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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUB-COMMITTEE

Seventeenth session

SUMMARY RECORD OF THE 290th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 20 March 1978, at 10.50 a.m.

Chairman: Mr. WYZIEK (Poland)

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General exchange of views (continued)

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GENERAL EXCHANGE OF VIEWS (continued)

1. Mr. KAJAL (Nigeria) said that the current session of the Sub-Committee was being held at a moment when, owing to the accident to the Cosmos 954 which had occurred less than two months previously over Canadian territory, world opinion was more than ever aware of space activities and the dangers inherent in them. The accident had certainly been given undue prominence in the press, but it nevertheless raised the crucial problem of whether man should serve science or science should serve man. His delegation considered that science should serve man and it was for that reason that, together with other delegations, it had proposed the establishment within the Scientific and Technical Sub-Committee of a working group of scientists to review the question of the use of nuclear power sources in space. As stated in the report of the Scientific and Technical Sub-Committee on the work of its fifteenth session (A/AC.105/216, paragraph 132), a number of developing countries, including Nigeria, would not have been equipped to deal with an emergency such as that resulting from the accident to Cosmos 954 had it occurred on their territories. It was therefore important to those countries that a group of scientists should recommend safety standards for nuclear-powered satellites and that the Legal Sub-Committee should then formulate a legal régime in conformity with those standards.

2. Direct television broadcasting by satellite would further increase the speed of communication between peoples, a phenomenon characteristic of the present century. In order to make it possible to reach early agreement on the main principles which should govern that activity, delegations opposed to the principle of consultation with the receiving State and its prior consent should reconsider their position, for developing countries would not agree to compromise that principle. His delegation considered that the principle of prior consent of the receiving State applied not only to broadcasts beamed to Nigeria but also to any spillovers.

3. The remote sensing of the earth from space now appeared to be the most important application of space science for the benefit of mankind. It was of particular interest to developing countries which had to ascertain the extent of their natural resources. African countries had therefore shown great interest in that aspect of space activity, which required regional co-operation if they were all to benefit. His delegation could not agree, however, to the dissemination of data, whether raw, processed or of any other kind, to third parties without the consent of the sensed State.

4. The geostationary orbit constituted a limited natural resource to which all countries or groups of countries should have equitable access. In order to make rational use of that resource, it was essential for the United Nations, through the Committee on the Peaceful Uses of Outer Space, to be kept informed of all satellites launched into geostationary orbit. The list of satellites given in the study entitled "Physical nature and technical attributes of the geostationary orbit" (A/AC.105/205, pages 11 to 12), must therefore be periodically updated.

5. There were sufficient areas for compromise on the draft treaty relating to the moon to make it possible for the Sub-Committee to reach agreement at its current session.

6. Mr. GHAREKHAN (India) emphasized his country's deep interest in space activities and space law. India's space programmes were based on active co-operation with other countries, but India was also endeavouring to develop the expertise and equipment it required in different areas of space technology relevant to its needs and its infrastructure. Thus, India had conducted its SITE programme with the co-operation of the United States in 1975/1976. It was currently engaged in a Satellite Telecommunication Experimental Project, using the Franco-German Symphonie satellite. It was planning to launch a satellite for earth observation, with the assistance of the Soviet Union. Recently, India had concluded an agreement with the United States under which a LANDSAT station would receive data directly from LANDSAT satellites.

7. With regard to the use by States of artificial earth satellites for direct broadcasting, the Sub-Committee had before it five agreed paragraphs of a preamble and five other paragraphs still in square brackets. His delegation could accept sub-paragraphs (a), (b) and (c) of paragraph 1. The first sub-paragraph reaffirmed the principle of non-interference in the internal affairs of States. Consultation with and the consent of a foreign State at which a broadcast was specifically directed was necessary in view of the strong and deep impact made by television on populations which had not hitherto been exposed to that medium of communication. The principle met the legitimate concern of nations to protect their own way of life and cultural heritage and, consequently, to choose and determine the content of their television programmes.

