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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUB-COMMITTEE

Seventeenth session

SUMMARY RECORD OF THE 289TH MEETING

Held at the Palais des Nations, Geneva,  
on Friday, 17 March 1978, at 10.45 a.m.

Chairman: Mr. WYZNIER (Poland)

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STATEMENT BY THE CHAIRMAN

1. The CHAIRMAN said he was happy to announce to the Sub-Committee that a record stay in space had been successfully completed on the previous day by the Soviet cosmonauts Romanenko and Grechko. He had pleasure in conveying the Sub-Committee's hearty congratulations to the cosmonauts and to the Soviet Government.
2. He recalled that the Sub-Committee had to elect the Chairman of the working groups on agenda items 2 and 3. He proposed Mr. Ibrahi (Egypt) as Chairman of Working Group II and Mr. Tesik (Austria) as Chairman of Working Group III. If there was no objection, he would take it that the Sub-Committee endorsed those nominations.
3. It was so decided.

ELABORATION OF DRAFT PRINCIPLES GOVERNING THE USE BY STATES OF ARTIFICIAL EARTH SATELLITES FOR DIRECT TELEVISION BROADCASTING (agenda item 2)

4. The CHAIRMAN recapitulated, for the benefit of new members of the Sub-Committee, the history of the elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting, consideration of which was to begin on Monday, 20 March. Work on that item had started in 1974. Through the efforts of the Working Group on direct television broadcasting, a good deal of progress had been made in considering it. In 1976, the Working Group had succeeded in formulating nine principles dealing with purposes and objectives, applicability of international law, rights and benefits, international co-operation, State responsibility, duty and right to consult, peaceful settlement of disputes, copyright and neighbouring rights, and notification to the United Nations. It had been decided at that time not to formulate principles on spillover and disruption. Views had been exchanged on the subjects of consent and participation, programme content and unlawful/inadmissible broadcasts, but the work had not been completed. The 1976 texts were to be found in the report of the Chairman of the Working Group on direct television broadcasting (A/AC.105/171, annex II).
5. In 1977, the Working Group had decided to continue consideration of the three outstanding principles. Having considered the existing texts on the principle of consent and participation, the Working Group, in an effort to harmonize the views of delegations and facilitate general agreement, had sought to replace it tentatively by the text of a principle on consultation and agreements between States, which had been placed in square brackets, and a draft preamble consisting of five paragraphs, some in square brackets. Four other paragraphs had been drafted for possible inclusion in the draft preamble. Those texts appeared in the report of the Chairman of the Working Group on direct television broadcasting (A/AC.105/196, annex II). The 1977 report of the Chairman of the Working Group also briefly recorded certain differing views expressed by delegations on some aspects of the questions discussed. At the conclusion of its 1977 session, the Legal Sub-Committee had expressed the hope that work on the item would be completed at the forthcoming session of the Committee on the Peaceful Uses of Outer Space in June of the same year in Vienna. At that session, the Committee had established a Working Party to review outstanding matters. Progress was achieved on the texts both of the draft preamble and of the principle on consultation and agreements between States.

6. The report of the Committee on its twentieth session gave the results of the Working Party's deliberations (A/32/20, paras. 22-23 and annexes IV, V and VII). Annex IV contained the text of the draft preamble adopted by the Working Group which, owing to lack of time, had been unable to complete discussion of the four separate paragraphs which had been put forward for possible inclusion in the draft preamble. Annex V contained the text of the principle on consultation and agreements between States, all the paragraphs of which were in square brackets. Finally, the texts formulated for the draft principles on direct television broadcasting were to be found in Annex VII.

7. He recalled that the General Assembly, in resolution 32/196 of 20 December 1977, had noted with satisfaction the considerable progress achieved by the Sub-Committee and by the Working Party in the elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting, and the work done in formulating a tentative text of a principle on consultation and agreements between States and a draft preamble. It had recommended that the Sub-Committee should continue that work as a matter of high priority at its current session. He was confident that the Sub-Committee would do its best to complete the important task which had been entrusted to it and that its efforts would result in a new international legal instrument which would contribute to the progressive development and codification of international space law.

