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COMMITTEE ON THE PEACEFUL USES OF
OUTER SPACE

REPORT OF THE LEGAL SUB-COMMITTEE ON THE WORK OF ITS
SEVENTEENTH SESSION (13 MARCH-7 APRIL 1978)

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INTRODUCTION

Opening of the session

1. The Legal Sub-Committee opened its seventeenth session at the United Nations Office in Geneva on 13 March 1978 under the chairmanship of Ambassador Eugeniusz Wyzner (Poland).
2. The Chairman in his opening statement welcomed the new members of the Committee on the Peaceful Uses of Outer Space who were thus members of the Sub-Committee as well: Benin, Colombia, Ecuador, Iraq, Netherlands, Niger, Philippines, Turkey, United Republic of Cameroon and Yugoslavia. Their membership, he said, was an encouraging reflection of the importance they attached to the work of the United Nations in the realm of the peaceful exploration of outer space.
3. The Chairman congratulated all countries which had made further progress in their space programmes since the Sub-Committee's sixteenth session. A recent event of great interest and importance had been the entry into outer space of Vladimir Remek, a Czechoslovak cosmonaut who, together with a Soviet cosmonaut, had been on board a Soyuz space vehicle which was launched into orbit by the USSR on 2 March 1978 and successfully returned to earth a week later. Vladimir Remek had thus become the first man in space from a country other than the USSR or the United States, the traditional space Powers. The space programmes of the USSR and the United States continued dramatically. Two cosmonauts of the USSR, Yuri Romanenko and Georgi Grechko, on board the space station Salyut 6 had stayed longer in outer space than any before them. The development of the United States space shuttle-orbiter, the "Enterprise", was now in its final stages and the launching and landing facilities were being prepared for its first manned orbital flight, scheduled for 1979. There was great demand for the shuttle service which had been substantially booked well into 1981. There was also a growing number of other States which were engaging in individual or collective space activities.
4. The continuing and fascinating achievements in outer space and the increasing number of participants in space activities gave rise to a pressing need for a parallel development of the law of outer space; and in this development of the law of outer space the Sub-Committee had an important if not a central role.
5. The four outer space treaties, in the preparation of which the Sub-Committee had played an essential part, were all in force. They were the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space; the 1968 Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space; the 1972 Convention on International Liability for Damage Caused by Space Objects; and the 1976 Convention on Registration of Objects Launched into Outer Space. The resolution proposed by the Sub-Committee the previous year for adoption by the General Assembly in commemoration of the tenth anniversary of the entry into force of the Outer Space Treaty, had been adopted by the General Assembly on 20 December 1977 as resolution 32/195. The resolution, among other matters, invited States not as yet parties to the Treaty to ratify or accede to it as soon as possible.

6. The General Assembly, in its resolution 32/196 of 20 December 1977, had noted with satisfaction the work accomplished by the Sub-Committee at its sixteenth session and had recommended that the Sub-Committee at its present seventeenth session should: (a) 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; and (b) continue to discuss the questions relating to the definition and/or delimitation of outer space and outer space activities, also bearing in mind questions relating to the geostationary orbit.

7. The Chairman, concluding his opening statement, expressed the hope that delegations had been able to give further thought to unresolved questions since the sixteenth session of the Sub-Committee in March-April 1977 and the twentieth session of the Committee on the Peaceful Uses of Outer Space in June 1977, and were now in a position to make substantial progress. He hoped, in particular, that at its present session the Sub-Committee would be able to complete its work on one or more of the three subjects of high priority. The task of reaching consensus on the adoption of documents of great juridical, practical and political complexity was, indeed, formidable and required a great deal of flexibility, common sense, imagination and determination, for achieving tangible results and avoiding the risk of losing touch with the rapid progress of space science, technology and co-operation.

8. The Chairman was joined by many delegations in expressing congratulations to the delegation of Czechoslovakia on the entry into outer space of the Czechoslovak cosmonaut Vladimir Remek on board the Soyuz space vehicle that had been launched into orbit by the USSR.

Adoption of the agenda

9. At its opening meeting the Sub-Committee adopted the following agenda for the session (A/AC.105/C.2/L.112):

1. Statement by the Chairman
2. Elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting
3. Legal implications of remote sensing of the earth from space, with the aim of formulating draft principles
4. Draft treaty relating to the moon
5. Questions relating to the definition and/or delimitation of outer space and outer space activities, also bearing in mind questions relating to the geostationary orbit

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Organization of work

10. The Sub-Committee decided to organize its work as follows:

(a) The Sub-Committee would devote the first week of its session to agenda item 4 (Draft treaty relating to the moon); the second week to agenda item 2 (Elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting); and the third week to agenda item 3 (Legal implications of remote sensing of the earth from space, with the aim of formulating draft principles). The Sub-Committee agreed that a certain degree of flexibility should be observed in the allocation of time between the three agenda items, so that all available time was in fact utilized. The same high priority of the three items would, however, be observed. The Sub-Committee would consider at the end of the third week of its session how, in the light of the progress achieved up to that point, the remaining time at its disposal could best be utilized, having regard to the time required for consideration of agenda item 5 (Questions relating to the definition and/or delimitation of outer space and outer space activities, also bearing in mind questions relating to the geostationary orbit).

(b) The Sub-Committee would maintain its practice of setting up working groups, open to all members of the Sub-Committee, for consideration of the priority items on its agenda. The Sub-Committee, accordingly, re-established its Working Group I on the draft treaty relating to the moon; its Working Group II on direct television broadcasting; and its Working Group III on remote sensing. The Sub-Committee agreed that Mr. G. Haraszti, the representative of Hungary, would continue as Chairman of Working Group I on the draft treaty relating to the moon; that Mr. F. El-Ibrashi, the representative of Egypt, would be Chairman of Working Group II on direct television broadcasting; and that Mr. H. Tuerk, the representative of Austria, would continue as Chairman of Working Group III on remote sensing.

(c) The Sub-Committee would each day begin with a plenary meeting to provide for a general exchange of views during the first week of the session, and to enable delegations to address the Sub-Committee on the specific items on its agenda in the remaining weeks of the session. The Sub-Committee would each day after the conclusion of its plenary meeting reconvene as a working group.

11. Working Group I on the draft treaty relating to the moon held seven meetings. Working Group II on direct television broadcasting held four meetings. Working Group III on remote sensing held 10 meetings. There were also a number of informal consultations in the course of the deliberations of the three Working Groups.

12. The Chairmen of the three Working Groups reported to the Sub-Committee at its 298th and 299th meetings on 5 and 6 April 1978. The Sub-Committee took note with appreciation of the work done in the Working Groups.

13. The Sub-Committee considered item 5 of its agenda at its 296th, 297th and 298th meetings on 3, 4 and 5 April.

14. The Sub-Committee held a total of 18 meetings. The views expressed in the Sub-Committee are summarized in documents A/AC.105/C.2/SR.284 to 301.

15. A list of the representatives of the States members of the Sub-Committee attending the session, of the observers for specialized agencies and other organizations, and of the secretariat of the Sub-Committee, is to be found in document A/AC.105/C.2/INF.10.

Legal aspects of the use of nuclear power sources in outer space

16. In the course of the session, a working paper on the legal aspects of the use of nuclear power sources in outer space was circulated by a number of delegations but was not discussed by the Sub-Committee (See document A/AC.105/C.2/L.115, reproduced in annex IV to this report.)

17. It was agreed to request the Committee on the Peaceful Uses of Outer Space to decide whether the matter requires consideration by the Legal Sub-Committee with a view to determining the steps the Committee and its two Sub-Committees should take in this regard and to give appropriate recommendations to this effect to its subordinate bodies.

