences of opinion in matters relating to outer space were often based on purely scientific or economic views, and not on military considerations. There was no reason why the basic composition of the Committee, which had been accepted in advance by the Soviet Union and the United States, should be changed. The countries which were members had been chosen not only on the basis of their geographical situation, but above all for the possible contribution that they might make to the work in the field of outer space. The addition of two African States to the Committee, as proposed in draft resolution E, would take into account the increase in the African membership of the United Nations.

12. In conclusion, he stressed that it was important, before it was too late, to set up machinery for international consultation on activities in outer space. Otherwise bilateral relationships would be established or multilateral relationships of which some countries were members and others were not. Furthermore, the hour was approaching when the field of outer space would be too great for a single country, even for the Soviet Union or the United States. The exploitation of outer space was a task for mankind as a whole.

*Mr. Amadeo (Argentina) took the Chair.*

13. Mr. MARTINO (Italy) said that, whereas great progress had been made in the uses of outer space during the previous two years, the Committee on the Peaceful Uses of Outer Space had met once only during that period and had submitted only a purely formal report (A/4987). In that connexion, the statement the representative of the Soviet Union had made on 19 October (1170th 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 delegation sincerely hoped that that suspicion would be proved during the discussion to be unfounded.

14. 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 to space, and the appearance of a new kind of colonialism in space, should be avoided. The Italian delegation therefore reaffirmed the principle that no nation or group of nations, no matter how powerful or how technologically advanced, could claim the exclusive right to the utilization of outer space. World political responsibility no longer rested with the great Powers alone; the smaller Powers, which were today conscious of their moral strength, were also, and rightfully claiming that responsibility. Equal rights in space could be guaranteed only within the framework of the United Nations, i.e., through the co-operation and the work of the members of the Committee on the Peaceful Uses of Outer Space.

15. His delegation recommended that that Committee should give its urgent attention to the following topics: space meteorology, for co-operation in that field might bring relief to famine areas and even lead to the discovery of means of weather control and thus to the possibility of food production in areas that were now deserts; communications, which might save human life, promote trade and accelerate education in underdeveloped regions, and increase understanding between peoples; control and registration of space-vehicle launchings, to ensure the safety of air and space navigation and provide a certain measure of protection against surprise attack; and space law, for to make the peaceful exploitation of outer space possible it was necessary that all countries should subscribe to a declaration of principles affirming that outer space and celestial bodies were free and were not subject to appropriation. That was why his delegation had joined in sponsoring the draft resolutions in document A/C.1/L.301, the adoption of which would clear the way for significant progress in co-operation in the peaceful use of outer space.

16. Italy, faithful to its traditions, was ready to share the results and benefits of its long-range space programme with other countries, within the framework of the United Nations or the specialized agencies. He hoped that ideological conflicts could be put aside in order that a constructive agreement on the peaceful

uses of outer space for the benefit of all mankind could be reached.

17. Mr. BELAUNDE (Peru) observed that the progress of man in the conquest of the infinitely small had not been directed towards the peaceful and industrial uses of nuclear energy, but had led instead to the creation of forces capable of destroying all life on the earth. He wondered whether the conquest of the infinitely great would be realized for the good of mankind or for its extermination. The latter alternative was a real danger, evidence of which was to be seen in the lack of effectiveness shown by the Committee on the Peaceful Uses of Outer Space.

18. No one was unaware of the danger that the domination of outer space by any country and the establishment of space platforms and stations for warlike purposes would present to the world, if only by influencing the physical elements of the atmosphere and the meteorological conditions above the earth. The conquest of outer space was thus not merely a matter of purely scientific progress, but was of such tremendous and immediate human importance that it should be the subject of international co-operation. Outer space could not be subject to exclusive claims, exclusive exploitation, or exclusive use by any one Power or group of Powers. It was because atomic energy had not from the outset been an international matter that it had given rise to the crises which mankind was experiencing. If still greater dangers were to be avoided, an international solution must quickly be found for the question of outer space.

19. Fortunately the theory of the vertical extension of terrestrial sovereignty had been rejected by international jurisprudence as soon as it had been propounded. Artificial satellites were travelling through the outer space above many countries, none of which had protested against those intrusions. The reason was that under the provisions of the Paris Convention,<sup>2/</sup> and later of the Chicago Convention,<sup>3/</sup> the sovereignty of States over the space above them was confined to atmospheric space. The problem was not always simple, for it was sometimes difficult to establish the precise limits of atmospheric space, but scientists and international lawyers were in agreement that sovereignty could be extended only to that space above a territory in which there was an atmosphere in which aircraft could fly and balloons rise.

20. While he acknowledged that there was a basis of truth in the doctrine which had been expounded in the Committee (982nd meeting) at the thirteenth session of the General Assembly by the Italian jurist Ambrosini, that outer space could be regarded as *res communis omnium*, he considered that that doctrine could not be accepted without restrictions, on account of the serious dangers that might arise from *ad libitum* use of outer space. International regulation was necessary, inasmuch as it was a question of using outer space not simply without injuring the interests of others, but also for producing beneficent transformations on earth. In that respect the United Nations should not be merely a body entrusted with the function of registering bilateral or multilateral treaties. It should act constructively to realize the ideals of peace and co-operation among peoples. It should ex-

<sup>2/</sup> Convention relating to the regulation of Aerial Navigation, signed at Paris on 13 October 1919 (League of Nations, *Treaty Series*, vol. XI, 1922, No. 297).

