



SUMMARY RECORD OF THE 34th MEETING

Chairman: Mr. MUBAREZ (Yemen)

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

AGENDA ITEM 64: COMPREHENSIVE REVIEW OF THE WHOLE QUESTION OF PEACE-KEEPING OPERATIONS IN ALL THEIR ASPECTS (continued)

1. Mr. MAIMBO (Zambia) said that, while his delegation fully supported United Nations peace-keeping operations, it wished to emphasize that peace-keeping forces were not an end in themselves but should be of a temporary nature in order to assist the peace-keeping process between the opposing forces. Those operations had been one area where the United Nations could claim success, and it had been disheartening to watch Israeli troops in southern Lebanon completely ignoring the presence of the United Nations Interim Force in Lebanon (UNIFIL). Peace-keeping forces should be accorded the respect they deserved from all Member States. His delegation did not share the view that UNIFIL was not serving a useful purpose. On the contrary, its presence would be required in the area until the Lebanese Government had asserted full sovereignty over its entire territory.
2. Since peace-keeping forces were not meant to replace United Nations efforts in the search for lasting peace, everything possible should be done to strengthen the peacemaking role of the Organization. In the Middle East, a permanent solution could be brought about only by removing the basic cause, namely Israel's continued denial to the Palestinian people of their inalienable rights, including that of establishing a State of their own.
3. Similarly, a just and lasting solution must be found to the problem of Cyprus which preserved its unity, independence and non-aligned policy. Zambia hoped that the two communities would continue their efforts to seek a negotiated solution.
4. The international community should not wait until disputes had erupted into open violence. His delegation therefore appealed to the Special Committee on Peace-keeping Operations to expedite its work, including a study of ways of overcoming financial difficulties and the elaboration of guidelines to cover the conduct of United Nations peace-keeping operations in accordance with the Charter.
5. His delegation appealed to Member States to continue to make their generous contributions towards peace-keeping efforts, as those international forces were performing a vital role in the achievement of world peace and security. States which had contributed troops to those forces had often had to bear the whole financial burden. That should be avoided by adequate financial contributions from all peace-loving Member States.
6. His delegation viewed the United Nations peace-keeping operations as one practical solution to the constantly escalating turbulence in the modern world, and paid tribute to the peace-keeping forces and the martyrs who had fallen in the service of the United Nations.
7. Mr. MARCUSSEN (Norway), speaking on behalf of the five Nordic countries, namely, Denmark, Finland, Iceland, Sweden and Norway, said that those countries had taken part in practically all United Nations peace-keeping operations; when the Finnish battalion was fully deployed in December 1982, they would be contributing

(Mr. Marcussen, Norway)

approximately 25 per cent of the UNIFIL troops and were represented in all the current peace-keeping and observer missions. In order to respond promptly to United Nations requests for participation in peace-keeping operations, four of those countries had maintained stand-by forces earmarked for such tasks since 1964. The individual countries had national training programmes for their stand-by forces and maintained close, comprehensive co-operation for training staff officers, specialists and observers. The Nordic countries reiterated their willingness to share their experience with other countries.

8. In spite of criticism from various quarters, which was based partly on misunderstandings as to the nature of peace-keeping, those operations constituted one of the most successful operations of the Organization. They had, however, their limitations. They were entrusted with basically political tasks and were not expected to engage in combat but to assist in maintaining peace. Their functions were based on the co-operation of the parties to a conflict and required a well-defined mandate from the Security Council. The prime task of a peace-keeping operation was to achieve and maintain stability in the area pending the solution of a political crisis. Peace-keeping activities must not serve as an excuse for inactivity in the quest for a settlement. The recent case of UNIFIL illustrated the great difficulties that might be encountered. The Nordic Governments deplored the lack of co-operation and the harassment to which UNIFIL had been subjected, and the fact that the force had managed to function under those circumstances bore testimony to the dedication of its personnel.

9. The vitally important principle of collective responsibility for peace-keeping operations must be maintained. That responsibility was shared by all Member States in accordance with the Charter; it included the financing of the peace-keeping operations, which should be shared equitably among Member States. It was deplorable that some States did not pay their assessed share of the costs, thereby placing additional and unreasonable financial burdens on other States, in particular the troop-contributing nations.

10. The Nordic Governments shared the concern expressed by the Secretary-General in his annual report (A/37/1) with regard to the need to improve the capabilities of the United Nations to deal with conflict situations. The Nordic delegations intended to pursue the matter in a pragmatic way and hoped that it would be possible to reach agreement on universally accepted measures to enhance the Organization's peace-keeping capacity.