8. At its sixteenth session, the Sub-Committee had been able to formulate the text of six additional principles on remote sensing (A/AC.105/196, annex III, appendix A). The difficult question whether or not to restrict dissemination of primary data with spatial resolution finer than a certain value about a sensed State still remained unresolved. His delegation reaffirmed the principle of the sovereignty of States over their natural resources and consequently over information relating thereto, but it found great merit in the proposal made by the Soviet Union at the fourteenth session of the Scientific and Technical Sub-Committee that data should be classified as "global", "regional" or "local", the idea being that global and regional data should be openly disseminated whereas local data should be disseminated only with the permission of the sensed State. However, it was for the Scientific and Technical Sub-Committee to determine the precise basis for such a classification.

9. The Legal Sub-Committee had not yet reached general agreement on the draft treaty relating to the moon. India considered that any treaty of that type must be based on the concept that the moon and its natural resources were the common heritage of mankind and that their commercial exploitation should be conducted in accordance with an international régime which would ensure the orderly development and rational management of those resources and an equitable sharing in the benefits derived from them.

10. His delegation shared the view of other delegations that additional principles governing the use of satellites with nuclear power sources should be elaborated. The Sub-Committee might recommend to the Committee on the Peaceful Uses of Outer Space that a study should be undertaken of the legal issues arising from the use of such satellites; such a study might serve as a basis for additional principles, particularly providing for more stringent notification procedures, safeguards and other precautionary measures.

11. Mr. CIZEK (Czechoslovakia) congratulated the Soviet delegation and thanked those delegations which had complimented the Czechoslovak delegation on the recent success of the "Interkosmos" programme. The launching of the Soyuz-28 satellite represented a new phase in the use of outer space, marked by the participation of a number of democratic republics in the "Interkosmos" programme. The participation of cosmonauts of several nationalities in a space flight was an event that would be bound to give rise to new questions and call for new solutions.

12. Among other tasks, the Sub-Committee would have to undertake a standardization of space law, for which scientific and technical foundations existed. The solutions would have to be acceptable to the majority of countries concerned, even though those countries had different economic and social systems. It was, however, too early to formulate legal provisions governing the natural resources of the moon, since it was not yet known what those resources were.

13. With regard to direct television broadcasting by satellite, the principle of the equality of States and of non-interference in the internal affairs of States should be respected. His delegation supported the provisions contained in annex II of the Sub-Committee's report on the work of its sixteenth session (A/AC.105/196). In his view, the question of broadcasting by satellite was an integral part of relations among States, and was not a question of human rights. With regard to remote sensing, his delegation considered that any solution adopted should respect the principle of State sovereignty over natural resources. It hoped that progress in international space law would be made at the current session, and it was ready to co-operate with all other delegations to that end.

14. Mr. ARAUJO CASTRO (Brazil) said that a parallel could be drawn between items 2 and 3 of the Sub-Committee's agenda. In the case of direct television broadcasting by satellite, a State, through the use of a particular instrument of space technology, transmitted television programmes directly to the population of another State. In the case of remote sensing of the earth from space, a State, through the use of another instrument of space technology, obtained knowledge about the territory and natural resources of another State. In both cases, international co-operation was both possible and necessary; in both cases, action taken by one State could affect the legitimate national interests and sovereign rights of the other State; and in both cases, the overriding concern should not be with the requirements of the technology involved but with the basic legal implications of that interaction between the two States. His delegation, which was aware both of the benefits to be derived from space technology and of the importance of international co-operation in each of those fields, hoped that the Sub-Committee could make progress at its present session in the formulation of draft principles to govern the use of those two instruments of advanced technology.

15. With regard to direct television broadcasting by satellite, the legal framework developed must recognize unambiguously the sovereign right of the receiving State to exercise control over direct television broadcasts to its territory and population. Any direct television broadcasting by satellite should be preceded by a specific agreement between the transmitting and receiving States. With regard to remote sensing, the principles being drafted by the Sub-Committee should provide clearly for the exercise by the sensed State of the necessary measures of control over the information obtained by remote sensing.