GENERAL EXCHANGE OF VIEWS (continued)

8. Mr. LACOS (Chile) said that, as the Chairman had noted in his opening statement, important new events had occurred in the remarkable conquest of space. The account given by the Deputy Administrator of NASA had also shown how much progress had been made in that domain, which transcended frontiers. The conquest of space, begun twenty years previously, had assumed such dimensions that it now had to be regulated by the international community. In particular, the possessors of technology should share the fruits of their experience with the other nations, including the poorest among them. Future conquests in outer space and their legal status should be based on the principle of solidarity of interests among all members of the international community.
9. The Sub-Committee, which had already done a great deal in that sphere, must not allow itself to be overtaken in its work of codification by the speed of scientific and technological development. It must foresee the future consequences of such development in order to avoid disputes. In that connexion, his delegation supported the proposal of other delegations to consider the legal aspects of measures to ensure greater safety in the use of nuclear-powered satellites. The accident which had recently occurred in Canada had revealed hazards for whose technical and legal effects provision should be made.

10. The elaboration of a treaty relating to the moon and other celestial bodies was of paramount importance in establishing an international legal order in space. Negotiations had been going on for seven years but the treaty, which was a matter of high priority, was not yet in existence. In spite of efforts at compromise on the part of many States, there continued to be disagreement about the legal status of the moon and its natural resources and about the scope of an international instrument. There had been no clear political will which would have made it possible to reach an agreement in that regard. His delegation was open to any compromise formula, provided that it did not undermine the fundamental principle that the moon and its natural resources were part of the common heritage of mankind.

11. The concept of the common heritage of mankind was a hallmark of contemporary international law. It had originated in 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, and it had been embodied in General Assembly resolution 2749 (XXV) containing the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction, and in the principle relating to the environment in the Vancouver Declaration on Human Settlements. It was at present under negotiation in the elaboration of an international code of conduct for the transfer of technology. That concept, which was already deeply rooted in the international legal conscience, must appear in the draft treaty so that the celestial bodies and their resources, the common heritage of mankind, could not be utilized and exploited for the exclusive benefit of those privileged States which had the necessary technological resources. The concept presupposed the establishment of an international régime and machinery to regulate the exploration and exploitation of the moon in the interests of all members of the international community, and in particular the developing countries.

12. With regard to the scope of the treaty, his delegation saw no valid reason for omitting the celestial bodies from the text, which in that matter should follow the 1967 Treaty. Apart from that reservation, it was ready to accept any formulation which would make it possible to reach agreement.

13. With regard to another priority item, the elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting, his delegation considered that respect for the sovereignty of States and non-intervention in their internal affairs did not necessarily conflict with the basic principle of the free dissemination of ideas and information. It continued to hope that international co-operation would make it possible to achieve compatibility between those two concepts. It considered that the principle of the express and prior consent of the receiving State must be protected in the principles, so that outside influences did not upset the political, economic, social and cultural values which developing countries had a duty to preserve. Those countries must be warned against the danger of excessive liberalization in that respect.

14. His delegation did not share the view expressed by certain delegations at previous sessions that agreements concluded in 1977 within the framework of the International Telecommunication Union (ITU) had rendered the inclusion of a separate chapter on consultation and agreement between States superfluous. In its view, ITU functioned on a purely technical level; it was, however, essential that consent should be embodied in a political agreement at the international level in order to guarantee that the principle of non-intervention in the internal affairs of States, which was of fundamental importance to peaceful co-existence, was respected.

15. Promising progress had been made on the question of the legal implications of remote sensing of the earth from space by the acceptance of certain principles. The principle of State responsibility was particularly important, since direct broadcasting activities also concerned States whose natural resources were sensed by that method. Generally speaking, his delegation considered that the principle underlying the joint Argentine-Brazilian draft instrument was correct, since it offered developing countries guarantees on three essential points: their participation in such activities or in activities relating to the information obtained by remote sensing, the need for prior consent by the sensed State and the requirement that the sensed State must authorize any dissemination by the observer State of information obtained by remote sensing.

16. With regard to the distinction between data and information, and the classification of information into world, regional and local information, which had been put forward as a scientific basis for controlling the dissemination of the results of remote sensing, his delegation reaffirmed its position that such a classification was not likely to restrict or reduce the dissemination of collected data. On the other hand, it considered that spatial resolution was the characteristic which best served to determine which remote sensing methods used on a large scale might or might not be harmful to national interests and give certain States with more advanced technology in that field of research clear-cut advantages.

