

**REPORT
OF THE
COMMITTEE
ON THE PEACEFUL USES
OF OUTER SPACE**

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY-EIGHTH SESSION

SUPPLEMENT No. 20 (A/38/20)



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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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I. INTRODUCTION

1. The Committee on the Peaceful Uses of Outer Space held its twenty-sixth session at United Nations Headquarters from 20 June to 1 July 1983. The officers of the Committee were the following:

Chairman: Mr. Peter Jankowitsch (Austria)
Vice-Chairman: Mr. Teodor Marinescu (Romania)
Rapporteur: Mr. Henrique Rodrigues Valle (Brazil)

The verbatim records of the Committee's meetings are contained in documents A/AC.105/PV.245-254.

A. Meetings of subsidiary bodies

2. The Scientific and Technical Sub-Committee held its twentieth session at United Nations Headquarters from 7 to 17 February 1983 under the chairmanship of Mr. J. H. Carver (Australia). The report of the Sub-Committee was issued under the symbol A/AC.105/318.

3. The Legal Sub-Committee held its twenty-second session at United Nations Headquarters from 21 March to 8 April 1983 under the chairmanship of Mr. Ludek Handl (Czechoslovakia). The report of the Sub-Committee was issued under the symbol A/AC.105/320 and Corr.1. The summary records of the Sub-Committee's meetings are contained in documents A/AC.105/C.2/SR.381-398.

B. Twenty-sixth session of the Committee

4. At its opening meeting, on 20 June 1983, the Committee on the Peaceful Uses of Outer Space adopted the following agenda:

1. Adoption of the agenda.
2. Statement by the Chairman.
3. General exchange of views.
4. Report of the Scientific and Technical Sub-Committee on the work of its twentieth session (A/AC.105/318).
5. Report of the Legal Sub-Committee on the work of its twenty-second session (A/AC.105/320).
6. Implementation of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space.
7. Other matters.
8. Report of the Committee to the General Assembly.

Attendance

5. Representatives of the following Member States attended the session: Argentina, Australia, Austria, Belgium, Benin, Brazil, Bulgaria, Canada, Chad, Chile, China, Colombia, Czechoslovakia, Ecuador, Egypt, France, German Democratic Republic, Germany, Federal Republic of, Greece, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Japan, Kenya, Mexico, Mongolia, Morocco, Netherlands, Niger, Nigeria, Pakistan, Philippines, Poland, Romania, Sierra Leone, Spain, Sudan, Sweden, Syrian Arab Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Uruguay, Venezuela, Viet Nam and Yugoslavia.
6. The Committee decided to invite, at their request, the representatives of Bangladesh, Cuba, the Holy See, Peru and Switzerland to attend the twenty-sixth session of the Committee and address it, as appropriate, on the understanding that this would be without prejudice to further requests of this nature and that it would not involve any decision of the Committee concerning status. On the same understanding, and at his request, the Committee also invited the representative of the League of Arab States to attend the session.
7. Representatives of the Office of the United Nations Disaster Relief Co-ordinator (UNDRO) and the United Nations Development Programme (UNDP) also attended the session.
8. Representatives of the following specialized agencies attended the session: Food and Agriculture Organization of the United Nations (FAO); United Nations Educational, Scientific and Cultural Organization (UNESCO); International Telecommunication Union (ITU); and World Meteorological Organization (WMO).
9. Representatives of the European Space Agency (ESA), the Committee on Space Research (COSPAR) of the International Council of Scientific Unions (ICSU) and the International Astronautical Federation (IAF) also attended the session.
10. A list of representatives attending the session is contained in document A/AC.105/XXVI/INF.1 and Add.1.

Proceedings

11. At the opening of the session, at the 245th meeting, the Chairman of the Committee made a statement reviewing the work of the Committee's subsidiary bodies and outlining the work of the Committee. He noted that the twenty-sixth session of the Committee was being convened at a truly auspicious time in outer space events and referred to the recent developments in the space transportation systems. He also reviewed the current status of international co-operation relating to outer space and called upon the Committee to continue strengthening co-operation in this field. The text of the Chairman's statement is annexed to the present report.
12. Having been informed that its Rapporteur, Mr. Carlos Antonio Bettencourt Bueno, had been assigned to a new post, the Committee at its 245th meeting elected Mr. Henrique Rodrigues Valle as its new Rapporteur.
13. The Committee held a general exchange of views at the 245th to 250th meetings, from 20 to 24 June 1983, in the course of which statements were made by the representatives of Argentina, Austria, Brazil, Bulgaria, Canada, Chile, China,

Colombia, Cuba, Czechoslovakia, Egypt, France, the German Democratic Republic, the Federal Republic of Germany, Hungary, India, Indonesia, Iraq, Italy, Japan, Kenya, Mexico, Mongolia, the Netherlands, Nigeria, Pakistan, the Philippines, Poland, Romania, Spain, Sudan, Sweden, the Syrian Arab Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Venezuela, Viet Nam and Yugoslavia. These statements are contained in the verbatim records of the 245th to 250th meetings of the Committee (A/AC.105/PV.245-250).

14. The representatives of FAO, ESA, IAF, COSPAR and the United Nations Expert on Space Applications also made statements. These statements are contained in the verbatim records of the 245th to 250th meetings of the Committee (A/AC.105/PV.245-250).

15. After considering the various items before it, the Committee, at its 254th meeting on 1 July 1983, adopted its report to the General Assembly containing the recommendations and decisions set out in the paragraphs below.

II. RECOMMENDATIONS AND DECISIONS

A. Report of the Scientific and Technical Sub-Committee

16. The Committee took note with appreciation of the report of the Scientific and Technical Sub-Committee on the work of its twentieth session (A/AC.105/318) covering the results of its deliberations of the items assigned to it by General Assembly resolutions 37/89 and 37/90.

1. United Nations Programme on Space Applications and co-ordination of outer space activities within the United Nations system

United Nations Programme on Space Applications

17. The Committee took note of the United Nations Programme on Space Applications as set out in chapter I of the report of the Sub-Committee and was pleased to note that further progress had continued to be made in the implementation of that Programme.

