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

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.1/879; A/C.1/880; A/C.1/L.320 and Add.1) (continued)

GENERAL DEBATE (continued)

1. Mr. SCHURMANN (Netherlands) identified two aspects of the work of the Committee on the Peaceful Uses of Outer Space, one encouraging and the other frustrating. The negative aspect concerned the lack of agreement in the Committee on the legal regulation of the use of outer space, and revealed the fragile basis of international co-operation in that field of human endeavour.
2. The positive aspect of the Committee's work consisted in its very convincing advocacy of a number of concrete forms of international co-operation in many fields of space research. In that connexion it was particularly gratifying to learn that the United States and the Soviet Union had agreed to co-operate in some important projects relating to the peaceful exploration of outer space. It was to be hoped that those Powers would show the same spirit of co-operation in seeking agreement in other fields of common interest, such as the cessation of nuclear tests. The two countries in question had also agreed that they would make the results of their co-operation available to other interested parties, thereby encouraging co-operation between a great number of countries. That decision would help to destroy the belief that space research was the preserve of a few great Powers, whereas in most cases it could be effective only if as many countries as possible participated.
3. His delegation wished to congratulate the International Council of Scientific Unions on its initiative in organizing the International Year of the Quiet Sun and the World Magnetic Survey Programme. The Netherlands was preparing to carry out, by means of

rockets, a research project on wind structures in the upper layers of the atmosphere above Surinam. The results of that project might be of interest for the International Year of the Quiet Sun. Since the experiments would take place in an area close to the geomagnetic equator, they might perhaps serve as a preparation for one of the international sounding rocket launching facilities referred to in paragraph 21 of the report of the Committee on the Peaceful Uses of Outer Space (A/5181).

4. He welcomed the important contributions by ITU, WMO and UNESCO, in their respective spheres, to the practical applications of space activities. In space, as in other fields, the activities of the United Nations Secretariat and of the specialized agencies must be closely co-ordinated.

5. Dealing with the recent organization of space research in Europe, he mentioned the convention establishing the European Space Research Organisation, which provided for the establishment of a European Space Technology Centre which would soon be in operation at Delft in the Netherlands with a staff of 800 specialists from the twelve participating countries, a Data Centre, and a space laboratory. In addition, a launching area was being made available near Kiruna in Sweden. Furthermore, seven European countries had signed a convention setting up the European Launcher Development Organisation. Each of the participating countries had its own task: that of the Netherlands was to design, develop and construct telemetry links.

6. Turning to the legal side of the report of the Committee on the Peaceful Uses of Outer Space, he recalled that the General Assembly in its resolution 1721A (XVI) had stated two basic principles governing activities in space. The first of those principles, which was that international law and the Charter of the United Nations were applicable to outer space, hardly required elaborating; it merely emphasized the applicability of the general rules of international law to all activities of States in their international relations, and the fact that the purposes and principles of the Charter should also be implemented in the field of State conduct relating to the exploration and use of outer space. That did not, of course, mean that a priori there would be no room for specific international measures in that field, but clearly such measures would have to be viewed in the general perspective of the application of that principle. That consideration was particularly pertinent to State activities having a military character. It seemed obvious that an international regulation of the use of outer space with regard to such activities would be less hard to achieve if more progress were made in the field of general and complete disarmament under international control.

7. The second principle enunciated in resolution 1721A (XVI) differed from the first in that it em-

bodied a rule peculiar to space law. In declaring outer space and the celestial bodies therein res communis, the principle implicitly called for the international regulation of their use by States and individuals, in order to ensure that the use of space by one party did not unduly hamper its use by another party. The drafting of such regulations would obviously have to be based on a review of present and foreseeable uses of outer space and their effects on the environment. That task called for close co-operation between lawyers and experts in outer space activities, and it would seem that the Committee on the Peaceful Uses of Outer Space was an appropriate forum for the study of the problem. One might ask, in that respect, what rules were to be applied to relationships between States which had more or less fixed establishments in outer space or even on a celestial body. Since the second principle embodied in resolution 1721A (XVI) excluded national appropriation of outer space and of celestial bodies, the concept of territorial sovereignty could not serve as a basis. The application by analogy of the rules of international law governing what might be called "stateless areas" such as the open sea or the Antarctic might be appropriate, provided that such rules were adapted to the peculiarities of the environment and the particular nature of space activities. In any case, the Legal Sub-Committee might usefully undertake a preliminary study of that question. Two other questions raised by the second principle might also be studied, although they were perhaps less urgent. They were: the determination of the line of demarcation between outer space and the air space subject to the régime of national sovereignties; and the establishment of rules regulating access to outer space through air space.