16. The General Assembly had recommended in resolution 32/196 that the Sub-Committee should consider the draft treaty relating to the moon as a matter of high priority. In that field, as in other aspects of space activities, a specific legal régime was necessary. Unfortunately, after a number of years of effort, many unresolved questions still stood in the way of an agreement on a draft treaty. One of the most important was clearly that of the natural resources of the moon. His delegation shared the view of almost all other delegations that the future treaty should state unequivocally that the moon and its natural resources were the common heritage of mankind. The treaty should also provide for a legal régime for the exploration and exploitation of those natural resources based, *inter alia*, on the principle of equitable distribution of benefits. That was an essential provision that could not merely be included in an optional protocol to the moon treaty, and whose consideration could not be deferred to the time when the exploitation of the moon's resources became feasible.

17. The geostationary orbit was an extremely valuable and limited natural resource. His delegation therefore attached particular importance to that question. It was in favour of the formulation of a specific legal régime, taking into account the unique nature, and risks of saturation, of the geostationary orbit. The régime should be aimed at safeguarding the legitimate interests of all States, in particular those over whose territories the orbit passed. His delegation therefore strongly shared the view of other delegations that the Sub-Committee should continue its examination of the question with a view to the formulation of an equitable and internationally agreed legal régime for the geostationary orbit. A decision to embark on such a task, the need for which was increasingly felt, would in no way prejudice the precise nature of the régime to be adopted.

18. His delegation shared the concern expressed in the Sub-Committee on a number of occasions with regard to the use of nuclear power sources in space, and considered that the Sub-Committee should focus attention on the legal aspects of that question with a view to ensuring the safety of all States. It was in favour of the formulation of mandatory rules concerning the duties of launching States with regard to notification procedures, including the duty to notify other States of the launching of space objects carrying nuclear power sources, and also to notify them of the possibility of re-entry of potentially dangerous objects over their territories. That would give the nuclear Powers an opportunity to show that, in a field in which they had a technological monopoly, they did not seek to reserve the exclusive right to take decisions

on questions that might affect the well-being of all nations and international peace and security. Lastly, international efforts were urgently needed to ensure that the exploration and utilization of outer space were carried out for strictly peaceful purposes and to prohibit the use in outer space of all equipment of a military nature or which could be used for any other hostile purposes.

19. Mr. RIPHAGEN (Netherlands) recalled that, at the last session of the Scientific and Technical Sub-Committee, the representative of the Netherlands had expressed the grave concern of the Netherlands Government concerning the implications of the use of nuclear power sources in space. Apart from the scientific and technical study that should be carried out, there was an urgent need for additional regulations governing such use. Several interesting suggestions had been made during the current session - particularly by Canada, Japan, Sweden and the United States - concerning safety regulations, notification and international co-operation and assistance to prevent accidents and preclude or minimize damage to States and the environment. Like the United Kingdom delegation, the Netherlands delegation felt that the Legal Sub-Committee should tackle that problem even before the completion of the studies being carried out by the Scientific and Technical Sub-Committee on the subject.

20. The Netherlands delegation considered that the draft treaty relating to the moon should not be limited to the moon, but should embrace the other planets of the solar system. If there was a need to define and develop the provisions of the existing instruments relating to the exploration and use of outer space, it was difficult to understand why the moon, and not the other celestial bodies, should be singled out for separate treatment. The Netherlands delegation was of the opinion that the natural resources of the moon and other celestial bodies were the common heritage of mankind. That principle implied that no State would have sovereignty, permanent or otherwise, over such resources in situ, and that the appropriation of such resources should not be subject to the rule of "first come, first served". From a more positive standpoint, that principle implied some form of international management in their exploitation. The words "common heritage of mankind" did not in themselves determine the precise form of international management necessary. In the case of the natural resources of the sea-bed and ocean floor beyond the limits of national jurisdiction, it was clear that the options were not only varied but also entailed the drafting of detailed regulations in order to ensure that all States and their nationals would participate in activities concerning the exploitation of those resources, would have access to the products of those activities and would receive an equitable share in the financial profits obtained through such exploitation. The international management of the resources of the moon and other celestial bodies might take various forms, but the objectives had already been agreed upon.

21. The natural resources of the moon and other celestial bodies were undeniably part of the common heritage of mankind, but the Netherlands delegation had some doubts about the legal implications of that concept with respect to the celestial bodies themselves. With regard to activities such as landing on the moon, placing lunar satellites in orbit or the installation of equipment or stations on the surface of the moon, the question arose as to what principle of international management was applicable. What would be the "product" of such activities? What would be the financial profits to be equitably shared? All activities which took place in outer space were governed by an international régime laid down in existing treaties; that international régime could and must be further developed on the basis of the principles underlying those treaties, which had something in common with the concept of the common heritage of mankind. But the legal implications of that concept were hardly applicable to activities other than the exploitation of natural resources.

