



UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
GENERAL

A/AC.105/PV.11  
21 February 1963

ENGLISH

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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

VERBATIM RECORD OF THE ELEVENTH MEETING

Held at Headquarters, New York,  
on Tuesday, 11 September 1962, at 10.30 a.m.


Chairman:

Mr. MATSCH

(Austria)

General debate (continued)

63-01608



GENERAL DEBATE (continued)

The CHAIRMAN: I should like to draw the attention of all members of the Committee to two documents which have been distributed this morning. One is the draft declaration of the basic principles governing the activities of States pertaining to the exploration and use of outer space, document A/AC.105/L.2, and the other is the draft international agreement on the rescue of astronauts and spaceships making emergency landings, document A/AC.105/L.3. Both drafts have been submitted by the delegation of the USSR.

Mr. PLIMPTON (United States of America): Let me start by welcoming the presence here today of representatives of the specialized agencies: UNESCO, WMO, ITU, WHO, IAEA and COSPAR, the last-named of which is represented by its distinguished former Chairman, Professor Van de Hulst.

The United States believes that the most important function of this Committee is to further international co-operation in the practical tasks of exploring and using outer space and to see to it that the benefits of outer space are shared by all countries. Accordingly, we believe that the most significant single aspect of the recommendations put before us in the report of the Scientific and Technical Sub-Committee is that they point the way to broadening participation by many States in programmes for international co-operation in the peaceful uses of outer space. These specific recommendations show the degree to which the United Nations can lend its encouragement to existing programmes and can provide a focal point for increased exchanges of information, which we hope will be helpful to those States which are preparing to play a larger role in the exploration and use of man's furthest frontier.

It will be clear from these remarks that we were pleased and encouraged to note that the Soviet representative has stated his delegation's support of the recommendations of the Scientific and Technical Sub-Committee. We think this is a good omen for the future, and we look forward to the incorporation of these recommendations in the Committee's report to the General Assembly.

(Mr. Plimpton, United States)

The Soviet representative yesterday recited some of his country's recent space successes, on which we congratulate him. Like the Soviet Union, my country, too, has experienced both successes and failures, which we have not hesitated to report since the last session of this Committee. There is, of course, an approved channel through which to submit detailed written reports of national space programmes to the United Nations. The United States will shortly submit its own report through this channel. Therefore, I will not now take the Committee's time to review recent events in our space programme, notable among which are the launching of additional manned and unmanned satellites; the deep space probe, Mariner II, now on its way toward Venus on a course directed from a distance of more than one million miles; and an increasing number of substantive flight programmes undertaken in open co-operation with other nations. All of these programmes will be fully reported. It is to be hoped that the information reported orally by the Soviet representative yesterday will be amplified in written form and provided to the United Nations in sufficient detail to be of value to the world's scientific community.

In his statement yesterday Mr. Morozov had some things to say concerning the recent high altitude tests conducted by the United States. Other representatives must have been surprised to hear these remarks made as they were by the representative of that country which just one year ago embarked on a series of nuclear explosions in the earth's atmosphere, unilaterally breaking a three-year moratorium on testing and in complete disregard of world opinion. In particular, this Committee will recall that in October 1961 the General Assembly appealed to the Soviet Union not to proceed with its announced intention to explode a 50-megaton bomb in the earth's atmosphere. Despite this overwhelming expression of world opinion the Soviet Union carried out the explosion of a 58-megaton bomb. Preparations for this series of tests by the Soviet Union were under way even as representatives of that country were meeting in Geneva with representatives of the United States and the United Kingdom to negotiate a treaty which would ban nuclear tests in all environments for all time. The Soviet series involved more than forty explosions, most of them in the atmosphere where fallout radiation is a danger to living, breathing human beings, not just to artificial satellites. The Soviet series required months of preparation. In short, while we were negotiating in good faith the Soviet Union was preparing for these massive tests.

Even with this extraordinary provocation the United States continued its efforts to reach agreement with the Soviet Union on a test-ban treaty. In ultimately announcing on 2 March of this year the decision to resume testing, President Kennedy publicly indicated that if the Soviet Union would reconsider its position and accept a treaty with effective verification, our tests, which were to start in late April, would be cancelled. As we all know, the hope that the Soviet Union would accept such a treaty proved a vain one. Our resumption of tests was dictated by the needs of our own national security and that of the free world in the light of the Soviet tests which had gone before. We cannot be placed in a position where developments in military technology could impair our ability to defend ourselves against aggression and to carry out our responsibilities in the maintenance of international peace and international security.

Now, what of Mr. Morozov's comments concerning our high altitude tests? He said specifically that the 9 July tests endangered the lives of astronauts. But the Soviet Union made clear prior to the launching of Vostok III and Vostok IV that it was in possession of information, from both ground-based measuring apparatus and from satellites, on the radiation created by the high altitude tests. This information did not delay the launchings nor did the cosmonauts suffer harmful radiation effects. We have no sympathy for the Soviet Union's crocodile tears over the supposed condition of the Van Allen Belt when the Soviet Union has shown only disregard for the effects of atmospheric tests on the people of this earth.

The United States has made public the effects of its high altitude tests and the results are in fact being fed into the world data centres. These statements have made clear that the tests created a new radiation belt which has affected the operation of three United States satellites. The belt has not interfered with manned flights. The United States tests were announced in advance. The Soviet series took the world by surprise. Although the Soviet Government has never announced it, it is a fact that the Soviet Union itself carried out high altitude nuclear tests during its series which began a year ago this month. I repeat, the Soviet Union in fact less than one year ago exploded nuclear weapons in outer space.

Instead of making propaganda statements in this forum about high altitude tests, the Soviet Union could make a real contribution to solving the problem of nuclear testing if it were to accept an agreement effectively prohibiting such testing. Unfortunately, the Soviet Union has so far not been willing to agree to international verification for a comprehensive test ban, nor even to a ban on nuclear tests in the atmosphere, under water, at high altitudes and in outer space, without the requirements for international inspection machinery.

(Mr. Plimpton, United States)

The General Assembly in resolution 1721 (XVI) gave to the Committee on the Peaceful Uses of Outer Space the task of studying and reporting on the legal problems which may arise from the exploration and use of outer space. The United States regards this branch of the Committee's work as a highly important part of the United Nations' efforts to foster peaceful, harmonious and mutually beneficial activities as man ventures into space.

The fruit of the Committee's work in the legal field may take several forms. International agreements may be drafted and international recommendations may be prepared on practical matters arising in the pursuit of outer space programmes. Studies and reports may be developed for the information and guidance of members of the international community. Statements of principle, in addition to those already adopted by the General Assembly, may be worked out and agreed.

The representative of the Soviet Union referred yesterday to a draft declaration of principles which was introduced by the Soviet delegation in Geneva, and he urged the acceptance of such a set of principles by the United Nations. It is not surprising that the draft declaration did not commend itself to the members of the Legal Sub-Committee generally. Several of its provisions are open to serious objection. For example, the Soviet draft would subject national space programmes to veto by other countries. In view of the Soviet Union's unwillingness even to provide advance notice of its programmes to the scientific community, it is hardly credible that the USSR would accept a veto over these programmes. The Soviet draft seeks to deny the use of outer space for observation and photography, despite the fact that at least one of its astronauts has taken photographs over the United States without the slightest objection on our part. Such observation and photography from outer space are fully compatible with international law and the Charter and can provide an important safeguard for peace and security against the threat posed by a closed society.

(Mr. Plimpton, United States)

Finally, the Soviet draft incorporates a provision on war propaganda although when a declaration on this subject had been negotiated and agreed to in the eighteen-nation Disarmament Conference last spring, the declaration failed of adoption because at the last moment the USSR changed its mind and withdrew its agreement. It is for reasons such as these that the Soviet draft declaration of principles has not commended itself to general acceptance.

The United States, for its part, takes a lively interest in the development of sound principles for the guidance of States as they explore and use outer space. We took the lead in the drafting of the unanimously adopted General Assembly resolution 1721 (XVI), which commended two basic principles to all countries: first, international law, including the United Nations Charter, applies to outer space and celestial bodies; secondly, outer space and celestial bodies are free for exploration and use by all States in conformity with international law and are not subject to national appropriation. We look forward to the development in the future of further general principles in the law of outer space, as well as to the early achievement of progress in solving practical questions.

