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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUB-COMMITTEE

Seventeenth session

SUMMARY RECORD OF THE 288th MEETING

held at the Palais des Nations, Geneva,
on Thursday, 16 March 1978, at 10.45 a.m.

Chairman: Mr. WYZNER (Poland)

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General exchange of views (continued)

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GENERAL EXCHANGE OF VIEWS (continued)

1. Mr. TUERK (Austria) noted the increasing importance of space activities for all countries and peoples, irrespective of their level of development, and the growing interest in the work of the Committee and its Sub-Committees on the part of many States. That tendency was reflected by the fact that 10 more countries had become members of the Committee. He also wished to congratulate the people and Government of Czechoslovakia on the success of the first mission of a national of that country to outer space.

2. Recalling the four priority areas which the General Assembly had once again entrusted to the Sub-Committee for study, he drew attention to the fact that considerable progress had been achieved the previous year in Vienna by the Legal Sub-Committee and by the Committee itself in the elaboration of draft principles relating to direct television broadcasting. Completion of that draft was now within the reach of the Sub-Committee, which should henceforth focus its attention on consolidation of the texts of the draft preamble and of the principles on consultation and agreements between States formulated by the Committee's Working Party in Vienna. The Austrian delegation would continue to support efforts to reach consensus, as it had already demonstrated at the last session by submitting an informal working paper relating to the draft principles. Its position on certain issues remained unchanged.

3. The Austrian delegation also hoped that the Sub-Committee would be able to consolidate the texts previously drafted on the legal implications of remote sensing and would make progress towards the elaboration of new principles, taking into account the work of the Scientific and Technical Sub-Committee, whose fifteenth session had just concluded.

4. With regard to the draft treaty relating to the moon, his delegation hoped that the efforts already being undertaken would result in the final completion of that legal instrument, which had been on the Sub-Committee's agenda for seven years, and would do all in its power to reconcile the existing differences of opinion. If, however, the Sub-Committee continued to make no progress, the Austrian delegation believed that serious consideration should be given to whether that item should be maintained on the agenda of future sessions.

5. When the Committee had first studied questions relating to the delimitation of outer space several years before, Austria had held the view, for various reasons, that a functional approach seemed preferable to any fixed criterion. Recent developments in other areas of law had, however, demonstrated very clearly the shortcomings of a purely functional approach, and his delegation was now ready to join in a consensus on clear-cut criteria, without however having any strong views on the matter.

6. The Austrian delegation had noted the proposals made by several delegations on certain questions concerning the use of nuclear power sources in outer space which, in its view, required careful study. At the present stage it would confine itself to reaffirming its willingness to study any proposals with a view to expanding and improving the present body of laws on outer space.

7. Mr. PASZKOWSKI (Poland) said that the launching of a Soviet space craft with a Soviet cosmonaut, Alexis Gubarev, and a Czechoslovak cosmonaut, Vladimir Remek, on board deserved special mention, the only previous international space operation having been the Soyuz-Apollo mission in 1975. The name of Vladimir Remek would occupy a prominent place in the annals of the exploration and use of outer space. Moreover, the Soviet astronauts Yuri Romanenko and Georgi Grechko had broken the record for the longest space flight and had carried out a number of important experiments in their Salyut-6 laboratory. It should also be noted that many interesting programmes were likewise planned in several countries, especially in the United States, the most promising of which was perhaps the one involving the use of a space shuttle orbiter.

8. He welcomed the fact, which had been mentioned by the Chairman in his opening statement, that all the universal treaties concerning outer space had entered into force. There was, however, still much to be done to ensure that the law did not lag behind science and technology, and he was convinced that all the members of the Sub-Committee were prepared to strive to avoid unnecessary conflicts which might lead to destructive clashes of interest.

9. The consideration of the four priority items on the Sub-Committee's agenda required a great deal of time and, even though the progress made had sometimes been recognized, members of the Sub-Committee should not rest on their laurels. It was high time that some tangible results were submitted to the General Assembly for its final approval. Thus, completion of the draft treaty relating to the moon should not be delayed any longer. The outstanding problems could be resolved in a spirit of compromise, and several proposals had already been put forward in order to find acceptable solutions. The completion of the final draft treaty would have both practical value and a beneficial psychological effect.

