



SUMMARY RECORD OF THE 18th MEETING

Chairman: Mr. MUBAREZ (Yemen)

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The meeting was called to order at 10.45 a.m.

REQUESTS FOR HEARINGS

1. The CHAIRMAN drew the Committee's attention to the requests for hearings in connexion with item 33: Policies of apartheid of the Government of South Africa, which were contained in document A/SPC/37/L.4/Add.23-26. If he heard no objections, he would take it that the Committee decided to grant those requests.
2. It was so decided.

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/36/20; 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)

3. Mr. van WELL (Federal Republic of Germany) said that his Government was gratified at the success of the second United Nations Conference on the Exploration and Peaceful Uses of Outer Space, which had provided an important opportunity for the exchange of experience on the manifold possibilities offered by outer space research and technology. The Conference had also demonstrated the limits of outer space technology. Such technology could not realistically be regarded as a panacea for improving life on earth, although it could, in conjunction with other forms of technology, contribute to the search for solutions to the social and economic needs of each country.
4. An exchange of experience in international co-operation had also been made possible by the Conference. The opportunities for transnational exploration of outer space technology and the technical and financial magnitude of individual projects made such co-operation indispensable. His own country's activities in that regard had, from the outset, been conducted mainly on the basis of international co-operation, both multilaterally through the European Space Agency and bilaterally with France and the United States of America. It also co-operated with a number of developing countries, primarily in the fields of satellite communications and remote sensing.

(Mr. van Well, Federal
Republic of Germany)

5. The recommendations of the Conference constituted an important basis for the further work of the Committee on the Peaceful Uses of Outer Space and its sub-committees. His delegation was gratified that the Conference had so impressively confirmed the role of the United Nations in international co-operation on the peaceful uses of outer space, and it was therefore in favour of increasing the staff and resources of the Outer Space Division so that the recommendations of the Conference could be put into practice. That might be possible by redistributing funds from the United Nations budget and perhaps by means of voluntary contributions. There was, however, no need to establish an Outer Space Centre, since the present organizational arrangements had proved adequate.

6. The Conference had also confirmed the competence of ITU as the specialized agency responsible for the allocation of transmission frequencies and space segments in the geostationary orbit. His delegation was confident that ITU would continue to find acceptable solutions to the needs of the countries concerned. The Committee on the Peaceful Uses of Outer Space and its sub-committees should do everything possible to contribute to that goal.

7. His delegation was gratified that a consensus had been reached on the various recommendations and conclusions of the Conference. Consensus was essential for fruitful co-operation that took into account the interests of the countries concerned.

8. His Government had participated actively in the work of the Committee on the Peaceful Uses of Outer Space and of its Legal Sub-Committee on the principles governing the use by States of artificial earth satellites for direct television broadcasting. It had always attached the highest priority to the principle of the free flow of information across national boundaries. Moreover, the Basic Law of the Federal Republic of Germany required the Government to respect the freedom of the media from State control. Only if those two basic requirements were fulfilled would his Government be able to accept a set of principles on the subject. To that end, it was ready to participate in any further negotiations aimed at reaching a consensus on the text of the principles in question.

9. With regard to the voluntary contributions which States that had participated in the Conference might, as had been suggested, make towards carrying out the recommendations of the Conference, his Government was considering holding a seminar, jointly with FAO, on remote sensing in 1983. At the end of 1983 or beginning of 1984 it might host a conference which had been proposed by the Outer Space Division on "Information data bases for remote sensing and mapping".

10. Mr. BENA (Romania) observed that the purpose of the second United Nations Conference on the Exploration and Peaceful Uses of Outer Space had been to make a substantial contribution to strengthening international co-operation in the application of space science and technology, with a view to using outer space to accelerate the economic and social progress of all countries, particularly the developing countries. The Conference had shown that space activities had become a

(Mr. Bena, Romania)

significant component of the efforts by States to find new resources for promoting development, increasing production and satisfying material needs while at the same time broadening the body of knowledge in that field.

