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Chairman: Mr. Leopoldo BENITES (Ecuador).

AGENDA ITEMS 30, 89, AND 91
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 (concluded) (A/1734), A/532/Rev.1, A/C.1/L.396 and Add.1 and 2, A/C.1/L.398
Treaty governing the exploration and use of outer space, including the Moon and other celestial bodies (concluded) (A/1732), A/C.1/L.394, A/C.1/L.396 and Add.1 and 2, A/C.1/L.398

1. Mr. NABBIT (United States of America) introduced the seventeen-Power draft resolution (A/C.1/L.397 and Add.1). The proposed international covenant on outer space and the draft treaty on principles governing the activities of States in space had been dealt with in the twenty-eight-Power draft resolution (A/C.1/L.393 and Add.1) and the forty-three-Power draft resolution (A/C.1/L.396 and Add.1 and 2) respectively, and the seventeen-Power draft resolution therefore dealt with the remainder of the work of the Committee on the Peaceful Uses of Outer Space.

2. Every year saw new progress in space and the development of new techniques for its use. More and more countries were taking part in such efforts and hence international co-operation could contribute much to the progress. If time had not been so short, his delegation would have given an account of United States co-operation with some seventy other countries in space activities. The draft resolution contained recommendations for the future work of the Committee on the Peaceful Uses of Outer Space and for the general development of international co-operation in space.

3. Mr. CERNIK (Czechoslovakia) said that the past year had seen new achievements in outer space. A tribute was due to the technical and scientific abilities of the countries concerned, especially the Soviet Union and the United States. Such efforts opened up great possibilities for all mankind. The work of the Committee on the Peaceful Uses of Outer Space in promoting international co-operation was therefore very important, both to countries which were engaged in space research and to those which were not yet carrying out research activities. His delegation therefore supported the recommendations of the Committee on the Peaceful Uses of Outer Space. Czechoslovakia was also taking part in international space activities and would continue to do so to the extent of its abilities.

4. Scientific and technical progress in space must be accompanied by the development of space law in order to regulate activities in space for the benefit of all mankind and in the interests of peace. The basis for space law had been laid in General Assembly resolution 1962 (XVIII) and the efforts made since had now culminated in the drafting of a treaty on principles governing States' activities in space, the significance of which would increase as man penetrated further into space. The treaty rightly barred discrimination and encouraged co-operation and understanding on an equal footing. Of particular importance were Article II, prohibiting national appropriation of outer space; Article IV, prohibiting the placing of nuclear weapons in orbit around the Earth and the use of space for other than peaceful purposes; Article V, on assistance to astronauts; and Article VII, on liability for damage.

5. All States were concerned with activities in outer space, which could affect them in many ways. The treaty was therefore rightly open for signature by all States, and it was regrettable that the same principle of universality had not been applied to the international conference.

6. No great progress had yet been made on earth towards lasting peace, which was threatened by acts of aggression committed by certain States. Nor had
there been great progress towards disarmament. The fact that an agreement had been reached on the treaty was therefore grounds for rejoicing. The text was based on the United Nations Charter and any necessary procedures were permitted, and in circumstances where it was emphatically asserted that "peaceful" meant not "non-military" but "non-aggressive".

10. The provisions of articles VI and XIII also required some clarification, since they did not indicate the extent of the responsibility of individual States for the actions of international intergovernmental organizations of which they were members.

11. His delegation’s reservations on the provisions of the draft treaty were consistent with the position it had taken on the debate, which had been endorsed by the Advisory Panel for TERLS in its report (A/AC.105/L.30), and the Scientific and Technical Advisory Panel of the Second Committee of the General Assembly (see A/6431, annex II), had recommended that the United Nations should give consideration to the Indian suggestions.

8. His delegation expressed disappointment that it had made no progress in the Legal Sub-Committee to make any progress on the two draft agreements on liability for damages and assistance to astronauts.