<sup>3/</sup> Convention on International Civil Aviation, signed at Chicago on 7 December 1944 (United Nations, *Treaty Series*, vol. 15 (1948), No. 102).

ercise the jurisdiction of the international community over space.

21. Draft resolution A in document A/C.1/L.301 reflected the view of international lawyers that outer space should in no circumstances be subject to national sovereignty and that it came within the province of international law. Draft resolution B complemented draft resolution A by specifying that the United Nations should provide a focal point for international co-operation in the peaceful exploration and use of outer space. It was right that States which launched objects into orbit and beyond should be asked to furnish information to the Secretary-General. Draft resolutions C and D, which dealt with technical problems that the First Committee could not consider at the current session, might be referred to the Committee on the Peaceful Uses of Outer Space. On the other hand, the General Assembly should take an immediate decision on draft resolution E, so that the Committee on the Peaceful Uses of Outer Space could meet early in 1962. He thought that the voting procedure in that Committee should be the same as in all other United Nations organs. Unanimity should be sought, but when that could not be achieved, the existence of different points of view must be noted. It would be a very serious matter to change that procedure and give any country the right of veto, no matter how great its military power and political influence.

22. Mr. LOUFI (United Arab Republic) expressed the hope that, at its present session, the General Assembly would respond adequately to the demands created by the speedy progress in the exploration of outer space. Although man had achieved spectacular exploits in outer space in the short period of four years since the launching of the first sputnik, the international community had not made the slightest effort to ensure the protection of the interests of mankind in that new field. The question had not even been discussed since the fourteenth session of the Assembly, except for the recent meeting of the Committee on the Peaceful Uses of Outer Space. If the penetration of outer space was to remain a peaceful endeavour and not be used as a new weapon in the cold war, the United Nations could no longer remain passive. It must take action, for instance, to co-ordinate activities in space so as to forestall rivalry and conflicts of interest and prevent accidents; it must facilitate international co-operation for the benefit of all States, irrespective of the stage of their economic and scientific development, and determine the legal principles that would govern activities in outer space.

23. Where the peaceful use of atomic energy was concerned, the United Nations had taken the necessary step of establishing the International Atomic Energy Agency. But the need for international co-operation in the peaceful use of outer space was even more obvious, for that was a field in which any human act took on an international character.

24. The United Arab Republic believed that outer space must never become a new dimension in the arms race. The very existence of the planet would be endangered if the military potential of outer space was included in the world's arsenals. For that reason, the Conference of Heads of State or Government of Non-Aligned Countries, held at Belgrade in September 1961, had appealed to all States, and to those that were pursuing the exploration of outer space in particular, to undertake to use outer space exclusively for peace-

ful ends. As satellites and other objects launched into space could not fail to enter the space above foreign countries, it was natural for those countries to insist that such objects should be peaceful in character. As the Acting Secretary-General had said when opening the meeting of the Committee on the Peaceful Uses of Outer Space on 27 November 1961 (A/AC.105/OR.1), the implications of the developments in the field of space activities spread beyond the field of pure science and technology and touched upon many vital aspects of the future of humanity; it was therefore essential to develop the law of space. But before considering what might be called the rules of law generally acceptable in space, it was necessary to determine the actual wishes of large and small nations. As outer space was a new subject which differed intrinsically from subjects previously studied, the temptation to draw analogies between outer space and other fields must be resisted. One method of developing the international law of outer space would be to use the legal organs of the United Nations.

25. The Committee on the Peaceful Uses of Outer Space had been prevented from carrying out its task by the disagreement on procedural matters between the States that were active in outer space. It was to be hoped that the big Powers would shortly come to an agreement that would enable the Committee to proceed with its work. The United Arab Republic had no objection to changes in the composition of the Committee, provided that they took due account of the increase in the membership of the United Nations resulting from the admission of the newly independent African States.

26. Past civilizations had all helped to lay the foundations of what were now considered as scientific miracles. All States, whether large or small, were therefore entitled to benefit equally from the results of the exploration of new horizons in space. The United Arab Republic was deeply interested in the peaceful uses of outer space. It had participated in the International Geophysical Year, and it hoped soon to be able to contribute more actively to work in that field.

27. The draft resolutions in document A/C.1/L.301 called for a detailed programme which the United Arab Republic would wish to study more closely. He therefore reserved the right to express his views on that text at a later stage.

28. His delegation hoped that the debate would produce positive results. Both the United States and the Soviet Union had expressed their earnest desire for strong international co-operation with regard to the peaceful uses of outer space. That was a gratifying and auspicious development.

29. Mr. MACHOWSKI (Poland) said that his Government had always favoured broad international co-operation in space activities through both non-governmental scientific organizations and inter-governmental organizations such as the United Nations. That was why the Polish delegation had joined in sponsoring the resolution establishing the Committee on the Peaceful Uses of Outer Space (General Assembly resolution 1472 (XIV)) and had been glad to participate in its work. It deeply regretted, therefore, that it had not been possible to reach agreement on international co-operation in that field. The causes of that failure were set out in a letter from the Permanent Representative of the USSR to the United Nations addressed to the Acting Secretary-General (A/C.1/857).

30. 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 they, in turn, also had an impact on space activities. The fact that the conquest of outer space was taking place in a divided world must not, therefore, be disregarded. That was why it was indispensable that the three groups of States of which the world was at 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 (a) 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 proposals 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 the future of that Committee, particularly its composition and terms of reference.

32. The Polish delegation wished to protest against the scattering of 350 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 "intellectual crime". Other activities, such as the "spy in the sky" 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. He 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 5.40 p.m.