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Agenda items 62, 63 and 131

INTERNATIONAL CO-OPERATION IN THE PEACEFUL USES OF OUTER SPACE

PREPARATION OF AN INTERNATIONAL CONVENTION ON PRINCIPLES GOVERNING
THE USE BY STATES OF ARTIFICIAL EARTH SATELLITES FOR DIRECT
TELEVISION BROADCASTING

QUESTION OF THE REVIEW OF THE CONVENTION ON INTERNATIONAL LIABILITY
FOR DAMAGE CAUSED BY SPACE OBJECTS

Report of the Special Political Committee

Rapporteur: Mr. Faruk LOGOGLU (Turkey)

I. INTRODUCTION

1. The following items were included in the provisional agenda of the thirty-seventh session in accordance with General Assembly resolutions 36/35, 36/36 of 18 November 1981 and a request for inclusion of an item concerning the question of the review of the Convention on International Liability for Damage Caused by Space Objects, contained in a note by the Secretary-General (A/37/141):

"62. International co-operation in the peaceful uses of outer space:

- "(a) Report of the Committee on the Peaceful Uses of Outer Space;
- "(b) Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space;
 - (i) Report of the Preparatory Committee for the Conference;
 - (ii) Report of the Conference."

"63. Preparation of an international convention on principles governing the use by States of artificial earth satellites for direct television broadcasting: report of the Committee on the Peaceful Uses of Outer Space."

"131. Question of the review of the Convention on International Liability for Damage Caused by Space Objects".

2. At its 4th plenary meeting, on 24 September 1982, the General Assembly, on the recommendation of the General Committee, decided to include the three items in its agenda and to allocate them to the Special Political Committee.

3. At its 15th meeting, on 1 November, the Special Political Committee decided to hold a combined general debate on items 62, 63 and 131. The general debate on these items took place at the 15th to 20th, 23rd, 25th, 33rd and 34th meetings, held between 1 and 22 November (see A/SPC/37/SR.15-20, 23, 25, 33 and 34).

4. The Committee had before it the following documents:

- (a) Report of the Committee on the Peaceful Uses of Outer Space; 1/
- (b) Report of the Preparatory Committee for the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space; 2/
- (c) Report of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space (A/CONF.101/10 and Corr.1 and 2);
- (d) Request for the inclusion of an item in the provisional agenda of the thirty-seventh session: question of the review of the Convention on International Liability for Damage Caused by Space Objects - note by the Secretary-General (A/37/141).

At the 15th meeting, Mr. Peter Jankowitsch (Austria), Chairman of the Committee on the Peaceful Uses of Outer Space, introduced the reports listed under (a) and (b) above and Prof. Yash Pal, Secretary-General of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space, introduced the report of the Conference.

II. CONSIDERATION OF DRAFT RESOLUTIONS

5. At the 18th meeting, on 9 November, the representative of Austria introduced draft resolutions A/SPC/37/L.6, A/SPC/37/L.7 and A/SPC/37/L.8.

1/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 20 (A/37/20).

2/ Ibid., Supplement No. 46 (A/37/46).

6. Draft resolution A/SPC/37/L.6, entitled "International co-operation in the peaceful uses of outer space", was sponsored by Argentina, Australia, Austria, Brazil, Bulgaria, the Byelorussian Soviet Socialist Republic, Canada, Chile, Czechoslovakia, Egypt, France, the German Democratic Republic, Germany, Federal Republic of, Greece, Hungary, India, Italy, Japan, Mongolia, the Netherlands, Nigeria, Romania, Sweden, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United States of America, Venezuela and Yugoslavia. Subsequently, Bangladesh, Belgium, Bolivia, Pakistan, the Philippines, Poland, Turkey, the United Kingdom of Great Britain and Northern Ireland and Uruguay joined in sponsoring the draft resolution.

7. Draft resolution A/SPC/37/L.7, entitled "Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space", was sponsored by Austria.

