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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

VERBATIM RECORD OF THE ONE HUNDRED AND THIRTY-SEVENTH MEETING

Held at Headquarters, New York,  
on Friday, 5 July 1974, at 3 p.m.

Chairman:

Mr. JANKOWITSCH

(Austria)

- Report of the Working Group on Direct Broadcast Satellites
- Organization of work

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## REPORT OF THE WORKING GROUP ON DIRECT BROADCAST SATELLITES (A/AC.105/127)

The CHAIRMAN: In accordance with the programme of work adopted earlier, we shall now take up item 4 (c) on our agenda, which is the report of the Working Group on Direct Broadcast Satellites.

Mr. HAFHEY (Canada): With regard to item 4 (c) of our agenda, "Report of the Working Group on Direct Broadcast Satellites", document A/AC.105/127, the views of my delegation have already been made known in our general statement on 2 July.

My delegation does not believe that it would be productive for this Committee to engage in a detailed debate on the substance of the report of the Working Group or in an analysis of the text of the five principles pertaining to direct broadcast satellites which were subsequently elaborated by the Legal Sub-Committee, because the task of elaborating principles, further to resolution 2916 (XXVII), is only partially complete and because most delegations to this session do not have with them the technical experts who have participated in this work over the past two years.

Therefore, I would only wish to repeat that in the opinion of my delegation satisfactory progress has been made in the past year, particularly by the Working Group on Direct Broadcast Satellites, on the elaboration of principles to govern the use by States of artificial earth satellites for direct television broadcasting. However, it is the view of my delegation -- which is shared by the delegation of Sweden and, I believe, many others -- that a sixth session of the Interdisciplinary Working Group on Direct Broadcast Satellites should be held in 1975 in order that it might make specific recommendations to the Legal Sub-Committee on the particularly contentious issues of consent, participation and spillover. If a sixth session of the Working Group is not held prior to the next session of the Legal Sub-Committee, my delegation fears that the debate in the Legal Sub-Committee on these particularly difficult issues, which have significant technical as well as legal and political implications, may not be very productive. There are still a number of technical issues which should be examined thoroughly in a multidisciplinary context before we can expect the Legal Sub-Committee to draft legal principles pertaining to consent, participation and spillover.

(Mr. Haffey, Canada)

Therefore, I should like to propose that this Committee, when adopting the most useful and detailed report of the fifth session of the Working Group on Direct Broadcast Satellites, include in its report to the General Assembly a recommendation that the Working Group be convened again in 1975 for a sixth session prior to the fourteenth session of the Legal Sub-Committee, with a view to making specific recommendations to that Sub-Committee regarding the principles pertaining to consent, participation and spillover.

Mr. CHRISTIANI (Austria): My delegation wishes to make a few remarks on the subject-matter under discussion. While I must say that we fully share the views just expressed by the representative of Canada that we should not go too much into the substance of the matter, we nevertheless feel that the main Committee, in approaching the various subjects, should do more than only discuss procedural questions and questions of venue, dates and possible financial implications. It is certainly the duty and the prerogative of the main Committee to address itself to questions which in our view are of great importance.

Having said that, I might recall that we already had the opportunity to state in the general debate how useful we found the session of the Working Group on Direct Broadcast Satellites -- and I would add here an expression of our appreciation for the excellent leadership which was provided both by Ambassador Rydbeck of Sweden as Chairman of the Working Group and by Mr. Vellodi of India as Chairman of the Drafting Group.

When we take into account the complexity of the issue and the diversity of the views involved, especially on political and legal matters, the report before us is an excellent one and, in our opinion, one on which much further work can be based. Although, as we can see from the report, no consensus was achieved in many areas related to the principle concerning the conduct of States in direct television broadcasting, my delegation firmly believes that the discussions in the Working Group were important and useful. They have permitted us to narrow the differences of opinion or even achieve a certain measure of agreement on such questions as purposes and objectives, applicability of international law and so on. In other areas we were able to clarify different positions, thus, it is hoped, preparing the basis for generally acceptable views in this field.

(Mr. Christiani, Austria)

One major issue especially -- I am referring here to the concept of prior consent -- will have to be left for future consideration in the framework of the Committee on the Peaceful Uses of Outer Space, its Working Group and the Legal Sub-Committee.

(Mr. Christiani, Austria)

We do not want to restate our views expressed in the Working Group on the various matters. I should simply like to reaffirm our conviction that problems arising between States on any subject matter in applying this technology will not find satisfactory resolution if unilateral measures are applied.

A situation in which perhaps one State is exclusively applying the principle of prior consent, and the other not recognizing anything but unlimited freedom of information, will not be conducive to a harmonious application of this new technology, but rather will constitute a new source of friction and conflict between nations. My delegation has therefore submitted to the Working Group as a basis for discussion some thoughts which would give the concept of freedom of information an important place in the draft principles and would make the refusal of consent the exception, not the rule. These thoughts are contained in paragraph 42 (e) of the report before us. It would ask the States withholding consent to explain their reasons and to enter into consultations if that was desired by the broadcasting State.