17. Mr. VALLARTA (Mexico) said that the Sub-Committee was already in a position to reach agreement on the question of the use of satellites for direct television broadcasting. His delegation recognized the principle of freedom of information beyond frontiers, taking into account the Declaration of Human Rights, which provided for the protection of the sovereignty of States. The paragraph on consultation and agreements between States seemed to be a suitable instrument for the continuation of the work. The consequences which might result from foreign interference in a democratic process (elections, for instance) through a televised programme clearly showed the need to provide for prior agreements in order to guarantee absolute respect for the sovereignty of States and the principle of non-intervention. An overflow clearly intended for the population of a neighbourly State would constitute interference in internal affairs, even if it was technically authorized under the provisions adopted by the ITU.

18. The essential principle to be respected in the remote sensing of natural resources by satellite was that of the full and permanent sovereignty of States over their natural resources. To grant the space Powers the right to place themselves in a still more advantageous position on world markets by monopolizing data on the resources of third countries would be tantamount to encouraging unfair economic competition contrary to the new international economic order and justice. His delegation was not unaware of the enormous advantages that remote sensing could offer and was in favour of it provided that the right of the sensed State to have free access to all the data relating to its resources was respected.

19. His delegation considered it essential that the treaty relating to the moon should be based on the principle that the moon and its resources were the common heritage of mankind. The international community had the right to know about all the scientific discoveries made about the earth's satellite and all activities having a direct connexion with the moon. The treaty which the Sub-Committee was drafting constituted the basis for the required international régime, which would have to be expanded and strengthened when the exploitation of the natural resources of the moon and any economic use made of them became a reality.

20. Lastly, with regard to nuclear-powered satellites, his delegation considered that the incident which had occurred recently proved that it was necessary to strengthen the present legal framework relating to the registration of objects launched into outer space, and in particular the question of the obligations of the launching State. Under article I of the Treaty Governing the Activity of States in the Exploration and Use of Outer Space, the use of outer space was the province of all and space programmes did not exclusively constitute the domestic affairs of States which launched satellites, particularly when such space activity constituted a danger for third countries.

21. His delegation considered that the Sub-Committee should take a decision concerning the moratorium to which the Swedish representative had referred pending the adoption of safety measures. It was also essential to recognize that the launching State was under an obligation to disclose the potential hazards to which its satellites could give rise, in order to prevent any damage. It was not acceptable that a developing country, for example, should be left to its own devices to track a satellite, detect the decline of the orbit, anticipate the accident, prevent damage to its population and eradicate the nuclear contamination, while the launching State merely observed the development of the accident passively.

22. Mr. DI BERNARDO (Italy) stressed the importance which the Italian Government attached to the safety of activities in outer space and to measures designed to prevent and reduce the damage likely to be caused by the use of the latest technological advances. The accident that had happened to the satellite Cosmos 954 showed that scientific and technological progress might well escape from the control of those who sought to develop it in the space domain. The main feature of the public anxiety caused by the accident was a desire that everything should be done to prevent a recurrence of similar

accidents. Those considerations should continue to be borne in mind by all States which possessed the necessary resources to engage in space activities, some of which were subject to greater risks because of the size of their territory. He appealed to the delegations of all countries and, principally, of the USSR and the United States of America, to be guided by a sense of responsibility and to co-operate in the adoption of measures calculated to protect the human race and ensure its safety. The legitimacy of action of that nature derived from the universal principle that every subject of public or private law should conduct himself in such a way that he did not harm others. More specifically, his delegation supported the proposals submitted by the Canadian, Japanese and Swedish delegations and thought that the best way to proceed would be to set up an ad hoc working group to consider them from the legal standpoint, in conjunction with the technical work done at the direction of the Scientific and Technical Sub-Committee.

23. On the question of the draft treaty relating to the moon, his delegation noted that differences of opinion on the legal régime to govern the natural resources of the moon remained. It considered that the compromise proposal made by Austria might constitute the basis for a possible agreement. It was essential not to repeat the principles governing the activity of States in the exploration and use of outer space set out in the Treaty of 1967, in order to avoid contradictory interpretations. It would then be necessary to include in article I of the treaty a principle stating that the natural resources of the moon and of all the celestial bodies taken to Earth would be shared equitably between all countries, having regard to the interests of the space Powers and the developing countries.