Last March, when this Committee met in New York, and also in May and June at the Geneva meetings, there seemed to be a wide measure of agreement on the need to deal with two subjects of immediate and practical concern: the questions of liability for space vehicle accidents and assistance to and return of astronauts and space vehicles. We felt that the General Assembly could appropriately adopt a recommendation to Member States on the question of assistance and return, and we presented a draft resolution to this end. The United States delegation is presenting this draft resolution to this Committee here for its consideration. We also proposed that an agreement on liability should be drawn up by a panel of experts, and we presented a proposal for that purpose. The United States lays this proposal also before this Committee.

It had been our hope that practical progress could be achieved in Geneva in building a legal regime for outer space. We were disappointed by the lack of concrete achievement there, and I will wish to speak further about this matter

(Mr. Plimpton, United States)

when we come to item 5 of our agenda. The United States shares the view of the Legal Sub-Committee Chairman that a useful exchange of views took place.

It would be incorrect and premature to regard the present situation as one of deadlock or insolvable impasse. Much work remains yet to be done. We are hopeful and we believe that in future sessions devoted to the legal problems of outer space it will be possible to develop constructive agreements both on practical measures and on further statements of general principles when there has been sufficient opportunity for full and mature consideration.

In conclusion, the United States approaches this session of the Committee on the Peaceful Uses of Outer Space confident that we can advance the course of international co-operation for the benefit of all States. We are approaching the first anniversary of the active work of the Committee. It is a time to consolidate progress to date and to look ahead. Last fall the General Assembly set the course for the steps which we have taken during the past year. We must see to it that consideration of this subject by the forthcoming session of the General Assembly is based fully on the practical progress which we will now report. My Government is pleased with the steps which have been taken thus far through the United Nations, and we look forward to further advances in the future. We conceive, therefore, that the task of the Committee at this meeting is two-fold: First, to review and submit to the General Assembly those specific proposals for co-operation which have been agreed to and recommended to us by the experts who met in Geneva last June and, secondly, to give thoughtful and deliberate consideration as to how best to proceed on those other matters which have been reported to us as unfinished business. To these ends we trust that the Committee will act promptly on the recommendations of the Scientific and Technical Sub-Committee, and in turning to the matters yet to be resolved will not be deflected by issues outside its charter and belonging properly to the disarmament forum. Our task is to encourage and develop co-operation in the peaceful exploration of outer space in whatever measure it is possible to do so. Let us take renewed confidence from the considerable achievements which have already been made and turn directly and constructively towards the tasks which lie ahead.



Mr. FAHMY (United Arab Republic): When the delegation of the United Arab Republic requested at the opening of this series of meetings that an opportunity be given to the members of this Committee to state their views concerning its activities, we had in mind that it might be opportune, before proceeding further, to evaluate the results which the Committee so far has achieved. We feel it is necessary to have such an exchange of views as soon as possible, and before it is too late to rectify whatever course of action which the Committee may have pursued from the outset.

It is not my intention, however, to quote in detail from the resolutions adopted by the General Assembly since its fourteenth session and, in particular, from resolution 1472 (XIV) which in fact defined to an extent the areas of activities of this Committee, nor is it my intention to refresh the memories of the members of the Committee on the procedure followed so far. But it is fitting to remind ourselves that there is only one directive from the General Assembly, namely, to encourage international co-operation in the peaceful uses of outer space. This is a clear enough target, and it is a lofty one, too. International co-operation in any field, let alone the field of outer space, is the result of a multitude of efforts of many countries, individuals, non-governmental organizations and international organizations for the benefit of mankind.

So far as outer space is concerned we not only realise but we also admit that for the time being the two most advanced countries in that field are the United States and the Soviet Union. We realise that the majority of the Members of the United Nations are far behind and can learn from the experience and the guidance of these two great Powers. Every day, they demonstrate their wonderful achievements. A few weeks ago, Major Nikolaev and Colonel Popovich of the Soviet Union made the first rendezvous in outer space. Shortly before that, people on both sides of the Atlantic had a chance to watch pictures directly relayed through Telstar. These and other spectacular events were only the beginning in the great human breakthrough.

(Mr. Fahmy, U.A.R)

No matter how much imagination one has, one still can never conceive the achievements which man will accomplish in space. The United States and the Soviet Union are the pioneers, and they will continue to be for a long time to come. There is no doubt that if they co-operate, they can achieve better results with less effort and in a shorter span of time. For this reason, my delegation, with other delegations in this Committee, welcomed the exchange of messages between President Kennedy and Chairman Khrushchev last spring.

On the other hand, I hope that all will agree that the impact of the agreement or disagreement of these two Powers on the human race will be tremendous in the foreseeable future. That is why, when we urge these two countries to co-operate internationally under the auspices of the United Nations, we have every hope that they may abandon some of their rigid positions and try to create an atmosphere conducive to real international co-operation.

I apologize for trespassing in an area which the two Powers might like to preserve for themselves, but we feel that international co-operation does not necessitate that, when countries co-operate, they have to be all on the same level in so far as the progress achieved in the field of co-operation is concerned. The more advanced, as well as the less advanced countries can benefit, one from the other, regardless of the degree of advancement of each state.

We feel that if these two nations add their knowledge and experience to the efforts of other countries in this field, however modest they may be, international co-operation will open new vistas, especially if this co-operation is within the orbit of the United Nations. Co-operation in outer space is not the concern of one or two countries, but it is of direct concern to all the peoples of the world, otherwise, ten years hence the world may find itself in a dilemma similar to that in which we find ourselves in connexion with the disarmament question.

As a result of this firm belief, we are of the opinion that if international co-operation within the framework of United Nations is to be successful, the less advanced countries must have a more positive role. For these reasons, we believe that it is time to evaluate the work of the Committee on Outer Space, the policy which this Committee is following, and we have to appraise our activities from time to time.

(Mr. Fahmy, UAR)

With this in mind, we feel that the Committee should examine a basic question, namely, the safety of outer space, how to secure and guarantee the safety of outer space, and how it is possible to confine the activities of man in outer space to peaceful purposes. The Committee, from the very beginning, should concentrate on these particular issues rather than limiting itself to the task of coordinating and compiling information which is already known or which can be easily acquired, at least by the two big Powers.

To elaborate on this point further, the delegation of the United Arab Republic is of the opinion that the Committee should have agreed on certain principles. These principles would have to be respected -- and I underline the word "respected" -- by those who are seeking peaceful and international co-operation in outer space. This still could be achieved by establishing a sub-committee of the whole, which should be entrusted with the task of developing what we may call "a code for the safety of space". This code should embody a set of principles and rules to be observed by all those who have any activity in outer space. The main object should be the non-use of outer space for military purposes and outlining the basic ethics for international co-operation in outer space.

Once this is done, the Committee could really work on the details necessary for the implementation of these principles or code. The details no doubt will be of scientific as well as legal character. In other words, instead of working in a vacuum and dealing with the legal and scientific aspects without a framework and a target, the principles contained in such a code which we propose for the safety of outer space would serve as guidance in discussing either the legal or the scientific aspects of international co-operation in outer space. If we follow this procedure, instead of the procedure followed so far by the Committee, we will be faithfully fulfilling our obligations.

It is true that co-operation in outer space has scientific and legal aspects. It is equally true that the discussion of either question, without having serious consideration of the other, will lead us nowhere. These two aspects, as the representative of Lebanon said yesterday, are interrelated in the sense that they are both linked together with other considerations.

(Mr. Fahmy, UAR)

The time will come to prove this fact but we here in this Committee, especially the two big Powers directly concerned, should realise that there will be no real progress in our deliberations unless we come to grips with this fact.

That is why we fervently hope that, either in our report to the General Assembly or in the General Assembly during its coming session, some agreement may be reached along the lines we have proposed, in whatever form the majority would prefer, perhaps in a resolution, and we may even elaborate in them resolution 1472. Our proposal is in no way rigid, and we would be glad if any delegation would add to it.

It may be agreeable to some members of the Committee if, while trying to develop such a code, we at the same time complement the code and try to agree on some specific and concrete areas of co-operation in outer space; and both the code and the agreed areas of co-operation will, we hope, constitute the framework of the future role of the United Nations in international co-operation in outer space.

(Mr. Fahmy, United Arab Republic)

This does not mean that we are asking the Committee to relinquish the work it has done so far in the field of compiling and exchanging information. This is one of the activities of the Committee, but it is not, in our opinion, the main activity.

