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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/A/5203, chap VII, sect. IV; A/5229; A/5237; A/C.1/879; A/880; A/C.1/881; A/C.1/L.320/Rev.1) (continued)**

**GENERAL DEBATE (continued)**

1. Mr. GORE (United States of America) said that his delegation had prepared a draft declaration of principles relating to the exploration and use of outer space (A/C.1/881), which had meaning not only for States engaged in outer space activities but also for all the members of the international community. The first preambular paragraph of the draft declaration mentioned General Assembly resolution 1721 (XVI), which was of great importance since it contained two universally accepted principles. The remaining four preambular paragraphs emphasized the universal interest in the exploration of space and the resulting moral duty of States at an advanced stage in space research to allow all other States, whatever their economic and scientific development, to benefit from their experience. Conversely, States which were now exploring space needed the co-operation of others. The first principle reaffirmed one of the principles stated in resolution 1721 (XVI) and added an important consequence: that all States had equal rights in the exploration and use of space. The second principle stated that the space activities of States should conform to the rules of international law and the provisions of international treaties, including the Charter of the United Nations. The third principle was an amplification of the first. The fourth and fifth principles dealt with assistance to astronauts and the return of space vehicles; in that connexion, he recalled that the United States delegation had submitted to the Committee on the Peaceful Uses of Outer Space a proposal concerning assistance to space vehicles and crews and their return (A/5181, annex III, sect. C).

In regard to the sixth principle, concerning the liability of States or international organizations for injury, loss of life or property damage caused by space vehicles, the United States delegation had submitted to the Committee on the Peaceful Uses of Outer Space a proposal (*ibid.*, sect. D) that a small working group should be constituted to prepare a draft international agreement on that subject. The seventh principle enunciated a very simple proposition: that ownership and property rights in a space vehicle remained unaffected in outer space or upon return to the earth.

2. He also wished to comment on the revised text (A/C.1/L.320/Rev.1)—sponsored by sixteen members of the Committee on the Peaceful Uses of Outer Space—of the draft resolution originally submitted by the United States. It should be pointed out that the second and third paragraphs of the preamble of the revised draft resolution and paragraph 3 of section I should not be taken to mean that only States might engage in the activities referred to. International organizations and private and semi-private bodies might undertake space activities in the future and would then have to observe the rules of international law. In the view of the United States delegation, resolution 1721 A (XVI) applied to the activities of international organizations, which should also be taken into account by the Committee on the Peaceful Uses of Outer Space. Paragraph 3 of section I of the revised draft resolution listed the various questions to be dealt with by the Committee on the Peaceful Uses of Outer Space, in an order not related to any particular scheme of priorities. The United States delegation continued to believe that that Committee would be well advised at the present stage to concentrate on practical problems of immediate importance. Members would recall the statements made by the representatives of France (1293rd meeting) and India (1294th meeting) on that subject. However, since many delegations felt that the drafting of basic legal principles was an urgent task, the United States delegation supported paragraph 3, which placed that problem on the same footing as other legal problems.

3. Mr. TCHOBANOV (Bulgaria) recalled that ever since 1959 the United Nations had been debating the peaceful uses of outer space. The General Assembly had first adopted resolution 1472 (XIV), and then resolution 1721 (XVI), in which it had set forth two basic principles. It had also established a Committee on the Peaceful Uses of Outer Space, which had set up two sub-committees. The Scientific and Technical Sub-Committee had accomplished useful work, especially for exchanges of information and the promotion of national programmes and international launching facilities for sounding rockets in the region of the equator and the parent Committee had approved its recommendations together with those of WMO and ITU.

4. It was unfortunate to note, however, that the work of the Legal Sub-Committee had ended in a complete

deadlock, which the Committee had had to acknowledge at its September meetings, when transmitting to the General Assembly the various proposals submitted in the Sub-Committee and the summary records of its meetings. The delegations of the socialist countries and of a number of non-aligned countries had nevertheless made commendable efforts at the September meetings to break the deadlock. The delegation of the United Arab Republic, for one, had submitted a draft code (A/5181, annex III, sect. E) amplifying the ideas set forth in General Assembly resolution 1721 (XVI), and expressly stating that the activities of Member States in outer space should be confined solely to peaceful uses. That was a basic principle which could still be adopted formally at the current session of the General Assembly. The draft code had, moreover, considerable importance for other reasons, since it enunciated various principles which should govern co-operation among States. It had thus played a significant role and facilitated the proposal of constructive solutions at the current session of the Assembly.