8. Draft resolution A/SPC/37/L.8, entitled "Question of the review of the Convention on International Liability for Damage Caused by Space Objects", was sponsored by Austria, Brazil, Bulgaria, the Byelorussian Soviet Socialist Republic, Chile, Czechoslovakia, the German Democratic Republic, Germany, Federal Republic of, Hungary, India, Mongolia, the Netherlands, Romania, Sweden, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and the United States of America. Subsequently, Australia, Belgium, Pakistan, Poland and the United Kingdom of Great Britain and Northern Ireland joined in sponsoring the draft resolution.

9. A statement on the administrative and financial implications of draft resolution A/SPC/37/L.7 was submitted by the Secretary-General on 17 November in document A/SPC/37/L.9.

10. At the 33rd meeting, on 19 November, the representative of Brazil introduced draft resolution A/SPC/37/L.5/Rev.1. Previously, draft resolution A/SPC/37/L.5 and Corr.1 entitled "Preparation of an international convention on principles governing the use by States of artificial earth satellites for direct television broadcasting", had been circulated. That draft resolution was sponsored by Argentina, Brazil, Chile, Colombia, Egypt, India, Indonesia, Iraq, Kenya, Mexico, the Niger, Nigeria, the Philippines, Romania, Uruguay and Venezuela. Subsequently, Bolivia, Ecuador and Peru joined in sponsoring that draft resolution. Also, Pakistan joined in sponsoring draft resolution A/SPC/37/L.5/Rev.1.

11. At the same meeting, the Committee adopted draft resolution A/SPC/37/L.6 without a vote (see para. 18, draft resolution I).

12. Also at the same meeting, the representative of the United States of America introduced an oral amendment to add at the end of operative paragraph 9 of draft resolution A/SPC/37/L.7 the following phrase:

"but in no case will financial obligations incurred exceed the level of resources approved in the 1982-1983 programme budget (General Assembly resolution 36/240)."

Deeply convinced of the common interest of mankind in promoting the exploration and use of outer space for peaceful purposes and in continuing efforts to extend to all States the benefits derived therefrom, and of the importance of international co-operation in this field, for which the United Nations should continue to provide a focal point,

Reaffirming the importance of international co-operation in developing the rule of law for the advancement and preservation of the exploration and peaceful uses of outer space,

Taking note with satisfaction of the progress achieved in the further development of peaceful space exploration and application as well as in various national and co-operative space projects, which contribute to international co-operation in this field,

Having considered the report of the Committee on the Peaceful Uses of Outer Space on its twenty-fifth session, 5/

1. Endorses the report of the Committee on the Peaceful Uses of Outer Space on its twenty-fifth session;

2. Invites States that have not yet become parties to the international treaties governing the use of outer space 6/ to give consideration to ratifying or acceding to those treaties;

3. Takes note with appreciation of the successful conclusion of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space;

4. Notes that the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space at its twenty-first session:

(a) Continued its efforts to formulate draft principles relating to the legal implications of remote sensing of the earth from space;

5/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 20 (A/37/20) .

6/ Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (General Assembly resolution 2222 (XXI), annex); Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (General Assembly resolution 2345 (XXII), annex); Convention on International Liability for Damage Caused by Space Objects (General Assembly resolution 2777 (XXVI), annex); Convention on Registration of Objects Launched into Outer Space (General Assembly resolution 3235 (XXIX), annex); Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (General Assembly resolution 34/68, annex) .

