



SUMMARY RECORD OF THE 16th MEETING

Chairman: Mr. MUBAREZ (Yemen)

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The meeting was called to order at 10.40 a.m.

AGENDA ITEM 62: INTERNATIONAL CO-OPERATION IN THE PEACEFUL USES OF OUTER SPACE  
(continued)

- (a) REPORT OF THE COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE (A/37/20)
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AGENDA ITEM 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  
(continued) (A/37/20; A/SPC/37/L.5 and Corr.1)

AGENDA ITEM 131: QUESTION OF THE REVIEW OF THE CONVENTION ON INTERNATIONAL LIABILITY FOR DAMAGE CAUSED BY SPACE OBJECTS (continued) (A/37/141)

1. Mr. CANALES (Chile), referring to agenda item 62, congratulated the space Powers and other countries for the success which they had achieved in the exploration and use of outer space during 1982. Particularly noteworthy were the recent flights made by the Columbia space shuttle, which held the promise of future benefits for science and technology.
2. As an active member of the Committee on the Peaceful Uses of Outer Space, Chile was concerned that its work should keep pace with the technological developments in that field. Therefore, he urged that the differences and obstacles hampering the preparation of objective, universally acceptable legal instruments should be overcome. The Outer Space Committee's work must ensure that new technological developments did not create a legal vacuum, for that would have unfortunate consequences for mankind as a whole, but particularly for the developing countries.
3. Referring to the work of the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space, he observed that, after making considerable progress in establishing important instruments for international outer space legislation, the Legal Sub-Committee was currently studying the extremely important question of draft principles relating to the legal implications of remote sensing of the earth from space, a field in which enormous technological progress had been made. Therefore, all matters relating to remote sensing must be clearly defined so as adequately to protect both the principle of State sovereignty and that of the free flow of information. Those apparently contradictory principles could be harmonized and remote sensing activities could be carried out for the benefit of all peoples. In order to achieve that balance, a unanimously acceptable formula should be elaborated, starting with the concept of "priority access" by the sensed State to "primary data" and "analysed information". Although remote sensing was an activity

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conducted from space, where no one had sovereignty, the data collected were intended for use on earth, where State sovereignty prevailed. The gap separating the space Powers from the developing countries was so wide that information about the latter's natural resources was essential to their economic and social development plans. Therefore, the problem of remote sensing must be considered in that twofold context.

4. In his delegation's opinion, the lack of agreement on the question of international direct television broadcasting by satellite stemmed primarily from the lack of political will on the part of the great Powers, which contrasted sharply with the flexibility displayed by the developing nations.

5. The consideration by the Legal Sub-Committee of matters relating to the definition and/or delimitation of outer space had revealed that its activities were still not commensurate with the requirements in that field. Although the 1967 Outer Space Treaty contained some provisions that could help to delimit outer space, that matter required an urgent solution. It was extremely important to establish a working group responsible primarily for considering that problem and making the necessary recommendations to fill the vacuum thus created.

6. The problem of the militarization of outer space also required meticulous consideration by the Legal Sub-Committee. The growing activities of the space Powers, which violated the new ethics of space law and, thus, of international relations, were a cause of grave concern. Existing international law did not envisage clear, well-defined norms in that respect. Therefore, the drafting of an additional protocol to the 1967 Treaty should be embarked on immediately. The protocol should condemn the indiscriminate arms race in outer space and should comprise two basic principles, namely, that outer space, the Moon and other celestial bodies could be explored, exploited and used only in a peaceful manner and that such exploration, exploitation and utilization should be conducted for the benefit of all mankind. The concept of "discriminating" exploration, exploitation and utilization could serve as an appropriate basis for negotiations on excluding those activities that were directed towards preserving the collective security of States and maintaining world peace. Directly related to that question was the need - frequently mentioned by Chile - to establish a world authority to monitor the peaceful use of the resources of outer space and indirectly to prevent its militarization. In that connection, he drew attention to the French proposal, put forward several years previously, for the establishment of an international satellite monitoring agency.

7. Referring to the work of the Scientific and Technical Sub-Committee, he welcomed its co-operation with the Legal Sub-Committee, and urged that the scientific measures which the two Sub-Committees adopted should be consistent with the important political and legal principles which he had just described.

8. Within the context of the United Nations Programme on Space Applications, his delegation appreciated the co-operation of such organizations as UNESCO and FAO, as well as that of individual States which had provided fellowships for candidates

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from the developing countries. The various seminars held on that subject had been an unquestionable success and in that connection, his Government offered to host a similar seminar in the near future.