8. Regarding the implications of certain space activities for the regulations to be applied on earth, he noted that various proposals had been submitted to the Committee on the Peaceful Uses of Outer Space respecting measures to be taken in case of emergency landings and other space vehicle accidents. Those various proposals seemed to contain enough common elements to warrant the hope that agreement would be reached. There was no doubt that, in virtue of the first principle stated in resolution 1721A (XVI), the general rules of international law applied to liability for damage caused by accidents to space vehicles. There again, however, it would be essential to take into account the peculiarities of space activities and their environment, and in that connexion the United States draft (A/5181, annex III, sect. D) seemed to provide a usable basis for international regulation.

9. There appeared to be ample scope for constructive legal work in the Committee on the Peaceful Uses of Outer Space. It was to be hoped that its members would refrain from all political controversy and concentrate on finding generally acceptable solutions for the problems of the development of legal principles and procedures and for the latter's application to the conditions of that new field of human activities.

10. Mr. Mahmoud RIAD (United Arab Republic) thought that the principal objective of the United Nations should be to ensure that outer space was used exclusively for peaceful purposes. It seemed to him, however, that the international community had not yet exerted enough effort to that end. It was, in fact, necessary to act swiftly so that the world would not find itself in a situation similar to that which had been allowed to develop in the field of nuclear energy

because steps had not been taken in time to prohibit its use for non-peaceful purposes. It was true that the General Assembly had already adopted basic principles to guide the activities of States in outer space. Those principles were not, however, clear or specific enough as to the peaceful nature of those activities. Moreover, although the United States and the Soviet Union had both expressed their intention of using outer space for peaceful purposes alone, their views on the subject had differed. It was for that reason that his delegation had submitted a draft code for international co-operation in the peaceful uses of outer space (A/5181, annex III, sect. E) which, though not claiming to provide all the answers, was a step forward towards the more comprehensive code for which all should strive. It was the opinion of his delegation that the impasse which now existed so far as the legal aspects were concerned was due to the absence of basic principles to guide the work of the experts. That was the gap which his delegation had wished to fill. It was obvious that all legal questions had political foundations, and that fact must be remembered if any progress was to be made in dealing with the legal aspects.

11. Under the first principle contained in the draft code, the activities of Member States in outer space should be confined solely to the peaceful uses. It had been suggested that that objective could be achieved only as part of an agreement on general and complete disarmament; the same suggestion had been made in relation to the cessation of nuclear tests, but the nuclear Powers had come to realize the need for concluding a separate agreement on that subject. He would therefore expect that that need would likewise be realized in the present case. The introduction of weapons of mass destruction into outer space would, moreover, be incompatible with the Charter of the United Nations which, as the General Assembly had recognized, also applied to activities in space.

12. The second principle contained in the draft code was that States should promote peaceful co-operation. It was becoming increasingly difficult to co-ordinate the policies of Governments in fields as vast as that of outer space. Moreover, the harmful effects of high-altitude nuclear experiments might possibly interfere with future projects in outer space and constitute a danger for the astronauts. That consideration also underlined the third principle.

13. The fourth and fifth principles dealt with the obligation of Member States, in the event of accident or mishap, to return space vehicles and their personnel to the State or international organization responsible for launching them. Those two principles were essential to the establishment of international co-operation in the field under consideration. It should be noted that the drafts submitted by the United States and the Soviet Union contained similar provisions.

14. The sixth principle concerned the development of special programmes in which the developing countries could participate with a view to promoting world-wide interest in outer space; it was of particular importance, and he hoped that it would earn the support of Member States. In connexion with such problems the United Nations and the specialized agencies concerned could play a leading role, as shown by the proposal of the Committee on the Peaceful Uses of Outer Space for the creation of a sounding-rocket launching facility in the equatorial region of

India. He also welcomed the San Marco project, a constructive contribution by the Italian Government. He thought moreover that the United Nations and UNESCO, as well as COSPAR, could make a substantial contribution towards promoting interest in space activities if they were given the means to do so.

15. The seventh principle stated that Member States would agree to make full use of the facilities and experience of the various international organizations concerned, since the vast resources of those organizations could render effective assistance to Governments. The eighth principle laid down that Governments would make every possible effort to provide the Secretary-General with all information necessary for the promoting of international co-operation in the peaceful uses of outer space. His delegation believed that civilization was founded on the contributions of all nations to knowledge in all fields. Countries should, therefore, inform the international scientific community regularly about their discoveries. The United States and the Soviet Union deserved gratitude for their assurance that they would keep the scientific community informed about their programmes.

16. The ninth principle had two objectives: first to ensure that all possible assistance would be rendered by Member States to the United Nations and the specialized agencies in encouraging and co-ordinating space research; secondly, to encourage joint programmes of training and research to promote science and technology in outer space within a framework of truly international co-operation. He recalled, in that connexion, the contribution of UNESCO in relation to the International Geophysical Year and the valuable reports submitted by WMO and ITU. Having explained the motives underlying the draft code submitted by his country, he wished to say that his delegation would welcome any suggestion from other delegations.