18. In this regard, the Committee expressed its appreciation to the Expert on Space Applications for the effective manner in which he had implemented the United Nations Programme within the limited funds at his disposal.

19. The Committee endorsed the programme of activities proposed under the United Nations Programme on Space Applications for 1984 as outlined by the Expert in his report (A/AC.105/310, para. 36 (c)), together with a statement on the administrative aspects of that programme (A/AC.105/L.130, sect. VI (2) (c)), and recommended the programme of activities for approval by the Sub-Committee. In this connection, the Committee noted that the 1984 Programme had been formulated with the results of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE-82) duly taken into account.

20. The Committee also noted that, with regard to other activities proposed for 1984 and future years, the Sub-Committee reviewed them in the context of its consideration of the item entitled "Implementation of the recommendations of UNISPACE-82" and followed the same procedure (see paras. 27-29 of the present report).

21. Regarding the activities of the Space Applications Programme in 1982, the Committee expressed its appreciation to the Government of Ecuador for co-sponsoring a regional seminar on space applications in preparation for UNISPACE-82; to the Economic Commission for Africa (ECA) for hosting an interregional seminar on space applications in preparation for UNISPACE-82; to COSPAR and the Committee on Science and Technology in Developing Countries (COSTED) for co-sponsoring with the United Nations an international symposium on space research; and to the Government of Italy and FAO for co-sponsoring the seventh United Nations/FAO international training course on remote sensing applications. Regarding 1983 activities, the Committee also expressed its appreciation to the Government of Brazil and the Economic and Social Commission for Asia and the Pacific (ESCAP) for having hosted regional seminars; to ECA for hosting an interregional seminar; and to the Government of Italy and ESA, FAO, UNESCO and WMO for co-sponsoring, with United Nations international training seminars on remote sensing. The Committee noted

with appreciation the financial assistance offered by the Governments of Brazil and Italy, by ESA, FAO, UNESCO and WMO in connection with those seminars.

22. In the course of the session, the Committee noted with satisfaction that, in accordance with its recommendation at its last session, the Expert on Space Applications had explored the possibility of United Nations co-operation with the European Association of Remote Sensing Laboratories (EARSeL) in the implementation of the United Nations Programme on Space Applications and presented a report to the Sub-Committee (A/AC.105/311). The Committee further noted that the Sub-Committee had taken this report into account in considering the item entitled "Implementation of the recommendations of UNISPACE-82".

23. The Committee further expressed its appreciation to the Government of Austria for having offered fellowships through the United Nations to candidates from developing countries for study and training in areas of microwave technology in 1983. The Committee further noted that the question of fellowship programmes for 1984 and future years was dealt with by the Sub-Committee in the context of its consideration of the item "Implementation of the recommendations of UNISPACE-82".

Co-ordination of outer space activities within the United Nations system

24. The Committee noted with appreciation the participation in its work and that of its sub-committees by representatives of United Nations bodies, the specialized agencies and other international organizations and found the reports they had submitted helpful in enabling the Committee and its subsidiary bodies to fulfil their role as a focal point for international co-operation, especially with respect to the practical application of space science and technology in developing countries.

25. The Committee further noted with appreciation that the Sub-Committee continued to stress the necessity of ensuring continuous and effective consultations and co-ordination in the field of outer space activities among organizations within the United Nations system. In this connection, the Committee noted with satisfaction that a fifth Inter-Agency Meeting on Outer Space Activities would be held in October 1983 at WMO headquarters at Geneva.

2. Implementation of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space

26. The Committee noted with satisfaction that, in accordance with General Assembly resolutions 37/89 and 37/90, the Sub-Committee had given detailed consideration to this item. The Committee endorsed the agreement reached in the Sub-Committee that it was of urgent importance to implement the recommendations of the UNISPACE-82 Conference as early and as fully as possible. In this connection, the Committee noted that the recommendations were to be implemented mainly through voluntary contributions of States in money or in kind, as well as through the rearrangement of priorities within the next regular budget of the United Nations, and recalled the request of the General Assembly, contained in resolution 37/90, to Member States to make the necessary voluntary contributions.

27. With regard to the newly mandated and expanded United Nations Programme on Space Applications, the Committee noted that the Sub-Committee had considered a series of activities, including those relating to the International Space

Information Service proposed for 1984 and future years by the Expert on Space Applications in his annual reports (A/AC.105/310 and A/AC.105/L.130) and his report entitled "Translation of space-applications-related recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE-82) into operational programmes" (A/AC.105/313). In considering this subject, the Committee also took note of the report by the Expert on Space Applications on requests/needs of Member States relating to space applications (A/AC.105/L.137) which had been prepared at the request of the Sub-Committee. The Committee noted with satisfaction the statement of the Expert that, with that document, the Space Applications Programme was in a better position to understand the needs of Member States and the specific areas in which to offer assistance.

28. The Committee also noted a report submitted by the Expert at the request of the Sub-Committee at its last session on the offers of contributions by Member States for activities relating to the Space Applications Programme (A/AC.105/L.135 and Add.1) as well as the Expert's statement on this subject. The Committee noted with appreciation (a) the offers of financial contributions by China and Sweden, (b) the offers to host/sponsor/co-sponsor training courses/seminars by China, Egypt, the Federal Republic of Germany, the Soviet Union and the United Nations Centre for Human Settlements (Habitat) and (c) the offers of fellowships by Austria, Greece and the Soviet Union. The Committee welcomed the statements by Bulgaria and Indonesia that they would offer fellowships and it also welcomed the statement of ESA that it would offer fellowships as well as its experience in information retrieval for the setting up of the International Space Information Service. The Committee further called upon those Member States which had made oral offers of contributions as well as other Member States and international funding agencies which were considering making additional offers, to confirm them in writing as soon as possible.

29. Furthermore, the Committee endorsed the decision of the Sub-Committee that the Expert should annually inform the Member States of the state of the fellowship programme and also of the funds available. The Committee also endorsed the recommendation of the Sub-Committee that, in international symposia, schools, etc., on space activity, places should be made available free of registration fees for applicants from developing countries.