10. The Polish delegation was also convinced that consideration of all the items of high priority would be greatly facilitated if all the members of the Sub-Committee would agree to take as a reference point the provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies. They had proved to be of lasting value and had served as a basis for the preparation of additional legal instruments.

11. Lastly, he shared the optimism shown by the Chairman in his opening statement, for three reasons: the Sub-Committee had at its disposal the necessary experience in its members of longest standing; the newcomers would certainly contribute their enthusiasm and fresh ideas; and members of the Sub-Committee had the benefit of the immense personal experience of the Chairman in the field of outer space.

12. Mr. HOSENBALL (United States of America) said that the increase in the number of members of the Committee on the Peaceful Uses of Outer Space, which had grown from the 18 of the original Ad Hoc Committee to 47 in 20 years, was evidence of an increasing interest in space activities and of the importance of the goals sought by the Committee itself and its Sub-Committees, and perhaps presaged entry into a new era in space exploration. It could be said today that mankind was becoming dependent upon space activities for its well-being. In a statement a few days previously, Dr. Lovelace, Deputy Administrator of NASA, had described some of their practical advantages, from which the developing countries were also benefiting through international co-operation. It was evident from that statement that the purely exploratory phase of space activities had not ended and that

exploration and purely scientific discovery in space would never end. It was that continuing need for exploration and discovery as well as the immense benefits in their application in technology, in basic science and international co-operation which gave significance to the work of the Legal Sub-Committee.

13. In 15 years, the Sub-Committee had registered many successes. The first had been General Assembly resolution 1721 (XVI) on international co-operation in the peaceful uses of outer space which had, in 1976, led to the adoption of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies. More than 70 countries were now parties to that Treaty, which was rightly regarded as the basic legal instrument concerning outer space. The Legal Sub-Committee had then negotiated three additional multilateral treaties: the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, the Convention on International Liability for Damage caused by Space Objects and the Convention on Registration of Objects Launched into Outer Space. He was sure that the Sub-Committee would continue to work diligently to formulate a body of laws that would encourage the continued expansion of space applications, international co-operation and exploration for the benefit of all mankind.

14. A great deal of progress had been made on the draft treaty relating to the moon and other celestial bodies, and the Sub-Committee had on several occasions in previous sessions been close to consensus in a text acceptable to all. The United States delegation had submitted several proposals dealing with the three problems which remained to be solved in that field. With regard to the scope of the treaty, his delegation continued to believe that the treaty should not be limited to activities on the moon. There was no practical or legal reason to justify a distinction between the moon and other celestial bodies. Man had already been on the moon, but space craft equipped with complex instruments had already gone to Mars and Venus and would later explore Jupiter, Saturn and other planets in the earth's solar system. The provisions of the treaty on the moon should therefore apply also to the other planets; that was what was done in the articles set forth in the Committee's report for 1977 (A/AC.105/196, annex I, pp. 47-56) which dealt with scientific investigation, international co-operation, prevention of harmful contamination of the planets and of earth, and notification of missions to the moon and the planets.

15. In 1972, the United States had also submitted texts relating to notification of the information to be furnished (A/AC.105/196, annex I, pp. 36, 40 and 41). Those texts provided for adequate advance notification and for the furnishing of extensive information regarding the purpose, location, duration, and results of the mission, areas having special scientific interest and measures to prevent contamination. In 1973, the United States had accepted the proposal to add information about natural resources discovered on the moon and other celestial bodies (A/AC.105/196, p. 38). The United States had also submitted two texts in 1972 on the natural resources of the moon and other celestial bodies, as well as a working paper in which it had suggested the convening of a meeting of all States parties when the practical utilization of the natural resources of the moon and other celestial bodies became a reality. The United States delegation was prepared to co-operate with other delegations to reach a consensus which would permit the Sub-Committee to complete the drafting of the treaty.