At the Geneva meeting of the Sub-Committee his delegation had advanced certain specific proposals on the principle of liability between States (see A/631, annex III, appendix III). The provisions of article VII of the draft treaty before the First Committee were vague and ambiguous. The phraseology was that of the words "international liability" instead of the words "absolutely liable", which his delegation had recommended in the draft treaty. Moreover, the article made no reference to the separate agreements on liability for damage and on assistance to astronauts called for in those recommendations. His delegation would continue to work for the early adoption of those two agreements.

9. Although the scope of the treaty was limited to the Peaceful Uses of Outer Space, it also included outer space, the omission of the words "outer space" from the second paragraph of article IV was a serious omission, since outer space could be legitimately used for military manoeuvres and the like. Efforts to reserve outer space exclusively for peaceful purposes should be made now, rather than later, when armaments had already been placed in outer space. Moreover, in questions where the scientific processes for peaceful and non-peaceful activities were the same, the matter could not be left to the sincere intentions of a country but required rigid safeguards and reliable guarantees; in the particular case before the Committee, however, the use of military personnel and any necessary procedures were permitted, and in circumstances where it was emphatically asserted that "peaceful" meant not "non-military" but "non-aggressive".

14. Mr. ASTROM (Sweden) expressed satisfaction at the agreement reached on the treaty, which showed that the procedure of negotiating a declaration of general principles first could sometimes be valuable.
States representative's statement on the effects of article 4; it was on the understanding that the article 4 would carry with it an understanding that the United States had become a sponsor of the forty-three-Power draft resolution.

23. It was also his understanding that adoption of the accession clause in article XIV did not in any way prejudice the position of Governments on the recognition of the sovereign rights of recognized or recognized or non-recognized states, or alter the status of entities which might subsequently seek to sign or to deposit an instrument of accession with one or more depositaries of the treaty.

24. The treaty was an important step forward, but much remained to be done. He would, indeed, have preferred that self-sufficiency in nuclear weapons be adopted as a treaty. The treaty would not prejudice the negotiation of future specific agreements on the peaceful uses of outer space. In any case, the forty-three-Power draft resolution provided for further study of legal questions relating to space exploration.

25. Australia was also a sponsor of the seventeen-Power draft resolution and commended it to the Committee.

26. Mmes BROOKS (Liberia) said that the new draft treaty forbidding the use of nuclear weapons or other weapons of mass destruction in outer space was, in the President of the United States of America had said, "the most important international achievement in the fields of science and civilization since the victory of the United Nations in 1945". The Committee on the Peaceful Uses of Outer Space had played a considerable role in the development of the treaty, and it was gratifying to note that a significant contribution had been made by members representing emerging nations. The greatest importance of the Soviet Union and the United States had been able to reach an agreement on early steps to avert nuclear chaos in outer space. It was to be hoped that the experience gained from cooperation in space would point the way towards disarmament, suspicion and establishing true brotherhood on earth.

27. While the ban on weapons was the chief negative virtue of the treaty, it also had many positive virtues which made it very attractive, such as the elimination of fossil fuels, its potential to aid in the control of the degradation of air, open access to moon stations, and finally to the matter of tracking stations. It was a warning of the potential of a nuclear-free space, and a warning of the potential of a non-nuclear civilization of celestial bodies, or adverse changes in the earth's environment due to space activities. It was an encouraging fact that the interdependence of the Earth's natural laws and the utilization of fossil fuels, its potential to aid in the control of the degradation of air, and finally to the matter of tracking stations. It was an encouraging fact that the interdependence of the Earth's natural laws and the utilization of fossil fuels, its potential to aid in the control of the degradation of air, and finally to the matter of tracking stations. 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meant to prejudice any decision by the United Nations Development Programme in respect of a specific request.

