COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

V E R B A T I M R E C O R D O F T H E T H I R D M E E T I N G

Held at Headquarters, New York,
on Monday, 9 September 1963, at 3 p.m.

Chairman:  Mr. MÜLLER (Austria)

1. Adoption of the agenda
2. Opening statement by the Chairman
3. General debate
This result would not be complete without mentioning the fact that since the Committee's last session in March, great progress has been achieved in the penetration of outer space and in the exploration of its mysteries. Among other achievements, the orbits of Major Cooper, the junior space flight of Miss Tereshkova and Col. Gagarin, the launching of Luna IV and Syncom II are undoubtedly outstanding results.

The Committee welcomes the presence of the Secretary-General. I should also like to welcome and to introduce to the Committee the new Under-Secretary for Political Affairs, Mr. Vladimir Sudkov, who is in charge of outer space matters in the Secretariat.

GENERAL DEVELOPMENT

Mr. FLEMINGTON (United States of America): Less than six months have passed since the last session of this Outer Space Committee, and it was only a few months ago that the Sub-committees, whose reports we are considering here, met in Geneva and in New York, but important events have taken place in this short time. Technologically, man has accelerated the conquest of space with a number of impressive accomplishments. The flight of astronaut Gordon Cooper, heard by millions of people around the world, was an important step in the United States space programmes. The Soviet Union can take great pride in the launching of its second set of space twins, including the first woman in orbit.

A little more than two weeks ago, an impressive demonstration of space progress took place right here at United Nations Headquarters, when Secretary-General U Thant, participating in a programme with Prime Minister Bialek of Nigeria and President Kennedy in Washington spoke to the African and North American continents simultaneously via the United States SYRACOM satellite.

But reports of remarkable technological progress are nothing new to this Committee. What makes today's meeting of particular significance is progress in another area, political progress that will make space and, indeed, our entire planet a better and a safer place in which to live. On 16 August, the United States National Aeronautics and Space Administration and the Union of Soviet Socialist Republics Academy of Sciences announced the approval of a first memorandum of understanding to implement the co-operative space agreement, the Dryden-Bylgakovov agreement, between the United States and the Union of Soviet Socialist Republics. I notice, incidentally that Academician Bylgakovov is present with us today, and I wish to congratulate him for his outstanding part in the negotiation of this co-operative agreement.

While this is a bilateral agreement, I am sure all of us realize that the agreement is a matter for general congratulations because the real beneficiary is all mankind. The agreement aims to improve man's ability to observe and to forecast the weather. It involves experimentation to help expand our understanding of space communications. It calls for the launching by the United States and the Union of Soviet Socialist Republics of satellites to measure the earth's magnetic field to aid the work of the World Magnetic Survey.
The month of August 1963 also saw the final negotiation and signing of a treaty banning nuclear weapon testing in the atmosphere, under the sea, and in outer space. This treaty, to which there are now eighty-three signatories, addition to the original three parties, has met with nearly universal approval.

These two important agreements have more in common than occursence in time and benefit to mankind. Both agreements are concerned with concrete issues and projects and require the agreed parties to regulate their conduct in a specified way that can be verified relatively easily. They are practical agreements that will be of practical benefit to all nations.

This is what the agreements do. What they do not do is equally as important. Neither agreement attempts to regulate the most contentious issues in each field, but, instead, they regulate matters on which for some time there has been a general consensus. The agreements concentrate on the subjects that unite, not the problems that divide them.

To borrow the language of the scientists for a moment, I think that these agreements represent a significant breakthrough. The characteristics of these two successful agreements -- practicality and limited nature -- could be applied in other fields to help further mutual understanding among nations.

Let us look for specific subjects where practical arrangements can be made to solve practical problems which would benefit all. We should move forward in the areas where substantive agreement exists, and not be stymied on all by disagreement on some. Half a loaf of bread is better than none at all. A partial test ban treaty is better than no treaty at all. An agreement for space co-operation is better than no agreement at all. Let us move forward on that basis and try to record and expand the areas of our agreement on outer space.

In the view of my delegation, the development of a set of general legal principles to guide the conduct of States in outer space is an area where such an approach should be applied. This is the second year that the Committee has received no substantive recommendations from the Legal Sub-Committee. Yet, if we examine the record, we find that that Sub-Committee has reached general agreement on a wide range of issues.
In the light of what we hope will be the eventual participation of many nations in space activities, the United States would prefer more meaningful recommendations on the exchange of information and on training and education. Resolutions 1721 (XVI) and 1802 (XVII) requested the voluntary submission of information on national space programmes by Member States. Some Members have still not complied with those resolutions. Further, this information is of little value to interested nations unless it is conveniently maintained by the Secretariat. The United States favours the annual publication in tabular form of the information supplied to the Secretariat.