16. Insofar as direct television broadcasting by satellite was concerned, he hoped that the Secretariat would be able to make available to members of the Sub-Committee the document entitled "Report on the Joint United Nations/UNESCO Panel Meeting on Satellite Instructional Television Experiment by India" (A/AC.105/209), which had been prepared by a panel of participants from 19 developing countries which had met in Amedabad (India) in November 1977. The United States was proud of its co-operation with the Government of India in that experiment in educational television by satellite using the first satellite capable of transmitting television programmes directly to receivers in 3,000 remote Indian villages. The satellite used was the ATS-6 provided by the United States, but India had been responsible for the entire ground reception system and had produced all the programmes (agriculture, animal husbandry, health, family planning, refresher courses and cultural integration). The United Nations/UNESCO Panel had concluded that the experiment was an example of international collaboration in the field of space research to which the United Nations and other international bodies had also made an active contribution (paragraphs 59-62).

17. The guidelines being considered by the Sub-Committee would cover both international broadcasting of that kind and, in the future, satellite broadcasts directly to individual receivers. Those receivers would have to be specially constructed or equipped to receive the broadcasting signals, but the intention was to bring their cost within the reach of individuals. As was known, Japan had been keenly interested in the application of that technique in the islands of the Japanese archipelago, and all members of the Sub-Committee were anxious to learn the results of that experience as the programme developed. The theme of international co-operation could not be stressed too strongly in the principles being draft by the Sub-Committee. In his view, the principle entitled "International co-operation" might with advantage be replaced by a stronger statement which would give more emphasis to that co-operation and would better serve the objectives of all member countries.

18. At its annual meeting held in Vienna in 1977, the Committee on the Peaceful Uses of Outer Space had tried to complete the principles applicable to direct broadcasting. It had established a working group which had concentrated on two difficult problems, which still remained to be resolved: firstly, finding an appropriate balance between the interests of receiving and broadcasting States; and secondly, whether the obligation to consult applied also to the unavoidable spillover of broadcasting from the satellite into certain parts of countries neighbouring the intended receiving State or States (A/32/20, paras. 20-29). In that connexion, he recalled that in October 1975 the United States delegation to the General Assembly had expressed the view that, before inaugurating a direct television broadcasting service by artificial satellite, a State might be required to fulfil two obligations: to inform States within the intended reception area and to enter into consultation on any matter concerning the broadcasting system each time that another State requested such consultation. The latter obligation had far-reaching implications, since it assumed that the broadcasting State was willing to enter into consultations at the request of any State that accepted the guidelines. Good faith would also require the

broadcasting State to enter into consultations promptly. Furthermore, it would be necessary for all States participating in consultations to take due account of the concerns that might be put forward by other States during the consultations and for all parties to consider carefully the possibilities for resolving any difficulties or differences that might arise. Under the United States proposal, the consultations could be held at the diplomatic level or at a scientific or technical level; if requested by the receiving State, the consultations could be in addition to the technical consultations which, for many years, had been undertaken to deal with such questions as frequencies and interference. The United States would be willing to accept a consultation obligation that covered even the field of unintended but technically unavoidable spillover. However, as it might be difficult for small broadcasting countries to assume such a wide obligation, the United States would be prepared to exclude unavoidable spillover from the consultation requirement.

19. At the sixteenth session of the Legal Sub-Committee in 1977, the United Kingdom delegation had raised the problem of "prior consent". The United States would not be willing to accept such a requirement. One of the great principles upon which that nation itself was based, and thus upon which its space programme was based, was the concept of international co-operation and the free movement of ideas and information, without regard to frontiers. Moreover, that was a fundamental human right, recognized in Article 19 of the Universal Declaration of Human Rights. The United States could not therefore accept a principle laying down that television broadcasting should take place only on the basis of "agreements and/or arrangements between States". On that point, views differed greatly and all members of the Committee would have to make constant efforts to bring them closer together. The United States delegation was ready to undertake any study that might be necessary to develop a mutually acceptable formulation which would enable points of view to be reconciled.

20. Remote sensing of the earth by satellite was perhaps the most interesting of the practical applications of space technology. The Scientific and Technical Sub-Committee had recently devoted most of its time to that question, as the report of the Sub-Committee on its fifteenth session (A/AC.105/207, paras. 12-71) showed. It was important that the Legal Sub-Committee should be aware of the contents of that report for the purpose of elaborating guidelines relating to remote sensing. The Scientific and Technical Sub-Committee itself stressed the importance of co-ordinating its activities with those of the Legal Sub-Committee in that field (paragraph 71). Moreover, paragraph 36 of that report contained some information provided by the United States on the Landsat system, which was still the only major satellite remote-sensing system in general use in the international community. The Landsat system, while still pre-operational, collected throughout the world data of great significance to economic development and to the management of planetary resources, including management of the environment. The Legal Sub-Committee might perhaps wish to consider whether the principles it was trying to draft gave sufficient importance to environmental monitoring and not only to economic resource surveying.