24. In the sphere of direct television, the use of artificial satellites urgently required appropriate regulation within the framework of space law. The Sub-Committee had to carry out the task which the General Assembly had entrusted to it in order to fulfil the general expectation, and particularly that of young people, who were increasingly interested in universal brotherhood and were anxious to know the real facts about others and their ideas. Italy reaffirmed its fidelity to the principle of the free circulation of information and ideas, which was enshrined in its Constitution and involved, inter alia, free access by all citizens to all sources of information and their right to disseminate those ideas. However, freedom did not mean licence, and in the Italian legal system it was an offence to disseminate false or tendentious information. It was in that context that the solution of the problems arising in that sphere should be considered.

25. The question of the delimitation of outer space called for some comments. His delegation reaffirmed the ideas which it had developed in the past and which were set out in document A/AC.105/C.2/7/Add.1. The Italian proposal that the "vertical frontier", in other words, the delimitation between air space and outer space, should be at a height of 90 km (with the possibility of reaching 100 km) from the earth's surface at sea level, remained valid. That proposal had received growing support. The problem of the geostationary orbit situated at approximately 36,000 km from the earth's surface had been raised in connexion with the definition and delimitation of outer space. It was

obvious that the extension of national air space to such a height was unrealistic. Moreover, a claim to sovereignty over the geostationary orbit based on the assertion that it was in a sense a projection of the equatorial region of the earth did not seem acceptable to his delegation. A similar situation would occur if a State were to claim sovereignty over an ocean for the simple reason that the water from that State's rivers flowed into it. On the other hand, the fear of some States that they might be excluded from the practical use of the geostationary orbit must be taken into account. That anxiety could be alleviated by considering adequate rules for the equitable distribution of the positions available.

26. With regard to remote sensing, his Government considered that it was necessary to encourage the widest application of that technique, particularly in the developing countries' programmes. A restrictive policy with respect to the collection and dissemination of data might considerably reduce the benefits of remote-sensing activities. The legal difficulties which had arisen in connexion with the observation of the territory of other States could be overcome by reference to the principles which, in the legal systems of various countries, governed the problem of overlooking the property of others. Those principles, and particularly the prohibition of causing damage to others, should make it possible to solve the questions raised by remote-sensing activities.

27. Mr. CONTEH (Sierra Leone) noted that within the last decade man had made tremendous strides in space technology. His delegation congratulated the Union of Soviet Socialist Republics on the exploit of the two Soviet cosmonauts who had just returned to Earth. On the other hand, it shared the indignation and concern of many delegations concerning the Cosmos 954 incident, which showed that, although mankind stood to benefit from space technology, the risks that it ran might render the whole space exercise futile. The Cosmos 954 satellite was certainly not the first to return to Earth unexpectedly, and unfortunately it would not be the last. The incident had provoked legitimate reactions which had been misconstrued in some quarters and attributed to the wide press coverage of the incident. Nevertheless, his delegation would continue to express its fears as long as nuclear-powered satellites continued to be sent into space without sufficient safeguards. It had decided to join those delegations which were calling for the adoption of measures capable of safeguarding the environment, since it was convinced that man's venture into space should promote his well-being and not his destruction, and that the proper use of nuclear devices was likely to bring him many benefits. Legally binding rules should be worked out to make it obligatory for launching States immediately to inform all those countries which might suffer damage as a result of the defective functioning of a satellite. Provision should also be made for emergency measures to prevent loss of life, personal injury, etc. All those Powers which were in a position to do so should be required to give that information sufficiently in advance. In that connexion, his delegation supported the Canadian proposals.

28. His delegation's position on the draft treaty relating to the moon, was set out in a working paper (A/AC.105/196, annex I, appendix A). It supported the principle that the moon and its natural resources were the common heritage of all mankind and considered that that principle entailed the concept of co-operation which was the very basis of all the Sub-Committee's deliberations.

29. In so far as the legal implications of remote sensing were concerned, his delegation had always asked that the principle of permanent sovereignty of States over their natural resources should be applied. It was regrettable that some delegations had not yet felt that they should take that principle into account, even though there were risks that data obtained about a State by the sensing State or a third party might be abused. Control by a State over its natural resources was a direct expression of its right to self-determination, which was in conformity with the principles of the United Nations Charter.