30. With regard to the international studies to be undertaken by the United Nations independently or together with the other United Nations organizations, the Committee endorsed the recommendation of the Sub-Committee that the following three studies should be carried out on a priority basis:

(a) Assistance to countries in studying their remote sensing needs and assessing appropriate systems for meeting such needs (United Nations, UNDP, the United Nations Environment Programme (UNEP) and FAO);

(b) The feasibility of using direct broadcasting satellites for educational purposes and of internationally or regionally-owned space segments (United Nations, ITU and UNESCO);

(c) The feasibility of obtaining closer spacing of satellites in the geostationary orbit and their satisfactory co-existence, including a closer examination of techno-economic implications, particularly for developing countries, in order to ensure the most effective utilization of this orbit in the interest of all countries (United Nations, ITU and other organizations).

The complete descriptions of the three studies are to be found in paragraphs 173, 249 and 66 respectively of the report of the Conference (A/CONF.101/10 and Corr.1 and 2).

31. The Committee had before it a note from the Secretariat (A/AC.105/L.132 and Corr.1) outlining possible procedures for carrying out these studies. In this regard, the Committee made the following recommendations.

32. The studies should be objective examinations of space technology and its applications, taking into account the technology that is available today and technology that is currently under development, based on information provided by Member States and experts from Member States. They should include consideration of actual and potential costs and benefits of space and ground systems.

33. Member States, specialized agencies and other international organizations concerned should be invited to submit working papers on each of the studies. These papers would be distributed to the experts and reflected in the final draft.

34. Each study should be conducted with the assistance of a group of experts provided by Member States. Since the experts will be involved in organizing the study, compiling information and writing the final report, it is essential that they have direct experience in the development or use of the technology concerned by the study.

35. To permit the groups of experts to work effectively, each group should be limited to about 10 experts. The Member States invited to provide experts should be selected to ensure that the expert groups include representatives from States operating or intending to operate systems and user States, from developed and developing countries and taking into account the need for equitable geographical distribution.

36. The Committee requested the Secretary-General to invite Member States selected in accordance with the criteria given in paragraph 35 to nominate experts for the three groups. The Secretary-General would appoint the experts and organize the meetings of the groups.

37. Where appropriate, experts from specialized agencies should be invited to contribute to the expert groups at their own expense.

38. Meetings of the groups of experts should normally be held, either immediately preceding or during the meetings of the Committee and its sub-committees. Other meeting arrangements may be made on an exceptional basis. The schedule for the studies should be as given in document A/AC.105/L.132/Corr.1 taking into account the views of Member States.

39. A working draft of each study, prepared on the basis of working papers submitted by Member States and specialized agencies, should be circulated to the concerned group of experts well in advance of its meeting. Each group of experts should be convened for about three days to review the draft and consider revisions to be made for the draft final study, which will be sent to all States members of the Committee.

40. The reports should be submitted to the Scientific and Technical Sub-Committee, for consideration and evaluation and through it to the Committee for recommendations for appropriate action.

41. The studies should be carried out, to the extent feasible, within the resources available to the United Nations, on the understanding that the temporary post for a technical specialist on space science and technology provided for 1983 would be available until the completion of the studies. In order to ensure full participation of all experts in the groups, Member States were requested to provide working papers in as many of the official languages as possible. Some delegations expressed the view that, in order to ensure full participation of all experts in the groups, the United Nations should defray the travel and per diem expenses for the participation of experts from developing countries. Other delegations considered that this was not appropriate and that, even if it had been appropriate, the United Nations would have had to bear the expenses of all experts.

42. To the extent that the requirements of the groups of experts with respect to interpretation and translation services cannot be met by voluntary contributions, these services should be provided by the United Nations. The Committee noted that the Secretariat had provided preliminary cost estimates for providing these services and that a statement of financial implications would be submitted to the General Assembly for its approval at its next session.

43. With regard to a number of other studies recommended to be undertaken by specialized agencies and other international organizations, the Committee noted with satisfaction the information on their progress contained in the report A/AC.105/L.136 and Add.1 and joined the Sub-Committee in inviting the specialized agencies and international organizations to undertake studies which had been recommended by UNISPACE-82 but had not yet been undertaken. In this connection, the Committee welcomed the offer by COSPAR to undertake a study of the deleterious effects of intentionally releasing gaseous or other material in space for scientific studies, to collate existing findings and, if necessary, to undertake further studies to determine the effect of frequent and large-rocket launches and to evaluate the effects of using ion engines for propulsion (A/CONF.101/10, para. 294).

44. With regard to inter-agency co-operation, the Committee noted that, in accordance with the agreement in the Sub-Committee, information on activities designed for implementing the recommendations of UNISPACE-82 had been forwarded to funding agencies and bodies with established operational activities so that these might be taken into account in the planning and setting up of programmes. The Committee further noted with appreciation the report submitted by the Secretary-General at the Sub-Committee's request (A/AC.105/L.136 and Add.1) on the plans of the specialized agencies and other related bodies for implementing the recommendations of UNISPACE-82 as well as the information provided to the Committee during its current session by the United Nations Expert on Space Applications and representatives of UNDP, FAO, ITU and WMO. The Committee expressed its satisfaction that, in accordance with UNISPACE-82 recommendations, United Nations departments (PSCA/OSAD), bodies (UNDRO), specialized agencies (FAO, ITU, UNESCO and WMO) and regional commissions (ECLA and ESCAP), and international organizations (IMO, INMARSAT and INTELSAT) had made plans and were strengthening their programme in order to implement the recommendations of the Conference. The Committee requested all concerned organizations to continue to strengthen their programmes with the view to fully implementing the relevant recommendations of UNISPACE-82 and keeping the Committee informed of subsequent developments. The Committee also requested those organizations that had not yet submitted their plans concerning the implementation of the recommendations of the Conference to do so prior to the twenty-first session of the Scientific and Technical Sub-Committee.