I apologize for speaking at length, but I have to confess that, after re-examining the two opening statements which were made by Ambassador Plimpton and Ambassador Morozov in March 1962, and having the resolutions of the General Assembly in mind, we came to the conclusion that we should be candid because of our belief that the United Nations, through this Committee, with the help of the United States and the Soviet Union, can offer to mankind the best possible service if we examine all the questions with one determination, that is to prove to the world that international co-operation, even in outer space, is possible.

My delegation believes that if such a programme is accepted, next year the Committee will have to meet more frequently and for longer periods. We can very easily agree on that point.

Mr. ATTOLICO (Italy): To begin from where we left off last spring when the Committee adjourned, may I recall the words of the Chairman, when he said:

"The Committee has arrived at a joint opinion that the aim of its work should be the co-ordination of activities carried out by the specialized agencies of the United Nations and by the governmental and non-governmental organizations in the field of exploration and use of outer space for peaceful purposes and that the Committee should organize its work so as to assist in the study of measures for the promotion of international co-operation in outer space activities."

(A/AC.105/PV.9, page 4)

(Mr. Attolico, Italy)

Indeed, the work accomplished by several specialized agencies and our own Sub-Committees in these past six months affords now a clearer picture of how much co-ordination and promotion is necessary if international co-operation in space is to be effective and is to tap successfully on a truly global scale the manifold resources of human ingenuity.

The recent spectacular achievements in space exploration and technology, in our view; point to the possibilities that lie ahead, as well as to the urgent need for this Committee to pursue with earnest dedication the accomplishment of the mandate entrusted to it by the General Assembly.

The success of the twin orbital flights by Soviet cosmonauts, the Telstar communications satellite which has provided a channel for direct television transmission between Europe and America, the Mariner probe to Venus, are but a few examples of the striking advances made recently by the United States and the Soviet Union. On a more limited scale other countries are eagerly following in their footsteps. The United Kingdom has launched the Ariel scientific satellite. Other nations such as Norway, Denmark, Brazil, Argentina and the United Arab Republic have initiated sounding rocket space activities. Canada, France, Japan and Sweden, as well as my own country, have stepped up considerably their already active space programmes.

This eager activity, this widespread and ever-increasing interest in space problems, should be sufficient in themselves to remind us of the heavy responsibility assigned to our Committee to bring together all the individual and sometimes competitive national efforts in a single, peaceful, unified programme of the discovery and utilization of outer space for the benefit of all mankind.

Ultimately, this is our task. We should not feel discouraged if our initial efforts are yielding only limited and somehow slow results, while the great space race is moving ahead at a spectacular pace. For as long as we shall be here together working in an atmosphere of good-will and understanding, the cause of international co-operation for the use of outer space will be enhanced.

I do not wish here to be over-optimistic with regard to the effectiveness of the work of our Committee to bring about suddenly the optimum in such co-operation. There are, in fact, a number of areas where progress is yet essentially dependent upon further research, as well as technological and scientific

(Mr. Attolico, Italy)

break-throughs. However, other areas afford ample opportunities to promote effective action now, and it is precisely in such areas that the Committee would do well to concentrate.

Undoubtedly the report of the Scientific and Technical Sub-Committee, as other speakers before me have pointed out, offers an especially promising basis for further progress. It is thus my earnest hope that we shall come to consider it without delay. My delegation will wish to comment on this most interesting document as well as on the reports of WMO and ITU somewhat in detail when the Committee arrives at that stage. I also wish to reserve the right of my delegation to comment on the report of the Legal Sub-Committee.

Mr. HASEGANU (Romania) (Interpretation from French): The present session of the Committee on the Peaceful Uses of Outer Space has as its task the consideration of the report of the Scientific and Technical Sub-Committee (A/AC.105/5) as well as the report of the World Meteorological Organization (E/3662) and the report of the International Telecommunications Union (E/3645), in accordance with General Assembly resolution 1721 and the resolution of the Economic and Social Council of 2 August 1962 concerning international co-operation in the field of the peaceful uses of outer space.

This session must also examine the report of the Legal Sub-Committee (A/AC.105/6) on the work of its first session. It must also submit a report to the seventeenth session of the General Assembly.

The fact that the activity of the Committee is developing is for us a source of satisfaction. The work of the two Sub-Committees during their first session and the work presented by the two international specialized agencies have supplied the Committee with valuable material. There is no doubt that as science and technique in the exploration of space will register new successes in this field, the number of questions related to international co-operation in the field of outer space will also increase.

As members have indicated, the Committee has witnessed new conquests in outer space since its last session. The most important among these was the launching by the Soviet Union on 11 and 12 August 1962 of two spaceships, Vostok III and Vostok IV, under the guidance of astronauts Adrian Nikolaev and Pavel Popovich.

(Mr. Haseganu, Romania)

Although scientists have not analysed all the information obtained by these two astronauts, there is sufficient information to support the belief that the flight of Vostok III and Vostok IV has opened a new and important stage in the exploration of outer space for peaceful uses: **the** stage of group flights and flights of long duration.



(Mr. Haseganu, Romania)

The flights of Vostok III and Vostok IV are even more important, as scientists have established **great progress in all areas of scientific research in outer space**. Rocket power, the precision of launching, the high level of calculating machinery, the system of telecommunications -- all these elements have been established -- and also communication between vehicles in outer space. The unlimited perspectives which are opened before humanity make even more urgent the strengthening and the development of co-operation between States in this field.

Analysing from this point of view the work of the Scientific and Technical Sub-Committee, the Romanian delegation shares the attitude to the work of that Sub-Committee which was expressed by other delegations. Taking account of the recommendations of resolution 1472 (XIV) and 1721 (XVI), as well as the suggestions and proposals made by different delegations, the Sub-Committee examined a series of scientific and technical aspects of international co-operation in the field of the exploration and peaceful uses of outer space. As a result of this consideration, the Sub-Committee elaborated a series of important recommendations for scientific and technical co-operation among States.

The Romanian delegation is of the opinion that it is very useful to have an exchange of information on space, to encourage international progress and scientific co-operation during the International Year of the Quiet Sun, and the establishment of international equatorial sounding rocket launching facilities.

We also wish to express our thanks to the World Meteorological Organization and the International Telecommunication Union for the preparation of their reports, foreseen by resolution 1721 of the General Assembly and the resolution of the Economic and Social Council of 2 August 1962. These studies and the measures undertaken by these organizations in the meteorological and telecommunication areas are of great interest and very useful for the development of co-operation in the field of the peaceful uses of outer space.

Taking account of all these positive elements, we feel that the Committee has only to approve the two reports presented in the field of technical and scientific co-operation in the international field.

(Mr. Haseganu, Romania)

If we have registered certain accomplishments in the scientific and technical area, the activity of the Legal Sub-Committee at its first session has not brought us to any concrete agreement. As is well known, the main question which was before the Sub-Committee was the proposal of the Soviet delegation aiming at the adoption by all States of a declaration which would foresee the principles that should guide their activities in outer space. The Romanian delegation feels that this document is an important contribution to the development of co-operation among States. Based on the principles of the Charter of the United Nations and the principles set forth in resolution 1721 of the General Assembly, this draft declaration makes those principles more concrete, supplying a legal and a very efficient and just solution to some of the main questions of international co-operation in outer space. We feel that a special merit of the Soviet draft is that it contains provisions guaranteeing the protection of the legitimate interests of each State, as well as the interests of the international community as a whole, against any misuse of outer space.

Unfortunately, however, there was no possibility in Geneva to conduct a consideration of the substance of this draft declaration, since even the necessity of adopting such a declaration was denied. The Romanian delegation is fully on the side of those who feel that this necessity is established by the development of science in outer space. It is based also on the interests of peaceful co-operation of all States, large and small.

The opposition of certain delegations at this session in regard to the need for establishing these principles, and especially the opposition of the United States delegation, is based on the thesis that the adoption of a declaration of principles in the present state of development of science and technology would be premature in view of the fact that certain practical elements do not yet exist in the jurisprudence of States. They therefore feel that, in order to be able to elaborate certain principles of law in this field, it is necessary to wait for a certain time until these elements are established.

The Romanian delegation cannot accept such an approach. In the first place, as is well known, resolution 1721 of the General Assembly unanimously established the principle of freedom of exploration and the peaceful use of outer space. The fact that this principle was established obviously represents a success on the part of our Committee, since it provides for all States equal status in the utilization

(Mr. Haseganu, Romania)

and exploration of outer space, which means also the same equality in regard to the solving of legal questions connected with outer space. But we feel that no one ignores the fact that, for technical and economic reasons, the majority of States -- among them my own -- were not in a position to undertake such action in the exploration of outer space as would establish an international practice in this field.