We are pleased to be able to state that in this work the Working Group on Direct Television Broadcasting has achieved agreement on the view that any dispute which may arise in connexion with direct broadcasting by satellites should be resolved through consultations and, as may be necessary, through established procedures for the settlement of disputes.

Perhaps, in concluding this particular point, I might be permitted to restate our view, already expressed in the Working Group, that we do not see a contradiction, or necessarily a conflict, between the principle of sovereignty of States and the principle of freedom of information. We believe that we will never reach a satisfactory solution if we portray, or continue to portray, the question in such absolute terms.

A question which is on everybody's mind concerns the future of the Working Group. We are convinced that the Working Group, especially because of its inter-disciplinary character, can continue to play an important, useful and even necessary role in the future, and in particular in the year to come, for various reasons, a few of which I will mention here.

(Mr. Christiani, Austria)

First of all, let me say that we do not feel that a parallel could or should be drawn, as it has been in the last two days, between this working group and the Working Group on Remote Sensing of the Earth by Satellites. Therefore, we do not think that we should talk about "proliferation" of working groups, or the question of reconvening working groups --- in the plural --- next year. Not only is the subject matter dealt with by these two groups quite different, but so also is the organizational structure. Here in the Working Group on Direct Television Broadcasting we are dealing with a group of the main Committee, established by the main Committee and reporting primarily to the main Committee; and it remains doubtful whether the main Committee, in view of its various other responsibilities, could ever find enough time to study thoroughly the various questions involved.

Secondly, as can be seen from paragraph 15 of the report, the Secretary-General is being asked to undertake studies. Such studies, we think, form, in addition to the many problems which have been left open, an adequate basis for further consideration.

I have already stressed the interdisciplinary character of the Working Group. I think this is an element which cannot be overemphasized. It is, as we probably will all recognize, the complexity and the interrelationship of political, legal, organizational and other problems which have to form the basis, in part, of our present discussion of this new technology. We certainly believe that the Legal Sub-Committee is the appropriate body to draft actual treaty or principal language, but only on the basis of prior discussion and agreement on issues involving not only technical and organizational but also numerous political problems.

This leads to what is probably the most important and pertinent question: <sup>What</sup> kind of mandate should the Committee give the Working Group for the year 1975? In approaching this question we feel that the mandate contained in the report of the Working Group on its 1973 session and reproduced in paragraph 5 of the report before us is sufficiently broad that the mandate we would give the Working Group if we decided to reconvene it next year could very well again be based on the considerations contained in these paragraphs. I think this would also ensure continued guidance for the Legal Sub-Committee. How, for example, could the Legal Sub-Committee formulate language on matters of prior consent without further discussion in the Working Group?

(Mr. Christiani, Austria)

In the light of all these considerations, I should like to reiterate our firm belief that it would be most useful to reconvene the Working Group on Direct Broadcast Satellites next year. For the reasons I have stated, such a reconvening should, for all practical and other purposes, take place before the session of the Legal Sub-Committee. However, in looking at this note on a schedule of meetings --- which we, like other delegations, hope is preliminary and not final in character -- we note that the period proposed for the Legal Sub-Committee, February-March, would not permit a reconvening of the Working Group, because, in our view, if the Working Group is reconvened a period of about three to four weeks in between should be given. I would hope that the Committee secretariat, in co-operation with the Department of Conference Services, could come up with alternative dates for the Legal Sub-Committee, and if the Committee agrees -- as we would very much hope it will -- to reconvene the Working Group, the February-March date could perhaps be utilized for the session of the Working Group itself.

Those are the few comments my delegation wanted to make at this stage, and in concluding I might express the hope that we will have a debate on this issue and other related questions in the Committee on Peaceful Uses of Outer Space.

Mr. KEVIN (Australia): I would like to offer the Australian delegation's congratulations to the Working Group on Direct Broadcast Satellites for the very useful work it performed at its fifth session, at which it gave primary attention to the legal and political problems of direct broadcasting by satellites. The Working Group had before it a number of documents covering a wide spectrum of views, submitted by the USSR, Canada and Sweden, the United States and Argentina.

In its consideration of these delegations' proposals, the Working Group made appreciable progress towards establishing a consensus on principles governing direct broadcasting from satellites, and it was on the basis of its work that the Legal Sub-Committee was able to draft five square-bracketed direct broadcast satellite principles this year, which is a promising beginning to this important task.

It seems evident that a good deal of common ground already exists on satellite direct broadcasting principles, even on the more contentious areas of spill-over, prior consent and programme content. Most of us are agreed that a proper balance needs to be struck between the principles of free exchange of information and of the sovereignty of States. Australia would not dispute the argument that a State has legitimate cause for concern if a foreign State beams a programme over which it has no control into its territory by satellite, and we proceed on this basis in supporting arguments for prior consent and perhaps also the right of the receiving State to participation in programme preparation.

On the other hand there are problems which are so far technically unavoidable -- or at least unavoidable at an economically reasonable cost -- of spill-over into neighbouring States of programmes which would be primarily aimed at a domestic audience; and in this case we consider that the principle of prior consent, if carried to extremes, could result in a right of veto by one country over a neighbouring country's domestic satellite broadcasting.

