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COMMITTEE ON THE PEACEFUL USES
OF OUTER SPACE

REPORT OF THE LEGAL SUB-COMMITTEE ON THE WORK OF ITS
EIGHTEENTH SESSION (12 MARCH-6 APRIL 1979)

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INTRODUCTION

Opening of the session

1. The Legal Sub-Committee opened its eighteenth session at the United Nations Headquarters on 12 March 1979 under the chairmanship of Mr. Eugeniusz Wyzner (Poland).
2. The Chairman, in his opening statement, referred to the continuing and impressive achievements of an ever-increasing number of individual and collective participants in outer space and drew attention to the necessity for a parallel evolution of the law of outer space. The Legal Sub-Committee had an important and central role in the formulation and development of law in this field. The record of the Sub-Committee in the preparation of treaties and other legal instruments relating to the peaceful uses of outer space was impressive. Yet much remained to be done.
3. The Chairman congratulated all countries which had, since the Sub-Committee's previous session, either individually or collectively begun or made new progress in their space programmes. The space programmes of the Union of Soviet Socialist Republics and the United States of America continued to develop. Cosmonauts of the USSR had remained last year for a record period of 139 days in outer space. Aboard the still operative Salyut-6 space station two USSR cosmonauts are at present in orbit around the earth. On flights of Soyuz spacecraft, cosmonauts of Czechoslovakia, the German Democratic Republic and Poland had accompanied USSR cosmonauts into outer space. The development by the United States of its space shuttle-orbiter was now in its final stage. The first manned orbital flight was scheduled for November 1979 and shuttle-flight bookings had been made into 1983. The deep-space flight of the United States spacecraft Voyager I around Jupiter and its moons was current and dramatic news.
4. The General Assembly, in its resolution 33/16 of 10 November 1978, had noted with satisfaction the work accomplished by the Sub-Committee at its seventeenth session and had recommended that the Sub-Committee at its present eighteenth session should: (a) continue, as matters of priority: (i) its efforts to complete the elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting; (ii) its detailed consideration of the legal implications of remote sensing of the earth from space, with the aim of formulating draft principles; (iii) its efforts to complete the draft treaty relating to the moon; (b) continue to discuss matters relating to the definition and/or delimitation of outer space and outer space activities, bearing in mind, inter alia, questions relating to the geostationary orbit; and (c) include in its agenda an item entitled "Other matters".
5. The Chairman, concluding his opening statement, expressed the hope that the Sub-Committee would be successful in completing, at its present session, its work on one or more of the three subjects to which the General Assembly had requested the Sub-Committee to accord priority. He did not wish to underestimate difficulties and was conscious of the juridical, practical and political complexity of the issues that still remained outstanding. Yet he was confident that the Sub-Committee could search for and identify, on the various issues, the

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highest common denomination of agreement and then record that level of agreement in acceptable language. It was true, as it was indeed true of most, if not all, multilateral treaties and other multilateral instruments, that each delegation might not have its own point of view reflected in the treaty or other instrument as fully as it may have wished. Yet such was the essence and nature of international co-operation, compromise and accord.

Adoption of the agenda

6. At its opening meeting the Sub-Committee adopted the following agenda for the session (A/AC.105/C.2/L.116):

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

Organization of work

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

(a) The Sub-Committee would devote the first week of its session to agenda item 3 (Legal implications of remote sensing of the earth from space, with the aim of formulating draft principles); the second week to agenda item 2 (Elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting; and the third week to agenda item 4 (Draft treaty relating to the moon). The Sub-Committee would, at the end of the third week of its session, consider how, in the light of the progress made up to that point, the remaining time at its disposal could best be utilized, having regard to the time required for consideration of agenda item 5 (Matters relating to the definition and/or delimitation of outer space and outer space activities, bearing in mind, inter alia, questions relating to the geostationary orbit) and agenda item 6 (Other matters). The Sub-Committee agreed that a certain degree of flexibility should be observed in the allocation of time between agenda items in order that all available time be in fact utilized.

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

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

8. The Chairman informed the Sub-Committee, at its 303rd meeting on 13 March 1979, that he had received a request from Peru to participate in meetings of the Sub-Committee. The Sub-Committee agreed that, since the granting of observer status was a prerogative of the Committee on the Peaceful Uses of Outer Space, the Sub-Committee could take no decision on the matter but that the representative of Peru might attend the formal meetings of the Sub-Committee and could direct to the chair a request for the floor should he wish to make a statement.

9. Working Group I on the draft treaty relating to the moon held 5 meetings. Working Group II on direct television broadcasting held 12 meetings. Working Group III on remote sensing held 8 meetings. There were also a number of informal consultations in the course of the deliberations of the three Working Groups.

10. The Chairmen of the three Working Groups reported to the Sub-Committee at its 317th and 318th meetings on 4 and 5 April 1979. The Sub-Committee took note with appreciation of the work done in the Working Groups.

11. The Sub-Committee considered item 5 of its agenda at its 314th to 318th meetings on 2 to 5 April 1979.

12. The Sub-Committee considered item 6 of its agenda at its 314th to 316th meetings on 2 to 4 April.

13. The Sub-Committee held a total of 18 meetings. The views expressed in the Sub-Committee are summarized in documents A/AC.105/C.2/SR.302 to 319.

14. A list of the representatives of the States members of the Sub-Committee attending the session, of the observers for specialized agencies and other organizations, and of the secretariat of the Sub-Committee, is to be found in document A/AC.105/C.2/INF.11.

Adoption of the report

15. The Sub-Committee adopted the present report unanimously and concluded its work at its 319th meeting on 6 April.

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

16. The Chairman made an introductory statement on agenda item 3 (Legal implications of remote sensing of the earth from space, with the aim of formulating draft principles) at the 303rd meeting of the Sub-Committee on 13 March 1979. He referred to the work of the Sub-Committee on this item at its seventeenth session.

17. The Chairman drew attention to the fact that the General Assembly at its thirty-third session, in resolution 33/16 dated 10 November 1978, had recommended that the Sub-Committee should at its present session continue, as a matter of priority, its detailed consideration of the legal implications of remote sensing of the earth from space, with the aim of formulating draft principles.

18. The Sub-Committee noted that all texts of draft principles formulated by the Sub-Committee's Working Group on remote sensing, as of 1978, were set out in an appendix to the report of the Chairman of the Working Group on remote sensing at the seventeenth session of the Sub-Committee.

19. The Sub-Committee noted further that the Scientific and Technical Sub-Committee, at its recently concluded sixteenth session, continued, in accordance with the recommendations of the Committee on the Peaceful Uses of Outer Space as approved by the General Assembly in resolution 33/16, to stress the importance of co-ordination of its work relating to remote sensing of the earth by satellites with the work of the Legal Sub-Committee. The Scientific and Technical Sub-Committee, accordingly, drew the attention of the Legal Sub-Committee to the views expressed in this connexion in annex I to its report (A/AC.105/238).

20. As noted in paragraph 7 (b) above, the Sub-Committee, at its opening meeting on 12 March 1979, re-established its Working Group on remote sensing as Working Group III.

21. At the 312th meeting of the Sub-Committee on 28 March 1979 the following working papers were submitted to the Sub-Committee by the delegation of Romania: a working paper proposing an alternative text for principle XII (A/AC.105/C.2/L.122, reproduced in annex IV to this report); and a working paper proposing an alternative text for principle XIII (A/AC.105/C.2/L.123, reproduced in annex IV to this report).