17. At the current session the General Assembly should first pronounce itself on the general principles submitted by different delegations to the Committee on the Peaceful Uses of Outer Space and on any other document which might be submitted during the debate. Secondly, the Assembly should request the Committee on the Peaceful Uses of Outer Space to continue its work. Thirdly, it should give to that Committee the task of examining the question of co-operation with the specialized agencies and the other organizations concerned, so that the work of those various organizations might be co-ordinated from the start, and of submitting a report to the Assembly at its eighteenth session. The Assembly must make it abundantly clear that that Committee was the focal point in the field. Fourthly, it was necessary to consider the relationship between ITU, WMO, UNESCO and the Economic and Social Council, so as to avoid overlapping between the decisions adopted by the Council and those adopted by the Committee on the Peaceful Uses of Outer Space. Fifthly, that Committee should be requested to consider the possibility of participation by other organizations, whether governmental or non-governmental. In view of the important contribution of COSPAR, the other organizations should be encouraged to follow its example. In conclusion, he welcomed the recent agreement between the United States and the Soviet Union regarding co-operation in outer space (A/C.1/880). That was an important step, which he hoped would be followed by other similar steps in the future.

18. Mr. SEYDOUX (France) said that the three reports before the Committee represented a considerable amount of work, given that they constituted the implementation of a resolution adopted by the General Assembly in 1961. It was to be hoped that the work would continue at the same pace, since everyone who had spoken in the debate had shown a keen desire to press forward despite the considerable differences existing.

19. His Government was deeply interested in space questions. It had established national programmes and had set up the necessary administrative and political co-ordinating bodies. It regarded the exploration and use of outer space as the ideal field for international co-operation, and was a member of the European Space Research Organisation and of the European Launcher Development Organisation. It had supplied the United Nations Secretariat with detailed information, which was contained in document A/AC.105/7 and which proved that French scientific institutions were studying the science of space in all its branches. His Government aimed to develop its activities in the field of basic scientific research and in that of space technology at the pace necessary in the modern world; it was also prepared to go into partnership with other countries on a bilateral basis and to exchange with them scientific information on space technology.

20. Regarding the improvement of the means for weather forecasting, his delegation was pleased to note that WMO was being invited to concentrate its efforts on its expanded programme for the strengthening of meteorological services and research. In that connexion, the question of the technical and financial assistance to be supplied to such countries as might need it should be examined in the near future. In the field of space telecommunications, his country had co-operated with the United States in carrying out the Telstar operation. He was grateful to the United States representative for having given particulars as to the American conception of a single international system for the commercial use of communication satellites.

21. Although outer space had opened an entirely new field to scientific and technical study which made close international co-operation possible and necessary, yet from the point of view of law it raised questions that were entirely new and even more difficult to solve, because precedents were lacking and progress was retarded by political considerations. It was not surprising therefore that the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space had worked more slowly than the Scientific and Technical Sub-Committee. Perhaps the Legal Sub-Committee should have tried at the very beginning, as the representative of France had asked, to draw up an inventory of questions that had to be solved before trying to reply to some of them. However, the texts prepared by the Legal Sub-Committee represented a useful contribution to the study of several questions, and he believed that when the members of the Sub-Committee resumed their work they would be able to make more rapid progress. For instance, the two drafts submitted on the question of the rescue of spaceships and astronauts pursued the same aim; one was submitted as a draft international agreement and the other as a draft resolution of the General Assembly. He thought that the Legal Sub-Committee might take up work on the two drafts simultaneously, for the adoption of a resolution by

the General Assembly would not exclude the ultimate signing of an international convention. Similarly, the question of liability for space vehicle accidents seemed sufficiently advanced for the Sub-Committee to start consideration of a draft international agreement.

22. The preparation of a declaration of principles obviously raised more delicate questions, but it was not a priority task and the drafting of a code for outer space would require the greatest care. When it resumed work the Legal Sub-Committee would have available the United States and the United Kingdom texts, which widened the basis of discussion initially supplied by the drafts of the United Arab Republic and the Soviet Union. The Legal Sub-Committee might find itself confronted by a number of difficulties which his delegation hoped it would be able to avoid. It should not allow itself to be tempted by the ambition to take up subjects that were beyond its competence or that had already been referred to other international bodies, as for example the question of war propaganda or so-called "intelligence" activities. The Sub-Committee would do well to recognize that disarmament and related questions were not within its competence. Further, the members of the Sub-Committee should refrain from advancing ideas which clashed with the fundamental notions of many human societies: for example, the idea that the execution of certain space activities planned by States should be subject to the consent of other States. Then again, it was difficult to see how societies founded upon State monopoly in the economy or in education or research work could impose the adoption of a State monopoly of outer-space undertakings on other societies which were based on different principles.