11. The Conference had also drawn attention to the dangers of a situation which the peaceful uses of outer space were being paralleled by an increasingly marked trend towards the extension of the arms race to outer space and the expansion of military space programmes at the cost of civilian ones. It was essential to the future of international co-operation in the exploration and peaceful uses of outer space that the arms race and all hostilities in outer space should be prevented. His country shared the widespread concern that outer space might become an arena for military competition. Decisive action must be taken to prevent such a development, which added a new and very dangerous dimension to the arms race in general.

12. While document A/CONF.101/10 did not cover all the problems of the peaceful uses of outer space, the general results of the Conference could be regarded as a step forward in the consolidation and development of national capacities and international co-operation in space matters. The success of the Conference would be measured by the extent to which it yielded practical solutions for the use of outer space, as the common heritage of mankind, to benefit all peoples and accelerate their economic and social development, and also by the extent to which space activities were made to respond to the legitimate aspirations of the developing countries for an equitable share in the benefits of land-based applications of space technology. The results of space activities thus far had mainly benefited the States that were able to spend the vast sums of money required by space technology. Other countries, particularly the small and medium sized and developing countries, generally had to content themselves with whatever space technology the space Powers agreed to give them and on the latter's terms.

13. The favourable climate created by the Conference must therefore be used to take decisive steps to correct the existing imbalance and establish new forms of co-operation which would ensure equitable and unrestricted access to the data collected by remote sensing satellites and to space technology in general. Such access was an essential factor in the establishment of a new international economic order for the benefit of all peoples. It was in that spirit that the developing countries had demonstrated their desire to co-operate and to contribute to the success of the Conference by making constructive proposals.

14. His delegation had always attached the greatest importance to strengthening the role of the United Nations in resolving the major problems confronting mankind, and it had, over the years, made numerous proposals to that end. It therefore fully endorsed the proposals and recommendations of the Conference aimed at enhancing the role of the United Nations system in promoting international co-operation in the exploration and peaceful uses of outer space. In its view, the bulk of the expenditure required to implement those recommendations must be covered by voluntary contributions.

(Mr. Bena, Romania)

15. Although the Conference had adopted a number of recommendations by consensus, and outlined several courses of action, it had not adopted any recommendations or arrived at any common decisions on a number of important problems, the solution of which was crucial to progress in the peaceful uses of outer space. One such problem was the use by States of artificial earth satellites for direct television broadcasting. His delegation shared the widely held view that the use of such satellites for direct television broadcasting must be governed by a clear set of principles agreed upon by all States. In order to promote the values protected by international law, in particular the cultural and spiritual identity of peoples, such broadcasting must be conducted on the basis of agreements reached between the State transmitting the broadcast and the State receiving it. Otherwise, an extremely unfair situation would result, in which a handful of States, profiting from their monopoly over the technical and material means required for such broadcasts, would enjoy a "right" that was denied to the vast majority of States, particularly the developing countries. The draft principles proposed in document A/SPC/37/L.5 established a balance between the rights and obligations inherent in the use of earth satellites for direct television broadcasting and took into account the legitimate interests of all countries.

16. His delegation was convinced that, thanks to the joint efforts of all Member States and the favourable climate created by the Conference, international co-operation in the exploration and peaceful uses of outer space would become more just, equitable and useful for all nations.

17. Mr. SCHÖNHERR (German Democratic Republic) observed that, since the launching of Sputnik I, there had been extremely rapid developments in the exploration and use of outer space. The Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space, in which two thirds of the States Members of the United Nations had participated, had once again demonstrated the growing interest in space research and its applications in a wide variety of fields. The Conference had also confirmed the importance of space research in solving the fundamental development problems of countries, regions and the world as a whole. Moreover, it had reflected the great desire of peoples and States to enhance the benefits of space research through effective, peaceful international co-operation, free from discrimination and based on the principles of State sovereignty and non-interference in the internal affairs of other States.

18. A growing number of States had urged that future progress in the peaceful exploration and use of outer space should not be threatened by the extension of the arms race to that environment. Clearly, the maintenance of world peace and the continuation of international détente and stability in international relations were essential prerequisites for broader international co-operation in space research. His delegation was therefore opposed to attempts to transform outer space into an arena for war preparations and for an unbridled arms race. What was needed was not the establishment of special command centres for space warfare but constructive negotiations designed to keep the arms race away from outer space.

