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Chairman: Mr. Omar Abdel Hamid ADEEL
(Sudan).

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

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; A/5203, chap. VII, sect. IV; A/5229; A/5237; A/C.1/L.320 and Add.1)

GENERAL DEBATE

1. The CHAIRMAN noted with satisfaction that the Chairman of the Council of Ministers of the USSR and the President of the United States had expressed their countries' willingness to co-operate in matters relating to outer space. He recalled that the Committee on the Peaceful Uses of Outer Space had submitted a series of recommendations on the proposal of its Scientific and Technical Sub-Committee, and that the World Meteorological Organization (WMO) and the International Telecommunication Union (ITU) had submitted reports on the programmes for international technical co-operation in outer space. He welcomed the representatives of those two specialized agencies and of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO) and the International Atomic Energy Agency (IAEA), who were going to attend the Committee's debates on the item. The members of the Committee on the Peaceful Uses of Outer Space had been unable to agree on the legal issues, but had put forward five proposals on legal issues for consideration by the First Committee which would, he trusted, permit further efforts towards the goal of international co-operation.

2. Mr. GORE (United States of America) referred to the progress made in matters relating to outer space since the sixteenth session of the General Assembly and to the work of the Committee on the Peaceful Uses

of Outer Space and the specialized agencies, particularly WMO and ITU. The Scientific and Technical Sub-Committee had commendably agreed on a number of specific proposals, including one for sponsorship by the United Nations of international sounding rocket facilities. It was regrettable that the Legal Sub-Committee had been unable to reach agreement, although its discussions had revealed some agreement on several important questions.

3. At the meetings of the Committee on the Peaceful Uses of Outer Space held in March 1962 there had been a wide measure of agreement on the need for an international agreement covering liability for space vehicle accidents and on the desirability of measures to facilitate the rescue and return of astronauts and space vehicles; but the Soviet Union had been unwilling to consider those questions because the Legal Sub-Committee had not adopted the Soviet draft declaration of general principles. The United States was of the opinion that, as the General Assembly had already adopted a statement of principles, the Sub-Committee would be well advised to take up some specific legal questions without delay. He recalled that in its resolution 1721 A (XVI) of 20 December 1961, the General Assembly had confirmed that international law, including the Charter of the United Nations, applied to outer space and celestial bodies. Thus, Article 2, paragraph 4, of the Charter applied, without any possible equivocation, to conduct in outer space. The Assembly had also proclaimed that outer space and celestial bodies were not subject to national appropriation—in other words, that there would be no empire-building in outer space—and that outer space was free for exploration and use by all in accordance with international law. Those principles appeared to be an excellent starting-point, and his Government was ready to take others under consideration. But it hoped that work could proceed simultaneously on general principles and solutions to specific legal issues. His delegation had been impressed by the constructive ideas submitted to the Committee on the Peaceful Uses of Outer Space by the United Arab Republic (A/5181, annex III, sect. E). The United States delegation had also prepared a draft declaration which it would submit in due course.^{1/}

4. In order to work out the law for outer space it was necessary to have more than the mere statement of general principles and the conclusion of agreements on certain points: assurance was needed that the exploration and use of outer space would be for peaceful purposes. The question of military activities in space could not be divorced from the question of military activities on earth; to banish both, all efforts for general and complete disarmament must be continued. Until disarmament was achieved, the test of any space activity must be not whether it was military or non-military but whether it was consistent with

^{1/} Subsequently circulated as document A/C.1/881.

the Charter and other obligations of international law. It was in fact impossible to draw a clear distinction between military and non-military uses of space, for the same vehicles were involved. Observation satellites, for instance, also had military applications; but that was no reason for objecting to them. As a result of scientific progress, the world would become increasingly "open", and openness could only serve the cause of peace. The United States, like every other country, was determined to take every non-aggressive step it considered necessary to protect its national security and that of friendly countries until the day when such precautions were no longer needed. But steps could be taken immediately to prevent the arms race from spreading into space. In the first place, there could be an immediate ban on nuclear tests in outer space, as the United States had proposed both in its draft comprehensive treaty banning nuclear weapon tests in all environments^{2/} and in its draft treaty banning nuclear weapon tests in the atmosphere, in outer space and under water,^{3/} with no international inspection. In the second place, his Government had no intention of placing weapons of mass destruction in orbit unless compelled to do so by actions of the Soviet Union. The United States draft treaty on general and complete disarmament^{4/} would prohibit such activities during the first stage of the disarmament process. While waiting for the outcome of the negotiations for the elimination of nuclear weapons and delivery vehicles, it should certainly be easier to agree not to arm an environment that had never been armed than to agree to disarm ones that had already been armed. His Government earnestly hoped that the Soviet Union would likewise refrain from taking steps which would extend the arms race. Although some limited measures of arms control might be taken, it was by progressing towards general disarmament that the reign of law and order in outer space could be ensured. It was with that in mind that his delegation had submitted its three proposals for reducing world armaments.