23. The French delegation fervently hoped for the development of international co-operation with respect to outer space; it advocated the speedy execution of the Committee's recommendations with regard to scientific and technical matters; it welcomed the draft resolution submitted by the United States and Canada (A/C.1/L.320 and Add.1), on which it would speak in greater detail later; and it proposed that the Legal Sub-Committee should be invited to resume its work in the light of the First Committee's discussions.

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

24. Mr. ZOPPI (Italy) said that the report of the Committee on the Peaceful Uses of Outer Space (A/5181) testified to the good work done by the Committee and the progress accomplished in furthering international co-operation in that sphere. For the first time since the inception of the space age a full and constructive exchange of opinions had taken place within the United Nations under an impartial and enthusiastic Chairman. On the basis of General Assembly resolution 1721 (XVI), which had originated in a draft sponsored by Italy and other countries, the Committee had been able to work out positive and constructive recommendations for scientific and technical co-operation. The representatives of Italy had contributed actively to drafting those proposals and had had the opportunity during the Committee's session in New York to express their support of those proposals and to congratulate WMO and ITU on the contributions they had made.

25. Summarizing the activities undertaken by Italy within the framework of international co-operation

for the peaceful use of outer space, he said that Italy was a member of the European Space Research Organisation and the European Launcher Development Organisation. It was collaborating with the United States National Aeronautics and Space Administration in a most constructive bilateral programme. The Italian Commission for Space Research was preparing to contribute to the scientific activities of the International Year of the Quiet Sun, which would include the launching of meteorological rockets at low altitude to collect basic data on the characteristics of the atmosphere in the Mediterranean and equatorial zones, the launching of sounding rockets to measure the characteristics of the equatorial ionosphere, and oceanographic measurements. In 1961, the Commission for Space Research, in close co-operation with the United States National Aeronautics and Space Administration, had launched two series of sounding rockets, producing clouds of sodium vapour at altitudes between 150 and 200 miles, which, recorded by photographic techniques, had yielded very valuable scientific data on the structure of the upper atmosphere. By comparing the results with those obtained from simultaneous launchings in the United States, entirely new phenomena has been observed and reported to COSPAR.

26. Italian space research agencies were taking part in a number of international undertakings in the field of space communications, in particular, in the Telstar project. In addition, the Italian Government was contemplating improvements in its weather forecasting system with a view to the full utilization and dissemination of meteorological data obtained from satellites. Lastly, the Italian Commission for Space Research was willing to contribute to the training of foreign experts.

27. With regard to the proposed establishment of international sounding rocket facilities under United Nations sponsorship, he recalled that his Government had offered to place the mobile San Marco platform at the disposal of States interested in carrying out experiments at the equator. He welcomed India's offer to be the host country for a sounding rocket launching platform. The establishment of such international installations was essential if international co-operation in the exploration of outer space was to be strengthened, extended and developed.

28. It was apparent, on reviewing the report of the Committee on the Peaceful Uses of Outer Space, that little progress had been made in the legal field, in which the situation was extremely complex. Nevertheless, useful work had been done towards defining the problems. Proposals had been advanced to provide both for a general framework and for specific problems, such as assistance to and the return of space vehicles and their crews and liability for damage caused by space vehicles. The latter problems were becoming urgent in the present phase and were easier to solve, whereas the formulation of general principles was a more complex problem, which had to be approached with caution. The draft code presented by the United Arab Republic (A/5181, annex III, sect. E) contained interesting ideas, such as that concerning the participation of developing countries in outer space programmes. The draft declaration submitted by the United Kingdom (A/C.1/879), which developed the two basic principles already approved by the General Assembly, contained useful and sound suggestions.

29. The Italian delegation, for its part, was considering the possibility of advancing a few ideas, in the form of a draft resolution, which might assist in the formulation of general legal principles. It believed that progress in that field had been slow because certain proposals injected issues which came under the terms of reference of the Conference of the Eighteen-Nation Committee on Disarmament. Those matters were being considered at Geneva, and when the Committee on the Peaceful Uses of Outer Space met again it should bear in mind that the fundamental principles governing activities in outer space could not be based on controversial elements and that

the whole matter should be re-examined thoroughly and dispassionately. That Committee had achieved good results by working in a harmonious atmosphere. It was essential that that atmosphere should continue to prevail if international co-operation was to be strengthened within the framework of the United Nations. In that connexion, the agreement concluded between the United States and the Soviet Union constituted an important step towards the achievement of the purposes of the United Nations.

The meeting rose at 12.30 p.m.