9. Clearly, the commendable efforts made by the Outer Space Affairs Division, the specialized agencies and the developing countries alone would not be sufficient to achieve lasting progress in that field. Therefore, the establishment of regional co-operation mechanisms must be encouraged, and, in that connection, he drew attention to the proposal, which his country had made at Vienna and which had been supported by other Latin American countries, for the establishment of a Latin American space agency. The general aspects of that proposal had been discussed by the Latin American Group and had been included in paragraph 353 of the final report of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space (A/CONF.101/10). The jurisprudence established at that important Conference should help to further the detailed study of the draft principles which his delegation had submitted to the other delegations concerned. He also drew attention to the ideas expressed by the representative of Colombia on previous occasions about the need to establish multinational research and development institutes; these would, in his delegation's opinion, contribute to the work of the regional space body which his delegation had proposed.

10. However, he expressed his delegation's concern about the meagre results produced by the Conference, once again because of the lack of the necessary political will to solve important problems and to promote international co-operation which would not be dependent on the good intentions of the space Powers. Nevertheless, the Conference had revealed a desire for co-operation and had indicated the paths to be followed in that respect. His country would support the implementation and consolidation of recommendations to that end.

11. Incredibly, the Conference had not arrived at a legally viable political formula to condemn the militarization of outer space, which was in flagrant contradiction with the legal and ethical foundation of international space law, namely, the concept of the common heritage of mankind.

12. Chile, like other developing countries, placed great hope in space technology as a means of overcoming many of the acute economic and social problems which they faced. Accordingly, the legal guidelines to that end must be better defined so that the foundations could be laid for a more just and stable world.

13. Mr. ASTAPKOV (Byelorussian Soviet Socialist Republic) said that specialists from socialist countries under the "Intercosmos" programme were making a significant contribution to the exploration and use of outer space for peace and progress. Scientific collectives of the Byelorussian SSR were carrying out work in a number of fields such as remote sensing of the earth and the construction of equipment in space within the framework of that programme. Multilateral co-operation between countries with different political systems had also led to great achievements in space science and technology as could be seen from the joint experiments conducted by Soviet and French scientists and the flight of the

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Franco-Soviet crew aboard the "Salyut" - "Soyuz-T" space station. It was gratifying to note that many other regional institutions and international organizations were also participating in space research. Those achievements in space science clearly demonstrated the success of peaceful creative work and the advantage of combining the efforts of specialists from different countries in solving scientific and economic problems.

14. Outer space could, however, be used also for military purposes. The plans of certain aggressive Powers to place in orbit various types of weapons were a cause of serious concern. The New York Times had recently published a series of articles on that subject and had stated, in particular, that the United States Department of Defense was planning to increase expenditures in order to use outer space for military purposes over the next five years. The United States Government was planning to deploy anti-satellite systems in outer space and launch into orbit military space stations with laser weapons on board. Almost half of all the planned flights of the "Shuttle" spacecraft would serve the purposes of the Pentagon. Expenditures by the United States to finance military operations in outer space would amount to \$6.5 billion in the new fiscal year and, according to estimates, would reach \$14 billion in 1988.

15. In view of those considerations attempts to convince the international community about the need for "retaliatory measures" because of the so-called "Soviet military threat" were absurd. That ploy was as hackneyed as it was unconvincing. It was the United States which had broken off negotiations with the Soviet Union on anti-satellite systems and declined to resume them. It was the United States which was impeding efforts to avert an arms race in outer space. On the other hand, the numerous Soviet initiatives put forward in various international forums demonstrated that the Soviet Union was categorically opposed to making outer space an arena for military confrontation between the two systems. It was clear that the Pentagon was seeking to gain military superiority on earth by controlling outer space.

16. The direct link between the military preparations of the United States in outer space and the officially proclaimed doctrines based on the admissibility of nuclear war and the possibility of winning a nuclear war was obvious. Under those conditions, the implementation of the Pentagon's plans to deploy military systems in outer space would lead to a new phase in the arms race and increase the danger of a nuclear conflagration on earth.

17. The concern expressed in the report of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space about the possibility of the extension of an arms race into outer space was well founded. Everything must be done to prevent outer space from becoming a new area for military confrontation.