Therefore, in the last analysis, the approach according to which customs should be established in order to be the foundation of the law of outer space contradicts the basic principle of international law, that is, the principle of equality of States. Yet, we have adopted a position -- and we think this is the only acceptable one in the given conditions of development of our society -- that the new principles of law which are being elaborated in order to find a legal solution for a new situation must have as their point of departure exactly the basic principles of international law of our time and, in the first place, the principles of the Charter of the United Nations. But, besides these considerations in favour of the urgent elaboration of certain principles of law for outer space, it is necessary to take account of the immediate interests of international co-operation in the field of the exploration of outer space.

The representative of Canada in the Legal Sub-Committee very rightly said that technical progress is so rapid that the law is in danger of falling dangerously behind.

(Mr. Haseganu, Romania)

Moreover, we feel that one can safely say that this distance, this discrepancy, and the lack of certain firm principles of international law in outer space, in conditions of rapid progress of science and technology, could diminish the sphere of international co-operation in this field. It seems to us that we have proved that the main question now before the Committee is the need of elaborating certain principles which would guide the activity of States in the field of outer space.

We understand that in regard to these principles there may be different opinions, but we feel that the discussion up to now supplies a sufficient number of elements which can be the foundation for an agreement if all the States, naturally, should take as their point of departure international co-operation based on equality and mutual respect. I feel that it is quite clear to all those present here that the lack of legal order in outer space may open the way for an armament race in outer space; it may transform outer space into an arena of the cold war.

An indication of the possible consequences of arbitrary actions by a State in outer space is given by the high altitude tests conducted by the United States. The attempt by the representative of the United States to introduce cold war elements into the debate cannot conceal the fact that the United States, ignoring the protests of many governments and of scientists from all the countries of the world, including American scientists, conducted these tests. Today, American authorities must recognize that the fears in regard to the negative consequences of these high altitude tests were justified.

The second question discussed in the Legal Sub-Committee was the question of the nature of the document that should be adopted in regard to the rescue of astronauts and spaceships. It seems to us that the matter is much less complicated than it would seem to have been in the Sub-Committee. In opposition to the Soviet draft, the representative of the United States said that there is no doubt that from the humanitarian point of view the States will fulfill their obligations and that, on the other hand, the principles themselves are so simple and clear that it would be useless to introduce an international

(Mr. Haseganu, Romania)

agreement on this subject. The elaboration and ratification of it, he says, would call for a lengthy procedure. But it is quite evident that if these matters are as clear and simple as the representative of the United States says, we would feel that the elaboration of an international agreement would facilitate matters and would not prevent its elaboration.

On the other hand the importance of the question connected with the issue of the rescue of astronauts and spaceships demands the conclusion of a legal instrument that will have binding force for all the States. This is how these matters are handled in other fields of international affairs; for instance, in rescue at sea or in connexion with aviation.

The Romanian delegation expresses the hope that the proposal concerning the effective arrangement for the rescue of astronauts and spaceships will also finally be established.

The great majority of the members of the Sub-Committee, despite all the disagreements, express themselves in favour of the elaboration of certain principles that would guide the activity of States in the field of exploration and peaceful uses of outer space. That is the reason why there should be immediate approval of this principle. We express the hope that the position of the minority in the Sub-Committee will finally be altered and that this Committee will be in a position unanimously to discuss the main principles of the law of outer space and will be in a position to present its conclusions to the General Assembly.

It is in this spirit that we greet the presentation to the Committee of the Soviet draft declaration which, as my delegation has indicated on many occasions, is a firm foundation for the achievement of an agreement.

Mr. CUEVAS (Mexico) (interpretation from Spanish): The Committee on the Peaceful Uses of Outer Space intends now to report to the seventeenth session of the General Assembly on the results of its work. With regard to a subject of such magnitude, the one we are dealing with and the one in which human effort has only just begun, it should be an occasion for rejoicing. But before accepting such a conclusion, it would be a good idea to take a look at

(Mr. Cuevas, Mexico)

the terms of reference which the Assembly has given us and to evaluate, as calmly as possible, how far we have gone in realizing them.

We should not forget certain major points contained in General Assembly resolution 1472 (XIV) because it brings out the United Nations desire that present international rivalry should not extend to this new field of human activity. It also points out that it is up to the Organization to promote this work in which co-operation between nations is very important. It is obvious that the main preoccupation is that this new field should be used exclusively for peaceful purposes.

Similar principles can be deduced from General Assembly resolution 1721 (XVI) in spite of its length and complexity. Our Organization has shown its interest and the interest of humanity in seeing to it that outer space should be used only for peaceful purposes. I wish to repeat the urgent need for co-operation on this point internationally. This is the basis for the vast legal principles that were then adopted with regard to various points of guidance and control for launchings. This basis should be given the same importance that is attributed to advancing the meteorological field and the field of teleccmmunications, and no less in importance is that of the legal problems implicit in the exploration and use of space. The desires implicit in these resolutions are very extensive. Our Committee finished the first part of its work last March and it showed complete confidence in its capacity to implement the resolutions. It agreed to ask two Sub-Committees to make progress with the task which the General Assembly had given us.

The two Sub-Committees did this job through its sessions in Geneva in May and June of last year. It is now up to this Committee to examine what they did in the light of the principles that were included in the resolutions which I have just analyzed in some detail.

(Mr. Cuevas, Mexico)

The above-mentioned Committees were given the general lines of action along which they should proceed in order to succeed in their tasks. It was their wish to go ahead and further our work by unanimous agreement. It was confidently hoped that there would be a wide coincidence of views and that the Committees would be able to produce a positive report for transmission to the General Assembly. Everyone was optimistic, and there was good reason for that. When there is less prejudice, there is more likelihood of agreement and my delegation was confident that it would prove possible to reach a definite agreement on these matters which are only now beginning to be explored. The ideal would be to see the progressive appearance of a considerable body of principles unifying international efforts in space, and in this connexion it would also be ideal to consider men as human beings rather than as citizens of individual States.

In this context, the legal elements which we have already before us are far from satisfactory to my delegation. Something was achieved in the meetings of the Legal Sub-Committee, admittedly, but not as much as we hoped nor, unfortunately, as much as was possible. The work of the Scientific and Technical Sub-Committee was praiseworthy and constructive, and I am simply pointing this out because there can be absolutely no progress in any international field without the element of co-operation and a minimum of confidence.

The presence in Geneva of many scientists and specialists in space research was put to good use by the Sub-Committee, and I notice with satisfaction that the scientists of the United States and the Soviet Union agreed on and submitted to their respective Governments recommendations on collaboration for the scientific use of outer space. The joint communique is very satisfactory and refers to plans for a gradual increase in the exchange of information obtained from satellites during the next few years. It also refers to the joint launching of satellites within the framework of the International Year of the Quiet Sun. The subject of the interchange of information is very adequately dealt with in the Sub-Committee's report, which recommends the co-ordination of information on the level of an international body and speaks of the advantages likely to accrue to States like mine which do not yet have the equipment for research. These plans are a good omen for the future.

(Mr. Cuevas, Mexico)

The International Year of the Quiet Sun, like the International Geophysical Year which preceded it, is likely to produce very important results. The exact measurement of the magnetic field of the earth at a distance removed from terrestrial perturbations is also extremely important, as are the plans for the launching of synoptic rockets and experiments on the polar ice caps. A few years ago those regions were considered to be altogether beyond the reach of man, but today in a less mysterious but a more useful way they serve as points of departure for man in his efforts to reach ever more distant points.

Space communications have for sometime presented us with a situation which may degenerate into one of confusion. My Government has been much concerned about this and for this reason we have been very pleased to learn of the proposed convocation of the conference on radio which must surely result in an agreement. This would be to the interests of all Powers, both for their own benefit and for the benefit of those men who are the outposts of humanity in this new and extraordinary field.

Not less important is the programme of international co-operation in the use of satellites. My delegation emphatically supports the recommendation contained in paragraph 26 of the report of the Scientific and Technical Sub-Committee; we are confident that the States concerned will make constructive observations in the course of the seventeenth session of the General Assembly. Particular importance is attached to the programme of technical assistance and my Government hopes to take advantage of the efforts which will be undertaken through UNESCO in this direction. Notwithstanding the difficulties which have been met with so far and which are still to be faced, this field will certainly provide an important element of union in the world.