Decision taken by the Sub-Committee at its 300th meeting on 7 April

18. The Sub-Committee at its 300th meeting on 7 April agreed that in its future work when views of delegations are referred to in reports the following terminology will be used: the term "The view was expressed" will be used when reference is made to a view expressed by only one delegation; the term "Some delegations" will be used when reference is made to a view expressed by more than one delegation; and when reference is made to a contrary view expressed by more than one delegation the term "Other delegations" will be used. Terms such as "few", "a number", "certain", "several", "many", "most" will no longer be used. It was recommended that the Committee on the Peaceful Uses of Outer Space should consider the adoption of the same terminology in its own reports and in the reports of its other subsidiary bodies.

Date of the next session of the Sub-Committee

19. The Sub-Committee recommended that its eighteenth session, which will be in New York, should be held from 12 March to 6 April 1979.

Adoption of the report

20. The Sub-Committee adopted the present report unanimously and concluded its work on 7 April at its 301st meeting.

I. DRAFT TREATY RELATING TO THE MOON

21. The Chairman made an introductory statement on agenda item 4 (Draft treaty relating to the moon) at the 285th meeting of the Sub-Committee on 14 March 1978. He referred to the work that had already been accomplished in the preparation of the draft treaty and drew attention to the main outstanding questions that remained to be resolved.

22. The Chairman noted that the General Assembly at its thirty-second session in resolution 32/196 dated 20 December 1977 had recommended that the Sub-Committee should continue at its present session consideration of the draft treaty relating to the moon as a matter of high priority.

23. As noted in paragraph 10 above, the Sub-Committee at its opening meeting on 13 March 1977 re-established its Working Group on the draft treaty relating to the moon, as Working Group I.

24. At the 298th meeting of the Sub-Committee on 5 April, the Chairman of the Working Group reported on the work of that group. The Sub-Committee took note, with appreciation, of the report and the work done by the Working Group and of the progress achieved at the present session in formulating the draft treaty relating to the moon. In accordance with the decision taken by the Sub-Committee at the same meeting, the report of the Chairman of the Working Group is reproduced in annex I to the present report.

II. ELABORATION OF DRAFT PRINCIPLES GOVERNING THE USE BY STATES OF ARTIFICIAL EARTH SATELLITES FOR DIRECT TELEVISION BROADCASTING

25. The Chairman made an introductory statement on agenda item 2 (Elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting) at the 289th meeting of the Sub-Committee on 17 March 1978. He referred to the work done by the Sub-Committee on this item at its previous sessions which had resulted, as of 1976, in the elaboration of nine principles. The Chairman referred, in particular, to the work done by the Sub-Committee's Working Group on direct television broadcasting at the sixteenth session of the Sub-Committee in March-April 1977, and to the continuation of such work by the Working Party established for that purpose by the Committee on the Peaceful Uses of Outer Space at its twentieth session in June 1977.

26. The Chairman noted that the General Assembly at its thirty-second session, in resolution 32/196 dated 20 December 1977, had recommended that the Sub-Committee should at its present session, as a matter of high priority, continue its efforts to complete the elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting.

27. As noted in paragraph 10 above, the Sub-Committee at its opening meeting on 13 March 1978 re-established its Working Group on direct television broadcasting as Working Group II.

28. At the 298th meeting of the Sub-Committee on 5 April 1978, the Chairman of Working Group II reported on the work of that group. The Sub-Committee took note, with appreciation, of the report and the work done by the Working Group. In accordance with the decision taken by the Sub-Committee at the same meeting, the report of the Chairman of the Working Group is reproduced in annex II to the present report.

29. The Sub-Committee recommended that the Committee on the Peaceful Uses of Outer Space, while considering the question of direct television broadcasting at its next session, should also consider whether the elaboration of draft principles on this subject could be concluded, or whether further progress could be achieved, during that session.

III. LEGAL IMPLICATIONS OF REMOTE SENSING OF THE
EARTH FROM SPACE, WITH THE AIM OF FORMULATING
DRAFT PRINCIPLES

30. The Chairman made an introductory statement on agenda item 3 (Legal implications of remote sensing of the earth from space, with the aim of formulating draft principles) at the 292nd meeting of the Sub-Committee on 23 March 1978. He referred to the work done by the Sub-Committee on this item at its previous sessions which had resulted, as of 1976, in the elaboration of 11 draft principles, though there were still certain matters that remained to be resolved in the 11 draft principles formulated.

31. The Chairman noted that the General Assembly at its thirty-second session, in resolution 32/196 dated 20 December 1977, had recommended that the Sub-Committee should at its present session, as a matter of high priority, continue its detailed consideration of the legal implications of remote sensing of the earth from space, with the aim of formulating draft principles.

32. The Chairman drew attention to the fact that the subject of remote sensing was an item on the agenda of the Scientific and Technical Sub-Committee and referred to the relevance of the reports of that Sub-Committee to the work of the Legal Sub-Committee. The latest report of the Scientific and Technical Sub-Committee was that of its recently concluded fifteenth session (A/AC.105/216) and paragraphs 20 to 70 were the pertinent paragraphs.

33. As noted in paragraph 10 above, the Sub-Committee at its opening meeting on 13 March 1978 re-established its Working Group on remote sensing as Working Group III.

34. At the 299th meeting of the Sub-Committee on 6 April 1978, the Chairman of Working Group III reported on the work of that group. The Sub-Committee took note, with appreciation, of the report and of the work done by the Working Group. In accordance with the decision taken by the Sub-Committee at the same meeting, the report of the Chairman of the Working Group is reproduced in annex III to the present report.

IV. QUESTIONS RELATING TO THE DEFINITION AND/OR DELIMITATION OF OUTER SPACE AND OUTER SPACE ACTIVITIES, ALSO BEARING IN MIND QUESTIONS RELATING TO THE GEOSTATIONARY ORBIT

35. The Chairman made an introductory statement on agenda item 5 (Questions relating to the definition and/or delimitation of outer space and outer space activities, also bearing in mind questions relating to the geostationary orbit) at the 296th meeting of the Sub-Committee on 3 April 1978. He noted that the question of matters relating to the definition and/or delimitation of outer space and outer space activities was placed on the agenda of the Legal Sub-Committee in 1967. The Sub-Committee had been unable, however, because of the pressure of other work, to consider the question of definition and/or delimitation as fully as the Sub-Committee would have wished. The discussions of the Sub-Committee at its fifteenth and sixteenth sessions, in 1976 and 1977, were, nevertheless, of a relatively substantial nature and had served to clarify, to a significant degree, the Sub-Committee's understanding of the questions involved.

36. The question of the geostationary orbit in relation to the definition and/or delimitation of outer space had been referred to in the discussions of the Sub-Committee at its sixteenth session last year. The suggestion had then been made by some delegations that the Committee on the Peaceful Uses of Outer Space might also wish to consider the matter in more detail. The report of the Committee on the Peaceful Uses of Outer Space on its twentieth session in June 1977 referred to the question of the geostationary orbit in paragraph 33. Annex VI to the report of the Committee contained a working paper submitted to the Committee by the USSR and containing "considerations on the legal status of geostationary orbits" (A/AC.105/L.94). The "physical nature and technical attributes of the geostationary orbit" had been discussed at the fifteenth session of the Scientific and Technical Sub-Committee, in February-March 1978, and was the subject of chapter IV of that Sub-Committee's report (A/AC.105/216).

37. The Chairman noted that the General Assembly at its thirty-second session in resolution 32/196 dated 20 December 1977 had recommended that the Sub-Committee should continue at its present session to discuss the questions relating to the definition and/or delimitation of outer space and outer space activities, and also bear in mind questions relating to the geostationary orbit.

38. The Sub-Committee considered agenda item 5 at its 296th, 297th and 298th meetings on 3, 4 and 5 April 1978.

39. The Sub-Committee noted that there had been a wide and interesting exchange of views about the question of definition and/or delimitation of outer space. Some delegations made statements underlining the need for a definition and/or delimitation of outer space and for a definition of space objects and of outer space activities. Those delegations emphasized the importance of this subject and pointed out that it should receive a higher priority. Other delegations considered that the definition and/or delimitation of outer space was not urgent.

