Tenth special session
AD HOC COMMITTEE OF THE
TENTH SPECIAL SESSION
Agenda item 11

ADOPTION OF A PROGRAMME OF ACTION ON DISARMAMENT

Note verbale dated 30 May 1978 from the Permanent Mission of France addressed to the Secretariat

The Permanent Mission of France presents its compliments to the Secretariat of the United Nations and, with reference to the address by His Excellency Mr. Valéry Giscard d'Estaing, President of the French Republic, on 25 May 1978, has the honour to transmit herewith a memorandum from the French Government concerning the establishment of an "international satellite monitoring agency".

The Permanent Mission of France would be grateful if the Secretariat would have this memorandum distributed in all the official languages of the Organization as a document of the tenth special session of the General Assembly under agenda item 11.
ANNEX

Memorandum from the French Government concerning an international satellite monitoring agency

1. In its memorandum submitted on 24 February 1978 to the Preparatory Committee for the Special Session of the General Assembly Devoted to Disarmament, France proposes the establishment of a satellite monitoring agency.

2. In view of the work that is to be done during this session, France wishes to describe its proposal in greater detail with a view to enabling other States to make their observations and comments.

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3. The progress space technology has made in the field of earth observation satellites constitutes a new development in international life.

4. These satellites, particularly those of a military type, have already attained a very high level of precision in their observation capability, and further progress will undoubtedly be made in that technology. At present the information secured by means of such satellites is collected by two countries which have the greatest experience in space technology and are in a position to make observations of the surface of the earth at such places and for such observation periods as they choose. The satellites available to those two countries, moreover, play an important role in the verification of their bilateral disarmament agreements.

5. France considers that, within the framework of current disarmament efforts, this new monitoring method should be placed at the service of the international community.

6. The information gathered by observation satellites is such that a new approach and new methods for monitoring disarmament agreements and for helping to strengthen international confidence and security can be envisaged. Many resolutions of the United Nations have stressed how essential it is that disarmament agreements should be subject to rigorous and efficacious international monitoring. Accordingly, the use of observation satellites as a means of conducting such monitoring should enable some of these difficulties to be overcome and thereby lead to progress towards disarmament.

7. Apart from monitoring questions, the information gathered by observation satellites could provide the essential elements for settling disputes between States by making it possible, on conditions to be determined later, for the facts giving rise to such disputes to be more satisfactorily assessed.

8. To that end, a satellite monitoring agency would become an essential adjunct to disarmament agreements and to measures to increase international confidence and security by providing interested parties with information that they were entitled to demand.

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9. France hereby submits the main elements of its proposal for a satellite monitoring agency under the following headings:

Guiding principles
Functions
Statute
Technical resources
Financing
Settlement of disputes.

1. **Guiding principles of the work of the Agency**

10. The purpose of the international satellite monitoring Agency shall be to advance disarmament efforts and the strengthening of international security and confidence.

11. The Agency shall act in accordance with the purposes and principles of the United Nations Charter, in conformity with the policy followed by the United Nations with regard to disarmament and in conformity with all agreements under international law concluded in pursuance of that policy.

12. The Agency shall be responsible for collecting, processing and disseminating information secured by means of earth observation satellites. It shall have available to it the technical resources necessary for the accomplishment of its task. Those resources shall be expanded gradually in accordance with the provisions of its statute.

13. The Agency shall in performing its functions respect the sovereign rights of States, bearing in mind the provisions of its statute and those of agreements concluded between it and any State or group of States in accordance with the provisions of that statute.

2. **Functions of the Agency**

14. The functions of the Agency shall include:

- participation in monitoring the implementation of international disarmament and security agreements;
- participation in the investigation of a specific situation.
(a) Monitoring the implementation of international disarmament and security agreements

15. Arrangements for the participation of the Agency in these agreements would differ, depending on whether they are agreements already in force or agreements yet to be concluded.

16. In the case of agreements already in force, the Agency would constitute a new instrument for ensuring greater effectiveness in monitoring them. Moreover, when provision had already been made in such agreements for national monitoring measures, the Agency’s measures would be of the same category.

17. As regards the procedure, an inventory of existing agreements would be made with a view to determining, according to the nature of the armaments covered and the commitments entered into, to what extent monitoring by observation satellites would be applicable to them. If it were found to be applicable, the Agency would propose that its services should be made available to the parties to the agreement. Those parties, if they unanimously accepted that offer, would jointly specify the link to be established between the agreement in question and the Agency’s monitoring work.

18. Similarly, in the case of future disarmament and security agreements, the Agency would constitute an essential adjunct to their monitoring of agreements in any case in which the information gathered by the Agency could be used effectively for the purposes of such monitoring.

19. To that end, standard clauses of agreements would be prepared by the Agency and submitted to States desiring to conclude disarmament agreements with others.

