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

Report of the First Committee

Rapporteur: Mr. Gustavo SANTISO GALVEZ (Guatemala)

1. The item entitled "Preparation of an international convention on principles governing the use by States of artificial earth satellites for direct television broadcasting" was included by the Secretary-General in the draft agenda of the twenty-seventh session of the General Assembly on the basis of a request dated 8 August 1972 from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics (A/8771). The text of a draft international convention on principles governing the use by States of artificial earth satellites for direct television broadcasting was attached to the request.
2. At its 2037th plenary meeting on 23 September 1972, the General Assembly, on the recommendation of the General Committee, decided to include this item in the agenda and to allocate it to the First Committee for consideration and report.
3. The First Committee considered this item jointly with agenda item 28 ("International co-operation in the peaceful uses of outer space") and agenda item 29 ("Preparation of an international treaty concerning the Moon").
4. The general debate on the three items was held at the 1861st to 1871st meetings, from 12 to 20 October.
5. During the debate on this item in the Committee, two draft resolutions and several amendments were submitted.
6. The first draft resolution was submitted on 12 October by the Union of Soviet Socialist Republics (A/C.1/L.605). It was introduced by the representative of the Union of Soviet Socialist Republics at the 1861st meeting on 12 October. By the operative paragraphs of this draft resolution, the General Assembly would:
(1) consider it necessary to conclude a convention on principles governing the use

by States of artificial earth satellites for direct television broadcasting and call upon States to become parties to it; and (2) request the Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee to commence as soon as possible the preparation of a draft convention on principles governing the use by States of artificial earth satellites for direct television broadcasting. The text was later revised, and also sponsored by Iraq and Mongolia (A/C.1/L.605/Rev.1) and subsequently co-sponsored by Bulgaria, Cuba and Czechoslovakia. The revised text of the six-Power draft resolution was introduced on behalf of its sponsors by the representative of the Union of Soviet Socialist Republics at the 1869th meeting on 19 October. The revised six-Power draft resolution read as follows:

"The General Assembly,

"Recalling its resolution 2222 (XXI) of 19 December 1966, which stressed the importance of international co-operation in the field of activities in the peaceful exploration and use of outer space and the importance of developing the rule of law in this new area of human endeavour,

"Recalling further its resolution 2453 B (XXIII) of 20 December 1968, which stated that the benefits of space exploration can be extended to States at all stages of economic and scientific development,

"Reaffirming the common interest of all mankind in furthering the peaceful exploration and use of outer space for the benefit of all States and for the development of friendly relations and mutual understanding among them,

"Having in mind that direct television broadcasting should help to draw the peoples of the world closer together, to widen the exchange of information and cultural values and to enhance the educational level of people in various countries,

"Considering at the same time that direct television broadcasting by means of satellites should take place under conditions in which this new form of space technology will serve only the lofty goals of peace and friendship among peoples,

"Mindful of the need to prevent the conversion of direct television broadcasting into a source of international conflicts and of aggravation of the relations among States and to protect the sovereignty of States from any external interference,

"Desiring to further the elaboration of specific rules of international law governing the activities of States in this field on the basis of the United Nations Charter, 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 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

/...

"Considering that the activity of States in the field of direct television broadcasting must be based on the principles of mutual respect for sovereignty, non-interference in domestic affairs, equality, co-operation and mutual benefit,

"1. Considers it necessary to conclude a convention on principles governing the use by States of artificial earth satellites for direct television broadcasting;

"2. Requests the Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee to consider, as soon as possible, principles governing the use by States of artificial earth satellites for direct television broadcasting with a view to preparing a draft convention on the subject;

"3. Recommends that all documentation relating to the discussion, at the twenty-seventh session of the General Assembly, of the question of the preparation of an international convention on principles governing the use by States of artificial earth satellites for direct television broadcasting should be transmitted to the Committee on the Peaceful Uses of Outer Space."