/...

(Mr. Schönherr, German Democratic Republic)

19. The German Democratic Republic accordingly supported the Soviet proposal for the conclusion of a treaty on the prohibition of the stationing of weapons of any kind in outer space, which the Soviet Foreign Minister had submitted to the General Assembly at its thirty-sixth session. His delegation also welcomed the fact that the Committee on Disarmament had begun consideration of that significant proposal; in accordance with General Assembly resolution 36/99, it should embark on genuine negotiations on that matter in the near future.

20. The past year had impressively demonstrated the great benefits that could be derived from peaceful co-operation in the exploration of outer space, as had been evident, for example, in the success of the joint French-Soviet space venture in June 1982. Such activities also revealed the possibilities offered by co-operation between States having different social systems.

21. The German Democratic Republic carried out its own space activities, making full use of the benefits of international co-operation with the Soviet Union and with the other socialist countries. The activities described in the paper submitted to the Conference by his country and in his country's report to the Committee on Space Research at its twenty-fourth session would be supplemented, from 1982 to 1984, by extensive research in an even wider variety of fields, including ionospheric research, earth surveys and satellite geodesy.

22. The rapid pace of outer space research, its wider uses and the development of new technology created an obvious need for international agreements to ensure that the new scientific and technological developments were actually used for the good of peoples and States. His delegation therefore supported the demand that legal agreements should be drawn up on long-outstanding problems such as direct television broadcasting by satellites and remote sensing of the earth. Such agreements must foster the further exploration and peaceful use of outer space and must safeguard the sovereign rights of peoples and States. Since draft proposals on that matter had already been discussed and had received general approval, only the political will of a few delegations was necessary for the relevant agreements to be concluded.

23. His delegation attached great importance to international co-operation in space research and technology and sought to expand such co-operation. International co-operation based on mutual respect for the principles of sovereignty and non-interference by the parties concerned contributed to confidence-building and, in that way, promoted détente and peace.

24. Mr. NOORANI (Pakistan) stressed that, unless the nations possessing advanced space technology committed themselves to using their knowledge for peaceful purposes only, the world might edge towards a new crisis, while still grappling with the crisis created by the nuclear arms race. The United Nations must therefore seek ways of regulating activities in outer space so as to ensure that space was used solely for peaceful and not for military purposes. In that connection, his delegation was following with keen interest the General Assembly's consideration of agenda item 57: Conclusion of a treaty on the prohibition of the stationing of weapons of any kind in outer space.

(Mr. Noorani, Pakistan)

25. His delegation appreciated the role played by the United Nations in ensuring that the use of outer space remained peaceful and that all States, irrespective of their size and economic resources, shared the benefits of space technology and research. The Committee on the Peaceful Uses of Outer Space had adopted a number of important legal instruments for the promotion of international co-operation in the peaceful uses of space technology, particularly for the benefit of the developing countries. However, while the growing awareness of the need for international co-operation in that field was gratifying, each country must depend primarily on its own economic, scientific, technological, industrial and human resources. His delegation therefore agreed that the developing countries must co-operate with one another by pooling their resources and technology in that field.

26. On the other hand, the developed countries still must help to redress the current imbalance and inequalities that existed among nations, and in that connection he read out paragraph 11 of the report of the Conference (A/CONF.101/10), which described the effectiveness of space technology as a tool to accelerate national development. The developing countries, where 70 per cent of the world's population lived but where illiteracy and isolation were at their highest, had been left far behind the developed countries, which possessed 95 per cent of the space technology. The developed countries must therefore help the others by sharing their technology with them and by providing economic assistance so as to reduce the technology gap.

27. The United Nations Programme on Space Applications was useful in promoting an awareness among developing countries about the various applications of space technology. However, his delegation felt that the scope and content of the Programme were still very limited and that an adequate programme of technical assistance and technology transfer to developing countries should be established without delay.

