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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUB-COMMITTEE

Fifteenth Session

SUMMARY RECORD OF THE 251ST MEETING

held at the Palais des Nations, Geneva,
on Monday, 10 May 1976, at 10.45 a.m.

Chairman: Mr. WYZNER (Poland)

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DRAFT TREATY RELATING TO THE MOON (agenda item 2)

1. Mr. HARASZTI (Hungary), Chairman of Working Group I, announced that the Working Group had completed its first reading of the draft treaty and that the text adopted would seem to be acceptable to all delegations. The issues still outstanding included the question of the scope of the treaty and notification of lunar missions as well as a few minor points, and one or two further meetings of the Working Group would be required in order to prepare a final text. He appealed to delegations to hold consultations while awaiting government approval of the text adopted, so that agreement might be reached on outstanding questions. The work of drafting the treaty was nearing its conclusion and everything seemed to indicate that it would be completed at the current session.

2. The CHAIRMAN suggested that the Sub-Committee should revert to the item later in the session.

3. It was so decided.

ELABORATION OF PRINCIPLES GOVERNING THE USE BY STATES OF ARTIFICIAL SATELLITES FOR DIRECT TELEVISION BROADCASTING WITH A VIEW TO CONCLUDING AN INTERNATIONAL AGREEMENT OR AGREEMENTS IN ACCORDANCE WITH GENERAL ASSEMBLY RESOLUTIONS 2916 (XXVII) OF 9 NOVEMBER 1972 AND 3234 (XXIX) OF 12 NOVEMBER 1974 (agenda item 3)

4. The CHAIRMAN, introducing agenda item 3, drew attention to the relevant sections of the report of the Legal Sub-Committee on its fourteenth session (A/AC.105/147), namely, Chapter II and annex II.

5. The various proposals before the Sub-Committee at that session, as well as the results of the discussions held in the main Committee's Working Group on Direct Broadcast Satellites in March 1974, were contained in the Working Group's report (A/AC.105/127). The Sub-Committee had considered that report at its thirteenth session and had established its own working group on the question (Working Group II), which had prepared the provisional text of five principles. At the fourteenth session, at which the Sub-Committee had also had before it a proposal by Argentina (A/AC.105/134) and a working paper by Canada and Sweden (A/AC.105/C.2/L.102), it had reconvened Working Group II to consider the principles relating to direct broadcast satellites.

6. Working Group II had decided to deal with all the principles reflected in the report of the main Committee's Working Group on Direct Broadcast Satellites and to transform itself into a Drafting Group of the whole. After considering the various texts submitted by delegations and the text of the five principles worked out at the thirteenth session, the Drafting Group had succeeded in preparing, in a single document, the preliminary texts of all the principles, including three (State responsibility, peaceful settlement of disputes and disruption) for which a final text had provisionally been adopted as well as others which had included, under individual headings, alternative texts and words in square brackets, to indicate the lack of a consensus. Some differences of opinion had also been expressed with regard to the headings of certain principles. All those texts had subsequently been endorsed by Working Group II and noted with appreciation by the Sub-Committee. The report of the Chairman of Working Group II and the texts themselves were set forth in annex II of the Sub-Committee's report on its fourteenth session.

7. After discussing that item at its eighteenth session in June 1975, the main Committee had expressed satisfaction with the complete set of principles prepared at the Sub-Committee's preceding session. The General Assembly, in resolution 3388 (XXX), had also expressed satisfaction with the progress made by the Legal Sub-Committee and had recommended that, at its fifteenth session, the Sub-Committee should, as a matter of high priority, continue to consider the elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting with a view to the conclusion of an international agreement or agreements in accordance with General Assembly resolutions 2916 (XXVII) and 3234 (XXIX).

8. At its previous session, the Sub-Committee had therefore made further substantive progress on that item, and he was confident that at the present session it would do its best to complete the elaboration of all the principles.

GENERAL EXCHANGE OF VIEWS (continued)

9. Mr. AZIMI (Iran) said that the great progress made in space matters during recent years made his delegation fully aware of the importance of, and need for, a treaty relating to the moon and the exploitation of its natural resources. There was every hope that the Sub-Committee would achieve agreement on outstanding matters, and in that connexion, he expressed appreciation of the progress made at the current session by Working Group I and of the useful working paper prepared by the USSR delegation. The texts recently prepared on the basis of that paper should make it possible to achieve a compromise solution for the important questions of the exploitation of the natural resources of the moon and the international juridical régime which should be established.