5. Since the representative of the United States had described the draft code as "thoughtful and constructive", the Bulgarian delegation wished to know if the United States supported the first principle in section I of the code: that the activities of Member States in outer space should be confined solely to peaceful uses. Certain passages in the statement made by the United States representative at the 1289th meeting gave reason to fear that the United States might have adopted a somewhat ambiguous position in that respect. He had stated that it would be hard to draw a clear distinction between military and peaceful uses and that, for example, Soviet and United States astronauts were members of the armed forces of their respective countries. In reality an activity was military by its nature and not because the person who engaged in it belonged to the armed forces. The representative of the United States had also said that a satellite could just as well guide a submarine as a merchant vessel. That was so, but it was important that a decision should be taken precisely on that point and that the principle should be established that satellites should be used to guide only merchant vessels. The representative of the United States had also said that reconnaissance from space vehicles or from the high seas was not contrary to international law. That was a strange notion, to say the least. The gathering of secret military information was a punishable offence in all States. It constituted the crime of espionage, for which the United States Code provided serious penalties<sup>1/</sup> and the nature of which did not change if it was committed on the high seas or in outer space. Section 795 of the United States Code, dealing with the photographing of military objectives, took no account of where the camera was placed. Now that the legal principles applicable to outer space were about to be developed, the Bulgarian delegation wished to make its point of view quite clear.

6. The Bulgarian delegation had joined the sponsors of draft resolution A/C.1/L.320/Rev.1, which was an improved version of the draft originally submitted by the United States and Canada. In addition to recommendations concerning scientific and technical co-operation, the draft called upon Member States to co-operate in the development of principles and rules of international law regarding the use of outer space.

<sup>1/</sup> See United States Code Annotated, Title 18, Crimes and Criminal Procedure, chapter 37, sections 791-795.

The Bulgarian delegation had agreed to sponsor the revised draft resolution in the hope that, as a result, adequate attention might soon be devoted to the legal aspects of the problem.

7. Mr. CARVALHO SILOS (Brazil) regretted that the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space had not succeeded in drawing up a declaration of principles to govern the exploration of outer space. He therefore hoped that it would examine the question as soon as possible. In doing so it should consider, first, provisions relating to assistance to astronauts and the return of space vehicles and their personnel—matters to which existing treaties and conventions could be applied—and secondly, the general principles which should govern the exploration of space itself. The two principles enunciated by the General Assembly in its resolution 1721 A (XVI) were not sufficient. The idea expressed in the second preambular paragraph of that resolution that the exploration and use of outer space should be only for the betterment of mankind and to the benefit of States irrespective of the stage of their economic or scientific development should be repeated, and United Nations supervision of the broadcasting of radio and television programmes through satellites should be mentioned. Furthermore, his delegation had certain reservations concerning the automatic extension of international law and of the United Nations Charter to outer space. Thus the principles established by the General Assembly should constitute only an initial stage and should be supplemented by a definition of the limitations to be imposed on the sovereign rights of States in that matter. Conflicting views on military observation by means of satellites had already been heard. Moreover, the Charter had been drafted before the opening of the nuclear and space age; not only did it contain no provision prohibiting the use of outer space for military purposes and nuclear tests in that environment, but by confirming the right of self-defence, individual or collective, in case of armed attack it allowed Member States to invoke Article 51 to justify the use of outer space for military purposes. His delegation was opposed to such use, and also to nuclear tests in outer space. It recognized, however, that that question was closely connected with the wider problem of disarmament; and it thought that the various draft declarations of principles that had been submitted contained many positive points which might constitute a basis for discussion.

8. The Committee on the Peaceful Uses of Outer Space had submitted extremely important recommendations concerning, among other things, the establishment under United Nations auspices of international equatorial sounding rocket launching facilities. Those facilities would permit countries which had not yet been able to undertake the exploration of space to participate in space activity. If such facilities were established in Brazil, his Government would maintain its sovereignty and jurisdiction over them and would need the technical and financial co-operation of the most highly developed countries for their construction and equipment. In return, it would give its fullest support to the carrying out of international programmes of common interest.