28. As to the remote sensing of the earth by satellites, outstanding issues hampering the establishment of an international régime governing the dissemination of sensed data should be resolved immediately so that the applications of that technology could be smoothly developed. Remote sensing data should be made available to the sensed State, if it so requested. Also, the space nations should ensure that the various satellites they operated for similar purposes were compatible with one another and could receive each other's data. In that way, the developing countries could make greater use of the data collected.

29. His delegation had been chagrined to note that no consensus had been reached on the elaboration of a draft set of principles governing the use by States of artificial earth satellites for direct television broadcasting. He supported the view that those principles should ensure adequate consultation and agreement between the States operating the satellites and the States receiving signals from them. Pakistan had therefore decided to join the sponsors of draft resolution A/SPC/37/L.5. He stressed that a general convention on that subject was a matter of urgency, since direct broadcast satellites had already become operational and

(Mr. Noorani, Pakistan)

their world-wide use was not far away. Pakistan also shared the view that the future convention should contain suitable provisions to ensure that broadcasts beamed to a foreign State would require the consent of that State. In addition, the consenting State should have the right to participate in activities relating to the coverage of territory under its jurisdiction.

30. With regard to the use of nuclear power sources in outer space, which was still being considered by the Scientific and Technical Sub-Committee, his delegation wished to emphasize the need for the Outer Space Committee not only to collect information from Member States but also to include in its report the question of what kind of notification form should be used to report such details as satellite mission, type of nuclear power source on board and orbital parameters for satellites that were likely to re-enter the atmosphere.

31. The Scientific and Technical Sub-Committee should also continue to study the question of the geostationary orbit - a valuable and unique, but limited, natural resource - with a view to proposing ways of ensuring its equitable use by all nations. The developing countries, in particular, were rightly concerned about the saturation of the orbit and could not accept the first-come-first-served method of allocating locations in it. Sufficient locations should be kept available for use by those countries which did not currently possess the capability to launch their own satellites but which were likely to do so in future.

32. The complex issue of the definition and/or delimitation of outer space required immediate attention, and agreement must be reached on the outstanding issues, particularly as the establishment of space transport systems was imminent. That had been amply demonstrated by the successful flights of the space shuttle Columbia.

33. The second United Nations Conference on the Exploration and Peaceful Uses of Outer Space had been an important landmark in the efforts to harness space technology in the interest of mankind and to ensure that its beneficial applications were shared equitably by all. However, his country had reservations about some parts of the Conference report, particularly with regard to the role of the United Nations in matters concerning the peaceful use of outer space.

34. The Conference had recommended the establishment of a United Nations space information service to direct inquiring States to data banks and information sources. Although that represented a good beginning, it fell far short of his country's proposal for the establishment of a full-fledged international space agency, similar to the International Atomic Energy Agency. The proposed agency would function as an information clearing-house to co-ordinate all aspects of current and future space technology applications not already dealt with by United Nations specialized agencies. It would also institute a programme designed to provide financial assistance and technical training and facilitate technology transfers from the developed to the developing countries. It would set up machinery to monitor space activities and would seek to supplement international space law in order to ensure that the exploration of space was conducted peacefully

(Mr. Noorani, Pakistan)

in the interest of all countries, thus avoiding conflicts among States relating to space activities and helping to solve them if they arose. The agency could also provide a satellite-based unit to monitor security and disarmament agreements.

35. Mr. KOTSEV (Bulgaria), speaking on agenda item 63, observed that artificial earth satellites for direct television broadcasting were an important part of the exploration and use of outer space. The problems they created and their potentialities were key issues, but their revolutionary nature stemmed from the fact that they could transcend geographical boundaries.

36. As such satellites could broadcast information, and educational and recreational programmes, to the vast majority of the earth's inhabitants, they represented a very significant potential means of communication. Since, however, direct television broadcasting could also create complicated political situations by violating the principle of non-interference in the internal affairs of States, there was a question of what kind of principles and legal norms were required in order to resolve the various problems related to the technological progress being made in that field.