22. At the 317th meeting of the Sub-Committee on 4 April, 1979, the Chairman of the Working Group reported to the Sub-Committee. The Sub-Committee took note, with appreciation, of the report and work of the Working Group. In accordance with the decision taken by the Sub-Committee at the same meeting, the report of the Chairman of the Working Group is reproduced in annex I to the present report.

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

23. The Chairman made an introductory statement on agenda item 2 (Elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting) at the 306th meeting of the Sub-Committee on 16 March 1979. He referred to the work of the Sub-Committee on this item at its seventeenth session.

24. The Chairman drew attention to the fact that the General Assembly at its thirty-third session, in resolution 33/16 dated 10 November 1978, had recommended that the Sub-Committee at its present session should continue, as a matter of priority, its efforts to complete the elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting.

25. The Sub-Committee noted that all text of draft principles formulated by the Sub-Committee's Working Group on direct television broadcasting, as of 1978, were set out in an appendix to the report of the Working Group on direct television broadcasting at the seventeenth session of the Sub-Committee.

26. The Sub-Committee also had before it a working paper, entitled "Principles governing the use by States of artificial earth satellites for direct television broadcasting", submitted to the members of the Sub-Committee before its present session by the delegations of Canada and Sweden (A/AC.105/C.2/L.117, reproduced in annex IV to this report).

27. As noted in paragraph 7 (b) above, the Sub-Committee at its opening meeting on 12 March 1979 re-established its Working Group on direct television broadcasting as Working Group II.

28. At the 310th meeting of the Sub-Committee on 23 March 1979 the following working papers were submitted to the Sub-Committee: a working paper by the delegation of the United States proposing an alternative text for present paragraphs 1 and 2 of the principle entitled "Consultation and agreements between States" (A/AC.105/C.2/L.118, reproduced in annex IV to this report); a working paper by the delegation of Belgium proposing that the principle entitled "Consultation and agreements between States" be replaced by an alternative text entitled "Agreements between States on the exchange of programmes" (A/AC.105/C.2/L.119), reproduced in annex IV to this report); and a working paper by the delegation of Belgium proposing the addition of a further paragraph to the preamble to the principles (A/AC.105/C.2/L.120), reproduced in annex IV to this report).

29. At the 318th meeting of the Sub-Committee on 5 April 1979, the Chairman of the Working Group reported to the Sub-Committee. The Sub-Committee took note, with appreciation, of the report and work of the Working Group. In accordance with the decision taken by the Sub-Committee at the same meeting, the report of the Chairman of the Working Group is reproduced in annex II to the present report.

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

III. DRAFT TREATY RELATING TO THE MOON

31. The Chairman made an introductory statement on agenda item 4 (Draft treaty relating to the moon) at the 310th meeting of the Sub-Committee on 23 March 1979. He referred to the work of the Sub-Committee on this item at its seventeenth session.

32. The Chairman drew attention to the fact that the General Assembly at its thirty-third session, in resolution 33/16 dated 10 November 1978, had recommended that the Sub-Committee should at its present session continue, as a matter of priority, its efforts to complete the draft treaty relating to the moon.

33. The Sub-Committee noted that it had in 1972 approved the texts of a preamble and 21 articles including final clauses, and that in 1973 it had taken note of the texts of six provisions which were formulated that year in its Working Group. It had not as yet succeeded, however, in resolving the three main outstanding issues: the scope of the treaty, the information to be furnished on missions to the moon, and the natural resources of the moon. The question concerning the natural resources of the moon was generally recognized to be the key issue whose solution could facilitate agreement on the two other remaining issues.

34. The Sub-Committee at its present session also had before it the text of the tentative draft agreement which the delegation of Austria had, at the seventeenth session of the Sub-Committee, elaborated through informal consultations in the hope that it could serve as a basis for finalizing preparation of an international instrument relating to the moon and other celestial bodies. Consideration of the draft agreement had not been possible in the Working Group last year for want of time but the hope had been expressed that the draft agreement would facilitate the reaching of a consensus on an international instrument relating to the moon and other celestial bodies; and that work on the draft agreement could be taken up again at the twenty-first session of the Committee on the Peaceful Uses of Outer Space in June-July 1978 or at the present session of the Sub-Committee. The text of the draft agreement was annexed to the report of the Chairman of the Working Group on the draft treaty at the seventeenth session of the Sub-Committee (A/AC.105/218, annex I).

35. The Committee on the Peaceful Uses of Outer Space, at its twenty-first session, had established an informal working group to review the outstanding matters. Nevertheless, it had not been possible for want of time and as further consultations with home-Governments were necessary for any substantive discussions to take place. The Committee had, however, expressed its appreciation to the delegation of Austria for the efforts the delegation had made to facilitate a compromise on the unresolved issues with a view to reaching a consensus, and was of the view that the text of the draft agreement could facilitate the reaching of

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a consensus on an international instrument relating to the moon and other celestial bodies. In this connexion, the Committee had noted that there were other proposals presented at previous sessions which could facilitate the work of the Legal Sub-Committee.

36. As noted in paragraph 7 (b) above, the Sub-Committee at its opening meeting on 12 March 1979 re-established its Working Group on the draft treaty relating to the moon as Working Group I.

37. At the 317th meeting of the Sub-Committee on 4 April 1979, the Chairman of the Working Group reported to the Sub-Committee. The Sub-Committee took note, with appreciation, of the report and work of the Working Group. In accordance with the decision taken by the Sub-Committee at the same meeting, the report of the Chairman of the Working Group is reproduced in annex III to the present report.

38. The Sub-Committee recommended that the Committee on the Peaceful Uses of Outer Space, while considering the question of the draft treaty relating to the moon at its next session, should also consider whether the elaboration of a draft treaty could be concluded, or whether further progress could be achieved, during that session.

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

39. The Chairman made an introductory statement on agenda item 5 (Matters relating to the definition and/or delimitation of outer space and outer space activities, bearing in mind, inter alia, questions relating to the geostationary orbit) at the 314th meeting of the Sub-Committee on 2 April 1979. He referred to the work of the Sub-Committee on this item at its seventeenth session.

40. The Chairman drew attention to the fact that the General Assembly at its thirty-third session, in resolution 33/16 dated 10 November 1978, had recommended that the Sub-Committee should at its present session continue to discuss matters relating to the definition and/or delimitation of outer space and outer space activities, bearing in mind, inter alia, questions relating to the geostationary orbit.

41. The Sub-Committee noted that the subject of the "physical nature and technical attributes of the geostationary orbit" was an item on the agenda of the Scientific and Technical Sub-Committee at its recently concluded sixteenth session and was considered in chapter VI of its report (A/AC.105/238).

42. The Sub-Committee also had before it a working paper, entitled "Approach to the solution of the problems of the delimitation of air space and outer space", submitted to the Sub-Committee at its present session by the delegation of the USSR (A/AC.105/C.2/L.121, reproduced in annex IV to this report).

43. The Sub-Committee considered agenda item 5 at its 314th to 318th meetings on 3, 4 and 5 April 1979.

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44. Some delegations were of the view that a definition and/or delimitation of outer space and outer space activities was necessary at the present time for legal and practical reasons. The number of space objects and the number of States participating in space activities were increasing and the absence of a definition and/or delimitation caused uncertainties in outer space law and in air law. Some delegations favoured the establishment of a conventional boundary between outer space and air space at a certain altitude. Some delegations expressed support in this connexion for the proposal contained in the working paper submitted by the delegation of the USSR with regard to the establishment of a conventional boundary between outer space and air space not higher than at 100 to 110 km above sea level. The view was expressed that the approach suggested by the delegation of the USSR in its working paper could be set forth in a resolution of the General Assembly. Some delegations, while favouring the establishment of a conventional boundary between air space and outer space, were of the view that the USSR working paper merited further study.

