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Chairman: Mr. Leopoldo BENITES (Ecuador).

Point of order raised by the representative of the USSR (continued)*

1. Mr. VELLODI (Secretary of the Committee), referring to the comments made by the representative of the USSR at the 1489th meeting concerning the delays and gaps in the publication of the verbatim records of the Committee's meetings, said that, according to the Under-Secretary for Conference Services, the Secretariat had been unable, owing to a shortage of staff, to publish the verbatim records of the General Assembly, the Security Council and the First Committee simultaneously during the past two weeks. He assured the representative of the USSR that in future the verbatim records would always be published in chronological order.
2. Mr. FEDORENKO (Union of Soviet Socialist Republics) took note of the Secretary's explanations and assurances. His reason for drawing attention to the matter had been that, owing to the nature of the questions dealt with by the Committee, the statements of representatives were always prepared with care both as to substance and as to form, and it was therefore important to have those statements represented faithfully in the verbatim records and the summary records. He reserved the right to return to the subject if the need arose.
3. Mr. PEÑA PRADO (Peru), speaking for himself and for the Peruvian delegation and Government,

*Resumed from the 1489th meeting.

thanked the Chairman and the members of the First Committee for the tribute they had paid to the memory of Mr. Belaúnde.

AGENDA ITEMS 30, 89 AND 91

International co-operation in the peaceful uses of outer space: report of the Committee on the Peaceful Uses of Outer Space (continued) (A/6431, A/C.1/941, A/C.1/L.396 and Add.1 and 2, A/C.1/L.397 and Add.1)

Conclusion of an international treaty on principles governing the activities of States in the exploration and use of outer space, the Moon and other celestial bodies (continued) (A/6341, A/6352/Rev.1, A/C.1/941, A/C.1/L.396 and Add.1 and 2)

Treaty governing the exploration and use of outer space, including the Moon and other celestial bodies (continued) (A/6392, A/C.1/941, A/C.1/L.396 and Add.1 and 2)

4. Mr. GOLDBERG (United States of America) said that his delegation was happy to be a sponsor of the forty-three-Power draft resolution (A/C.1/L.396 and Add.1 and 2), recommending the adoption of a treaty on principles governing the activities of States in the exploration and use of outer space, including the Moon and other celestial bodies, which gave cause for great satisfaction and great hope. He hoped that the treaty would be opened for signature without delay and ratified by as many States as possible. The United States regarded it as an important step towards peace, for it would greatly reduce the danger of international conflict and improve the prospects for international co-operation in the common interest in one of the newest and most unfamiliar realms of human activity.

5. The first responsibility of Governments on the threshold of the space age was to make sure that earthly disputes were not carried into outer space. The treaty before the Committee answered that desire and hope and thus took its place in the historic progression that had begun with the Antarctic Treaty of 1959 and continued with the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water of 1963. It was to be hoped that that series of peace-building agreements would continue to grow and that a treaty to stop the proliferation of nuclear weapons would soon be added to it.

6. The negotiations leading to the treaty now before the Committee had been remarkable for their speed and for the business-like and reasonable attitude of all concerned. The spirit of compromise shown by the space Powers and the other Powers had produced a treaty which established a fair balance between the interests and obligations of all concerned, including the countries which had as yet undertaken no space

activities. The aim of the negotiators had not been to provide in detail for every contingency in the exploration and use of outer space but rather to establish a set of basic principles. That was why the provisions of the treaty were purposely broad. Some of them, however, should be particularly welcomed by the United Nations, since they derived from the recommendations made by the General Assembly in its resolutions 1962 (XVIII) and 1884 (XVIII) and dealt with the most important matters entrusted to the General Assembly by the Charter: disarmament and the regulation of armaments, international co-operation in the political and other fields, and the progressive development of international law. Indeed, one of the most important principles contained in the treaty was in article III, under which all activities undertaken in outer space by States parties to the Treaty had to be in accordance with international law, including the Charter of the United Nations. Man's survival in outer space would therefore depend not only on his amazing technology but also on the rule of law among nations.