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40. Some delegations considered that the geostationary orbit, both because of its physical characteristics and technical attributes, but also because of the existing legal regulations, constitutes a limited natural resource over which the equatorial countries exercise sovereign rights in accordance with international law. In view of its unique and specific nature, its sui generis character should be taken into account in any definition of outer space whose limits have not yet been established. They expressed the opinion that the provisions of international law which affirm the right of peoples and nations freely to exercise full and permanent sovereignty, including possession, use and disposition, over all their natural wealth and resources are applicable and justify the exercise of sovereignty over the segments of the geostationary orbit corresponding to their national territory. These delegations explained that the geostationary orbit must be used in priority for the benefit of the developing countries in order to help to narrow the gap between the developing countries and the industrialized countries on an equitable basis.

41. Some representatives noted that the relevant General Assembly resolutions setting forth the principle of full and permanent sovereignty over natural resources had not received the support of a number of States and did not establish rules of international law.

42. Other delegations held the view that geostationary orbits are inseparable from outer space and all relevant provisions of the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies, are applicable to them. Under that treaty, geostationary orbits, being inseparable from outer space as a whole, are not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means. They further considered that geostationary orbits are free for use by all States without discrimination of any kind on a basis of equality and in accordance with international law. In using geostationary orbits, States pay due regard to the corresponding interests of other States and are guided by the principles of co-operation. They also considered that the placing of satellites in geostationary orbits by States create no right of ownership over the respective orbital positions of the satellites or over segments of the orbits.

43. Some delegations expressed the view that the 1967 Treaty does not preclude the elaboration of a specific legal régime for the geostationary orbit.

44. In this connexion, some delegations expressed the view that such a régime should be based on the recognition of the sui generis nature of the geostationary orbit as a limited natural resource and of the legitimate interests of all States, including those of the subjacent States and of developing countries in general. In this respect some delegations pointed out that while defining the geostationary orbit as a limited natural resource the ITU did not offer a legal definition, but merely a functional definition.

45. Some delegations expressed the view that further technical and legal studies would be needed before consideration would be given to whether special rules governing the use of the geostationary orbit should be established.

Annex I

REPORT OF THE CHAIRMAN OF WORKING GROUP I

1. The Sub-Committee, at its 284th meeting held on 13 March 1978, decided to re-establish Working Group I to continue its consideration of the draft treaty relating to the Moon. The Working Group held seven meetings between 14 March and 5 April. There were also a number of informal consultations.
2. The Working Group had before it the documentation annexed to the 1977 report of the Legal Sub-Committee, containing the drafts and working papers submitted by various delegations on the subject under consideration and the texts formulated or approved by the Working Group and/or the Sub-Committee during the eleventh to sixteenth sessions. A document (A/AC.105/L.74) submitted by the Austrian delegation to the Committee on the Peaceful Uses of Outer Space during its 1973 session, but not contained in the 1977 report of the Sub-Committee was also before the Working Group. In the course of the exchange of views, several unofficial papers have been submitted to the Working Group.
3. In the course of the previous sessions of the Sub-Committee no agreement could be reached on three main outstanding issues: the question of the scope of the treaty, the information to be furnished on missions to the Moon, and the natural resources of the Moon. The Working Group, as it did already at previous sessions of the Sub-Committee, decided again to give priority to the question of the natural resources of the Moon, generally regarded as the key issue whose solution could facilitate an agreement on the two remaining issues.
4. The exchange of views in the Working Group was characterized by a spirit of compromise and by the desire to elaborate a text acceptable to the delegations taking part in the work of the Sub-Committee. As a result of the efforts of these delegations and with the help of a number of unofficial papers submitted in the course of informal consultations held under the chairmanship of the delegate of Austria, the text of a tentative draft agreement was elaborated by the Austrian delegation with the hope that it can serve as a basis for the definitive formulation of an international instrument. The text so elaborated was submitted as a working paper to the Working Group by the delegation of Austria. This working paper is annexed to the present report. Time did not permit the consideration of this working paper in the Working Group. Many delegations emphasized in the course of the consultations and in the Working Group that they would only be able, after consultation with their respective Governments, to take a definite position on the document. It may be hoped that this working paper will facilitate the reaching of a consensus on an international instrument relating to the Moon and other Celestial Bodies and that the work on the agreement could be taken up again in the forthcoming session of the Committee on the Peaceful Uses of Outer Space or in the 1979 session of the Legal Sub-Committee.
5. The Working Group held its final meeting on 5 April 1978 when it considered and adopted the report of the Chairman.

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Appendix

AUSTRIA: WORKING PAPER
(document WG.I(1978)/WP.2 of 3 April 1978)

Agreement Governing the Activities of States on
the Moon and other Celestial Bodies

The States Parties to this Agreement

Noting the achievements of States in the exploration and use of the moon and other celestial bodies,

Recognizing that the moon, as a natural satellite of the earth, has an important role to play in the exploration of outer space,

Determined to promote on the basis of equality the further development of co-operation among States in the exploration and use of the moon and other celestial bodies,

Desiring to prevent the moon from becoming an area of international conflict,

Bearing in mind the benefits which may be derived from the exploitation of the natural resources of the moon and other celestial bodies,

Recalling the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, the Convention on International Liability for Damage Caused by Space Objects, and the Convention on Registration of Objects Launched into Outer Space,

Taking into account the need to define and develop the provisions of these international instruments in relation to the moon and other celestial bodies, having regard to further progress in the exploration and use of outer space,

Have agreed on the following:

Article I

1. The provisions of this Agreement relating to the moon shall also apply to other celestial bodies within the solar system, other than the earth, except in so far as specific legal norms enter into force with respect to any of these celestial bodies.
2. For the purposes of this Agreement reference to the moon shall include orbits around or other trajectories to or around it.
3. This Agreement does not apply to extra-terrestrial materials which reach the surface of the earth by natural means.

Article II

All activities on the moon including its exploration and use, shall be carried out in accordance with international law, in particular, the Charter of the United Nations, and taking into account the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970, in the interest of maintaining international peace and security and promoting international co-operation and mutual understanding, and with due regard to the corresponding interests of all other States Parties.

Article III

1. The moon shall be used by all States Parties exclusively for peaceful purposes.

2. Any threat or use of force or any other hostile act or threat of hostile act on the moon is prohibited. It is likewise prohibited to use the moon in order to commit any such act or to engage in any such threat in relation to the earth, the moon, spacecraft, the personnel of spacecraft or man-made space objects.

3. States Parties shall not place in orbit around or other trajectory to or around the moon objects carrying nuclear weapons or any other kinds of weapons of mass destruction or place or use such weapons on or in the moon.

4. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military manoeuvres on the moon shall be forbidden. The use of military personnel for scientific research or for any other peaceful purposes shall not be prohibited. The use of any equipment or facility necessary for peaceful exploration and use of the moon shall also not be prohibited.

Article IV

1. The exploration and use of the moon shall be the province of all mankind and shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development. Due regard shall be paid to the interests of present and future generations as well as to the need to promote higher standards of living conditions of economic and social progress and development in accordance with the Charter of the United Nations.

2. States Parties shall be guided by the principle of co-operation and mutual assistance in all their activities concerning the exploration and use of the moon. International co-operation in pursuance of this Agreement should be as wide as possible and may take place on a multilateral basis, on a bilateral basis, or through international intergovernmental organizations.

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Article V

1. States Parties shall inform the Secretary-General of the United Nations as well as the public and the international scientific community, to the greatest extent feasible and practicable, of their activities concerned with the exploration and use of the moon. Information on the time, purposes, locations, orbital parameters and duration shall be given in respect of each mission to the moon as soon as possible after launching, while information on the results of each mission, including scientific results, shall be furnished upon completion of the mission. In case of a mission lasting more than 60 days, information on conduct of the mission including any scientific results shall be given periodically at 30 days' intervals. For missions lasting more than six months, only significant additions to such information need be reported thereafter.