21. At recent sessions of the Technical and Scientific Sub-Committee, much attention had been devoted to certain proposals to classify remote sensing data into three categories - global, regional and local - based on spatial resolution. In its report, the Technical and Scientific Sub-Committee set out the different views expressed by some delegations on the matter (paragraph 25) and the position of the United States (paragraph 28). The Secretariat had been invited to submit a further study on that subject. The United States, which attached great importance to the development of adequate education and training opportunities, had welcomed the attention which the Scientific and Technical Sub-Committee had paid to the very important role of theoretical and practical training and technical assistance, which were indispensable if the new space technology was not to be allowed further to widen the gap between developed and developing countries.

22. With regard to the question of the geostationary orbit, the United States delegation had made its views known at the sixteenth session of the Sub-Committee. In its view, there was no technical or legal basis for considering that the geostationary orbit did not lie in outer space. The requirements of international law and the interests of the international community necessitated ensuring the free and equitable use of outer space by all nations. Unilateral assertions of sovereignty would be contrary to that aim.

23. Lastly, several delegations had mentioned the question of nuclear power sources in space in the general exchange of views; that matter had received a great deal of attention at the last session of the Scientific and Technical Sub-Committee, and the United States delegation had had the opportunity of presenting a complete illustrated description of the use made by the United States of nuclear power sources in space. Certain technical distinctions that it had made involved important safety implications and should be studied by technical experts. The United States delegation wished to assure the Legal Sub-Committee that the radioisotope power systems used for United States space craft (which did not include nuclear reactors) were specially designed to release no radioactivity under normal conditions and only inconsequential amounts under the most severe accident conditions. In the United States, every nuclear power system had to be personally approved by the President prior to launching. The Committee on the Peaceful Uses of Outer Space appeared competent to sponsor an international study on the use of nuclear power sources in space. Once such a study was completed, there could be discussion and negotiation of a binding multilateral régime based on some of the elements suggested by other countries, which would deal, in particular, with safety requirements, notification requirements and the provision of emergency assistance in case of accident. The United States delegation would carefully consider the views of other delegations and hoped that through mutual understanding and in a spirit of co-operation, the Sub-Committee would be able to make progress in reconciling the various views and complete consideration of the items on its agenda.

24. Mr. DAMANIK (Indonesia) said that developments in space technology required parallel development of the legal principles governing outer space activities. However, legal developments had lagged far behind technological developments. The Legal Sub-Committee must, therefore, expedite its work on the preparation of legal principles acceptable to all States. Indonesia attached particular importance to international co-operation as the only way for the developing countries to benefit from the progress made in space technology and thus reduce

the present gap between them and the developed countries. Furthermore, it was convinced that the United Nations and its specialized agencies constituted the most viable instruments for the strengthening of multilateral co-operation to promote the optimum use of that technology. The problems which arose could not await solution indefinitely. In order to expedite the work, certain formulations should be made more specific, so as to avoid future controversies.

25. With regard to the draft treaty relating to the moon, considerable progress had unquestionably been made as a result of concerted efforts and the gap separating the different viewpoints had been narrower. However, difficulties persisted on the issue of the legal status of the moon and its natural resources. In the view of his delegation, the moon and its natural resources constituted the common heritage of mankind. Any natural resources which might be found on the moon could therefore be commercially exploited only in the context of an agreed international régime, which would guarantee not merely the opportunity for the exploitation and use of such resources, but also the equitable sharing of the benefits obtained. The principle of the common heritage also precluded any claim of sovereignty by a nation or group of nations either over the moon itself or over any other celestial body. Hence, logically, there could be no claim to their natural resources. Those principles had given rise to differences of opinion among delegations. The concern of certain nations which were in a position to harness a large proportion of their national resources for the exploitation of the moon, was understandable. Nevertheless, those nations had obligations towards the rest of mankind whenever they engaged in activities in outer space. The principle of the common heritage of mankind should be explicitly recognized, as the developing countries had proposed. Although it would be a long time before the exploration and exploitation of the moon's resources became a reality, it was important to map out the political and legal framework now, in order to ensure that space technology benefited all once practical applications were possible. Any possible use of the moon's resources exceeding the limits of mere exploration should be undertaken on an agreed international basis, and the benefits should be shared equally among all. Those considerations should be adequately reflected in the future treaty on the moon, so as to facilitate the common use by all States of the resources of outer space and prevent the moon and other celestial bodies from becoming sources of conflict in the future.