5. His Government believed that, according to established principles of international law, States should take all reasonable steps to avoid activities which restricted the free use of outer space by other countries. It was prepared to consult with scientists of other countries whenever consistent with the national security. The possible harmful effects of space experiments should be studied by competent and objective scientific bodies, and his Government welcomed the establishment of a consultative group for that purpose by the Committee on Space Research (COSPAR) of the International Council of Scientific Unions. The United States would continue to conduct its space programme with a high sense of responsibility and would make available to the world scientific community, both before and after experiments, as much scientific data as possible. It trusted that other nations would do the same.

6. The United States was conducting its space programme as openly as possible and in a spirit of co-operation, in order that the exploration and use of space might take place in conformity with General Assembly resolution 1721 (XVI). All launchings were reported to the United Nations, and a detailed report

was sent to COSPAR every year. His Government had also submitted an additional report in September 1962 to the Committee on the Peaceful Uses of Outer Space and had invited its members to visit Cape Canaveral, which one of the Soviet astronauts, Major Titov, also had visited. As for the co-operative aspect, his country had always advocated co-operation and had developed its national programme in that spirit. More than fifty nations were associated in the work of the United States. Fellowships had also been established for assistance in space research.

7. The United States was of the opinion that co-operation would yield good results, particularly in certain sectors; consequently, it would wish to participate in truly universal space telecommunication and meteorological information and forecasting systems. Considerable technical progress had already been made, and his country proposed to turn its efforts to the establishment of a global satellite communications network. It was hoped that a single international system for the commercial use of outer space would be set up, open to all countries. In that connexion, Eurovision provided an encouraging example. Certain technical questions had to be solved, however, and agreement had to be reached on the political plane. The Extraordinary Administrative Radio Conference convened by the ITU to meet in October 1963 would allocate radio frequencies for space communications, and would also take up other questions of space communications in which international co-operation would be needed.

8. In its report (A/5181), the Committee on the Peaceful Uses of Outer Space had made a recommendation on the world-wide distribution of meteorological information. The United States weather satellite programme had proved highly useful in that respect, particularly in the case of tropical hurricanes.

9. In its resolution 1721 C (XVI), the General Assembly had requested WMO to submit a report regarding appropriate organizational and financial arrangements for the purpose of advancing the state of atmospheric science and technology and developing existing weather forecasting capabilities in the light of developments in outer space; that report (A/5237) had been drawn up with the help of United States and Soviet meteorologists. The United States considered that WMO should be encouraged to continue its work in the fields of atmospheric science and meteorological research. It also seemed that United Nations agencies in the technical and financial assistance field could assist Member States to strengthen their networks of meteorological observation. The United States, for its part, expected to launch in 1963 an advanced type of meteorological satellite, and the data would be received by complex receiving stations on the North American continent and the results transmitted throughout the world. In addition, research was under way which gave reason to hope that any nation would be able to receive weather data directly from the satellite with relatively inexpensive radio receivers, and the new system would probably be tested in 1963.

10. He summed up the policy of the United States in outer space as follows: to be guided by the general principles already laid down by the United Nations for the establishment of a régime of law in outer space and to negotiate an extension of those principles by international agreement; to conclude a treaty banning immediately the testing of any more nuclear weapons in outer space; to preclude the placing in orbit of wea-

^{2/} Official Records of the Disarmament Commission, Supplement for January 1961 to December 1962, document DC/205, annex I, sect. G.

^{3/} *Ibid.*, sect. P.

^{4/} *Ibid.*, document DC/203, annex I, sect. F.

ponents of mass destruction; to take all reasonable and practicable steps, including consultation with the world scientific community, to avoid space experiments with possibly harmful effects; to conduct a programme as open as United States security needs permitted and as co-operative as other countries were willing to make it; to press forward with the establishment of a global satellite communication system for commercial needs and a weather satellite system, both with broad international participation. The United States would of course continue to look to its security in outer space as elsewhere, but would strive there also to lessen the dangers and to achieve order under law.

