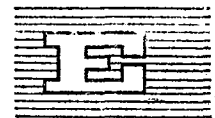


UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL
E/CN.4/1116/Add.3
26 February 1973
Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Twenty-ninth session
Item 11 of the provisional agenda

Dual distribution

HUMAN RIGHTS AND SCIENTIFIC AND
TECHNOLOGICAL DEVELOPMENTS

Report of the Secretary-General

	<u>Paras.</u>
Part Two. RESPECT FOR THE INTEGRITY AND SOVEREIGNTY OF NATIONS IN THE LIGHT OF ADVANCES IN RECORDING AND OTHER TECHNIQUES	1 - 76

CONTENTS

Introduction	1 - 5
I. Impact of recent advances in recording and other techniques on the integrity and sovereignty of nations. Nature of the new devices and techniques and their beneficial uses. Problems which may affect the integrity and sovereignty of nations	6 - 33
A. Communications satellites	10 - 21
B. Observation satellites	22 - 33
II. International standards. Studies made or in progress	34 - 76
A. Exploration and use of outer space	35 - 39
B. Satellites	40 - 45
C. Direct satellite broadcasting	46 - 68
D. Remote sensing of earth resources	69 - 76
ANNEX. Declaration of guiding principles on the use of satellite broadcasting for the free flow of information, the spread of education and greater cultural exchange, adopted by the General Conference of UNESCO on 15 November 1972.	

INTRODUCTION

1. No reference to "the integrity and sovereignty of nations" was contained in the resolution on human rights and scientific and technological developments adopted by the 1968 International Conference on Human Rights 1/ or in the draft resolution on the same topic, based on it, which was presented that year to the Third Committee of the General Assembly by the representatives of El Salvador, France, Japan, Mauritania and Singapore (A/C.3/L.1642/Rev.3); the words in question were adopted by the Third Committee on the basis of an amendment proposed by the United Arab Republic 2/ and re-worded by Tunisia. During the debate in the Third Committee, some representatives pointed out that young nations "recognized the dangers to which contemporary science could expose their culture and they wanted to retain their traditional values"; and that the uncontrolled use of the new devices and techniques to which progress gave rise was "a specially serious threat for developing countries, which were defenseless against them". Other delegations held that the concept of "national privacy" had no connexion with individual privacy and that photographic or any other type of espionage between nations had nothing to do with human rights. In reply it was argued that the protection of the State against "foreign interference of a technical kind" was a subject which directly related to human rights and that it would be difficult to safeguard the human rights of a people if they were not protected from external interference. 3/

2. During the discussion of the Secretary-General's preliminary report 4/ at the twenty-seventh (1971) session of the Commission on Human Rights, reference was also made to the threats to national sovereignty posed by the development of observation satellites and to the need to protect traditional cultures against the influence of direct international broadcasting by satellites. 5/

3. The Secretary-General has received little information under General Assembly resolution 2450 (XXIII) concerning respect for the integrity and sovereignty of nations in the light of advances in recording and other techniques.

4. On the basis of the guidance available from the above-mentioned discussions it would seem, however, that for the purposes of the present chapter particular interest may attach to observation satellites, communications satellites and international law governing the use of Outer Space.

5. The pages below contain a brief summary of developments in these areas, with principal emphasis on United Nations action.

1/ Document A/CONF.32/41, chap. III, resolution XI.

2/ Effective 2 September 1971, the name of the State was changed to Arab Republic of Egypt.

3/ Official Records of the General Assembly, Twenty-third Session, Third Committee, 1642nd meeting.

4/ Document E/CN.4/1028 and addenda.

5/ Official Records of the Economic and Social Council, Fiftieth Session, Supplement No.4 (E/4949), para. 179.

I. IMPACT OF RECENT ADVANCES IN RECORDING AND OTHER TECHNIQUES ON THE INTEGRITY AND SOVEREIGNTY OF NATIONS. NATURE OF THE NEW DEVICES AND TECHNIQUES AND THEIR BENEFICIAL USES. PROBLEMS WHICH MAY AFFECT THE INTEGRITY AND SOVEREIGNTY OF NATIONS

6. The principal devices and techniques of interest in connexion with the present chapter are communications satellites and observation satellites. The former, used for telecommunications, include relay satellites, which require earth stations to receive the message and pass it on to the ultimate consumer, and direct broadcasting satellites, which are considered to be feasible in the near future and which would not require such receiving stations. Observation satellites may be used for a variety of purposes, such as meteorological studies, including weather forecasting; intelligence; and the newly-developing area of environmental monitoring, including remote-sensing of earth resources. Satellites are also being developed as navigational aids for ships and aircraft at sea, to provide various services including position determination, communications and telemetry.

7. Satellites may be placed in geostationary orbit, which is to say, for practical purposes, in an orbit 22,300 miles above the equator and travelling at the speed of the earth's rotation, thus making the satellites appear stationary in the sky (synchronous satellites); or they may be placed in "random" orbit, i.e., an elliptical orbit with an apogee and a perigee. 6/

8. Summaries of peaceful uses of satellites may be found in the publication Practical Benefits of Space Exploration. A Digest of Papers Presented at the United Nations Conference on the Exploration and Peaceful Uses of Outer Space, Vienna, 1968 7/; in the publication entitled Space Activities and Resources, a Review of the Activities and Resources of the United Nations, of its Specialized Agencies and of Other Competent International Bodies Relating to the Peaceful Uses of Outer Space 8/; and in the document issued under the designation "Review of national and co-operative international space activities". 9/ A report on the application of space technology to development 10/ is scheduled to be issued early in 1973.

6/ Planning for a Planet. An International Discussion on the Structure of Satellite Communications, report of an International Conference sponsored by the Carnegie Endowment for International Peace and the Twentieth Century Fund (New York, 1971), p.3; UNESCO, A Guide to Satellite Communication, Reports and Papers on Mass Communications series, No. 66 (1972), p.9.

7/ United Nations publication, Sales No. 69.I.25, hereafter referred to as United Nations, Practical Benefits.

8/ For the most recent issue of this document see United Nations publication, Sales No. 72.I.11, hereafter referred to as United Nations, Space Activities.

9/ The review for the calendar year 1971 was issued as document A/AC.105/L.64 and Corr.1, and Addenda 1-5.

10/ The Application of Space Technology to Development, report prepared by V. Sarabhai, P.D. Bhavsar, E.V. Chitnis and P.R. Pisharoti for the Advisory Committee on the Application of Science and Technology to Development (United Nations publication, Sales No. 72.II.A.12).

9. The United Nations is taking steps to encourage the practical application of space technology, particularly with a view to aiding the development of the developing countries. 11/

A. Communications satellites

10. Communications satellites, which transmit messages and pictures, may be used for telephone and telegraph communications, sound broadcasting and television broadcasting. They facilitate communication across oceans and large, sparsely inhabited land masses and are considered to have a great potential in the field of mass communications, education and training, and in cultural and scientific exchanges.