This feeling of unity appears with particularly fortunate results in the programme which the Sub-Committee has presented on international facilities for the launching of sounding rockets which, launched from the equatorial zone, will make possible a valuable study of the terrestrial atmosphere. Paragraph 34 of the Sub-Committee's report envisages specifically the participation in such experiments of States which do not at present possess the means to carry out their own experimental programmes, and paragraph 37 recommends principles which we support because it refers to the part to be played by the United Nations in sponsoring the launching of sounding rockets.



(Mr. Cuevas, Mexico)

The achievements which I have referred to so far are positive, and so also are the contributions of ITU and WMO. I will not repeat the excellent summary given by the Chairman in his opening statement yesterday, but I must congratulate the representatives of the Specialized Agencies on the excellent work they have done. If the report which this Committee submits to the General Assembly has the same character, we shall not need to be pessimistic. Although limited and relating to relatively minor problems, they represent a clear advance in a spirit of international co-operation.

Unfortunately the same cannot be said about the work of the Legal Sub-Committee. Its report contains very little which is constructive and the records of its meetings are even less constructive. There was no evidence of a desire on the part of certain Powers to maintain the principle of unanimity on which they had all agreed. Obviously that principle was not designed to leave the parties in the positions they had adopted at the beginning; on the contrary it meant a sincere effort to reach a genuine agreement and not one based merely on a majority opinion. However, such an agreement could not be reached and the Sub-Committee had to confine itself to setting out the proposals and counter proposals while the great Powers remained immovable in their original positions. This in the opinion of my delegation showed a wilful disregard of resolutions 1472 and 1721.

It might be thought that those meetings would provide the Committee with time to think, and it might also be said that if no progress has been made we have not gone backwards. However, my delegation does not agree with this point of view; the world is moving forward by gigantic steps and outer space is one of the fields in which the most progress is being made. Failure to move ahead means nothing more or less than moving backwards, and it is of concern to my delegation that although the retrogressive steps are slight they are important.

(Mr. Cuevas, Mexico)

In part A of resolution 1721 we find a great yardstick: that in outer space we should apply international law and the Charter of the United Nations. This mandate should be interpreted -- and only can be interpreted -- in the sense of encouraging what is beneficial for all humanity in this great body of norms and rules. In this new field we must prevent a situation, such as already exists in our work, from developing, in which law competes vainly with factual situations and which shows no respect at all for a rule of law, and to supply those rules which will allow justice to prevail in this new virgin field. If we let time pass and let world rivalries consolidate in space, we will have an international law which is as imperfect as that which we have in the world today. Our Charter then will not be applied in its great principles for peaceful coexistence and mutual assistance between nations. On the contrary, those exceptions which are concessions to our imperfect reality will come into existence, and we will be violating the principles of part A of resolution 1721.

This is exactly what is happening in the field of outer space. It is said that it is dangerous to advance in an unknown field. But the recognition of great legal principles might slow down the development of this science. As if it were possible to claim that the application of justice could change wherever it is applied -- outside the world or in the world itself.

Once we accept this false point of view, we allow an unjust situation to develop in our activity which will be more difficult to uproot and correct later. For example, an attempt has been made to agree that outer space should be investigated for peaceful ends exclusively; but as there are no expressed prohibitions, a nuclear explosion took place in this area of outer space. As everybody knows, this produced a serious and prejudicial consequence in the form of a new radioactive belt around our planet, the danger and duration of which was much greater than was supposed. My delegation notes a legal gap here which we should like to fill in as soon as possible. My delegation cannot accept the arguments that were put forward which would make this aspect of space exploration a political question and which could not be considered in the light of the principles of international law. This is not the only case of an advance in the vicious

(Mr. Cuevas, Mexico)

practice of powerful States in this new field of law as applicable to outer space. Everyone agrees that information should be available on all satellite launchings. The situation now is that the old but none the less vicious intention of using outer space for military aims has now become almost current.

These various facts confirm my Government's fear that when we apply principles of law to outer space, we will find a close network of facts, presumptions, customs, exceptions and violations and law itself which will make peaceful coexistence -- which inspired our terms of reference -- next to impossible.

My delegation feels itself obliged to point out all the aspects of the situation objectively. We cannot accept paragraph 16 of document A/AC.105/6 without considerable concern. Our Committee is not academic; we have the most serious doubts on the usefulness of an interchange of points of view which will not produce any agreement.

My delegation hopes that it will be possible during the seventeenth session of the General Assembly for the United States and the Soviet Union to overcome their present controversy and that they will give proof of good faith in this field that they are able to assume these great moral responsibilities. An agreement -- in whatever form is considered best -- on the prohibition of using outer space for launching weapons or exploding nuclear devices, and to make this undertaking common to all men of goodwill, is not only possible, but essential.

If we did not then add something to overcome the gaps in the Legal Sub-Committee, our Organization would submit a report which my delegation would consider imperfect. We are like the crew of a ship whose safety consists in getting to the open sea, but are stuck near to the coast in an undertow, and at every moment the danger increases. And every moment that passes without a firm agreement on the part of the great Powers for making outer space an element which is completely outside our world disputes, is a moment that prejudices the interests of humanity in this new field which humanity looks at with fear and admiration.

Mr. SMID (Czechoslovakia): You may agree with me, Mr. Chairman, that the objective of the current series of meetings of our Committee does not have to be purely formal, namely, only to approve the report to the General Assembly and to end our session. This objective would be attained by simply adding some introduction to the reports of the Technical and Scientific Sub-Committee and by submitting them to the General Assembly. To spend a week to this end would be a waste of time and also a breach of confidence of all the States Members of the United Nations. As I have already mentioned in my first intervention yesterday, my delegation is of the opinion that Members of the General Assembly have not only the right to obtain any report, but a report which would contain a maximum of positive results in the development of international co-operation in the field of the peaceful uses of outer space. That is why the Czechoslovak delegation believes that these meetings of our Committee should be of a working character. It means that it is our task to develop further the present positive results of our activities; and in the field where positive results have not yet been achieved, to try to reach them.

I see the working objective of our Committee particularly in the field of legal problems of penetrating outer space and its utilization.

We have received the report of our Legal Sub-Committee that "no agreement has been reached on any of the proposals submitted to the Sub-Committee". The result of our efforts in the legal field is tantamount to nil and no phrase that "the meeting offered the possibility for a most useful exchange of views" can conceal that fact.

Since we have to inform the General Assembly on this serious state of affairs, we should attempt to improve it, at least now. Consequently, we must consider the reasons which were conducive to this situation. I apologize that in order to do it, I have to recall some developments of the past.

I have lately studied once more the protocols of our last session and I wish to quote a part from the statement made by the representative of the United States on 19 March 1962. The representative of the United States stated:

"The United Nations can and should play an important role in developing principles for the guidance of States in connexion with outer space activities. We should proceed in this area with the recognition that the task of the organized international community is to develop principles and standards which are sufficiently realistic and specific to have an impact on international practice and which are not so grandiose or elaborate as to be impractical and therefore ignored."

And he said further:

"We look forward with interest to what we are sure will be the stimulating and constructive suggestions and comments of other Members."

In Geneva there happened precisely what the representative of the United States was looking forward to. The Soviet delegation submitted the Draft Declaration of the Basic Principles covering the Activities of States pertaining to the Exploration and Uses of Outer Space. This draft developed the basic legal principles for the guidance of States in connexion with outer space activities. I wish to express my firm conviction that these principles are sufficiently realistic and specific to have an impact on international practice and that these proposals are stimulating and constructive. As is well known, the Soviet delegation also submitted a draft on the International Agreement on the Rescue of Astronauts and Spaceships making Emergency Landings.

In March the delegation of the United States was looking forward to such a proposal; however, in June, to the general surprise, it rejected the Soviet proposal, fully supported by my country and by a number of other States. I would say that this position should be at least clearly explained since it paralysed completely our activities in the legal field.

It should also be explained that the Soviet proposal in many of its articles only repeated and elaborated the principles laid down in resolution 1721 (XVI), which was co-sponsored by the United States, and in its other parts applied the principles contained in part A of that resolution, namely, that

"international law, including the Charter of the United Nations, applies to outer space and celestial bodies".

In other words, it applied the principles of general international law and of the Charter of the United Nations to the conditions of the exploration of outer space. In Geneva the next day after the issuance of the document containing the Soviet proposal, the representative of the United States hastened to state that:

"The proposals are plainly not agreed proposals and are known to be totally unacceptable to the United States."

