



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/8771
9 August 1972
ENGLISH
ORIGINAL: RUSSIAN

Twenty-seventh session

REQUEST FOR THE INCLUSION OF A SUPPLEMENTARY ITEM IN THE
AGENDA OF THE TWENTY-SEVENTH SESSION

PREPARATION OF AN INTERNATIONAL CONVENTION ON PRINCIPLES
GOVERNING THE USE BY STATES OF ARTIFICIAL EARTH SATELLITES
FOR DIRECT TELEVISION BROADCASTING

Letter dated 8 August 1972 from the Minister for Foreign Affairs
of the Union of Soviet Socialist Republics addressed to the
Secretary-General

On instructions from the Government of the Union of Soviet Socialist Republics I would request the inclusion in the agenda of the twenty-seventh session of the General Assembly of a separate item entitled "Preparation of an international convention on principles governing the use by States of artificial earth satellites for direct television broadcasting".

The transmission of television programmes by means of satellites directly to home television receivers (direct television broadcasting) is one of the most promising potential uses of space to meet man's needs. The development of this form of communications system would help to draw the peoples of the world closer together, to widen the exchanges of cultural values and to enhance the educational level of people in various countries.

At the same time, the introduction of direct television broadcasting by means of satellites will raise serious legal problems connected with the need to establish conditions under which this new form of space technology will serve only the lofty goals of peace and friendship between peoples. The first requirement is to protect the sovereignty of States from any external interference and to prevent the conversion of direct television broadcasting into a source of international conflicts and of aggravation of the relations between States.

The Soviet Union, which at all stages in the conquest of space has unwaveringly supported the progressive development of international space law, considers that the creation of such conditions would be facilitated by the elaboration of rules of international law defining the rights and obligations of States in respect of direct television broadcasting.

The activity of States in this field must be based on the principles of mutual respect for sovereignty, non-interference in domestic affairs, equality, co-operation and mutual benefit. In this connexion, States must have an opportunity to make certain demands concerning the content of programmes transmitted to their territory or to take action to stop transmissions which they may consider undesirable. These problems could be solved through the conclusion of an appropriate international convention.

I attach hereto a draft Convention on Principles Governing the Use by States of Artificial Earth Satellites for Direct Television Broadcasting, which contains the following basic provisions:

1. Direct television broadcasting is to be carried out exclusively in the interests of peace, progress, the development of mutual understanding and the strengthening of friendly relations between peoples, and should serve the goals of enhancing the educational level of the population, developing culture and expanding international exchanges.
2. All States must have an equal right to carry out direct television broadcasting and to enjoy the benefits arising from that form of broadcasting, without discrimination of any kind.
3. Direct television broadcasting to foreign States is to be carried out only with the express consent of the latter.
4. The following types of broadcast are to be regarded as illegal and as incurring international liability: broadcasts made to other States without their express consent, broadcasts detrimental to the maintenance of international peace and security, broadcasts which represent interference in the domestic affairs of States or encroachment on fundamental human rights, and broadcasts which propagandize violence and horrors, undermine the foundations of the local civilization and culture or misinform the public.
5. States may utilize the means at their disposal in order to counteract illegal direct television broadcasting of which they are the object, not only in their own territory but also in outer space and other areas beyond the limits of the national jurisdiction of any State.
6. A State must bear responsibility for all national direct television broadcasting activity, irrespective of whether the broadcasting is carried out by governmental agencies or by non-governmental organizations and juridical persons.

The conclusion of a convention on the basis of the above provisions would contribute to the development of co-operation among States with regard to space applications in the interests of the strengthening of international peace, mutual understanding among peoples and economic and social progress.

The Government of the USSR trusts that the General Assembly at its twenty-seventh session will devote due attention to the item "Preparation of an international convention on principles governing the use by States of artificial earth satellites for direct television broadcasting".

/...

I would request you, Sir, to regard this letter as an explanatory memorandum within the meaning of rule 20 of the rules of procedure of the General Assembly and to circulate it, together with the text of the accompanying draft Convention, as an official United Nations document.

(Signed) A. GROMYKO
Minister for Foreign Affairs of the
Union of Soviet Socialist Republics

CONVENTION ON PRINCIPLES GOVERNING THE USE BY
STATES OF ARTIFICIAL EARTH SATELLITES FOR DIRECT
TELEVISION BROADCASTING

The States Parties to this Convention,

Inspired by the prospects for direct television broadcasting by means of artificial earth satellites for the purposes of strengthening peace, friendship, co-operation and mutual understanding among peoples and in the interests of the further social and cultural progress of mankind,

Convinced that the use of direct television broadcasting by means of artificial earth satellites requires broad international co-operation on the basis of special legal principles governing that activity,

Recognizing that such co-operation must be for the benefit of all States and free from discrimination of any kind,

Considering that the transmission by a given State to other States of television programmes using artificial earth satellites may give rise to political, legal, social and other problems of an international character,

Mindful of the fact that the misuse of such a mass information medium as direct television broadcasting by means of artificial earth satellites could be detrimental to the legitimate interests of States,

Desiring to contribute to the prevention of friction and conflict between States as a result of direct television broadcasting by means of artificial earth satellites,

Recognizing the applicability to the activities of States in the field of direct television broadcasting by means of artificial earth satellites of the generally recognized principles and norms of international law, including the United Nations Charter 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, of 27 January 1967,

Considering that the use by States of artificial earth satellites for the purpose of direct television broadcasting must be governed by international law.