18. The General Assembly, at its thirty-sixth session, had actively supported the initiative of the Soviet Union calling for the conclusion of an international treaty on the prohibition of the stationing of weapons of any kind in outer space and had entrusted the Committee on Disarmament with the urgent task of elaborating

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such a treaty. The Committee on Disarmament should expedite its work on the drafting of that treaty and should set up a special working group to undertake negotiations designed to bring about effective measures to prevent the arms race from spreading to outer space.

19. His delegation viewed positively the work done by the Committee on the Peaceful Uses of Outer Space, which had contributed much to the development of international space law. International law, however, must keep pace with developments in space science. The question of adopting principles governing the use by States of artificial earth satellites for direct television broadcasting should be given urgent consideration. Direct television broadcasting should be carried out in accordance with the principles of sovereignty and non-interference in the internal affairs of States and on the basis of agreement between broadcasting and receiving States. His delegation, therefore, supported draft resolution A/SPC/37/L.5, whose annex contained principles governing the use by States of artificial earth satellites for international direct television broadcasting, and considered that its adoption would be the first step towards the elaboration of an international treaty on the subject.

20. It was gratifying to note that a growing number of States were in favour of drawing up international norms governing the dissemination of data received through remote sensing of the earth. That position was fully justified in view of the fact that such data could be used to the detriment of the sensed State. The speedy elaboration of principles governing the dissemination of such data would be a useful contribution to the cause of preserving peace. It was hoped that the Committee on the Peaceful Uses of Outer Space would continue to play an important role in promoting international co-operation in outer space and would carry out the necessary preparatory work for the implementation of the recommendations adopted by UNISPACE-82.

21. Mr. BUENO (Brazil), speaking on agenda items 62 and 63, stressed once again the importance which Brazil attached to the Committee on the Peaceful Uses of Outer Space as the focal point for the promotion of international co-operation in that field. The highest expression of such co-operation lay in furthering the orderly development of space activities which took into account the interests of all countries, irrespective of their level of scientific or economic development, and which both encouraged the advancement of space technology and extended the rule of law to outer space.

22. The accelerated development of space technology and of its applications justified the continuous elaboration of agreements to regulate specific aspects of those activities. That process, in which the Outer Space Committee had played a major role, had further developed the rule of law in outer space. However, the unrelenting tide of new developments compounded the Outer Space Committee's responsibility to expand the corresponding legal framework.

23. Brazil had previously drawn attention to the dangers of a disorderly, self-centred development of technology, which in the long run would harm even those

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who appeared, at first sight to be the main beneficiaries. Experience had proved the futility of attempting to monopolize any technological achievement without due respect for the legitimate rights of others, because each technological decision entailed a political decision having many sobering implications.

24. The main event of 1982 had been the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE-82), the preparation of which had overshadowed the work of both the Scientific and Technical Sub-Committee and the Outer Space Committee as a whole. As Rapporteur-General of UNISPACE-82, he wished to express his Government's appreciation for the welcome extended by the Austrian Government and people and to thank their Foreign Minister who, as President of the Conference, had been instrumental in ensuring its success.

25. Among the recommendations made by the Conference, he drew attention to those concerning the need for greater co-operation among developing countries, co-operation in ensuring access to space science and technology for all countries - particularly in the fields of communications, remote sensing, meteorology and satellite broadcasting - and the rational use of the geostationary orbit. Remote sensing and its multi-purpose applications were of special significance to the developing countries. Because of profound differences of opinion, principles regulating the use of remote sensing had still not been elaborated. Remote sensing, together with other applications of space technology, deserved further consideration by both the developed countries and the developing countries so as to ensure that the benefits derived from them were shared equitably by all mankind.

26. The question of the increasing militarization of outer space had attracted considerable attention at the Conference. In his message, the President of Brazil had stressed his country's concern about the growing possibility of the use of outer space for warlike purposes, especially since existing weapons of mass destruction already represented a terrible threat to the world as a whole. The Brazilian President had further indicated that the invention of new weapons and their deployment in space could not possibly increase the security of any country - on the contrary the multiplication of weapons must be halted in all environments - and he had noted that the Conference could help to ensure that outer space remained the last region within man's reach which was totally free of weapons. Other heads of State, the Secretary-General and the President of UNISPACE-82 had also drawn attention to the dangers inherent in the indiscriminate militarization of outer space.

