



SUMMARY RECORD OF THE 7th MEETING

Chairman: Mr. PIZA-ESCALANTE (Costa Rica)

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USE BY STATES OF ARTIFICIAL EARTH SATELLITES FOR DIRECT TELEVISION BROADCASTING:  
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The meeting was called to order at 10.55 a.m.

AGENDA ITEM 51: INTERNATIONAL CO-OPERATION IN THE PEACEFUL USES OF OUTER SPACE  
(continued):

- (a) REPORT OF THE COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE (A/33/20),
- (b) REPORT OF THE SECRETARY-GENERAL (A/33/212)

AGENDA ITEM 52: 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/33/20)

1. Mr. DUPRAS (Canada) said that, in the 20 years during which issues relating to outer space had been discussed in the General Assembly, many spectacular achievements had occurred and even more striking developments could be foreseen. It was therefore time to consider the effects of those developments and how they could best be used, or controlled when necessary, for the greater benefit and progress of all mankind.

2. In Canada's own space programme, its primary interest had been in the development of communications by satellite. The three Canadian ANIK satellites now in operation provided communications services to remote Canadian communities, and the first of a new generation of satellites was to be launched in November. The joint Canadian-American Communications Technology Satellite (Hermes) had proved successful, and a third year of operation was being planned. The LANDSAT programme of remote sensing of the earth's resources had been of great value to Canada and to many countries of the world. An agreement had recently been concluded with the United States on co-operative experiments to be carried out in Canada using the Proof-of-Concept Radar Satellite, SEASAT. The satellite receiving station at Shoe Cove, Newfoundland, had been modified to acquire sensor data over the north-west Atlantic and eastern Canada.

3. Canada was also actively involved in expanding international co-operation in the peaceful use and application of satellites. It was seeking to upgrade its status vis-à-vis the European Space Agency, was discussing means of international co-operation in search and rescue, and was participating in projects of international development assistance. It firmly believed that the further development of space technology could best be achieved through international co-operation.

4. The twenty-first session of the Committee on the Peaceful Uses of Outer Space had been most productive. Canada had raised the question of the use of nuclear power sources in outer space at the meeting of the Scientific and Technical Sub-Committee shortly after the nuclear-powered satellite Cosmos-954 had fallen on Canadian territory. Its purpose in raising the issue at that time, and later in the Legal Sub-Committee, had been to draw attention to the international

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implications of the incident and to propose measures for the development of an international régime of safety standards to govern the use of nuclear power sources in outer space. It was pleased to note that many of the proposals it had made in those Sub-Committees had gained widespread support in the Outer Space Committee and that at its twenty-first session, the Committee had agreed to establish a working group of experts under the Scientific and Technical Sub-Committee to consider technical aspects and safety measures relating to the use of nuclear power sources in outer space. In view of the consensus obtained in the Outer Space Committee, his delegation hoped that the Special Political Committee would approve that decision so that the working group of experts could meet in February 1979. The report of the Outer Space Committee (A/33/20) also contained a request that launching States should notify States concerned in the event that a space object with nuclear power sources on board was malfunctioning with a risk of re-entry. His delegation strongly supported those consensus recommendations of the Outer Space Committee and hoped that all Member States would join in the co-operative effort to minimize harm to mankind and the environment from the use of nuclear power sources in outer space.

5. His delegation endorsed the recommendation to hold a second United Nations Conference on the Exploration and Peaceful Use of Outer Space and was prepared to participate actively in its preparation. It was pleased with the progress made on remote sensing and the recognition of the need for co-ordination between the two Sub-Committees. It was hopeful that a proposal for a panel of experts on remote sensing would be accepted at the next session of the Scientific and Technical Sub-Committee. At the same time, it regretted the stalemate which had developed on the issue of direct broadcasting by satellite. It was to be hoped that progress in completing the principles developed by the Canadian and other delegations would be made in 1979.

6. His delegation would be pleased to co-sponsor the omnibus draft resolution on the peaceful uses of outer space to be introduced by the representative of Austria and would co-operate fully in the collective effort, recommended in that draft, to further the exploration and use of outer space for peaceful purposes in the common interest of mankind.