45. Other delegations expressed the view that the definition and/or delimitation of outer space was not necessary at the present time. They pointed out that the Scientific and Technical Sub-Committee had concluded that there were no scientific or technical characteristics of the earth's upper atmosphere that would make it a basis for a definition and/or delimitation, that past estimates of the lowest altitude at which satellites could survive had been too high, as noted by COSPAR in document A/AC.105/164, and, as the Committee on the Peaceful Uses of Outer Space had been unable to identify practical problems which would require a definition and/or delimitation, the question of defining the lower limit of outer space was no longer on the agenda of the Scientific and Technical Sub-Committee.

46. A statement on the question of definition and/or delimitation of outer space was also made by the observer for the International Civil Aviation Organization who stated that his agency considered this matter important and was prepared, if so requested, to undertake relevant studies.

47. The question of the geostationary orbit was also discussed and, in this connexion, some delegations expressed the view that a definition and/or delimitation which did not take account of the question of the geostationary orbit was not acceptable. These delegations expressed the view that the geostationary orbit, due to its physical characteristics and technical attributes, constituted a limited natural resource over which the equatorial countries exercised sovereign rights in accordance with international law. These delegations were of the opinion that the unique nature of the geostationary orbit should be taken into account in any definition of outer space. Some of these delegations called for an equitable legal régime to regulate utilization of the geostationary orbit for the benefit of all and especially the developing countries. Other delegations, however, expressed the view that geostationary orbit was inseparable from outer space and all the relevant provisions of the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies that were applicable to it. According to this view, the geostationary orbit cannot be subject to national appropriation by claim of sovereignty, by means of use or occupation or by any other means. These delegations considered that the geostationary orbit was free for use by all States without discrimination of any kind on a basis of equality and in accordance with international law. They considered that the placing of satellites in

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geostationary orbits by States created no right of ownership over the respective orbital positions of satellites or over segments of orbits. The view was expressed that the outer space Treaty of 1967 did not preclude the elaboration of a specific legal régime for the geostationary orbit. The view was also expressed, however, that the outer space Treaty and the ITU Convention and Radio Regulations already contained necessary provisions to ensure equitable use of the geostationary orbit and that, therefore, the formulation of new legal principles relevant to the use of the orbit was not necessary.

V. OTHER MATTERS

48. Under agenda item 6 ("Other matters") at the 314th, 315th and 316th meetings of the Sub-Committee on 2, 3 and 4 April 1979, statements were made by delegations on the use of nuclear power sources in outer space.

49. Some delegations were of the view that the Sub-Committee at its next session should commence work on a separate item entitled "Legal aspects of the use of nuclear power sources in outer space". In their view, the fact that the Scientific and Technical Sub-Committee was considering the technical aspects and safety measures relating to the use of nuclear power sources in outer space should not, in accordance with the existing practice, prevent the Legal Sub-Committee from commencing the consideration of legal aspects. They did not feel that consideration of legal aspects would create difficulties for the work of the Scientific and Technical Sub-Committee since the programme envisaged would not interfere with that work. These delegations were of the view that the Sub-Committee ought to begin consideration of four aspects: (a) further development of the existing outer space legal régime to require the launching State to provide notification prior to the launch of a satellite carrying a nuclear power source; (b) elaboration of an obligation to provide early warning of a possible re-entry or malfunctioning of a satellite containing a nuclear power source; (c) emergency assistance; and (d) radiation exposure levels. They expressed the view that although a foundation for consideration of some legal aspect had been established, a great deal remained to be done.

50. The view was expressed that an agenda item on legal aspects of the use of nuclear power sources in outer space ought to be given priority. The view was expressed that consideration by the Legal Sub-Committee of the legal aspects of the use of nuclear power sources in outer space should commence with consideration of issues (b) and (c) above and that consideration of issue (d) above concerning radiation exposure levels should be delayed until more clearly defined technical guidance was achieved. The view was expressed that the Legal Sub-Committee should consider the question of liability for damage caused by the use of nuclear power sources in outer space. The view was also expressed that the Legal Sub-Committee ought to review international legal instruments to determine in what areas further international provision would be desirable with respect to the use of nuclear power sources in outer space.

51. Other delegations, while acknowledging that the proposals put forward require serious and profound study, stated that some of the points raised were already reflected in international documents, in particular, General Assembly

resolution 33/16 of 10 November 1978. They also expressed the view that most of the problems involved had complicated technical aspects that were discussed by the Scientific and Technical Sub-Committee and that it would not be desirable to further complicate the task of that Sub-Committee by taking legal positions on the questions before it was timely. In this connexion, these delegations were of the opinion that the inclusion of the topic proposed as a separate item in the agenda of the next session of the Legal Sub-Committee was not warranted. They also referred to the fact that the Legal Sub-Committee had a heavy agenda which included a number of questions requiring priority consideration.

52. In view of divergences of opinions expressed during the debate, the Sub-Committee considered that the parent Committee at its next session should, unless it decided otherwise, resume discussion of the matter, in particular, whether it was advisable to include in the agenda of the nineteenth session of the Legal Sub-Committee a separate item dealing with the use of nuclear power sources in outer space. The Sub-Committee recommended that the item "Other matters" should remain on the agenda of its next session unless the Committee decided otherwise.

Annex I

REPORT OF THE CHAIRMAN OF WORKING GROUP III

1. The Sub-Committee, on 12 March 1979 at the first meeting of its present session, re-established its Working Group III on remote sensing.
2. The Working Group noted that the Legal Sub-Committee was required, under paragraph 4 (a) of General Assembly resolution 33/16 of 17 November 1978, to continue as a matter of priority its detailed consideration of the legal implications of remote sensing of the earth from space, with the aim of formulating draft principles.
3. The Working Group held its first meeting on 13 March and concluded its work on 3 April 1979, having held a total of eight meetings.
4. The Working Group had before it the report of the Legal Sub-Committee on its seventeenth session in 1978 (A/AC.105/218). The Working Group noted that all texts of draft principles formulated by the Sub-Committee's Working Group on remote sensing, as of 1978, were set out in an appendix to the report of the Chairman of the Working Group at the seventeenth session of the Sub-Committee (A/AC.105/218, annex III).
5. The Working Group also had before it the report of the Scientific and Technical Sub-Committee on its sixteenth session in 1979 (A/AC.105/238). The subject of remote sensing of the earth by satellites was an item on the agenda of the Scientific and Technical Sub-Committee. Chapter I and annex I are the relevant sections of the report of the Sub-Committee.
6. The Working Group continued consideration of the formulation of draft principles on remote sensing of the earth from outer space on the basis of the texts set out in the appendix to the report of the Chairman of the Working Group on remote sensing at the seventeenth session of the Legal Sub-Committee. Specific proposals and suggestions made by delegations with respect to particular principles in the course of the discussions of the Working Group at its present session were also discussed. Working papers submitted by delegations, in the course of the deliberations, on which consensus could not be reached and which were not subsequently withdrawn are reproduced in appendix B to this report.
7. Principle I. The Working Group agreed that the square brackets around the words "primary" and "analysed" in the present text of the principle were to be removed. In the course of discussing other principles, some delegations considered that the definition of remote sensing should be confined to the space segment of remote sensing. It was decided to retain the existing foot-notes. The view was expressed, however, that the content, definition and necessity of the term "analysed information" is still to be clarified. It was agreed that an additional foot-note to that end should be inserted.