We also believe that opportunities for increased training and education for persons who will take part in the World Weather Watch, global satellite communications or national space programmes, should be better known. We would favour a recommendation that Member States inform the Secretariat of fields in which they might be prepared to consider requests for training.

Finally, the United States believes the Committee should recognize the importance of preventing interference with peaceful uses of outer space and accept the present Sub-Committee recommendation. The United States reaffirms its belief that a State should undertake appropriate international consultations before proceeding with a space activity if it has reason to believe that it might create a significant risk or harm.

I want now to discuss the implications of developments in communications and meteorological satellites, developments that are of great interest and importance to this Committee.

TELESTAR has been followed by the United States satellites RELAY and SYNCOM, which promise to increase the range of radio and television capabilities between continents. The tempo of satellite communications will increase as our technological experience grows with each new series of satellite experiments. For example, the recent positioning of SYNCOM II into a synchronous orbit while it was 22,300 miles in outer space was a complex manoeuvre which added to our technical expertise.

The United States believes that communications by means of satellites should be available to the nations of the world as soon as practical on a global and non-discriminatory basis. Along with several other nations we sponsored resolution 1721 in 1961, which expresses this sentiment. We continue to support the sentiment in resolution 1802 passed last year, that communications by satellite will facilitate the rapid expansion of radio, telephone and television transmission, including the broadcast of United Nations activities, and, thus, will increase contact among the peoples of the world and offer great benefits to mankind.

We realize that there are many problems to be solved, but we believe that we should press ahead co-operatively to achieve a single global satellite communications system for commercial purposes -- with wide participation in ownership and management -- and operated so as to realize economic and political benefits to all nations.
There stretches before us a wide range of practical work to be done in space. The results of this work will affect a major transformation in our world, from the way we grow our food with improved knowledge of the weather to the way we think about one another with improved communications through space. Let us be guided in our approach to these issues by the successful examples of the test ban treaty and the Sputnik-Sputnik agreement. Let us seek arrangements on subjects of a practical nature and let us record consensus wherever it exists. On this basis, we believe that this Committee can have an active and fruitful session.

Mr. FEDOROV (Union of Soviet Socialist Republics) (interpretation from Russian): We should like to start by pointing out that this session of the Committee is beginning its work in a favourable international atmosphere. The new political atmosphere is the direct result of the conclusions of the Moscow treaty on the banning of nuclear testing in outer space, under water and in the atmosphere. We are convinced that the conclusion of this treaty will undoubtedly have a favourable influence on the prospects of the work of this Committee.

The banning of nuclear tests in outer space puts an end to the danger of radioactive contamination and pollution of the space near the earth. We were gratified to note that research into space will not be hampered any longer by the pollution of outer space, which creates contamination dangerous to the health and life of cosmonauts. The emissaries of humanity who go out into space can now guide their spaceships more confidently and they can carry out their noble mission even greater success knowing that lethal nuclear clouds will no longer cross their path.

In this way, the conclusion of a treaty banning nuclear tests in the three media is directly connected with the work of this Committee and creates very favourable conditions for further work in space.

The United Nations Committee on the Peaceful Uses of Outer Space was called into being by the tempestuous events of the beginning of a new era of mankind, the exploration of outer space. Since the time of the launching by the Soviet Union of the first artificial satellite, less than six years have passed. Since that time mankind has seen the development of new striking achievements. New scientific discoveries are always very important to the lives of the peoples of the world and they leave their mark on international relations. Everybody is aware of the revolutionary changes which have occurred in the world as a result of the invention of the steam engine, the use of electricity and the discovery of radioactivity. Wide possibilities are now opening up for the peaceful use of space in the interests and for the benefit of all humanity.

Research in the upper layers of the atmosphere and the use of satellites for meteorological purposes now make it possible to achieve greater accuracy in this field and to put on the agenda the question of the control of meteorological activity in the atmosphere. Practical ways have now opened for the use of satellites in earth communications.
We consider this agreement to be an important measure in the promotion of further widespread collaboration in this field. It is an example of a proper settlement of international questions, bearing in mind the interests of the various parties, and we hope that the implementation of this agreement will bring great benefits not only to our two countries, but also to the whole of humanity. Soviet scientists have already started practical work on the implementation of this agreement.