7. Mr. PETREE (United States of America) noted the statement by the President of the United States that over the coming decade the United States would pursue a balanced approach emphasizing both the application of space technology designed to bring benefits to mankind and the continued exploration of space in order to foster greater knowledge of its properties and understanding of its relevance to needs on earth. An adequate Federal budget commitment was anticipated. Space technology had demonstrated its relevance in a great many areas. Remote sensing of the earth and its natural environment could provide data potentially valuable in the assessment and management of natural resources, and protection of the environment and satellite communications held promise in a number of important areas such as education, health care delivery and co-ordinating responses to natural disasters. The use of photo-reconnaissance satellites in monitoring arms control agreements had made it possible to take major steps in efforts to halt the arms race. Maximum benefits would be derived from space through a vigorous programme of international co-operation.

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(Mr. Petree, United States)

8. With regard to United States space activities, he noted that the National Aeronautics and Space Administration (NASA), pursuant to its mandate to conduct space activities for the benefit of all mankind, was continuing to enter into international co-operation projects in space science, application and exploration. In the space transportation system, the payload allocations for the first 29 shuttle launches had been completed and agreements were being negotiated with Canada, the Federal Republic of Germany, India, Iran and INTELSAT for the launching of application-type satellites as well as international co-operative and reimbursable Spacelab missions using the shuttle.

9. In the space terrestrial applications programme, the two image-taking satellites, LANDSAT 2 and 3, were cataloguing the earth's resources and monitoring changing environmental conditions in polar orbit. Receiving stations had already been set up in Brazil, Canada and Italy and were operating their own LANDSAT receiving, processing and data dissemination facilities. Stations were under construction or planned in 11 other countries. The first spacecraft built to test the feasibility of measuring variations in the earth's temperature had been launched on 26 April 1978. Data obtained from it would be correlated with that received from other satellites and with ground observations to provide better detection of temporal temperature variations of the earth's surface. Several planning sessions had also been completed on an experimental programme of multinational satellite-aided search and rescue, which might ultimately lead to a global operational system for such a service.

10. In the planetary sciences, data on Mars from the Viking landers and orbiters were being analysed. The two Voyager spacecraft launched in 1977 were to conduct comparative studies of the planetary systems of Jupiter and Saturn and to perform studies of the interplanetary medium between earth and Saturn.

11. Agreements for three new joint space science projects had been signed in late 1977. In the Infra-red Astronomy Satellite project, the Netherlands was to build a spacecraft and integrate into it an infra-red telescope supplied by the United States. The United Kingdom would provide a ground facility for tracking control and operation. The United States and the United Kingdom would share responsibility for scientific data reception and processing, and the three countries would supply instruments for the satellite.

12. Co-operative arrangements had been concluded with the Federal Republic of Germany for project Galileo and with the European Space Agency for the space telescope; both were missions in which the United States had principal responsibility for spacecraft and mission operations, while its partners contributed major spacecraft subsystems and scientific instrumentation. Both partners would participate significantly in the scientific analysis of the mission's results. The Federal Republic of Germany was supplying the retropropulsion module, which would handle all mission manoeuvres and place the spacecraft in orbit around Jupiter, and would also fund the participation of 14 of its scientists who would supply three scientific instruments for the mission. For

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(Mr. Petree, United States)

the space telescope project, the European Space Agency would provide the spacecraft solar arrays, the faint object camera and extended operational support. In return, European astronomers would be allocated observing time.

13. The European Space Agency had contributed a spacecraft for the International Sun-Earth Explorer mission, the object of which was to study the interaction of the interplanetary medium with the earth's immediate environment. For the International Ultraviolet Explorer, the first international space-based astronomical observatory, which had been launched in January 1978, the United Kingdom had provided the camera system to operate with the NASA telescope. The European Space Agency had contributed the spacecraft solar array and was operating a European ground station. In May and August 1978, the United States had launched two pioneer spacecraft towards Venus. The flights were the first of their kind devoted primarily to a study of the atmosphere and weather of another planet on a global scale. They would employ the largest number of vehicles ever used simultaneously in such studies and make measurements at the greatest number of locations being sampled in a single mission sequence.