(b) Considered the possibility of supplementing the norms of international law relevant to the use of nuclear power sources in outer space through its working group;

(c) Continued its discussion of matters relating to the definition and/or delimitation of outer space and outer space activities, bearing in mind, inter alia, questions relating to the geostationary orbit;

5. Decides that the Legal Sub-Committee on the Peaceful Uses of Outer Space at its twenty-second session should:

(a) Continue on a priority basis its detailed consideration of the legal implications of remote sensing of the earth from space, with the aim of formulating draft principles relating to remote sensing;

(b) Continue its consideration of:

(i) The possibility of supplementing the norms of international law relevant to the use of nuclear power sources in outer space through its working group;

(ii) Matters relating to the definition and/or delimitation of outer space and outer space activities, bearing in mind, inter alia, questions relating to the geostationary orbit, and devote adequate time for a deeper consideration of this question;

6. Notes that the Scientific and Technical Sub-Committee of the Committee on the Peaceful Uses of Outer Space at its nineteenth session continued:

(a) Its consideration of questions relating to remote sensing of the earth by satellites;

(b) Its consideration of the United Nations Programme on Space Applications and the co-ordination of space activities within the United Nations system;

(c) Its examination of the physical nature and technical attributes of the geostationary orbit;

(d) Its consideration of technical aspects of and safety measures relating to the use of nuclear power sources in outer space;

(e) Its consideration of questions relating to space transportation systems and their implications for future activities in space;

(f) Preparations for the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space as Advisory Committee to the Preparatory Committee;

7. Endorses the recommendation of the Committee on the Peaceful Uses of Outer Space that the Scientific and Technical Sub-Committee at its twentieth session should:

1. Expresses its appreciation and thanks to the Government and people of Austria for the excellent facilities and generous hospitality provided for the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space;
2. Endorses the recommendations pertaining to international co-operation in the exploration and peaceful uses of outer space, as contained in the report of the Conference;
3. Invites all Governments to take effective action for the implementation of the recommendations of the Conference;
4. Invites all Member States, in particular those with major space capabilities, to contribute actively to the goal of preventing an arms race in outer space, as an essential condition for the promotion of international co-operation in the exploration and uses of outer space for peaceful purposes;
5. Requests all organs, organizations and bodies of the United Nations system and other intergovernmental organizations which are working in the field of outer space or space-related matters to co-operate in the implementation of the recommendations of the Conference;
6. Takes note of the recommendations of the Conference regarding study projects and invites all specialized agencies and other intergovernmental organizations concerned to contribute within their field of competence to the elaboration of these studies;
7. Decides, upon the recommendations of the Conference, that the United Nations Programme on Space Applications should be directed towards the following objectives:
 - (a) Promotion of greater exchange of actual experiences with specific applications;
 - (b) Promotion of greater co-operation in space science and technology between developed and developing countries as well as among developing countries;
 - (c) Development of a fellowship programme for in-depth training of space technologists and applications specialists, with the help of Member States and relevant international organizations and establishment and regular up-dating of lists containing available fellowships in all States and relevant international organizations;
 - (d) Organization of regular seminars on advanced space applications and new system developments for managers and leaders of space application and technology development activities as well as seminars for users in specific applications for durations, as appropriate;
 - (e) Stimulation of the growth of indigenous nuclei and an autonomous technological base, to the extent possible, in space technology in developing

countries with the co-operation of other United Nations agencies and/or Member States or members of the specialized agencies;

(f) Dissemination, through panel meetings and seminars of information on new and advanced technology and applications, with emphasis on their relevance and implications for developing countries;

(g) Provision or arrangements for provision of technical advisory services on space applications projects, upon request by Member States or any of the specialized agencies;

8. Decides to establish an International Space Information Service, initially consisting of a directory of sources of information and data services to provide direction upon request to accessible data banks and information sources;

9. Requests the Secretary-General to strengthen the Outer Space Affairs Division of the Secretariat with an appropriate augmentation of technical personnel and decides, upon the recommendation of the Conference, that all new or expanded activities contained in the present resolution are to be funded mainly through voluntary contributions of States in money or in kind, as well as through the rearrangement of priorities within the United Nations next regular budget;

10. Appeals to all Governments to make voluntary contributions, either in money or in kind, towards carrying out the recommendations of the Conference;

11. Approves the recommendations of the Conference regarding the establishment and strengthening of regional mechanisms of co-operation and their promotion and creation through the United Nations system;

12. Emphasizes the need for close co-operation between all United Nations bodies engaging in space or space-related activities, as well as the desirability of close co-operation with international funding agencies and subsidiary bodies, such as the United Nations Development Programme;

13. Requests the Secretary-General to assure the availability and appropriate dissemination of the report of the Conference;

14. Further requests the Secretary-General to report to the General Assembly at its thirty-eighth session on the implementation of the present resolution.