A working paper which was submitted by the delegation of the USSR proposed an alternative text for the definition of the term "remote sensing of the earth from outer space" (WG.III(1979)/WP.9). Because of lack of time there was no discussion of this text. The working paper is appended to this report.

8. Principles II-VII. These principles were not discussed.

9. Principle VIII. The delegation of Romania proposed that the scope of this principle be extended so as to apply also to data and/or information obtained by remote sensing during and after a natural disaster. In the course of the discussion on this proposal, the delegation of Iraq introduced an amendment to the existing text of this principle, which, in its view, would achieve the same effect as the amendment suggested by the delegation of Romania. There was no agreement on this amendment. A working paper (WG.III(1979)/WP.11) setting out the existing text of the principle with the amendment suggested by the delegation of Iraq is appended to this report.

No consensus was reached on the proposal by the delegation of Romania. It was decided to add the proposal of Romania as the second paragraph to the existing text of this principle and to put this new paragraph in square brackets. Some delegations were of the view that further clarifications as to the exact meaning of the term "during a natural disaster" were needed. The delegation of Argentina submitted a working paper (WG.III(1979)/WP.10) proposing that data and/or information obtained by remote sensing of the earth indicating an impending natural disaster should be disseminated as promptly as possible to all States, priority being given to those likely to be affected. There was, however, no agreement on the proposal and it was decided to add in square brackets the words proposed by the delegation of Argentina to the existing text of this principle. The view was also expressed that the scope of this principle as a whole should be further studied and that the principle should apply only to data identified as relevant and in the possession of States. The Working Group agreed that for the purpose of this principle an exception should be made to any agreed international constraints on dissemination of remotely sensed data of the earth's natural resources and environment. At the end of the discussion on this principle there was agreement in the Working Group that although specific language could not be agreed upon, the retention of a principle on natural disasters was warranted because of its humanitarian nature.

At the invitation of the Working Group, the representative of UNDRO, Gen. Anderson, made a statement in connexion with the deliberations concerning this principle. The Chairman, speaking in the name of the Working Group, expressed his appreciation for the willingness of UNDRO to help the Working Group on remote sensing in its work.

10. Principle IX. Agreement was reached to remove the square brackets around the words "in a manner compatible with" and to delete the words "not" and "to the detriment of". It was further agreed to retain the foot-note and to change the existing reference to principles I and II to a reference to principles II and III. The view was expressed, in this connexion, that this principle should be considered as a function of principle II (international co-operation) and principle III (international law). It was decided to insert an additional foot-note to that effect.

11. Principle X. This principle was not discussed.

12. Principle XI. This principle was discussed extensively in the light of the proposal of some delegations to omit a principle on international responsibility. In the view of these delegations, this principle was unnecessary if intended to cover no more than article VI of the Outer Space Treaty. Some of these delegations stated that under their legal systems they could not exercise State responsibility for ground segment activities. Other delegations did not consider it acceptable for there to be a reservation of non-responsibility by a given State with respect to its private operators. Other delegations wished this principle to be retained, possibly with changes in its present language. Attempts to reach a compromise by changing the text of this principle were not successful. Since no consensus could be reached, this principle was put in square brackets.

13. Principle XII. The Working Group felt that this principle should also be seen in the light of principle XIV. The Working Group discussed a working paper submitted by the delegation of the USSR (WG.III(1979)/WP.3) with respect to principle XIV which, in the view of that delegation, should also include principle XII. (See also relevant parts of this report concerning principle XIV). Some delegations were of the view, however, that a principle expressing the right of sensed States to timely and non-discriminatory access to data obtained by remote sensing should be retained. The delegation of the USSR subsequently agreed that its proposal should only pertain to principle XIV and that the contents of principles XII and XIV could be contained in separate principles.

The Working Group also considered a working paper submitted by the delegation of Romania (WG.III(1979)/WP.6).^{*} Some delegations supported the ideas contained in the proposal of Romania. In the course of the discussions on this working paper some delegations raised the question as to the necessity of having a reference to the principle of permanent sovereignty of States over their wealth

* The delegation of Romania later submitted this proposal to the Sub-Committee as document A/AC.105/C.2/L.122.

and natural resources in the text of this principle. Those delegations stated in this connexion that the principle of permanent sovereignty does not relate in any way to remote sensing activities. Other delegations stated that this principle was closely related to remote sensing activities and therefore should be retained in the text. Other delegations, speaking on the working paper by Romania, felt that the concept of timely and non-discriminatory access to data should also be reflected.

Since there was no consensus on the proposal, it was decided to defer further discussion of this principle and to append the working paper by Romania to this report.

14. Principle XIII. The Working Group also had before it, in connexion with its consideration of this principle, a working paper submitted by the delegation of Romania (WG.III(1979)/WP.8).^{*} Since no consensus was reached on this proposal, it was decided to retain this principle in its present form in square brackets and to append the working paper by Romania to this report.

15. Principle XIV. There was an extensive discussion of this principle. Informal consultations were also held with a view to achieving a compromise. The Working Group considered working papers submitted by the delegations of the USSR and the United States (WG.III(1979)/WP.3 and WG.III(1979)/WP.7, respectively). Written proposals were also exchanged in the course of the informal consultations. It was, however, not possible to reach agreement on a specific text. Some delegations referred to the importance of prior notification of remote sensing programmes, while other delegations held the view that notification should only be effected once sensing data had actually been received by the sensing State. Delegations holding the latter view said that it was not practical to give advance notification since the actual results of the remote sensing activities depend on various factors, the effects of which could not be predicted. Those delegations who referred to the importance of prior notification stated that those States that were to be sensed should have prior knowledge of this intention in order to maximize the possibilities of co-operation between sensed and sensing States and access to data. In this connexion, the question was raised if the term "remote sensing programmes" was appropriate.

As attempts to reach a compromise were not successful, it was decided to study this question further and to retain this principle in its present form, in square brackets, the aforementioned working papers of the USSR and the United States (WG.III(1979)/WP.3 and WG.III(1979)/WP.7) being appended to this report.

* The delegation of Romania later submitted this proposal to the Sub-Committee as document A/AC.105/C.2/L.123.

16. Principle XV. This principle was not discussed.

17. Principle XVI. The Working Group had for its consideration a working paper presented by the delegation of the USSR (WG.III(1979)/WP.1/Rev.1). There was an extensive discussion. Some delegations pointed out that it was necessary - for economic, political and security reasons - to set aside for a different approach all sensitive data. Any data belonging in this category should only be disseminated to third States with the consent of the sensed State. In the view of these delegations, the criterion for establishing data as sensitive data should be the spatial resolution as outlined in the working paper of the USSR. These delegations believed that such a criterion would be the most objective, convenient and simple one to follow. Other delegations, while supporting the idea of limiting the dissemination of certain types of data, expressed the opinion that the question of the criterion to be used for that purpose should be further studied. [Some other delegations held the view that the placing of mandatory international constraints on remote sensing data dissemination would result in administrative, financial and technical burdens detrimental to programmes designed for remote sensing of the earth's natural resources and environment.] Some delegations pointed out that such data would still be available to States conducting remote sensing. Some of those delegations which did not favour the proposal of the delegation of the USSR also pointed out that spatial resolution was not a reliable or standard reference. The view was also expressed that legal difficulties could arise with regard to a declaration limiting the dissemination of certain data in the light of classical international law. Reference was made in this connexion to paragraphs 3, 8 and 9 of section A of annex I to the report of the Scientific and Technical Sub-Committee on its sixteenth session (A/AC.105/238).