14. His delegation appreciated the work done by the Austrian delegation to the Legal Sub-Committee in preparing a text of a treaty on the moon and other celestial bodies (A/33/20, annex II): the Austrian text greatly advanced the work of the Sub-Committee.

15. The United States had no plan to engage in international direct broadcasting by satellite but wished to reaffirm its position that any guidelines drawn up for broadcasters must not infringe upon the internationally recognized right to seek, receive and impart information and ideas through any medium and regardless of frontiers. It hoped that, given goodwill by all concerned, the next session of the Legal Sub-Committee would make progress on that difficult issue.

16. Remote sensing was an area in which international co-operation in the beneficial application of space technology was prompting widespread interest. In attempting to develop a set of principles to guide remote sensing of the natural environment of the earth from space, the continuing evolution of technology and the question of the availability of data should be borne in mind. The United States policy of open dissemination of the data from the LANDSAT programme had greatly contributed to the rapid development of the application of space technology.

17. The energy requirements of certain benefits that might be realized from the application of space technology could best be met by nuclear power sources, but the safe use of such sources demanded that precautions be taken against hazards to mankind. The United States adhered to practices and procedures designed to safeguard against those hazards and had found it possible to operate nuclear power sources in space in a manner that took into account the various exigencies that might be expected to arise on launch, operation or accidental re-entry. The Scientific and Technical Sub-Committee had noted that States and organizations were encouraged to provide information on the uses made of nuclear power sources in space similar to that provided by the United States (A/AC.105/L.102). The Outer Space Committee had also recommended (A/33/20, para. 76) that a working group of experts should meet during the 1979 session of the Sub-Committee to study and report on technical and safety measures relating to the use of such power sources.

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(Mr. Petree, United States)

18. The United States considered that no compelling legal or technical need or justification for a definition of outer space had yet been identified. It was, however, prepared to continue to participate in the discussions on that issue.

19. An ancillary issue was the status of the geostationary orbit. His country saw no scientific or legal reason to support the contention that that orbit was subject to claims of national sovereignty and was convinced that it lay in outer space and that its status was governed by the 1967 Outer Space Treaty.

20. His delegation supported the holding of the second United Nations Conference on the Exploration and Peaceful Uses of Outer Space and concurred in its major objectives.

21. Lord BOSTON (United Kingdom) said that the increase in the membership of the Outer Space Committee was an indication both of the growing international involvement in outer space matters on a practical level and of the ever-widening implications that the peaceful uses and exploration of outer space had for all States. Increasingly close co-operation was needed between all countries on matters relating to outer space, and that could be realized in the Outer Space Committee.

22. The current year had seen much activity and technological progress in outer space. For example, since overcoming their early docking problems, the Soviet Union had used Soyuz spacecraft to ferry a series of crews which had included cosmonauts from Eastern European countries to the Salyut space station, an international undertaking of considerable significance.

23. The European Space Agency, of which the United Kingdom was a member, had also been active in 1978. Two applications satellites and three scientific satellites were performing their respective functions in outer space with the utmost success. The word "international" in the names of two of those satellites reflected the fact that they were the result of collaborative programmes between Europe and the United States. One applications satellite, METEOSAT, not only was a product of an international team of scientists but was performing an international role as the European contributor to the Global Atmospheric Research Programme together with satellites from the United States, Japan and the Soviet Union. Information from METEOSAT was already used on a routine basis by European meteorological services for forecasting.

24. In 1979, the European Space Agency could look forward to the first test flight of the Ariane rocket launcher, a further example of an advanced product of some of Western Europe's leading scientists and technologists. In the early 1980s, Ariane would place several non-European satellites into orbit, and there was every confidence that one or more Arianes would be used as a launch vehicle by the International Telecommunications Satellite Organization in 1981. Other examples of European hardware being built for the benefit of the international community were the Maritime Experimental Communications Satellites (MARECS), which would certainly take their place in any future international system and would contribute significantly to improving ship-to-shore communications.