43. He urged all delegations to vote for the forty-three-Power draft resolution, of which Canada was a sponsor. The treaty attached to the draft resolution was in the Draft Committee and in the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space. It represented an effort to achieve a rational approach to the use of outer space. It was gratifying to note, however, that the first paragraph of article IV, on nuclear weapons and outer space, had already been agreed upon by nineteen nations. Other principles expressed prohibiting the use of outer space for military purposes. The second paragraph of article IV, on non-cooperation in scientific activities, was also an example of the principles expressed prohibiting the use of outer space for military purposes. The third paragraph of article IV, on assistance to astronauts, was also an example of the principles expressing prohibition of the use of outer space for military purposes. The fourth paragraph of article IV, on information on space activities, was also an example of the principles expressing prohibition of the use of outer space for military purposes.

44. In the text of the forty-three-Power draft resolution, the way expressed the recognition that further work remained to be done in the elaboration of an agreement on liability for damages caused by the launching of objects into outer space and an agreement on the return of astronauts and space vehicles. The statement of the objects of outer space and the utilization of outer space and celestial bodies.

45. His delegation believed that the forty-three-Power draft resolution was supported by the United States and Canada. He hoped that once it had been adopted, action would be taken by the depositary Governments to open the treaty for signature and ratification as soon as possible.

46. Mr. SCHUERMANS (Belgium) stated that the rapid advances made in space science had given rise to considerable concern to indicate that the chances of soon landing a man on the Moon were excellent. It was essential to establish as early as possible rules to govern the rapid growth of man to utilize the resources of outer space. For that reason, Belgium had joined in sponsoring the forty-three-Power resolution. He hoped that his delegation would be approved by a unanimous vote of the Assembly.

47. His Government's views on the treaty had been made known to the Committee on the Peaceful Uses of Outer Space and in the Legal Sub-Committee; today, he wished only to point out the special importance of several of its provisions.

48. With regard to article IV, on the utilization of space for military purposes, the task to be accomplished in that field was in line with the approval of that article: it had been pointed out by several representatives that it would be necessary to seek formulae that were both useful to mankind. It was therefore gratifying that the Committee on the Peaceful Uses of Outer Space and other kinds of space were to be made available to all. The co-operation of all States on the peaceful uses of space would be for the benefit of all, whether they used space for peaceful purposes or not. The Committee on the Peaceful Uses of Outer Space would be fully understood, and it was in that spirit that the Committee on the Peaceful Uses of Outer Space would be able to make contributions to the achievement of further progress towards disarmament.

49. The principle of co-operation and mutual assistance was mentioned in general terms in the preamble and in the operative part, for example, in article IX, but also in practical application in several articles dealing with specific questions. Article II prohibited any claim to sovereignty in outer space, including celestial bodies, and article XIII, guaranteeing free access to space vehicles and installations on celestial bodies, prohibited the parties from interfering with international scientific cooperation. Other articles, such as article V, on assistance to astronauts, and article XVI, on information on space activities, required States parties to the treaty to take active measures for assistance and co-operation.

50. Many general principles stated in the treaty could serve as the foundation for future negotiations. The Belgians believed that it had been possible to define more clearly the scope of certain of those principles. It would have been preferable to see the role of international governmental organizations more clearly brought out. Because of their importance, their interpretations remain fully sealed to the various rights specified in the treaty, Belgium accepted the present formulation of article X, dealing with legal questions of space flights, and associated itself with the United States representative's comments. It attached special importance to the elaboration of an agreement on liability for damages caused by the launching of objects into outer space and an agreement on the return of astronauts and space vehicles, in order to complete the provisions of the treaty. In fact, the treaty included a certain number of principles which were in general terms and whose precise meaning could only be formulated in separate conventions.
an agreement on liability for damages caused by the launching of objects into outer space and an agreement on the national ownership of space vehicles. His delegation also thought it important for the Committee on the Peaceful Uses of Outer Space to be consulted on the study of questions relating to the definition of outer space and the utilization of outer space and celestial bodies, and proposed the forty-three Power draft resolution.