2. If a State Party becomes aware that another State party plans to operate simultaneously in the same area of or in the same orbit around or trajectory to or around the moon, it shall promptly inform the other State of the timing of and plans for its own operations.

3. In carrying out activities under this Agreement, States Parties shall promptly inform the Secretary-General, as well as the public and the international scientific community, of any phenomena they discover in outer space, including the moon, which could endanger human life or health, as well as of any indication of organic life.

Article VI

1. There shall be freedom of scientific investigation on the moon by all States Parties without discrimination of any kind, on the basis of equality and in accordance with international law.

2. In carrying out scientific investigations in furtherance of the provisions of this Agreement the States Parties shall have the right to collect on and remove from the moon samples of its mineral and other substances. Such samples shall remain at the disposal of those States Parties which caused them to be collected and may be used by them for scientific purposes. States Parties shall have regard to the desirability of making a portion of such samples available to other interested States Parties and the international scientific community for scientific investigation. States Parties may in the course of scientific investigations also use mineral and other substances of the moon in quantities appropriate for the support of their missions.

3. States Parties agree on the desirability of exchanging scientific and other personnel on expeditions to or installations on the moon to the greatest extent feasible and practicable.

Article VII

1. In exploring and using the moon, States Parties shall take measures to prevent the disruption of the existing balance of its environment whether by introducing adverse changes in such environment, its harmful contamination through the introduction of extra-environmental matter or otherwise. States Parties shall also take measures to prevent harmfully affecting the environment of the earth through the introduction of extra-terrestrial matter or otherwise.

2. States Parties shall inform the Secretary-General of the United Nations of the measures being adopted by them in accordance with paragraph 1 of this article and shall also to the maximum extent feasible notify him in advance of all placements by them of radioactive materials on the moon and of the purposes of such placements.

3. States Parties shall report to other States Parties and to the Secretary-General concerning areas of the moon having special scientific interest in order that, without prejudice to the rights of other States Parties, consideration may be given to the designation of such areas as international scientific preserves for which special protective arrangements are to be agreed in consultation with the competent organs of the United Nations.

Article VIII

1. States Parties may pursue their activities in the exploration and use of the moon anywhere on or below its surface, subject to the provisions of this Agreement.

2. For these purposes States Parties may, in particular:

(a) Land their space objects on the moon and launch them from the moon;

(b) Place their personnel, space vehicles, equipment, facilities, stations and installations anywhere on or below the surface of the moon.

Personnel, space vehicles, equipment, facilities, stations and installations may move or be moved freely over or below the surface of the moon.

3. Activities of States Parties in accordance with paragraphs 1 and 2 of this article shall not interfere with the activities of other States Parties on the moon. Where such interference may occur, the States Parties concerned shall undertake consultations in accordance with article XV, paragraphs 2 and 3.

Article IX

1. States Parties may establish manned and unmanned stations on the moon. A State Party establishing a station shall use only that area which is required for the needs of the station and shall immediately inform the Secretary-General of the United Nations of the location and purposes of that station. Subsequently, at annual intervals that State shall likewise inform the Secretary-General whether the station continues in use and whether its purposes have changed.

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2. Stations shall be installed in such a manner that they do not impede the free access to all areas of the moon of personnel, vehicles and equipment of other States Parties conducting activities on the moon in accordance with the provisions of this Agreement or of article I 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.

Article X

1. States Parties shall adopt all practicable measures to safeguard the life and health of persons on the moon. For this purpose they shall regard any person on the moon as an astronaut within the meaning of article V of the Treaty on Principles Governing the Activities of States on the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies and as part of the personnel of a spacecraft within the meaning of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space.

2. States Parties shall offer shelter in their stations, installations, vehicles and other facilities to persons in distress on the moon.

Article XI

1. For the purposes of this Agreement, the moon and its natural resources shall be considered the common heritage of mankind, which finds its expression in the relevant provisions of this Agreement and in particular in paragraph 5 of this article.

2. The moon is not subject to national appropriation by any claim of sovereignty, by means of use or occupation, or by any other means.

3. Neither the surface nor the subsurface of the moon, nor any part thereof or natural resources in place, shall become property of any State, international intergovernmental or non-governmental organization, national organization or non-governmental entity or of any natural person. The placement of personnel, space vehicles, equipment facilities, stations and installations on or below the surface of the moon, including structures connected with their surface or subsurface, shall not create a right of ownership over the surface or the subsurface of the moon or any areas thereof. The foregoing provisions are without prejudice to the international régime referred to in paragraph 5 of this article.

4. States Parties have the right to exploration and use of the moon without discrimination of any kind on a basis of equality, and in accordance with international law and the terms of this Agreement.

5. States Parties to this Agreement hereby undertake to establish an international régime, including appropriate procedures, to govern the exploitation of the natural resources of the moon as such exploitation is about to become feasible. This provision shall be implemented in accordance with article XVIII of this Agreement.

6. In order to facilitate the establishment of the international régime referred to in paragraph 5 of this article, States Parties shall inform the Secretary-General of the United Nations as well as the public and the international scientific community to the greatest extent feasible and practicable of any natural resources they may discover on the moon.

7. The main purposes of the international régime to be established shall include:

- (a) The orderly and safe development of the natural resources of the moon;
- (b) The rational management of those resources;
- (c) The expansion of opportunities in the use of those resources; and

(d) An equitable sharing by all States Parties in the benefits derived from those resources,

whereby the interests and needs of the developing countries as well as the efforts of those countries which have contributed to the exploration of the moon shall be given special consideration.

8. All the activities with respect to the natural resources of the moon shall be carried out in a manner compatible with the purposes specified in paragraph 7 of this article and the provisions of article VI, paragraph 2, of this Agreement.

Article XII

1. States Parties shall retain jurisdiction and control over their personnel, vehicles, equipment, facilities, stations and installations on the moon. The ownership of space vehicles, equipment, facilities, stations and installations shall not be affected by their presence on the moon.

2. Vehicles, installations and equipment or their component parts found in places other than their intended location shall be dealt with in accordance with article V of the Agreement on Assistance to Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space.

3. In the event of an emergency involving a threat to human life, States Parties may use the equipment, vehicles, installations, facilities or supplies of other States Parties on the moon. Prompt notification of such use shall be made to the Secretary-General of the United Nations or State Party concerned.

Article XIII

A State Party which learns of the crash landing, forced landing or other unintended landing on the moon of a space object, or its component parts, that were not launched by it, shall promptly inform the launching State Party and the Secretary-General of the United Nations.

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Article XIV

1. States Parties to this Agreement shall bear international responsibility for national activities on the moon whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in the present Agreement. States Parties shall ensure that non-governmental entities under their jurisdiction shall engage in activities on the moon only under the authority and continuing supervision of the appropriate State Party.

2. States Parties recognize that detailed arrangements concerning liability for damage sustained on the moon, in addition to the provisions 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 and the Convention on International Liability for Damage Caused by Space Objects, may become necessary as a result of more extensive activities on the moon. Any such arrangements shall be elaborated in accordance with the procedure provided for in article XVIII of this Agreement.

Article XV

1. Each State Party may assure itself that the activities of other States Parties in the exploration and use of the moon are compatible with the provisions of this Agreement. To this end, all space vehicles, equipment, facilities, stations and installations on the moon shall be open to other States Parties. Such States Parties shall give reasonable advance notice of a projected visit, in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety and to avoid interference with normal operations in the facility to be visited. In pursuance of this article, any State Party may use its own means, or may act with the full or partial assistance of any other State Party, or through appropriate international procedures within the framework of the United Nations and in accordance with the Charter.