7. On 17 October, Saudi Arabia submitted amendments (A/C.1/L.607) to the draft resolution (A/C.1/L.605), which were later revised (A/C.1/L.607/Rev.1). The amendments were subsequently withdrawn in view of the fact that their substance had become a separate draft resolution (see para. 8 below).

8. The second draft resolution was submitted on 19 October by Saudi Arabia (A/C.1/L.612). The text of the draft resolution appears in paragraph 23 below, as draft resolution II.

9. On 19 October, Austria and Sweden submitted amendments (A/C.1/L.609) to revised draft resolution A/C.1/L.605/Rev.1, which were later withdrawn.

10. Those amendments were reintroduced, at the 1870th meeting on 20 October, by the representative of Belgium, and co-sponsored by Australia, Belgium, Canada, Italy, Japan, the Netherlands and the United Kingdom of Great Britain and Northern Ireland (A/C.1/L.613). The amendments read as follows:

"(1) Replace the fifth preambular paragraph by the following:

'Considering at the same time that the introduction of direct television broadcasting by means of satellites could raise significant problems connected with the need to balance legitimate sovereign interests against the importance of the free flow of communications,'

"(2) Change the operative paragraphs to read as follows:

'1. Considers it necessary to elaborate principles governing the use by States of artificial earth satellites for direct television broadcasting with the view to concluding an international agreement or agreements;

'2. Requests the Committee on the Peaceful Uses of Outer Space to undertake elaboration of such principles as soon as possible.'

/...

11. At the 1870th meeting, on 20 October, the representative of Brazil introduced a subamendment (A/C.1/L.614) to the first amendment referred to in paragraph 10 above, reading as follows:

"In the fifth preambular paragraph the third and fourth lines should be amended to read as follows:

'connected with the need to ensure the free flow of communications on a basis of strict respect for the sovereign rights of States.'"

12. At the 1871st meeting on 20 October, the representative of Belgium made an oral amendment to the Brazilian subamendment referred to in paragraph 11 above, whereby the words "on a basis of" would be replaced by the words "while fully preserving".

13. At its 1871st meeting, on 20 October, the Committee proceeded to a vote on the two draft resolutions before it.

14. The Committee first voted on the Belgian oral amendment (see paragraph 12) to the Brazilian subamendment (A/C.1/L.614). The oral amendment was rejected by 24 votes to 31, with 34 abstentions.

15. The Brazilian subamendment (A/C.1/L.614) to the seven-Power amendment (A/C.1/L.613) was adopted by 80 votes to none, with 15 abstentions.

16. The preambular paragraph proposed in the first seven-Power amendment (A/C.1/L.613) as amended by the Brazilian subamendment (A/C.1/L.614) was adopted by 72 votes to none, with 14 abstentions.

17. By a roll-call vote, the operative paragraphs proposed in the second seven-Power amendment (A/C.1/L.613) were adopted by 30 votes to 27, with 44 abstentions. The voting was as follows:

In favour: Australia, Austria, Belgium, Canada, Colombia, Costa Rica, Denmark, Greece, Guatemala, Honduras, Iceland, Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Kenya, Khmer Republic, Netherlands, New Zealand, Norway, Pakistan, Philippines, South Africa, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Algeria, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Chile, Cuba, Czechoslovakia, Democratic Yemen, Egypt, Hungary, India, Iraq, Libyan Arab Republic, Madagascar, Mauritius, Mexico, Mongolia, Nepal, Poland, Romania, Saudi Arabia, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia, Zambia.

Abstaining: Afghanistan, Argentina, Bhutan, Burma, Cameroon, Chad, Cyprus, Dahomey, El Salvador, Ethiopia, Finland, France, Ghana, Guyana, Haiti, Indonesia, Jamaica, Jordan, Kuwait, Lebanon, Lesotho, Liberia, Malaysia, Maldives, Malta, Mauritania, Nicaragua, Niger, Nigeria, Panama, Peru, Portugal, Senegal, Sierra Leone, Singapore, Spain, Swaziland, Thailand, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Uruguay, Zaire.