45. The Committee also noted that the World Bank's Communication Lending Programme included appropriate consideration for the satellite communication needs of borrowers, that funds for this purpose were only available through its loans and that, because the World Bank's budget funds for space technology were extremely limited, the World Bank was not currently in a position to contribute to the funding of the activities of the United Nations Programme on Space Applications.

46. The Committee further noted that UNDP financially supported programmes in developing countries on the basis of the requests from and priorities established by individual Member States and communicated to UNDP headquarters through its field offices. The Committee noted that UNDP had taken note of General Assembly resolution 37/90 and the newly mandated and expanded activities of the United Nations Space Applications Programme contained in that resolution, and that it had communicated these to its field offices. Developing countries, acting together on a regional basis, can also request funding from the regional allocations of UNDP to support regional activities. In furtherance of the implementation of UNISPACE-82 recommendations, the Committee requested the Secretariat to take note of and operate within the above UNDP funding procedures.

47. Regarding regional co-operation, the Committee endorsed the request of the Sub-Committee that the Secretary-General should support the establishment and strengthening of "regional mechanisms of co-operation". For that purpose, it was considered necessary, under the auspices of the specialized agencies of the United Nations and the Department of Technical Co-operation for Development and with the co-operation of the Outer Space Affairs Division, to hold multidisciplinary seminars of experts to carry out relevant feasibility studies of those organs. In this connection, the Committee noted with appreciation the list of specialists in space science and technology in the United Nations system contained in document A/AC.105/L/138. The Committee took note with satisfaction of the Argentine Government's offer to host the first meeting of governmental experts to define the most appropriate mechanisms of regional co-operation in order to fulfil the spirit of the recommendations of UNISPACE-82 (para. 353), which had been endorsed in General Assembly resolution 37/90, and the recommendations of the seminars held at Quito in 1982 (A/AC.105/307) and at São José dos Campos in 1983 (A/AC.105/321).

3. Remote sensing of the earth by satellites

48. The Committee noted with satisfaction that the Scientific and Technical Sub-Committee, in accordance with the recommendation of the Committee endorsed by the General Assembly, had continued its priority consideration of questions relating to the remote sensing of the earth by satellites. The Committee also noted that, in the course of the debate in the Sub-Committee, delegations had reaffirmed their basic positions relating to remote sensing data which had been reflected in the reports of the previous sessions of the Sub-Committee.

49. The Committee noted with satisfaction that, in accordance with the Sub-Committee's recommendations regarding improvements in the compilation of the list of remote sensing applications which had been endorsed by the Committee, further information had been received from several Member States (A/AC.105/297/Add.2-4) and it endorsed the view that the updating of the catalogue should be continued and that more Member States should provide information to be included in the list, which should be made available to all interested nations.

50. The Committee took note of the importance of the compatibility and complementarity of systems for remote sensing of the earth from satellites, especially from the standpoint of land-based investments.

51. The Committee noted that, given the investments already made - or to be made - on the ground by many countries (in the form of ground stations, processing equipment, data archival, software, and so on), the important element was continuity of data availability in a form compatible with present systems. The Committee noted that system operators might keep this consideration in mind in the planning of future systems.

52. The Committee took note of how important it was that access to the information obtained from weather satellites should be non-discriminatory and free of charge. Accordingly, all countries were urged to maintain that co-operation mechanism and to ensure its continuity and free access to it in the future.

53. The Committee agreed that the Sub-Committee should continue consideration of this item on a priority basis at its next session.

4. Use of nuclear power sources in outer space

54. The Committee noted that the Sub-Committee, in accordance with General Assembly resolution 37/89, had continued its consideration of the technical aspects and safety measures relating to the use of nuclear power sources in outer space.

55. The Committee noted that there had been detailed discussion of this item in the Sub-Committee as reflected in paragraphs 72 to 74 of its report (A/AC.105/318). In the course of the Committee's consideration of this item, delegations generally reiterated the views expressed in the Sub-Committee.

56. The Committee endorsed the recommendation of the Sub-Committee that this item should be kept as a priority item on the Sub-Committee's agenda (see para. 82 below).

5. Space transportation systems

57. The Committee noted that, in accordance with General Assembly resolution 37/89, the Sub-Committee had continued the consideration of the item relating to space transportation systems and their implications for future activities in space.

58. The Committee took note of the statements on the progress being achieved in the various programmes in operation or planned as reported by China, France, India, Japan, the Union of Soviet Socialist Republics, the United States of America and ESA.

59. The Committee endorsed the decision of the Sub-Committee that it continue consideration of this item at its next session.

6. Examination of the physical nature and technical attributes of the geostationary orbit

60. The Committee noted that, in accordance with General Assembly resolution 37/89, the Sub-Committee had continued the examination of the physical nature and technical attributes of the geostationary orbit.

61. The Committee noted that delegations had reiterated and elaborated on the views expressed by them at earlier sessions of the Sub-Committee.

62. The Committee noted with interest the updated study prepared by the Secretariat (A/AC.105/203/Add.4), and endorsed the request of the Sub-Committee that the study on the physical nature and technical attributes of the geostationary orbit continue to be brought up to date as required. The Committee noted, in this connection, that studies were being undertaken by ITU in preparation for the World Administrative Radio Conference to be held in 1985 and 1988 to consider the use of the geostationary satellite orbit and to the planning of services utilizing it.

63. Regarding the geostationary orbit, the Committee noted that, in accordance with the recommendations of UNISPACE-82 (A/CONF.101/10, para. 284), the Sub-Committee had considered that the future specialized conferences of ITU, both at the world and regional levels, should take into account the need to develop criteria, planning methods and/or arrangements for the equitable and efficient use of the geostationary orbit and the radio frequency spectrum, based on genuine need as identified by each country, and taking into account the specific needs of the developing countries as well as the special geographic situation of particular countries.

64. The Committee endorsed the decision of the Sub-Committee that it continue consideration of this item at its next session.

B. Report of the Legal Sub-Committee

65. The Committee took note with appreciation of the report of the Legal Sub-Committee on the work of its twenty-second session (A/AC.105/320) which provided the results of its deliberations on the items assigned to it by General Assembly resolution 37/89.