11. Mr. MATSCH (Austria) considered that the General Assembly should take note of the report of the Committee on the Peaceful Uses of Outer Space and endorse that Committee's recommendations. In particular, the General Assembly should accept in principle United Nations sponsorship of the international equatorial sounding rocket launching facilities, which would be a United Nations project in which the principal Powers would co-operate. The Committee could be instructed to prepare a charter for that purpose in accordance with the principles indicated in its report. He noted with satisfaction that scientists of the United States and the Soviet Union had agreed on recommendations to their Governments with regard to co-operation and eventual co-ordination in meteorology. It seemed that any global undertaking with regard to outer space required co-operation and agreement between the two leading Powers; the signing of an agreement on the use of two kinds of satellites by those two nations would provide an excellent starting point in the peaceful use of outer space, and would also have a beneficial psychological effect on other matters.

12. His delegation regretted that the Legal Sub-Committee had been unable to reach agreement on the proposals presented by the United States and the Soviet Union. A useful start might be made by seeking agreement on certain additional principles to serve as guidelines for the gradual establishment of space law. His delegation noted with satisfaction that the United States and the Soviet Union had assured the Committee that the United Nations had been notified of all objects launched into space. In his opinion, such registration should continue. His delegation further believed that efforts should be made in accordance with resolution 1721 D (XVI) to establish a world-wide network of space telecommunications. The Extraordinary Administrative Radio Conference of ITU would examine various aspects of the question in 1963, and although the establishment of a global network of space communications would take more than five years, it would be useful for the General Assembly to invite ITU to study the legal and economic sides as well as the technical side of the question.

13. With regard to the WMO report (A/5229), the plan to establish a world-wide network for the collection and dissemination of weather data and a system of observation of the entire atmosphere of the earth by weather satellites was of the greatest importance, and the United Nations agencies should supply technical and financial assistance to enable all nations to take part in those programmes.

14. His delegation considered that the General Assembly should request ITU and WMO to submit further reports as necessary. It hoped that the work of the Committee on the Peaceful Uses of Outer Space would be continued in 1963 on the basis of General Assembly

resolutions 1472 (XIV) and 1721 (XVI) and of a new resolution containing additional directives with regard to future work.

15. Mr. MOROZOV (Union of Soviet Socialist Republics) recalled the launching of the first artificial satellite by the Soviet Union on 4 October 1957, followed by the flights of the Soviet cosmonauts, Gagarin and Titov, the flights of the United States astronauts, and lastly the twin orbital flights of the Soviet spaceships Vostok III and Vostok IV, a more complex operation than any previous orbital flight and one of decisive importance for the future. The Chairman of the Council of Ministers of the USSR, Mr. Khrushchev, had repeatedly pointed out that progress achieved in the conquest of space, as well as space itself, belonged to all mankind, and the Soviet Government had advocated as early as the beginning of 1958 the conclusion of an international agreement to institute co-operation in the matter. It was thus through Soviet initiative that the question had come before the United Nations.

16. On examining the report of the Committee on the Peaceful Uses of Outer Space (A/5181), he was struck by the disparity between the great scientific and technical efforts which had been made and the fact that from the legal standpoint the Committee in question had been unable to submit to the General Assembly any recommendation on the general principles which should guide States in the conquest and use of outer space. It was essential that such principles should be worked out if there was to be genuine scientific and technical co-operation among States. Mr. Khrushchev, in his message of 20 March 1962 to the President of the United States, Mr. Kennedy, had emphasized that the two Powers which had so far made the greatest progress in the matter should agree on the solution of the important legal problems presented by the space age. Unhappily, for reasons revealed by the official documents, neither the Legal Sub-Committee nor its parent Committee had been able to reach agreement. As a result, there was a dangerous lag between the legal situation and scientific and technical progress.

17. The Soviet Union had submitted to the Committee on the Peaceful Uses of Outer Space a draft declaration of the basic principles governing the activities of States pertaining to the exploration and use of outer space (A/5181, annex III, sect. A), under which all Member States, including the USSR and the United States, would assume highly specific legal obligations with regard to co-operation in space, based on the Charter of the United Nations, General Assembly resolution 1721 (XVI) and other generally recognized principles of international law. It should be noted that resolution 1721 (XVI), like all other General Assembly resolutions, was merely a recommendation and lacked the binding force which the joint declaration proposed by the Soviet Union would possess. Moreover that declaration would be both broader and more detailed than the resolution. It would be based on the principle that the exploration and use of outer space should be carried out for the benefit and in the interest of the whole of mankind. He failed to see how anyone could object to the establishment of that principle as a legal obligation on Members of the United Nations. On that basis, the USSR proposal would proclaim that outer space was free for all States; that all activities should be carried out in accordance with the Charter; that nothing must be done to hinder in any way the exploration or use of space; that no activity incompatible with the noble objectives of mankind in

its conquest of outer space must be carried on there; and that co-operation and mutual assistance in the conquest of outer space should be a duty incumbent upon all States.