Since no consensus could be reached in the course of the discussion, the principle was retained in its present form in square brackets. The aforementioned working paper by the USSR is appended to this report.

18. Principle XVII. In discussing this principle, the view was expressed that the present formulation of this principle does not clearly define the scope of application of the dispute settlement procedure provided for in this principle. With a view to reaching consensus, a working paper was introduced by the delegation of Austria (WG.III(1979)/WP.4). There was, however, no agreement, the view being expressed that consultations should not have priority over other forms of established procedures for the peaceful settlement of disputes. It was decided to retain this principle in its present form in square brackets, to incorporate, in square brackets, the alternative formulations contained in the Austrian working paper, and to place a foot-note stating that this principle should be reviewed in the light of the full set of principles.

19. The Working Group decided to follow the suggestions of some delegations to rearrange the sequence of the principles in such a way that principles XII, XIV and XV would follow immediately after each other. Present principle XIII would be placed immediately after present principle XVI and would be renumbered accordingly.

20. The Working Group held its final meeting on 3 April 1979 when it considered and adopted the report to be made by its Chairman to the Sub-Committee. The texts of the principles as agreed upon by the Working Group are reproduced in appendix A to this report.

Appendix A

TEXTS OF DRAFT PRINCIPLES AS CONTAINED IN THE REPORT OF THE
LEGAL SUB-COMMITTEE ON THE WORK OF ITS SEVENTEENTH SESSION
(A/AC.105/218, ANNEX III, APPENDIX), WITH CHANGES MADE AT
THE PRESENT SESSION

Principle I 1/

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

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

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

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

* The content, definition and necessity of the term "analysed information" is still to be clarified.

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

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

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

/...

Principle II

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

Principle III

Remote sensing of the earth from outer space [shall] [should] be conducted in accordance with international law, including the Charter of the United Nations and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies.

Principle IV

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

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

Principle V

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

Principle VI

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

Principle VII

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

2. States conducting activities in the field of remote sensing of the earth [shall] [should] notify the Secretary-General thereof, in compliance with article XI of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies.

Principle VIII

Data and/or information obtained by remote sensing of the earth indicating an impending natural disaster shall be disseminated as promptly as possible to those States likely to be affected [all States, priority being given to those likely to be affected].

[This provision shall also apply to data and/or information obtained by remote sensing during and after natural disasters, in order to help affected States combat such disasters.]

Principle IX 1/

Taking into account the principles II and III above, remote sensing data or information derived therefrom [shall] [should] be used by States in a manner compatible with the legitimate rights and interests of other States.*,**

* Some delegations were of the view that, for the sake of consistency it was necessary to consider this principle in the light of draft principles II and III.

** A delegation reserved its position on removing the square brackets around the words "in a manner compatible with" and on the deletion of the words "not" and "to the detriment of".

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

Principle X

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

Principle XI

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

Principle XII

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

Principle XIII

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

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

/...

Principle XIV

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

Principle XV

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

Principle XVI

[Without prejudice to the principle of the freedom of exploration and use of outer space, as set forth in article I of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies, remote sensing of the earth [should] [shall] be conducted with respect for the principle of full and permanent sovereignty of all States and peoples over their own wealth and natural resources [with due regard to the rights and interests of other States and their natural and juridical persons in accordance with international law] [as well as their inalienable right to dispose of their natural resources] [and of information concerning those resources].]

Principle XVII

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

* This principle should be reviewed in the light of the full set of agreed principles, and a decision on the legal nature of the principles.

Appendix B

WORKING PAPERS SUBMITTED TO THE WORKING GROUP AT THE
PRESENT SESSION

Union of Soviet Socialist Republics: working paper
(WG.III(1979)/WP.1/Rev.1)

Principle XVI

1. The freedom to disseminate primary data and analysed information obtained by remote sensing of the earth shall be limited to the extent of the provisions of paragraph 2 of this article.
2. Every State is recognized to have the right to declare that certain types of primary data and analysed information obtained by remote sensing of the earth with respect to its territory may be published or given to third States or natural or juridical persons of third States only with the express consent of the State making such a declaration. The declaration may relate to primary remote-sensing data with a spatial resolution of 50 metres or finer and to analysed remote-sensing information obtained on the basis of such data. The dissemination of primary data and analysed information obtained by remote sensing of the earth with respect to the territory of a State making such a declaration may be carried out only if the conditions stated in the declaration are observed.
3. The declaration referred to in paragraph 2 shall be transmitted to the Secretary-General of the United Nations, who shall publish it for general information.

Union of Soviet Socialist Republics: working paper
(WG.III(1979)/WP.3)

Principle XIV

Each State undertakes to communicate a list of States about whose territory they have received primary remote sensing data from space objects. Those States shall be given the opportunity, under mutually acceptable conditions, to familiarize themselves with such data relating to their territory. The transfer to States of primary remote sensing data about their territory may be effected by mutual agreement between those States and the State which receives such data from space objects.

Romania: working paper
(WG.III(1979)/WP.6)

[This working paper was later submitted to the Sub-Committee as document A/AC.105/C.2/L.122 and is reproduced in annex IV to its report.]

/...

United States of America: working paper
(WG.III(1979)/WP.7)

Principle XIV

A State conducting remote sensing programmes should furnish the Secretary-General of the United Nations with information describing to the extent feasible the nature of the programme and the geographic area covered. The Secretary-General should publish information thus received. A State conducting remote sensing programmes should also furnish such information as soon as practicable directly to any State which so requests. To the extent feasible and practicable, a State which intends to conduct remote sensing programmes should give advance notification of such a programme to the Secretary-General.

Romania: working paper
(WG.III(1979)/WP.8)

[This working paper was later submitted to the Sub-Committee as document A/AC.105/C.2/L.123 and is reproduced in annex IV to its report.]

Union of Soviet Socialist Republics: working paper
(WG.III(1979)/WP.9)

Principle I (a) - Alternative text

The term "remote sensing of the earth from outer space" means observations and measurements of energy and polarization characteristics of self-radiation and reflected radiation of elements of the land, ocean and atmosphere of the earth in different ranges of electromagnetic waves which facilitate the location, description of the nature and temporal variations of natural parameters and phenomena, natural resources of the earth, the environment as well as anthropogenic objects and formations.

Iraq: working paper
(WG.III(1979)/WP.11)

Principle VIII

Data and/or information obtained by remote sensing of the earth concerning a natural disaster shall be disseminated as promptly as possible to those States affected or likely to be affected.

Annex II

REPORT OF THE CHAIRMAN OF WORKING GROUP II

1. The Sub-Committee on 12 March 1979 at the first meeting of its present session, re-established its Working Group II to continue its work on the elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting.
2. The Working Group held its first meeting on 19 March and concluded its work on 5 April 1979, having held a total of 12 meetings.
3. The Working Group had before it the report of the Legal Sub-Committee on its seventeenth session in 1978 (A/AC.105/C.2/218). The Working Group noted that texts of draft principles formulated as of 1978 were set out with square brackets around provisions on which there had been no agreement, in an appendix to the report of the Chairman of Working Group II at the seventeenth session of the Sub-Committee (A/AC.105/218, annex II, appendix). For convenience of reference, the appendix will be referred to in this report as document 218.
4. The Working Group also had before it a working paper entitled "Principles governing the use by States of artificial earth satellites for direct television broadcasting" submitted to the present session of the Sub-Committee by the delegations of Canada and Sweden (A/AC.105/C.2/L.117, reproduced in annex IV to the report of the Sub-Committee). For convenience of reference, this working paper will be referred to in this report as document L.117. The delegations of Canada and Sweden stated that document L.117 was a clean text and contained no square brackets or foot-notes. It had been prepared with a view to facilitating consensus and, in their view, was an acceptable basis for a final compromise. They drew attention to the differences between the texts in document L.117 and the texts in document 218. At the end of the discussion the delegations of Canada and Sweden expressed their wish that the text contained in document L.117 be attached to the report as a clean text because in their view it still remained a reasonable basis for facilitating a consensus. The Working Group agreed to append L.117 to this report (see appendix B).
5. Some delegations expressed the view that the text in document L.117 represented a fair balance of the different points of view and they were prepared to accept the text in order to reach consensus though the text did not meet all their preferences and they could not regard it as totally satisfactory. Other delegations expressed the view that there were aspects of the text that were not acceptable.
6. The Working Group, accordingly, decided to continue work on the elaboration of draft principles on the basis of the texts in document 218; the texts in document L.117; and such proposals and suggestions as might be made by delegations with respect to particular principles in course of discussions.