22. With regard to the use of artificial earth satellites for direct television broadcasting, the Netherlands delegation shared the opinion expressed by the United Kingdom delegation that the recent international regulations on the technical aspects of the problem, including the allocation of frequency channels, made it unnecessary, at least for the time being, to study that field of activity in the Sub-Committee. The paramount importance of the universally recognized right of everyone to seek, receive and impart information and ideas regardless of frontiers implied that international regulations imposed no restrictions on such freedom other than those strictly required by technical constraints. Once such requirements had been met, any international regulation which went further ran the risk of undermining that fundamental human right. A State's responsibility might be involved if the freedom of information, like any other freedom, was abused, but the technical possibility of using artificial satellites for direct television broadcasts neither added anything to nor detracted anything from the rules already in force between States. No one would deny that, in using that technical possibility, States were required to observe the general rules of international behaviour laid down in the Charter of the United Nations and in other binding instruments. In that sphere, as in other areas of international relations, it was possible to intensify international co-operation through appropriate notification and consultations in order to prevent or settle disputes which might arise from the lawful or unlawful behaviour of a particular State. But freedom of information, regardless of frontiers, should remain the governing principle.

23. With regard to remote sensing of the earth from space, the Netherlands delegation welcomed the widest possible dissemination of data acquired by that means, particularly with respect to economic resources and the monitoring of environmental pollution. The possession of such data was of particular importance for the exploitation of the developing countries' natural resources. The Netherlands delegation considered that the argument that such data were the exclusive property of the sensed State was neither legally sound nor compatible with the interests of the international community. Nor were those data the exclusive property of the sensing State. International practice had evolved in the opposite direction and seemed to be approaching the application of the concept of the common heritage of mankind to the products of space activities.

24. On the question of the delimitation of outer space, the Netherlands delegation did not see any need to draw a sharp dividing-line between the atmosphere under national sovereignty and outer space. It favoured a functional approach. The treaties on outer space were basically pragmatic and were based on a functional concept. More generally, experience had shown that the establishment of boundaries and other delimitations, in itself, seldom solved problems, but rather underlined the importance of finding solutions to those problems which transcended frontiers. The Netherlands delegation considered it essential to preserve the integrity of outer space, including the geostationary orbit, in order to develop an international régime which was just and equitable for all States, regardless of their geographical position or their level of technological development.

25. Mr. DICKSON (Canada), referring to item 2 of the agenda, consideration of which was to begin that day in the Working Group, said that, while 1977 had marked the tenth anniversary of the entry into force of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies, 1978 marked, in particular, the tenth anniversary of the beginning of the work of the Committee on the Peaceful Uses of Outer Space on direct television broadcasting by satellite. Speaking on behalf of the Canadian and Swedish delegations, he pointed out that substantial progress, both legal and technical, had been made in that field since 1968. The technology of direct television broadcasting was no longer in its infancy. Specific uses of all kinds had been developed in various countries. Canada was carrying out research in two main areas: high-powered satellites and small low-cost earth stations.

26. In January 1977, the experimental satellite Hermes, designed and manufactured in Canada, had been launched by the United States to provide direct television broadcasts to North American community receivers in the 12 GHz frequency band. The European Space Agency had also participated in that international co-operation project, which had demonstrated that direct television broadcasting by a 200-watt satellite, with a 60 cm earth station, could give satisfactory results. The users had also been very enthusiastic. Because of that project, communities remote from the major urban centres had been able to benefit from medical and educational television broadcasts and to communicate with one another by making their own broadcasts. In view of that success, NASA and the Canadian Ministry of Communications had decided to change the duration of the project, initially established at two years, and to extend it by one year. A second satellite, Anik B, would be launched towards the end of 1978, for the purpose of carrying out experiments on the distribution of television signals in Canada.