This would obviously be as much a breach of national sovereignty as the deliberate beaming of one country's satellite broadcasts to another country without the latter's consent, and could frustrate the practical utilization of direct broadcasting by satellites. We consider that there is a need, therefore, for flexibility and compromise in the formulation of principles governing prior consent, programme content and spill-over.

The Australian delegation is hopeful that co-operation between States on a bilateral and multilateral basis, and a spirit of compromise in this Committee and its subsidiary bodies will allow us to reach a consensus on these principles in the not too distant future. The need is urgent, since direct broadcasting is already a practical reality, and the sooner we are able to achieve a General Assembly resolution of principles governing direct broadcasting by satellites the better it will be from the point of view of realizing the maximum benefit from this space application which holds out so much promise, particularly for the developing countries.

I should also like to express my delegation's view on the question of the future of the Working Group on Direct Broadcast Satellites. We have noted the legitimate concern expressed here by a number of delegations to avoid the undue proliferation of subsidiary bodies. Nevertheless, together with Canada and Austria, Australia supports the continuation of this Working Group, which has proved itself to be a competent multidisciplinary body and whose output has been of great assistance to the Legal Sub-Committee and this main Committee in the past. We see a clear need for an ongoing overview and review of the technical and organizational aspects of direct broadcasting by satellites, which have important legal implications, such as the extent to which unintended spill-over can be controlled and at what cost, and the technical and economic feasibility of direct broadcasting to home receivers, and so on. Up-to-date technical information on these matters is essential for the Committee to consider direct broadcasting effectively.

(Mr. Kevin, Australia)

There will also be much useful work to be done in assessing the results of the ATS-F experiments in the United States and in India. It would also be desirable for the Working Group to carry out the further studies relating to the contribution of direct broadcasting by satellite to social and economic development which were recommended in paragraph 15 of the report (A/AC.105/127).

Finally, the Working Group can, as this year's experience amply shows, do useful preparatory work on looking for consensus on the legal and political aspects of direct broadcasting.

For all these reasons, the Australian delegation favours the holding in 1975 of a sixth session of the Working Group of Direct Broadcast Satellites. We would support the suggestions made by the representative of Austria concerning the mandate for the Group.

Mr. VELLODI (India): Like the preceding speakers, I also shall refrain from going into substantial discussion on the report of the Working Group on Direct Broadcast Satellites because I do not believe that a substantial discussion at this stage in this Committee is either called for or advisable. The Working Group, when it met in Geneva, I believe, did useful work and I have no doubt that the report of the Working Group did assist the Legal Sub-Committee very significantly in its consideration of the matter in response to the General Assembly directive addressed to the Legal Sub-Committee.

At the same time we noticed, and it is a fact, that the Legal Sub-Committee did choose some of the principles which in its view could be considered reasonably satisfactory by the Legal Sub-Committee. The Legal Sub-Committee left out quite a number of principles. Out of 14 principles which we had included in the report of the Working Group it has devoted its attention only to five. That leaves out nine principles. My delegation, like other delegations that have spoken before us, is of the view that it would be useful for the Working Group on Direct Broadcast Satellites to have another session before the Legal Sub-Committee's meeting next year, irrespective of whether the Legal Sub-Committee has specifically asked the Working Group on Direct Broadcast Satellites to meet again.

(Mr. Vellodi, India)

I believe that that should not be the argument. In other words, it should not be argued that the Working Group on Direct Broadcast Satellites should not meet because the Legal Sub-Committee has not asked it to. I think it is quite proper for us here in the main Committee, looking at the work done in the Working Group on Direct Broadcast Satellites and the work done in the Legal Sub-Committee, to consider the advisability of another session of the Working Group on Direct Broadcast Satellites. I think it is in that context that many of us feel that it would be useful if the Working Group were to meet again.

As far as the terms of reference of the Working Group are concerned, I am also inclined to go along with the position taken by the representative of Austria. In other words, I would not like the hands of the Working Group to be tied or its style cramped. For instance, if I understood aright, there was a suggestion from the Canadian delegation that we might specifically pick out three areas -- that is, the questions of prior consent, participation and spill-over -- and ask the Working Group to deal with them. Personally, I feel that it might not be a very good idea to do that because, first of all, several of these principles are interrelated and we do not want a situation to arise in the Working Group where, if such a mandate is given that it is only to consider three principles, we may have certain practical difficulties.

(Mr. Vellodi, India)

If one looks through the draft principles covered by the Working Group's report, one will find very important principles relating to programme content and illegality of broadcasts. Those are important principles concerning which delegations have expressed very strong views, and in my opinion it would be rather unwise to give a restricted mandate to the Working Group. I am sure that was not the intention of the Canadian representative, but as he put it I had the impression that he was suggesting that they be asked specifically to deal with these three items.

It is in that context that I feel that, as was suggested by the representative of Austria, there should be a broader mandate which in a sense repeats the mandate given to the Working Group last year, without mentioning any principles. We will of course have to redraft the mandate to take into account the fact that the Working Group on Direct Broadcast Satellites did have a meeting and the Legal Sub-Committee did have a meeting to consider some of these matters. So slight drafting changes will have to be made. But in general I tend to agree with the suggestion that -- if there is general agreement that the Working Group should meet again next year -- the mandate or terms of reference should be of a general nature, leaving it to the Working Group on Direct Broadcast Satellites to decide on the order of importance.