11. Miss SUWAL (Nepal) said that for Nepal, peace was not only a matter of ideology but also a practical necessity. In conformity with the Charter, Nepal had declared itself a zone of peace. Peace as an objective of its foreign policy was embodied in its Constitution. The experience of the past few years had shown that development was not possible without peace. Whenever possible, Nepal had sent military personnel to take part in United Nations peace-keeping operations and was in favour of strengthening those operations. Her delegation favoured setting up a permanent United Nations peace-keeping force and considered that the operations must be a collective responsibility. Since peace-keeping operations were directly related to the sovereignty and security of States, it was imperative to establish

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(Miss Suwal, Nepal)

clear-cut guidelines for such operations in order to give the Security Council an effective, uncontested instrument with which to undertake collective action on an equitable basis.

12. Although not much progress had been made in strengthening United Nations peace-keeping operations, they had unmistakably contributed to world peace. In changing international situations, however, there was a pressing need for new techniques in peace-keeping operations: the Special Committee should pay particular attention to the establishment of common standards and procedures.

13. Although soldiers in the peace-keeping force were basically well trained, disciplined and qualified, they needed additional training to deal with specific problems that might arise in multinational operations. The presence of peace-keeping forces must not, however, be construed as a substitute for a settlement.

14. Her delegation believed that the proposals of the Secretary-General contained in his annual report (A/37/1) deserved serious study. The failure of the Security Council in dealing with the recent tragic events in the Middle East had affected the very concept of the collective security system. The Council should be able to guarantee the authority of peace-keeping operations, and forces must have a clear mandate. Her delegation hoped that further work would be carried out on the draft guidelines, and therefore supported renewal of the Special Committee's mandate.

15. The 1965 consensus on voluntary contributions to finance peace-keeping operations had been an improvisation. However, if peace-keeping operations were to be the collective responsibility of all Member States, those States must contribute towards their financing on the basis of the equitable principle of the capacity to pay. Her delegation also favoured the creation of a peace-keeping fund, since that would facilitate prompt action, and strongly supported the formula of assessment which would generate in all Member States a sense of participation.

16. To be successful, a peace-keeping operation needed whole-hearted support from both parties to the dispute. No national military force should be allowed to attack or hamper the United Nations contingents when they were carrying out their mandate, and a system of international sanctions should be laid down for such cases. The peace-keeping forces should at all times have the full confidence and backing of the Security Council in both their establishment and their conduct.

17. Mrs. NOWOTNY (Austria) said that there was no doubt that the peace-keeping operations of the United Nations were among its most successful and most important activities. Those operations had reduced tension which otherwise might have developed into new hostilities and had promoted a climate conducive to a negotiated settlement.

18. Austria had taken part in various United Nations peace-keeping operations - the only ones in which Austria could participate under its constitutional law - and had thus played an active part in fulfilling the collective responsibility for the maintenance of international peace and security.

(Mrs. Nowotny, Austria)

19. Over the past few years, however, the concept of peace-keeping had changed from disengagement and surveillance to operations in a decidedly political context. That made the dichotomy between the actual operations in the field and the work done in the Special Committee all the more disturbing. For example, no meeting of the Special Committee had been called in 1982. The mandate of that Committee was twofold: to produce agreed guidelines to govern the conduct of peace-keeping operations and to devote attention to specific questions related to the practical implementation of peace-keeping operations. As a member of the Special Committee, Austria was fully aware of the wide disparity of views on both issues and of the difficulty of finding a solution acceptable to all. However, experience in the United Nations had repeatedly proved that only a continuing review of positions and the maintenance of a constructive dialogue could lead to final success. To fulfil the second part of its mandate, the Special Committee could consider various practical issues directly relevant to operations in the field which had so far not received full attention, such as the training of peace-keeping forces and the establishment of safety standards for the equipment used by United Nations troops.

20. In previous years, the Austrian delegation had suggested that regional seminars should be organized under United Nations auspices with a view to guaranteeing efficient and appropriate training of military and civilian personnel for peace-keeping operations, so that States with experience in that field could share their knowledge with other countries. Training seminars were regularly held in Vienna by the International Peace Academy with the assistance of the Austrian Government.

