AGENDA ITEM 31

International co-operation in the peaceful uses of outer space: reports of the Committee on The Peaceful Uses of Outer Space (concluded) (A/5785, A/6042; A/C.1/L.363/Rev.1, L.365/Rev.1)

1. The CHAIRMAN invited the Committee to continue its consideration of the thirteen-Power draft resolution (A/C.1/L.363/Rev.1) and the revised amendments submitted by Cameroon and the United Arab Republic (A/C.1/L.365/Rev.1).

2. Mr. YOST (United States of America) said that his delegation could accept the first of the amendments. Since the beginning of the space age, the United States had constantly endorsed the principle that outer space should be used for peaceful purposes. In that context, "peaceful" meant non-aggressive rather than non-military. The United States space programme had been notable for its predominantly civilian character but military components and personnel had made indispensable contributions. There was no practical dividing-line between military and non-military uses of space: United States and Soviet astronauts had been members of their countries' armed forces; a navigation satellite could guide a warship as well as a merchant ship; communication satellites could serve military establishments as well as civilian communities. The question of military activities in space could not be divorced from the question of military activities on earth. The test of any space activity must therefore be whether it was military or non-military but whether it was consistent with the Charter and other obligations of international law. The United States space programme passed that test.

3. He proposed a sub-amendment to the second of the amendments in document A/C.1/L.365/Rev.1, consisting of the insertion after the words "Requests the Committee on the Peaceful Uses of Outer Space" of the phrase "in co-operation with the Secretary-General and making full use of the functions and resources of the Secretariat, and". The original text of the amendments (A/C.1/L.365) had contained a reference to the Secretary-General, which had been omitted from the revised version. The sub-amendment he proposed used the wording employed in the United Nations resolutions on the peaceful uses of outer space, which had been sponsored by all the members of the Committee on the Peaceful Uses of Outer Space and adopted unanimously by the Assembly. He did not think that the sub-amendment should prove controversial.

4. Mr. FAHMY (United Arab Republic) said that, in order to expedite the Committee's work, his delegation and the delegation of Cameroon would not press the first of their amendments.

5. Mr. FEDORENKO (Union of Soviet Socialist Republics) noted that support had been expressed for the draft resolution before the Committee. The best course would be to adopt an uncontroversial text; such an approach would be in accordance with the long-established tradition followed in the Committee on the Peaceful Uses of Outer Space. In that Committee, decisions were adopted by mutual agreement, and issues likely to give rise to disagreement were not pressed to a vote. The United States sub-amendment, which had been submitted at the last minute, contained new ideas and amounted to a new approach to the question.

6. Provisions which were appropriate and justified in one resolution could not always be transplanted to another resolution on a similar subject being considered in different circumstances. Furthermore, there was no need to specify the procedure and methods of work to be followed by the Committee on the Peaceful Uses of Outer Space. That Committee should decide those matters itself; if it saw fit it would take into account the wishes expressed by the United States delegation.

7. Mr. TREMBLAY (Canada) expressed support for the United States sub-amendment. The point at issue was uncontroversial and had already been accepted by the General Assembly. It would be an unusual procedure to leave the Committee on the Peaceful Uses of Outer Space to prepare suggestions for programmes of education and training of specialists without the help of the Secretariat. That Committee reflected mainly national views; the co-operation of the Secretariat in its work would sound an international note and provide useful knowledge and experience.
8. Mr. SEATON (United Republic of Tanzania) said that the use of outer space was not a monopoly or exclusive concern of the Powers having space programmes. Tanzania had therefore welcomed the two-Power amendment, which was designed to give the developing countries a greater opportunity to participate in the use of outer space.

9. The Committee should not lose valuable time in procedural or controversial debates. His delegation had no objection to the United States sub-amendment, which might well have received substantial support if it had been submitted earlier; in the circumstances, however, no wide support for it had been voiced. He hoped that it would soon be possible for the Committee to proceed to a vote.

10. Mr. SHAW (Australia) said that his delegation supported the United States sub-amendment. It was difficult to see how the Committee on the Peaceful Uses of Outer Space could perform the task entrusted to it without the assistance and support of the Secretary-General and the Secretariat. The programmes contemplated would have to be integrated and co-ordinated with other similar programmes, for example, and the financing available would have to be taken into account.

11. Mr. GARCIA DEL SOLAR (Argentina) appealed to the delegations concerned to display a spirit of compromise such as prevailed in the Committee on the Peaceful Uses of Outer Space.

12. It was not clear what "functions" of the Secretariat were envisaged in the United States sub-amendment. Furthermore, the phrase "making full use of" the resources of the Secretariat might give a false idea of the amount of resources which should be devoted to the project in question. He therefore suggested that the United States delegation should revise its sub-amendment to read "in cooperation with the Secretary-General and making use of the available resources of the Secretariat, and".