60. The Committee on the Peaceful Uses of Outer Space should also take stock of the results of the international conference on the exploration and utilization of outer space and submit a detailed report on the matter to the General Assembly at its twenty-second session.

61. As one of the sponsors of the forty-three Power draft resolution and observer delegate hoped that it would be adopted unanimously.

62. Mr. TARBANOV (Bulgaria) observed that the treaty annexed to the forty-three Power draft resolution, which was the result of constructive international co-operation, was a significant and encouraging achievement, particularly in view of the complexity of the subject matter and the insuperable international atmosphere now prevailing. The treaty had been produced in a relatively short space of time, for such an international instrument to be ratified for both the United States and the Soviet Union in 1958, quite an interesting to note, this entry into force of the treaty and the technical preparation of the international co-operation would coincide with the tenth anniversary of the launching of the first artificial satellite, as a result, the instrument designed to stimulate international co-operation in the exploration and peaceful utilization of outer space is a real achievement, the delegation not, however, an end in itself, but a promising beginning.

63. The treaty was based on a number of important legal principles, such as those of universality, sovereignty equality and peaceful international co-operation, which were essential to its effectiveness. It was, however, particularly significant that the treaty would be open for signature by all States, as well as being universal in its application. The treaty not only affirmed the right to explore and use station-keeping satellites and of international law, but also established the concept of peace as a legal rule with regard to space activities. Articles III and IV were particularly significant in that respect. Indeed, the treaty contained a whole set of fundamental rules which constituted the basis of a new international law: for example, those relating to assistance to astronauts, international liability for damage caused by space activity, access to space vehicles, and international co-operation in space, research and exploration. In short, the treaty would provide the necessary framework for international co-operation, and the preparation of the way for agreement on other questions now being discussed by the Committee on the Peaceful Uses of Outer Space and the Legal Sub-Committee.

64. Mr. HASAN (Pakistan) whole-heartedly welcomed the draft treaty as a momentous step towards international peace and security. It would enable all States, irrespective of their financial and technical resources, to benefit from the results of space exploration, living the consequences of the findings of the International Co-operation and that progress would be made towards the speedy conclusion of a treaty banning the proliferation of nuclear weapons. He particularly stressed that the treaty was open to all States for signature, for the peaceful use of outer space and other celestial bodies, and proposed the forty-three Power draft resolution.

65. He expressed concern at the fact that the first paragraph of Article IV prohibited the installation of nuclear weapons or other weapons of mass destruction on the Moon and other celestial bodies. He was also of the opinion that the Article II, subparagraph 1, that is to say, that outer space, as well as the Moon and other celestial bodies, would be used exclusively for peaceful purposes. He would welcome efforts from the sponsors of the draft resolution on those omissions.

66. Mr. FAHMY (United Arab Republic) welcomed the progress so far made in translating the principles set forth in General Assembly resolutions 1848 (XVIII) and 1628 (XVIII) into legally binding provisions. The treaty on principles governing the activities of States in outer space was a major step in the codification of space law, and a major step to keep certain areas of space free from military activities. His delegation particularly appreciated the statement in Article I that the exploration and use of outer space should be carried out not only in the interests of one State but also for the benefit of all States, since there should be freedom of scientific investigation in outer space and that countries signing the international co-operation in such investigation. Article I gave a genuine assurance that all countries, and particularly those that had demonstrated their peaceful uses of outer space, would be part of the peaceful activities that would be able to take place in the peaceful use of outer space. The statement in Article V that on activities which should not be conducted in outer space, and that all possible assistance and help should be extended to them, was equally welcome. But, rather than single out the merits of specific articles of the treaty which his delegation approved and accepted as a whole, he wished to refer to certain points which had not been included in the text.

