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Chairman: Mr. Miguel Rafael URQUIA (El Salvador).

AGENDA ITEM 60

Question of the peaceful use of outer space (A/3818 and
Corr.1, A/3902, A/C.1/L.219, A/C.1/L.220) (con-
tinued):

- (a) The banning of the use of cosmic space for military purposes, the elimination of foreign military bases on the territories of other countries and international co-operation in the study of cosmic space;
- (b) Programme for international co-operation in the field of outer space

GENERAL DEBATE (continued)

1. Mr. AMBROSINI (Italy), replying to the representative of the Byelorussian SSR (986th meeting), said his Government considered it very important that the use of cosmic space should be regulated in conformity with the principles of international law in order to prevent disorder and chaos in international relations. He rejected that representative's criticism of the purely defensive measures taken by Italy, including the installation of modern military equipment. The problem of military installations was, moreover, only part of the broader problem of disarmament, which the Committee had discussed at length, and on which the General Assembly had already taken a decision, although that decision had, unfortunately, not been supported by the delegation of the Byelorussian SSR. Italy's desire for general disarmament was well known, and it was surely not its fault that concrete progress towards it had not been made. His Government's belief that cosmic space should be used for exclusively peaceful purposes was also a matter of record.

2. Mr. NUNEZ PORTUONDO (Cuba) said his delegation believed that the United Nations must move slowly in dealing with a subject which raised such novel, complex and important problems as that of outer space. It nevertheless felt that it would have been desirable to adopt a unanimous declaration, embodied in a wholly separate resolution, expressly prohibiting any State or group of States from occupying any part of outer space.

3. Of the two draft resolutions which had been submitted to the Committee, the Soviet draft (A/C.1/L.219) could not be regarded as embodying a sincere desire for peace because it emanated from States which were responsible for starting all the wars of recent years. Moreover, some of its provisions were not closely related to the matter under discussion. His delegation felt that it would be sound procedural practice to vote separately on the references to foreign military bases in the fourth paragraph and in subparagraph (2) of that paragraph and then on the remaining parts of the draft resolution. It could not vote in favour of the elimination of those bases, not only because to do so would amount to interference in the domestic affairs of the States concerned, but also because it was convinced that those bases had served to avert aggression against the free nations of the world. It would, however, be preferable, as the Brazilian representative had suggested (986th meeting), to refer the entire draft resolution to the Disarmament Commission.

4. His delegation did not regard the twenty-Power draft resolution (A/C.1/L.220) as perfect, but would vote in favour of it because it did represent a first step in the field, submitted in good faith and fully consonant with the principles of the Charter of the United Nations.

5. Sir Pierson DIXON (United Kingdom) said that the space exploration programmes of the United States and the Soviet Union, while they had an obvious bearing on military technology, had been primarily motivated by the desire for scientific knowledge. The United States representative had already outlined the benefits which might accrue to mankind from the study and exploitation of outer space (983rd meeting). However, although those peaceful uses were still largely a matter of theory, it was clear that they would raise problems which could be solved only by international action. They were thus obviously a matter for the United Nations.

6. As the Peruvian representative had pointed out (983rd meeting), the subject of outer space raised many entirely new legal problems, which could not be settled until their general scope and nature were determined. That was an aspect of the question which required international study.

7. The question of the military uses of outer space must also clearly be studied sooner or later by an international body; in particular, it would be necessary to determine the practicability of a control system adequate to ensure that outer space was used solely for peaceful purposes. A ban on the military use of outer space such as the one proposed by the Soviet Union (A/C.1/L.219), would be valueless unless enforced by means of such effective international control.

8. The use of outer space for military purposes was, however, a different question from the one now before

the Committee, and should be dealt with in its proper context—that of disarmament. In his delegation's opinion, the Soviet draft resolution (A/C.1/L.219), because it sought to confuse the two issues, was not the most expeditious means of ensuring that outer space should be used for peaceful purposes only. More rapid progress would be made towards that aim by concentrating on the question of the peaceful use of outer space. Moreover, the references to "foreign" bases in the Soviet draft resolution were misleading, for, in the Western world at least, those bases were part of a system of collective self-defence and existed by the free consent of the country concerned. Under the United Nations Charter, all countries had a right to such collective arrangements for self-defence, although Soviet spokesmen constantly sought to obscure and distort the fact.