1. Legal implications of remote sensing of the earth from space, with the aim of formulating draft principles

66. The Committee noted that, in continuing as a matter of priority its detailed consideration of the legal implications of remote sensing of the earth by satellites, the Sub-Committee had re-established its Working Group on remote sensing under the chairmanship of Mr. Cede (Austria). The Committee also noted that a principle-by-principle reading of the draft principles as formulated to date had been carried out with special attention being given to the discussion of principles XI through XV. The Committee further noted that a number of issues continued to require resolution before a final text could be prepared (A/AC.105/320, paras. 16-22 and annex I).

67. The Committee, taking into account the recommendation contained in paragraph 309 of the report of UNISPACE-82, by which the Conference recognized, inter alia, that "it is now time for countries to agree on the legal implications of remote sensing of the earth from space", recommended that the Legal Sub-Committee should make every effort to finalize the draft principles on remote sensing; in particular, the Committee recommended that the Legal Sub-Committee should devote special attention to principles XII, XIII and XV with a view to reaching meaningful agreement.

68. The Committee recommended that this item be retained as a matter of priority on the agenda of the Legal Sub-Committee for its twenty-third session.

2. Consideration of the possibility of supplementing the norms of international law relevant to the use of nuclear power sources in outer space

69. The Committee noted that, in giving detailed consideration to this item, the Sub-Committee had again established its Working Group on this item under the chairmanship of Mr. Bueno (Brazil) during its twenty-second session.

70. The Committee noted the work carried out by the Working Group, as reflected in the report of the Legal Sub-Committee (A/AC.105/320, paras. 23-29 and annex II).

71. The Committee noted with satisfaction the successful efforts of the Legal Sub-Committee in elaborating an agreed text concerning the format and the procedure for notification in case of malfunction of a spacecraft carrying a nuclear power source on board. The Committee endorsed this text (A/AC.105/320, annex II, para. 6). The Committee recommended that the Sub-Committee should continue to seek to achieve further progress in the elaboration of provisions pertaining to the use of nuclear power sources in outer space.

72. Various views were expressed by delegations regarding the procedure to be followed for this agenda item (see A/AC.105/PV.245-252).

3. Matters relating to the definition and/or delimitation of outer space and outer space activities, bearing in mind inter alia, questions relating to the geostationary orbit

73. The Committee noted that, in accordance with General Assembly resolution 37/89, the Legal Sub-Committee continued to consider matters relating to the definition and/or delimitation of outer space and outer space activities, bearing in mind, inter alia, questions relating to the geostationary orbit.

74. The Committee noted that a variety of views was expressed on this question. These are reflected in paragraphs 30-45 of the report of the Legal Sub-Committee (A/AC.105/320) and were reiterated during the current session of the Committee.

75. Some delegations expressed the view that the Legal Sub-Committee should establish a working group to consider, on a priority basis, matters relating to the definition and/or delimitation of outer space and to the character and utilization of the geostationary orbit, including the elaboration of general principles to govern the rational and equitable use of the geostationary orbit and, to that end,

request Member States additionally to submit draft principles. In so doing, account would have to be taken of the different legal régimes governing air space and outer space respectively and the need for technical planning and legal regulation of the use of the geostationary orbit. Moreover, these delegations were of the opinion that the forthcoming session of the General Assembly should seriously consider the creation of such a working group. Other delegations were of the view that such a working group was not necessary as there was no practical need or scientific basis for a definition and/or delimitation of outer space and that discussion of the geostationary orbit should be left to the consideration of other international forums such as ITU. These delegations were of the view that there was no practical question concerning the geostationary orbit, which is clearly in outer space, which could be answered or indeed appropriately addressed by the development of new legal norms outside the ITU context.

76. The Committee recommended that this item be retained on the agenda of the Legal Sub-Committee for further consideration at its twenty-third session.

C. Other matters

77. The Committee, taking into account paragraphs 13 and 14 of the report of UNISPACE-82, by which the Conference recognized that the extension of an arms race in outer space was a matter of grave concern to the international community, urged all nations, in particular those with major space capabilities, to contribute actively to the goal of preventing an arms race in outer space and to refrain from any action contrary to that aim, and declared that the prevention of an arms race and hostilities in outer space was an essential condition for the promotion and continuation of international co-operation in the exploration and use of outer space for peaceful purposes. Some delegations strongly felt that all efforts should be made for the early preparation of pertinent legal instruments for preventing any further militarization of outer space and its use for non-peaceful purposes. Those instruments should recognize unequivocally that outer space was an area of co-operation and not of confrontation between States. These delegations recommended that all States with the capacity for testing, deploying and stationing weapons in outer space as well as for use in outer space should be urged to refrain from doing so. Some delegations expressed the view that the two major space powers should resume the arms control negotiations on anti-satellite systems.

78. Some delegations noted that, at the request of the General Assembly, the Committee on Disarmament had begun consideration of the question of preventing an arms race in outer space. These delegations expressed the hope that the work of the Committee on Disarmament would produce a fruitful result as early as possible. In this connection, some of these delegations expressed the view that the Committee on Disarmament was the appropriate forum to address this issue. Other delegations expressed the view that the Committee on the Peaceful Uses of Outer Space had a legitimate interest in this issue and that its views should be taken into account by the Committee on Disarmament in its negotiations. These delegations also felt that the issue of the prevention of the extension of the arms race in outer space should, in view of the current situation, be included in the agenda of the Committee on the Peaceful Uses of Outer Space and be considered by it on a priority basis.

79. The Committee noted with appreciation the participation in its work and that of its sub-committees by representatives of United Nations bodies and specialized

agencies, and found the reports they had submitted helpful in enabling the Committee and its subsidiary bodies to fulfil their role as a focal point of international co-operation. The Committee also noted with appreciation the participation in its work and that of its sub-committees by the representatives of ESA, COSPAR and IAF. The Committee requested concerned organizations to continue to keep the Committee informed of their activities relating to peaceful uses of outer space.

