Thirty-eighth session
Agenda item 50 (i)

REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS AND DECISIONS
ADOPTED BY THE GENERAL ASSEMBLY AT ITS TENTH SPECIAL SESSION

Proposal for the establishment of an international satellite
monitoring agency

Report of the Secretary-General

1. At the tenth special session of the General Assembly, the first special
session devoted to disarmament, held in May–June 1978, the delegation of France
proposed the establishment of an international satellite monitoring agency (ISMA)
(A/8-10/AC.1/7). In paragraph 125 (d) of the Final Document (General Assembly
resolution A/8-10/2) adopted at the conclusion of the tenth special session, the
Assembly noted the proposal and deferred study thereof until its thirty-third
regular session. In making that proposal, which had attracted wide interest,
France pointed out that the technological progress achieved in the field of
observation satellites constituted a new development in the management of
international affairs and it proposed that "within the framework of current
disarmament efforts, this new monitoring method should be placed at the service of
the international community".

2. In response to requests by the General Assembly at its thirty-third and
thirty-fourth sessions (resolutions 33/71 J of 14 December 1978 and 34/83 E of
11 December 1973), the Secretary-General prepared in two successive stages and with
the assistance of the Group of Governmental Experts appointed by him to study that
question, two reports on the subject of an international satellite monitoring
agency: one, submitted to the General Assembly at its thirty-fourth session
in 1979, containing preliminary conclusions on the technical, legal and financial
implications of establishing an ISMA (A/34/540); and another, submitted to the
Preparatory Committee for the Second Special Session Devoted to Disarmament in 1981
(A/AC.206/14), 1/ containing an in-depth study covering the technical, legal and
financial implications of the functions of an ISMA.
3. The report was transmitted to the General Assembly for consideration at its twelfth special session, held in June-July 1982. However, at that session, the Assembly did not discuss the report and decided to refer it to the thirty-seventh regular session for further consideration.

4. At the thirty-seventh session of the General Assembly, France introduced a draft resolution entitled "Monitoring of international disarmament agreements and strengthening of international security: proposal for the establishment of an international satellite monitoring agency". The draft resolution was adopted by the Assembly by 126 votes to 9, with 11 abstentions, as resolution 37/78 K.

5. Under the terms of the resolution, the General Assembly, inter alia, took note of the conclusions of the study regarding the possibilities of establishing an international satellite monitoring agency; requested the Secretary-General to take the necessary steps to have the report reproduced as a United Nations publication; 1/ and "requested the Secretary-General to report to the General Assembly at its thirty-eighth session, on the practical modalities for implementing those conclusions with respect to the institutional aspects of the draft examined in chapter II, part V, of the study".

6. The Secretary-General notes that the report of the experts, which discusses in some detail the legal aspects of the establishment of an international satellite monitoring agency, referred also to the processes resulting in the establishment of various organizations in the United Nations system and how such processes could apply to the establishment of an ISMA. In paragraph 375 of the report, envisaging the nature of the Constitutive Act, the experts state:

   "All the major international intergovernmental organizations, including existing specialized agencies, came into being by means of a treaty or convention. The legal instrument creating an ISMA and stipulating its functions and powers must be of the same kind. Considering that an ISMA would be an operating agency with a highly sensitive mission, affecting the security interests of States, its establishment through any less formal legal instrument would be inappropriate. The detailed provisions covering various organizational, financial and personnel questions could be included in one or more annexes to the basic treaty."

7. Consequently, in the view of the Secretary-General, the General Assembly would have to decide upon a process and a legal framework which could result in the establishment of an ISMA.

8. Furthermore, the Secretary-General also notes that, as far as chapter II, part V, of the report dealing with some institutional aspects of ISMA is concerned, there are several indications that most of those aspects would have to be left to be settled by the envisaged negotiations between the participating States.
9. In addition, the Secretary-General believes that, should the General Assembly decide to initiate the process to establish an ISMA, it could also identify the specific terms of the responsibilities of the Secretary-General, in the framework of those negotiations.

Notes

1/ The report was subsequently issued under the title The Implications of Establishing an International Satellite Monitoring Agency (United Nations publication, Sales No. E.83.IX.3).