13. Mr. YOST (United States of America) agreed to revise his sub-amendment in the manner suggested by the Argentine representative.

14. Mr. SEATON (United Republic of Tanzania) observed that it would presumably be a normal duty of the Secretariat to assist the Committee on the Peaceful Uses of Outer Space in any way necessary.

15. He moved the closure of the debate on the item under discussion, under rule 118 of the rules of procedure.

The motion was adopted without objection.

16. Mr. VELLODI (Secretary of the Committee) informed the Committee, in accordance with rule 154 of the rules of procedure, that provision had been made in the budget estimates for 1966 for the continuation of the normal activities of the Committee on the Peaceful Uses of Outer Space and its Sub-Committees.

17. The CHAIRMAN invited the Committee to vote on the amendments under consideration.

The second amendment in document A/C.1/L.365/Rev.1, as amended, was adopted by 96 votes to none, with 2 abstentions.

Draft resolution A/C.1/L.363/Rev.1, as amended, was adopted by 98 votes to none, with 1 abstention.

18. Mr. MISHRA (India) expressed his country's gratitude to the members of the Committee for voting in favour of granting United Nations sponsorship to the Thumba international equatorial sounding rocket facility, and thanked those countries which had helped in and expressed support for that venture.

19. Mr. FEDORENKO (Union of Soviet Socialist Republics) said that his delegation had voted for the two-Power amendment. The assistance contemplated in that amendment—and indeed any kind of assistance—should be given on a voluntary basis, possibly within the framework of the technical assistance provided by the United Nations and the specialized agencies. The question of space research and the use of outer space affected the security interests of States. That fact should be taken into consideration when it was decided what forms the proposed assistance should take.

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20. Mr. GEBRE-EGZY (Ethiopia) proposed that priority should be given in the voting to the fifty-seven-Power draft resolution (A/C.1/L.364 and Add.1).

It was so decided.

21. The CHAIRMAN invited representatives wishing to explain their votes to do so.

22. Sir ROGER JACKLING (United Kingdom) said that his delegation fully supported the principle of non-intervention in the internal affairs of States. As he had said in the general debate (1398th meeting), the proposed declaration should be an objective and comprehensive expression of the principle of non-intervention and should deal with intervention in all and not merely some of its forms. It should not only discourage the condemnation but should also actively encourage co-operation among Member States. It should be carefully elaborated so that it did not mean different things to different people.

23. In his opinion, the principle of non-intervention concerned a vital area of international law which required detailed study before it could be fully expressed in a series of propositions. It was particularly important that the terms used should be clear. The proposal before the Committee did not attempt to define intervention but this had not been the intention. The task was one of persuasion and the object was to bring about a spirit of understanding and co-operation among Member States.
a short time before; members had not been given sufficient time to study in detail all its implications, and some Governments would not have seen the text at all. In the circumstances, it would have been better for the Committee to refer the matter to an interdepartmental committee or to the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, as had been proposed by a number of delegations.

24. He drew attention to a draft resolution which had been adopted at the 898th meeting of the Sixth Committee and which stressed the significance of continuing the effort to achieve general agreement at every stage of the process of the elaboration of the seven principles of international law set forth in General Assembly resolution 1815 (XVII), among which was the principle of non-intervention.

25. While there was much in the draft declaration with which his delegation could fully concur, it had reservations about some of the expressions used in the text which, in its view, failed to satisfy the essential criteria. Moreover, a decision concerning the interpretation of Charter principles should be taken only after all delegations and Governments had had an opportunity to bring their views to bear on the proposed formulations. Consequently, his delegation would have to abstain in the vote on the fifty-seven-Power draft resolution.

26. Mr. WALDHEIM (Austria) said that the fact that his delegation had not taken part in the general debate on the item should not be interpreted as a lack of interest on its part. On the contrary, it considered non-intervention to be one of the most important principles of the Charter, which was based on the sovereign equality of all Members.

27. Before the Second World War, Austria had suffered from all forms of intervention, including economic pressure, political blackmail and ideological strife fomented from abroad. Although a faithful member of the League of Nations, Austria had been made a victim of open intervention, including the threat and use of force.

28. His delegation appreciated the initiative of the USSR delegation and the efforts of a member of other delegations to elaborate a declaration on the inadmissibility of intervention in the domestic affairs of States and the protection of their independence and sovereignty. Despite the provisions of the Charter, the United Nations had been confronted time and again with situations where countries openly or covertly resorted to the threat or use of force. It was appropriate therefore that the United Nations should once again reaffirm a fundamental principle of the Charter and bring it into line with the realities of international life and just aspirations of all nations. His delegation gratified that all the draft resolutions introduced under that item of the agenda had tried to take into account the increasingly close political, economic and cultural interdependence of nations and that many representatives had stressed the importance of the Charter provisions concerning the self-deter-

29. Intervention, in whatever form and for whatever reason it was undertaken, was a violation of the Charter and an inadmissible act against the independence of a State and the personality of its people. The United Nations must ensure that the fundamental principle of non-intervention in the internal and external affairs of States was scrupulously respected. He was glad that through the untiring efforts of some delegations it had been possible to elaborate a draft which apparently enjoyed broad support in the Committee, and he would vote for it.