27. An increasing number of countries were becoming aware of the advantages of direct television broadcasting. The Nordic countries were continuing their discussions on the establishment of a service of that kind. On 13 March, the Council of Ministers of the Nordic countries had decided to continue studies in that field and to carry out an in-depth inquiry into the desirability of establishing such a system: the final decision was to be taken in 1980. On the legal side, the Sub-Committee could be satisfied with the progress made in the elaboration of draft principles governing the

use by States of artificial earth satellites for direct television broadcasting: nine draft principles had already been formulated. Considerable progress had been made in the past year on the draft preamble and a draft principle on consultation and agreements between States. The Swedish and Canadian delegations considered that the time had come to end the discussion by adopting a set of guiding principles and a preamble in 1978. The adoption of such an international legal instrument would be an important milestone in the development of international space law.

28. There were several arguments in favour of such an instrument. The working document submitted by the United Kingdom on the conclusions of the World Administrative Radio Conference held by ITU in 1977 (document A/AC.105/196, annex IV) had given rise to a constructive exchange of views on the desirability of establishing links between the ITU instruments and the principles being elaborated in the United Nations. The results of those discussions appeared in the draft principles on consultation and agreements between States. Furthermore, it seemed increasingly evident that agreement was being reached on the principles already proposed. He recalled, in that connexion, that the compromise solution proposed by Canada and Sweden the previous year had been designed to replace the texts on prior consent and on the duty and right to consult. In view of the progress made during the past year on the draft preamble and the draft principle on consultation and agreements between States, the outstanding issues were easy to identify: the wording of paragraph 3, which constituted the revised draft on consultation and agreements between States had to be determined; the drafting of a balanced preambular text, summarizing the essential elements of the proposals made the previous year had to be completed; and agreement had to be reached on the deletion of the texts concerning programme content, unlawful/inadmissible broadcasts and the duty and right to consult, the last-mentioned text being unnecessary if that on consultation and agreements between States was adopted.

29. Expressing the view of the Swedish and Canadian delegations on the draft principle concerning consultation and agreements between States, he recalled that paragraph 1 was the result of six months' work. It was an important text which served as the basis for the international legal régime governing the use of artificial satellites for direct television broadcasting: it was fully in accordance with the ITU instruments and even endorsed the Final Act of the 1977 Conference. It also reflected the undertaking by States to respect the free flow of information in that sphere. He believed that there was a possibility of agreement on paragraph 1.

30. Paragraph 2 required the broadcasting State to notify the receiving State of its intention to establish a direct television broadcasting service and to enter into consultations with it if the latter so requested. Canada and Sweden regarded such consultations as being justified in only three cases: at the time of establishing a direct international television broadcasting service, a case covered by paragraph 2 of the principle on consultation and agreements between States, in case of disputes, which were covered by the draft principle already formulated on the peaceful settlement of disputes; and in the case of overspill, which was covered by the ITU regulations. Thus, those cases were already dealt with, and the draft principle on the duty and right to consult was therefore superfluous.

31. With regard to paragraph 3, the Swedish and Canadian delegations recalled that technical questions were to be settled within ITU. They should, therefore, be expressly excluded from the application of the principle, since the countries which would be affected by the overspill zone had given their consent in accordance with the plan established at the 1977 Conference. Those countries could not therefore apply options (b) and (f) of the proposals formulated at Vienna regarding paragraph 3.

32. Five of the preambular paragraphs had already been agreed upon. It should not be too difficult to incorporate some of the elements appearing in paragraphs 1(a), 1(c) and 1(d), in order to provide the preamble with a balanced framework on the basis of which all the draft principles might be considered. In any event, Canada and Sweden felt that the time had come to adopt a set of principles governing direct television broadcasting by satellite and thereby to contribute to the development of international space law.

33. Mr. OLZVOY (Mongolia) noted with pleasure that a new stage had been reached in space research and the peaceful use of outer space. The space journey by the Soviet cosmonauts, Romanenko and Grechko, which had lasted three months, was a great achievement. Three times during the flight of the Salyut-6 orbital station, a space complex composed of docked space objects had been set up. Another important event had been the international flight by the Soviet cosmonaut Gubarev and the Czechoslovak cosmonaut Romek. That flight had been a historic contribution to the growing co-operation among socialist countries in the peaceful uses of outer space, for the benefit of all mankind. The Soviet Union and Czechoslovakia were to be congratulated on that experiment, which had been carried out as part of the joint space research programme of the socialist countries (Intercosmos), in which Mongolia was taking part. Such new developments provided the Sub-Committee with new tasks, for international space law played an important role in the development of international co-operation in space research.