9. Apart from the ban proposed by the Soviet Union, his delegation did not believe that the Committee was really deeply divided on the practical measures to be taken immediately. All parties agreed that international machinery should be established to deal with the peaceful uses of outer space. The difference of view lay only in that the machinery proposed in the Soviet draft seemed too ambitious in the present initial stages of the problem. What was needed first was surely a study by a competent committee of what the United Nations had done and could do in connexion with the peaceful uses of outer space, and of the legal problems which might arise. The committee should not, however, stray into the field of disarmament, if only because to do so would introduce a highly controversial element into its work.

10. His delegation considered that the proposed committee would function best if it were kept small. Too much attention should not be paid to geographical representation, although that factor must of course be taken into account. On the whole, the general criterion should be that of scientific qualification, as measured, perhaps, by the extent and value of a country's contribution to the work done during the International Geophysical Year.

11. The considerations he had mentioned were reflected in the twenty-Power draft resolution (A/C.1/L.220), which his delegation had co-sponsored. In commending it to the Committee, he expressed the hope that mankind would not again, as it had in the case of atomic energy, let slip the great opportunity for peaceful co-operation presented by the emergence of a new field for conquest by human endeavour.

12. Mr. HERRARTE (Guatemala) said that the legal problems involved in the question of the peaceful use of outer space should be approached in such a way as to ensure effective international co-operation in that field and give all States access to outer space on the basis of complete equality. The question of international co-operation in the use of outer space should be discussed as a separate matter. If it was linked with the complex problems of disarmament, the result would merely be to place obstacles in the way of agreement and thus delay mankind's enjoyment of the medical and other benefits which would be derived from exploration and experimentation in outer space. The proper place for discussion of disarmament problems was the Disarmament Commission. Once disarmament was linked with a question like that of the peaceful use of outer space, it would be difficult to dissociate from it

various other problems; questions like international co-operation in the field of health, for example, might have to be shelved until the dangers of bacterial warfare had been discussed.

13. A body like the *ad hoc* committee proposed in the twenty-Power draft resolution (A/C.1/L.220), of which his delegation was a sponsor, would be needed to study the various phases of the problem of outer space before any solutions could be proposed. He hoped that the members of the Committee would submerge political considerations and support the draft resolution by a large majority.

14. Mr. ABDON (Iran) expressed the hope that agreement would soon be reached on a controlled ban on the use of outer space for military purposes; he had been heartened by the United States representative's statement that the United States was prepared to enter into discussion of that problem as soon as possible (983rd meeting). However, such discussion should be held in the Disarmament Commission; for the present, the Committee should limit itself to developing programmes of international co-operation in the peaceful use of outer space.

15. He had a number of reasons for taking that position. First, although some aspects of the question of outer space were bound up with problems of security and disarmament, a ban on the military use of outer space was not a prerequisite to international co-operation in that field; moreover, the question of outer space was potentially more far-reaching than its immediate security and disarmament aspects. Secondly, the question of banning the use of outer space for military purposes was part of the wider problem of disarmament and should be discussed within that framework; to discuss it in the Committee rather than in the Disarmament Commission would be to disregard the General Assembly decision to reconstitute the Commission (resolution 1252 D (XIII)) and would provoke renewed discussion of the entire disarmament problem. Thirdly, progress could be achieved towards international co-operation in the peaceful use of outer space while attempts were being made to solve the more difficult problem of obtaining a ban on the military use of outer space, just as international co-operation in the peaceful uses of atomic energy was being achieved through the International Atomic Energy Agency even though no agreement had yet been reached on banning the use of nuclear energy for military purposes; such progress towards international co-operation in the peaceful use of outer space would, moreover, facilitate a solution of the military aspects of the problem. Fourthly, even if the Soviet Union was correct in contending that the question of banning the use of cosmic space for military purposes was connected with that of eliminating foreign military bases, there was not necessarily a connexion between international co-operation in the peaceful use of outer space and the elimination of military bases; such co-operation, as proposed by the twenty-Power draft resolution, could be achieved without in any way altering the military balance of power. Fifthly, by participating in the International Geophysical Year, all parties concerned had in effect already accepted the principle of international co-operation in the peaceful use of outer space; the twenty-Power draft resolution merely proposed the continuation and expansion of that type of co-operation under United Nations auspices. International co-operation in the peaceful use of outer space would