7. Terminology. The Working Group agreed that the word "international" should appear in the title of the principles in square brackets; the title should then read "Principles governing the use by States of artificial earth satellites for [international] direct television broadcasting" use of the word "international" in the principles should be as now appears in document 218; and a foot-note stating that the term "international direct television broadcasting" is to be defined should be included at this stage in the draft principles. The Working Group agreed that with respect to the terms "should" and "shall" present usage in document 218 should be retained with a foot-note to be included in the draft principles stating that the question of the use of these terms would be reviewed later when formulation of the principles was complete and it was clear what status the principles were to have and uniformity of terminology was being considered.

8. Preamble. There were certain informal consultations on whether the square brackets around certain paragraphs of the preamble could be removed, but agreement was not reached. Accordingly, it was decided that the square brackets should be retained as they are.

9. Purposes and objectives. The Working Group agreed that the words "States declare that" in the first line of the text in document 218 should be deleted; and that in the last two lines of the text in document 218 the word "and" should be included before "enhance" and the words "and provide beneficial recreation" should be deleted. The view was expressed that deletion of the words "and provide beneficial recreation" required further study.

Some delegations were of the view that the preamble and the text on "purposes and objectives" as they are worded in document L.117 should be accepted. Some delegations were of the view that if preambular paragraph 1 (a) of the text in document 218 was not retained, the following words should be included at the end of the text on "purposes and objectives" in document 218: "and should be based on strict respect for sovereign rights of States and non-interference in the internal affairs of other States". Other delegations were of the view that if this phrase were included other bracketed language from the preamble should also be included for balance.

10. Applicability of international law. Some delegations expressed the view that the words "and fundamental freedoms" should be included at the end of the present text of the principle. Other delegations expressed the view that the additions of these words was unnecessary. The view was also expressed that the words "fundamental principles of" should be included before "friendly relations".

11. Rights and benefits. The Working Group agreed that the text on "rights and benefits" should be retained in its present form. The view was expressed that States should not merely enjoy "benefits" but that they had a right to "benefits".

12. International co-operation. The Working Group considered in connexion with this principle a working paper on "international co-operation" submitted by the

delegation of Iraq. Some delegations supported this proposal. A copy of the working paper is contained in appendix B to this report. Some delegations were of the view that the foot-note in document 218 to the text of the principle on "international co-operation" should be retained and accordingly the foot-note was inserted. Some delegations expressed the view that the following sentence should be included at the end of the text of the principle: "In such co-operation special consideration should be given to the interests of developing countries".

13. State responsibility. The Working Group considered, in connexion with this principle, a working paper on "State responsibility" submitted by the delegation of the Netherlands. A copy of the working paper is contained in appendix B to this report. Some delegations expressed the view that their legal systems did not permit them to accept State responsibility for certain aspects of DBS ground segment activities such as programme content. Other delegations considered it unacceptable for the responsibility of States in this area to be subject to the constitutional provisions of States. However, the view was also expressed that the previous opinion is inconsistent with established international law principles and practice but other delegations did not share this view. The view was expressed that the term "international direct television broadcasting" should be defined before a principle on State responsibility could be considered. The Working Group did not reach agreement. Accordingly, the language of paragraph 1 in document 218 was placed in square brackets.

14. Duty and right to consult. The question was raised as to whether this principle should apply to a situation where a domestic television broadcasting satellite service of one country "spilled over" into the territory of another country. Some delegations were of the view that: (a) The principle should only apply to international direct television satellite broadcasting from one country into the territory of another country. (In this case the principle provides for consultations.) (b) The principle should not apply to situations where there is a "spill-over" of either a domestic or international television broadcasting satellite service into another country. (In this case the principle should not provide for consultations. The matter would fall under the applicable Regulations of ITU.)

Some delegations were of the view that the text in L.117 should be accepted. Other delegations were of the view that the text in document 218 should be retained. Accordingly, the language of the text in document 218 was placed within square brackets.

15. Peaceful settlement of disputes. The Working Group considered, in connexion with this principle, an alternative text on "peaceful settlement of disputes" proposed in a working paper submitted by the delegation of the Netherlands. The text proposed by the Netherlands was revised by some delegations in the light of discussions in the Working Group. The revised text was as follows:

"Without prejudice to the procedures provided for in the relevant instruments of the International Telecommunications Union, any dispute that may arise with respect to the interpretation or application of the present principles, should be resolved by prompt consultations among the parties to the dispute. Where a mutually acceptable resolution cannot be achieved by such consultations, it should be sought through other established procedures for the peaceful settlement of disputes mutually agreed between the parties."

Some delegations were of the view that this text was acceptable. Other delegations were of the view that the text in document 218 ought to be retained. The view was expressed that whatever text was retained, a foot-note, stating that the principle on "peaceful settlement of disputes" should be reviewed in light of all principles agreed on, should be included, at this stage, in the draft principles.

16. Copyright and neighbouring rights. The Working Group considered in connexion with this principle, a working paper submitted by the delegation of Belgium proposing the inclusion of the words "or the competent legal entities acting under their jurisdiction" at the end of the first sentence of the present text of the principle. The Working Group agreed to this proposal.

17. Notification to the United Nations. The view was expressed that the role of the United Nations should be wider than that provided for in the present text of the principle.

18. Consultation and agreements between States. Views were expressed in the Working Group on the principle as a whole and on particular provisions of the text of the principle.

(a) The principle as a whole. Some delegations expressed the view that the texts in documents 218 and L.117 were the product of a long history of negotiations and sought to present a delicate balance between different points of view on the central issue in the formulation of the principles. They were of the view that the principle as formulated in L.117 should be accepted. Some delegations were of the view that the principle as now formulated would limit the free flow of information, a fundamental human right reaffirmed in numerous international instruments, the most recent of which is the 1978 UNESCO Declaration. Some delegations expressed the view that the UNESCO Declaration has the purpose of recognizing the free flow not of all kinds of information but only of information contributing to the strengthening of peace and international understanding, the promotion of human rights and to countering racialism, apartheid and incitement to war. Some delegations were of the view that existing international law including ITU regulations made the principle unnecessary and that it was legally and practically not possible in view of the ITU rules that one State would subject another State to direct television broadcasts without its consent, and in this connexion reference was made to the United Kingdom working paper contained in annex IV of document A/AC.105/196. Some delegations were of

the view that the other principles being drafted would adequately protect each State's interests, including its cultural identity. Other delegations were of the view that it was because the ITU rules allowed for only very limited international television broadcasting by satellites and as the future may require an increase in such broadcasting that a principle on "consultation and agreements between States" was necessary. Some delegations expressed the view that direct television broadcasting based on consultation and agreements would not be contrary to the free flow of information and that such consultation and agreements were necessary to protect national sovereignty and a State's cultural identity. The view was also expressed that the principle on "consultation and agreements between States" was not sufficient in itself and that principles on "programme content" and "unlawful/inadmissible broadcasts" were necessary.