21. United Nations peace-keeping units in the field served the sole purpose of maintaining international peace and security. On that basis, the troops, who were only entitled to use force in self-defence, enjoyed a moral authority which had to be respected by all parties to a conflict. Especially in view of the experience gained from the deployment of UNIFIL, increased attention must be given to the safety and security of peace-keeping units, for instance by the elaboration of standards which would eventually be incorporated in legal instruments.

22. If the Member States wished the United Nations to play the role assigned to it by the Charter, they must also assume the inherent financial implications. Refusal to contribute, delays in the payment of assessed contributions and insufficient voluntary contributions would continue to create difficult situations. Her delegation therefore strongly appealed to Member States to contribute generously to the financing of peace-keeping operations in accordance with their financial and economic situation.

23. Mr. NOORANI (Pakistan) said he considered that the main purpose of the United Nations was the maintenance of international peace and security. The Organization had not always succeeded in that regard, but its role in diffusing tension and bringing about better understanding among nations had been commendable. Because each situation was unique, the Organization had had to respond in a variety of ways to each threat to peace or international security; its peace-keeping role had been most successful in Kashmir, the Middle East, Cyprus and the Congo.

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(Mr. Noorani, Pakistan)

24. The Secretary-General had referred to peace-keeping operations as one of the most successful innovations of the United Nations and one which had proved to be a most useful instrument of de-escalation and conflict control. That aspect of United Nations activity deserved the full support of all nations; it was regrettable that the peace-keeping machinery had not been utilized in a number of cases where it would have helped to contain conflicts.

25. There could be no hard and fast formulas for effective peace-keeping activities. There was, however, an urgent need for agreed guidelines. Peace-keeping operations had produced a valuable store of experience but it was unfortunate that no formula acceptable to all had yet been found for guidelines governing the conduct of peace-keeping operations or for questions related to the practical implementation of peace-keeping operations.

26. Pakistan had directly experienced the valuable contribution made by the United Nations Military Observer Group in India and Pakistan (UNMOGIP), which was one of the oldest United Nations peace-keeping operations. UNMOGIP was widely regarded as a model for similar observer groups and it was therefore essential that the Special Committee should be provided with up-to-date information on UNMOGIP and other peace-keeping activities.

27. Pakistan was fully aware of the fundamental nature of the issues before the Special Committee and the political considerations surrounding them. It was not easy to reconcile the interests of the major Powers even in the sphere of peace-keeping operations. In view of the importance of such operations, it was essential that efforts must be continued in order to place such operations on a sound basis. Pakistan, as a member of the Special Committee, would continue to concert its efforts with others to help evolve formulas acceptable to all in regard to the two aspects of the Committee's mandate.

28. In that connection, his delegation considered that the primary role of the Security Council in the field of peace-keeping was undeniable. The Council had complete authority in all major aspects of peace-keeping operations. No change in the mandate, character or duration of such operations was therefore possible except by a specific decision of the Council. Moreover, while peace-keeping operations undoubtedly contributed to the maintenance of peace and the peaceful settlement of disputes, peace-keeping without concomitant efforts at peace-making would only be a palliative. Attention should therefore remain focused on promoting the peaceful settlement of disputes getting to the roots of such disputes.

29. The Secretary-General had rightly emphasized that the parties had a clear obligation under the Charter to abide by the decisions of the Security Council in peace-keeping operations. The way in which United Nations peace-keeping forces had been overrun and brushed aside by Israel during its recent invasion of Lebanon underscored the Secretary-General's plea for an urgent study of the means to strengthen those operations.

30. Mr. SHEHATA (Egypt) said that peace-keeping operations were surrounded by difficulties involving not only the political environment but also a number of constitutional and legal issues. Such issues could be superseded by the political role of the peace-keeping operation but their solution could represent the difference between the success and the failure of the operation. The view had been expressed that the controversy over constitutional issues, added to the difficulties inherent in United Nations peace-keeping operations in the Middle East, had clouded the future of such operations.