Obviously, the Working Group will refrain from again discussing those principles on which the Legal Sub-Committee has already spent considerable time. I would imagine that the Working Group would therefore not have a substantive discussion on those five principles. But, there again, one should leave things somewhat flexible because of the very close relationship between some of the principles.

Therefore, my delegation is in favour of holding a sixth session of the Working Group on Direct Broadcast Satellites, which in our view would certainly help the Legal Sub-Committee next year.

As far as the timing is concerned, that is of course tied to the whole time-table of our meetings next year. I should like to mention only one point, and that is that in our view what is of primary importance is economy, to try not to spend too much money on meetings. I understood that the dates given in the document distributed by the Secretariat the day before yesterday, the dates for

(Mr. Vellodi, India)

the sessions of the Legal Sub-Committee, the Scientific and Technical Sub-Committee and the main Committee, are given on the basis that they have no financial implications -- in other words, if there is any change in that time-table there will be financial implications. As I hinted this morning, we should very much like to avoid any significant financial implications. Therefore, if we assume that the dates given in the document are dates for which there are no financial implications and that thus there is some pressure upon us to accept those dates the position is this: The Legal Sub-Committee can meet from 10 February until 2 March. I agree that there should be a gap between the meetings of the Working Group on Direct Broadcast Satellites and those of the Legal Sub-Committee. I should therefore like to inquire whether there is a possibility of the Working Group on Direct Broadcast Satellites meeting early in January for about two weeks, which would mean that it would end its session around 20 January, leaving about three weeks before the beginning of the meetings of the Legal Sub-Committee -- that is, provided we are for financial reasons compelled to choose the dates given in this document. Of course, if those dates can be altered without very serious or significant financial implications, we have a little more choice. If not, I think the only possibility is for the Working Group on Direct Broadcast Satellites to meet, let us say, between 5 and 21 January. This is a matter we can go into later on.

Mr. MAJORSKI (Union of Soviet Socialist Republics) (interpretation from Russian): It is well known that the Soviet delegation has a negative attitude towards any proposal -- and we foresaw at the very beginning of our session the possibility that such a proposal would be made -- for a further session of the Working Group on Direct Broadcast Satellites.

We have listened very carefully to previous speakers, and I hope my colleagues from Canada, Austria, Australia and India will bear with me when I say that my delegation remains unconvinced by their arguments. We remain unconvinced because in this room there is obviously no other delegation keener than the Soviet Union to see an early conclusion to the work on draft principles governing direct broadcasting from satellites. Suffice it to recall that General Assembly resolution 2916 (XXVII), which laid the foundation for this work, was adopted on

(Mr. Majorski, USSR)

the initiative of the Soviet Union. It proposed a draft convention on this subject. From the very beginning, back in 1972, we have called consistently for the earliest possible drafting of an international legal document, which in our opinion should be binding in nature, to regulate the activities of States -- and I emphasize that: the activities of States --- in the field of direct television broadcasting. But we face a very real question: that of the most rational ways and means of doing that work.

Previous speakers have said that if this work is to be successfully accompanied all these problems will have to be discussed on what in English is called an interdisciplinary basis. In my delegation's view, the discussion of this specific question -- the question of the regulation of activities of States in direct broadcasting by satellite -- on an interdisciplinary basis is not going to speed but rather to delay a solution of the problem. It is for that reason that what had appeared so easily obtainable at the session of the Working Group actually turned out to be so complex and so difficult when it came to the session of the Legal Sub-Committee.

(Mr. Majorski, USSR)

One would have thought that the Working Group and the Legal Sub-Committee were discussing the same, identical problems. Indeed, the Working Group might have been thought to be paving the way for the work of the Legal Sub-Committee. And yet, despite the presence of this preliminary work, this basis, the proceedings of the Legal Sub-Committee moved very slowly -- and that is because the Legal Sub-Committee is the only body of the United Nations system which, in accordance with its functions, is empowered and indeed has the duty to prepare such a document. The Legal Sub-Committee approached this task with a full awareness of its responsibility and of the political and legal implications of this or that formulation agreed upon in that body.

I do not mean to say that what the Working Group on Direct Broadcast Satellites did was not useful; quite the contrary, my delegation has repeatedly expressed its appreciation of the work done by the Working Group and the results achieved and, in general, we consider that that body did perform a useful role. But our judgement is that at this stage the tasks of the Working Group should be recognized as having been exhausted, and we should proceed from the understanding that the Working Group has now completed its work at this stage.

If the Legal Sub-Committee needs any information of a technical nature, on questions having to do with the technology of direct broadcast satellites, all it need do is call on the expert views of the International Telecommunication Union and, lastly, of the Scientific and Technical Sub-Committee. And here I would like to give the Committee an example.