11. At present there exist two international communications systems based on satellites, the International Telecommunications Satellite Consortium (INTELSAT) and the International System and Organization of Space Communications (INTERSPUTNIK). INTELSAT had 82 members as of 31 December 1971. The Interim Agreement of 1964 provides that all States members of the International Telecommunication Union (ITU) may join INTELSAT, use of the satellites being available to all nations of the world on a non-discriminatory basis. 12/ INTERSPUTNIK was established by agreement signed in 1971, with a membership of nine, the agreement being open for accession by all States of the world. 13/ In addition there exist, in several countries domestic satellite communications systems, with additional ones being planned or in preparation. 14/

12. The United Nations Educational, Scientific and Cultural Organization has dealt with the subject of satellite communications in a number of publications, among the more recent of which are Broadcasting From Space, 15/ A Guide to Satellite Communications, 16/ and Communication in the Space Age. The Use of Satellites by the Mass Media 17/. The last-named, based upon papers submitted to a 1965 UNESCO meeting

11/ See, e.g., General Assembly resolutions 2453 B (XXIII) of 20 December 1968, fifth preambular paragraph, and 2915 (XXVII), paras. 9-17.

12/ INTELSAT was established by an interim agreement concluded among Governments and a special agreement concluded among Governments or their designated communications entities, public or private, both of which entered into force in 1964. Definitive agreements were opened for signature in 1971 (United Nations, Space Activities, paras. 551-552);

13/ United Nations, Space Activities, paras. 573-574.

14/ United Nations, Practical Benefits, pp. 19-21; E/CN.4/1066/Add.11, p. 12.

15/ Reports and Papers on Mass Communications, series No. 60 (Paris, UNESCO, 1970).

16/ Reports and Papers on Mass Communications series, No. 66 (Paris, UNESCO, 1972).

17/ UNESCO, COM.66/D.64/A(1968).

of experts in the field of space communications, gives an indication of the varied aspects of the field of space communications, with articles on such topics as the social implications of the space age, the presentation and transmission of news by satellite, education by satellite, cultural opportunities including transfer of information between libraries, legal aspects of television transmission by satellite, the perspective of satellite communications for the developing countries, technical aspects, and the question of international co-operation in the field. A brief survey of UNESCO activities in the field of space communication concerning, particularly, developing countries may be found in "Communication satellites: satellite broadcasting for education and training". 18/

13. Specific problems which, it is feared by some, may have a bearing on the integrity and sovereignty of nations arise in connexion with both satellite technology and the substantive contents of satellite broadcasts.

14. In the area of satellite technology, attention has been drawn, for example, to the finite nature of the geostationary orbit, large as it may be; and apprehensions have been expressed by some - and disputed by others - that this may result in technologically and economically advanced countries pre-empting the advantageous positions in that orbit, leaving little or nothing to latecomers in the field of space technology, unless requisite arrangements are made from the start. 19/ Another technical problem discussed in this context is the allocation of re-allocation of frequencies for space radiocommunication services in a manner which would not create obstacles to the establishment of their own space system by countries which do not now have such systems. 20/

15. The question of the substantive contents of broadcasts, too, is connected with advances in satellite technology, namely advances which would permit reception of television broadcasts, without any need for relay by earth stations, direct from satellites into community receivers, into home receivers augmented by relatively inexpensive equipment, and ultimately into ordinary, unaugmented, home receivers. It has been estimated that direct broadcasting from satellites for community reception may start by the middle of the 1970s. While direct reception by augmented home receivers could become feasible at about that time, direct reception by unaugmented receivers on an operational basis was not foreseen for the period 1970-1985. As of May 1970 there were, moreover, "no known programmes for development of a broadcasting satellite service for individual reception on augmented or unaugmented receiving sets". 21/

18/ Report by UNESCO to the Scientific and Technical Sub-Committee of the Committee on the Peaceful Uses of Outer Space (A/AC.105/C.1/L.45).

19/ Planning for a Planet, pp. 16-19; A Guide to Satellite Communication, chap. I.3.D.

20/ Document A/AC.105/107, Eleventh report by the International Telecommunication Union on telecommunication and the peaceful uses of outer space, p. 6.

21/ Document A/AC.105/83, Committee on the Peaceful Uses of Outer Space, report of the Working Group on Direct Broadcast Satellites on its third session, paras. 15-16 and 69.

16. Debate has centred, in particular, on the presumed impact of satellite television broadcasts beamed directly into the home. Among the benefits which it is expected will be derived from such direct broadcasts are "improved education and health benefits, greater flow of news and information of general interest, including cultural programmes and the development of closer ties between peoples of [different] countries and within countries". It is moreover, considered that

"broadcasting via satellite offers an opportunity to the developing nations which have still not developed a general telecommunications network, for this new means permits the acceleration of their national programmes of integration, economic development, health, agriculture, education, communal development and culture." 22/

"... these countries will greatly benefit from the use of satellite television systems through programmes of their own choice and suited to their specific needs. The UNESCO Expert Mission on Satellite Instructional Television have endorsed the unique contribution which this new technology can make to developing nations.

Direct broadcasting from satellites into community receivers will have great practical benefits for national integration and development because it makes it possible to link together isolated rural communities and distant centres of population. It would thus be possible to implement schemes of economic and social development such as teachers' training, improving agriculture, health, and facilitating family planning, etc. It would also stimulate and promote the electronic industry and other industrial enterprises generally in these countries". 23/

17. On the other hand, fears have also been expressed that the unequalled opportunities presented by satellite communication might be abused to spread false news or indoctrinate unsuspecting audiences of that particularly in view of the strong impact of television on the viewer, the direct and indiscriminating onslaught of modern cultures on traditional cultures might serve to destroy the latter rather than stimulate them to evolve and adapt to new conditions.

18. As stated by the Working Group on Direct Broadcast Satellites of the Committee on the Peaceful Uses of Outer Space:

"Direct broadcasting from satellites could give rise to special political, legal, social and cultural problems where broadcasts from one State are received in another State having different political, social, cultural and other systems. The scope and character of the consequences would depend a great deal on the level of the utilization of control and regulation over such broadcasting." 24/

22/ Document A/AC.105/66, Committee on the Peaceful Uses of Outer Space, Report of the second session of the Working Group on Direct Broadcast Satellites, para.12.

23/ Document A/AC.105/66, paras. 42-43.

24/ Document A/AC.105/83, report of the Working Group on Direct Broadcast Satellites on its third session, para.18.

19. The Government of Brazil has commented as follows on that issue:

An aspect of the subject which merits the careful attention of the United Nations relates to direct transmissions by satellites. The integrity and sovereignty of nations can be affected by the indiscriminate use of this scientific development. For example, consideration should be given the risks to national security caused by the transmission by satellite of political propaganda. The economic and commercial interests of the receiving countries can likewise be damaged by publicity originating in the countries sending the broadcasts.

It is to avoid these types of problems that the Brazilian Government has consistently defended the thesis that transmissions by satellite should first be picked up by the receiving country and then retransmitted to individual sets by means of relay stations under the control of the local government.