27. However, the relevant paragraphs of the Conference's report (A/CONF.101/10 and Corr.1 and A/CONF.101/11) did not reflect the emphasis which had been placed on that question by the overwhelming majority of delegations. Paragraphs 13, 14 and 426 of document A/CONF.101/10 contained compromise language which, to the disappointment of many, overlooked the various questions that remained unanswered.

28. Nevertheless, the growing militarization of outer space continued to gain in importance, as was evident from three articles published recently by

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The New York Times. The Committee on Disarmament had achieved very little in that connection, and Brazil believed that the directives given to that Committee should not prevent the Outer Space Committee from joining in efforts to conclude an additional protocol to the 1967 Outer Space Treaty, or any other appropriate instrument, with a view to preventing the indiscriminate militarization of outer space and halting the potential arms race in that field.

29. He drew attention to the numerous resolutions adopted by the General Assembly in connection with the need to elaborate principles governing the use by States of artificial earth satellites for direct television broadcasting. In 1981, his delegation had stressed its concern about the delay in complying with those resolutions, and the current commercialization of direct broadcasting systems introduced an element of urgency into the Committee's discussions. If the adoption of the necessary set of principles was delayed indefinitely, the ensuing fait accompli could be detrimental to the international community as a whole. Therefore, in accordance with General Assembly resolution 36/35, a group of 16 delegations had decided to submit a draft resolution containing a set of relevant principles for adoption by the General Assembly at its current session.

30. He stressed that the active and constructive role played by the Committee on the Peaceful Uses of Outer Space had increased his delegation's hope that the rule of law could be extended to outer space and that that environment could be protected from the dangers of growing militarization.

31. Mr. BRATTSTRÖM (Sweden) said that the most important achievement of UNISPACE-82 was the elaboration of an agenda for concrete action to improve the possibilities of all countries, regardless of their state of development, for sharing the benefits of space science and technology. It was specially gratifying to note that the Conference had concentrated on the particular problems of developing countries. Although space technology did not provide a radical solution to economic and social problems, it could contribute to progress in many fields if used in accordance with a country's general development objectives and priorities. It was hoped that the recommendations adopted by the Conference concerning individual countries would draw the attention of decision-makers to the potential uses of space science and technology in determining whether space techniques should be included in national development efforts.

32. His delegation welcomed the recommendations for action by the international community. Although international co-operation was already an important feature in the field of outer space, more could and should be done by the United Nations, the specialized agencies and other international organizations to promote participation in space activities. His delegation was confident that the Committee on the Peaceful Uses of Outer Space would implement the recommendations made to the United Nations in an efficient manner. The first task should be to establish priorities so that the most urgent steps could be taken as soon as possible. The Scientific and Technical Sub-Committee could give useful advice in that regard.



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33. His delegation welcomed the recommendations for the strengthening of the United Nations Programme on Space Applications and the establishment of an international space information service. The appropriate arrangements should be made with regard to the Secretariat in order to ensure the discharge of those added responsibilities. Additional resources would also have to be allocated for that purpose. He reiterated the position of his delegation that existing United Nations channels for technical assistance should also be used for that purpose. Special contributions might be needed for immediate requirements. Sweden was prepared to consider, as a transitional measure, co-financing a training course related to the use of remote sensing in developing countries to be organized by the Programme on Space Applications.

34. He expressed particular satisfaction that general agreement had been reached on the recommendation that WMO should study the possibilities of an international structure for weather satellites in order to ensure continuity in access to data obtained from such satellites. It was gratifying that the Conference had recognized the need to provide continuity of data from remote sensing satellites. That question was crucial and should be given priority consideration. The general support for the need for equitable access to the geostationary orbit was an encouraging sign for the important work to be carried out by ITU in solving the problems caused by increased use of the orbit. The recognition that satellites which had completed their missions should be removed from orbit was a good start in that respect.

35. During the Conference particular attention had been given to the question of an arms race in outer space. He expressed satisfaction that it had been possible to reach a compromise on certain paragraphs dealing with that question for inclusion in the final report. Although his Government would have liked to see the Conference express itself in stronger terms about the need for urgent measures to stop the current trend, it felt that general agreement on the statements adopted by the Conference was a step forward.

36. The question of the increasing use of outer space for military purposes should be tackled as a matter of urgency. The talks between the United States and the Soviet Union on that issue should be resumed as soon as possible. Furthermore, the international community should take the necessary steps to prevent an arms race in outer space. It was encouraging that that question was on the agenda of the Committee on Disarmament and that some discussion of relevant issues had already taken place. Nevertheless, he stressed the need for the Committee to achieve results in its deliberations. It was hoped that consultations on that matter in the First Committee would provide a firm basis for productive work by the Committee on Disarmament the following year. Outer space must remain free from conflict if international co-operation in that area was to be promoted and space activities were to be of benefit to all mankind.