31. The essentials for success were mutual confidence and co-operation between the two major Powers, the attitude of the parties in conflict towards the peace-keeping force, and the credibility of the peace-keeping force and the guarantee which it provided against aggression. In his report on UNIFIL (S/15357, para. 15), the Secretary-General had drawn attention to his previous report (S/15194/Add.2), in which he had referred to the fundamentally altered situation in which UNIFIL had found itself after the Israeli invasion of Lebanon. Since the attitude of one of the parties to the dispute, namely, Israel, had changed, the credibility of the force as a guarantee against attack had been destroyed. In that connection the Permanent Representative of Israel, in a letter dated 5 November 1982 (S/15480) addressed to the President of the Security Council, had pointed out that the Government of Israel had repeatedly stated that in the new circumstances surrounding the situation in Lebanon, UNIFIL had outlived its usefulness and its presence was no longer called for in southern Lebanon. However, peace-keeping should not be restricted to keeping the two parties apart; it should be aimed at developing closeness between the parties and should therefore involve mediation and negotiation as part of the process of establishing peace.

32. The future of peace-keeping operations was uncertain. Following the experience of UNIFIL, it was clear that conduct of new peace-keeping operations would depend on the presence of political will on the part of the parties concerned and the permanent members of the Security Council. The States of the Middle East owed the United Nations a debt of gratitude for its initiative in setting up a peace-keeping operation; although the operation had not prevented outbreaks of hostilities in the area, it had been a valuable experience. It was foundering only because regional and international conditions had adversely affected political will and the degree of commitment to the Charter.

33. In a world fraught with peril, it was indispensable that the peace-keeping effort should be continued. Such institutions could not be created in a day; they required faith in the principles on which they were founded.

34. Mr. GONZALEZ (Chile) said that the very essence of the Charter and of the Declaration on Principles, embodied in General Assembly resolution 2625 (XXV) was the maintenance of international peace and security. Within that context there was a special need for the adoption of agreed guidelines governing peace-keeping operations and the establishment of practical measures to carry them out. With regard to the question of financing, it was essential that all States should accept their responsibility for the maintenance of such operations.

(Mr. Gonzalez, Chile)

35. It had to be emphasized, however, that peace-keeping operations could not continue indefinitely while at the same time retaining a provisional character, and that there was a need to obtain the prior agreement and co-operation of the host State before embarking on such operations.

36. In keeping with the Charter, there was a permanent obligation on the part of States to have recourse to the peaceful settlement of disputes. His country rejected the use of force, which represented the worse possible violation of international law. His delegation accordingly favoured the renewal of the mandate of the Special Committee.

37. Mr. RAM (Fiji) said that his delegation held firmly to the view that one of the most effective measures taken by the United Nations had been the organizing of the United Nations peace-keeping operations, which had prevented the recurrence or escalation of hostilities in such sensitive areas as Kashmir, Cyprus and the Middle East.

38. Such activities facilitated the creation of conditions conducive to peace: the presence of United Nations peace-keeping forces provided a cooling-off period for the parties concerned and, by doing so, opened useful opportunities for political negotiation. The presence of peace-keeping forces should not, however, be regarded as a substitute for a political settlement.

39. Conditions essential to the success of any United Nations peace-keeping operation included a clearly defined mandate from the Security Council, full co-operation from the parties concerned, and, at all times, the full support and confidence of the Security Council. It was also a fundamental assumption that, in the event of non-compliance, the Council itself and those Member States in a position to exert influence would act decisively to ensure respect for the Council's decisions.

40. The question might well be asked why UNIFIL had been unable to prevent the Israeli invasion of Lebanon and why the United Nations had found it impossible to take effective measures against the offender. The deployment of UNIFIL had been based on certain fundamental principles, particularly the non-use of force except in self-defence; UNIFIL had therefore been armed only with defensive weapons and accordingly had very limited strength. The real strength of that and all other United Nations peace-keeping operations lay in the will of the international community which such operations symbolized. However, when UNIFIL had been treated with contempt, the will of the international community had been found wanting. The Security Council had been unable to develop a collective approach to the challenge to its authority, as it had not received the full support of all its permanent members. Nevertheless, although the principle of collective responsibility had been abandoned, UNIFIL continued to be an important stabilizing and moderating influence in the area, particularly by providing protection and humanitarian assistance to the population.

(Mr. Ram, Fiji)

41. The principle of collective responsibility was also manifest in the composition of UNIFIL, which comprised contingents from several geographical regions and from both developed and developing countries. In his delegation's view, such a practice should continue, because any failure to uphold that principle would tend to undermine the credibility and authority of United Nations peace-keeping operations.

42. Because peace-keeping operations were a collective responsibility, all Member States had an obligation to contribute their assessed share of the cost thereof. Certain Member States had failed to honour such obligations; the consequent shortfall affected all troop-contributing countries but was particularly burdensome for developing countries, such as Fiji, whose arrears had accumulated to more than \$8 million. Fiji stood ready to meet its international obligations but its willingness to continue to participate depended on its ability to bear the resulting financial burden. His delegation therefore appealed to all countries to meet their obligations promptly.