serve to promote scientific progress through combined efforts and to avoid national rivalries and duplication of work; such co-operation was easier to achieve at the present time when only two States had as yet succeeded in penetrating outer space and no national claims had been made.

16. Although the Soviet draft resolution (A/C.1/L.219) dealt with some aspects of disarmament and the twenty-Power draft resolution (A/C.1/L.220) did not, the two drafts did have a common denominator in that both called for the establishment of international machinery to promote the peaceful use of outer space. While he did not dismiss the idea of establishing a United Nations agency for international co-operation in the study of cosmic space, as proposed by the Soviet draft resolution, it seemed advisable to consider setting up such an agency after an *ad hoc* committee had, as proposed by the twenty-Power draft resolution, surveyed the resources and activities of the United Nations and other international organizations. The twenty-Power draft resolution thus appeared to embody a more practical approach for the time being. Since the effectiveness of any prospective *ad hoc* committee would be seriously impaired if the Soviet Union did not participate in its work, he hoped that the sponsors of the Soviet and twenty-Power draft resolutions would reconcile their views on the basis of the common ground which existed in the two documents.

17. Turning to the legal aspect of the problem of outer space, he expressed agreement with the view of the representative of Argentina (985th meeting) that the Committee should not prejudge the legal problems which might arise in carrying out programmes for the exploration of outer space. However, he shared the opinion of the representative of Italy (982nd meeting) that, since the benefits of outer space should be enjoyed by all, it should be regarded as belonging in its entirety to the whole world and not be subject to various national sovereignties. He noted with satisfaction that the second paragraph of the preamble of the twenty-Power draft resolution stressed the sovereign equality of all United Nations Members and that operative paragraph 1 requested the proposed *ad hoc* committee to study international co-operation in the peaceful uses of outer space which could be undertaken to the benefit of States irrespective of the stage of their economic or scientific development.

18. His delegation hoped that a generally acceptable compromise would be reached, but failing such a compromise, it would vote for the twenty-Power draft resolution.

19. Mr. SHAHA (Nepal) said that his delegation had co-sponsored the twenty-Power draft resolution because that draft was intended to ensure that outer space would be used exclusively for peaceful purposes, it had no political motives, and it was not of a nature to offend the susceptibilities of any State. Although the question of the use of outer space was remotely related to disarmament, in view of the prevailing disarmament deadlock any attempt to link it to that problem might hinder effective international co-operation even in the initial stage. The twenty-Power draft resolution advisedly had omitted reference to the disarmament aspect of the question of outer space. That did not diminish the necessity for an agreement to ban the use of outer space for military purposes under an adequate United Nations inspection system. At the present

juncture, however, it would be more constructive and practical to undertake a separate study of the peaceful uses of outer space in the hope that, following the pattern of the study of the peaceful uses of atomic energy, a United Nations agency for the problems of outer space might eventually be established. The progress achieved by the International Geophysical Year should be followed by further international co-operation with the assistance of the numerous specialized agencies and other organizations with special competence in the field. The *ad hoc* committee called for in the twenty-Power draft would also study the nature of the legal problems which might arise in carrying out the exploration of outer space. The recommendations made in that draft should be unanimously adopted.