This procedure on the part of the United States delegation was accompanied by similar policies in practice. The high altitude nuclear explosion carried out by the United States created an artificial electron belt stretching from a few hundred to several thousand miles into space. The belt constitutes a significant problem to radio astronomy and caused, for example, rapid deterioration of solar-cell power supplies aboard the Ariel and TRAAC-Transit 4-B satellites. The belt can seriously endanger lives and the health of future cosmonauts.

Thus we have been witnessing that outer space is not always used by a certain State for the benefit of and in the interests of all mankind, that the principles of the United Nations, and other generally recognized principles of international law, have not always been fully respected, and that measures are implemented that might in some way hinder the exploration or use of outer space for peaceful purposes by other countries.

Sooner or later the principle that law must accompany science and technology in outer space must be carried through since the penetration of outer space and its use creates a number of political and legal problems.

Some of the most significant legal principles are contained in Part A of resolution 1721 (XVI). All of us know them very well and it would not be useful to repeat them. However, even if the resolution did solve all topical legal problems of cosmic law, it would only be a resolution of the General Assembly which may express the legal views of the States Members of the United Nations. But, unfortunately, it is not binding as an international agreement whose violation brings about legal consequences on the international level. Besides, the resolution does not solve a number of other fundamental principles and must be considered, therefore, as a basis which must be further elaborated.

Our Committee would not fulfil its task if it did not solve the important legal problems in the peaceful uses of outer space. We have before us two proposals of the Soviet delegation which could serve as a good basis for our consideration. It is a draft Declaration on the Basic Principles governing the Activities of States pertaining to the Exploration and Use of Outer Space, contained in document A/AC.105/L.2, and a draft International Agreement on the Rescue of Astronauts and Spaceships making Emergency Landings, contained in document A/AC.105/L.3.

We have to consider the two drafts: first, because they are working documents of the Committee; and, secondly, because we can hardly overcome the present deadlock without discussing them. It could happen that we would meet in a half year, either in the plenary or in the Legal Sub-Committee, and we would face the same situation as at present. Therefore, I repeat that we must consider these important questions without wasting time to overcome the impasse.

With your permission, Mr. Chairman, I should like to draw attention to some questions in which there are main differences.

In the first place, there is no justification for the objection that some of the proposed provisions of the Declaration are already covered by resolution 1721 (XVI). I have already mentioned the difference between a resolution and an agreement, a difference which is known to everyone. In this connexion I should like to draw attention to an example from the practice of the United Nations. The General Assembly, in its resolution 1653 (XVI), adopted, briefly speaking, the prohibition of use of nuclear and thermonuclear weapons, but it considers in the same resolution the convocation of a special conference for the signing of a treaty on the prohibition of the use of those weapons. The analogy to our problem is more than evident and need not be elaborated.

Also, the second objection of the United States concerning the adoption of a pledge to conduct activities in outer space only for the benefit of mankind, not to disseminate war and hostile propaganda, as well as to bind the carrying-out of tests which might temporarily have harmful effects on further cosmic exploration, with the consultation and agreement of other interested countries, is not realistic. These requirements are still fully justified, particularly after the high altitude nuclear explosions carried out by the United States, and also in connexion with possible trans-Atlantic telecommunication by means of satellites.

(Mr. Smid, Czechoslovakia)

It is paradoxical to consider, for example, the question of international co-operation in the field of telecommunication when one single high altitude test is sufficient to undo our efforts.

After today's announcement that atmospheric nuclear tests will be resumed in the Johnston area, we attach great significance to the idea contained in paragraph 6 of the Soviet draft declaration that every kind of tests and experiments which can seriously endanger further peaceful research and the use of outer space should be prevented. We are of the opinion that the carrying out of similar experiments should be studied, for example, by a group of scientific experts who would be able, on the basis of present knowledge, objectively to consider the problems and to take a correct position. In this way we could prevent the domination of irresponsible motives over scientific facts and the warnings of a number of scientists, as in the case of the thermonuclear high altitude tests of the United States.

The third objection of the United States concerned the prohibition of activities of other than State organizations in outer space. This objection emanates from the fact that the United States is considering the participation of private capital, particularly in the practical utilization of the results of cosmic research as, for example, in the test with satellite Telstar. These activities must also be discussed, and provisions should be adopted under which a State would be fully responsible for every activity carried out in outer space from its territory and by its nationals, or under which member states of international organizations carrying out such activities would be responsible.

As to the other documents, the differences do not seem to be as profound as in the case of the Soviet draft declaration of principles. In the question of assistance to astronauts and their rescue, the only serious, disputable problem is the objection against espionage satellites. This objection is also fully warranted, and could be omitted only in connexion with the prohibition of espionage in outer space or in connexion with an agreement on general and complete disarmament, accompanied by corresponding controls. It is difficult to agree that espionage from outer space is in conformity with international law. The differences concerning the form, whether a resolution or a treaty, could be overcome, although a treaty is usual in such questions in other regimes.



(Mr. Smid, Czechoslovakia)

Similarly, the elaboration of a draft agreement on the responsibility of states and international organizations for harm, losses or damages caused by cosmic vehicles is not an insoluble question, although the concrete elaboration of the respective documents would require a detailed discussion of all the problems. The topic of liability for space vehicle accidents may have a priority in the second group of problems which must be solved, and there, in the view of the Czechoslovak delegation, could also belong the elaboration of an agreement on the status of artificial cosmic bodies. However, at this stage it is imperative to solve the most important practical questions, such as those contained in the two aforementioned Soviet drafts.

In conclusion, I wish to reiterate my opinion that we cannot be satisfied with the results of our activities in the legal field, in contrast to our activities in the scientific and technical field, and that at this session we should do our utmost so that we might submit to the General Assembly a more positive and optimistic report than that suggested in paragraph 16 of document A/AC.105/6.

The CHAIRMAN: I now call on the representative of the Soviet Union, who wishes to exercise his right of reply.

Mr. MORCZOV (Union of Soviet Socialist Republics) (interpretation from Russian): With your permission, Mr. Chairman, I should like to use the few minutes left before the end of our meeting in order to give additional explanations of the positions of the Soviet delegation in this Committee. This is especially necessary because certain parts of the statements of the United States representative may have created a wrong impression concerning our aims and our position, and may have distorted the arguments put forward by us in support of the draft declaration and draft convention submitted by the Soviet Union. This is the main task now before the Committee, since the technical and scientific questions have been well elaborated by the Scientific and Technical Sub-Committee and, therefore, will not require as much time as the issues mentioned, among others, by the representatives of the United Arab Republic, Romania, Czechoslovakia and Mexico.

(Mr. Morozov, USSR)

Although it would be easy to do, I will not follow up the idea contained in that part of the statement of the United States representative, in which he referred to the "crocodile tears" of the Soviet Union. I would only ask you, Mr. Chairman, and the members of this Committee to answer the question yourselves: to whom should the phrase "crocodile tears" be applied here, to the country which dropped the first atomic bombs on Nagasaki and Hiroshima, the country which began the nuclear armaments race, or the country which was forced in the interests of its own defence and the interests of all the peace-loving peoples to take the necessary measures, following the actions of the first country, for its national defence. Unfortunately, it is often usual for history to be distorted, but, after all, one should not go to such a degree of distortion and exaggeration as now, when the plans of the United States have been undermined, the United States which counted upon the hope that the Soviet Union would not be in a position to create atomic armaments as soon as it becomes necessary for its own defence.

Such distortions are testimony to the fact that the United States based itself on the prognosis that the Soviet Union would not until 1965 be in a position to own atomic armaments and that for many years the United States would have a monopoly of the atomic bomb and be in a position to frighten all peace-loving peoples of the world.

The pamphlets distributed here in the United States will be remembered. In these pamphlets, it was indicated that it would not be until 1965 that the Soviet Union would be able to achieve anything in the protection of its national defence.

(Mr. Morozov, USSR)

I would like to show in this connexion that the statement of the representative of the United States indicates that he has deliberately tied the question of outer space to the question of the prohibition of atomic tests. We are not called upon here to discuss this latter question. At the Committee meeting in Geneva, Mr. Arthur Dean, the representative of the United States, told us everything that Mr. Plimpton has said in summary. It would hardly be right for me to enter upon the same path of discussion on the question of the prohibition of atomic tests in general. Members probably follow the Press and the documents, and I would suggest that they study the position advanced by the Soviet delegation in this connexion.