37. He expressed satisfaction that there seemed to be general agreement on the importance and validity of the Convention on International Liability for Damage Caused by Space Objects. The Convention was an essential part of international

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space law. In view of the importance of that legal instrument, his delegation urged those countries which had not already done so to ratify or accede to the Convention.

38. Much time and effort had been spent in trying to reach agreement on a set of draft principles governing direct television broadcasting by satellite. Nevertheless, a compromise had not been reached. His delegation was prepared to participate in all efforts to reach general agreement on that issue during the current session of the General Assembly. The principles should be acceptable to all countries in order to ensure that they were observed in practice. He appealed to all delegations to consider that question in a spirit of compromise, in order to find a satisfactory solution permitting the adoption of those principles by consensus, in accordance with the practice of the Committee on the Peaceful Uses of Outer Space.

39. Mr. MISHCHENKO (Ukrainian Soviet Socialist Republic) said that the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space was the most important event that year in support of efforts to strengthen international co-operation in activities in outer space. The Conference had carried out its task of promoting a constructive exchange of opinions on the state and development of space science and technology and the practical application of space science achievements in different countries throughout the world. The decisions adopted at the Conference would undoubtedly promote equitable and mutually advantageous co-operation between States in that regard.

40. Mankind could be justifiably proud of what had been achieved in the 25 years since the launching by the Soviet Union of the first artificial earth satellite, one of the most outstanding events in world history. Many of the republics of the multinational Soviet Union, including the Ukrainian SSR, contributed to the development of space science and technology and the use of achievements in that field to respond to the needs of the national economy. Ukrainian scientists and specialists took part in various scientific research programmes in such fields as space technology, and space biology and medicine. Representatives of the Ukrainian people had also participated as Soviet cosmonauts.

41. Over the past quarter of a century, international co-operation in space research had been varied and extremely fruitful. Co-operation between the socialist countries within the framework of the "Intercosmos" programme was increasingly active and productive. Ukrainian scientists and specialists participated in a number of research programmes dealing with experiments in the outer layers of the atmosphere and natural and artificial polar lights as well as international experiments in biology and medicine.

42. The progress made in the study and use of outer space must serve the cause of peace, not aggravate tension and incite distrust between peoples. The Soviet Union and the countries of the socialist community had consistently advocated that outer space should remain an area for international co-operation free from weapons of any type. The General Assembly at its thirty-sixth session had supported the Soviet

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proposal calling for the conclusion of a treaty prohibiting the stationing of weapons of any kind in outer space. It was unfortunate that no progress had been made in that regard over the past year because of the unwillingness of a number of States, particularly the United States, to take steps to eliminate the danger of extending the arms race to outer space. Furthermore, the United States Government was feverishly attempting to create various sophisticated weapons for waging war in outer space. Those plans, if carried out, would make outer space a new sphere in the uncontrolled arms race.

43. The question of elaborating a draft set of principles governing the use by States of artificial earth satellites for direct television broadcasting had been given thorough consideration over a number of years both in the Special Political Committee and the Committee on the Peaceful Use of Outer Space. Unfortunately, the position of a small group of countries impeded efforts to reach a positive solution to that question. It was hoped that those States would show good will and take account of the views of the overwhelming majority of States in that regard. His delegation favoured the adoption at the current session of the General Assembly of a set of principles governing direct television broadcasting which would protect the sovereignty of States from foreign interference and prevent the use of direct television broadcasting to aggravate relations between States. His delegation shared the opinion of the overwhelming number of States that international direct television broadcasting should be carried out only on the basis of appropriate agreements between States and with clearly expressed consent to receive foreign broadcasts. Lastly, it was hoped that that type of space activity, like all other activities in the field of outer space, would promote international peace and security and improve the living standards of peoples.

REQUESTS FOR HEARINGS (A/SPC/37/L.4/Add.22)

44. The CHAIRMAN drew attention to the additional request for a hearing relating to agenda item 33, "Policies of apartheid of the Government of South Africa", and contained in document A/SPC/37/L.4/Add.22 and said that, if he heard no objection, he would take it that the Committee wished to grant that request.

45. It was so decided.

The meeting rose at 12 noon