30. Mr. SHAW (Australia) said that while he appreciated the considerable efforts which had been made to reach agreement on draft resolution A/C.1/L.364 and Add.1, he was not sure that he could support it. In examining any declaration on non-intervention, an important consideration was whether it had the backing of the major Powers represented in the United Nations. It would be of doubtful value if the permanent members of the Security Council did not agree to give it their support. It was not, however, simply a question of the relations between the great Powers of East and West: several speakers in the general debate had mentioned instances of intolerable acts of indirect aggression carried out by the smaller or medium-sized Powers. It was important also to consider what effect the declaration would have in insisting upon compliance with the provisions of the Charter by all Member States. The debate had revealed the realities which lay behind the pretentions of certain Members to exercise the right to interfere in the affairs of other Members. It had shown also that the major potential threat to world peace lay not in the rivalries among the great Powers represented in the United Nations but in the interference by a major Power not a member of the United Nations in the affairs of smaller countries.

31. One weakness of the draft resolution lay in its mixture of political and legal concepts which would not normally be found in an international instrument setting forth the obligations of States in regard to non-intervention. It was surely wrong to say, as in the ninth preambular paragraph, that "violation of the principle of non-intervention poses a threat to the independence, freedom and normal political, economic, social and cultural development of countries, particularly those which have freed themselves from colonialism" when an old and long-independent State like Thailand was clearly subjected to threats from Hanoi and Peking. The Committee had heard about indirect aggression against a number of Latin American States which, like Australia, probably no longer regarded themselves as having been freed from colonialism. In any case that particular qualification should not be a requirement for a State to be able to claim that it was the victim of intervention.

32. The first sentence of operative paragraph 1 seemed to be an attempt to add something to Article 2, paragraph 7, of the Charter and was open to
legal controversy. Moreover, it seemed unrealistic to suppose that international relations could exist without States seeking to influence the actions and policies of other States. The real problem was to define what intervention was not permissible. There was a danger that by being made too general, the principle might lose its effectiveness. The draft was open also to the objection that it contained no reference to the right of States to accept such external assistance as they might decide to accept. Most States would regard such a right as an essential attribute of State sovereignty.

33. His delegation considered that the fifty-seven-Power draft resolution should be referred to the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States; that Committee should be asked to consider it and to report to the General Assembly at its next session. To have maximum impact, and declaration to be made by the Assembly required further refinement. His delegation would decide how it would vote in the light of the overriding interest of all Member States in the prevention of intervention.

34. Mr. SEYDOUX (France) said that the fifty-seven-Power draft resolution recalled principles with which his delegation fully agreed. Nevertheless, he had certain reservations about the text, which in some parts was too vague and in others too diffuse. It was based more on concepts of international morality than on a rigorous juridical analysis. He would, however, vote in favour of the draft resolution on the clear understanding that it should not in any circumstances be invoked as a precedent in the Sixth Committee or in the Special Committee on the Principles of International Law concerning Friendly Relations and Co-operation among States. He drew attention to the vague use of the word "peoples" in the draft resolution and also stressed how useful it would have been to indicate in the draft, in addition to those forms of intervention which were to be condemned, those which were carried out at the request of a State under treaties of friendship and alliance and which were obviously not liable to the same condemnation.

35. Since his delegation had not voted in favour of resolution 1514 (XV), mentioned in the third preambular paragraph, he had asked the sponsors who had introduced the draft whether it would be possible to have a separate vote on that paragraph, but they had been against it. Had there been a separate vote, he would have abstained on that paragraph. Consequently, his vote in favour of the draft resolution must not be interpreted as implying any change in his Government's position on resolution 1514 (XV).

36. Mr. FARAH (Somalia) said that his country would have been a sponsor of the draft resolution had it not been for the reference, in the fifth preambular paragraph, to the "Programme for Peace and International Co-operation" adopted at the Second Conference of Heads of State or Government of Non-Aligned Countries, held at Cairo in 1964. While that reference might appear innocuous, his country had been one of those which had expressed strong possible to have a separate vote on that paragraph, but they had been against it. Had there been a separate vote, he would have abstained on that paragraph. Consequently, his vote in favour of the draft resolution must not be interpreted as implying any change in his Government's position on resolution 1514 (XV).