80. At the 245th meeting, the Chairman of the Committee brought to the attention of the Committee document A/AC.105/319 containing a request by Cuba to become a member of the Committee and informed the Committee that the question of the composition of the Committee was the exclusive responsibility of the General Assembly and he would so inform the delegation of Cuba.

81. Some delegations held the view that the General Assembly should consider requesting the Committee to consider the question of its membership and of the participation in its work. Other delegations expressed the view that this was inappropriate.

D. Future work of the sub-committees

82. The Committee noted the views expressed by the Scientific and Technical Sub-Committee as contained in paragraphs 90 to 93 of its report (A/AC.105/318) and endorsed the recommendations contained in paragraphs 90 and 91 concerning the agenda of the twenty-first session of that Sub-Committee. It further recommended that the working group on the use of nuclear power sources be reconvened during the next session of the Sub-Committee to conduct additional work on the basis of the report of the Working Group on the Use of Nuclear Power Sources in Outer Space on the work of its third session (A/AC.105/287, annex II).

83. Regarding the agenda of the Legal Sub-Committee, the Committee recommended that the Legal Sub-Committee at its twenty-third session, should:

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

- (b) Continue its consideration of:

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

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

84. Several delegations expressed the view that it was necessary to draft a treaty concerning the use of direct television broadcast satellites. These delegations expressed the view that the principles adopted by the General Assembly at its thirty-seventh session in resolution 37/92 could serve as the basis for the formulation of a relevant international convention. Some delegations were of the

opinion that the principles would not provide an acceptable basis for the drafting of an international treaty. Still other delegations expressed the view that the text should not be considered at the present time and that it should be reviewed at a future date.

E. Schedule of work of the Committee and its subsidiary bodies

85. The Committee agreed on the following timetable for 1984:

	<u>Time</u>	<u>Location</u>
Scientific and Technical Sub-Committee	13-24 February	New York
Legal Sub-Committee	19 March-6 April	Geneva
Committee on the Peaceful Uses of Outer Space	11-22 June	New York/Vienna

86. A suggestion was made that it might be time, once again, to convene a session of the Committee outside New York at another headquarters of the United Nations. In this connection, the Committee noted the statement of Austria that it was considering the possibility of inviting the Committee to hold its next session at Vienna.

ANNEX

Opening statement by the Chairman of the Committee on the
Peaceful Uses of Outer Space

1. I should like to welcome all members to the twenty-sixth session of the Committee on the Peaceful Uses of Outer Space. It is indeed a great pleasure for me to meet again here with many of those with whom we share long years of common experience in our work and with many of those who have done much to give this Committee its special flavour and quality. I should also like to extend a special greeting to those members who are attending the Committee for the first time, we look forward to working with them as well.
2. In connection with past achievements of the Committee, some members may have noticed that we shall meet this year without the help and inspiration of three very exceptional friends of this Committee who have never failed to provide help in our work. They are: Eugeniusz Wyzner, the long-time Chairman of our Legal Sub-Committee; Ambassador Carlos Bettencourt Bueno, who was for many years our Rapporteur and one of the most resourceful people in this Committee and who frequently presided over working group and sub-committee meetings; and last, but not least, we shall miss our old friend Marvin Robinson, the Chief of the Outer Space Affairs Division, who has probably dedicated more years of working life to this Committee than most of us here. In paying tribute to them and, through them, to the many other representatives who have supported the work of this Committee, I wish to set before the Committee this shining example of international co-operation which these three officers in particular have provided.
3. The twenty-sixth session of the Committee is being convened at a truly auspicious time in outer space events. Only last Thursday, 16 June, the launcher of the European Space Agency, Ariane L-6, was successfully launched for its first operational mission, placing two communications satellites into orbit.
4. Last Saturday, 18 June, the United States space shuttle Challenger made a successful lift-off for its second flight, which marked the seventh shuttle flight in all - STS-7. On that occasion, Challenger deployed, among others, two communications satellites - the Canadian satellite, Anik-C, and the Indonesian satellite, Palapa-B. At the same time, it attracted attention and admiration for sending the largest crew ever in a manned space launch into orbit, having five astronauts on board, including the first American woman to go into space - the much admired Sally Ride.
5. Also, earlier in the year, in March, Cosmos 1443 of the Soviet Union delivered equipment and various cargoes to the Salyut-7 station. Cosmos 1443 was linked to Salyut-7 and significantly increased the size of the space station, providing living and working room for as many as six cosmonauts.
6. Further, on 17 April, India made a successful launching through its launcher SLV-3. In addition, on 4 February, Japan made a similar successful launch through one of its N-II launchers.
7. On behalf of the Committee, I offer congratulations to all those that achieved those splendid space successes. I congratulate the European Space Agency and the European countries associated with it - France in particular - the United States, the Soviet Union, India and Japan, on these impressive successes in their space

programme. All these events have set new standards for progress in man's ever-expanding exploration of outer space and, in particular, space transportation systems - a subject, incidentally, which we are likely to discuss during this session.

8. This year's session of the Committee is the first to be held after the landmark event that was UNISPACE-82, the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space. It would certainly be tempting after an event like that, after exposure to the wide range and scope of ideas and proposals at UNISPACE-82, to return to the safe havens of routine procedures. But I believe that the Committee now faces a period of even greater challenge, of even greater excitement, a challenge paralleled perhaps only by the early years of the Committee's existence.

9. There is a challenge because UNISPACE-82, I believe, fulfilled more than one major promise. It pointed to the many ways in which space technology is utilized and can be utilized, how its benefits can serve all the nations of this planet and, most particularly, social and economic progress in developing countries. UNISPACE-82 provided many new ideas on how co-operation for this purpose - bilateral, multilateral, regional, interregional or global: all forms of co-operation - could be organized to generalize and universalize these benefits without bias and without discrimination. Although there is a great deal of room for speculation as to the future benefits of space technology, we now have before us a very detailed, very concise and, I believe, realistic programme of work which is likely to cover many of the coming years.