However, I would like to emphasize one very important element. In the series of arguments presented by the United States, they have said that the Soviet Union conducts the same type of explosions in outer space, against which the public opinion of the world was raised. We must categorically reject this statement. The United States entered the path of nuclear armaments in outer space and the attempt to ascribe these explosions to the Soviet Union has no foundation whatsoever. At this time within the framework of the duties assigned to this Committee, we must raise one point. One should not create obstacles which might interfere with the peaceful exploration of outer space. Such obstacles were obviously created by the United States high altitude explosions, such as those conducted, for example, on 9 July.

The representative of the United States said that the Soviet astronauts conducted their flights and returned unharmed and that this was proof that no damage was created to outer space by the actions of the United States. I do not know whether the representative of the United States and his assistants follow the Soviet Press. However, I must say that the President of the Soviet Academy of Sciences, at a Press Conference in Moscow, especially touched upon the question that the flight of the Soviet astronauts was permitted only when it was established that the height selected was the lowest radiation belt created by the United States explosions of 9 July. The representative of the United States, in presenting his argument, has missed the point. No government concerned with the fate of its citizens and its heroes would allow them to penetrate the dangerous belt. But the fact that this belt exists and that it

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concerns the American people and American public opinion is supported by the information published in the American Press, information which we presented yesterday in our statement when we indicated that the United States Government was forced to postpone the launching of certain space craft as a result of the radiation belt which they themselves created. For example, here is what we find in The New York Times of today. I think that The New York Times can hardly be suspected of publishing this data in order to enable me to answer Mr. Plimpton. Therefore, one has to say that these statements reflect the concern of American public opinion. We read the following:

"Before that earlier test, assurances had been given that there would be no serious or lasting impact on the Van Allen radiation belt which girdles the planet. The reality turned out to be quite different. A new man-made radiation belt has come into being, one which will apparently last for a long time and which has already silenced several satellites the United States had put into orbit."

The article goes on to say:

"This increased radiation might also make still more difficult realization of plans to send men to the moon and other bodies in the solar system."

I have a series of articles giving the latest data on this subject, but I am sure that I am not the only one who reads the American Press. It should therefore not be necessary for me to read these out. These articles indicate that this is not only the view of the Soviet delegation but also of the public opinion of the United States with respect to the damaging effects of these activities. We must reject the attempt to connect the fact that the United States is now moving from the atomic armaments race in general to the atomic armaments race in outer space with the question of the general prohibition of nuclear tests, although, as is well known, the Soviet Union in Geneva has come out in favour of a complete prohibition of all tests. If we do not reject this attempt, we shall not have a proper perspective in our approach to the concrete issues now before this Committee.

The Committee must concern itself with supporting the peaceful uses of outer space. The Committee must establish the necessary legal and even political foundations for this purpose. The attempt to replace one question by another cannot be justified and it will not convince anybody.

(Mr. Morozov, USSR)

In this connexion, I should like to refer to the arguments presented by the representative of the United States against the provisions of the Soviet draft declaration. I am sure that this document is being studied, and I would not like to leave in anyone's mind any trace of the unfounded arguments presented by the representative of the United States.

He said in the first place that the Soviet draft declaration allegedly is aimed at establishing a veto right with regard to the programmes of the peaceful uses of outer space. Can anyone imagine a more monstrous distortion of the principles of our draft declaration? Apparently the representative of the United States had paragraph 6 in mind when he made his unfounded assertions. I venture this guess based on the statements made by the United States delegation in the Legal Committee at Geneva. Paragraph 6 states:

"Co-operation and mutual assistance in the conquest of outer space shall be a duty incumbent upon all States; the implementation of any measures that might in any way hinder the exploration or use of outer space for peaceful purposes by other countries shall be permitted only after prior discussion of and agreement upon such measures between the countries concerned."

What veto is involved here? Who may be prevented by these provisions from implementing a programme for the peaceful exploration and use of outer space? It states here that there shall be international co-operation and consultation among States. It does not speak of any veto right.

(Mr. Morozov, USSR)

But this is not the main thing. International consultation and agreement is necessary. When? When there are measures which might in any way hinder the exploration or use of outer space for peaceful purposes. Are not all of us together, all of humanity, interested in eliminating measures that might hinder explorations or that might endanger the health and the life of astronauts sent into outer space? Can one really say that measures which would protect the successful exploration of outer space represent supposedly an attempt to establish a favourable position and privileges for the Soviet Union? Do we say here that only the Soviet Union can implement this right? Do we not say here that the whole international community -- all the States and countries -- must be introduced and must participate in the discussion of matters when there is danger of hindering the exploration of outer space? This is how this argument really stands.

The representative of the United States especially used the word "veto", which is used as a sort of red herring in many issues, although this rule of unanimity of the great Powers in the Security Council is the basic foundation of our Organization, without which our Organization cannot exist. But I am not entering this issue. I wish only to show to the Chairman and to my colleagues in the Committee how much of a distortion this is of the meaning and the contents of the Soviet declaration.

The second argument which was brought to the fore by Mr. Plimpton in opposition to our declaration is that we supposedly are against humanity's utilizing photography, that achievement of the human mind. He said that photography is of an absolutely guiltless or innocent nature -- although Mr. Plimpton immediately forgot about it and indicated that this photography has military purposes. He did not say "military", but, from the second part of his arguments, one could deduce that. And, against this guiltless photography, the Soviet delegation supposedly comes out in its declaration.

Once again, apparently, I will have to use the American press and to say that, according to the data in the American press, the United States registered in the United Nations by far not all the American satellites. And, if we do mention this question, it must be said that there is a special system according to which the United States registers only those satellites which will stay in

(Mr. Morozov, USSR)

orbit for a lengthy period of time. And the American Press here is not basing itself on some suppositions.

On 17 August The New York Times wrote that, from November 1961 on, the Air Force of the United States secretly launched twenty-artificial satellites. The same paper, in February, writes that the decision of the American administration about keeping secret all about the Midas and Samos satellites was taken at the moment when, in the General Assembly, a resolution was considered requiring the registration in the United Nations of craft launched into space. The United States was among the sponsors of this resolution at the time.

It is indeed in the United States that the word "spy satellite" was invented. After this, must one even say that we deal here with something which is completely contrary to the principles of the Charter, contrary to the principles of peaceful co-operation in outer space, something which cannot be supported by public opinion. How can one do this and, at the same time swear and assert one's sincere desire to strengthen co-operation between States, including co-operation between the United States and the Soviet Union, in order to increase the achievements of humanity in the peaceful uses of outer space?

One of the two: either the United States insists that one must approve, so to say, the legality of such action as high-altitude explosions, as the launching of spy satellites -- if they desire it, let them say openly that they are in favour of such operations, that they, as we again read today in the papers, not only conducted the 9 July high-altitude explosions, but they intend to conduct other such explosions in the ocean -- and then we will know what we have before us, we will know what are not only the words, not only the statements, but the actions of the Government of the United States in regard to international co-operation in outer space. One cannot at the same time defend these monstrous ideas, which are in opposition to international law, to international co-operation in outer space, and at the same time approve and take measures which are in such contradiction to these principles and aims.

(Mr. Morozov, USSR)

We want to be very careful in our conclusions, and we expect that on these legal issues we will find a common language -- that it is not too late to find this common language -- with the delegation of the United States, and naturally with all the other representatives of States here represented. We therefore think that the lofty principles expressed in our draft declaration including certain provisions on which there is still disagreement between us and the United States, will in the end enable the Committee to present to the General Assembly our draft declaration, with those changes and amendments which the members of the Committee might find it necessary to introduce and which will correspond to the objectives of the declaration and to the recognized principles of international law and the Charter of our Organization.

The last argument brought to the fore by the representative of the United States dealt with the provision in our declaration as to the prohibition of the utilization of outer space for war propaganda, for propaganda of national hatred. Our declaration says that this cannot be permitted. What did the representative of the United States say? He did not say that this principle is not acceptable -- I think that this is a good sign, despite the fact that we have our disagreements -- but he did not go as far as to say that outer space should be utilized for propagating war, national or racial hatred or enmity between nations.



(Mr. Morozov, USSR)

But at the same time he did not support our thesis and in fact found it possible to object to it, supposedly because the proposals concerning war propaganda were allegedly rejected by the Soviet Union in Geneva. Allow me here again, to restore the truth. Why did we have disagreements in Geneva on this issue? Because the delegation of the United States refused to accept an important part of the document which was called "declaration on the prohibition of propagating war". I repeat, the delegation of the United States refused to accept a certain provision and that is why there could be no agreement.