In summary, some delegations were of the view that the text of the present principle on "consultation and agreements between States" constituted a proper balance between the interests of broadcasting and receiving countries and should be retained. Some delegations expressed the view that it seemed unlikely that the text of the principle as formulated in document L.117 would lead to a consensus and that in the circumstances a rethinking of this principle which was a crucial principle seemed necessary.

Some delegations expressed interest in the working paper submitted by the delegation of the United States (document A/AC.105/C.2/L.118 reproduced in annex IV to the report of the Sub-Committee) which paper provided for prior notification and consultations, if requested, in order that a State proposing to establish or authorize international DBS service could take into account and give due regard to the interests and concerns of the interested receiving State. One delegation proposed that the United States working paper be amended by the insertion of an additional paragraph reading as follows: "No international DBS service may be established except in accordance with relevant instruments of the International Telecommunication Union." Some delegations also expressed interest in the working paper submitted by the delegation of Belgium (document A/AC.105/C.2/L.119, reproduced in annex IV to the report of the Sub-Committee) which, together with another working paper of the same delegation (document A/AC.105/C.2/L.120, reproduced in annex IV to the report of the Sub-Committee), is intended to replace the pertinent parts of documents 218 and L.117, in connexion with the reservations that delegation has on this subject. However, other delegations expressed the view that the principle should contain an obligation for broadcasting States to enter into agreement with the receiving State before establishing a DBS service specifically directed to that State.

(b) Paragraph 1. Some delegations expressed the view that paragraph 1 of the principle sought to present a delicate balance between different points of view. The word "service" in the first line, the reference to the ITU instruments, and the reference to "purpose" in the last three lines were important points. Other delegations were of the view that paragraph 1 was, for reasons already noted above, unnecessary and unacceptable. The view was expressed in this connexion

that paragraph 1 required a more precise definition of the terms "agreements and/or arrangements" which would guarantee the free exchange of information and ideas. Some delegations were of the view that in paragraph 1, after the phrase "in order to", the following words should be included: "to assure strict respect for the sovereign rights of States and non-interference in the internal affairs of other States"; and that the words "a more balanced" should be included before the words "dissemination of information". Some delegations were of the view that such additions to a text which had been the object of such long negotiations made a compromise on the whole set of principles very difficult if not impossible.

(c) Paragraph 2. There was no disagreement on the substance of this paragraph as the need for consultations was generally recognized. The view was expressed that the words "with the aim to reach an agreement" should be included before the word "if" in the last line of paragraph 2 of the principle. The view was expressed that a new sentence which would read: "In such cases the service shall not be established unless an agreement has been reached" should be added to the paragraph. The view was also expressed in this connexion that the words "For that purpose" at the beginning of paragraph 2 covered the above proposals. Some delegations were of the view that paragraph 2 in its present form should be accepted. Some delegations were of the view that paragraph 2 should be amended to allow for the possibility that broadcasting entities in different countries may consult with each other, if that is permissible under their national laws.

(d) Paragraph 3. Some delegations expressed the view that the history of negotiations of the principles suggested that a provision on "spill-over" ought to be included in the principle to achieve proper balance and to make it consistent with the ITU provisions on "spill-over". Other delegations were of the view that ITU provisions provided adequately for "spill-over" and that paragraph 3 was unnecessary. The view was expressed that paragraph 3 was unnecessary because special equipment would be required for the receiving of "spill-over" from another country. The view was expressed that the ITU rules allow for only very little international television broadcasting by satellite. The view was also expressed that paragraph 3 was only intended to deal with "spill-over" in its technical aspects. It did not touch on questions of programme content.

Attention was drawn to the fact that the ITU, in its seventeenth report on telecommunications and the peaceful uses of outer space (document A/AC.105/213 of 22 December 1977) stated that spill-over had been reduced to a minimum in the plan

elaborated at WARC 1977 consistent with No. 428A* of the Radio Regulations. It was expected that the technical conditions which prevail in reception from DBS are such that the possibility of reception of emissions, not intended in the plan for the coverage of the area considered, will be more difficult than in the case of terrestrial broadcasting.

19. Programme content and unlawful/inadmissible broadcasts. Some delegations were of the view that the principles on programme content and unlawful/inadmissible broadcasts should be retained. Other delegations were of the view that these principles could be deleted if the other principles were finalized. Some delegations were of the view that the two principles were not acceptable. The Working Group agreed that in paragraph 2 of the text on "Programme content" the word "commercial" which appeared before "advertising" could be deleted.

20. The Working Group held its final meeting on 5 April 1979, when it considered and approved the report to be made by its Chairman to the Sub-Committee.

21. The texts of the draft principles, as at the conclusion of the work of the Working Group, are set out in appendix A to this report.

* Radio Regulation 428A reads as follows:

"In devising the characteristics of a space station in the broadcasting satellite service, all technical means available shall be used to reduce, to the maximum extent practicable, the radiation over the territory of other countries unless an agreement has been previously reached with such countries."

Appendix A

TEXTS OF DRAFT PRINCIPLES AS CONTAINED IN THE REPORT OF THE
LEGAL SUB-COMMITTEE ON THE WORK OF ITS SEVENTEENTH SESSION
(A/AC.105/218, annex II, appendix), WITH CHANGES MADE AT THE
PRESENT SESSION

PRINCIPLES GOVERNING THE USE BY STATES OF ARTIFICIAL EARTH SATELLITES
FOR [INTERNATIONAL]* DIRECT TELEVISION BROADCASTING

The General Assembly,

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

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

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

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

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

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

.....

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

.....

* The term "international direct television broadcasting" is to be defined.

[lc. Recognizing the importance for free dissemination of information and ideas and a broader exchange of views between all countries of the world;]

.....

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

Purposes and objectives

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

Applicability of international law

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

Rights and benefits

Every State has an equal right to conduct activities in the field of direct television broadcasting by means of artificial earth satellites and to authorize such activities by persons and entities under its jurisdiction. All States and

* Use of the terms "should" and "shall" will be reviewed later when formulation of the principles is complete and it is clear what status the principles are to have and uniformity of terminology is considered.

peoples are entitled to and should enjoy the benefits from such activities. Access to the technology in this field should be available to all States without discrimination on terms mutually agreed by all concerned.

International co-operation

Activities in the field of direct television broadcasting by means of artificial earth satellites should be based upon and encourage international co-operation. Such co-operation should be the subject of appropriate arrangements.*

State responsibility

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

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

Duty and right to consult

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

Peaceful settlement of disputes**

Any dispute that may arise from activities in the field of direct television broadcasting by means of artificial earth satellites should be resolved by prompt consultations among the parties to the dispute. Where a mutually acceptable

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

** Some delegations indicated that they had a preference for the text in paragraph 15 of the report of the Chairman of the Working Group.

resolution cannot be achieved by such consultations, it should be sought through other established procedures for the peaceful settlement of disputes.

Copyright and neighbouring rights

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

Notification to the United Nations

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

Consultation and agreements between States

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

2. [For that purpose a State which proposes to establish or authorize the establishment of a direct television broadcasting service by means of artificial earth satellites specifically directed at a foreign State shall without delay

notify that State of such intention and shall promptly enter into consultations with that State if the latter so requests.]*

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

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

[(c) Delete paragraph 3.]