10. Much of this work will be in the field of information, as UNISPACE-82 generated a great deal of new facts concerning the benefits and uses of space applications. Efforts at sharing and pooling information will therefore have to receive much attention. In addition, UNISPACE-82 provided us with important guide-posts for entering yet another phase of our work: fostering every conceivable form of co-operation in maximizing the benefits of space technology.

11. But there is another important lesson to be drawn from UNISPACE-82. We saw at UNISPACE-82 how important gains in international co-operation can be made without perhaps setting our sights a little too high, without embarking on all-too-ambitious new programmes, structures, requiring a great deal of new funds and new bureaucracies for national and international purposes. As Professor Yash Pal, the ingenious Secretary-General of UNISPACE-82, with his resourceful mind, told us many times, much can be achieved by just thinking hard about better arrangements of existing structures, by better utilization of existing funds and by calling upon intellectual resources - not least the now widely existing intellectual resources of developing countries in this regard. Here we also might have a new chapter in South-South co-operation.

12. As we open this twenty-sixth session, we should also remember the unique position held by this Committee in the field of outer space affairs within the United Nations system. Within this large system, the Committee is and remains, as we should always bear in mind, the primary intergovernmental body devoted exclusively to the promotion of the peaceful uses of outer space.

13. But maintaining a position of at least intellectual leadership and inspiration is not an easy task. It means that the Committee has to make every honest effort to honour and execute the mandate which year after year it receives from the

General Assembly and which has now been confirmed by UNISPACE-82. This mandate means, first, that the Committee is called upon to give concrete expression to peaceful co-operation in outer space, to develop a potential of space co-operation, which becomes more crucial every day that the world is learning with horror about the darker sides of space technology.

14. Only by developing, constructively and with imagination, the potential of space co-operation, by filling this new environment - outer space - with programmes, projects and ideas that can serve mankind as a whole, can we hope to create countervailing forces against the use of outer space for other purposes and use it for peaceful ones. The rich and varied catalogue of space applications and benefits established by UNISPACE-82 can be put to much good use in this respect.

15. Only by showing convincingly how much space co-operation can help to enrich life on this planet can we create a viable alternative to those activities which would, rather, spread fear and insecurity and ultimately perhaps jeopardize our earthly existence.

16. But there are, of course, many more conditions to be met if we wish to carry out so ambitious a mandate as ours. One of them certainly is that, in carrying out our tasks, we must address the concerns of those who most urgently need generalized application of the benefits of space applications, old and new namely, developing countries. How these needs can and should be met has been amply shown with many practical demonstrations by UNISPACE-82. There is a great variety of methods and procedures which can bring the developing countries today into the mainstream of modern technological development in outer space.

17. Another condition - at least in my mind, in the mind of a long-time servant of this Committee - is a strenuous effort to use to full effect the working methods which have served this Committee well over the many years of its existence. While they may often demand patience that is perhaps of an evangelical nature and while they may often demand much careful listening to each other, they have never failed in the end to bring about results of which we could still be proud.

18. As we now embark upon our new programme of work, let us remember the spirit of exchange and compromise which we shared at Vienna last August. It is time to set aside petty grievances and minor annoyances to deal with the larger and more crucial issues which the Conference has highlighted. Keeping in mind the importance of our task, I am certain that we will be able to use this session not only as a follow-up to UNISPACE-82, but also for the initiation of a second stage in the peaceful uses of outer space - the planning of new and more productive means of realizing the benefits which space technology can now provide.

19. I now turn to the work that is nearest at hand - consideration of the efforts made by the Scientific and Technical Sub-Committee and the Legal Sub-Committee during their recent sessions. Before doing so, I should like to express sincere appreciation on behalf of the Committee to Mr. John Carver of Australia, Chairman of the Scientific and Technical Sub-Committee, and to Ambassador Ludek Handl of Czechoslovakia, in his newly assumed post of Chairman of the Legal Sub-Committee, for providing such able and dedicated leadership in the work of those two sub-committees of the Committee.

20. Among the documents before us is the report of the Scientific and Technical Sub-Committee on the work of its twentieth session. Again this year, the

Sub-Committee has successfully completed its work, giving priority consideration to three items: questions relating to the United Nations Programme on Space Applications and the co-ordination of space activities within the United Nations system; remote sensing of the earth by satellites; and the use of nuclear power sources in outer space. The Sub-Committee also gave careful consideration to the questions relating to space transportation systems and the physical and technical attributes of the geostationary orbit.

21. A major focus of attention during this year's Sub-Committee session was the progress being made in implementing the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space. The Sub-Committee discussed this item within the context of its consideration of the United Nations Programme on Space Applications. Because of the importance of these discussions, however, we shall consider the recommendations of UNISPACE-82 separately as agenda item 6. This should give us ample opportunity and time for proper consideration of each agenda item, at the same time ensuring the timely conclusion of our work.

22. In considering the specific items taken up by the Scientific and Technical Sub-Committee, I am pleased to note the commendation accorded to the Expert on Space Applications for the programme carried out during 1982. The Sub-Committee also recommended that the programme proposed for 1984 be approved.

23. In considering the most recent accomplishments of this Programme, the Sub-Committee expressed its appreciation to the Governments of Canada, Ecuador and Italy, as well as to the Economic Commission for Africa (ECA), the Committee on Space Research (COSPAR), the Committee on Science and Technology in Developing Countries (COSTED) and the Food and Agriculture Organization of the United Nations (FAO) for their contributions to the seminars held in 1982. The Sub-Committee welcomed the invitations extended by the Government of Brazil as well as by the Economic Commission for Africa (ECA), the Economic and Social Commission for Asia and the Pacific (ESCAP), FAO and the World Meteorological Organization (WMO) to host the seminars planned for 1983 and, in addition, welcomed the financial support for those seminars offered by the Governments of Brazil and Italy and by ESA, ECA, FAO, UNESCO and WMO. Finally, the Sub-Committee expressed its gratitude to the Governments of Austria and Italy for the fellowships they offered in 1982 and 1983 and, additionally, to the Government of Ecuador and to ECA for their assistance with the United Nations regional/interregional seminars of 1982. I should like to note here that the contributions of these Governments and international organizations are encouraging demonstrations - which we hope will be continued in the future and perhaps somewhat broadened - of interest in the peaceful uses of space technology.