26. The importance of an agreement on direct television broadcasting, which had implications for the political, economic and social activities of many Member States, could not be over-emphasized. In the formulation of the relevant principles, special attention should be given to the interests of the developing countries, in which direct television broadcasting by satellite could help to accelerate national development. In Indonesia, the application of that branch of space technology was extremely promising, since it could extend education services and other forms of visual communication to the most remote areas, and thus strengthen the links between the thousands of small islands which made up Indonesia. The main point of contention related to freedom of information and State sovereignty. Indonesia continued to support

the principle, supported by several delegations from developing countries, that satellite broadcasts aimed at a foreign country should not be permitted except with the consent of that country. That principle alone would uphold the right of States to regulate their communications systems and to decide upon the nature of the broadcasting services required by them. Furthermore, each State should regulate for itself the question of the dissemination of visual information, in accordance with circumstances.

27. Technological progress must not be used as a pretext for infringing the rules of general international law and the principles of co-existence; nor should that progress be subordinated to national sovereignty and non-interference in the domestic affairs of other States. What mattered was the preservation of the cultural heritage of the various nations and the prevention of hostile propaganda. His delegation was, therefore, of the opinion that the issue of the use of satellites for direct television broadcasting should be resolved by means of consultation and agreement between the States directly involved. Those principles were the necessary corollary to the general principles of international law relating to respect for State sovereignty and non-interference in the internal affairs of States. It was virtually impossible for many nations to preserve their identity in the face of an uncontrolled flood of information from the outside. The continuing impact of other countries with different cultures and histories, especially those with considerable economic and technical resources, might help to destroy features which the receiving country would like to preserve. His delegation therefore attached particular importance to the formulation of an international agreement regulating broadcasting by satellite.

28. The technical regulations formulated by the International Telecommunication Union (ITU) concerning, for instance, the frequencies to be allotted to the members of the Union, did not allay the concern expressed by many States, including Indonesia, regarding the unrestricted use of satellites for direct broadcasting. Those regulations were not concerned with fundamental legal and political aspects of the matter, which should be regulated by a treaty. The ITU regulations were restrictive, both in their geographical scope and their technical implications. An agreement on principles was therefore needed to provide a general framework ensuring that the use of that technology would be based on appropriate agreements.

29. Adequate safety measures must be taken with respect to satellites using nuclear energy sources, and Indonesia hoped that the Sub-Committee would be able to settle that issue.

30. Mr. GREENWOOD (United Kingdom), referring to the question of the use of nuclear power in outer space, recalled that a nuclear-powered satellite had disintegrated above Canada in January 1978. That incident had brought home to the public the possible dangers of the use of nuclear power in outer space. A good deal of work had so far been done, at the national and international levels, on the prevention of nuclear accidents on the surface of the earth, but much less attention had been given to the possible consequences of the use of nuclear power in outer space. After such a warning, the Committee on the Peaceful Uses of Outer Space and its two sub-committees should make a thorough study of the existing international legal instruments and devise new safety measures.

31. His delegation had been disappointed that the Scientific and Technical Sub-Committee had not found it possible to reach agreement on the establishment of an ad hoc working group to consider the safety aspects of the use of nuclear power sources in outer space. However, United Kingdom experts were working on a communication which they hoped to submit to the Secretariat and which might be included in the documentation to be submitted to the Committee in June. Until States had had an opportunity to determine their position on the scientific and technical aspects of possible safety regulations, it was premature for the Legal Sub-Committee to embark upon a full-scale discussion of all the legal aspects. Nevertheless, some aspects of the lesson to be learned from the incident involving the Cosmos 954 satellite could usefully be taken up at the current session. The existing international instruments, for instance, might be considered and compared with similar instruments relating to the use of nuclear energy on the surface of the earth, and a preliminary exchange of views might be held on some of the topics listed by the Canadian delegation and included in the working paper submitted to the Scientific and Technical Sub-Committee by Canada and several other delegations (A/AC.105/C.1/L.103). The formulation of legal principles in relation to remote sensing had not had to wait until all the scientific and technical aspects of the question had been examined. In an area where human lives and health were at stake, he hoped that the same goodwill would prevail.