The Brazilian Government also favours having the substance of the transmissions controlled by an international organization. We do not believe there can be any misgivings on the legitimacy of this type of control since the transmitting satellites are in outer space which is the property of all mankind. 25/

20. The 1968 Assembly for Human Rights called for investigation of "the problem of protecting traditional cultures against the homogenizing influence of technological civilization, with special reference to broadcasting satellites"; and for the preparation of "conventions dealing with the content of programmes which will be beamed directly from such satellites into the homes and with the need to protect the population of each country against the imposition of an alien culture". 26/

21. Similarly, the International Commission of Jurists has warned that "the moral integrity of nations might be violated by the use of communications satellites by means of which it would be possible to disseminate slanted news and even propaganda capable of distorting information and moulding public opinion". 27/

B. Observation satellites

22. Observation satellites are equipped to take photographs while in space, including photographs of the earth. The photographs may be stored, e.g., on video tape, for subsequent recovery and viewing on earth, or they may be televised to earth for instant viewing. As already mentioned, observation satellites may be used for a variety of purposes, such as meteorology, including weather forecasting; intelligence; and environmental monitoring, including remote sensing of earth resources.

25/ Communication dated 28 June 1972 from the Government of Brazil.

26/ Montreal statement of the Assembly for Human Rights, sect. IX (cf. document E/CH.4/1116, para.146).

27/ Communication dated 3 July 1969 from the International Commission of Jurists.

23. Observation satellites may be placed in geostationary as well as random orbit. Satellites orbiting at low altitude can view the earth with greater detail while those further out can view larger areas of the earth, though often with lesser clarity.

24. The satellites may also carry infra-red television cameras. This makes it possible, for example, for meteorological satellites to provide cloud-cover information not only during daylight but also at night. 28/

25. The benefits which may be derived from the use of observation satellites are many and varied.

26. For instance, meteorological satellites are now keeping the cloud systems of the whole world under constant surveillance; so that no major storms can exist for more than a few hours before being detected, thus facilitating, e.g., hurricane and typhoon warnings. These satellites are able to provide coverage of all areas, including areas only inadequately covered by conventional observation systems. They can provide information on a synoptic scale with practically no time lag. Automatic picture transmission (APT) from meteorological satellites to any country over which the satellite is passing - which can be obtained by means of a relatively simple ground receiver - is considered to give this monitoring service added value, particularly for countries where communication and other services are less developed. 29/

27. General Assembly recommendations concerning meteorological services and research, including the use of meteorological satellites, have led to the establishment of the World Weather Watch programme of the World Meteorological Organization; and to action by that Organization aimed at discovering ways and means of mitigating the harmful effects of tropical storms. 30/

28/ United Nations, Practical Benefits, pp. 28-29.

29/ For a more detailed description of this and other uses, see ibid., pp.28-36.

30/ Cf. respectively, General Assembly resolutions 1721 C (XVI) of 20 December 1961, 1802 III (XVII) of 14 December 1962 and 2260 (XXII) of 3 November 1967, and action of the Fifth and Sixth World Meteorological Congresses (1967 and 1971); and General Assembly resolutions 2733 D (XXV) of 16 December 1970 and 2914 (XXVII) of 9 November 1972 and action of the Sixth World Meteorological Congress (1971). For brief summaries concerning the World Weather Watch and WMO plans relating to cyclones and tropical storms see United Nations, Space Activities, paras. 317-328.

28. The utilization of observation satellites for environmental monitoring, including remote sensing of earth resources, is considered to hold great promise. A discussion of its potential may be found in a report, "Resources satellites: a potential impetus for economic and social development" ^{31/} This report indicated that earth resources satellites are under development which are expected to complement more conventional techniques based on aircraft surveys, ground surveys and laboratory work for mapping and natural resources development. In the annex to the Secretary-General's report the following description was given of the satellites and their application:

An observation satellite is a space platform with one or more remote sensors surveying large segments of the earth. Most observation satellites orbit the earth thus permitting repetitive viewing of the same areas with a predetermined periodicity. The advantages of this type of satellite result from its unique long-range view of the earth ...

Several types of observation satellites have been placed in orbit around the earth. Almost all have encouraged international co-operation among scientists and have led to a better understanding of major earth parameters. Geodetic satellites have provided information concerning the geometry and mass of the earth; geophysical satellites have probed electromagnetic, gravitational and particle fields in the ionosphere and beyond; weather satellites have mapped the cloud systems of the atmosphere on a worldwide basis.

Now a new type of observation satellite is being developed to survey the surface of the earth with remote sensors in sufficient detail to foster the exploitation and management of natural and human resources. This Earth Resources Satellite (ERSAT) will be multidisciplinary in use. Immediate and direct applications are foreseen in such diverse areas as agriculture, forestry, land-use analyses, hydrology, sedimentation, coastal erosion, studies of pollution in atmosphere and water; fisheries, oceanography and mineral exploration. Here then, lies a great potential which for developing nations will constitute the most significant and practical results of space research. In addition, cartographic satellites are being considered which, if orbited, will provide a further acceleration for development in the form of up-to-date, uniform base maps. Such maps are essential to the systematic direction of resource development and consequent economic growth. ^{32/}

29. The first experimental "earth resources technology satellite" (ERST) was launched in the United States in July 1972. ^{33/}

^{31/} Document E/4779 and Corr.1-3, the annex to which was prepared by Dr. Alan F. Gregory, Consultant, Canada. This report was prepared in the light of ECOSOC resolution 1426 (XLVI) of 6 June 1969 and General Assembly resolution 2600 (XXIV) of 16 December 1969.

^{32/} *Ibid.*, para. 5 and annex, paras. 17 (b) and 19-20.

^{33/} Document A/AC.105/IMF.260.

30. A report on global environmental monitoring submitted to the 1972 United Nations Conference on the Human Environment at Stockholm proposed the use of observation satellites for periodic monitoring of, among other things, global land-use, for example, deforestation or the creation of man-made lakes, which may affect the local climate. 34/

31. The Food and Agriculture Organization mentions plans for the effective development of grassland and forage through resources surveys by satellite photography; and for the utilization of satellites in its "world forestry inventory," a project now being carried out by other techniques. 35/

32. Apprehension has been expressed, however, that the benefits of this new technology might accrue primarily to the economically developed nations; and that space photography might be used in such a manner as to violate the integrity and sovereignty of nations. Thus one Government has pointed out:

Photographs of the earth can be taken with great accuracy from space vehicles orbiting at hundreds of miles without being noticed by anybody. This may jeopardize the fundamental human rights of privacy. Space exploration should not be allowed to pose a threat to individual freedom or action. Its fruits should be shared by all nations irrespective of their share of technological development. 36/

33. It has also been stated that progress has enabled the "big Powers", which are scientifically and technically advanced, to use some of their new devices, such as artificial satellites, in spying operations; and that international legislation should be adopted so that modern scientific and technological inventions may be used for the benefit of the various countries rather than to their detriment. 37/ It has been maintained that the integrity and the sovereignty of nations might be affected by the use of satellites for highly scientific espionage. 38/

34/ "Global environmental monitoring", International Council of Scientific Unions (ICSU), Scientific Committee on Problems of the Environment, Commission on Monitoring, p.28.