2. A State Party which has reason to believe that another State Party is not fulfilling the obligations incumbent upon it pursuant to this Agreement or that another State Party is interfering with the rights which the former State has under this Agreement may request consultations with that Party. A State Party receiving such a request shall enter into such consultations without delay. Any other State Party which requests to do so shall be entitled to take part in the consultations. Each State Party participating in such consultations shall seek a mutually acceptable resolution of any controversy and shall bear in mind the rights and interests of all States Parties. The Secretary-General of the United Nations shall be informed of the results of the consultations and transmit the information received to all States Parties concerned.

3. If the consultations do not lead to a mutually acceptable settlement which has due regard for the rights and interests of all the States Parties, the parties concerned shall take all measures to settle the dispute by other peaceful

means of their choice and appropriate to the circumstances and the nature of the dispute. If difficulties arise in connexion with the opening of consultations or if consultations do not lead to a mutually acceptable settlement, any State Party may seek the assistance of the Secretary-General without seeking the consent of any other State Party concerned, in order to resolve the controversy. A State Party which does not maintain diplomatic relations with another State Party concerned shall participate in such consultations, at its choice, either itself or through another State Party or the Secretary-General, as intermediary.

Article XVI

With the exception of articles XVII to XXI, references in this Agreement to States shall be deemed to apply to any international intergovernmental organization which conducts space activities if the organization declares its acceptance of the rights and obligations provided for in this Agreement and if a majority of the States members of the organization are States Parties to this Agreement and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies. States members of any such organization which are States Parties to this Agreement shall take all appropriate steps to ensure that the organization makes a declaration in accordance with the foregoing.

Article XVII

Any State Party to this Agreement may propose amendments to the Agreement. Amendments shall enter into force for each State Party to the Agreement accepting the amendments upon their acceptance by a majority of the States Parties to the Agreement and thereafter for each remaining State Party to the Agreement on the date of acceptance by it.

Article XVIII

Ten years after the entry into force of this Agreement, the question of the review of the Agreement shall be included in the provisional agenda of the United Nations General Assembly in order to consider, in the light of past application of the Agreement, whether it requires revision. However, at any time after the Agreement has been in force for five years, the Secretary-General of the United Nations, as depository, shall, at the request of one third of the States Parties to the Agreement and with the concurrence of the majority of the States Parties, convene a conference of the States Parties to review this Agreement. A review conference shall also consider the question of the implementation of the provisions of article XI, paragraph 5, on the basis of the principle referred to in paragraph 1 of that article and taking into account in particular any relevant technological developments.

Article XIX

1. This Agreement shall be open for signature by all States at United Nations Headquarters in New York. Any State which does not sign this Agreement before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

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2. This Agreement shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Secretary-General of the United Nations.

3. This Agreement shall enter into force among the States which have deposited instruments of ratification on the deposit of the fifth such instrument with the Secretary-General.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Agreement, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Secretary-General shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of an accession to this Agreement, the date of its entry into force and other notices.

Article XX

Any State Party to this Agreement may give notice of its withdrawal from the Agreement one year after its entry into force by written notification to the Secretary-General of the United Nations. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article XXI

The original of this Agreement, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all signatory and acceding States.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement, opened for signature at New York on

Annex II

REPORT OF THE CHAIRMAN OF WORKING GROUP II

1. The Sub-Committee at its opening meeting on 13 March 1978 re-established its Working Group II to continue its work on the elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting.
2. The Working Group held its first meeting on 20 March and concluded its work on 4 April, having held a total of four meetings. There were also a number of informal consultations.
3. The Working Group noted that, as recognized by the General Assembly at its thirty-second session in resolution 32/196, considerable progress was achieved, by the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space and by a working party of that Committee in the elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting, and that work was done in formulating a tentative text of a principle of "consultation and agreements between States" and a draft preamble.
4. The Working Group noted further that in paragraph 29 of the report of the Committee on the Peaceful Uses of Outer Space to the thirty-second session of the General Assembly (A/32/20), it was recommended that the Legal Sub-Committee, at its seventeenth session, should continue to consider, as a matter of high priority, the elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting with a view to concluding an international agreement or agreements, in accordance with General Assembly resolutions 2916 (XXVII) and 31/8. This recommendation of the Committee was endorsed by General Assembly resolution 32/196 which recommended that the Legal Sub-Committee at its seventeenth session should continue, as a matter 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.
5. The Working Group had before it the report of the Legal Sub-Committee on its sixteenth session and the report of the Committee on the Peaceful Uses of Outer Space on its twentieth session (A/32/20). Annex VII of the Committee's report provides a composite picture of all the texts formulated as of the commencement of the present session of the Legal Sub-Committee.
6. The Working Group at its opening meeting and following a general exchange of views decided that it should begin its work with a detailed consideration of the text of a principle on "consultation and agreements between States" as contained in annex V to the report of the Committee on the Peaceful Uses of Outer Space.
7. Most delegations favoured the acceptance of the text included within square brackets in paragraph 1, of the text of a principle on "consultation and agreements between States" because in their view it would constitute a part of a compromise

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on all outstanding issues. Although some of them were willing to accept the text they felt it did not completely meet their preoccupations. A small number of delegations considered that the subject of this text was neither needed nor appropriate and should not be included in the principles.

8. During the course of discussions a number of informal suggestions were put forward but it was not possible to reach agreement on them.

9. Most delegations favoured the acceptance of the text included within square brackets in paragraph 2. Tentative agreement was reached on the inclusion of the word "promptly" between the words "shall" and "enter" in the penultimate line of the text. Some delegations felt that the square brackets around the text should be removed and that the text should be left in its present form. Some delegations felt that if the text in paragraph 2 was adopted the principle on "duty and right to consult" would be redundant. Many delegations felt that even if the text in paragraph 2 was adopted the principle on "duty and right to consult" should be maintained.

10. There was tentative agreement that the six alternatives in paragraph 3 should be reduced to alternatives (a), (b), (e) and (f).

11. The Working Group then considered whether it should proceed to a consideration of the draft preamble, as contained in annex IV to the report of the Committee on the Peaceful Uses of Outer Space, or to a consideration of the texts of the principles on "programme content" and "unlawful/inadmissible broadcasts" which texts were contained within square brackets in annex VII to the report of the Committee on the Peaceful Uses of Outer Space. Some delegations felt that the Working Group should proceed to a consideration of the draft preamble. Other delegations were of the view that the draft preamble should be considered after the texts of all draft principles were formulated. The Working Group exchanged views on these texts. Some delegations considered that principles on "programme content" and "unlawful/inadmissible broadcasts" should be included in the draft principles. Some delegations considered that principles on "programme content" and "unlawful/inadmissible broadcasts" should not be included in the draft principles. Some delegations were of the view that, having regard to the provisions of other principles, principles on "programme content" and "unlawful/inadmissible broadcasts" were not necessary. The view was expressed by some delegations that principles on "programme content" and "unlawful/inadmissible broadcasts" could be dispensed with provided a principle on "consultation and agreements between States" was satisfactorily formulated but that, if not, principles on "programme content" and "unlawful/inadmissible broadcasts" would be essential and would have to be considered further.

12. The Working Group held its final meeting on 4 April when it considered and adopted the report to be made by its Chairman to the Sub-Committee. (The texts of the principles formulated by the Working Group are reproduced in the appendix to this report.)

Appendix

TEXTS FORMULATED BY THE WORKING GROUP ON DRAFT PRINCIPLES ON
DIRECT TELEVISION BROADCASTING a/

The General Assembly,

(1) In view of the benefits of international direct television broadcasting by means of artificial earth satellites for individuals, peoples, countries, and all mankind,

(2) Desiring to safeguard the legitimate rights and interests of all States and to encourage orderly development on an equitable basis of this new and promising means of television broadcasting,

(3) Recognizing the unique characteristics of such satellite broadcasting not encountered in other forms of broadcasting which necessitate besides relevant technical regulations also legal principles solely applicable in this field,

(4) Considering that States, as well as international governmental and non-governmental organizations, including broadcasting associations, should base their activities in this field upon and encourage international co-operation,

(5) Solemnly declares that in international direct television broadcasting by means of artificial earth satellites, States should be guided by the following principles:

/1a. Recognizing that international direct broadcasting by means of artificial earth satellites should be based on strict respect for the sovereign rights of States and non-interference in their internal affairs;]

.....