32. In connexion with the use of satellites for direct television broadcasting, his delegation hoped that it would be possible to complete the elaboration of the relevant principles in 1978. However, for the reasons adduced in the working paper submitted by the United Kingdom to the Legal Sub-Committee in New York in 1977 (A/AC.105/C.2/L.110) and in the light of the conclusions of the World Administrative Radio Conference (WARC) held the previous year under the auspices of the ITU, it continued to be convinced that those principles were not necessary. Because of the technical limitations imposed by the internationally binding ITU instruments on the use of satellites for television broadcasting, in order to prevent interference with other services, it was obvious that uncontrolled broadcasting by satellite would not occur in the 12 GHz band. His delegation believed that the Sub-Committee was formulating principles for a situation which would not arise, but it had co-operated in that work. To reach a solution, it was now necessary to solve a number of contentious issues relating to the draft principles on consultation and agreements between States and to the preambular paragraphs in square brackets. While his delegation wished to arrive at a compromise, it would be unable to abandon certain important principles.

33. The first of these was the principle of freedom of expression and information for the individual, regardless of frontiers. That principle was embodied in United Nations instruments of wide and, in the case of the Universal Declaration of Human Rights, worldwide acceptance. Furthermore, there should be no requirement for agreements and/or arrangements or consultations in respect of spillover within the limits accepted under the ITU Radio Regulations and other instruments. Those limits had been agreed upon in the ITU, and any direct television broadcasting by satellites should be exempt from further international agreement and/or

international arrangements or consultations. If those issues could be resolved satisfactorily, and if agreement could be reached on certain other parts of the preambular paragraph appearing between square brackets, it would be possible to reach a compromise on a range of issues, including the deletion of certain draft principles appearing between square brackets on illegal broadcasts and programme content. His delegation would, nevertheless, like to examine principle No. 6 on the duty and right to consult, in the light of the new article on consultation and agreements between States, and it considered a second reading of all the principles formulated up to and including 1976, in the light of the work done subsequently, essential.

34. With regard to remote sensing, the main concern of his delegation, which had participated in the work of the Working Group on Remote Sensing, was to preserve the principle of freedom of information. That principle was relevant to remote sensing of the earth from outer space, in two respects. Firstly, there should be freedom to collect data from outer space; that freedom was inherent in the freedom of the use of, and of scientific investigation in, outer space guaranteed by article I of 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. Secondly, there should be freedom to disseminate raw data and analysed information. That was another aspect of the freedom to receive and impart information, which was provided for in many widely accepted international instruments, including the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights. In the view of his delegation, those freedoms in no way threatened the sovereignty of any country or its ability to exploit its resources.

35. Insofar as questions relating to the geostationary orbit were concerned, whatever the limit ultimately defined for outer space, there could be no doubt that outer space included the geostationary orbit, which was therefore already subject to the legal régime established in the 1967 Treaty which did not permit differential treatment of the various layers of outer space. The fact that the geostationary orbit was a limited resource already recognized in the ITU Convention was the strongest argument that could be adduced against any national attempt to appropriate any segment of it. It was essential that the use of the orbit should continue to be regulated on an equitable basis, in the interests of all countries, as already provided for in respect of telecommunications by article 33 of the ITU Convention.

36. Mr. PLANA (Philippines) stressed that the irresistible advance of science and technology in space activities had enhanced the importance of the Sub-Committee's tasks. The exploration of the moon and the planets and the progress achieved in other areas such as communications, radio broadcasting and weather forecasting had a direct impact on the lives of people everywhere. Space activities were of concern to all, to the peoples of the industrialized countries as well as to those of the developing countries.

37. The accident which had occurred recently in northern Canada had clearly demonstrated the need to adopt further regulations so as to avert unnecessary risks to human life and property. What had happened in Canada could happen elsewhere.