7. The United States view of the significance of the treaty's provisions on arms control had been summed up by President Johnson when he had welcomed the treaty as the most important arms control development since the limited test ban treaty of 1963. The substance of those provisions was contained in article IV, although quite as important were articles I, II and XII, which provided for means of ensuring that each party respected the arms control provisions. The principle adopted for that purpose was similar to that embodied in the Antarctic Treaty of 1959, namely, free access by all parties to one another's installations. The words "on a basis of reciprocity" in article XII did not confer any right or power to veto proposed visits to other countries' facilities on a celestial body. A veto was not compatible with the idea of reciprocity and reciprocal rights. As all members of the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space had agreed at Geneva, the words "on a basis of reciprocity" meant that representatives of a State party to the treaty conducting activities on celestial bodies would have a right of access to the stations, installations, equipment and space vehicles of another State party on a celestial body, regardless of whether the second State had ever claimed or exercised a right of access; however, if the first State had denied access to representatives of the second State, then the latter was not required, under the principle of reciprocity, to grant access to representatives of the first State. Moreover, any denial of access would entitle the other party to resort to such other remedies as it might have under international law. His delegation had made its views clear in the Legal Sub-Committee at Geneva, stating that, for safety reasons, it was prepared to agree to the provision that advance notice must be given of a projected visit, as was expressly stated in article XII, on the understanding that that requirement did not imply any veto right.

8. The treaty also laid down some basic ground rules for peaceful co-operation among nations in the exploration and use of outer space, which it declared to be the province of all mankind. Article I stated that the exploration and use of outer space was the right of all States without discrimination of any kind

and on a basis of equality. That provision, like the provision prohibiting national appropriation by claim of sovereignty, was a strong safeguard for those States which at present had no space programme of their own. The interests of such States were also protected by articles VII, IX and XI, which guaranteed them not only protection against damage, contamination and disturbances but also full participation in the progress of scientific research. It was wise and proper that the treaty should provide those rights and benefits, since mankind would only draw maximum benefit from the exploration of outer space with the co-operation of all nations, large and small. The same spirit of co-operation should prevail among the major space countries, specifically the United States and the Soviet Union, as was provided for in article IX and in article V, which required that the same universal respect for life and limb which had been traditional among mariners at sea should also exist among astronauts. The framers of the treaty had not tried to foresee all the many possible forms of co-operation between astronauts of the major space Powers but had rather tried to ensure that all concerned would enter that unknown realm as friends and partners in peace.

9. His delegation welcomed the revised form in which article X appeared in the treaty. It was quite clear from the text that there must be agreement between the parties concerned for the establishment of tracking facilities and it properly incorporated the principle that each State which was asked to co-operate had the right to consider its legitimate interests in reaching its decision. His delegation wished to point out that it had agreed to the clause on accession to the treaty contained in article XIV on the understanding that the deposit of an instrument of accession to the treaty did not mean recognition of a régime or entity by another signatory State.

10. He expressed the hope that the forty-three-Power draft resolution and the treaty annexed to it would be unanimously adopted by the Committee and the General Assembly and that, like the United States astronaut, Colonel White, looking down from his space capsule, the generation which was to live in the space age would not be able to see national boundaries.

11. Mr. FEDORENKO (Union of Soviet Socialist Republics) said that the draft treaty before the Committee was the result of the efforts made by many members of the Committee on the Peaceful Uses of Outer Space and of many other delegations which had shown goodwill. He drew attention to the important role played by the representatives of India, the United Arab Republic and Mexico, among others.