34. His delegation was of the opinion that the Sub-Committee should keep to the order of priorities established in resolution 32/196, in which the General Assembly had recommended that the Sub-Committee should continue, as matters of high priority, its efforts to complete the elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting, its detailed consideration of the legal implications of remote sensing of the earth from space, with the aim of formulating draft principles, and its consideration of the draft treaty relating to the moon.

35. His delegation's position on the second of those matters (agenda item 3) was based on two principles, those of freedom of scientific research in outer space and strict observance of the sovereignty of all States over their resources and of their right freely to dispose of data relating to those resources. It hoped that, at the current session, new principles reflecting the main activities carried out by States in that field could be added to the principles that had already been elaborated.

36. With regard to the draft treaty relating to the moon, his delegation considered that a compromise should be reached on the basis of existing legal instruments and, in particular, the 1967 Treaty. It drew the Sub-Committee's

attention to the fact that, under that Treaty, celestial bodies could be jointly used, but not jointly owned. The moon and its natural resources - if such resources existed and were one day exploited - were the common heritage of mankind, but mankind had no rights and obligations in respect of them. One way of overcoming that difficulty would be to settle the question of natural resources in an optional protocol, thus enabling delegations which were in favour of the concept of the common heritage of mankind to arrive at a mutually acceptable solution. His delegation appealed to other delegations to try to reach a compromise on that matter at the current session.

37. His delegation's position concerning the use of artificial satellites for direct television broadcasting remained unchanged. It was in favour of the recognition of the basic principle of obtaining the prior consent of the State to which direct television programmes were directed. International co-operation must be based on the principles of the equality of States, non-interference in the internal affairs of other States and mutual advantage. The free exchange of information had to conform to those generally recognized principles of international law. His delegation expressed the hope that the Sub-Committee would try to complete the elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting at the current session.

38. Mr. EL IBRASHI (Egypt) said that, since the Sub-Committee's last meeting, the General Assembly, in resolution 32/196 B, had expanded the membership of the parent Committee from 37 to 47, thus recognizing the growing interest of all countries in space activities and in the work of the Committee and its Sub-Committees. It was noteworthy that nine of the ten new members were developing countries.

39. Referring to the three issues which the Sub-Committee had been recommended to study as matters of high priority pursuant to resolution 32/196, and to which the question of the definition of outer space should be added, he noted that the Sub-Committee had made a great deal of progress in the elaboration of the draft treaty relating to the moon and other celestial bodies and expressed the hope that the remaining differences of opinion would be overcome and that that legal instrument could be completed. With regard to the scope of the treaty, Egypt considered that it should also apply to other celestial bodies which were not the subject of a separate instrument, since there were no practical or legal reasons for making a distinction between the moon and other celestial bodies in the solar system, except for the earth. With respect to the notification of information, Egypt considered that the treaty should be based on the right of States to have access to information collected by missions exploring the moon and its resources. It was also important that advance notification of such missions should be given to the Secretary-General. In addition, Egypt considered that the natural resources of the moon and other celestial bodies formed part of the common heritage of mankind, as stated in the joint working paper submitted by Egypt, India and Nigeria. That principle had been recognized by the international community and the vast majority of Member States in connexion with the law of the sea and the code of conduct on the transfer of technology. That principle, which had also been adopted by the General Assembly at its last session,

should be embodied in the treaty itself. An international régime should be established on that basis to regulate the exploitation of those resources for the benefit of all countries, special consideration being given to the interests and needs of developing countries.

40. With regard to direct television broadcasting by satellite, his delegation was of the opinion that, while international co-operation might be a prerequisite for such broadcasting, it was important not to infringe the sovereignty of receiving States, for every State wished to preserve its culture and guarantee its peace and security. That was particularly true of developing countries, which did not have the same sophisticated technology as developed countries. Egypt, was not opposed to freedom of information as such, provided that the sovereign rights of States were not infringed. It hoped that an agreement would be reached providing that countries had to conclude prior agreements before broadcasting to other States. An agreement providing for such co-operation between transmitting and receiving States would be acceptable to his delegation.