When work began on the Convention on Registration of Objects Launched into Outer Space the first suggestion related to the need to secure information on technical matters from competent organs. The Legal Sub-Committee sent inquiries to the Scientific and Technical Sub-Committee; and the Scientific and Technical Sub-Committee replied that the marking of objects launched into outer space was impossible and that obviously the problem of registration at that stage was hardly worth pursuing. Nevertheless, the existence of that technical reply did not prevent the Legal Sub-Committee from continuing its work on the Registration Convention, from carrying that work to a successful conclusion -- and I should like once again to congratulate our colleagues on having done so --



(Mr. Majorski, USSR)

and actually finding a solution to the problem of the marking of space ships. All this indicates that, as in the case of the problem of registration of objects launched into space and the problem of regulating the activities of States in the field of direct broadcast satellites, there are spheres of international space law and decisions on these problems which depend, in the first instance, on the presence or absence of the political will among the States concerned to come to these decisions.

As for the technical, social, economic and other aspects, it seems to us that they have already been sufficiently discussed and gone into. If the Working Group is regarded as the organ where the various broadcasting organizations can more easily and fully express their views, we are ready to admit that this is obviously the case. But, at the same time, we would like to stress that we do not think that that is the work of the Working Group at all and we do not believe that that is the attitude we should take in our work on the international legal aspects of the activities of States in the field of direct broadcast satellites.

To conclude, then, I should like to say that my delegation is prepared to support any proposal to the effect that work in the Legal Sub-Committee on principles to govern the activities of States in this field should, to the extent possible, be accelerated. If there should be misgivings to the effect that there may not be sufficient time to do that at the session of the Legal Sub-Committee, we are prepared to support a proposal to extend the length of the Legal Sub-Committee's session. If representatives consider that this question requires separate consideration, then we are prepared to support a proposal that a special session of the Legal Sub-Committee be convened for the specific purpose of considering the problem of direct broadcasting by satellite. But we do insist, and shall continue to insist, that these tasks are a matter for the Legal Sub-Committee as the legal and political organ of the Committee whose immediate functions include the drafting of an appropriate international legal document.

Mr. COCCA (Argentina) (interpretation from Spanish): My delegation is pleased to announce that this afternoon we shall hand in to the Secretariat a draft convention on direct broadcasting by satellite. Thus, our delegation seeks to complement the work done by other delegations in the Working Group on Direct Broadcast Satellites and in the Legal Sub-Committee to provide the legal framework for this new area of space technology. This complements too the work initiated by our own delegation in 1969 when we submitted a monograph to the second session of the Working Group on Direct Broadcast Satellites.

This afternoon's statement will not, therefore, be addressed to fundamental problems, not only to echo the approach of previous speakers, but also because our delegation is submitting a new draft convention on this subject, which we trust will be circulated in all the working languages, and we ask for an opportunity to introduce the text in due course -- by which time all delegations will have seen the text in their working languages.

The crux of this debate is whether or not our Committee should decide to convene the Working Group on Direct Broadcast Satellites for a further session. I would venture to make a brief reference here to the establishment of that Group and its activities and, above all, to the results of the Working Group's proceedings.

(Mr. Cocca, Argentina)

It was in 1969, if memory does not mistake me, that this Group was first established, and it met twice consecutively in that year, in New York and in Geneva. The third session was held in 1970 here in New York, and the contribution of that session, not only from the interdisciplinary standpoint but also from the political and legal points of view, to the fundamental problems involved in direct satellite broadcasting, was very considerable. This contribution was appreciated not only in the legal and political organs but also in academic institutions completely outside the political implications of direct satellite broadcasting and also outside the technological and economic aspects.

I have heard it said that this was one of the most effective working groups our Committee has ever had to do with. I believe that this assertion is fully justified, particularly in light of the last session held in Geneva and the results achieved there. If we look at annex III to the report of the Legal Sub-Committee, we see that in the first sentence on the various implications of space communications of the report of the Working Group on Direct Broadcast Satellites, we read that there was a broad consensus during the fifth session, which was held in Geneva. Yet this broad consensus reached in March, appears illusory since two months later, in May, the Legal Sub-Committee was unable to remove the brackets from even the most general propositions, which had apparently been resolved in the Working Group.

Consequently, there is something here which we find rather hard to follow. How is it possible that delegations -- and often the same individuals, the same representatives -- who took part in the March meeting of the Working Group were unable to display the same spirit of conciliation and consensus two months later? It is inappropriate for the Working Group to deal with legal questions without the Committee having decided that the Legal Sub-Committee should do so, and without having agreed in plenary on anything more than a few texts in brackets lacking even the most elementary consensus on these five basic points. This prompts the following thought. If the Working Group achieved these results, it is proof that it is an effective body, a body which has substantially assisted the work of the Committee on the Peaceful Uses of Outer Space.

I should like to try and counter the pessimism voiced by the Soviet delegation to the effect that we would gain nothing from an interdisciplinary Working Group in approaching problems that are essentially political and legal in nature. I completely agree that an interdisciplinary group

(Mr. Cocca, Argentina)

at this stage which would go back to technological and economic problems would postpone consideration of the crux of the matter, the fundamental principles governing direct satellite broadcasting. We would also agree with the Soviet Union that what is to be worked towards is a binding type of legal instrument, in other words, a convention, and, indeed, it is a draft convention that my delegation has submitted.