/1b. Considering that direct television broadcasting by means of satellites should take place under conditions in which this new form of space technology will serve the lofty goals of peace and friendship among peoples;]

.....

/1c. Recognizing the importance of free dissemination of information and ideas and a broader exchange of views between all countries of the world;]

.....

a/ The texts reproduced here contain the principles agreed to by the Working Group II of the Legal Sub-Committee at the fifteenth session of the Sub-Committee in 1976 (A/AC.105/171, annex II), as well as the texts formulated by the Working Group II of the Legal Sub-Committee at its sixteenth session in 1977 (A/AC.105/196, annex II) and by the Working Party of the Committee on the Peaceful Uses of Outer Space at its twentieth session in 1977.

/ld. Recognizing the importance of the right of everyone to freedom of expression, including the right to seek, receive and impart information and ideas regardless of frontiers, as enshrined in instruments of the United Nations relating to universal human rights.

Purposes and objectives

States declare b/ that activities in the field of international direct television broadcasting by means of artificial earth satellites should be carried out in a manner compatible with the development of mutual understanding and the strengthening of friendly relations and co-operation among all States and peoples in the interest of maintaining international peace and security. Such activities should, inter alia, promote the dissemination and mutual exchange of information and knowledge in cultural and scientific fields, assist in educational, social and economic development, particularly in the developing countries, enhance the quality of life of all peoples and provide beneficial recreation.

Applicability of international law

Activities in the field of direct television broadcasting by means of artificial earth satellites should be conducted in accordance with international law, including the Charter of the United Nations, the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies of 27 January 1967, the relevant provisions of the International Telecommunication Convention and its Radio Regulations and of international instruments relating to friendly relations and co-operation among States and to human rights.

Rights and benefits

Every State has an equal right to conduct activities in the field of direct television broadcasting by means of artificial earth satellites and to authorize such activities by persons and entities under its jurisdiction. All States and peoples are entitled to and should enjoy the benefits from such activities. Access to the technology in this field should be available to all States without discrimination on terms mutually agreed by all concerned.

International co-operation

Activities in the field of direct television broadcasting by means of artificial earth satellites should be based upon and encourage international

b/ Subject to review in the context of the final form of this document.

co-operation. Such co-operation should be the subject of appropriate arrangements. c/

State responsibility

States should bear international responsibility for activities in the field of direct television broadcasting by means of artificial earth satellites carried out by them or under their jurisdiction and for the conformity of any such activities with the principles set forth in this document.

When direct television broadcasting by means of artificial earth satellites is carried out by an international intergovernmental organization, responsibility for compliance with these principles should be borne both by such organization and by States participating in it.

Duty and right to consult

Any State requested to do so by another State should promptly enter into consultations with the requesting State concerning any matter arising from those activities in the field of international direct television broadcasting by satellites that are likely to affect the requesting State, and such consultations should be conducted with due regard to the other principles of this document.

Peaceful settlement of disputes

Any dispute that may arise from activities in the field of direct television broadcasting by means of artificial earth satellites should be resolved by prompt consultations among the parties to the dispute. Where a mutually acceptable resolution cannot be achieved by such consultations, it should be sought through other established procedures for the peaceful settlement of disputes.

Copyright and neighbouring rights

Without prejudice to the relevant provisions of international law States should co-operate on a bilateral and multilateral basis for protection of copyright and neighbouring rights by means of appropriate agreements between the interested States. In such co-operation they should give special consideration to the interests of developing countries in the use of direct television broadcasting for the purpose of accelerating their national development.

c/ Subject to review of the second sentence in the light of the discussion on consent and participation.

/...

Notification to the United Nations

In order to promote international co-operation in the peaceful exploration and use of outer space, States conducting or authorizing activities in the field of direct television broadcasting by satellites should inform the Secretary-General of the United Nations to the greatest extent possible of the nature of such activities. On receiving this information, the Secretary-General of the United Nations should disseminate it immediately and effectively to the relevant United Nations specialized agencies, as well as to the public and the international scientific community.

Consultation and agreements between States

1. A direct television broadcasting service by means of artificial earth satellites specifically directed at a foreign State, which shall be established only when it is not inconsistent with the provisions of the relevant instruments of the International Telecommunication Union, shall be based on appropriate agreements and/or arrangements between the broadcasting and receiving States or the broadcasting entities duly authorized by the respective States, in order to facilitate the freer and wider dissemination of information of all kinds and to encourage co-operation in the field of information and the exchange of information with other countries.

2. For that purpose a State which proposes to establish or authorize the establishment of a direct television broadcasting service by means of artificial earth satellites specifically directed at a foreign State shall without delay notify that State of such intention and shall promptly enter into consultations with that State if the latter so requests.

3. (a) No such agreements and/or arrangements shall be required with respect to the overspill of the radiation of the satellite signal within the limits established under the relevant instruments of the International Telecommunication Union.

(b) No such agreements and/or arrangements or consultations shall be required with respect to the overspill of the radiation of the satellite signal within the limits established under the relevant instruments of the International Telecommunication Union.

*(c) Delete paragraph 3.

* Former alternative (e).

d/ Some delegations considered that, owing to the wording of the principle on "consultation and agreements between States", the principle on "duty and right to consult" should be reconsidered in order to avoid inconsistencies and redundancies.

/...

*(d) This principle shall not apply with respect to the overspill of the radiation of the satellite signal within the limits established under the relevant instruments of the International Telecommunication Union.]

Programme content

]States or their broadcasting entities which participate in direct television broadcasting by satellite with other States should co-operate with one another in respect of programming, programme content, production and interchange of programmes.]

]The broadcasting of commercial advertising, direct or indirect to countries other than the country of origin, should be on the basis of appropriate agreements between the countries concerned.]

]Notwithstanding the foregoing, States undertaking activities in direct television broadcasting by satellites should in all cases exclude from the television programmes any material which is detrimental to the maintenance of international peace and security, which publicizes ideas of war, militarism, national and racial hatred and enmity between peoples, which is aimed at interfering in the domestic affairs of other States or which undermines the foundations of the local civilization, culture, way of life, traditions or language.]

Unlawful/inadmissible broadcasts

]States shall regard as unlawful and as giving rise to the international liability of States direct television broadcasts specifically aimed at a foreign State but carried out without the express consent of the latter, containing material which according to these principles should be excluded from programmes, or received as a result of unintentional radiation if the broadcasting State has refused to hold appropriate consultations with the State in which the broadcasts are received.]

]In case of the transmission to any State of television broadcasts which are unlawful, that State may take in respect of such broadcasts measures which are recognized as legal under international law.]

]States agree to give every assistance in stopping unlawful direct television broadcasting by satellite.]

]Any broadcasts that a State does not wish to be made in its territory or among its population and in respect of which it has made known such decision to the broadcasting State are inadmissible.]

]Every transmitter, State, international organization or authorized agency shall refrain from making such broadcasts or shall immediately discontinue such broadcasts if it has begun to transmit them.]

* Former alternative (f).