41. His delegation was of the opinion that account should be taken of the legal implications of the remote sensing of the earth by satellite and of the formulation of draft principles relating thereto. It would be necessary to conclude agreements stipulating a specific procedure for the use of data collected on sensed States. Egypt, like other developing countries, supported the general principle that such States must have given their prior consent, that data concerning them should be made available to them for their exclusive use and that no other State should have access to such data without their consent. His delegation had already proposed the establishment of a United Nations centre for the implementation of remote sensing programmes, which could be useful to all States in many areas, particularly in those most needed by developing countries.

42. His delegation considered that the Sub-Committee should study the implications of the question of the geostationary orbit with a view to finding a satisfactory solution. It should also be studied by ITU from the technical point of view.

43. Noting that several delegations had raised the question of the use of nuclear power sources in outer space, he said that his delegation supported the Canadian proposal that the Committee and its Sub-Committees should study all the scientific and legal aspects of that question. It also supported the proposal for the establishment of another working group at a highly technical level to study that question, since a scientific study should come before the formulation of legal rules on that matter. It would then be necessary to formulate draft principles and legal rules relating, in particular, to safety measures for activities involving the use of nuclear-powered satellites. In the meantime, there should be a procedure for prior notification by States which intended to use such equipment, so that, in case of malfunctioning, the international community could be warned as soon as possible in order to minimize potentially harmful effects. It was especially important that the launching State should undertake to assist States which might incur damage as a result of an accident, particularly when such States were developing countries which did not have the necessary facilities or technology.

44. Lastly, he was pleased to inform the Sub-Committee that the Arab Satellite Organization was now operating satisfactorily, had established a satellite communications system for Arabic-speaking countries and had just ordered its first satellite.

45. Mr. AZIMI (Iran) said that, in view of the progress made and of the communications, information and educational services which the use of satellites for direct television broadcasting could provide to developed and developing countries alike, the Sub-Committee should devote attention to the question of direct television broadcasting by satellite with a view to the elaboration of an international instrument which would ensure the free exchange of information on the basis of consultations between countries and of respect for the sovereign rights of States. His delegation reserved the right to refer to that question again during the consideration of matters relating to the sovereignty and responsibility of States, the principle of the free dissemination of information, the principle of prior consent and problems of spillover to the territory of other countries. His delegation hoped that a spirit of compromise would enable the members of the Sub-Committee to reach agreement on that question and also on the question of remote sensing of the earth by satellite and its legal implications, taking into account the progress made in that field and the recent work of the Scientific and Technical Sub-Committee relating, in particular, to the definition of the terms "data" and "information".

46. His delegation's position with regard to the draft treaty relating to the moon had always been that the earth's natural satellite and its natural resources formed part of the common heritage of mankind and that that principle must be embodied in the treaty itself, not in an optional protocol. The natural resources of the moon should be exploited solely for the benefit of mankind and in accordance with an appropriate international régime to be prepared by the Sub-Committee.

47. With regard to the definition and/or delimitation of outer space, his delegation considered that it was time to draft an international instrument setting a limit in outer space beyond which all States, on the basis of equal rights and respect for the principles of international law, could carry out or take part in outer space activities. At present, a limit of 80 or 100 km above sea level seemed logical.

48. In connexion with the geostationary orbit, his delegation considered that the wording of article 33 of the International Telecommunication Convention, which provided that radio frequencies and the geostationary satellite orbit were limited natural resources, should not give any priority rights to the countries of any particular region. Any claim to sovereignty in that field would, moreover, be contrary to articles I and II of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space.