25. On the other hand, the disintegration of Cosmos-954 over Canada in January 1978 had caused considerable international alarm and had brought home to the public the

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(Lord Boston, United Kingdom)

possible dangers connected with the use of nuclear power in outer space. The incident had cast doubt on the adequacy of the existing space treaties to cover such eventualities. Since the exclusion of nuclear power sources would severely limit activities in outer space, it was important that their use should be scrutinized in the Outer Space Committee and every effort made in the two Sub-Committees to ensure that gaps and deficiencies in the international safeguards governing the use of such sources were made good. His Government welcomed the setting up of a working group to report to the Scientific and Technical Sub-Committee and intended to play a constructive part in its deliberations.

26. International involvement in outer space was increasing, and the Outer Space Committee had made an important contribution to the international regulation and promotion of space activities. His delegation welcomed the progress in the Legal Sub-Committee on the moon agreement and the steady and useful work on remote sensing, and, it pledged its full support for the efforts of the Outer Space Committee.

27. Mr. ECHEVERRI CORREA (Colombia) said that 70 per cent of the geostationary orbit belonged to the international community. The remaining 30 per cent comprising segments corresponding to the respective territories of the equatorial States and represented a valuable and limited natural resource belonging to those States and subject to their sovereignty and control. In that regard, Colombia's position was in line with its constant defence of the developing countries, whose interests had so frequently been threatened by the major Powers and their multinational corporations.

28. The 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies was not a definitive response to the problem raised by the exploration and use of outer space, especially as some States were questioning those terms of international law which had been developed when the developing countries lacked the appropriate scientific advice. The absence of a definition of outer space in the Treaty had impeded its ratification. Jurists were of the opinion that there were no available norms in respect of space law for the settlement of disputes. A legal definition of outer space and of geostationary space stations should be sought urgently, since the obvious inadequacies of existing agreements could jeopardize the peaceful use of outer space. The possibility of conflict would increase as the geostationary orbit became saturated as a result of its limitations, the growing number of satellites placed in that orbit and the development of communications and scientific systems. World Powers or corporations might be tempted to occupy segments corresponding to the respective territories of the equatorial States, leading natural or juridical persons to attempt to claim a unique kind of sovereignty within sovereign States, which would be unacceptable to the States in question.

29. His delegation was committed to the principle embodied in resolution 3281 (XXIX) that every State had and could freely exercise full permanent sovereignty, including possession, use and disposal, over all its wealth, natural resources and economic activities. With the development of advanced space technology, there was

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(Mr. Echeverri Correa, Colombia)

a need for regulatory procedures for matters relating to the use and exploration of outer space and its future exploitation for economic purposes or information and communication. Peaceful co-operation among States should be based on the principle of sovereignty, the right to information and the right of nations to protect their cultural identity while participating on an equal basis in the conquest of outer space. The benefits deriving from the use of the geostationary orbit should be for the international community as a whole, and not primarily for the more developed nations. Any device placed in orbit should be expressly authorized by the State which had sovereignty over the respective segment of the orbit, and the operation of the device should be subject to the laws of that State.

30. The geostationary synchronous orbit and outer space were two different concepts that had to be viewed separately. His Government's intention to place two satellites in orbit over Colombia was not an attempt to enter the satellite era but rather an attempt to uphold the principle of sovereignty over its territory and natural resources. His Government had claimed sovereignty over the segment of the geostationary synchronous orbit corresponding to the territory along the Equator and between longitude 70° and 75° W, which represented 5 per cent of the total of the orbit, only 216 degrees of which could be used. Colombia did not object to free orbital transit and to communications using devices envisaged and authorized by the International Telecommunication Convention when such a device crossed its air space in gravitational flight from any height. The orbital ring could not, however, be used for satellites which remained stationary over Colombian territory without his Government's consent.