9. His delegation noted with interest the decisions of the Committee on the Peaceful Uses of Outer Space concerning the study of several programmes and suggestions submitted by ITU regarding world-wide telecommunications by means of satellites. In that connexion it considered that the broadcasting of radio

and television programmes by means of satellites should be placed under United Nations supervision, for misuse of those information media might endanger peace and aggravate existing misunderstandings between countries. In certain highly developed countries, radio and television programmes, as well as the Press, often gave an entirely false impression of the under-developed countries. Furthermore, programmes transmitted by means of satellites should exclude all propaganda in favour of war, class struggle, or racial or religious discrimination, and propaganda likely to be offensive to another country. The United Nations should also organize, through UNESCO, educational and cultural programmes for the benefit of all countries, particularly the under-developed.

10. His delegation had been pleased to note the recommendations of the Committee regarding improvement of the dissemination of meteorological information by means of satellites. Such information would make it possible to improve weather forecasting, chiefly in the tropical areas, where it would favour economic development. His delegation likewise approved the recommendations submitted by WMO in its report (A/5229). It noted with satisfaction that WMO had stressed the necessity of improving the present system of meteorological observations in certain regions.

11. He welcomed the agreement reached by the United States and the Soviet Union on co-operation in space, which might pave the way for better understanding between them and facilitate the solution of their terrestrial problems.

12. His delegation would vote in favour of the revised draft resolution (A/C.1/L.320/Rev.1).

13. Mr. MALALASEKERA (Ceylon) said that his delegation was among those which, disappointed with the negative results of the work of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space, felt that, despite the progress of science, confusion would prevail in the use of outer space as long as space activities were not governed by the rules of law. Naturally it was understandable that certain States should hesitate to commit themselves to definitive juridical concepts in an area where man's knowledge was still so meagre. Yet those States, when confronted with the prospect of such a revolutionary change as general and complete disarmament, had been the first to assert that, unless a new concept of international law had been established first, a disarmed world might be exposed to greater dangers than a world armed to the teeth. The threat that now hung over humanity was the development of nuclear science far beyond the concomitant development of international law. The same dangerous lag existed in space activities: science was taking giant steps forward, while no progress had been made towards the formulation of space law. In the opinion of his delegation, it was urgent to adopt at least the several principles necessary to ensure that the co-operation between the two great Powers which had been initiated would develop harmoniously. There did not appear to be any major contradictions between the various proposals. The draft which had most merit seemed to be that submitted by the United Arab Republic (A/5181, annex III, sect. E), which was more firmly based on the principles of the Charter. While, like the Soviet draft (*ibid.*, sect. A), it stressed the primary principle that space activities should be free from military implications, it avoided certain clauses which might

prove controversial, such as that prohibiting the use of outer space for war propaganda. Surely the most effective condemnation of war propaganda was expressed by world public opinion.

14. He could not subscribe to the view that the demilitarization of space should be linked with disarmament. Nor did it agree with the statement by the United States representative (1289th meeting) that the question of military activities in space could not be divorced from that of military activities on earth, and that no clear distinction could be drawn between military and non-military uses of space. The United States appeared, however, to be offering a tacit truce covering military activities in space. That still left a loophole, which might be closed by incorporating the offer in a protocol, a declaration of principles, or a multilateral non-aggression pact.

15. It was gratifying that the exchange of letters between the Heads of State of the two great Powers which had taken place in March 1962 had furthered the development of a spirit of co-operation which had recently been manifested in the conclusion of an agreement on scientific co-operation. If that co-operation moved forward within the constructive programmes drawn up by ITU, WMO and UNESCO, real progress would be made towards a growing peaceful co-operation between East and West. Yet that development could not continue unless all possibility of the use of space for military purposes were eliminated. To that end the countries in whose territory United States or Soviet tracking stations were situated should declare that the arrangements relating to the stations would be rescinded if they were used as part of a military undertaking.

16. Countries which, like Ceylon, were not taking an active part in the conquest of space had been invited to participate in certain scientific conferences organized by the specialized agencies. They would find it helpful if an executive committee was established, as the Peruvian representative had suggested, or a co-ordinating committee, like that already set up for technical assistance, to harmonize the activities of the many international bodies concerned with space. It might even prove desirable to establish a specialized agency for outer space, to play in its own field a part like that played by the International Atomic Energy Agency.

17. His delegation earnestly hoped that the revised draft resolution (A/C.1/L.320/Rev.1) would provide a meeting-ground where a unanimous decision could be taken by the Committee. It was convinced, however, that sooner or later broad legal principles would have to be established to ensure that scientific co-operation developed on a firm and enduring foundation.