DRAFT RESOLUTION III

Question of the review of the Convention on International Liability for Damage Caused by Space Objects

The General Assembly,

Reaffirming the importance of international co-operation in the field of the exploration and peaceful uses of outer space, including the moon and other celestial bodies, and of promoting the law in this field of human endeavour,

/...

ANNEX

Principles governing the use by States of artificial earth satellites
for international direct television broadcasting

A. Purposes and objectives

1. Activities in the field of international direct television broadcasting by satellite should be carried out in a manner compatible with the sovereign rights of States, including the principle of non-intervention as well as with the right of everyone to seek, receive and impart information and ideas as enshrined in the relevant United Nations instruments.
2. Such activities should promote the free dissemination and mutual exchange of information and knowledge in cultural and scientific fields, assist in educational, social and economic development, particularly in the developing countries, enhance the qualities of life of all peoples and provide recreation with due respect to the political and cultural integrity of States.
3. These activities should accordingly be carried out in a manner compatible with the development of mutual understanding and the strengthening of friendly relations and co-operation among all States and peoples in the interest of maintaining international peace and security.

B. Applicability of international law

4. Activities in the field of international direct television broadcasting by satellite should be conducted in accordance with international law, including the Charter of the United Nations, the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, of 27 January 1967, the relevant provisions of the International Telecommunication Convention and its Radio Regulations and of international instruments relating to friendly relations and co-operation among States and to human rights.

C. Rights and benefits

5. Every State has an equal right to conduct activities in the field of international direct television broadcasting by satellite and to authorize such activities by persons and entities under its jurisdiction. All States and peoples are entitled to and should enjoy the benefits from such activities. Access to the technology in this field should be available to all States without discrimination on terms mutually agreed by all concerned.

D. International co-operation

6. Activities in the field of international direct television broadcasting by satellite should be based upon and encourage international co-operation. Such co-operation should be the subject of appropriate arrangements. Special consideration should be given to the needs of the developing countries in the use of international direct television broadcasting by satellite for the purpose of accelerating their national development.

E. Peaceful settlement of disputes

7. Any international dispute that may arise from activities covered by these principles should be settled through established procedures for the peaceful settlement of disputes agreed upon by the parties to the dispute in accordance with the provisions of the Charter of the United Nations.

F. State responsibility

8. States should bear international responsibility for activities in the field of international direct television broadcasting by satellite carried out by them or under their jurisdiction and for the conformity of any such activities with the principles set forth in this document.

9. When international direct television broadcasting by satellite is carried out by an international intergovernmental organization, the responsibility referred to in paragraph 8 above should be borne both by that organization and by the States participating in it.

G. Duty and right to consult

10. Any broadcasting or receiving State within an international direct television broadcasting satellite service established between them requested to do so by any other broadcasting or receiving State within the same service should promptly enter into consultations with the requesting State regarding its activities in the field of international direct television broadcasting by satellite, without prejudice to other consultations which these States may undertake with any other State on that subject.

H. Copyright and neighbouring rights

11. Without prejudice to the relevant provisions of international law, States should co-operate on a bilateral and multilateral basis for protection of copyright and neighbouring rights by means of appropriate agreements between the interested States or the competent legal entities acting under their jurisdiction. In such co-operation they should give special consideration to the interests of developing countries in the use of direct television broadcasting for the purpose of accelerating their national development.