But I have the following thought: never has the programme of the Legal Sub-Committee been so overburdened as this year, so much so that little time could be devoted to this subject, or to another which is of great importance to our delegation, that concerning remote sensing of earth resources. Consequently, a prior meeting of the Working Group on Direct Broadcast Satellites would not be an interdisciplinary type meeting, as I understand it, having taken drafting of the final part of the report last year when we decided that it would deal with the relevant legal and political topics; it will be a legal meeting of the Working Group prior to the meeting of the Legal Sub-Committee and, obviously, it would deal with political problems since the technical side of direct broadcasting does not concern delegations here present. Nor are they concerned about the exact date. But they are concerned, and such was the wish of the General Assembly and of the international community, that there should be an adequate legal framework as soon as possible to govern activities in this area. Consequently, we feel that the Working Group should meet and that it should meet prior to the session of the Legal Sub-Committee. This would be very useful. It would be a meeting which -- it would be our hope at least -- would get rid of these brackets in annex III to the report of the Legal Sub-Committee and make some progress in other topics of much greater importance, since they are more difficult, which were not considered at this stage in the Legal Sub-Committee.

In my delegation's opinion, in order to reduce costs not only for the United Nations and the Secretariat but also for delegations of our countries, this meeting of the Working Group should be held immediately prior to that of the Legal Sub-Committee. This is, after all, a procedure which was followed by our Committee last year in New York -- and there is nothing new in this proposal -- when two organs of our Committee held sessions immediately following one upon the other.

(Mr. Cocca, Argentina)

My delegation believes that a further meeting of the Working Group on Direct Broadcast Satellites would certainly be constructive, and it is in this sense that we voice our support for views of Canada, Sweden, Australia, Austria and India, who spoke before us.

Mr. EL-ZOEBY (Egypt): My delegation has had the opportunity to express its views on the substance of direct broadcast satellites and its legal implications both in the Working Group and during the last session of the Legal Sub-Committee. Therefore, I do not think that I have to repeat them here.

We see a certain merit in reconvening the Working Group on Direct Broadcast Satellites before the next session of the Legal Sub-Committee for the many valid reasons stated here by many delegations, which I do not have to repeat. We feel that this would be of great help to the Legal Sub-Committee in considering the legal implications of that subject, a matter to which we attach great importance. It is my delegation's hope that if the Committee decides not to reconvene the Working Group on Direct Broadcast Satellites an extension of the period of meetings of the Legal Sub-Committee will be considered and that a higher degree of priority will be given to the consideration of this item.

Mr. KANGWANA (Kenya): My delegation would like to echo the remarks made by the Chairman at the opening of this session in which he welcomed the new members to this Committee and invited their fullest possible participation in throwing light on the problems at hand.

Many of the new members do not have the advanced technology that is under consideration, particularly in the use of direct broadcast satellites. Now, one of the remarks which my delegation feels to be extremely pertinent to these discussions was the one made by the representative of Australia in the general debate to the effect that now that this technology has been recognized and perfected perhaps the time has come to consider using it.

Now, with reference to the application of space technology, particularly as it applies to the problems of direct broadcasting by satellite, we feel that it is an area in which we are dealing perhaps not only with technical and legal problems but with far-reaching problems of social relevance, and if there appear to be some delays it is because, in our view, there is need to examine the problem further.

Since my delegation took part in the meetings in Geneva, and there was a degree of consensus, we were surprised to find that the Legal Sub-Committee was subsequently unable to draw from the list of those areas which were considered to be areas of general agreement, and that only a few of them were considered to be pertinent and probably to cover a wide enough area of agreement to warrant their being implemented.

It seems therefore that, rather than rush, perhaps there should be another meeting to examine the problems that made it difficult for the Legal Sub-Committee to carry out the recommendations that had been made on the general principles for the use of direct broadcast satellites.

If it is felt that the considerations of participation, consent, spill-over, and even the problems of influencing programme content, have inhibiting implications in them, it seems, therefore, that there is need to reexamine the whole approach to the subject, because it is difficult in this particular area to expect to influence development if we do not examine the manner in which direct broadcast systems will need to be influenced both from the source and from the receiving end.

Mr. SUZUKI (Japan): As my delegation stated during the general debate, we are in principle in favour of keeping the Working Group on Direct Broadcast Satellites in existence so that interdisciplinary study of the question can be resumed whenever such a study becomes necessary as a result of future developments in the technological and economic aspects of this activity.

However, we entertain some doubts as to the wisdom of holding the next session of the Working Group in 1975 because, in our view, the state of the art in the field of direct broadcasting by satellites will not be much different in 1975 as compared with this year. We consider that the next session of the Working Group can be held in a far more profitable manner at a slightly later stage -- for example, when the complete results of the ATS-6 experiment now being conducted are made available to the international community.

Mr. BLACK (United States of America): As the United States representative stated in the general debate, our delegation remains essentially neutral on the question whether the Working Group on Direct Broadcast Satellites should be reconvened at an early date -- specifically, early in 1975.