It is appropriate also to point out that in the time which has elapsed since the last session of the Committee, new and important steps in the exploration and study of outer space have been made. Between 14 and 16 June 1963 two space ships were launched in the Soviet Union, Veslūk V piloted by Colonel Valery F. Bykovsky, and Veslūk VI piloted by Valentina V. Tereshkova, the first woman cosmonaut in the world. These two space crafts were launched on parallel orbits. The record flight of Colonel Bykovsky continued for 119 hours, in which he covered a record distance of 3,000,000 kilometers.

The great distances covered and the launch of the two crafts demonstrates the enormous progress achieved in Soviet rocket construction and instrument design, which, of course, are also based on the achievements of science and technology in the Soviet Union. This group flight formed the next stage in the programme of Soviet space exploration. The influence of the various factors in cosmic flight on the human organism was studied during the flight, and a comparative analysis of the influence of these factors on the bodies of men and women was also carried out. A new and increased amount of medical and biological research was carried out and a further elaboration of the control systems of the two space ships in conditions of parallel flight also took place.

The two parallel flights formed a significant step forward in the exploration of outer space, and it will be remembered how absolutely reliable was the two-way link -- earth to space and space to earth -- during the flights. The people of many countries were able to follow the flight by means of television and to see what was happening in the cabins of the space ships and hear the joyful voices of the cosmonauts during the flight.

Colonel Bykovsky carried out a much more active programme in space than was carried out in the previous flights. More than once during the flight he left his seat in order to carry out the scientific observations which he had been instructed to make. This made it possible to prove that a cosmonaut could be sufficiently active during a flight. The successful carrying out of the cosmic flight of these space ships, Veslūk V and Veslūk VI, was a new and important stage in the programme of space flights by men.

Together with the extensive research programmes carried on with the help of satellites and cosmic craft in the Soviet Union, research in outer space and the planets of our solar system have continued in the Soviet Union. A record result for long-range space communications was achieved with the inter-planetary station, Mars I, when communication was maintained over a distance of 106 million kilometres.

The implementation in the United States of the Mercury project also made it possible to carry out a number of orbital flights round the earth.

The success achieved in the launching of meteorological satellites was also noted in the Soviet Union. Considerable effort was devoted to the development and perfection of systems of long-range communications with the help of artificial earth satellites.

Together with all this, all the time the scientific research carried on in other countries is expanding. At the recent session of COMECON, the reports on national activities in the field of space research were highly praised. The Soviet scientists highly appreciated the work done in research into the higher layers of the atmosphere and, in particular, its temperature by a French scientist with the help of artificially created luminous clouds. Also appreciated was the work done by a Belgian scientist in a study of the influence of the outer atmosphere on meteorological phenomena and the work of Indian scientists in connection with sounding rockets in the Equatorial area. The achievements of Japanese scientists in rocket research was noted by Soviet scientists with appreciation. The work of the scientists of the Peoples Republic of Czechoslovakia, the Peoples Republic of Poland and the Peoples Republic of Hungary has also been of immense help to the Soviet Union in the observation of Soviet satellites.
This demonstrates the extent of the expansion of international collaboration in a fuller study and understanding of outer space and its use. The role of this Committee is growing, and its activities must exercise an ever-increasing influence on the progressive exploration of outer space for peaceful purposes. Frequently at sessions of the Committee a summing up is made of the work of the Committee and recommendations are made for future plans of work.

The last link in the work of the organs of the Committee and, I must say, the most active is the work of the Scientific and Technical Sub-Committee in Geneva. It is possible to point out again, as was done last year, that a substantial amount of work has been carried out by this Sub-Committee. We find in its report a number of recommendations on the question of the exchange of information on research conducted by States, international collaboration in the use of space for meteorological purposes and the organization of long-distance communication, the establishment of launching facilities for sounding rockets, the training of specialists in the field of space research, and the prevention of potentially dangerous experiments in outer space.