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delegation on the inadmissibility of intervention in the domestic affairs of States and the protection of their independence and sovereignty; anticipating that the debate would prove to be one of the most important in the annals of the United Nations. However, he had soon realized that delegations were not sufficiently prepared for the long and arduous task involved. What had been achieved was far from perfect. Nevertheless, he would vote in favour of the fifty-seven-Power draft resolution, which he regarded as a prelude to a real declaration on the problems of non-intervention. The statement, in the seventh preambular paragraph, that "armed intervention is synonymous with aggression" and, in operative paragraphs 1 and 2, such language as "all other forms of interference or attempted threats against the personality of the State", or "no State shall organize, assist, foment, finance, incite...", were subjects for long debate. The draft resolution could perhaps serve as a sort of lori- cadre within which further developments might follow. He hoped therefore that the USSR and other delegations would bring the matter again to the attention of the General Assembly so that the problems of non-intervention could receive the full and expert attention which they deserved.

41. Mr. TREMBLAY (Canada) said that his delegation appreciated the strenuous efforts which had been made to reach an understanding on the text of a draft declaration on non-intervention. Because of the primary importance of the principle involved, the Canadian delegation was bound to have some reservations concerning the speed with which the Committee was drawing up a text that would undoubtedly be of the highest significance for the future. In its view, the wisest course would have been to transfer the item for further consideration to the Special Committee on Principles of International Law Concerning Friendly Relations and Co-operation among States. Nevertheless, since it fully appreciated the sense of urgency underlying the efforts which had been made, it would not oppose the conclusion of the item at the present session. Even if a declaration were adopted, however, many legal aspects would still have to be considered, and to that end the Special Committee should be encouraged to continue its work.

42. He wished to associate himself with the view of the representative of France that the draft on which the Committee was about to vote should guide international relations. Like the representative of France, he had some reservations concerning certain expressions used in the text: for instance, in the fifth preambular paragraph, he doubted whether the word "Reaffirm" was appropriately used, and elsewhere in the text the word "peoples" was imprecise. He would, however, vote in favour of the fifty-seven-Power draft resolution as the expression of the will of the Committee and later of the General Assembly on a question of primary importance.
47. Mr. LOPEZ (Philippines) said that he greatly appreciated the achievement of the sponsors in reconciling many different views in a short time, and he would vote for the fifty-seven-Power draft resolution. However, he wished to express reservations regarding the procedure that had been adopted, which had allowed little time for the submission of amendments or for further discussion of the final text, and regarding the wording, which could have been improved upon. In the circumstances, the document should be regarded as a declaration of political intent, rather than as a precise legal definition of the principles underlying non-intervention. It did, however, fulfill the need to reaffirm those principles at the present time.

48. Mr. ASTRÖM (Sweden) stressed the importance of a reaffirmation of the principles of the Charter, and repeated his delegation's view that it would have been fitting for the General Assembly, in its twentieth anniversary year, to adopt a resolution or declaration reaffirming its adherence to all the Charter principles. No resolution or declaration by the Assembly would in any way alter the obligations contained in the Charter, and the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States was at present engaged in drawing up a precise definition of the principles underlying those obligations. It was on the understanding that any decision by the First Committee, and subsequently by the General Assembly, would not prejudice the work of the Special Committee that the Swedish delegation would vote for the fifty-seven-Power draft resolution.

49. Mr. GEBRE-EGZY (Ethiopia) said that, with regard to the references that had been made to the "Programme for Peace and International Co-operation" adopted at the Second Conference of Heads of State or Government of Non-Aligned Countries held at Cairo in 1964, he felt bound to point out that there had been a misrepresentation of fact and of legislative intent, and expressly reserved his delegation's right to make its position known fully at the appropriate time.

50. The CHAIRMAN said that the Committee would proceed to vote on the fifty-seven-Power draft resolution (A/C.1/L.364 and Add.1). A vote was taken by roll-call.

Pakistan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sudan, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, United States of America, Upper Volta, Venezuela, Yugoslavia, Zambia, Afghanistan, Algeria, Argentina, Austria, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Ceylon, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kuwait, Laos, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Nicaragua, Niger, Nigeria, Norway.

Against: None.

Abstaining: United Kingdom of Great Britain and Northern Ireland, Australia, Belgium, Netherlands, New Zealand.

The draft resolution was adopted by 100 votes to none, with 5 abstentions.

51. The CHAIRMAN said that it had been his understanding that if the fifty-seven-Power draft resolution was adopted, the sponsors of the other drafts before the Committee would not press for a vote on them. If he heard no objection, therefore, the draft resolutions contained in documents A/C.1/L.343/Rev.2 and A/C.1/L.353/Rev.4 and Add.1 would not be put to the vote.

It was so decided.

The meeting rose at 1.20 p.m.