18. He recalled the conversations which had been held with the United States delegation in the Committee on the Peaceful Uses of Outer Space on the danger of high altitude atomic explosions, and again stressed his delegation's belief that no such operations, which might hinder the peaceful use of outer space, should be carried out.

19. At the same session of the Committee on the Peaceful Uses of Outer Space, the USSR had submitted a draft international agreement on the rescue of astronauts and spaceships making emergency landings (A/5181, annex III, sect. B). It seemed essential that such an agreement should be concluded in the near future in order to define the legal responsibility of States in that matter. The provisions of that agreement would not, of course, apply in the case of spaceships used for purposes incompatible with the Charter, such as activities amounting to violation of State sovereignty. Contrary to what seemed to be the thesis of the United States representative, observations made from outer space for purposes of espionage were compatible neither with the rules of international law nor with the principles of the Charter of the United Nations, and were just as blameworthy as aerial photography. A violation of national sovereignty was involved in either case. As to the reference to observation from the high seas, the analogy would hold good only for observing what was taking place on the high seas and not for spying on particular countries; again, for technical reasons, observation on the high seas did not provide information comparable with that supplied by observation in outer space. The fact remained that the use of space vehicles to obtain information of a certain type was a violation of national sovereignty and of generally recognized principles of international law.

20. His delegation was prepared to examine the United States proposals on assistance to space vehicles and liability for space vehicle accidents (A/5181, annex III, sect. C and D) and the draft code for international co-operation in the peaceful uses of outer space, drawn up by the United Arab Republic (*ibid.*, sect. E); it considered that some provisions of those texts would form a useful adjunct to the proposals of the Soviet Union.

21. The Committee on the Peaceful Uses of Outer Space had made some important recommendations on scientific and technical co-operation with special reference to the use of meteorological satellites, improvement of the world-wide system for distribution of meteorological information, the creation of international sounding rocket launching facilities, the programme of the International Year of the Quiet Sun, the study of the earth's magnetic field and the use of arti-

ficial satellites to improve world-wide telecommunications. Those countries which, for lack of technical facilities, had so far been unable to send satellites or cosmonauts into space could make a valuable contribution to the joint conquest of space by sharing in the training of specialists and technicians.

22. It was to be hoped that certain vital questions, specially in relation to disarmament, would be solved, that their solution would facilitate the institution of international co-operation in the peaceful use of outer space, and that the obstacles still impeding the adoption of certain principles, particularly in legal affairs, could be overcome. Such developments, as well as fostering the exploration and use of space, would also help to strengthen world peace.

23. The CHAIRMAN said that there were no more speakers on his list; he suggested that the afternoon meeting should be cancelled.

Organization of work

24. Mr. MOROZOV (Union of Soviet Socialist Republics) asked whether the Committee might use the afternoon meeting to examine the Soviet draft resolution (A/C.1/L.318) regarding the issue of an invitation to representatives of the Democratic People's Republic of Korea and the Republic of Korea to participate in the discussion of the question of the withdrawal of foreign troops from the territory of South Korea. It would be desirable to avoid a delayed and consequently hurried examination of that matter.

25. Mr. GORE (United States of America) said he was reluctant to interrupt the examination of the question of the peaceful uses of outer space, which was as technical as it was important, in order to discuss something completely different.

26. The CHAIRMAN recalled that the Committee had decided at its 1284th meeting to ask its Chairman to hold consultations on the question raised by the Soviet Union. Mr. Adeel had been unable to attend the present meeting and he could give no undertakings on his behalf. Therefore he did not think any decision could be taken at the present stage to take up another item at the afternoon meeting.

27. Mr. MOROZOV (Union of Soviet Socialist Republics) said that, in deference to the Chairman, he would not press the matter. However, he asked that his proposal be communicated to Mr. Adeel so that advantage might be taken of any available meeting for a discussion on the question of inviting representatives of the Korean people, in order to avoid sending out an invitation too late for them to attend.

28. The CHAIRMAN assured the USSR representative that his statement would be communicated to Mr. Adeel.

The meeting rose at 1.10 p.m.