35/ United Nations, Space Activities, paras. 395-404, at para.398 (iv) and (vi).

36/ Communication dated 29 December 1969, from the Government of Pakistan.

37/ Communication dated 11 April 1970, from the League of Arab States.

38/ Communication dated 3 July 1969 from the International Commission of Jurists.

II. INTERNATIONAL STANDARDS. STUDIES MADE OR IN PROGRESS

34. The international community as represented by the United Nations has made a beginning in elaborating international law to govern peaceful uses of outer space. The General Assembly, in an attempt to ensure that the modern scientific and technological developments which enable human beings to make use of outer space shall not redound to the detriment of the human race, or of the individual nation irrespective of the stage reached in its economic or scientific development, has adopted a number of resolutions and commended for ratification several international conventions concerning outer space. The paragraphs below summarize some of the provisions contained in these instruments and resolutions that have a bearing on the question of respect for the integrity and sovereignty of nations in the light of advances in recording and other techniques.

A. Exploration and use of outer space

35. In 1961, the General Assembly commended to States, "for their guidance" in the exploration and use of outer space, the principles, among others, that international law, including the Charter of the United Nations, applies to outer space and celestial bodies, and that outer space and celestial bodies are "free for exploration and use by all States in conformity with international law and are not subject to national appropriation". It moreover expressed the belief that the United Nations should provide a focal point for international co-operation in the peaceful exploration and use of outer space.^{39/}

36. In 1963, the Assembly adopted the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space;^{40/} and in 1966 commended the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, expressing its hope for the widest possible adherence to that Treaty.^{41/} Both instruments included the principles, among others, that the exploration and use of outer space should be carried on for the benefit and in the interests of "all mankind" ("all countries irrespective of their degree of economic or scientific development", in the case of the Treaty); that the activities of States in the exploration and use of outer space should be carried on in accordance with international law, including the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international co-operation and understanding; that States bear international responsibility for national activities in outer space, whether carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried on in conformity with the principles set forth in the Declaration (and the Treaty, in the case of Parties to the latter); and that each State which launches or procures the launching of an object into outer space, and each State from whose

^{39/} General Assembly resolution 1721 A and B (XVI) of 20 December 1961 on international co-operation in the peaceful uses of outer space.

^{40/} General Assembly resolution 1962 (XVIII) of 13 December 1963.

^{41/} General Assembly resolution 2222 (XXI) of 19 December 1966 and annex.

territory or facility an object is launched, is internationally liable for damage to another State or to its natural or juridical persons by such object or its component parts.^{42/}

37. The Treaty, which came into force in 1967 and to which there were some sixty-five Parties by the end of 1972, covers among other matters the four principles cited above from the Declaration of Legal Principles. The Treaty provides, additionally, that Parties shall not place in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station weapons in outer space in any other manner.^{43/} A request to all States to refrain from these activities was contained in General Assembly resolution 1884 (XVIII) of 17 October 1963, entitled "Question of general and complete disarmament".

38. In 1961, the General Assembly, moreover, had called upon States launching objects into orbit or beyond to furnish information promptly to the Committee on the Peaceful Uses of Outer Space, through the Secretary-General, for the registration of launchings and requested the Secretary-General to maintain a public registry of the information thus furnished.^{44/}

39. An item entitled "Matters relating to the definition and/or delimitation of outer space and outer space activities" is on the agenda of the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space. Due to lack of time, however, the Sub-Committee did not consider this question in any detail at its eleventh (1972) session.^{45/} This item is considered of importance in particular as regards the demarcation line between air space, subject to the sovereignty of States, and a demilitarized outer space, open to all.^{46/}

^{42/} In addition to mentioning "outer space", the Treaty specifically refers to "the Moon and other celestial bodies" as being included in its scope. Liability for damage, under the Treaty, exists only in respect of parties to the Treaty. Both the Treaty and the Declaration specify that outer space and celestial bodies are not subject to national appropriation by claim of sovereignty, by means of use of occupation or by any other means; the Treaty includes a specific reference to the moon in this context.

^{43/} Subsequently an Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Space was completed, as well as a Convention on International Liability for Damage Caused by Space Objects. The General Assembly commended, and expressed its hope for the widest possible adherence to, both instruments (General Assembly resolutions 2345 (XXII) of 19 December 1967 and 2777 (XXVI) of 29 November 1971). A draft treaty relating to the Moon is in preparation (A/AC.105/101 and General Assembly resolution 2915 (XXVII) of 9 November 1972, para. 4).

^{44/} General Assembly resolution 1721 B (XVI) of 20 December 1961. A draft convention on registration of objects launched into outer space is in preparation (A/AC.105/101 and General Assembly resolution 2915 (XXVII), para. 5).

^{45/} A/AC.105/101, paras. 5 and 10. In resolution 2222 (XXI) of 19 December 1966 (relating 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), the General Assembly requested the Committee on the Peaceful Uses of Outer Space to begin the study of questions relative to the definition of outer space.

^{46/} United Nations, Practical Benefits, chap. I.J., p.11, point (b).

B. Satellites

40. In addition to laying the foundations for international law applicable to the peaceful use of outer space in general, the United Nations and its specialized agencies are also endeavouring to establish norms of international law to regulate more specifically the use of satellites, with a view to making the benefits of this technology available to all nations and minimizing any potential negative impact it may have on their integrity and sovereignty.

41. Among the problems arising from the utilization of satellites are, as stated above, certain technical questions such as those relating to the allocation of frequencies for space radiocommunication services and to equitable placement of satellites in the geostationary orbit; and the question of the substantive contents of satellite broadcasts once they may be beamed directly into the home.

42. In 1961, the General Assembly expressed its belief, reaffirmed subsequently, e.g. in 1968 and 1971, that "communications by means of satellites should be available to the nations of the world as soon as practicable on a global and non-discriminatory basis".^{47/} It recommended that States Parties to negotiations regarding international arrangements in the field of satellite communication should "constantly bear this principle in mind so that its ultimate realization may not be impaired".^{48/}

43. Certain technical aspects of satellite broadcasting were considered by the World Administrative Radio Conference for Space Telecommunications, which met in 1971 in Geneva. The Conference revised the ITU Radio Regulations, among other things making frequency assignments for the first time to the broadcasting satellite services as well as the earth exploration satellite services.^{49/}

44. Among the resolutions adopted by the Conference was one relating to the use by all countries, with equal rights, of frequency bands for space radiocommunication services. This provided, inter alia, that registration with the ITU of frequency assignments for space radio-communication services and their use should not provide any permanent priority for any individual country or group of countries and should not create an obstacle to the establishment of space systems by other countries.^{50/}

45. The International Telecommunication Union is also studying the efficient use of the geostationary satellite orbit, including communication satellites as well as satellites for other services.^{51/}

^{47/} General Assembly resolutions 1721 D (XVI) of 20 December 1961, first preambular paragraph; 2453 B (XXIII) of 20 December 1968, para. 4; and 2776 (XXVI) of 29 November 1971, para. 3.