Of course, we should admit that not all the questions were solved by this Sub-Committee. Great difficulties arose in the preparation of recommendations on the question of potentially dangerous experiments in space. The majority of the members of the Sub-Committee were in favour of a careful scientific assessment of potentially harmful experiments and activities in space, with the collaboration of the scientists of various countries in the United Nations Committee and beyond. During the discussion in the Sub-Committee, the scientists and representatives of many countries brought forward convincing arguments in favour of the need for a preliminary evaluation of the possible consequences of potentially dangerous space experiments. It was quite rightly pointed out that with modern equipment and modern technology, such potentially dangerous experiments might seriously hamper space research carried out by other countries and might be prejudicial to the development of science.

In the light of these ideas and considerations, the Sub-Committee draws attention to the urgency and importance of a solution to the problem of dangerous interference in the peaceful uses of outer space. We express very warmly our thanks to the recommendations made in the report of the Technical Scientific Sub-Committee.

I should now like to go on to the question of basic legal principles in space. The Soviet delegation has stressed frequently that the legal aspects of States' activities in space are closely linked with the problem of collaboration between States in scientific and technical questions. This was pointed out in the General Assembly resolution 1802 (XVII) of 14 December 1962 and the Assembly noted that the activities of States in the use and exploration of outer space are carried out in keeping with international law, including the United Nations Charter, in order to promote friendly relations between States. In keeping with the Assembly's wishes:

The necessity of the progressive development of international law pertaining to space and the further elaboration of basic legal principles governing the activities of States in the exploration and use of outer space and to liability for space vehicle accidents and to assistance to and return of astronauts and space vehicles and to other legal problems," (General Assembly resolution 1802 (XVII)) is not forget that a year ago the Seventeenth Session of the General Assembly with regret that our Committee had not hitherto adopted recommendations on legal questions associated with the peaceful exploration of outer space. Can we say that in the year which has passed the Member States of the United Nations have made new efforts to achieve agreement on certain important questions connected with the legal principles of activities of States in this field? It is necessary to refer to that question positively and affirmatively.

The most striking event in this connexion has been the ban on nuclear testing in outer space which was concluded under the Moscow Treaty of 5 August 1963. The signing of this legal obligation by more than eighty countries has a direct bearing on the provisions and considerations which this Committee considered, with its legal sub-committee, in connexion with the obstacles to the full exploration of space such as atomic explosions in space.
We consider it important to remind members that in the spring of 1965 the Soviet Union, in an attempt to promote the prompt achievement of agreement on the basic legal principles of activities of States in space, submitted to the Committee a revised draft declaration of these basic principles. Our draft included a number of provisions from the draft submitted by other States, including the United Arab Republic, United States and the United Kingdom. Our revised draft also bore in mind the views of various other countries.

We adopted a wording on the aims of the exploration of space which were forward originally by the United States. We adopted the United Kingdom's position on the impermissibility of the expansion of States' sovereignty to space and celestial bodies. We adopted the United States wording with regard to the inalienable right of ownership of States to objects launched by them in space.

On the basis of the exchange of opinions which took place, the draft included a new item which related to the responsibility of States in the conduct of space activity with regard to foreign States. We also bore in mind the views of certain States that collective activity on the part of States in research and the exploration of outer space should be included, including cases where States decide to conduct such activities through international organizations.

A number of other additions were made. These efforts which the Soviet Union and other States made in order to bring about a prompt achievement of agreement on the basic legal principles of States' activities in outer space and the additions and changes introduced into the Soviet draft were favourably appraised and evaluated during the discussion in the Legal Sub-Committee.

In the report of the Legal Sub-Committee during its second session, it is stated that at the last session of the Sub-Committee there was a useful and constructive exchange of views. The discussion which took place in the Sub-Committee virtually concentrated on a discussion of the basic principles of States' activity in outer space which was very significant and important because it is one of the basic principles which is the main task of the Legal Sub-Committee and is at the centre of attention of this Committee.
During the discussion of the preamble of the draft declaration, the Committee will remember, various doubts were expressed about the wording which was contained in the revised Soviet draft submitted in the spring session of the Legal Sub-Committee, on the interdependence of the scientific and technological and legal aspects of peaceful space exploration. In this connection, the Soviet delegation would like to make new efforts in order to guarantee the adoption of a jointly agreed and mutually acceptable text on the basic principles of the draft declaration. We are prepared to put forward an appropriate paragraph of the preamble of our draft in a wording which would note that Member States of the United Nations wish to promote a wide and extensive international collaboration in both the scientific and legal aspects of space exploration and research for peaceful purposes.

