



**CONTENTS**

	<u>Page</u>
Agenda item 60:	
Question of the peaceful use of outer space ( <u>con-</u> <u>tinued</u> ):	
(a) The banning of the use of cosmic space for military purposes, the elimination of foreign military bases on the territories of other countries and international co-operation in the study of cosmic space;	
(b) Programme for international co-operation in the field of outer space	
General debate ( <u>continued</u> ) . . . . .	211

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

**AGENDA ITEM 60**

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

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

**GENERAL DEBATE (continued)**

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

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

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

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

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

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

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

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

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

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

Union representative had given the impression of having lost sight of the question of the peaceful use of outer space; he had so concentrated his attention on the United States bases. Such methods would not lead to practical results.

10. In those circumstances, and considering that outer space was still shrouded in a veil of mystery, the only reasonable attitude would be to act in conformity with the proposal suggested in the draft resolution contained in document A/C.1/L.220 sponsored by twenty Powers, including the Union of South Africa.

11. Mr. ORTIZ MARTIN (Costa Rica) said that a distinction had to be drawn between the two sides of the question of outer space. There was the scientific side: the exploration of outer space, its possible use for military purposes and the responsibilities of the United Nations in that regard. And there was the theoretical side: the study of the question from the angle of international public law. It was evident that it was premature to lay down legal principles which could not yet be applied whereas the real difficulties to be faced were not known.

12. The Costa Rican delegation supported the twenty-Power draft resolution (A/C.1/L.220), which recognized that all States had the right to carry out scientific exploration and which was intended to ensure that the conquest of outer space should be for the benefit of all mankind. That draft resolution provided also for the establishment of an ad hoc committee to study all the known facts in order to lay down legal rules consistent with the principles of justice. The United Nations could do no more and still remain in the realm of reality; it would be in a position to make appropriate rules at a later stage in the light of subsequent developments. It was important not to lose sight of the immense impact of great discoveries and their influence over men's minds. Man was still unaware of the consequences of his present efforts to unveil the secrets of nature.

13. Mr. NISOT (Belgium) said that there was an urgent need to undertake the study of the question of the peaceful use of cosmic space. No progress could be expected without a clarification of the various aspects

of the question by means of objective and disinterested study, and an attempt to determine with some degree of accuracy the potentialities of outer space for the benefit of mankind, the conditions and manner of using it and the ways and means of realizing those aims. It was particularly urgent to institute international co-operation in that field. At the present stage, the work of exploration and clearing the ground, which had to be kept separate from the disarmament aspect of the question, appeared to require priority treatment in a purely scientific spirit divorced from all controversial matters.

14. That was the spirit which had animated the draft resolution submitted by twenty Powers, including Belgium. That draft proposed the establishment of a committee to provide the General Assembly with certain preliminary information. The aim was to investigate possibilities in order to clarify the situation and make future achievements possible.

15. The role of international organizations in the matter should be made clear. Certain questions would first have to be decided, such as whether there existed at present any legal rules limiting the freedom of individual States or inter-State organizations in outer space. In the doctrine of international law several systems had been conceived. Those studies would perhaps help in finding the lex ferenda which could be proposed to States with some chance of being accepted. The problem was a complex one from the legal and political points of view. Accordingly, the draft resolution was aimed at conducting a preliminary investigation as a necessary step towards a degree of international co-operation commensurate with the aims to be achieved. In addition, the draft made ample provision for the assistance of the Secretary-General, upon whom it conferred even a power to make recommendations extending beyond the measures it expressly contemplated. The draft resolution did as much as possible at the present stage to provide the most appropriate method for defining the conditions for the peaceful use of cosmic space.

The meeting rose at 4.10 p.m.