We do consider, however, that if this Committee should take such a decision the terms of reference of the Working Group should remain on an interdisciplinary basis, and its agenda should be reasonably broad -- perhaps along the lines indicated earlier by the representatives of Austria and India.

We also believe that if an affirmative decision is taken, the Working Group's session should precede that of the Legal Sub-Committee, because, as we have repeatedly stated in this and other contexts, we do not feel that it is profitable to consider political and legal issues related to the use of very experimental and very developmental technologies in vacuo. For results to be meaningful we should continue to take manifold practical aspects into account, and I would add as a foot-note that, again if the decision is an affirmative one with respect to reconvening the Working Group, the suggestion just made by the representative of Kenya, in our view, warrants very careful consideration as a guideline for the possible agenda to be given the Working Group.

Mr. SKALA (Sweden): My delegation has already had occasion in the general debate to make its general views known on the advisability of reconvening the Working Group, and I need not repeat them.

We do see a need for reconvening the Group for the reasons stated today also by a number of other delegations. It is necessary, we feel, in this particular context, to keep in mind the manifold views held on this subject. It will not be possible for any delegation, we feel, to press ahead with its particular views on this subject; it simply will not work to stress only the legal aspects of the matter, or to stress the advisability of the Legal Sub-Committee alone dealing with the further work to be done in this field. That will not do, simply because it is so well known that other delegations hold opposite views on this. It will therefore be necessary to find a compromise between these various viewpoints.

That, as I said in my general statement, is true with regard both to the procedure and to the substance. Many delegations merely hold that it is important to have further discussions, of perhaps a more informal nature, which will deal with technical, social, political and other aspects before they are prepared to go to the drafting stage, at least of certain fundamental principles which we have been arguing so long about. We had three weeks this past year, and even that proved insufficient for some of the more detailed problems.

It is obvious to my delegation that if we hope to achieve any results next year we will need ample time, and we will need to take into account all the viewpoints on this subject.

(Mr. Skala, Sweden)

It may be that we will not succeed anyhow, but certainly we will not agree if we have only a rather brief discussion of up to not more than two weeks in the Legal Sub-Committee, and discuss the problem from the legal point of view only. This is not to say that my delegation does not want to proceed ahead with the kind of declaration of principles which we are working on. It is obvious that since Canada and Sweden have presented a joint paper, the contents of which are by now well known, we want to achieve a certain result in this field. But we are mindful of the views held by other delegations on this and we hope that, through more discussion, there is room for a broader measure of agreement, even on the more difficult problems, and for that we simply feel that the Working Group as such is better suited than the Legal Sub-Committee.

That Working Group is, so to say, more informal and it will not have as a task to agree on specific language on certain difficult issues, but it will try to broaden, as I said, our general agreement on this. Therefore, I should like to express the hope once again that everybody here will realize that the work is likely to be achieved much better and much sooner if it is done in stages, through the Working Group, and later finalized by drafting in the Legal Sub-Committee.

With regard to the mandate of the Working Group, if it is reconvened, my delegation does have a preference for perhaps concentrating on some of the more difficult issues, such as prior consent, corporation participation, and, to some extent, contents, in order to alleviate the work of the Legal Sub-Committee. However, I think we have an open mind on also allowing for discussion, of course, of other aspects of this particular problem, such as taking in the latest technical developments. There might indeed be something to be said next year with regard to the experiments now taking place in the United States and in India.

With regard to the timing of the Working Group, my delegation would have a preference for having that take place in advance of the meeting of the Legal Sub-Committee -- but sometime in advance -- because we feel that it is always a useful thing to have some time to reflect between meetings on what was achieved in the first meetings. However, we have an open mind on that as well and it may be that the compromise which has been proposed by some delegations to meet immediately before the Legal Sub-Committee is also a possible one.

Mr. DELROT (Belgium) (interpretation from French): During the general discussion my delegation stated that as regards this question of a multidisciplinary group we were going to take a neutral stand. We felt that when a working party has concluded its work the bodies responsible for that work should then follow up and consider it. As other speakers have said, we think that if we study the report of the Working Group we can see that indeed all nuances were reflected when each of these principles were studied, and the difficulty which arose in Geneva was in the attempt to redraft articles not on the basis of texts reflecting a consensus, but rather those which reflect certain nuances.

That is why, after having listened to the various statements, we now believe that the best way to make progress here is none the less to prolong the life of this Working Group, a Working Group which has included within it experts and specialists. We also think that it would be worthwhile for them to receive as terms of reference a task of attempting to solve the controversial questions. We think that the session of the Working Group should be held sufficiently before the Legal Sub-Committee's meetings so that its outcome can be judged and appreciated.

Mr. KLEINPETER (German Democratic Republic): As a new member of the Committee on the Peaceful Uses of Outer Space the German Democratic Republic took part for the first time in this year's session of the Working Group on Direct Broadcast Satellites at Geneva. Consequently, we are aware of both the relatively small progress made in this field and the existing problems as well. On the other hand, all the members of this Committee know the attitude of the German Democratic Republic.

My delegation would like to state its views once again on this subject. Considering the stage of the technical development, the German Democratic Republic attaches great importance to the question of direct satellite television and direct radio reception by satellites. This new technology offers a possibility for encouraging international co-operation and understanding between peoples which must not be underestimated.

