



General Assembly

A

Distr.
GENERAL

A/AC.105/C/2/SR.308
23 March 1978

ORIGINAL: ENGLISH

COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUB-COMMITTEE

Eighteenth session

SUMMARY RECORD OF THE 308th MEETING

Held at Headquarters, New York,
on Tuesday, 20 March 1979, at 10.30 a.m.

Chairman: Mr. WYZNER (Poland)

CONTENTS

General debate (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Department of Conference Services, room A-3550.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.50 a.m.

GENERAL DEBATE (continued)

1. The CHAIRMAN announced that, at the request of the representative of Belgium, the Secretariat had prepared a document outlining the current status of outer-space treaties, which had been distributed to all delegations.
2. Mr. SUWONDO (Indonesia) said that it was essential for the Committee to expedite work on the three priority items on its agenda, especially in view of the ever-growing utilization of outer space and continuing technological progress.
3. Significant progress had been made at the preceding session in formulating a draft treaty relating to the moon. The draft agreement submitted by Austria, which his delegation found generally acceptable, represented a reasonable compromise. It contained essential provisions relating to the peaceful purposes of any use of outer space and a description of space as the province of all mankind. His delegation therefore regretted that the Austrian draft agreement had not been accepted by all members.
4. The principle that the moon was the common heritage of mankind implied that the natural resources of the moon could be exploited only under an international régime guaranteeing to all States an opportunity to participate in the exploitation of such resources and an equitable share in their benefits. The common-heritage principle precluded the proclamation of sovereignty by any nation or group of nations over either the moon or any other celestial bodies. The differences over the issues of the natural resources of the moon and the establishment of an international régime were not insurmountable. Any treaty to be adopted should provide for the common use of the moon's resources by all States and should prevent the moon and other celestial bodies from becoming sources of conflict in the future. His delegation welcomed the fact that agreement had been reached on such issues as notification and the scope of the treaty, and it had no difficulty in endorsing the general view that the instrument to be adopted should take the form of an agreement rather than a treaty, since it was intended only to elaborate on the provisions of the 1967 Outer Space Treaty.
5. With regard to direct broadcasting by satellite, his delegation held the view that the principle of sovereignty should not be subordinated to the principle of freedom of information. The established rights of States to regulate their communications systems and decide on the nature of broadcasting services required by them should not be undermined. It was inadmissible for a State to broadcast within the territory of another State if the latter objected and made its objections known. Accordingly, full consultations should be undertaken between broadcasting and receiving States with a view to reaching agreement. Direct broadcasting by means of satellite held out great promise, and his delegation favoured a balanced solution providing both for prior consent and for freedom of information, thereby safeguarding the traditions and cultural heritage of peoples as well as the principles of sovereignty and non-interference in internal affairs.

(Mr. Suwondo, Indonesia)

6. The main outstanding issues with regard to direct broadcasting by means of satellite were consent and participation, programme content and unlawful broadcasts. In that connexion, his delegation appreciated the efforts of the Canadian and Swedish delegations to bridge the gap between opposing views by submitting the "clean text" contained in document A/AC.105/C.2/L.117.
7. As to remote sensing of the earth by satellite, the need for regulation had become clear to a majority of the countries which were interested in taking advantage of remote-sensing techniques. Special emphasis should be placed on the sovereign rights of each State to make an inventory of its resources and control their present or future exploitation and utilization. Access to data must be an integral part of the right of permanent sovereignty of States over their natural resources. That principle must be applied, in particular, when the current experimental phase ended and a global operational system was established. While fully realizing that data concerning meteorology, natural disasters and pollution control should be disseminated on as wide a basis as possible, his delegation felt that the seeking of prior consent for the remote sensing of natural resources and the participation of the sensed State in future activities would greatly enhance international co-operation and ensure the sharing of benefits on a wider scale.
8. His delegation was among those which attached great importance to the issue of the delimitation of outer space not only because of the increasing number of objects launched into outer space but also because of the growing number of States involved in space activities. The growth of space activities had had a direct impact upon a number of generally accepted principles of international law, including national sovereignty. Moreover, air law and space law were distinct and had different implications with regard to jurisdiction. There was, therefore, an obvious need for a clear definition of outer space.
9. The sui generis character of the geostationary orbit should be taken into account in formulating a definition of outer space. In that connexion, recognition should be accorded to the principle that the geostationary orbit situated above a State's territory was a limited natural resource of that State.
10. Mr. DE PAIVA (Brazil) observed that, while spectacular progress had been made in outer-space activities, international space law had remained virtually unchanged in the last decade. Of the six items on the Sub-Committee's agenda, three had been under consideration for many years. While recognizing that the complexity of the issues required that they should be given careful consideration his delegation considered it essential that international legal rules and principles should not lag behind technical progress.
11. Remote sensing was one of the areas in which scientific achievement was far ahead of international law. The completion of the draft principles on remote sensing was, therefore, a matter of high priority.