12. It was important to remember that as early as 1958 the Soviet Union had proposed that an international treaty should be concluded on co-operation in the exploration and peaceful use of outer space and had brought the question before the United Nations. In 1961, after the flight of the first astronaut, the Soviet Union had proposed that co-operation should be established and developed with other countries with a view to solving problems of outer space. In 1962, at the first session of the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space, the Soviet Union had submitted a draft declaration on the

basic principles governing the activities of States in the exploration and use of outer space.^{1/} As a result of the efforts of the Soviet Union and other peace-loving countries, the General Assembly had adopted at its eighteenth session the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space (resolution 1962 (XVIII)). Even after the adoption of that Declaration, the Soviet Union had not abandoned its efforts to bring about an international treaty which would define the principles governing activities in outer space and would be binding on all States. In 1964 and 1965, the Soviet delegation had proposed that the Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee should consider and prepare without delay an international agreement on the principles governing the activities of States in space, including celestial bodies. The Soviet Union had proposed on 30 May 1966 that the question which was now item 89 should be included in the agenda for the twenty-first session of the General Assembly (A/6341) and had submitted a draft treaty on the subject (A/6352 and A/6352/Rev.1). It should be noted that the basic principles concerning the definition of the important legal norms governing activities in outer space which had inspired the Soviet draft treaty had been supported by the members of the Committee on the Peaceful Uses of Outer Space and incorporated in the text of the treaty now under consideration by the First Committee.

13. It was essential to conclude a treaty governing activities in outer space. Since the launching by the Soviet Union of the first artificial earth satellite, great successes had been achieved in that field and the number of States engaged in the exploration of outer space was constantly increasing. It was therefore more and more necessary to determine in what direction and on what basis the activities of States in the field would be conducted, whether those States were space Powers or non-space Powers.

14. The Soviet Union attached great importance to the fact that the provision in the Soviet draft treaty prohibiting the placing in orbit around the earth of objects carrying nuclear weapons or other weapons of mass destruction and the installation of such weapons on celestial bodies or in outer space had been included in the treaty (article IV). It was also essential that the Moon and other celestial bodies should be used exclusively for peaceful ends. The Soviet Union thought that a treaty which included those measures, among others, would make it possible to achieve considerable progress towards achieving disarmament, limiting the arms race, reducing international tension and securing world peace. The principles of international law contained in the treaty would create favourable conditions for co-operation in outer space between all States, whatever their degree of economic or scientific development.

15. The Soviet Union considered that the preparation of the treaty and its adoption by the General Assembly would represent a victory for the forces of peace in the struggle which they were waging against those who wished to use outer space for purposes of provocation or aggression. The Soviet Union was con-

vinced that the conclusion of such a treaty would establish an excellent basis for the solution of the legal problems which would be raised in the development of outer space. In particular, the provisions of the treaty would serve as a basis for the preparation of agreements concerning assistance to astronauts and liability for damage caused by space vehicles, agreements which were at present under consideration by the Committee on the Peaceful Uses of Outer Space.

16. The Soviet Union was quite sure that, in the interests of international co-operation and the strengthening of peace, the members of the Committee would give their unanimous support to the first treaty on outer space in the history of mankind.

17. Mr. SEYDOUX (France), after referring to the achievements of the space Powers during the previous year and to the space activities of European organizations, stressed the importance of the report of the Committee on the Peaceful Uses of Outer Space (A/6431) and thought that the best course for the Committee to take was to endorse its conclusions.

18. He said that his country attached great importance to the exchange of information and documentation on outer space as well as to the joint training of research workers and technical personnel. The sole purpose of the bilateral co-operation which the French government had entered into with certain countries—Argentina, Canada and India, among others—was to allow the French and foreign specialists to share their knowledge and techniques. That had also been the aim of the various activities it had undertaken with the help of the United States of America. It had also been the aim of the co-operation which had been agreed upon on 30 June 1966 by the Governments of the Soviet Union and France with regard to telecommunications, meteorology and aeronomics.

19. Referring to the forty-three-Power draft resolution, by which the Assembly would invite States to become parties to a treaty submitted as an annex, he said that the French Government welcomed the fact that the legal problems raised by activities in outer space had received the attention of the Committee on the Peaceful Uses of Outer Space.

20. During the short time at its disposal, that Committee had not been able to draft provisions which would be complete in every way, or even strictly uniform; the Conventions adopted by the United Nations Conference on the Law of the Sea, for example, had required several years of negotiation. In spite of objections that might be raised concerning the wording of various provisions, both as to substance and as to form, there was reason to be satisfied that three basic principles were affirmed, namely: the prohibition of any claim to sovereignty or property rights in space; the obligation to use the Moon and other celestial bodies exclusively for peaceful purposes and to refrain from stationing weapons of mass destruction in space; and the obligation to undertake and pursue space activities in a spirit of international co-operation.