(Mr. Kleinpeter, German Democratic Republic)

Besides the open technical questions, there are in particular legal aspects which have to be solved. The Working Group on Direct Broadcast Satellites and the Legal Sub-Committee spared no efforts and we welcome the results obtained, but much more work still has to be done. The position of the German Democratic Republic on the problems of the elaboration of a convention on the uses of artificial satellites for direct television and broadcasting transmissions is in conformity with resolution 2916 (XXVII) of the United Nations General Assembly according to which, first of all, the strict respect of the sovereign rights of States has to be guaranteed as a precondition for the start of direct television transmission by satellites. In view of the past technical evolution in using satellites for the purpose of communication, we share the opinion of the representatives of many States that freedom of information can be guaranteed only if its abuse is prevented; that means if international valid law norms are created which stops abuse of direct television and broadcasting by satellites for the purpose of chauvinistic propaganda, hatred of peoples, and psychological warfare as well. The Legal Sub-Committee is the relevant organ for working out such norms.

Open technical questions should be transmitted to the Scientific and Technical Sub-Committee unless they are solved by organs out of the Committee on the Peaceful Uses of Outer Space. The delegation of the German Democratic Republic holds the view that the Working Group on Direct Broadcast Satellites has accomplished its task in conformity with its possibilities. In the interest of further effective activities those problems should now be dealt with, above all, by the Sub-Committees.

The CHAIRMAN: If no other member wishes to speak on item (c) of our agenda, I shall assume that we have exhausted consideration of that item.

From the exchange of opinions we have had this afternoon a number of impressions have emerged. In particular, divergent views still seem to exist in the Committee on whether or not the Committee's Working Group on Direct Broadcast Satellites should be reconvened in 1975 at a time preceding the next session of the Legal Sub-Committee. Before we prepare our report and recommendations to the General Assembly, further consultations between delegations will doubtless be necessary in order to reach a common point of view in this matter.

Mr. ABDULDJALIL (Indonesia): Mr. Chairman, I was intending to speak on Monday, but since you are about to conclude the Committee's consideration of item 4 (c) it might be useful for my delegation to express its opinion concerning the reconvening of the Working Group on Direct Broadcast Satellites.

My delegation attaches great importance to this question, since it gives us the possibility of helping the developing countries with their means of communication. The Working Group did not by any means exhaust its work on the subject last year, and, in fact, after the session of the Legal Sub-Committee, we are even more convinced that there are many things that must be done by the Working Group. For that reason, we would support the idea of reconvening the Working Group next year.

As far as timing is concerned, I think that, under the schedule provided by the Secretariat, the Legal Sub-Committee could change dates with the Scientific and Technical Sub-Committee. That means that the Legal Sub-Committee would meet from 21 April to 9 May. It should not be difficult for the Working Group to meet before April.

I do agree with those delegations which have said that the Working Group should be reconvened enough in advance of the Legal Sub-Committee's session so that the Legal Sub-Committee will have sufficient time to discuss these questions, which are very important to us.

Concerning the agenda to be given the Working Group, I think there are a few questions that still have to be discussed. One relates to technical and economic considerations of direct broadcasting by satellite, and, of course, there are also

(Mr. Abduldjalil, Indonesia)

the political and legal considerations. So I am inclined to support the idea of giving more leeway to the Working Group in regard to the items it should discuss.

The CHAIRMAN: Since no other member wishes to address the Committee on item 4 (c), I take it that we have now concluded consideration of that item. As I said before, consultations will have to be held between delegations before we can draft the relevant recommendations in our report to the General Assembly.

## ORGANIZATION OF WORK

The CHAIRMAN: Our meeting on Monday morning will be devoted to the consideration of agenda item 4 (b), "Report of the Scientific and Technical Sub-Committee".

Mr. VELLODI (India): I should like to put a question to the Secretariat, and I should appreciate having an answer by Monday morning.

Has the Secretariat taken any steps with regard to obtaining the views of Member States on the proposed conference? There is a recommendation to that effect in paragraph 32 of the report of the Scientific and Technical Sub-Committee. I realize we have not yet started to discuss that report, but I am anxious to know by Monday morning from the Secretariat whether the communication from the Secretary-General to the Member States, asking for their views, has gone out, and, if not, when it is likely to go out.

The CHAIRMAN: I am informed that the Secretariat will have a reply ready on Monday morning.

Mr. MAJORSKI (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to ask a question. Today we received the text of a draft questionnaire prepared under the wise guidance of the representative of India. What is to be the fate of that text? Is it envisaged that we shall merely have a discussion of the substance of the text, or is the document circulated to us already more or less in its final form?

The CHAIRMAN: As the representative of the Soviet Union may have noticed, this draft questionnaire is to be considered by the Committee under agenda item 4 (b). I therefore assume that when we take up consideration of that item on Monday morning delegations will have a chance to comment on the draft questionnaire and the Committee will then decide whether the questionnaire will be sent out in its present form or whether amendments are necessary. That seems to be the understanding of the Committee.

The meeting rose at 5.50 p.m.