(Mr. de Paiva, Brazil)

12. Direct broadcasting by satellite should be based on strict respect for the sovereign rights of States. The legal framework which the Sub-Committee was developing should clearly recognize that principle and should provide that direct broadcasting should not take place without specific agreement between the two States concerned, covering all matters relating to the transmission of images and sound.

13. Any future treaty relating to the moon should state unequivocally that the moon and its resources were the common heritage of mankind. It should also include provisions establishing a legal régime for the exploration and utilization of the moon and its resources. There was no justification for deferring the establishment of such a régime until such time as the exploitation of the moon's resources became feasible.

14. On the issue of the definition and/or delimitation of outer space, his delegation was in favour of research to enable the Sub-Committee to establish the precise bounds of outer space. Agreement on the delimitation of outer space would help to establish the scope of application of international agreements which had already been concluded or were awaiting approval. Owing to its unique characteristics, the geostationary orbit should be regarded as a finite natural resource, the use of which should be subject to an internationally agreed régime. Accordingly, the Sub-Committee should keep the question of the geostationary orbit under constant review.

15. Mr. JAIPAL (India) said that the remarkable progress in outer space made by such countries as the United States and the Soviet Union would remain largely in the realm of science-fiction for the majority of developing countries unless and until they could be made to feel a greater sense of involvement. Of course, the initiative for such involvement had to come from the leading space Powers. It was a mistake to think that developing countries were interested only in the benefits accruing from space programmes; their horizons were much wider and their aspirations much higher.

16. The problem of direct broadcasting by satellite was not easy to resolve unless the States involved displayed an understanding of one another's real concerns instead of trying to reconcile their theological differences. Beliefs were often born of necessity, and there was a tendency to elevate them to the level of unalterable principles in order to protect them. Direct broadcasting by satellite was a useful means for countries to understand rather than to undermine one another, to impart knowledge rather than to disseminate political propaganda. It was necessary to establish certain ground-rules for direct broadcasting by means of satellite, because the so-called principle of the free flow of information and ideas could be abused by a country that believed in proselytizing. There should be prior consultation and agreement between receiving and sending States regarding programmes and their content. Any action harmful to the interests of another country was bound to generate political tensions and counter-measures and should therefore be avoided.

(Mr. Jaipal, India)

17. There had been references to "unavoidable spill-over" of broadcasting into countries beyond a receiving State. His delegation regarded nothing as unavoidable in a period of technological advance. The extent of spill-over should be reduced to a minimum; otherwise spill-over might well prove to be a source of interference in the internal affairs of other States. At a time when it was fashionable to speak of fundamental human rights at the drop of a hat, it was essential not to lose sight of the concept of the duties of States towards one another.

18. The question of remote sensing was similarly fraught with difficulties and needed to be resolved with sensitivity. Data obtained through remote-sensing programmes could be of the greatest value to all countries, but there was understandable apprehension that the extent of a State's own natural wealth or lack thereof might become public knowledge. There were dangers in misusing data as well as in withholding them or in providing them to countries that might be inimical to the sensed country. Information obtained through remote sensing could be an important political or economic weapon in the hands of unscrupulous countries. Obviously, the sensing States should exercise the greatest discretion and responsibility in making data generally available. It was highly desirable to inform the sensed State first of data obtained and its consent should be obtained before making sensitive categories of data public.

19. In the view of his delegation, the moon and its natural resources should be regarded as the common heritage of mankind, and an international régime should be evolved to regulate the exploitation of those resources. Such a position would be in the interests of international détente and peace among nations. The arguments advanced against that position seemed self-serving and betrayed a lack of confidence in experiments in internationalizing whatever clearly fell outside the limits of national sovereignty. Without prejudice to its position of principle, his delegation was prepared to consider pragmatic approaches to the resolution of the outstanding issues and commended the Austrian delegation for its efforts to foster compromises. In any event, there was no urgency to wait until sufficient relating to the moon. It might well be advisable to wait until sufficient scientific information became available regarding the natural resources of the moon and the possibility of their economic use, so as to avoid working in a knowledge vacuum.

20. It was inevitable that sooner or later there should be international agreement on the definition of outer space, if only to delimit the upper reaches of the sovereign air space of States. As no agreed scientific basis for such a delimitation yet existed, the criteria used would have to be arbitrary and, perhaps, temporary, in which case there would have to be a consensus among States. His delegation was willing to co-operate in the search for consensus on that and other issues.

The meeting rose at 11.25 a.m.