^{48/} General Assembly resolution 2453 B (XXIII), para. 4.

^{49/} A/AC.105/107, p. 6. The Radio Regulations, as revised, which were to enter into force on 1 January 1973, constitute an annex to the International Telecommunication Convention and have treaty force (ibid., p. 10).

^{50/} Resolution No. Spa 2-1; World Administrative Radio Conference for Space Telecommunications, Geneva, 1971; ibid., p. 9.

^{51/} Ibid., p. 16.

C. Direct satellite broadcasting

46. The following developments may be considered relevant to the question of direct satellite broadcasts:^{52/}

47. In 1963, the General Assembly recognized "the potential contribution" of communications satellites in the expansion of global telecommunications facilities and "the possibilities this offered for increasing the flow of information and for furthering the objectives of the United Nations and its agencies."^{53/}

48. The Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space, adopted that same year, recalled in its preamble that General Assembly resolution 110 (II) of 1947 had condemned "propaganda designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression"; and considered that Assembly resolution 110 (II) was applicable to outer space.^{54/} A similar reference to General Assembly resolution 110 (II) was also included in the preamble to the above-mentioned Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.^{55/}

49. In 1968, the General Assembly approved the establishment by the Outer Space Committee of a working group to study "the technical feasibility of communication by direct broadcast from satellites" and the current and foreseeable developments in this field, including comparative user costs and other economic considerations, "as well as the implications of such developments in the social, cultural, legal and other areas".^{56/}

50. As of the end of 1972, the Working Group on Direct Broadcast Satellites has held three sessions. At its first session (February 1969) the Working Group dealt largely with the technical and economic aspects of satellite broadcasting. At its second and third sessions (July/August 1969 and May 1970) it considered the implications of such developments in the social, cultural, legal and other areas.

51. Papers submitted to the Working Group's second session by Governments and UNESCO pointed out a variety of problems which, it was foreseen, would become acute within the next decade, once satellite television broadcasts could be beamed directly into communal receivers and into homes. The papers paid considerable attention to, among other things, the question of a possible regulation, by international agreement, of the contents of satellite broadcasts intended for other than purely domestic coverage, issues mentioned in this connexion including the

^{52/} United Nations debates relating to the substantive contents of direct satellite broadcasts have centered largely around broadcasts that would be beamed directly into home receivers. For the purposes of the ITU Radio Regulations as amended by the 1971 World Administrative Radio Conference for Space Telecommunications, "direct reception by the general public" is defined as encompassing both individual reception and community reception (Article 1, 84 AP; document A/AC.105/107, p. 6).

^{53/} General Assembly resolution 1963 IV (XVIII) of 13 December 1968, para. 4.

^{54/} General Assembly resolution 1962 (XVIII).

^{55/} General Assembly resolution 2222 (XXI), annex.

^{56/} General Assembly resolution 2453 B (XXIII) of 20 December 1968, para. 5.

right to freedom of information as well as the problems presented by war propaganda, programmes fanning hatred and intolerance among States and nations, the question of censorship, the utilization of subliminal techniques, advertising, differing standards concerning representation of violence and matters considered obscene.^{57/}

52. In considering the question of the contents of direct satellite broadcasts, the Working Group distinguished between broadcasts for community receivers and for individual home receivers; and between programmes intended for domestic reception, with only incidental spill-over reception in other States, and broadcasts intended for reception in other States. It concluded that there was a need for bilateral and multilateral, including regional, international co-operation "leading to the strengthening of international arrangements". It pointed out, however, that:

considerable difficulties lie in the way of producing a generally acceptable code which might govern the content of direct broadcasts from satellites, having regard to the different standards of programme acceptability which exist in different States; these standards having a close relationship to the levels of accepted social customs and practices in respective States. Nevertheless, [the Working Group] considers that future study might be conducted as follows:

(a) Political

The United Nations Committee on the Peaceful Uses of Outer Space should continue to examine the political aspects of direct broadcasts from satellites, being guided by the purposes and principles embodied in the United Nations Charter and likewise by the resolutions of the General Assembly concerning the peaceful uses of outer space.

(b) Cultural and social

The Working Group suggests that UNESCO be requested to keep the Committee on the Peaceful Uses of Outer Space informed of all developments of interest to the Committee in UNESCO's particular fields of competence relating to direct broadcasts from satellites, especially in studies and projects on national development, education and cultural exchanges.

The Working Group recognizes that the question of cultural and social standards embodied in national legislation affects such matters as libel, slander, obscenity, violence or horror, right to privacy, and a number of related problems. It suggests that these matters be further studied by the Committee on the Peaceful Uses of Outer Space in consultation with UNESCO and other appropriate bodies. ^{58/}

53. The General Assembly at its twenty-fourth session took note of the Working Group's report.^{59/}

^{57/} Documents A/AC.105/59 to A/AC.105/65, also A/AC.105/WG.3/WP.1.

^{58/} Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 21 A, annex IV, report of the Working Group on Direct Broadcast Satellites on its second session, paras. 50, 59-61.

^{59/} General Assembly resolution 2601 A (XXIV) of 16 December 1969, para. 5.

54. It endorsed the recommendations and decisions of the Working Group's parent body, the Committee on the Peaceful Uses of Outer Space.^{60/} The Outer Space Committee, inter alia, had "noted that in the light of the reports of the Working Group on Direct Broadcast Satellites, international action in this field should be undertaken as a coherent whole and not as the result of individual actions by different organizations and States."^{61/}

55. At its third session the Working Group had before it working papers on the subject of direct broadcast satellites, dealing also with the question of the regulation by international agreement of the substantive content of direct satellite broadcasts to foreign countries.^{62/}

56. The Working Group's conclusions and recommendations adopted at its third session included the following:

"The Working Group notes the existence of a number of international legal instruments which would apply to direct broadcasts from satellites, including 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, the applicable provisions of the ITU Convention and Radio Regulations. The Working Group also notes the existence of other relevant principles including those contained in the Universal Declaration of Human Rights and resolutions of the United Nations General Assembly."^{63/}

57. It added that several delegations had considered that these principles and legal instruments should be "complemented by the adoption of specific general principles which would favour the development of television broadcasting via satellites in accordance with the interests of all States"; while other delegations had expressed the view that such an effort "was premature and might hinder rather than promote international co-operation in fostering the application of direct broadcasting via satellite".

58. The General Assembly, in 1970, recognized that "the effective deployment and use of direct satellite broadcasting requires large-scale international and regional co-operation" and that "further consideration may have to be given to the legal principles applicable in this field;" and endorsed

"the Working Group's conclusions on the applicability to [satellite] broadcasting of certain existing international legal instruments, 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 and the applicable provisions of the International Telecommunication Convention and Radio Regulations".^{64/}

^{60/} Ibid., para. 1.