37. Direct television broadcasting must be carried out in strict compliance with the norms of contemporary international law, the purposes and principles of the Charter of the United Nations, and the relevant norms of international space law, including the 1967 Outer Space Treaty. One of the most important principles of contemporary international law was that of State sovereignty whereby laws and regulations having force in the territory of a particular State must be sanctioned by the authorities of that State. Therefore, no State could carry out any specific activity, such as direct television broadcasting, in the territory of another State, without the explicit consent of the latter.

38. His delegation supported the proposal put forward by the Group of 77, and it shared the view, expressed by the vast majority of States, that the use by States of artificial earth satellites for direct television broadcasting must be carried out with full respect for the sovereignty of States. Recognition of the principles governing the responsibilities of the broadcasting State, the need for preliminary consultations and for arrangements to be established between the broadcasting State and the receiving State, and compliance with the ITU radio regulations were of supreme importance in that regard.

39. The enormous potentialities of direct television broadcasting could be developed and used on behalf of peace, security, understanding among peoples and the progress of mankind, provided that States exhibited sober political thinking and a positive attitude and made concerted efforts to achieve international co-operation. Such co-operation would make it possible for all States to use outer space for direct television broadcasting and other purposes without any discrimination, in accordance with the principle of equality and the norms of international law.

(Mr. Kotsev, Bulgaria)

40. The first United Nations Conference on the Exploration and Peaceful Uses of Outer Space had accordingly noted that the use of communication satellites must be based on international co-operation and that the relevant instruments should ensure that such satellites were used for mass communication in the interest of peace and mutual understanding among peoples.

41. His delegation also supported the proposal, put forward by 16 Member States, on the principles governing the use by States of artificial earth satellites for direct television broadcasting. In his delegation's opinion, it was high time to overcome the resistance of certain individual Member States which, under various pretexts, opposed the elaboration of legal instruments or arrangements relating to direct television broadcasting. A constructive approach and recognition of the complex consequences of failure to solve that problem were necessary, so that the General Assembly could make every effort to adopt the principles contained in the draft sponsored by those 16 States at its current session.

42. Mr. HUANG Jiahua (China) said that the conclusions and recommendations contained in the report of the second United Nations Conference on the Exploration and Peaceful Uses of Outer Space were very valuable and should be submitted to the General Assembly for adoption. It was to be hoped that the results of the Conference would promote the further development of the peaceful uses of outer space and international co-operation.

43. Tremendous strides had been made in science and technology since the beginning of the space age, and it was to be hoped that the great potential of space science and technology would accelerate economic and social growth and benefit all mankind. The fact that that field was monopolized by a small number of developed countries, particularly the two super-Powers, was cause for concern. The gap between developed and developing countries with regard to space science and technology and their applications must be narrowed, and the international community should intensify its efforts to help developing countries improve their capabilities in that respect. While the United Nations had a vital role to play in that effort, the countries with the advanced technology, particularly the two super-Powers, should show a greater sense of responsibility.

44. The overwhelming majority of States attending the Conference had expressed grave concern at the growing militarization of outer space and the extension of the arms race into outer space, which represented not only a threat to world peace but also an obstacle to the peaceful use of outer space. It was the responsibility of the two super-Powers to prevent the extension of the arms race into outer space, and effective measures to achieve that goal were imperative.

45. His delegation supported in principle the two declarations, contained in documents A/CONF.101/L.3 and A/CONF.101/L.5, which had been submitted to the Conference by the Group of 77. The issues set forth in those declarations concerning the drafting of principles governing remote sensing, direct television broadcasting by satellite, equitable and reasonable utilization of the geostationary orbit and the radio frequency spectrum should be given urgent consideration and should serve as a basis for further negotiations.

(Mr. Huang Jiahua, China)

46. No agreement had yet been reached on a draft set of principles governing the use by States of artificial earth satellites for direct television broadcasting. A State which intended to establish direct television broadcasting service by satellite to another State should enter into consultations in advance with that State in order to reach a mutually acceptable agreement. Any undue emphasis on the so-called "free dissemination of information" in total disregard of the need for consultation and agreement with the receiving States would not promote mutual understanding and international co-operation. His delegation, therefore, supported draft resolution A/SPC/37/L.5 and expressed the hope that agreement could be reached on it. Further consultations should be held in that connection and due account should be taken of the fundamental interests and legitimate demands of all parties concerned.