20. Mr. SHANAHAN (New Zealand) stressed the great promise of man's penetration into outer space and the unprecedented opportunities it offered for benefit to mankind. Already there was the prospect of a fuller understanding of meteorological phenomena that would facilitate planning against drought and help to raise food production. International communications would also be improved as a result of the investigation of outer space, and that might help to break down the barriers of mistrust and misunderstanding among peoples. Every branch of scientific endeavour would be affected by the penetration of outer space. New problems and difficulties would, however, emerge: some were already apparent and their solution posed a challenge to the United Nations.

21. Several delegations, in particular those of Peru (983rd meeting) and the Netherlands (987th meeting), had pointed to the implications for international law of the exploration of space, and it was to be hoped that their ideas would be given full weight. The urgency of further thorough study of the nature of the legal problems which might arise had been clearly demonstrated. Only when that was understood could principles of law applicable to the use of space in the interests of all men be developed. It should be borne in mind that the choice between the possible legal arrangements would have to be a political decision.

22. It appeared to be agreed that one basic objective was to ensure that the exploration and exploitation of outer space would not become the cause of national rivalries and international disputes. If that were in fact agreed, a number of organizational problems then arose which would have to be resolved quickly in order to maintain and strengthen the co-operation established during the International Geophysical Year and to study further the work of organizations already engaged in space research within and outside the United Nations. Especially important in that respect was the full and free dissemination of scientific information. It would be necessary to investigate how the United Nations, which would have a major role in assisting and stimulating international co-operation, could most profitably apply its efforts to the peaceful use of outer space. New Zealand believed that the committee provided in the twenty-Power draft resolution, which it had co-sponsored, was the appropriate body to lay down the lines of a realistic and practical approach to the objective of international co-operation.

23. The second objective upon which the United Nations must insist was that outer space should be used exclusively for peaceful purposes. The Soviet draft resolution (A/C.1/L.219), however, demanded the

banning of the use of space for military purposes and the elimination of foreign military bases as conditions for international co-operation toward that end. Those questions must be solved in the context of balanced disarmament measures to be initiated under adequate international controls, and since the Soviet draft resolution gave no such assurances, his delegation could not support it. The New Zealand delegation hoped that all States would join it in support of the twenty-Power draft resolution, which suggested measures to be adopted immediately to establish and confirm international co-operation in the field of outer space, without prejudice to the security of any State.

24. Mr. SASTROAMIDJOJO (Indonesia) emphasized the need to reverse the tendency to think of outer space in terms of its military potentialities. Both approaches to the problem suggested in the Committee had merit: on the one hand, it had been suggested that the disarmament aspect of the question of outer space should be kept separate from the question of international co-operation, so that progress could be made pending agreement on disarmament; on the other hand, it had been urged that both the disarmament aspect and the question of the peaceful use of outer space should be resolved in order to establish a basis for international co-operation. In the view of the Indonesian delegation, while the disarmament aspect could not be completely divorced from that of international co-operation, the latter should not be made contingent upon a solution of the disarmament problem. The United Nations should work on both aspects of the question simultaneously.

25. The relation between the elimination of military bases and the peaceful use of outer space could not be ignored. In a divided world in which both sides were constantly striving for equality, it was small comfort

to know that military bases were intended for defensive purposes only. Such bases increased suspicion of aggressive intentions, tended to accelerate the arms race in nuclear weapons and prevented the establishment of an atmosphere of confidence between East and West, without which no progress could be made towards real disarmament.

26. After recalling the Indonesian position on the use of atomic energy for peaceful purposes and on a cessation of nuclear weapons tests pending a ban on the production and stockpiling of nuclear weapons, he urged that the United Nations should immediately establish machinery which would similarly be directed towards achieving two objectives. On the one hand, it would ensure the use of outer space for peaceful purposes only; on the other hand, it would promote international co-operation for the peaceful use of outer space. The first objective should be implemented by establishing, through agreement, controls on the sending of all types of rocket weapons and missiles through outer space. It should be discussed as a matter of urgency in the reconstituted Disarmament Commission. The second objective should be carried out by initiating steps to establish the necessary international machinery, leaving the legal aspects to be dealt with by qualified experts.