Have agreed on the following:

Article I

1. All States shall have an equal right to carry out direct television broadcasting by means of artificial earth satellites. Such broadcasting shall be carried out exclusively in the interests of peace, progress, the development of mutual understanding and the strengthening of friendly relations between all States and peoples.

/...

2. All States shall have an equal right to enjoy the benefits arising from direct television broadcasting by means of artificial earth satellites, without discrimination of any kind.

Article II

States Parties to this Convention agree to base themselves in their television broadcasting activity using artificial earth satellites on the generally recognized principles of international law, including the United Nations Charter 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, of 27 January 1967.

Article III

States Parties to this Convention shall carry out direct television broadcasting by means of artificial earth satellites for the purposes of enhancing the educational level of the population, developing culture and expanding international exchanges in the fields of science, culture and sport. The transmission of advertising and other commercial material may be carried out only on the basis of specific agreements specially concluded between the States concerned.

Article IV

States Parties to this Convention undertake to exclude from television programmes transmitted by means of artificial earth satellites any material publicizing ideas of war, militarism, nazism, national and racial hatred and enmity between peoples, as well as material which is immoral or instigating in nature or is otherwise aimed at interfering in the domestic affairs or foreign policy of other States.

Article V

States Parties to this Convention may carry out direct television broadcasting by means of artificial earth satellites to foreign States only with the express consent of the latter.

Article VI

1. Transmission of television programmes by means of artificial earth satellites to foreign States without the express consent of the latter shall be regarded as illegal and as incurring the international liability of States.

2. Transmissions made in violation of article IV of this Convention shall also be regarded as illegal and as incurring the international liability of States. In particular, the following types of broadcast shall be regarded as illegal and as incurring the international liability of States:

/...

- (a) Broadcasts detrimental to the maintenance of international peace and security;
- (b) Broadcasts representing interference in intra-State conflicts of any kind;
- (c) Broadcasts involving an encroachment on fundamental human rights, on the dignity and worth of the human person and on fundamental freedoms for all without distinction as to race, sex, language or religion;
- (d) Broadcasts propagandizing violence, horrors, pornography and the use of narcotics;
- (e) Broadcasts undermining the foundations of the local civilization, culture, way of life, traditions or language;
- (f) Broadcasts which misinform the public on these or other matters.

Article VII

States Parties to this Convention shall bear international responsibility for all national activities connected with the use of artificial earth satellites for the purposes of direct television broadcasting, irrespective of whether such broadcasting is carried out by governmental agencies or by non-governmental organizations and juridical persons and of whether it is carried out by States acting independently or through international organizations. Television broadcasting with artificial earth satellites to foreign States may be carried out only by organizations which are under the control of the Governments of the States concerned.

Article VIII

1. If any State Party to this Convention has reason to believe that activities connected with direct television broadcasting planned by that State will cause potentially harmful interference to other States or will lead to unintentional radiation of their territory, it shall hold appropriate consultations before undertaking such activities.

2. If any State Party to this Convention has reason to believe that as a result of an agreement on direct television broadcasting reached between other States there will be unintentional radiation of its territory, it may request that appropriate consultations be held.

Article IX

1. Any State Party to this Convention may employ the means at its disposal to counteract illegal television broadcasting of which it is the object, not only in its own territory but also in outer space and other areas beyond the limits of the national jurisdiction of any State.

/...

2. States Parties to this Convention agree to give every assistance in stopping illegal television broadcasting.

Article X

1. States Parties to this Convention shall co-operate on a bilateral and multilateral basis in matters relating to the establishment of technical standards for direct television broadcasting by means of artificial earth satellites and, in particular, in matters connected with the assignment of frequencies for direct broadcasting and with the placing in geostationary orbit of artificial satellites for direct television broadcasting, with due regard to the pertinent recommendations and resolutions of the International Telecommunication Union.

2. When making direct television broadcasts by means of artificial earth satellites, States Parties to this Convention shall take all necessary measures in order to prevent interference with sea and air traffic.

Article XI

States Parties to this Convention shall co-operate with each other on a bilateral and multilateral basis in matters connected with protection of copyright in television broadcasts by means of artificial earth satellites. The precise conditions for such co-operation shall be established in appropriate agreements between the interested States Parties to this Convention.

In such co-operation they shall give special consideration to the interests of those developing countries which have expressed an interest in the use of direct television broadcasting for the purpose of accelerating their national development.

Article XII

States Parties undertake not to include in international agreements which they conclude in connexion with bilateral or multilateral co-operation in the field of direct television broadcasting by means of artificial earth satellites provisions which conflict with their obligations under this Convention.

Article XIII

In order to promote international co-operation in respect of direct television broadcasting by means of artificial earth satellites, States Parties to this Convention agree to inform the Secretary-General of the United Nations and UNESCO to the greatest extent possible of the nature of television programmes transmitted by them or by their organizations for foreign States.

Article XIV

States Parties to this Convention shall endeavour to ensure that the international organizations in which they participate and whose activities are relevant to direct television broadcasting by means of artificial earth satellites carry on their activities in accordance with the purposes and principles of this Convention.

Article XV

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

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of, which are hereby designated the Depositary Governments.

3. This Convention shall enter into force upon the deposit of instruments of ratification by five Governments including the Governments designated as Depositary Governments under the Convention.

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

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Convention, the date of its entry into force and other notices.

6. This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article XVI

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

Article XVII

Any State Party to the Convention may give notice of its withdrawal from the Convention one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

This Convention, of which the Russian, English, French, Spanish and Chinese texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.