20. At the same time, provision might be made for regional international organizations with functions in the sphere of security to solicit the Agency’s services.

(b) Investigation of a specific situation

21. A State could report to the Agency when it had good reason to believe that an agreement to which it was a party was being infringed by another State or when the conduct of that other State jeopardized its security. The Agency, in order to proceed to an investigation, should then obtain the consent of the State to be investigated.

22. The Security Council might also take action by invoking Article 34 of the United Nations Charter which authorizes it to "investigate any dispute or any situation which might lead to international friction or give rise to a dispute".

3. Statute of the Agency

23. On account both of its purpose, which is to advance disarmament efforts, and of its essential universality, the Agency should be part of the United Nations system.
24. To that end, France proposes that the Agency should be established as a specialized agency of the United Nations.

25. The characteristics of the specialized agencies are ideally suited to the specific role of the Agency and to the need to endow it with substantial financial and technical resources, which will be of a new type.

26. Details of the statute proposed by France for the Agency will be the subject of further proposals. For the moment, however, the following general outline is proposed:

Membership of the Agency would be open to any State Member of the United Nations or member of a specialized agency;

The decision-making and deliberative bodies of the Agency would include at least a plenary organ and a restricted organ having balanced representation of all regions of the world;

The Agency would have the personnel required for the accomplishment of its task. The personnel would include, in particular, qualified technical personnel to process and analyse the data collected by observation satellites.

4. Technical resources

27. The complexity of observation satellite installations and the costliness of space applications (ground segment and space segment) suggest that gradual expansion of the technical resources of the Agency would be advisable. The growth of the Agency's resources could, in any event, proceed concurrently with the expansion of the functions assigned to it.

28. Consequently, when it started to operate, the Agency, since it would have no satellites of its own, would need to be able to rely on the data collected by the observation satellites of those States which possess them. Procedures for transmitting such data to the Agency could be worked out in agreement with those States.

29. Nevertheless, in order to ensure that the Agency had a sufficient degree of autonomy, it should, when it went into operation, itself have the technical capacity to interpret the data so transmitted. To that end it should have its own processing centre.

30. Accordingly, France proposes that the expansion of the technical resources of the Agency should take place in three successive stages:

Stage 1: the Agency would have a centre for processing data supplied by those States having observation satellites;

Stage 2: the Agency would establish data-receiving stations which would be directly linked to those States' satellites;
Stage 3: the Agency itself would have the observation satellites required for the performance of its task.

31. The sequence of these stages would be determined by the statute of the Agency, taking account in particular of the gradual expansion of its competence.

32. Moreover, the statute of the Agency should state that the information collected or received was to be used for no purpose other than the performance of the Agency's tasks.

5. Financing

33. The magnitude of the technical resources that should be available to the Agency requires that a variety of sources of financing be used, such as:

Mandatory payments, provided for by budgetary rules comparable to those of the United Nations;

Voluntary payments, among which account might be taken of the technical resources made available to the Agency by those States having observation satellites;

Funds paid in return for services provided by the Agency, particularly if States used its services to monitor a disarmament or security agreement concluded by them.

6. Settlement of disputes

34. In the event of disputes arising either between States or between States and the Agency, machinery for the settlement of disputes should be provided. In view of the specificity of the Agency's functions, France proposes that such disputes, if not settled by other peaceful means, should be submitted to arbitration. To that end, an arbitration committee would be established, and arrangements for its composition and operation would be incorporated in the statute of the Agency.

35. To that end France will submit a draft clause on machinery for the settlement of disputes.

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36. In submitting these proposals on a satellite monitoring agency to the States participating in the special session of the General Assembly devoted to disarmament, France hopes that they can be examined in the course of the deliberations of the session.

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37. Since, however, it is well aware of the scope of this proposal and the questions raised by it, France proposes that a committee of experts be established to consider the conditions in which a satellite monitoring agency might be established.

38. That committee would be composed of a limited number of experts, in order to ensure its satisfactory functioning, account being taken of equitable geographical distribution. The committee would be instructed to report on its work to the thirty-fourth session of the General Assembly.

39. To that end, France proposes that the terms of reference of the committee of experts to consider the proposal for an international monitoring agency should cover the following points:

   (a) The guiding principles of the work of the Agency;

   (b) Its functions, i.e.:

   (i) Participation in monitoring the implementation of international disarmament or security agreements whether already in force or to be concluded;

   (ii) Participation in the investigation of a specific situation (either at the request of one State, with the consent of the State to be inspected, or at the request of the Security Council),

   (c) Its institutions (its position within the United Nations system, structures, rules for making decisions);

   (d) The technical resources available to the Agency and their gradual expansion;

   (e) The financing of the Agency at various stages of its activity;

   (f) Machinery for the settlement of disputes.