If we correctly bear in mind and analyze the position which the members of the Committee adopted on the question of the basic provisions of the draft declaration, which is the preamble of the draft, then we could consider the text of the preamble, bearing in mind that the changes which I just mentioned would be acceptable to members of the Committee. We can also point out that hitherto extensive agreement has been reached on a number of other important provisions contained in the declaration. In our opinion, general acceptance has been won for the following provision: Outer space and celestial bodies are available for the research and use of all States; all States have equal rights in this field. Further, sovereignty over outer space and celestial bodies cannot be acquired by use or occupation or by any other means. Also, the activities in space must be conducted in keeping with the principles of the United Nations Charter and other universally accepted principles of international law, in the interest of the development of friendly relations between States and the maintenance of international peace and security. It is also universally accepted that the sovereign rights of States with regard to objects launched by them into space is preserved.

Nobody raised any objections against such an important principle as the obligation of States to consider astronauts as emissaries of humanity into space and to give all possible help to space craft and their crews which have been forced down by accident on the territory of a foreign State or on the open seas, and also to return those space craft and their crews to the States which originally launched them. It is also universally accepted that States which conduct activity in space have international responsibility for damage caused to a foreign State as a result of such activity, damage caused to its physical and legal personality.

In the discussion of some of the provisions I mentioned before, other delegations expressed the wish for additions and clarifications to be introduced into the draft declaration in order to make the provisions universally acceptable. It was pointed out that the general provision, on which, as we said, general agreement was achieved -- namely that States preserve sovereign rights over objects launched by them into space -- should have added to it an indication that with regard to the space craft and crew actually in space, the legislation and jurisdiction of the State, by which this space craft is being registered, should apply.

In order to have a generally acceptable text adopted, we are prepared to introduce an appropriate addition to our draft declaration. The desire was also expressed that the draft declaration should include a provision by which States, on the territory of which a space craft actually lands, could, before the return of the ship or the space craft, demand that identification should be given to it. We also agree to include this wish in the declaration.

Members of the Committee know that there was discussion on those provisions in our draft declaration which are concerned with the responsibility of international organizations for the implementation of the principles of the declaration and possible material damage which might be caused by this activity. Bearing in mind the exchange of views which occurred, the Soviet delegation agrees to provide in the declaration that in the case of space activity being conducted by an international organization, responsibility for both the implementation of the principles of the declaration and for possible material damage caused on the earth or in space, will be borne, together with the international organization, also by States participants in it.

Members of the Committee will remember that proposals were made for the establishment of a group of experts to elaborate a draft agreement on the rescue of astronauts and on a document with regard to the question of responsibility for material damage.
Here we should like to point out further the divergencies of views on one of these unsettled questions concerning the potential danger in harmful experiments in space, which danger has become considerably less as a result of the conclusion of the Moscow Treaty. This establishes realistic prerequisites towards reaching agreement on other potentially dangerous experiments in space. The Committee should make further efforts to work out commonly acceptable texts to the end that no State would be allowed to carry out any such experiment in space without the previous agreement of other States.

We also attach considerable importance to efforts finally to achieve agreement on the question of the impropriety of the use of satellites for collecting intelligence information, for war propaganda and for propaganda connected with national and racial hatred and enmity among peoples.

It is also essential to remember that if, as we have pointed out, the question of the form of a document on the legal principles to be adopted by the United Nations no longer arises, everyone agrees that there should be a declaration now. On the other hand, the adoption of this declaration by States should mean their assertion of firm legal obligations. This matter has not yet been entirely solved. With good will, however, it is quite possible to solve my divergency in this connexion and to achieve the adoption of an agreed decision on the question.

Of course, rapprochement on questions which still remain to be settled may be achieved on the basis of reasonable compromise and mutual concessions. It is impossible to expect a solution to be found by one side only or at the expense of one side. By taking further steps to bring together the divergent positions, the Soviet delegation is counting on other members of the Committee also to act energetically in a search for mutually acceptable and agreed solutions.

The conclusion of the elaboration of an agreement on legal principles for States' activity in space and the establishment of an international legal system regarding space will be a new and substantial step towards strengthening and maintaining friendly international relations. There is at the present time, in our opinion, a much more favourable atmosphere in which to bring together the different points of view of members of the Committee, and this permits us to hope
that success in the elaboration of basic international legal principles in this field is not utterly remote. The Soviet Union, for its part, will spare no effort to attain this goal which, we are convinced, is the common aim of all Member States represented in this Committee, as well as of all Member States of the United Nations.

The meeting rose at 6.37 p.m.