30. With regard to the question of direct television, he said that the principle of prior consent did not in any way exclude international co-operation; all that his delegation was asking for was the exercise by all States of a legitimate right for the benefit of all mankind.

31. Mr. MICHEEL (German Democratic Republic) said that since the twentieth session of the Outer Space Committee, further significant progress which had a direct bearing on the activities of the Legal Sub-Committee had been achieved in the peaceful uses of outer space; he was referring, in particular, to the results achieved thus far by the Salyut-6/Soyuz-27/Soyuz-28 orbital complex. In recent months, important work had been carried out with a view to equipping permanently inhabited outer space laboratories and to providing them with regular supplies to enable astronauts to live and work in space. He congratulated the Union of Soviet Socialist Republics on the return of the astronauts Yuri Romanenko and Georgi Grechko, who had worked for 96 days in outer space. The fact that Vladimir Remek, a national of the Czechoslovak Socialist Republic, had co-operated with the Soviet astronaut Alexei Gubarev in carrying out a research programme on board the Soyuz-28 spaceship symbolized the close co-operation which existed within the community of socialist States under the long-term Intercosmos programme. He congratulated the Czechoslovak Socialist Republic on that event. That mission would be followed by other space projects carried out jointly by experienced Soviet astronauts and astronauts from other socialist States, including the German Democratic Republic, with the aim of solving the scientific and technical problems raised by the peaceful use of outer space.

32. In September 1976, during a conference on outer space held in Moscow, it had been decided that nationals of all States Members of the Intercosmos Treaty (Bulgaria, Hungary, Cuba, Mongolia, Poland, Romania, the Soviet Union, Czechoslovakia and the German Democratic Republic) would participate from 1978 to 1983 in the flights of Soviet spaceships and orbital stations. Since then, the first group of six candidates (two Czechoslovaks, two Poles and two nationals of the German Democratic Republic) had been carrying out a training programme. Astronauts from Poland and the German Democratic Republic were scheduled to participate in flights of Soviet spaceships by the end of 1978.

33. The German Democratic Republic and the other member countries of the Council for Mutual Economic Assistance (CMEA) were among the 25 nations which were participating directly in outer space activities as a result of the co-operation established within the framework of the Intercosmos programme. The German Democratic Republic had acceded to the Intercosmos Treaty on 30 January 1967.

two years later, it had provided ground equipment for cosmic experiment 261. In the course of the next 10 years, it had participated in some 50 Intercosmos projects, providing over 100 flight instruments and more than 80 ground-control installations and instruments. It had developed the IKP6 multispectral camera used on board the spaceship Soyuz-22.

34. As a result of that co-operation, the States Members of the Intercosmos Treaty were acquiring experience which should be used in the Sub-Committee's work. The Sub-Committee had the important task of codifying outer space legislation and elaborating international laws which would promote peaceful co-operation among States with different social systems in the peaceful uses of outer space. That co-operation depended mainly on future progress in the area of political and military détente. The principles contained in Article 2 of the Charter of the United Nations, particularly those of the sovereign equality of States and of non-interference in their internal affairs, were an irrevocable basis for regulations defining the rights and duties of States in the peaceful uses of outer space.

35. The elaboration of international legislation depended largely on the interests of States with different social systems and on their political will. The German Democratic Republic's approach was to seek to finalize, through acceptable compromises, as many precise legislative texts as possible. That legislation could, however, be improved and codified only if certain scientific and technical prerequisites existed. Thus, his Delegation did not think it useful, at the present stage, to define the legal status of the moon and its natural resources in a draft treaty, when there was not sufficient scientific knowledge of the nature and the quantity of the natural resources in question. It would, however, be possible to reach a compromise on that controversial issue by inserting a protocol in the treaty relating to the moon, as the Soviet delegation had proposed.

36. The principle of strict respect for the sovereign equality of States and non-interference in their internal affairs also determined his delegation's approach to the draft principles governing direct television broadcasting by satellite. It unreservedly supported the idea formulated, *inter alia*, in annex II of the Sub-Committee's report on its sixteenth session, that such television broadcasts formed part of those relations between States which did not belong to the field of human rights. To attempt, as had been done, to include the so-called "free exchange of information" in the discussion had no basis in international law.