67. First, Article IV enjoined States not to place to orbit around the Earth any objects carrying nuclear weapons, install such weapons on celestial bodies or station such weapons in outer space in any manner. But it did not explicitly state that outer space should be used for peaceful purposes only. His delegation proposed that in the Committee on the Peaceful Uses of Outer Space, outer space should be used exclusively for peaceful purposes. This proposal required a new kind of arms race in space.

68. Secondly, at the fifth session of the Legal Sub-committee, the Committee considered the implications of direct broadcasting from communication satellites. Broadcasting of the kind should be made subject to international supervision. His delegation had proposed in resolution 2120 (XX), requesting the Committee on the Peaceful Uses of Outer Space to consider and recommend measures prohibiting measures for programmes of education and training of specialists. This proposal had been carried by a majority of States. In his opinion, help continued to be the General Assembly in the Scientific and Technical Sub-committee on the treaty, which would introduce the role into a new environment. Through it smaller countries
The CHAIRMAN said that if there was no objection, he would take it that the forty-three-Power draft resolution (A/C.1/L.396 and Add.1) and (A/C.1/L.397 and Add.1) was adopted unanimously.

The draft resolution, as amended, was adopted without objection.

The CHAIRMAN said that if there was no objection he would take it that the seventeen-Power draft resolution (A/C.1/L.397 and Add.1) was adopted unanimously.

The draft resolution was adopted without objection.

AGENDA ITEM 27

Question of general and complete disarmament: report of the Conference of the Eight-Nation Committee on Disarmament (concluded) (A/C.1/L.379/Rev.1)

CONSIDERATION OF DRAFT RESOLUTIONS (concluded) (A/C.1/L.379/Rev.1)

The CHAIRMAN announced that the sponsors of draft resolution A/C.1/L.379/Rev.1, had decided not to press it to a vote. He therefore took it that the Committee had concluded its consideration of agenda item 27.

It was so decided.

Completion of the Committee's work.

Mr. GARCIA ROBLES (Mexico), on behalf of the delegations of the Latin American countries, Mr. SHAW (Australia), on behalf of the delegations of the Western European and other countries, Mr. TURIN (Burma), on behalf of the delegations of the Asian countries, Mr. TOMOROWIEZ (Poland), on behalf of the delegations of the socialist countries, Mr. IGNACIO-PINTO (Havana), on behalf of the delegations of the African countries, Mr. SHU (China) and Miss BROOKS (Liberia) thanked the Chairman for the impartiality, courtesy and prudence he had shown throughout the session. They also thanked the Vice-Chairman, the Rapporteur and the Secretariat for contributing to the success of the Committee's work.

Mr. FAHY (United Arab Republic), Vice-Chairman, and Mr. CHERNUSHCHENKO (USSR) thanked the members of the Committee for their kind words.

The CHAIRMAN, summing up the Committee's work, said that its record was a positive one. At the beginning of the session, the draft resolution on the renunciation by States of action having the consequence of an agreement on the non-proliferation of nuclear weapons, submitted by the Soviet Union and sponsored by the major nuclear powers, had been adopted almost unanimously, and there was hope that the negotiations now under way would lead to the conclusion of a treaty on the non-proliferation of nuclear weapons, which would constitute an added element to the threat of nuclear disaster. The Committee had concluded its work by unanimously adopting a resolution to which was annexed a treaty on the peaceful use of outer space, which contained not only negative provisions but also positive clauses relating to the exploration and scientific investigation of outer space.

It was true that strong feelings had been expressed during the discussion of some items, but negotiation had made it possible to reach constructive conclusions in every case. A particular tribute was due to the representatives of the Latin American countries, especially the late Mr. Delmés, for their efforts to achieve a positive result in connexion with the item on the implementation of the Declaration on the Non-Proliferation of Nuclear Weapons, on the internationalization of intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty.

He thanked the members of the Committee for their unfailing co-operation, which had greatly facilitated the Chair's task, and for their tributes. Lastly, he associated himself with the expressions of gratitude to the other officers of the Committee and to the secretariat.

The meeting rose at 7.10 p.m.