47. Although China could lay claim to certain achievements in the exploration and peaceful uses of outer space over the past decade, its work in the field of practical applications was just beginning. It would continue to pursue the applications which would promote its socio-economic development. China was ready to expand technical co-operation with all friendly countries on the basis of equality and mutual benefit and would spare no effort to promote international peace and security in that field.

48. Mr. LEIDO (Philippines) said that the conclusions and recommendations of the second United Nations Conference on the Exploration and Peaceful Uses of Outer Space underscored the need for greater international co-operation in the peaceful uses of outer space and for facilitating access to space science and technology by all countries, particularly in the fields of communications, remote sensing, meteorology and satellite broadcasting, and in the rational and judicious utilization of the geostationary orbit. The implementation of those conclusions and recommendations would ensure that the exploration and use of outer space was carried out for the benefit of all peoples, irrespective of the degree of their economic or scientific development.

49. The applications of space science and technology in the Philippines was mainly centred on remote sensing, telecommunications and meteorology. His Government was aware of the potential of space technology as an aid to development programmes and it participated actively in United Nations initiatives and programmes which identified key areas of international co-operation for the promotion and strengthening of the peaceful uses of outer space. As a country which frequently suffered from destruction caused by tropical storms, the Philippines had been co-operating for a number of years in the activities of the World Meteorological Organization to mitigate the disastrous effects of typhoons.

50. His delegation had been one of the sponsors of draft resolution A/SPC/37/L.5, which called for the adoption of a set of principles governing the use of States of artificial earth satellites for international direct television broadcasting. The principles annexed to the draft resolution were designed to establish order and rationality in the use of direct television broadcasting by satellite, not to curtail its development. Those principles were in keeping with the legitimate

(Mr. Leido, Philippines)

aspirations of the countries of the third world and took into account the fact that freedom of information should not be invoked to the detriment of receiving States.

51. During the intense negotiations on that issue the developing countries had repeatedly stressed that activities in the field of international direct television broadcasting by satellite must be subject to the exercise of responsibility on the part of the sending State, to prior consultation and agreement between the sending and receiving States and to the relevant regulations of ITU. As the era of international direct broadcasting satellite systems was not far off, the proposed set of principles on direct broadcasting by satellite should be adopted at the current session. Technology must not be allowed to outpace man's ability to draw up legal principles regulating it.

52. The slow pace in the work of formulating draft principles governing remote sensing of the earth from space was regrettable. Remote sensing activities had proved extremely useful in gathering data on topography and environment and for resource evaluation. The Legal Sub-Committee should accord the highest priority to the formulation of those principles. Remote sensing activities should be carried out with full respect for the sovereign rights of States. Sensed States should have timely and unhindered access, on a priority basis and at a nominal cost, to all data obtained over their territories. Furthermore, such data should not be disseminated to third States without the prior consent of the sensed State.

53. His delegation supported the establishment of a legal régime governing the geostationary orbit, which would recognize and safeguard its character as a common resource of mankind to be managed in an equitable manner for the benefit of all States. In that connection, his delegation proposed that that question should be placed on the agenda of the ITU Conference in 1983.

54. He welcomed the recommendation of the Conference to enhance the United Nations Programme on Space Applications. Current programmes should be re-evaluated in order to make them more cost-effective and more relevant to the practical needs of developing countries. The General Assembly should consider practical measures for increasing budgetary allocations for United Nations space activities within the limits of available resources in order to ensure that they remained operational.

55. He expressed concern at the increasing use of outer space for non-peaceful military purposes. The recent shift in emphasis from military support space activities to space weapons programmes was particularly disturbing. The development of new weapons systems designed to achieve military dominance in outer space was in progress, and vast sums had already been committed to space weapons programmes. Outer space was becoming another theatre of military operations. The international community must act urgently to reverse and halt the extension of the arms race into outer space. The fate of mankind hung in the balance.

The meeting rose at 12.10 p.m.