21. There would no doubt be some difficulty in implementing the treaty, whose provisions clearly constituted an innovation from the standpoint of traditional international law based on the sovereignty of States. Difficulties might thus arise in the case of

^{1/} See *Official Records of the General Assembly, Seventeenth Session, Annexes*, agenda item 27, document A/5181, annex III A.

outer space and the obvious link with article IV of the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water.

38. His delegation wished to pay a tribute to the two great space Powers, the United States and the Soviet Union, to whose co-operation the submission of a single text was due. It was also grateful to the members of the Legal Sub-Committee and to all those who had helped in the difficult task of drafting a treaty which touched very deeply upon the sovereign rights of all States.

39. He recalled his delegation's earlier suggestion that the number of officers of both the Scientific and Technical Sub-Committee and the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space should be increased by providing each Sub-Committee with a vice-chairman and a rapporteur, in view of the increasing responsibilities and burden of their work.

40. In conclusion, he renewed his country's pledge to dedicate its best energies to the goal of international co-operation in the peaceful use of outer space. It was in that spirit that Italian scientists were preparing to launch the second San Marco satellite off the east coast of Africa, in co-operation with the United States of America and Kenya.

41. Mr. FUENTEALBA (Chile) emphasized the importance of the agreement which the Committee on the Peaceful Uses of Outer Space had reached on the draft treaty governing the exploration and use of outer space, including the Moon and other celestial bodies. The chief merit of the space treaty was that it not only laid down rules governing the activities of States in outer space but at the same time provided a solution for potential problems whose seriousness was only too obvious. Article II, for example, provided that neither the Moon nor other celestial bodies were subject to national appropriation, thus eliminating the possibility of a new type of colonialism on an interplanetary scale. It would also prevent an extension of the arms race and war to outer space. It was important that the great Powers had reached agreement on that step, which might be described as "disarmament in advance".

42. It was to be hoped that the start thus made towards international co-operation would have favourable effects in other fields and, in particular, that it would be reflected in an agreement on the non-proliferation of nuclear weapons and on the permanent cessation of nuclear weapon test in all environments. It was cause for satisfaction, in view of the meagre progress achieved towards disarmament, that the Committee was able to conclude its work on a hopeful note owing to the agreement reached on the space treaty.

43. Mr. DE CARVALHO SILOS (Brazil) paid a tribute to the Chairman of the Committee on the Peaceful Uses of Outer Space for the constructive role he had played in the negotiations leading to the conclusion of the proposed treaty. The treaty, which was annexed to the forty-three-Power draft resolution, of which Brazil was pleased to be a sponsor, was a landmark in the work of the United Nations. On the one hand, it was an important partial disarmament

measure which might very well facilitate progress in other areas of disarmament; on the other hand, it established extremely important legal rules governing the activities of States in outer space.

44. Among the most constructive provisions of the treaty was article I, which laid down the principle that space activities should be carried out for the benefit of all countries, irrespective of their degree of economic or scientific development; his delegation had pressed for the inclusion of that principle. Article II would help to prevent the rivalries that had poisoned relations between States during the age of earthly discoveries. Article IV was in effect a partial disarmament measure and codified the principle set forth in General Assembly resolution 1884 (XVIII) prohibiting the placing in orbit around the earth of any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, or the installation of such weapons on celestial bodies.

45. Of course, all the articles of the treaty were of the greatest importance from a political or legal standpoint. It was, however, disappointing to note that article IV provided only that the Moon and other celestial bodies were to be used exclusively for peaceful purposes, thus permitting the non-peaceful or military use of outer space. That broad loop-hole was contrary to the principles set out in the relevant General Assembly resolutions and in the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space. His delegation had on many occasions expressed its doubts regarding the wisdom of automatically applying international law and the United Nations Charter to outer space and celestial bodies. As it had pointed out at Geneva, present-day international law was the law of peace and it was also the law of war. The intention must therefore be to prevent outer space and celestial bodies from being contaminated by the long heritage of human misfortune.