49. His delegation attached particular importance to the question of the safety of outer space activities, especially those involving the use of satellites equipped with nuclear power sources. The incident of 24 January involving the Cosmos 954 observation satellite showed that it was desirable to limit the use of nuclear power in outer space as far as possible. If, in exceptional cases, the use of nuclear power proved to be unavoidable, very strict safety measures

should be required in order to reduce risks to a minimum. The need for international co-operation in that field was essential. States which launched nuclear-powered satellites should be required to notify the international community at the time of the launching and subsequently to keep it informed of any abnormalities in the operation of the satellite so that all countries and, in particular, those on whose territory debris from such satellites might fall, might be warned in sufficient time. Technological progress now made it possible to take effective measures to that end and to strengthen international co-operation in that field. In that connexion, the proposals made by the delegations of Canada and Japan constituted a sound basis for the consideration of that question with a view to the elaboration of international rules designed to protect mankind and the environment against the dangers which might result from accidents involving satellites equipped with nuclear power sources. The proposal to set up a technical working group for the establishment of a future multilateral safety régime was very timely and, pending the results of scientific and technological studies, it would be advisable not to launch satellites equipped with nuclear reactors into orbit.

50. Mr. LE GOURRIEREC (France) said that the Sub-Committee's task was a complex one, since legal technology had its own characteristics, which had to be reconciled with activities that were constantly changing as a result of scientific and technological progress. Science and technology did not, however, always provide a sound basis for the elaboration of legal rules. That task was also of great importance because international law must not lag too far behind space activities. Accordingly, the codification and progressive development of the rules governing such activities were necessary. Of the four international conventions relating to the peaceful uses of outer space which were now in force, particular importance attached to the 1967 Outer Space Treaty, whose tenth anniversary had been commemorated in a resolution adopted at the last session of the General Assembly and whose principles continued to be relevant.

51. With regard to the draft principles relating to direct television broadcasting by satellite, his delegation considered that the Committee and the Sub-Committee had made considerable progress at the last session. As a result of intensive negotiations, the Sub-Committee had drafted the principle on "consultations and agreements between States", which met the wishes expressed at previous sessions by his delegation and, in particular, the need for direct international television broadcasting to be based on appropriate agreements between transmitting and receiving States. That principle cleared the way for a general compromise on other matters which were still being considered and shed light on all other problems, including the question of the preamble and of unavoidable spillover. His delegation hoped that agreement, which now seemed possible, would rapidly be reached and considered that lengthy debates which might endanger the balance which had almost been achieved should be avoided.

52. On the question of remote sensing by satellite, his delegation's concern was, firstly, not to hamper technological advances, which provided considerable benefits for all countries, and, secondly, to establish rules governing the dissemination of the results of remote sensing. It was thus necessary to find a balanced solution which would constitute the best guarantee of the harmonious development of such technology. The problem now was to define clear and reasonable criteria for remote-sensing pictures; that would not be an easy task, as had been shown by the work of the Scientific and Technical Sub-Committee.

53. Referring to the definition and/or delimitation of outer space, he said that his delegation had long been of the opinion that the Sub-Committee should carry out a more thorough study, which should not be theoretical but should, rather, cover specific aspects which would become increasingly more evident as the activities of States in outer space were intensified. So far, the number of items on the agenda and the fact that some of them had been given priority had prevented progress on that question. Moreover, no results had been achieved during previous discussions, particularly because of the problems involved in finding clear scientific criteria. Although the problem of the definition and/or delimitation of outer space could not be expected to be solved at the current session, the following ideas might be borne in mind: recognition of the need for the delimitation of outer space, agreement that such a definition was bound to be conventional and the requirement that it must be reasonable and based on the most irrefutable scientific criteria. On the basis of those ideas, it would be possible to achieve specific results.

54. He recalled that his delegation considered that the geostationary orbit was covered by the principles embodied in the 1967 Outer Space Treaty. It was of the opinion that, in considering rules which would govern that orbit, account should be taken of the principles enunciated in that Treaty, the need for an equitable distribution of that orbit among States and the work done by other international bodies.

55. Referring to satellites equipped with nuclear power sources, he said that his delegation considered that the terms of reference and purpose of the Committee on the Peaceful Uses of Outer Space should lead it to consider the various aspects of space activities of interest to the international community. That consideration should be based on the spirit which had always prevailed and the methods of work which had always been followed in the Sub-Committee and which provided the best guarantee of success. Accordingly, his delegation was prepared to consider the proposals which had already been submitted to the Sub-Committee and those which would subsequently be submitted, and would comment on them at a later stage.

The meeting rose at 1.05 p.m.