^{61/} Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 21, chap. II, para. 26.

^{62/} Working papers presented by Canada and Sweden (A/AC.105/WG.3/L.1), by France, and by the Union of Soviet Socialist Republics (A/AC.105/83, annexes V and IV, respectively). For comments received from Governments, specialized agencies and other competent international bodies see document A/AC.105/79.

^{63/} A/AC.105/83, para. 69 (3); for other recommendations and conclusions of the Working Group see ibid., para. 69 (1), (2) and (4) to (7).

^{64/} General Assembly resolution 2733 A (XXV) of 16 December 1970, seventh and eighth preambular paragraphs.

59. The Assembly recommended, on the basis of the probable pattern of use of satellite broadcasting systems outlined by the Working Group, that Member States, regional and international organizations, including broadcasting associations, should promote and encourage "international co-operation at regional and other levels in order, inter alia, to allow all participating parties to share in the establishment and operation of regional satellite broadcasting services and/or in programme planning and production".65/

60. The Assembly also recommended that the Outer Space Committee, through its Legal Sub-Committee, should study the work carried out by the Working Group, under the item on the implications of space communications.66/

61. An agenda item entitled "The various implications of space communications: report of the Working Group on Direct Broadcast Satellites" is on the agenda of the Legal Sub-Committee. Due to lack of time, however, the Sub-Committee did not consider this question in any detail at its eleventh (1972) session.67/

62. At its twenty-sixth session, the General Assembly took note of the programmes of UNESCO and ITU in satellite broadcasting for the purpose of contributing to the advancement of education and training, and drew attention to the fact that questions relating to the legal implications of space communications were also on the agenda of the Legal Sub-Committee of the Outer Space Committee, with which the two agencies should co-ordinate their activities in this field.68/

63. In 1972, the Soviet Union requested the inclusion in the agenda of the twenty-seventh session of the General Assembly of an item entitled "Preparation of an international convention on principles governing the use by States of artificial earth satellites for direct television broadcasting" and submitted a draft of such a convention.69/ After discussion of the item in the Assembly's Political and Security (First) Committee and in Plenary,70/ the Assembly adopted a resolution in which it

"[considered] 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".

65/ Ibid., para. 1.

66/ Ibid., para. 5. The Assembly provided that the Legal Sub-Committee should give priority to the draft Convention on Liability for Damage Caused by Objects Launched Into Outer Space. In 1972 it was decided that the Working Group should be reconvened, in view of its interdisciplinary character and its co-ordinating functions, to study additional material which had become available. Cf. General Assembly resolution 2915 (XXVII) of 9 November 1972, para. 18.

67/ Document A/AC.105/101, paras. 5 and 10.

68/ General Assembly resolution 2776 (XXVI) of 29 November 1971, para. 16.

69/ Document A/8771 and annex.

70/ Document A/8864 and A/L.682 and Rev. 1.

It requested the Secretary-General to transmit to the Outer Space Committee all documentation relating to the discussion of the item at the Assembly's twenty-seventh session.^{71/}

64. At the same time, the Assembly adopted a resolution in which it noted 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".^{72/}

65. The General Assembly also took note of the programmes currently undertaken by UNESCO and ITU in satellite broadcasting for the purpose of contributing to the advancement of education and training, including consideration by UNESCO of a draft Declaration of Guiding Principles on the Use of Satellite Broadcasting for the Free Flow of Information, the Spread of Education and Greater Cultural Exchange,^{73/} and noted the need to co-ordinate activities of the specialized agencies in this field with the Outer Space Committee, as set out in Assembly resolution 2776 (XXVI).^{74/}

66. In 1968, the General Conference of UNESCO had authorized UNESCO's Director-General to formulate proposals for international arrangements to promote the use of space communication for the furtherance of UNESCO's aims and to submit to its sixteenth session, in 1970, a draft declaration embodying guiding principles to this end.^{75/}

^{71/} General Assembly resolution 2916 (XXVII) of 9 November 1972. An item entitled "Preparation of an international convention on principles governing the use by States of artificial earth satellites for direct television broadcasting: Report of the Committee on the Peaceful Uses of Outer Space (resolutions 2916 (XXVII) and 2917 (XXVII) of 9 November 1972)" appears as point 31 of the Preliminary List of items to be included in the provisional agenda of the twenty-eighth regular session of the General Assembly (A/9000 of 15 February 1973).

^{72/} General Assembly resolution 2917 (XXVII) of 9 November 1972.

^{73/} See below, para. 67.

^{74/} General Assembly resolution 2915 (XXVII) of 9 November 1972, para. 25. The report of the Outer Space Committee on its fifteenth session contains the following paragraph:

"As regards the above UNESCO draft declaration, the Committee, having heard the views expressed by its members, endorsed the conclusion stated by the Chairman at the 117th meeting that, as a principal United Nations organ on outer space, providing a "focal point" for international co-operation in the peaceful uses and exploration of outer space, as stated in General Assembly resolution 1721 (XVI), the Committee had the obligation to comment on the UNESCO draft declaration. The Committee regretted that it had not been able to comment thereon during the present session. Nevertheless, many delegations felt that the Committee should comment and that those comments should be made at a stage where UNESCO can usefully take account of the Committee's views. They expressed the hope that the General Conference of UNESCO would favourably consider giving the Committee on the Peaceful Uses of Outer Space further opportunity to comment before finally adopting the text of the draft declaration. However, some delegations did not share this view." (Official Records of the General Assembly, Twenty-seventh Session, Supplement No.20 (A/8720), para. 57).

^{75/} UNESCO documents 17 C/76, part I, para. 7, and 15 C/5, approved para.1282. The General Conference at the same time authorized a meeting of governmental experts in the space communication field, whose findings were to provide the basis for such a Declaration. The meeting was held at UNESCO Headquarters in December 1969 (UNESCO document COM/MD/15). In the light of the suggestions emerging from that meeting a preliminary text was prepared which, after several revisions, was submitted to the General Conference. For details see document 17 C/76, part I, paras. 1-17.

67. The Director-General, after consultations with various expert bodies, submitted to the seventeenth session of UNESCO's General Conference a draft Declaration of Guiding Principles on the Use of Satellite Broadcasting for the Free Flow of Information, the Spread of Education and Greater Cultural Exchange. The draft was adopted by the General Conference, with certain amendments, on 15 November 1972. The Declaration provides that satellite broadcasting "shall respect the sovereignty and equality of all States" (article II) and contains a number of other provisions which may be considered relevant to the topic of the present report. The text of the Declaration is annexed hereto.^{76/}

68. The General Assembly at its twenty-seventh session adopted, moreover, a resolution on human rights and scientific and technological development, which may be of interest in connexion with the subject matter of the present paper. In that resolution the Assembly invited Governments to make provision, as far as possible, in their national development plans and programmes for the preservation and development of cultural values; requested the Director-General of UNESCO to communicate to the General Assembly at its twenty-eighth session his views on the problem of the preservation and further development of cultural values, on the measures already taken by the international community and on further measures that should be taken; and requested the Economic and Social Council and the Commission on Human Rights to "attach to the above problem the importance it requires".^{77/}

D. Remote sensing of earth resources

69. The United Nations has taken various steps to encourage satellite technology useful to humanity, within the framework of international law and standards outlined in paragraphs 35-39 above.