38. His delegation had listened with great interest to the discussion on the moon and its resources, viewed as the common heritage of mankind. In an era of industrial co-operation and interdependence, if the resources of the high seas and the sea-bed were considered to form part of the common heritage of mankind, the same should apply to the moon and its resources.

39. Mr. KUNERALP (Turkey) said that his delegation, like many others, considered that the principle that the moon and its natural resources formed part of the common heritage of mankind should be incorporated into the draft treaty relating to the moon. It had taken note of the suggestions which had been made in that regard, and in particular, the fact that there was no precise definition of that concept. Nevertheless, the concept of the common heritage of mankind was accepted in international law, as had been seen during the United Nations Conference on the Law of the Sea. If doubts remained about its scope, the subsequent discussions should clarify the issue. The moon and its resources belonged to the whole of mankind, as had been stressed in the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and it was important to ensure that technological discoveries would allow the resources of the moon to be exploited for the benefit of mankind, with particular regard to the needs of the developing countries.

40. The main problem in the use of artificial satellites for direct television broadcasting was to strike a balance between freedom of information and State sovereignty. He was sure that the Sub-Committee would do its utmost to work out a compromise proposal in that regard.

41. The discussion which had taken place on the remote sensing of the earth from space at the Scientific and Technical Sub-Committee's fifteenth session had shown that there was still disagreement on certain technical phenomena connected with remote sensing. Some delegations had stressed that remote sensing should not be used to the detriment of the sensed State. Some States had asked that restrictions should be placed on remote sensing. The discussion would doubtless enable the issue to be clarified and principles elaborated.

42. Mr. RAČIĆ (Yugoslavia) recalled that the Sub-Committee's first task had been to elaborate the principles governing the activities of States in the exploration and peaceful use of outer space. That subject had been dealt with in the 1967 Treaty. Later, the Sub-Committee had sought to lay down specific legal rules in order to solve problems stemming from the advances made in that domain. Those rules had been set forth in various conventions: the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, the Convention on International Liability for Damage Caused by Space Objects and the Convention on Registration of Objects Launched into Outer Space. The elaboration of the draft principles governing the use by States of artificial earth satellites for direct television broadcasting the legal implications of remote sensing of the earth from space, the draft treaty relating to the moon and questions relating to the definition and/or delimitation of outer space and outer space activities, bearing in mind questions relating to the geostationary orbit - all items appearing on the agenda of the current session - were considered very important by his delegation. Since the Sub-Committee had been set up, its agenda had

been enriched by items which, at the time of its inception, might have seemed like something out of science fiction. It was likely that in the years ahead the Sub-Committee would be required to examine problems difficult to imagine today.

43. The principle set forth in article I of 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, which stated that the exploration and use of outer space, including the Moon and other celestial bodies, should be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, was of major importance today and would take on ever-increasing importance in the future. Its application depended on international co-operation. Because of that co-operation, the development of space law had been characterized by the extensive participation of States Members of the United Nations. The number of States involved in the exploration and use of outer space was limited, but the problems which arose were of such interest that the results obtained could not be confined to the frontiers of a particular State. That was not the only difference observed between traditional international law and the law which the Legal Sub-Committee was seeking to develop today. The purpose of traditional international law was to regulate the relations of States which were in a position to engage in a particular activity at an international level; other States were kept at a distance. Contemporary international law, including the law of outer space, was based on a different approach, as indicated in article I of the 1967 Treaty. That trend, however, was also a global one. In the United Nations and other international organizations, important measures designed to speed up the economic, social, scientific and technological progress of the developing countries were being taken. Since the Yugoslav Government's position in that respect was well known, he would merely add that the legal principles and rules which the Sub-Committee was required to formulate must reflect its readiness to participate in that general trend.

44. His delegation would follow the course dictated by the need to co-operate, respecting all legitimate interests, in the peaceful exploration and use of outer space. It was important to reduce the gap between the developed countries and the developing countries. Yugoslavia would help in the formulation of legal norms as part of the international activities undertaken by the United Nations. In that connexion, the Sub-Committee should always bear in mind the Charter of the United Nations and the relevant legal instruments adopted by the United Nations.

The meeting rose at 12.40 p.m.