43. Mr. GABAY (Israel), speaking in exercise of the right of reply, said that over the years the United Nations had carried out a number of peace-keeping operations in various parts of the world to prevent a resumption of hostilities between the parties concerned. Those operations, however, were of a temporary nature and could not be a substitute for the peaceful settlement of disputes. Unfortunately, in some parts of the world peace-keeping operations had apparently acquired a form of permanency because some parties seemed to prefer to maintain a temporary situation, rather than negotiate a permanent solution to a dispute.

44. His Government had welcomed the United Nations Emergency Force, the multinational force and observers in the Sinai, the United Nations Disengagement Observer Force and the multinational force currently operating in Beirut. However, in view of the new circumstances concerning the situation in Lebanon, Israel felt that UNIFIL had outlived its usefulness and that its presence was no longer necessary in southern Lebanon. The recent operation "Peace for Galilee" had clearly shown the extent of the threat posed to Israel and its civilian population as well as to the welfare and independence of the Lebanese people. In spite of the presence of UNIFIL, a terrorist base had been set up and had been steadily escalating its attacks against towns in northern Israel and conducting terrorist activities elsewhere. The enemies of Israel had felt that they could launch a full-scale military attack knowing full well that UNIFIL could not and would not do anything to stop them.

45. He had reservations concerning the ability of UNIFIL to carry out its task in accordance with Security Council resolution 425 (1978). Furthermore, his Government believed that the security arrangements between Israel and Lebanon should be negotiated directly between the Governments of the two countries. Lastly, he paid tribute to the members of the United Nations peace-keeping forces who had given their lives for one of the highest ideals of humanity, the quest for peace.

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

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/Rev.1)

Draft resolution A/SPC/37/L.5/Rev.1

46. Mr. LICHENSTEIN (United States of America), speaking in explanation of vote before the vote on draft resolution A/SPC/37/L.5/Rev.1, said that the adoption of the draft resolution would shatter precedent and possibly also the foundations upon which the United Nations had built substantial achievements in the field of outer space. Never before had a group of sponsors, however great the difficulty in achieving consensus, considered it appropriate to ask a voting majority in the Organization to adopt principles regarding activities in outer space which had exceeded consensus. The draft resolution went beyond the existing international legal framework in a manner which violated positions of principles deeply held by certain Member States, including those most active in space. To break consensus in the circumstances surrounding the draft resolution was regrettable, not so much for the space Powers, but particularly for the many countries which stood to benefit by engaging, together with States active in space programmes, in general efforts to advance international co-operation in that field. Such countries had the most to lose by abandoning achievable areas of consensus for the sake of a numerical majority which, in the area of outer space, promised to be unrewarding.

47. It was particularly regrettable that the draft resolution was being proposed against a background of substantial progress, after 10 years of negotiations, towards consensus on international principles governing the use by States of artificial earth satellites for direct television broadcasting. For the first time, consensus on a comprehensive text had been achievable at the current session. The compromise working paper which had been circulated by the Chairman of the informal consultations, with minor modifications - which would probably have been attainable - represented the product of intensive informal negotiations among members of the Committee on the Peaceful Uses of Outer Space over the past two years. There had been reason to believe that it would be acceptable to a significant number of the sponsors of the draft resolution.

48. Those rejecting consensus were apparently unwilling to deal with two sensitive issues, namely, international legal responsibility of States regarding the content of broadcasting and the requirement of prior consent, through a non-prejudiced reference to the international law on those matters. The adoption of a text going beyond that would only highlight the fact that international law did not provide for the kind of State responsibility or require the kind of non-technical, non-ITU-oriented prior agreements or arrangements which the draft resolution called for. Finally, States contemplating the adoption of the draft resolution by majority vote should understand that non-consensual international direct television broadcasting by means of artificial earth satellites was unlikely for a variety of reasons, and that fears about it had been exaggerated. In practice, the technical regulations of ITU precluded it, in view of the need for protected frequency

(Mr. Lichenstein, United States of America)

allocations in order to justify investments in such an expensive system. Given the remote prospects of non-consensual international direct television broadcasting by artificial earth satellite to any country and the remote prospect of harm from such services, there appeared to be no practical justification for the adoption of any non-consensus set of principles.