The provision proposed by the Soviet Union was that, among other things, all appeals to preventive war should be rejected as being aggressive acts which are in contradiction with the principles and objectives of the Charter of the United Nations, which are contrary to the interests of peace in the world and which are incompatible with the honour of the world. The United States did not accept it. The United States did not wish to accept a rejection of the propaganda of revanchism. It did not wish to accept a rejection of this as constituting measures endangering the security of peoples and peace in the world.

I will not present here a full list of the provisions which the United States delegation could not accept. I will just conclude by indicating that the United States categorically rejected the provision -- and this would be contrary to the Declaration of the United Nations concerning the independence of colonial peoples -- concerning appeals to apply force against peoples who are on the road to national liberation.

Having refused the proposal to put their signature to this elementary principle, the representative of the United States now says that the thesis according to which one cannot utilize outer space for propagating war and national or racial hatred, or enmity between nations, should not be accepted because it was rejected by the United States in Geneva. I would like to be very polite. I would like to show the greatest spirit of co-operation. I would wish to be a most co-operating member of my delegation in this Committee, but I cannot accept this logic of the United States.

I have already spoken here about the question of the veto, of propaganda, and of the basic issues raised by Mr. Plimpton. I am raising all this not in order to sharpen our discussion and to bring in new tensions here. I am doing it exclusively to show that such arguments would not interfere with having

(Mr. Morozov, USSR)

Mr. Plimpton, or you, Mr. Chairman, or all the members of the Committee, judge objectively the provisions introduced in our declaration. It is a declaration which we, I repeat, consider to be a very important document on which the Committee should make its decision at this session and not at some future session.

The CHAIRMAN: I now call on the representative of the United States who wishes to exercise his right of reply.

Mr. PLIMPTON (United States of America): In the first place I would like to express my regret at the amount of time that the representative of the Soviet Union and I seem to be taking in this debate. I fully share the views of the representative of the United Arab Republic that States other than the United States and the Soviet Union should play more active roles here. I would like, however, just to make a few comments on some of the things that the representative of the Soviet Union has just said.

He referred to the distant days when atomic energy was first, so to speak, harnessed, and he referred to the time when the United States had a monopoly of atomic power. I would like to remind the Committee that at that very time when the United States -- for as I remember some four or five years -- was the sole possessor of the secret of atomic power, the United States offered to turn over its atomic monopoly to an international organization. It was a matter of bitter regret and it is a matter of bitter regret right now that the Soviet Union would not agree to that internationalization of the atom.

The representative of the Soviet Union has referred to the opposition in this country, among other places, to nuclear tests. There is that opposition; it is a public opposition; it is an open opposition. And I think that the Committee will realize that it is a tribute to the openness and the liberality of the United States society that we permit and we encourage criticism of our Government's policies. This is a country where anyone can say whatever he wants, and he does it. I would find it in my heart to wish very much that

(Mr. Plimpton, United States)

I could read to you from Pravda or from Izvestia any criticism of any of the nuclear policies of the ruling class of the Soviet Union. I would welcome the day when my Soviet colleague will read to us some evidence on the part of his public looking toward criticizing his ruling class' insistence on the positions that it has taken in this whole area of nuclear tests.

I would also like to correct the Soviet Union on another point. And here I cannot blame him; he was quoting some of the United States Press, which is not completely accurate always. The United States, ever since the United Nations registry was established, has been registering every single object which goes into orbit, however long or short, and every object which after launch has failed to attain orbit. So if my Soviet colleague is factually inaccurate, I cannot blame him since he apparently got some such indication out of an American newspaper. But I officially state again that the United States, ever since this registry was established, has been registering every object which goes into orbit, however long or short, and whether or not it gets into orbit.

(Mr. Plimpton, United States)

I do not think anyone in this room can fail to be seriously concerned about nuclear tests. My Soviet Union colleague is, so am I, so are we all, whether high altitude or low altitude, but, gentlemen, what is the constructive thing to do about it? The constructive thing to do about it is to come to an agreement banning all such tests. That is what the United States is trying to do. The Disarmament Conference as a whole is not at the moment in session, but the Sub-Committee on Nuclear Test Bans is in session and I would remind you all that on 27 August the United States introduced a draft treaty which would have provided for a prohibition of any nuclear tests, in the atmosphere, underwater or at high altitude, and it would have done so without any of the inspection and verification which the Soviet Union seems to dislike so desperately. In granting the obsession of the Soviet Union against any verification, against any control, what we offered to do is stop nuclear tests and never mind about inspection and never mind about control. To our bitter regret the Soviet Union has not been willing to agree to such a cessation of nuclear tests. I submit that the earnest effort of every member of this Committee should be directed towards prayers -- if you will -- that this United States offer of an uninspected, uncontrolled moratorium forever on nuclear tests should be accepted by the Soviet Union.

Some delegations have suggested that the United States was in some way against the formulation of legal principles as to the use of outer space. If I may, I would like to read the final statement of our delegation in the Legal Sub-Committee, because this is the policy of the United States, anything to the contrary notwithstanding. I quote:

"In concluding, I should like to say a few words about the subject of principles. It has been suggested by some that the United States does not consider principles important or valuable in the context of outer space. Actually, this is far from the truth. As some representatives have pointed out, it was a United States working paper which became the basis for the report submitted three years ago by the Ad Hoc Committee on the peaceful uses of outer space, in a section dealing with legal problems. That working paper and the report of the Ad Hoc Committee both contain the statements concerning the freedom of outer space and the applicability

(Mr. Plimpton, United States)

of the United Nations Charter, which were forerunners of the principles set forth in resolution 1721 of the General Assembly."

In other words, it was the United States itself that was responsible for the general principles. I continue to quote:

"The Assembly resolution went on to include the principle of the applicability of international law to relations among States -- except as it might be otherwise agreed -- and the principle that outer space and all celestial bodies are not capable of appropriation to national sovereignty. The United States delegation, as drafters and sponsors of the Assembly resolution, wish to make very clear the importance we attach to the development of sound general principles as well as to the achievement of progress in solving practical questions. We look forward in the future to the development of further general principles concerning the law of outer space.

"These meetings in Geneva have been a beginning. We have a long way to go and much work to do. The United States looks forward to participation, with energy and devotion, in the international co-operative efforts which will be required to frame a just order in the realm of outer space as well as among the nations on earth."

The CHAIRMAN: I would request those members who intend to speak in the general debate to notify their intention to the Secretary of the Committee, Mr. Abdel-Ghani, before six o'clock this afternoon. If I hear no objection the list of speakers will be closed at that time. There are only three speakers on the list for tomorrow and I therefore ask all those members who intend to speak to indicate their intention to the Secretary today. Unless I hear any objection to the closing of the list I shall take it that the Committee agrees.

Mr. MOROZOV (Union of Soviet Socialist Republics) (interpretation from Russian): I do not know why the Chairman is in such haste to close the list. I do not wish to drag out the debate ad infinitum but it seems to me that today has been the first day of debate. Therefore, we have had only

(Mr. Morozov, USSR)

one meeting and the Chairman already raises the question of closing the list of speakers. I would object to such a closure and I think we should give an opportunity to those wishing to speak. We have very important questions to consider and we ought to think them over; perhaps consultations among delegations or consultations with our Governments are indicated. I therefore feel that we should not create conditions that would be too rigorous. If there are no speakers, it will become clear to us how to act later on, and we can then discuss the Chairman's proposal, but I do not think that there is any reason formally to close the list of speakers just now.

The CHAIRMAN: Is the representative of the Soviet Union prepared to make another proposal? The reason why I have said that I would like to fix a time for closing the list of speakers is my experience in other Committees, which has shown that as soon as members know that they are obliged to notify their intention to speak, they come forward and put their names on the list. If no time is set for closing the list of speakers the matter becomes very difficult, as is shown by the list for tomorrow. We have not many meetings before the beginning of the General Assembly and I therefore ask the representative of the Soviet Union whether he has any suggestion to make about the time of closing the list of speakers.

Mr. MOROZOV (Union of Soviet Socialist Republics) (interpretation from Russian): Mr. Chairman, I was clear enough and I repeat that I think it is too early now to set the time for closing the list. Let us have one more meeting at least, and then tomorrow we can come back to the question. I think that would be a more democratic procedure.

The CHAIRMAN: Then if the Committee agrees I suggest that we discuss during the morning meeting tomorrow the time of closing the list of speakers.

The meeting rose at 1.20 p.m.