37. With regard to the question of the remote sensing of the earth by satellite, his delegation considered that freedom to engage in remote sensing was legally restricted by the principle of the freedom of outer space and by that of the permanent sovereignty of States over their natural resources. Emphasis on the first principle would result in the violation of the second, and vice versa. The argument that natural resources were neither touched nor exploited by remote sensing was not convincing. At the Sub-Committee's last session, it had been stressed that a number of private groups had sometimes misused data obtained

concerning the natural resources of other States to the detriment of their economic interests. The permanent right of a State to dispose of its natural resources was a direct expression of its right to self-determination and was in conformity with the purposes and principles of the Charter of the United Nations.

38. Ms. FREEMAN (Australia) said that the many problems which the Sub-Committee had to discuss would be solved only if countries were prepared to place the political security and economic advantage of all above national or regional interests. In connexion with the draft treaty relating to the moon, views on the concept of the "common heritage of mankind" varied greatly and, in the circumstances, one might have doubts whether priority should continue to be given to that topic. It was to be hoped that the countries most directly concerned would adopt a more positive and flexible approach.

39. In regard to remote sensing, Australia maintained the view that the extension of the concept of permanent sovereignty over natural resources to cover all information relating to a country's natural resources was an unwelcome departure from the accepted principles of international law. Nevertheless, when formulating principles for remote-sensing activities, it was necessary to protect essential national interests. Australia therefore favoured a policy which would promote the greatest degree of dissemination of data obtained from remote sensing.

40. Significant progress had been made over the past year in the elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting. Further work on the draft principle on consultation and agreements between States should produce a practical solution to the difficulties which had arisen over the issue of prior consent.

41. The legal status of the geostationary orbit had been the subject of considerable study in recent years. On that question, Australia maintained the position which it had stated at the sixteenth session of the Sub-Committee. While it would not be opposed to the Sub-Committee undertaking the definition of a possible régime to regulate the use of the geostationary orbit, Australia considered that it would be premature to do so until the technical aspects of the question had been examined by the Scientific and Technical Sub-Committee.

42. Lastly, with regard to the use of nuclear power sources in outer space, Australia would like the Legal Sub-Committee to review existing international legal instruments in order to determine whether there was a need to elaborate an additional instrument.

43. Mr. DEBERGH (Belgium) noted that the Sub-Committee had already spent a good deal of time on the draft treaty relating to the moon. It would be unfortunate if further work led, once again, to a dead end. The Sub-Committee should avoid becoming bogged down in purely semantic discussions on the concept of the common heritage of mankind. Although it seemed impossible, at the present stage, to say what the natural resources of the moon and other heavenly bodies would be, it was possible and important to define the international régime under which those resources should be exploited. The task of definition should take account of the realities of the contemporary world, in which it was no longer accepted that might alone should serve the national egoism of the powerful and rich. The concept of the common heritage of mankind, however, should not be viewed as a panacea. It was true that the difficulties to which it had given rise in the sphere of the law of the sea would not occur in connexion with the moon and other celestial bodies, since the problem of the limits of national sovereignty would not arise. However, if that concept was adopted, the logical consequences stemming from it would also have to be accepted.

44. With regard to the delimitation of outer space, Belgium favoured a limit of approximately 100 km, which would therefore include the geostationary orbit, beyond which outer space, not subject to national sovereignty, would begin. Some orbits might, none the less, require international division and regulation.

45. The question of the use by States of artificial earth satellites for direct television broadcasting involved the principle of the free flow of information and ideas. In practice, because of the existence of technical constraints, totally unbridled freedom could not be envisaged in that sector. His delegation considered that the question of inevitable technical spillover was of lesser importance. Belgium was ready to participate in any work to clarify the issues related to remote sensing and the right of States to dispose of information relating to their own national heritage.

46. Since the public had begun to have doubts about the launching into space of devices carrying nuclear energy sources which might fall back to Earth, an information campaign was needed, particularly about the need for such devices and the risks they involved. The Sub-Committee should make a very thorough study of any possible shortcomings in the relevant existing international legal instruments. Such a review should be based on technical studies, but his delegation agreed with the views expressed by the representatives of Canada and Japan at the 285th meeting that it was not necessary to await the conclusions of the technical studies in order to embark on that work.