31. Mr. van der VOSSEN (Netherlands) said that the accident at the beginning of 1978 involving a satellite powered by a nuclear reactor had clearly illustrated the need for a thorough study of the problem of the use of nuclear power sources in outer space. His delegation fully endorsed the decision by the Committee on the Peaceful Uses of Outer Space to request the Scientific and Technical Sub-Committee to include in the agenda of its sixteenth session consideration of technical aspects and safety measures relating to the use of nuclear power sources in outer space. His delegation also fully supported the recommendation that the Scientific and Technical Sub-Committee should, unless it decided otherwise, create a working group of experts to study the problem at the sixteenth session (A/33/20, para. 76).

32. It was essential to start a comprehensive review of the rules of international law governing problems relating to the use of nuclear energy in outer space. That would make it possible to determine where additional rules and regulations were needed for the creation of a body of law which would offer a more adequate framework for resolving the legal problems involved in accidents of the kind mentioned. His delegation therefore endorsed the recommendation made in paragraph 67 of document A/33/20 that the Legal Sub-Committee should include in its agenda an item entitled "Other matters", which would provide the necessary flexibility for discussion of the problem.

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(Mr. van der Vossen, Netherlands)

33. With regard to the drafting of an agreement governing the activities of States on the moon and other celestial bodies, his Government considered that the text produced by the Legal Sub-Committee contained realistic possibilities for compromise. His Government regretted that it had not proved possible to finalize the draft and sincerely hoped that it would be possible to reach full agreement at the following session of the Legal Sub-Committee. His Government could accept, by and large, the draft agreement reproduced in annex II to document A/33/20. In reaching a consensus on that agreement, the Committee on the Peaceful Uses of Outer Space would be making another important contribution to international space law.

34. As to remote sensing of the earth by satellites, he reiterated his Government's basic point of view that all countries, including those which did not have the financial and scientific resources necessary to develop and apply that promising new technique, should benefit from it as much as possible.

35. His Government considered the United Nations programme on space applications to be of great importance in helping developing countries to set up the necessary infrastructural facilities for the use of remote sensing data and in providing educational and training assistance in that field. The Netherlands Institute for Aerial Survey and Earth Sciences, which had already offered training facilities for many students from developing countries in the techniques of aerial surveying, was also paying special attention to training in the handling of remote sensing data. His Government had decided to make available for 1979 to the programme on space applications two scholarships for studies at the Institute.

36. His Government noted with satisfaction that it had become generally accepted that the States subject to remote sensing should have at their disposal all data regarding their territories acquired through sensing. No arguments had been put forward which would suggest that that could prove harmful to the interests of other States.

37. In order to create the most favourable conditions possible for the development of much-needed international co-operation, full attention should be paid to the compatibility and complementarity of remote sensing systems and their application. In that connexion, his Government would warmly welcome the establishment within the framework of the Scientific and Technical Sub-Committee of a panel of experts on remote sensing. Such a panel should be a technical body created with the aim of identifying and studying methods in which remote sensing activities of States could best be co-ordinated in order to serve the users of remote sensing data effectively and economically. Due account should also be taken of the interests and needs of States subject to sensing. Such a panel should analyse future developments in remote sensing and pay special attention to the possible application of remote sensing technology in developing countries. The panel could be viewed as the nucleus of a future international co-ordinating body for remote sensing and should begin developing its activities before remote sensing technology became fully operational.

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(Mr. van der Vossen, Netherlands)

38. In practical terms, the main controversy concerning direct television broadcasts via satellites had been resolved. The World Radio Administrative Conference, held under the auspices of the International Telecommunication Union in 1977, had agreed on the distribution of orbital positions and broadcasting frequencies for satellites. Direct broadcasts beamed to another country were therefore no longer possible under ITU regulations. That had largely solved the problem of whether or not consultations and/or requests for permission should take place between broadcasting countries and the countries where broadcasts could be received. Under those circumstances, additional rules with regard to direct television broadcasts seemed unnecessary. Nevertheless, should additional regulations be drafted, the principle of the free flow of information should be left intact. The universal right of every individual to seek, receive and impart information and ideas regardless of frontiers should be maintained.

The meeting rose at 11.55 a.m.