10. His delegation also attached great importance to the use of artificial satellites for direct television broadcasting in view of the immense educational benefits that such broadcasting could offer, especially to the developing countries. It could be expected that increasing use would be made of artificial earth satellites in the near future for direct television broadcasting to different countries or even regions, so that there was an urgent need to elaborate principles governing their use. The progress achieved at the Sub-Committee's preceding session augured well, and his delegation hoped that Working Group II would be able to proceed further on the basis of the principles of sovereignty of States and freedom of information. The principles of prior consent and the participation of the State receiving the programme intended for it, as well as the obligation and right to hold consultations, were also of particular importance. His delegation felt that the procedure for the peaceful settlement of disputes should also be spelt out in detail, and hoped that the results of the World Administrative Radio Conference scheduled for January 1977 would facilitate the Sub-Committee's work on that question.

11. With reference to the question of remote sensing of the earth from space, his delegation considered that it would be desirable forthwith to extend the sphere of application of international regulations governing that activity, particularly with respect to the natural resources of States, in accordance with the principle of the sovereignty of States over their natural resources. The principle of the prior consent of the sensed State should also be respected, and no information concerning such States should be made available to other countries without their consent.

12. His delegation wished to emphasize the need for the definition or delimitation of outer space; that task should be embarked upon as soon as it was scientifically feasible to do so, and in that connexion he noted that an extremely useful statement on the subject had been made by the representative of COSPAR. A general exchange of views at the current session would greatly facilitate the Sub-Committee's work in that area.

13. Mr. ABOU-ALI (Egypt) said his delegation was gratified to note that the international community was successfully tackling the many legal problems that inevitably attended the development of a new branch of science and technology.

14. Encouraging progress had been made by Working Group I on the draft treaty relating to the moon during the past week. As it had indicated at previous sessions, his delegation subscribed to the basic principle that the moon and its natural resources were the common heritage of mankind, and that a legal framework should therefore be established for the exploration and exploitation of its resources for the benefit of all States, with due regard to the interests of the developing countries. The legal status of the moon and its resources, as defined in the treaty, should be based, first, on the right of States to have access to information collected by missions exploring the moon and its resources and, secondly, on an international regime to govern the exploitation and distribution of those resources. Furthermore, the draft treaty should be extended to cover other celestial bodies that were not the subject of a separate instrument.

15. With regard to direct television broadcasting by satellite, he said that although international co-operation might be a prerequisite for such broadcasting, as stated in document A/AC.105/L.102, his delegation would not wish to see it infringe the sovereignty of the receiving State. For some countries, sovereignty was incompatible with freedom of expression in that sphere; his delegation did not share that view, but it did believe that the prior consent of the receiving State and its participation in choosing the content of any broadcasts to be directed at its territory were both prerequisites for international co-operation. Those conditions did not inhibit freedom of expression, and would simply ensure co-operation between transmitting and receiving States in direct broadcasting by satellite.

16. His country, like many other developing countries, took a keen interest in the technology of remote sensing which, as had been brought out in General Assembly resolution 3388 (XXX), had important legal implications. At the Sub-Committee's last session, his delegation had welcomed document A/C.1/1047 containing draft basic articles for a treaty on the remote sensing of natural resources by means of space technology; it was a well-balanced document, which had the great merit of proclaiming the principle of the permanent sovereignty of States over their natural resources and hence of the need for the prior consent of States that were the subject of remote sensing.

17. Mr. SOUZA e SILVA (Brazil) said that he was most gratified to note, on his return to the Sub-Committee after two years' absence, that progress had been made on several items on its agenda thanks to the spirit of co-operation that had prevailed.

18. In recapitulating the Brazilian delegation's position on the various issues still outstanding, he said it was in favour of adopting the "common heritage of mankind" principle for the moon and its natural resources and of establishing specific criteria to regulate its exploitation on that basis. That principle should figure prominently in the draft treaty so that its full meaning and implications could be properly reflected. His delegation also supported the proposal for interim provisions to govern the exploitation of the moon's natural resources until such time as an international régime had been agreed upon in order to avoid a legal vacuum which might be detrimental to the interests of non-space Powers.

19. With regard to direct broadcasting by satellite, his delegation reaffirmed its support for the basic principle of the free flow of information, and emphasized the need to draw up rules for direct broadcasting by satellite in order to avoid disputes concerning what was, in many ways, a highly sensitive operation which had a direct bearing on political, economic, social and cultural activities and which could either improve the level of understanding and friendship among peoples or be used in such a way as to foment distrust between States.

20. His delegation continued to believe that a set of rules applicable to remote sensing should be drawn up, and would present its views in due course on the points that had been raised concerning earth surveys by satellite.

21. Lastly, with regard to the definition and for delimitation of outer space, his delegation shared many of the views expressed by the French delegation on the development of a number of space uses and activities.

The meeting rose at 11.30 a.m.