

III United Nations General Assembly Resolutions

The evolution of space law has closely followed space exploration. It should be noted that even prior to the first launchings, it was thought that on the basis of international law, outer space was res communis.⁶⁰ Thus, as was the case with the high seas, space was understood to be free for all to use and to be beyond sovereign claims. Even while the use of outer space was at an experimental stage, the need for its regulation was strongly defended. Initial efforts of the United States in early 1957⁶¹ to ban the use of cosmic space for military purposes did not meet with a favourable response from the Soviet Union.⁶² However, the twelfth session of the United Nations General Assembly adopted Resolution 1148 calling for the "joint study of an inspection system designed to ensure that the sending of objects through outer space should be exclusively for peaceful and scientific purposes."⁶³

Soon after the launching of the first Soviet and American satellites⁶⁴ the international legal aspects of outer space activities began to be examined. In 1958, the United Nations General Assembly created an ad hoc Committee on Peaceful Uses of Outer Space by Resolution 1348 entitled "Question of the Peaceful Use of Outer Space".⁶⁵ Already at this early stage the Assembly resolved to "promote energetically the fullest exploration and exploitation of outer space for the benefit of mankind".⁶⁶ This was to be achieved on the basis of sovereign equality by international cooperation in the study and utilization of space for peaceful purposes. It was thought that the implementation of these aims could best be carried out by the establishment of an appropriate international body within the framework of the United Nations. Consequently, the ad hoc Committee was formed composed of eighteen members and charged with reporting to the General Assembly at its next session, on:

- (1) the activities and resources of the U.N. and other international bodies relating to the peaceful uses of outer space;
- (2) the area of international cooperation and programs in the peaceful uses of outer space which could appropriately be undertaken within the U.N.;
- (3) the future organizational arrangements to facilitate international cooperation in space activities; and