27. The question of the peaceful use of outer space was not merely academic: States conducting programmes in the field of outer space should find common ground for co-operation in the interest of all peoples. They would thus gain security and use science and technology to promote a better understanding and remove the causes of international conflict. The vote on the question of outer space should be unanimous.

The meeting rose at 12.45 p.m.

GENERAL ASSEMBLY

THIRTEENTH SESSION

Official Records



Monday, 17 November 1958, at 3.20 p.m.

NEW YORK

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Chairman: Mr. Miguel Rafael URQUIA (El Salvador).

AGENDA ITEM 60

Question of the peaceful use of outer space (A/3818 and Corr.1, A/3902, A/C.1/L.219, A/C.1/L.220) (continued):

- (a) The banning of the use of cosmic space for military purposes, the elimination of foreign military bases on the territories of other countries and international co-operation in the study of cosmic space;
- (b) Programme for international co-operation in the field of outer space

GENERAL DEBATE (continued)

1. Mr. SCHURMANN (Netherlands) said that it would be absurd to apply to outer space terrestrial notions which could prove unsuited to deal with situations still largely unknown. Law made a distinction between rules governing relations between persons and rules applying to the relations of persons to things. The first group of rules was universally applicable, but the same was not true of the second group when the object ceased to be terrestrial.

2. There could be no doubt that relations between States must, even in outer space, continue to be subject to the "general principles of law recognized by civilized nations". Some of those principles, such as the principle of responsibility, were directly applicable. Other principles could easily be adapted to the new circumstances contemplated: thus the principle of the freedom of the high seas and the principle which required States to refrain from any act likely to interfere with the use of the high seas by another State could be applied to outer space. The same was true of the principle that power created no distinction of right.

3. On the other hand, certain rules of international law could not be applied to outer space. That was, in particular, the case with the rules concerning sovereignty, which presupposed a defined area reserved to

the jurisdiction of a State. If the Governments so desired, they could divide the high seas into regions subject to the sovereignty of the different States, but such a division of outer space was physically impossible. International practice had already confirmed the doctrine of the indivisibility of the universe: when the artificial satellites had crossed the space above the territory of a number of States, none of those States had protested. The rules concerning the occupation of vacant territories were similarly inapplicable in the absence of an effective occupation of the other planets.

4. Those considerations were not of course applicable to atmospheric space which unquestionably remained subject to the sovereignty of States or, in the case of the airspace above the high seas, subject to "terrestrial" international law. A decision on the precise delimitation of that would have to be made one day.

5. At all events, it was essential to ensure that outer space should be used only for strictly peaceful purposes. To link that question with military bases could only be harmful to the dispassionate study of an important matter. The question of bases was a matter for the Disarmament Commission.

6. Although the time for treaty-making and for final decisions had not arrived, it was time to give serious consideration to the question of cosmic space and, in particular, to the means for promoting international co-operation and its organization, the co-ordination of the measures to be taken, and the nature of the legal questions that might arise. The International Geophysical Year had shown that good results could be obtained by careful planning of the work proposed. That method should be followed in the case of outer space: the preparatory work should be entrusted to non-governmental and private organizations as well as to national and international organizations.

7. The attainment of those ends could be promoted by the adoption of the draft resolution which the Netherlands had submitted together with nineteen other Powers (A/C.1/L.220). The principle which had animated the sponsors of that draft was that mankind should carry into outer space the positive, and not the negative, results of its civilization.

8. Mr. JORDAAN (Union of South Africa) said that it was the first time in the history of the United Nations that the Organization had been called upon to plan for the future instead of to take remedial action in respect of past unfortunate occurrences. Outer space offered unlimited opportunities for international co-operation.

9. As in the case of disarmament, one particular feature of the question could not be isolated from the rest. Moreover, it was desirable to keep the question separate from matters which had no real connexion with it and concerning which States were still far from agreement. In his statement (982nd meeting), the Soviet