70. The above-mentioned United Nations report relating, specifically, to natural resources satellites, published early in 1970, stated under the heading of "national sovereignty" that experience to date

"suggests that security disputes are unlikely to arise when global satellites become operational, provided there is adequate publicity and open access to the data. Most nations will have an intense interest in satellites that sense information of potential benefit to them.... Data security need not be a problem, but it may be if distrust is not countered by thoughtful planning for international acceptance of ERSAT surveys. Such acceptance will be fostered by clarifying the possibilities and limitations of the methods with illustrations of data and experience. Thus, by the time that international programmes for space surveys are technically feasible, it is hoped that they will also be politically possible."^{78/}

^{76/} On 19 December 1972, the Director-General of UNESCO informed the Secretary-General that he would be "grateful ... to receive in due course the views of the [Outer Space Committee] on the text of the Declaration, in the light of which I shall submit, if necessary, a further report to the General Conference at its eighteenth session in 1974".

^{77/} General Assembly resolution 3026 A (XXVII) of 18 December 1972.

^{78/} Document E/4779 and Corr.1-3, annex, para. 85. See above, para. 28.

71. Pointing out that "vast gaps in technology, political philosophy and economic strength among the many developing nations, the few space Powers and the nations in between, unfortunately, can lead to misunderstanding of motives and lack of confidence in the goals of space surveys," the report made tentative recommendations for a United Nations role in the co-ordination and application of natural resources satellite technology.^{79/}

72. The Economic and Social Council at its forty-eighth session, inter alia, recognizing that international co-operation was required for the reception, storage, interpretation and dissemination of resource satellite data, and that considerable preparatory work would be necessary for that purpose, requested the Secretary-General to bring his report to the attention of the Committee on the Peaceful Uses of Outer Space, the Advisory Committee on the Application of Science and Technology to Development, and other interested organizations of the United Nations system, for information and possible comments.^{80/} At its forty-ninth session the Council requested, moreover, that the recommendations contained in the report be examined by the Committee on Natural Resources established at that session.^{81/}

73. The General Assembly at its twenty-fourth session invited Member States with experience in the field of remote earth resources surveying to make such experience available to other Member States which did not have such experience and encourage them to become familiar with this field; it also requested the Outer Space Committee to continue its studies with regard to the possibilities of further international co-operation, in particular, in the framework of the United Nations system, in connexion with the development and use of remote earth resources survey techniques "so as to assure that as the practical benefits of this new technology are achieved, they are made available to both developed and developing countries".^{82/}

74. In 1971, the Working Group on Remote Sensing of the Earth by Satellites was established as a subordinate organ of the Outer Space Committee. The Committee's Scientific and Technical Sub-Committee, which convened the Working Group, reported to its parent body that the objective of the Working Group's study would be:

to promote the optimum utilization of this space application including the monitoring of the total earth environment for the benefit of individual States and of the international community, taking into account, as may be relevant, the sovereign rights of States and the provisions of the Treaty

^{79/} Ibid., Annex, para. 92 et seq. The Outer Space Committee's Scientific and Technical Sub-Committee commented on this report at its seventh session, held from 14 to 24 April 1970 (A/AC.105/82, paras. 50-54). The following year the Outer Space Committee established the Working Group on Remote Sensing of the Earth by Satellites, referred to in paragraph 74 below.

^{80/} Economic and Social Council resolution 1480 (XLVIII) of 2 April 1970.

^{81/} Decision taken at the Council's 1718th meeting (E/SR.1718). The Committee was asked to examine the recommendations, taking into account the comments contained in the Secretary-General's supplementary report (E/4779/Add.1). The Committee on Natural Resources was established by Council resolution 1535 (XLIX).

^{82/} General Assembly resolution 2600 (XXIV) of 16 December 1969, para. 4.

on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies. The report of the Working Group should review all of the factors relevant to the problems of establishing, operating and using such systems in order to have an adequate basis for making recommendations which States may consider when they come to solve specific environmental and resource problems through the use of remote sensors in satellites, or the data therefrom.83/

The Working Group was requested, among other things, to make:

recommendations for possible development, provision and operation of data collection and utilization systems in the United Nations or other international framework, taking into account the economic, social and legal implications for the international community that might arise as a result of selecting any particular system.84/

75. It was asked to solicit the views of the Legal Sub-Committee of the Outer Space Committee, as well as appropriate specialized agencies and other international organizations and agencies, and other bodies, particularly the Committee on Natural Resources.85/

76. The Working Group held a preparatory session in May 1972 and a substantive session from 29 January to 9 February 1973. The progress report of the Working Group on its second session will be distributed as document A/AC.105/111.86/

77. The agenda of the Working Group at its second session included an item entitled "Economic, social and legal implications of remote sensing by satellites for the international community" and another item entitled "Operational system capabilities that might be of special value to meet international, regional and global requirements". In respect of the latter item, the Working Group came to the conclusion that it was not possible at this stage to present suggestions or recommendations. It considered the question of the need to study the problems which might arise with respect to the distribution of data, including whether or not an international centre for data processing and distribution should be

83/ Document A/AC.105/95, para. 16. The establishment of the Working Group was requested by General Assembly resolution 2735 C (XXV), para. 8.

84/ Document A/AC.105/95, para. 17 (c).

85/ Ibid., para. 19.

86/ The report contains, inter alia, a definition (for the purposes of that report) of remote sensing of the earth from space and a "partial list of successful, already demonstrated practical uses" for remote sensing. The Working Group agreed that an "operational" system of space remote sensing data acquisition would probably not be available before the end of the 1970s, "operational" being defined as "a system resulting from the commitment to supply a space remote sensing service on a continuous and permanent basis, coupled with the commitment by interested users to use such a service on the same basis" (A/AC.105/111, paras. 6, 11, 15).

established; and agreed that more complete information was needed on all organizational aspects, including the interrelationship of possible regional arrangements with a global system.^{87/}

78. In respect of the former item, the Working Group discussed the question of the legal implications of remote sensing of the earth by satellites but recognized, inter alia, that the many unknowns still existing in the experimental scientific and technical development made the formulation of concrete suggestions and recommendations on the substance of legal matters at this stage difficult. The Soviet Union submitted a preliminary draft of legal principles to be applied by States utilizing space technology in exploring the resources of the earth, which was co-sponsored by France but was not discussed by the Working Group as such. A number of proposals, options, outlines and principles, were suggested for further consideration. Reference was also made during the debate to a draft international convention to be applied to remote sensing, submitted by Argentina to the Legal Sub-Committee (A/AC.105/C.2/L.73).^{88/}

79. The Working Group also noted the interdependence between organizational alternatives and legal implications of remote sensing. It also noted that the question of the legal implications of earth resources surveys was on the agenda of the Outer Space Committee's Legal Sub-Committee.^{89/}

80. The Working Group considered it desirable, subject to the views of the Scientific and Technical Sub-Committee, to establish a Task Force to work closely with the Secretariat to identify and report on the alternatives for the dissemination and optimum utilization of environmental and resource data, keeping in mind the data requirements of the developing countries.^{90/}

81. The Working Group decided to hold a brief organizational meeting at the time of the forthcoming tenth session of the Outer Space Committee's Scientific and Technical Sub-Committee,^{91/} which is scheduled to meet from 10 to 18 May 1973 at the United Nations Headquarters.