49. His delegation recognized that the concept of direct television broadcasting by means of artificial earth satellites caused much wider concern than other forms of broadcasting, even among Governments which did not have a philosophy of state control of all information flows. It strongly believed however that, in a United Nations set of principles, such legitimate concerns should not be dealt with by suggesting that every State, including totalitarian States, should be afforded a non-conditional veto over that form of broadcasting. In the view of his delegation, any principle requiring that broadcaster must obtain the consent of a foreign Government would violate United States obligations towards both the broadcasters and the intended audience; it would also violate article 19 of the Universal Declaration of Human Rights on the right to freedom of expression.

50. His delegation would accordingly vote against the draft resolution, and urge all those who were concerned about either the substantive or the procedural principles which the draft resolution violated to do likewise.

51. Mr. VON STUDNITZ (Federal Republic of Germany) said that it was the first time that a majority of the members of the Committee on the Peaceful Uses of Outer Space had forced a vote upon the minority instead of trying to reach consensus, despite that minority's untiring efforts to find a compromise. His delegation would vote against the draft resolution (A/SPC/37/L.5/Rev.1) because it did not sufficiently respect the principle of the free flow of information, which had been recognized by the Universal Declaration of Human Rights, embodied in the International Covenant on Civil and Political Rights and expressed in the Declaration on mass media of the UNESCO General Conference of 1978. The right to seek, receive and impart information and ideas through any media and regardless of frontiers was one of the basic principles of international civil rights. All attempts to detract from that right by introducing principles which would undermine the freedom of information were unacceptable to his Government.

52. Those principles should be based on the convictions of all and not only of a certain number of States. Although a majority vote in the General Assembly might have a certain political value, if the development of a set of principles was started only on a majority basis which did not sufficiently take into account the legitimate interests of all members of the international community, those principles would not have a fair chance of becoming generally accepted. Consensus would have required that the principles to be adopted were confined to those which already had a basis in international law. That was not the case with the requirement of prior consent, in contrast to the principle of freedom of information across boundaries.

53. Mr. THORNE (United Kingdom) said that his delegation would vote against draft resolution A/SPC/37/L.5/Rev.1. It was regrettable that for the first time in many years a majority of members of the Committee on the Peaceful Uses of Outer Space had forced a vote upon a minority instead of trying to reach a consensus. At the latest session of that Committee consensus had almost been achieved on a draft set of principles on direct television broadcasting by satellite. His delegation attached great importance to the tradition of consensus. The sponsors of the draft resolution under consideration were insisting on having it put to a vote in spite of the fact that the text was unacceptable to his and a number of other delegations.

54. A majority vote in the General Assembly might have a certain limited political value, but international law could not be affected in any way. His delegation attached the highest importance to the free flow of information and to the right to seek, receive and impart information and ideas of all kinds regardless of frontiers and through any media of an individual's choice. In a free society the communication and information media could not be another instrument of government. The media must be free in order to keep citizens fully informed, monitor government activities, reflect public opinion and exercise criticism. Furthermore, freedom of communication and the free flow of information were indispensable to economic and social progress. Freedom of thought, opinion and expression and the free circulation of information and ideas were essential human rights.

55. The draft resolution was designed to interrupt the free flow of information by requiring prior consent. The draft principles also left open the possibility of the receiving State exercising control over the information content of programmes. Those principles ran counter to fundamental freedoms enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

56. Mr. SCHONHERR (German Democratic Republic) said that the efforts made over the years to find compromise formulas in the preparation of an international convention were reflected in draft resolution A/SPC/37/L.5/Rev.1. It was deplorable that during the current session a small number of delegations had shown an unwillingness to accept the results of lengthy negotiations and join the consensus. His delegation would vote in favour of the draft resolution because the text duly reflected the principle of respect for the sovereign rights of States and non-interference in their internal affairs. It was essential to ensure that the new technical means of direct television broadcasting by satellite promoted co-operation among peoples and States, improved mutual understanding and strengthened international peace and security.

57. The principles contained in the draft resolution, particularly those concerning consultations and agreements between States, were designed to prevent the misuse of international direct television broadcasting by satellite and to meet the interests of the overwhelming majority of States. His delegation reaffirmed its position that overspill of the radiation of the satellite signal within the limits established by the relevant instruments of ITU should be strictly observed. Overspill specifically aimed at audiences in other States was inadmissible, since it constituted a violation of the principle of non-interference in the internal affairs of States.