Annex III

REPORT OF THE CHAIRMAN OF WORKING GROUP III

1. At the opening meeting of its present session on 13 March 1978, the Sub-Committee re-established its Working Group III on remote sensing.
2. The Working Group began its work on Tuesday, 28 March, and concluded it on 6 April. It held a total of 10 meetings. Informal consultations open to all members were also held under the chairmanship of the Chairman of the Working Group.
3. The Working Group noted that the Legal Sub-Committee was required, under paragraph 6 (a) of General Assembly resolution 32/196 of 20 December 1977, to continue as a matter of high priority "its detailed consideration of the legal implications of remote sensing of the earth from space, with the aim of formulating draft principles". The Working Group noted further at its 1st meeting the recommendation contained in paragraph 39 of the report of the Committee on the Peaceful Uses of Outer Space that the Legal Sub-Committee should adopt the terms of primary data and analysed information, on the basis of the definitions developed by the Scientific and Technical Sub-Committee, and should bear in mind those definitions in its work.
4. The Working Group had before it the report of the Legal Sub-Committee on its sixteenth session held in 1977 (A/AC.105/196) which contained in its annex III the report of the Chairman of Working Group III and in appendix B an informal working paper submitted by the delegation of Sweden.
5. The Working Group also noted that the subject of remote sensing was an item on the agenda of the Scientific and Technical Sub-Committee at its fifteenth session held in February-March 1978; and that, as could be seen from the report of the Scientific and Technical Sub-Committee on that session (A/AC.105/216), particularly paragraphs 16 to 71, a number of matters of relevance to the work of the Legal Sub-Committee had been discussed by the Scientific and Technical Sub-Committee.
6. Some delegations felt that it was necessary to proceed with the elaboration of a principle relating to respect for State sovereignty over their natural resources and their right to dispose of data and information on them obtained in the process of remote sensing of the earth and to the consideration of other substantive principles. Other delegations held the view that the Working Group should first elaborate the definitions of the terms "primary data" and "analysed information". The Working Group agreed that it would endeavour, firstly, to formulate draft definitions of the terms "primary data" and "analysed information" on the basis of an informal working paper submitted by Sweden at the sixteenth session of the Legal Sub-Committee, contained in appendix B of the report on that session. (This informal working paper corresponded to a text worked out by the Scientific and Technical Sub-Committee at its fourteenth session.) These definitions were finally included in a new principle I together with a definition

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of the term "remote sensing of the earth" and the following principles were renumbered accordingly.

7. Subsequently, the Working Group agreed to discuss once again principles I to VII as contained in appendix A of the report on the sixteenth session of the Legal Sub-Committee with a view to removing the square brackets still in those texts. The Working Group decided to delete the reference to the natural resources of the earth and its environment in all principles and to use instead the term "remote sensing of the earth" as this term is now tentatively defined in principle I to mean the remote sensing of the natural resources of the earth and its environment. Proposals were made to the effect that the brackets around the words "shall" or "should" in the different principles already formulated be removed. As there was no agreement it was decided to retain the brackets wherever necessary. The expression mankind was deleted in principle I and so were the foot-notes (a) relating to principle VI, and (c) and (d) relating to principle VII as contained in the report on the sixteenth session. In principle VI, the reference to the relevant specialized agencies and the International Atomic Energy Agency was replaced by the expression "relevant agencies within the United Nations system". Furthermore, it was agreed to delete the word shall and to delete the square brackets around the word "should" in paragraph 1 of that principle. The Working Group also decided to move the foot-note (b) relating to the question of the application of this principle to international intergovernmental organizations to the very beginning of the draft principles, as it was thought that this matter related to the set of principles as a whole and not only to principle VI. In principle VII the words "Data and/or" were added at the beginning of the text.

8. Extensive discussions were held in the Working Group and within the framework of informal consultations on the working paper submitted by the delegation of Mongolia (A/AC.105/C.2/L.113), reproduced in annex V to the Sub-Committee's report) and the text in special brackets set forth in the report on the sixteenth session of the Legal Sub-Committee (annex III, p. 6). In this connexion many delegations pointed out that they considered it essential that a principle on this subject be included in principles on remote sensing. A few other delegations, however, held the view that a principle on this subject was of no relevance to such principles.

9. In the course of the informal consultations a text which stated that "remote sensing of the earth is to be conducted with due respect for the sovereignty of all States over their own wealth and natural resources" was considered with a view to achieving a compromise on this question. Many delegations were of the opinion that this text represented the minimum compromise between the divergent points of view and should therefore be included among the already agreed draft principles without brackets. However, some delegations, in view of their already stated basic position, requested that this text be put into brackets. For this reason no agreement was reached on the inclusion of the text among the already formulated draft principles. The text set forth in special brackets in the report on the sixteenth session which takes into account the working paper of Mongolia has thus

been tentatively formulated and included into the set of principles within square brackets as principle XIII.

10. In principle IX the drafting change relating to the term "remote sensing of the earth" already referred to in paragraph 7 above was made. The same change was subsequently also made in principles X and XI.

11. With respect to principle X various suggestions were made inter alia with the aim of bringing the text more closely in line with article VI of the Outer Space Treaty. It was also proposed to make use of the provision on "State responsibility" in the principles being formulated on direct television broadcasting. Attempts to reach a compromise were not successful and the Working Group finally decided to leave the text as contained in the report on the sixteenth session unchanged.

12. The Working Group extensively discussed the question of access to data obtained by remote sensing and information derived from analysis of such data and also whether there should be a right of sensed States to receive data and information. It was, however, decided to leave the text of principle XI as contained in the report on the sixteenth session unchanged as no agreement on any particular change could be achieved.

13. Attempts were also made to reach agreement on a generally acceptable new text on dissemination of data and information on the basis of a working paper submitted on this subject by the delegations of Chile, Nigeria and Sierra Leone and of various compromise proposals presented in the course of informal consultations. No consensus could, however, be achieved, as some delegations wished for open dissemination of data and freedom of dissemination of information, while many delegations wished to expressly stipulate the requirement of approval by those States whose territories are covered by remote sensing activities with respect to such dissemination of data and information. The text of the working paper submitted by Chile, Nigeria and Sierra Leone has thus been put within square brackets as principle XVI.

14. Principle VIII was extensively discussed by the Working Group; it was, however, finally decided not to change the text contained in the report on the sixteenth session.

15. The Working Group considered, on the basis of a working paper submitted by Mongolia (WG.III(1978)WP.1), a principle on consultations between a State carrying out remote sensing and a State whose territory is sensed. In the course of informal consultations an informal proposal was submitted with a view to achieving a compromise. Some delegations, however, reserved their position on such a principle and on this proposal, until agreement had been reached on principles XII and XIV and there had been a rereading of all agreed principles. This text is thus set forth within brackets as principle XV.

16. The question of advance notification to sensed States by sensing States was also discussed whereby many delegations emphasized the importance of such notification. Other delegations, however, doubted the practicability of any

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provision on this subject and therefore considered such a principle to be unnecessary. Furthermore, the view was held that further discussions on this question should take account of principle VII (formerly principle VI), paragraph 2, article XI of the Outer Space Treaty and articles IV and VI of the Registration Convention. The text of principle XIV which also contains various suggestions which were made in an effort to reach a compromise is thus set forth within square brackets.

17. The question of a principle on dispute settlement was also discussed. Many delegations expressed the need for a principle on this subject and various drafting suggestions were made in relation to a working paper submitted by Austria. However, no final agreement could be reached on such a principle. The text of the aforementioned working paper is set forth in brackets as principle XVIII.

18. The Working Group held its final meeting on 6 April when it considered and adopted the report to be made by its Chairman to the Sub-Committee. (The texts of the principles formulated by the Working Group are reproduced in the appendix to this report.)

AppendixPrinciple I 1/

For the purposes of these principles with respect to remote sensing of the natural resources of the earth and its environment: 2/

(a) The term "remote sensing of the earth" means "remote sensing of the natural resources of the earth and its environment". 3/

*(b) The term "primary data" means those primary data which are acquired by satellite-borne remote sensors and transmitted from a satellite either by telemetry in the form of electromagnetic signals or physically in any form such as photographic film or magnetic tape, as well as preprocessed products derived from those data which may be used for later analysis.

*(c) The term "analysed information" means the end-product resulting from the analytical process performed on the primary data as defined in paragraph (b) above combined with data and/or knowledge obtained from sources other than satellite-borne remote sensors.

Principle II

Remote sensing of the earth from outer space and international co-operation in that field shall should be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and taking into consideration, in international co-operation, the particular needs of the developing countries.