46. His delegation had also stressed the necessity of maintaining a proper balance between the rights and obligations of the space Powers and those of the non-space Powers. It was therefore glad that agreement had been reached on the wording of article X, which related to the granting of facilities to observe the flight of space objects. As the representatives of the United States and the United Kingdom had pointed out, it was clearly recognized in article X that the granting of such facilities would depend on agreement between the States concerned.

47. The proposed treaty was perhaps the most important political event since the signing of the partial test ban treaty. A point of similarity between the two treaties was that both provided a basis for future agreements in that their principles could be broadened and any loop-holes eliminated through new political instruments.

48. Mr. HOVEYDA (Iran) observed that in taking up the report of the Committee on the Peaceful Uses of Outer Space, the First Committee was dealing with problems which belonged to both the near and the distant future. That gave cause for satisfaction, since one of the major responsibilities of the United Nations was to create conditions which would ensure future

peace. The United Nations was an instrument with which the contemporary world could and must foresee and prevent dangerous dead-end situations of the kind that had arisen in the past. In that connexion, he paid a tribute to the work of the members and officers of the Committee on the Peaceful Uses of Outer Space.

49. A few years earlier, the question now before the Committee might have appeared only relatively urgent. Scientific and technological progress had, however, made it a part of current reality and even of daily life. His delegation congratulated the Soviet Union and the United States on their successes in the exploration of space; praise was also due to France and Japan for their achievements in that field. All the information obtained through such activities was extremely valuable for the whole of mankind and for the various branches of science. That was apparent from the reports of ITU and WMO. As the Australian and Italian representatives had pointed out, space exploration had already had an effect on modern life in that space problems fostered a spirit of co-operation which foreshadowed world-wide co-operation. In his opening statement at the 44th meeting of the Committee on the Peaceful Uses of Outer Space (A/6431, annex I), the Chairman had stressed the importance of international co-operation, and his appeal had apparently been heard. After lengthy negotiations, States had succeeded in preparing a single draft treaty on the principles governing the activities of States in the exploration and use of outer space. The treaty was a major development and would facilitate the conclusion of other agreements on disarmament. It was certainly as important as the partial test ban treaty in that it was the first instrument of its kind to regard space explorers as envoys of mankind as a whole. The treaty established the extremely important principle of the equality of all States and non-discrimination in space activities. For those reasons, his delegation was pleased to be one of the sponsors of the forty-three-Power draft resolution.

50. With regard to the international conference on the exploration and peaceful uses of outer space, his

delegation endorsed the recommendations of the Working Group of the Whole (A/6431, annex IV), which the Committee on the Peaceful Uses of Outer Space had adopted. It welcomed the fact that some of its suggestions concerning the conference agenda had been taken into account, particularly those concerning education and training, and that the conference was to place emphasis on the interests of the developing countries. Vienna was a suitable choice as the conference site; his delegation wished to express its gratitude to the Austrian Government in that connexion.

51. As the French representative had observed, there could be no objection to the recommendations of the Scientific and Technical Sub-Committee. Particular importance should be attached to international programmes for education and training and the popularization of space activities. His delegation felt that an intensified effort should be made to inform and educate world public opinion.

52. His delegation commended the work of the Legal Sub-Committee and joined others who had expressed their best wishes to its Chairman, Mr. Lachs, in his new duties.

53. Iran was pleased to be a sponsor of the seventeen-Power draft resolution (A/C.1/L.397 and Add.1) and hoped that the Committee on the Peaceful Uses of Outer Space would continue its useful work.

54. His delegation was convinced that expanded education and training in space matters would bring about even more rapid advances. The peaceful utilization of outer space was a reminder that mankind was at present passing through an unusual period, which was still unfortunately marred by conflicts, threats and tensions. However, the atmosphere of agreement and co-operation which had marked the discussion of the present item was a good omen, and it was to be hoped that the behaviour of mankind would be in keeping with the spirit of the proposed treaty.

The meeting rose at 1 p.m.