47. Mr. BUTLER (International Telecommunication Union) recalled the policy agreements reached by Governments at the World Administrative Radio Conference for the planning of the broadcasting-satellite services in the 12 GHz band: for technical regions 1 and 3 of the ITU (Europe, Africa, Asia/Oceania), it had been decided that the elaboration of the plan associated with the 12 GHz band was to be conditioned, in the first instance, by the need to make provision in the long term for the development of the national broadcasting and television services of the countries of those regions; the participating countries had made systematic use of computer technology at several stages of the planning process, in order to obtain the appropriate national coverage required to provide the viewers of each country with a service of high quality and reliability, while reducing "spillovers" to a minimum, in conformity with the relevant provisions of the Radio Regulations (No. 428A); they had adopted planning processes to enable the

best practical use to be made of the radio frequency spectrum and the nominal orbital (geostationary) positions; and they had adopted measures to enable countries, if the, so desired, to develop ground services in the immediate future without risk of interference from or with other services to which the frequency band was allocated and without any adverse effect on their long-term plans for the direct broadcasting-satellite service.

48. In so far as technical region 2 of the ITU (the Americas) was concerned, a formal agreement had been concluded, under which a regional planning conference was to be held not later than the end of 1982. In that particular case, the planning exercise was more complex, since it had to take account of the requirements for the fixed satellite services (telephone, telex, etc.) which, in that region, shared the band with the broadcasting satellite and other terrestrial services. The regional conference would therefore supplement the World Agreement in regard to the channel allocations to the countries concerned.

49. Since the Sub-Committee's last meeting, the agenda for the World Administrative Radio Conference which was to open in 1979, had been finalized. The Conference would modify the relevant provisions of the Radio Regulations, which had the force of a treaty, mainly on the following issues: review of the radio frequency allocation table, in the light of the interests and service needs of member countries; the relevant international co-ordination obligations and procedures; objectives of member countries in the establishment of a general programme of conferences and meetings to meet the planning and operational requirements of the various services in the next decade. The 1979 Conference has also been given the specific task of fully integrating into the Radio Regulations, as a new appendix, the Final Acts of the World Administrative Radio Conference for the planning of the broadcasting-satellite services in the 12 GHz band (1977), known as the World Agreement.

50. There were two aspects of the activities of the ITU in the field of remote sensing: regulatory policy and standardization. The Radio Regulations, which supplemented the International Telecommunication Convention, contained frequency-band allocations for that activity. They laid down the procedures to be applied for an orderly and interference-free operation of the radio paths for the Earth Exploration Satellite Service. The two International Consultative Committees conducted studies and standardization work on telecommunications involved in remote sensing. Those studies concerned the technical parameters of the radio paths and the microwave sensors, their major objective being to achieve the optimum use of the nominal orbit/spectrum resource.

51. The ITU Radio Regulations did not contain any definition of outer space in terms of dimension; the ITU was more concerned with the nature of space activities. For planning and operational requirements, the Member States of the ITU considered outer space in terms of a "functional approach", and the ITU would like any definitions elaborated by the Sub-Committee to take into account the need to maintain a functional approach in other international legislative instruments. For instance, any fundamental definition of the orbit would have to meet the requirements of the operation of satellites in their orbital plane.

52. Various provisions of the Radio Regulations were concerned particularly with improvements to be made to the use of the geostationary orbit, the conditions for station-keeping and the accuracy of the pointing of antennae from space to earth. Furthermore, under resolutions adopted by the competent conferences, the ITU considered that allocations, including nominal orbital arrangements for space radio communication services and their use, did not give any permanent priority to an individual country or group of countries. International legislation also specified that satellites should be equipped with devices to ensure the immediate cessation of their radio emissions whenever required. There were other technical limitations to ensure the avoidance of interference to satellite and terrestrial radio communication systems.

53. The work of the ITU covered many fields of interest to the Committee on the Peaceful Uses of Outer Space, and hoped that the current session would provide an opportunity for further exchanges between the Sub-Committee and the ITU.

54. Mr. MAIORSKI (Union of Soviet Socialist Republics) thanked the many delegations which had congratulated the Soviet delegation on the occasion of the return of the cosmonauts after the Salyut-6 mission. That mission in space had taken place before the Soviet people who had been able at all times to follow events on board the orbital station on television. Such a success gave the USSR, as well as mankind as a whole, real reasons for pride.

The meeting rose at 12.40 p.m.