58. Mr. HAYASHI (Japan) said that it was regrettable that the Committee on the Peaceful Uses of Outer Space had not completed its work. The draft set of principles should be adopted only after the countries concerned had agreed on them by consensus. His delegation had maintained as flexible an attitude as possible during the consultations. It was extremely regrettable that, in spite of the efforts exerted by the countries concerned, the differences of opinion on a few major issues had not been eliminated and that draft resolution A/SPC/37/L.5/Rev.1 was being put to a vote.

59. His delegation could not agree with elements contained in the draft resolution and would vote against it. It was of utmost importance that a spirit of consensus should be maintained in work dealing with the peaceful uses of outer space, which required co-operation and co-ordination among all countries concerned. It was highly doubtful whether the resolution would be meaningful if it was adopted over the objections of certain countries.

60. Mr. WARD (New Zealand) said that it was regrettable that the frustration felt by members of the Committee on the Peaceful Uses of Outer Space with regard to the negotiations on the draft set of principles had led to a vote on draft resolution A/SPC/37/L.5/Rev.1. Forcing the vote was a breach of the traditional procedure of consensus under which that Committee had operated. Furthermore, the set of principles must have the support of all Member States, particularly the technologically advanced States, in order to be of real value. His delegation, would therefore abstain in the vote because the principles did not meet that requirement.

61. Mr. CRAANEN (Netherlands) said that his delegation would vote against draft resolution A/SPC/37/L.5/Rev.1. Over the past 10 years the ITU had drawn up legally binding rules which, by allocating frequencies and orbital positions, had established an orderly régime governing direct television broadcasting. Any regulations which went beyond those technical aspects, such as the draft principles under consideration, should recognize those activities for what they were - means of communication and information. As such, they were not basically different from other means in that field.

62. He reiterated his Government's position that mutual understanding was advanced by more extensive communication and improved access to information. Communication and information should not be subservient to the policies of Governments, for in a free society the media could not be another instrument of government. Freedom of the media was necessary to keep citizens fully informed, monitor government activities, reflect public opinion and exercise criticism. Furthermore, freedom of communication and the free flow of information were indispensable to economic and social progress. At the same time, the right of every community to express and preserve its own personality must be upheld. The draft principles under consideration did not strike a proper balance between the interests of the State and the interests of the individual.

63. The draft principles would require States to take full international responsibility for the activities of private entities. That requirement would broaden responsibility beyond the generally accepted rules of international law,

(Mr. Craanen, Netherlands)

including the provisions of the Outer Space Treaty of 1967. The media should not be required to act as organs of the State and the State should not be required to exercise full control over the media.

64. It was regrettable that the draft principles would be put to a vote. His delegation attached great importance to achieving consensus and to that end had actively participated in the drafting work. No purpose would be served by adopting a set of principles to govern the conduct of States without the agreement of a considerable number of those States.

65. A recorded vote was requested.

In favour: Algeria, Argentina, Bahrain, Bangladesh, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Central African Republic, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Guatemala, Guyana, Honduras, Hungary, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Mozambique, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, Denmark, France, Germany, Federal Republic of, Iceland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Canada, Finland, Greece, Iran (Islamic Republic of), Ireland, Lebanon, Morocco, New Zealand, Sweden.

66. Draft resolution A/SPC/37/L.5/Rev.1 was adopted by 88 votes to 15, with 11 abstentions.

67. Mrs. NOWOTNY (Austria), speaking in explanation of vote, said that the draft set of principles would be valid only if they were based on full consensus, in which case all States, particularly the technologically advanced States, would feel obliged to adhere to them. The development of international law in the field of outer space was very recent. The Committee on the Peaceful Uses of Outer Space, through the elaboration of five basic treaties, had played a dominant role in that effort. However, the progress achieved had been possible only through constant negotiation and compromise. For that reason, her delegation had abstained in the

(Mrs. Nowotny, Austria)

vote. It was unfortunate that the negotiations had suddenly folded when agreement had been very close. Her delegation remained firmly committed to the principle of consensus in the future work of the Outer Space Committee.

68. Mr. DE LA SABLIERE (France) said it was regrettable that the negotiations on the draft set of principles had not led to a text which could be adopted by consensus. Since the draft resolution had not reflected the agreement of all members of the Outer Space Committee, his delegation had voted against it. That vote, however, in no way diminished his delegation's appreciation of the text of the draft resolution as a whole.