24. In the area of remote sensing, little progress, unfortunately, can be reported for this year and perhaps we should devote more thought to those issues which appear to impede further progress. Surely a compromise could be found if only we remain determined that such a possibility exists. Most encouraging, however, is the co-operation that has been received from Member States in the compilation of a supplementary list of remote sensing applications. We have before us several addenda to that list in the document before members.

25. The Sub-Committee also considered, on a priority basis, the use of nuclear-power sources in outer space as well as questions relating to space transportation systems and the examination of the physical nature and technical

attributes of the geostationary orbit. Unfortunately, little progress on these questions can be reported. This may be attributed at least in part, to the focus during the past session of the Scientific and Technical Sub-Committee on the follow-up to the Conference. We should distinguish, however, between our discussion of Conference recommendations and standing agenda items so that both can receive adequate attention. In seeking to fulfil the goals of the Conference, progress in our current agenda is essential. Let us therefore bear in mind the importance of our work not only as items on an agenda but as part of a long-term programme for the promotion of peaceful space activity.

26. I should like now to turn to the report of the Legal Sub-Committee on the work of its twenty-second session. The Sub-Committee continued its discussion of the legal implications of remote sensing on a priority basis and conducted that discussion again this year in a working group under the guidance of Mr. Cede of Austria. Following a review of the various texts of the draft principles, the Working Group returned to those articles of particular interest for more detailed discussion. Despite lengthy consideration of several principles and encouraging movement in the position of members of the Sub-Committee, some basic differences continued to obstruct major progress. The text of the draft principles as they appeared at the close of the session is provided as annex I to the Sub-Committee's report, and members might give it some attention and perhaps develop it further.

27. The Sub-Committee also continued priority consideration of the possibility of supplementing the norms of international law relating to the use of nuclear power sources in space. Ambassador Carlos Antonio Bettencourt Bueno of Brazil served with distinction as Chairman of that Working Group and, under his able guidance, the Group developed a format for notification of a malfunction. Specifics of this format, which provides system parameters and information on the radiological risks of the nuclear power source, can be found in annex II to the Sub-Committee's report.

28. The Sub-Committee continued its discussions with regard to the definition and/or delimitation of outer space and outer space activities, bearing in mind among other things - as was indeed its mandate - questions relating to the geostationary orbit. Unfortunately, differences on this item remain unchanged and, as a result, there is no new progress to report.

29. With regard to the important legal work of this Committee, a thought comes to mind that should perhaps be expressed in this context. As is known, the Committee has had much success in past years in building space legislation and in writing what I believe is an exciting new chapter in international law. While this will remain an important part of our mission, we should also give thought to the need, apparent in many instances, to provide guidance on and interpretation of some of the new notions we have created. If there is today, for instance, doubt in some major countries on the legal consequences of such important new instruments as the moon agreement, which has as yet had few ratifications, this seems due in part to uncertainty about the meaning of some of the new concepts embodied in such treaties. I do not believe that anybody outside this Committee, endowed as it is with far-reaching treaty-making power, can dispel such doubts and thus broaden the basis of adherence to our legal instruments. While not wishing to propose in any formal manner any new action by this Committee, I believe that some thought - at least of an informal nature - should be given to this matter.

30. The final item on the Committee's agenda relates to the implementation of the recommendations of the Second United Nations Conference on the Exploration and

Peaceful Uses of Outer Space. Because of the importance of this subject, we shall, as I said earlier, review the work of the Scientific and Technical Sub-Committee in this regard as a separate item on the agenda. We have several important documents before us in response to requests by the Sub-Committee, and these will require our careful consideration. Chief among these are the report by the experts on space applications concerning contributions made by Member States towards the implementation of UNISPACE recommendations relating to its programme, a report concerning the plans of the specialized agencies and other related bodies for implementing the recommendations of the Conference and a report on the needs of Member States relating to space applications. All of these are before the Committee in the appropriate form.

31. As the Committee may remember, UNISPACE also recommended a number of studies, and the Scientific and Technical Sub-Committee specified that three of those studies be carried out on a priority basis. The Committee has before it a document outlining possible procedures and schedules for carrying out those important studies. We must make a decision on those procedures so that that process can be launched.

32. With regard to the UNISPACE recommendations on the expansion of the United Nations Space Applications Programme and the creation of a space information system, both of which are to be supported by voluntary contributions, we must see if we can reach agreement on how this can be achieved. That is another of the important items on our agenda.

33. That completes this brief and rather sketchy survey of the programme that lies before us. I hope we can now begin our work in the spirit of compromise and co-operation that marked our efforts at Vienna. We have a great deal to accomplish in two weeks, but with proper determination I am certain that we shall be able to contribute in a practical and far-sighted manner to the realization of the hopes and promises of UNISPACE-82.

34. Not the least of the promises of UNISPACE-82 was our hope - one that was voiced many times in this Committee - that we shall be able, through our work and through our determination, to preserve outer space as a peaceful environment. In saying this we are of course quite clear in our minds that there is now - and, indeed, there always has been - an indisputable link between outer space and international peace and security. When discussing space activities we cannot overlook the fact that whatever happens in outer space has a growing effect not only on the security of nations, but also on the security of the entire international system. UNISPACE-82 made a clear, unanimous pronouncement to that effect. While we have to accept and live with the fact that the mandate of this Committee is limited to the peaceful uses of outer space, the views and opinions on these matters which emanate from this Committee, as they have in the past, should certainly be heard in forums that are competent and perhaps better equipped to deal with questions of arms control in outer space. It is our hope that these forums will act resolutely and expeditiously to fulfil our hope that space will remain an environment for people rather than become an environment for new weapons systems. It is our hope that questions of arms control in outer space will not only remain a priority item on the agenda of existing forums but that they will perhaps also return in the not-too-distant future to the agenda of arms control negotiations between the major space Powers.

35. This concludes the formal statement I wished to make to the Committee.