18. Mr. MOROZOV (Union of Soviet Socialist Republics) recalled that his delegation had felt some misgivings on noting that in the original draft resolution presented by the United States and Canada (A/C.1/L.320 and Add.1) no account was taken of the disturbing gap between the legal and technical aspects of the question. Since the solution of important legal problems could not be postponed any longer, his delegation had informally suggested a number of amendments to that draft, which it had been able to persuade the United States and other delegations to accept. Those informal consultations had made it possible to submit the revised draft resolution (A/C.1/L.320/Rev.1), in which it was recognized that the Committee on the Peaceful Uses of Outer Space should devote

particular attention to the development of legal principles governing co-operation in outer space. For that purpose the Committee would receive all the relevant documents, including the various drafts contained in annex III of document A/5181 and the draft declarations submitted to the First Committee. Indeed, all the drafts had much in common—a fact which augured well for the success of the Committee's work, provided that its members showed goodwill in seeking solutions acceptable to all. The Committee should, however, strive to reconcile views on certain points still at issue, such as the Soviet Union proposal to prohibit any activity which might impede international co-operation in the exploration and use of outer space. Apart from those points, it was certain that if the General Assembly adopted the revised draft resolution—particularly the second paragraph of the preamble and paragraph 3 of section I—the Committee on the Peaceful Uses of Outer Space would have the political directives necessary to enable it to discharge its duties successfully.

19. Mr. BUDO (Albania) believed that the use, whether good or bad, of discoveries concerning outer space would depend primarily upon the efforts made by peace-loving States to prevent certain Western Powers from using the progress made in that field to maintain their policy of force and to prepare for a nuclear war. He regretted that, while the Committee on the Peaceful Uses of Outer Space had achieved gratifying scientific and technical results, the Legal Sub-Committee had reached an impasse. There was an urgent need to establish the basic principles which should govern activity in outer space, for the establishment of legal rules and international co-operation in outer space were two inseparable aspects of its use for peaceful purposes. In no circumstances should space discoveries be allowed to be used, as the United States Government was trying to do, to intimidate peace-loving and freedom-loving peoples or to make plans for nuclear warfare against them. Indeed, it was United States opposition that had prevented the Committee on the Peaceful Uses of Outer Space from making progress on the legal side. The United States representative in the First Committee had made it clear, at the 1289th meeting, that his Government would not undertake not to use outer space for military purposes, on the pretext that the problems of disarmament had not been solved. Moreover, the United States Government openly claimed the right to use outer space for acts of espionage against independent and sovereign States. That position could have very serious effects on world peace, and the United Nations should therefore make every effort to ensure that outer space would be used for peaceful purposes.

20. In his delegation's view, the work of preparing legal instruments applicable to outer space should be based on the fundamental principles stated in General Assembly resolution 1721 A (XVI). The universally accepted principles of international law and the United Nations Charter must be the foundation of space law. At the same time, it was clear that they could not be applied to outer space mechanically; they had to be adapted to its specific conditions. Consequently it was imperative to define and amplify the principles established by the General Assembly and to state, in a suitable international instrument binding on all parties, the basic principles which should govern space activities. For that reason his delegation supported the draft declaration of principles and the draft agreement on the rescue of astronauts submitted by the

Soviet Union. It was also prepared to study the other drafts contained in annex III of the report of the Committee on the Peaceful Uses of Outer Space (A/5181) and, guided by its Government's policy of peace, would support any constructive proposal likely to promote the peaceful use of outer space and to strengthen international co-operation in that field.

21. Mr. FORTHOMME (Belgium) reviewed his country's achievements and research in astrophysics, aeronomy, space medicine, the generalized relativity theory and cosmic radiation. Belgium's membership in the European Space Research Organisation and the European Launcher Development Organisation showed the importance which it attached to questions of outer space. The convention establishing the latter organization provided that it should concern itself only with peaceful applications of space vehicle launchers and their equipment.

22. The United Nations in general and the Committee on the Peaceful Uses of Outer Space in particular should base their activity on the fundamental principles of international co-operation. The General Assembly had already rightly declared in its resolution 1721 (XVI) that the United Nations should provide a focal point for international co-operation in matters of outer space, and had instructed the Committee on the Peaceful Uses of Outer Space to direct international efforts. Under the guidance of its Chairman, the Committee had already laid the first foundations of a space policy. That co-ordinating function should be exercised in two fields: scientific and legal. The United Nations should therefore promote space research and recommend international programmes likely to advance scientific knowledge of the atmosphere. In that connexion he congratulated the specialized agencies on their constructive and realistic reports. In the legal field, the Committee on the Peaceful Uses of Outer Space ought to work out the legal principles which should govern the space activities of States and organizations.