Principle III

Remote sensing of the earth from outer space shall should be conducted in accordance with international law, including the Charter of the United Nations

* The question of the introduction of these definitions into the texts of the principles is to be considered later.

1/ The question of the application of these principles to international intergovernmental organizations will be considered later.

2/ The formulation "with respect to remote sensing of the natural resources of the earth and its environment" will be reviewed in light of the title to be given to the principles.

3/ This term is still subject to further discussion. In the view of some delegations, it would be necessary in the future work to further define the meaning of the words "remote sensing of the earth and its environment".

/...

and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies.

Principle IV

1. States carrying out programmes for remote sensing of the earth from outer space /should/ /shall/ promote international co-operation in these programmes. To this end, sensing States /should/ /shall/ make available to other States opportunities for participation in these programmes. Such participation should be based in each case on equitable and mutually acceptable terms due regard being paid to elements

2. In order to maximize the availability of benefits from such remote sensing data, States are encouraged to consider agreements for the establishment of shared regional facilities.

Principle V

Remote sensing of the earth from outer space /should/ /shall/ promote the protection of the natural environment of the earth. To this end States participating in remote sensing /should/ /shall/ identify and make available information useful for the prevention of phenomena detrimental to the natural environment of the earth.

Principle VI

States participating in remote sensing of the earth from outer space /should/ /shall/ make available technical assistance to other interested States on mutually agreed terms.

Principle VII

1. The United Nations and the relevant agencies within the United Nations system should promote international co-operation, including technical assistance, and play a role of co-ordination in the area of remote sensing of the earth.

2. States conducting activities in the field of remote sensing of the earth /shall/ /should/ notify the Secretary-General thereof, in compliance with article XI 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.

Principle VIII

Data and/or information obtained by remote sensing of the earth indicating an

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impending natural disaster shall be disseminated as promptly as possible to those States likely to be affected.

Principle IX 1/

Taking into account the principles I and II above, remote sensing data or information derived therefrom /shall/ /should/ /not/ be used by States /to the detriment of/ /in a manner compatible with/ the legitimate rights and interests of other States.

Principle X

States participating in remote sensing of the earth either directly or through relevant international organization /shall/ /should/ be prepared to make available to the United Nations and other interested States, particularly the developing countries, upon their request, any relevant technical information involving possible operational systems which they are free to disclose.

Principle XI

States /shall/ /should/ bear international responsibility for /national/ activities of remote sensing of the earth /irrespective of whether/ /where/ such activities are carried out by governmental /or non-governmental/ entities, and /shall/ /should/ /guarantee that such activities will/ comply with the provisions of these principles.

Principle XII

A sensed State /shall/ /should/ have timely and non-discriminatory access to data obtained by remote sensing of the earth from outer space, pertaining to its territory on reasonable terms /to be mutually agreed upon with the sensing State/ and to the extent feasible and practicable, /shall/ /should/ be provided with such data on such terms /on a continuous and priority basis/ /and in any case no later than any third State/. 2/

Principle XIII

/Without prejudice to the principle of the freedom of exploration and use

1/ Should be considered in connexion with the formulation of a principle on dissemination of data or information and subject to later discussion of the terms "information" and "data".

2/ Subject to review in the light of the discussion on access by third States.

/...

of outer space, as set forth in article I 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, remote sensing of the earth /should/ /shall/ be conducted with respect for the principle of full and permanent sovereignty of all States and peoples over their own wealth and natural resources /with due regard to the rights and interests of other States and their natural and juridical persons in accordance with international law/ /as well as their inalienable right to dispose of their natural resources/ /and of information concerning those resources./

Principle XIV

/A State which intends to conduct remote sensing of the earth from outer space shall give advance notification to the States whose territory will be sensed./ /A State /intending to conduct/ /conducting/ remote sensing activities of the earth from outer space shall notify the Secretary-General of the United Nations and /upon request/ the States whose territory is intended to be covered by such activities /to the fullest extent feasible and as soon as practicable/ of the intended launch, /nature of the/ mission, duration and coverage of such activities. The Secretary-General shall publish information thus received./

Principle XV

/A State carrying out remote sensing of the earth /shall/ /should/ without delay consult with a State whose territory is sensed upon request of the latter in regard to such activity, /in particular dissemination of data and information,/ in order to promote international co-operation, friendly relations among States and to enhance the mutual benefits to be derived from this activity./

Principle XVI

/States carrying out remote sensing of the earth shall not, without the approval of the States whose territories are affected by these activities, disseminate or dispose of any data or information on the natural resources of these States to third States, international organizations, public or private entities./

Principle XVII

/Any dispute that may arise with respect to the application of these principles /shall/ /should/ be resolved by prompt consultations among the parties to the dispute. Where a mutually acceptable solution cannot be found by such consultations it /shall/ /should/ be sought through other established procedures for the peaceful means of settlement of disputes mutually agreed upon by the parties concerned./

Annex IV

USE OF NUCLEAR POWER SOURCES IN OUTER SPACE

Working paper submitted by Australia, Belgium, Canada, Chile
Colombia, Egypt, Germany, Federal Republic of, Iran, Italy,
Japan, Kenya, Mexico, Sierra Leone, Sweden and the United
Kingdom of Great Britain and Northern Ireland

In order to ensure the highest degree of safety of human life and the protection of the environment of the earth and of outer space from harmful contamination, the Legal Sub-Committee should, in close co-operation with the Scientific and Technical Sub-Committee, review existing international instruments elaborated by the Outer Space Committee as well as other relevant instruments, with the objective of recommending any necessary additional legal measures, including possibly a further convention or legal instrument, concerning the use of nuclear power sources in outer space.

1. The special hazards to human life and to the environment posed by the use of nuclear power in outer space underline the need for broad international co-operation in developing special precautions for such use. The Legal Sub-Committee of the United Nations Committee on the Peaceful Uses of Outer Space should provide the focal point for the development of additional legal measures to ensure the safety of human life and the integrity of the environment. This matter could be dealt with under a separate agenda item. The special role of the Scientific and Technical Sub-Committee is recognized in providing the scientific and technical basis for a comprehensive and effective international legal framework with respect to nuclear power sources in outer space.

2. The principal matters which will require examination and appropriate follow-up action include the following:

(A) Safety measures

The establishment of effective international standards, safeguards and limitations pertaining to the use of nuclear power sources in outer space.

(B) Notification

The elaboration of notification obligations, placing primary responsibility on the launching state or state of registration regarding, inter alia, each of the following five stages relating to a spacecraft employing nuclear power sources;

- (i) prior to launch of the spacecraft, including information regarding the type of nuclear power source employed;

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- (ii) on launch of the spacecraft;
 - (iii) when the orbit of the spacecraft has decayed to the extent that there is a reasonable possibility that it will re-enter the atmosphere;
 - (iv) prior to impact, bearing in mind the need for prompt notification with sufficient information to allow a State or States likely to be affected by the re-entry of the spacecraft to take necessary precautionary measures; and
 - (v) after impact has occurred.
- (C) Emergency assistance

The development of additional international legal measures relating to emergency assistance for search, recovery and clean-up operations with respect to the re-entry of a spacecraft with a nuclear power source on board.

3. Substantive discussion should begin on the legal aspects of the use of nuclear power sources in outer space, in particular on those of the issues of notification and emergency assistance, which do not require special scientific and technical study.

Annex V

LEGAL IMPLICATIONS OF REMOTE SENSING OF THE EARTH FROM SPACE,
WITH THE AIM OF FORMULATING DRAFT PRINCIPLES

Working paper submitted by Mongolia

(document A/AC.105/C.2/L.113 of 28 March 1978)

Principle XII

Without prejudice to the principle of the freedom of exploration and use of outer space, as set forth in article I 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, remote sensing of the Earth should be conducted on the basis of the principle of the full and permanent sovereignty of all States and peoples over their own wealth and natural resources, and of due respect for their inalienable right to dispose of their natural resources.