^{87/} A/AC.105/111, paras. 38-42.

^{88/} Ibid., paras. 45-54.

^{89/} Ibid., paras. 56 and 55, respectively.

^{90/} Ibid., para. 59.

^{91/} Ibid., para. 62.

Annex

DECLARATION OF GUIDING PRINCIPLES ON THE USE OF SATELLITE BROADCASTING FOR THE FREE FLOW OF INFORMATION THE SPREAD OF EDUCATION AND GREATER CULTURAL EXCHANGE, ADOPTED BY THE GENERAL CONFERENCE OF UNESCO ON 15 NOVEMBER 1972

The General Conference of the United Nations Educational, Scientific and Cultural Organization meeting in Paris at its seventeenth session in 1972,

Recognizing that the development of communication satellites capable of broadcasting programmes for community or individual reception establishes a new dimension in international communication,

Recalling that under its Constitution the purpose of Unesco is to contribute to peace and security by promoting collaboration among the nations through education, science and culture, and that, to realize this purpose, the Organization will collaborate in the work of advancing the mutual knowledge and understanding of peoples through all means of mass communication and to that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image,

Recalling that the Charter of the United Nations specifies, among the purposes and principles of the United Nations, the development of friendly relations among nations based on respect for the principle of equal rights, the non-interference in matters within the domestic jurisdiction of any State, the achievement of international co-operation and the respect for human rights and fundamental freedoms,

Bearing in mind that the Universal Declaration of Human Rights proclaims that everyone has the right to seek, receive and impart information and ideas through any media and regardless of frontiers, that everyone has the right to education and that everyone has the right freely to participate in the cultural life of the community, as well as the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author,

Recalling the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space (resolution 1962 (XVIII) of 13 December 1963), 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 1967 (hereinafter referred to as the Outer Space Treaty),

Taking account of United Nations General Assembly resolution 110 (II) of 3 November 1947, condemning propaganda designed or likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression, which resolution as stated in the preamble to the Outer Space Treaty is applicable to outer space; and the United Nations General Assembly resolution 1721 D (XVI) of 20 December 1961 declaring that communication by means of satellites should be available as soon as practicable on a global and non-discriminatory basis,

Bearing in mind the Declaration of the Principles of International Cultural Co-operation adopted by the General Conference of Unesco, at its fourteenth session,

Considering that radio frequencies are a limited natural resource belonging to all nations, that their use is regulated by the International Telecommunications Convention and its Radio Regulations and that the assignment of adequate frequencies is essential to the use of satellite broadcasting for education, science, culture and information,

Noting the United Nations General Assembly resolution 2733 (XXV) of 16 December 1970 recommending that Member States, regional and international organizations, including broadcasting associations, should promote and encourage international co-operation at regional and other levels in order to allow all participating parties to share in the establishment and operation of regional satellite broadcasting services,

Noting further that the same resolution invites Unesco to continue to promote the use of satellite broadcasting for the advancement of education and training, science and culture, and in consultation with appropriate intergovernmental and non-governmental organizations and broadcasting associations, to direct its efforts towards the solution of problems falling within its mandate,

Proclaims on the 15th day of November 1972, this Declaration of Guiding Principles on the Use of Satellite Broadcasting for the Free Flow of Information, the Spread of Education and Greater Cultural Exchange:

Article I

The use of Outer Space being governed by international law, the development of satellite broadcasting shall be guided by the principles and rules of international law, in particular the Charter of the United Nations and the Outer Space Treaty.

Article II

1. Satellite broadcasting shall respect the sovereignty and equality of all States.
2. Satellite broadcasting shall be apolitical and conducted with due regard for the rights of individual persons and non-governmental entities, as recognized by States and international law.

Article III

1. The benefits of satellite broadcasting should be available to all countries without discrimination and regardless of their degree of development.
2. The use of satellites for broadcasting should be based on international co-operation, world-wide and regional, intergovernmental and professional.

Article IV

1. Satellite broadcasting provides a new means of disseminating knowledge and promoting better understanding among peoples.
2. The fulfilment of these potentialities requires that account be taken of the needs and rights of audiences, as well as the objectives of peace, friendship and co-operation between peoples, and of economic, social and cultural progress.

Article V

1. The objective of satellite broadcasting for the free flow of information is to ensure the widest possible dissemination, among the peoples of the world, of news of all countries, developed and developing alike.
2. Satellite broadcasting, making possible instantaneous world-wide dissemination of news, requires that every effort be made to ensure the factual accuracy of the information reaching the public. News broadcasts shall identify the body which assumes responsibility for the news programme as a whole, attributing where appropriate particular news items to their source.

Article VI

1. The objectives of satellite broadcasting for the spread of education are to accelerate the expansion of education, extend educational opportunities, improve the content of school curricula, further the training of educators, assist in the struggle against illiteracy, and help ensure life-long education.
2. Each country has the right to decide on the content of the educational programmes broadcast by satellite to its people and, in cases where such programmes are produced in co-operation with other countries, to take part in their planning and production, on a free and equal footing.

Article VII

1. The objective of satellite broadcasting for the promotion of cultural exchange is to foster greater contact and mutual understanding between peoples by permitting audiences to enjoy, on an unprecedented scale, programmes on each other's social and cultural life including artistic performances and sporting and other events.

2. Cultural programmes, while promoting the enrichment of all cultures, should respect the distinctive character, the value and the dignity of each, and the right of all countries and peoples to preserve their cultures as part of the common heritage of mankind.

Article VIII

Broadcasters and their national, regional and international associations should be encouraged to co-operate in the production and exchange of programmes and in all other aspects of satellite broadcasting including the training of technical and programme personnel.

Article IX

1. In order to further the objectives set out in the preceding articles, it is necessary that States, taking into account the principle of freedom of information, reach or promote prior agreements concerning direct satellite broadcasting to the population of countries other than the country of origin of the transmission.

2. With respect to commercial advertising, its transmission shall be subject to specific agreement between the originating and receiving countries.

Article X

In the preparation of programmes for direct broadcasting to other countries, account shall be taken of differences in the national laws of the countries of reception.

Article XI

The principles of this Declaration shall be applied with due regard for human rights and fundamental freedoms.