69. Mr. AKIN (Turkey) said that, although his delegation had voted in favour of draft resolution A/SPC/37/L.5/Rev.1, it would have preferred reaching a consensus. The set of principles was general in nature. The particular concepts and terms contained in those principles would have to be further defined as necessary in the future.

70. Mr. BONDIOLI-OSIO (Italy) said that his delegation had voted against the draft resolution because it could not agree with several aspects of the text. First, the section entitled "Purposes and objectives" did not strike a balance between the free flow of information, which was of paramount importance, and state sovereignty. Secondly, the principle of state responsibility was not clear. Thirdly, the sponsors attempted to stipulate, through the principle of "Consultations and agreements between States", an obligation to enter into non-technical agreements prior to any direct television broadcasting; that did not correspond to any existing provisions of general international law.

71. It was regrettable that the informal consultations to reach a consensus had been interrupted by the submission of a text on which no compromise was possible. By insisting on a vote, the sponsors had broken a rule of consensus which had governed United Nations activities in the field of outer space since the beginning; the vote set a bad precedent. It was to be hoped that, before the adoption of the draft resolution by the plenary Assembly, reason would prevail and the text would be amended in accordance with the rule of consensus.

72. Mr. SAINT-MARTIN (Canada) said that his delegation had abstained in the vote on the draft resolution. It was regrettable that a consensus had not been reached. On a number of occasions consensus had seemed attainable, and success could have been achieved if all sides had shown a willingness to compromise. During the recent negotiations a number of delegations had shown flexibility with regard to textual problems in order to achieve a consensus. It was regrettable that other delegations had not shown similar flexibility and that ultimately the initiative had proved fruitless. His delegation remained committed to the process of consensus as the only satisfactory way of developing generally applicable principles.

73. Mr. CRAIG (Ireland) said that his delegation firmly supported the principle of free flow of information and believed that that principle should be upheld at the international level with regard to television broadcasting and all other

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(Mr. Craig, Ireland)

information media. Nevertheless, Ireland appreciated the widely expressed concern at the possible implications of direct television broadcasting, particularly those of a social and cultural nature. Any set of principles on that important and complex issue must be adopted on the basis of consensus, in order to be effective. It was regrettable that the negotiations conducted in the Outer Space Committee had not led to consensus.

74. His delegation did not question the right of the General Assembly to consider the matter at that stage, but had serious doubts about the wisdom of putting to a vote, in the absence of agreement on its contents, a text which purported to set out universal principles. It was unlikely that that would serve any practical useful purpose. Furthermore, that vote might also prejudice prospects for further progress on the matter in the Outer Space Committee. For those reasons, his delegation had abstained in the vote on the draft resolution.

75. Mr. GUNNARSSON (Iceland) said it was regrettable that it had not been possible to reach a consensus on draft resolution A/SPC/37/L.5/Rev.1. His delegation would have been able to support it had it not been for the last three paragraphs. In the circumstances, he had voted against it.

76. Mr. BRATTSTROM (Sweden) said it was deeply regrettable that it had not been possible to achieve a consensus on the draft set of principles, in spite of the efforts of many delegations over several years to reach a compromise. His delegation had abstained in the vote because the draft resolution was not in keeping with the tradition of consensus, which guided the work of the Outer Space Committee. Sweden attached particular importance to the adoption by consensus of regulations governing activities in outer space; such regulations would not be generally adhered to unless they were based on consensus.

77. Some of the principles annexed to the draft resolution could not be implemented in Sweden, because they were contrary to the Swedish Constitution, which safeguarded independence of the mass media, including television. The principles contained in the annex did not include a preamble, which had been tentatively agreed upon and which included a number of important considerations. The principles in the section entitled "Purposes and objectives" could be interpreted as authorizing government control of the content of programmes, which was unacceptable to his delegation. The formulation of the principle of state responsibility was too broad and could be interpreted as implying a responsibility on the part of Governments for the content of programmes. His delegation felt that state responsibility could be applied to the activities in outer space only as set out in article VI of the Outer Space Treaty of 1967.

78. Mr. EDEY (Barbados) said that, if his delegation had been present during the vote, it would have voted in favour of draft resolution A/SPC/37/L.5/Rev.1.

79. Mr. SERAJZADEH (Islamic Republic of Iran) said that his delegation wished to change its vote to one in favour of draft resolution A/SPC/37/L.5/Rev.1.

The meeting rose at 1 p.m.