18. Following a proposal by the representative of the Union of Soviet Socialist Republics, the Committee voted to reinstate the fifth preambular paragraph in the six-Power revised draft resolution (A/C.1/L.605/Rev.1) by 77 votes to none, with 16 abstentions.

19. At the same meeting the Committee agreed, without a vote, following a proposal by the representative of Brazil, that the text of the first seven-Power amendment (A/C.1/L.613) adopted as amended by the subamendment (A/C.1/L.614) would be inserted as the last preambular paragraph of the six-Power revised draft resolution (A/C.1/L.605/Rev.1), as amended.

20. The six-Power revised draft resolution (A/C.1/L.605/Rev.1), as amended, was then adopted by 68 votes to 12, with 18 abstentions (see para. 23 below, draft resolution I).

21. Finally, the Committee voted on the Saudi Arabian draft resolution (A/C.1/L.612). The preambular paragraph of the draft resolution was adopted by 47 votes to none, with 44 abstentions; the operative paragraph of the draft resolution was adopted by 33 votes to 8, with 44 abstentions.

22. Draft resolution A/C.1/L.612, as a whole, was then adopted by 46 votes to 10, with 39 abstentions (see para. 23 below, draft resolution II).

RECOMMENDATIONS OF THE FIRST COMMITTEE

23. The First Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Preparation of an international convention on principles governing the use by States of artificial earth satellites for direct television broadcasting

The General Assembly,

Recalling its resolution 2222 (XXI) of 19 December 1966, in which it stressed the importance of international co-operation in the field of activities in the peaceful exploration and use of outer space and the importance of developing the rule of law in this new area of human endeavour,

Recalling further its resolution 2453 B (XXIII) of 20 December 1968, in which it stated that the benefits of space exploration can be extended to States at all stages of economic and scientific development,

Reaffirming the common interest of all mankind in furthering the peaceful exploration and use of outer space for the benefit of all States and for the development of friendly relations and mutual understanding among them,

Having in mind that direct television broadcasting should help to draw the peoples of the world closer together, to widen the exchange of information and cultural values and to enhance the educational level of people in various countries,

Considering at the same time that direct television broadcasting by means of satellites should take place under conditions in which this new form of space technology will serve only the lofty goals of peace and friendship among peoples,

Mindful of the need to prevent the conversion of direct television broadcasting into a source of international conflicts and of aggravation of the relations among States and to protect the sovereignty of States from any external interference,

Desiring to further the elaboration of specific rules of international law governing the activities of States in this field on the basis of 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 1/ and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, 2/

Considering that the activity of States in the field of direct television broadcasting must be based on the principles of mutual respect for sovereignty, non-interference in domestic affairs, equality, co-operation and mutual benefit,

1/ General Assembly resolution 2222 (XXI).

2/ General Assembly resolution 2625 (XXV).

Considering at the same time that the introduction of direct television broadcasting by means of satellites could raise significant problems connected with the need to ensure the free flow of communications on a basis of strict respect for the sovereign rights of States,

1. Considers it necessary to elaborate principles governing the use by States of artificial earth satellites for direct television broadcasting with a view to concluding an international agreement or agreements;

2. Requests the Committee on the Peaceful Uses of Outer Space to undertake the elaboration of such principles as soon as possible.

DRAFT RESOLUTION II

Preparation of international instruments or United Nations
arrangements on principles governing the use by States of
artificial earth satellites for direct television
broadcasting

The General Assembly,

Recalling its resolution 2448 (XXIII) of 19 December 1968 dealing with freedom of information and the preamble 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, 3/ which stipulates that General Assembly resolution 110 (II) of 3 November 1947 is applicable to outer space,

Takes note that the work done on the draft Convention on Freedom of Information and deliberations thereon in the General Assembly may be useful in the discussion and elaboration of international instruments or United Nations arrangements relative to direct television broadcasts.

3/ General Assembly resolution 2222 (XXI).