23. The results of the work of the Scientific and Technical Sub-Committee were gratifying. The recommendations made would enable developing countries to take part in the study and utilization of outer space; and, under United Nations auspices, sounding rocket launching facilities could be set up in the equatorial zone. Paragraph 20 of the report of the Committee on the Peaceful Uses of Outer Space (A/5181) pointed to the need for scientific and technical assistance in that work, and recommended support for UNESCO's efforts to help Member States to train experts and technicians. That would assist both the countries still lacking the necessary scientific personnel and those which were advanced in space research but likewise lacked specialists to analyse the data supplied by their explorations. A recommendation to that effect might be included in the draft resolution to be adopted by the First Committee. He would be glad to consult in that connexion with the sponsors of draft resolution A/C.1/L.320/Rev.1. The draft resolution seemed to him to take into account the role which the United Nations should play in the conquest of outer space and to find enough common ground in the various positions to obtain, if not unanimity, at least a large majority.

24. He regretted that the Legal Sub-Committee had not achieved similar concrete results, nor paid greater heed to the previous work done by the Legal Committee of the Ad Hoc Committee on the Peaceful Uses

of Outer Space in 1959.<sup>2/</sup> Some delegations were mainly concerned with repeating old complaints or accusations. He appealed to the members of the Committee on the Peaceful Uses of Outer Space to keep politics out of their debates. The Committee and its Legal Sub-Committee should continue their work in a spirit of conciliation and mutual comprehension. Although his delegation favoured a general declaration of principles, it considered that at the present stage the more realistic plan would be to start with specific problems. While whole-heartedly supporting the principles already formulated by the General Assembly in its resolution 1721 A (XVI), and favouring the development of space law, it stressed the need to find an immediate solution to the most urgent problems. It was also gratifying to note that the United States and the Soviet Union had both presented proposals concerning assistance to space vehicles in emergencies on which it should be possible to reach a compromise. His delegation therefore hoped that the Legal Sub-Committee would be able to meet soon in order to prepare recommendations on all the legal problems. It would have before it various drafts submitted by the USSR, the United Kingdom, the United States and the United Arab Republic. In connexion with the draft code submitted by the United Arab Republic, however, he noted that it made no mention of the urgent problem of international responsibility.

25. If progress was to be achieved, international co-operation was essential; Europe had already provided a practical example of that need. His delegation therefore welcomed the agreement between the United States and the Soviet Union on co-ordination of the launching of satellites and the exchange of information. It hoped that that agreement would be reflected in the work of the Committee on the Peaceful Uses of Outer

<sup>2/</sup> See Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 25, document A/4141.

Space, for the benefit of mankind and especially of the developing countries.

26. Mr. ROSSEL (Sweden) said that her delegation fully approved the recommendations of the Committee on the Peaceful Uses of Outer Space based on the report of its Scientific and Technical Sub-Committee, particularly those dealing with the continuation of the work of WMO and ITU. ITU should concentrate its efforts on the complex problem of frequencies. The execution of the programme outlined for WMO would require much larger financial contributions, which might perhaps be obtained from UNESCO and other interested specialized agencies and from the United Nations technical assistance programmes.

27. Her delegation welcomed the agreement between the United States and the Soviet Union for peaceful co-operation in meteorology, the mapping of the earth's magnetic fields, and telecommunications. It hoped that that agreement would lead to a further expansion of co-operation between States in outer space activities.

28. While the results of the work of the Committee on the Peaceful Uses of Outer Space on legal questions were hardly encouraging, the statements made in the First Committee during the current debate by the representatives of the Soviet Union, the United States and other countries clearly reflected the desire of all to find common ground for further work. That favourable trend had culminated in the presentation of draft resolution A/C.1/L.320/Rev.1, of which Sweden was a sponsor and which, besides containing well-adjusted proposals for scientific and technical co-operation, also reflected the common willingness to continue the work of laying down the necessary rules for activities in outer space. She hoped that the draft resolution would be adopted unanimously.

The meeting rose at 1 p.m.