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

Programme content

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

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

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

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

Unlawful/inadmissible broadcasts

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

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

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

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

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

Appendix B

WORKING PAPERS SUBMITTED TO THE WORKING GROUP AT
THE PRESENT SESSION

Canada and Sweden: working paper
(A/AC.105/C.2/L.117)

[This working paper is reproduced in annex IV to the report of the
Sub-Committee.]

Iraq: working paper
(WG.II(1979)/WP.4)

International co-operation

Activities in the field of direct television broadcasting by means of
artificial earth satellites should be based upon and encourage international
co-operation. Such co-operation should be the subject of appropriate arrangements
and take account of the interests of developing countries in the use of direct
television broadcasting for the purpose of accelerating their national development.

Netherlands: working paper
(WG.II(1979)/WP.2/Rev.1)

Principle of state responsibility

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

[(Second paragraph unchanged.)]

Annex III

REPORT OF THE CHAIRMAN OF WORKING GROUP I

1. The Sub-Committee, at its 302nd meeting held on 12 March 1979, decided to re-establish Working Group I to continue its consideration of the draft treaty relating to the moon. The Working Group held five meetings between 26 March and 2 April.
2. The Working Group noted that the Legal Sub-Committee was required, under paragraph 4 (a) of General Assembly resolution 33/16 of 17 November 1978, to continue as a matter of priority its efforts to complete the draft treaty relating to the moon.
3. The Working Group had before it, and its discussions were based on, the text of a tentative draft agreement elaborated by the delegation of Austria and submitted to the Working Group during the seventeenth session of the Legal Sub-Committee as working paper WG.I(1978)/WP.2. In the course of that session it could, however, only be discussed in informal consultations, since time did not permit its consideration in the Working Group itself. The Sub-Committee, at its seventeenth session, expressed the hope that this working paper would facilitate the reaching of a consensus on an international instrument relating to the moon and other celestial bodies. The working paper had been reproduced as an appendix to the 1978 report of the Chairman of Working Group I at the seventeenth session of the Sub-Committee (A/AC.105/218, annex I).
4. At its 1st meeting on 26 March 1979, the Working Group discussed the organization of its work. The view was expressed that the text before the Working Group in its entirety was intended to serve as the compromise solution and could be considered only as a whole. Other delegations, however, held that the working paper should be reviewed in detail and priority be given to the question of the natural resources of the moon, generally regarded as the key issue. The view was also expressed that in accordance with what was contained in paragraph 61 of the report of the Committee on the Peaceful Uses of Outer Space for 1978 (A/33/20) there were other proposals on this item presented at previous sessions which could facilitate the work of the Sub-Committee. Finally, according to a consensus reached on this procedural question, it was decided that the text of the working paper should be considered article by article. In the course of this review, in accordance with past practice, those parts of the text on which no agreement could be reached were placed within square brackets at the request of some delegations who expressed the wish to do so.
5. In the course of the deliberations of the Working Group, some delegations also made statements of a general nature. In this connexion some delegations expressed the view that the treaty relating to the moon should be based on the following principles: (1) the treaty should cover the moon and all other celestial bodies of the solar system which are not subject to any other treaty or

legal instrument; (2) all States should obtain comprehensive information on the missions sent to the moon; (3) the moon, other celestial bodies and their natural resources should be considered as the common heritage of mankind; (4) an international régime governing the exploitation of the natural resources of the moon should be established. Other delegations were of the view that the scope of the treaty should be limited to the moon only and that since the exploration of the moon was only in the initial stage, this treaty should not contain any provisions on the natural resources of the moon and other celestial bodies. Some delegations declared that they could accept the Austrian text as it was. Some of these delegations however would have wished to introduce some technical amendments to the Austrian text.

6. The title of the document under review was set within square brackets and the words "Draft Treaty relating to the Moon" in brackets was introduced as another alternative. The references to "Agreement" were then put in square brackets throughout the working paper together with the addition of the word "Treaty" in brackets.

7. The words "and other celestial bodies" in preambular paragraphs 3 and 5 were put in square brackets at the request of some delegations.

8. During the review of the working paper, paragraph 1 of article I defining the scope of the treaty was put in square brackets at the request of some delegations. In the third line of this paragraph, after the word "norms", the words "or international agreements", and in the fourth line, after the word "force", the expression "at the international level", were introduced in square brackets. Some delegations expressed the view that the relationship between the various paragraphs of article I as well as between article I and other articles of the text should be re-examined at a later stage. The view was also expressed that the text was clear and that no re-examination was necessary.

9. In article VII, paragraph 1, after the words "extra-environmental matter", the words "especially nuclear materials" were added in square brackets. Paragraph 2 of article VII was set in square brackets. In the bracketed paragraph 2 of this article the words "to the maximum extent feasible" were set in square brackets.

10. Article XI as a whole was put within square brackets at the request of some delegations. In this article which in its entirety remained in square brackets, the following new text replaced paragraph 1: "The moon and its natural resources are the common heritage of mankind, which finds its expression in the provisions of this [Agreement] [Treaty] and in particular in paragraph 5 of this article." In paragraph 5 of the same article the words "as such exploitation is about to become feasible" were put in square brackets at the request of some delegations and in paragraph 7 in the penultimate line after the words "have contributed" the words "either directly or indirectly" were included. The delegations who proposed the new text for article XI, paragraph 1, referred to above, stated that it was

in a concerted effort to find language that would facilitate the reaching of consensus on the subject, and that if there could be found tentative agreement on this proposal as a whole, they would seek authority from their respective Governments to accept the Austrian text as a whole without any further substantial changes. However, general agreement did not prove to be possible.

11. In article XV the last sentence of paragraph 1 was reworded for the sake of clarification, as follows: "In pursuance of this article, any State Party may act on its own behalf or with the full or partial assistance of any other State Party or through appropriate international procedures within the framework of the United Nations and in accordance with the Charter."

12. Article XVIII was put in square brackets. The delegation of Belgium submitted a working paper relating to this article (WG.I(1979)/WP.2), which proposed the division of the text in two paragraphs and the addition of a third paragraph, but since the whole article XI and article XVIII appear now in square brackets, this delegation did not ask for the consideration of its working paper during the present session.

13. On article XIX a new working paper (WG.I(1979)/WP.1) was submitted by the delegation of the Netherlands. This text, after having been slightly modified and put in square brackets, replaced article XIX of document WG/I(1978)/WP.2. At the same time, article XVIII of the text approved by the Sub-Committee during its 1972 session and reproduced in document A/AC.105/196 of 11 April 1977 (annex I, pp. 55-56) was retained after having been put in square brackets as another alternative to article XIX.

14. In article XX, as well as in article XXI, square brackets were placed around the words "the Secretary-General of the United Nations".

15. The hope was expressed in the Working Group that further efforts would be made in the course of the next session of the Legal Sub-Committee in order to achieve a consensus on an international instrument relating to the moon and other celestial bodies.

16. The working paper reflecting the outcome of the review of working paper WG.I(1978)/WP.2, as well as working papers WG.I(1979)/WP.1 and WG.I(1979)/WP.2 submitted to Working Group I during the present session of the Legal Sub-Committee are reproduced in appendices A and B to this report.

17. The Working Group, at its meeting held on 2 April 1979, considered and approved the report of the Chairman.

Appendix A

WORKING PAPER REFLECTING THE OUTCOME OF THE REVIEW AT THE
PRESENT SESSION OF WORKING PAPER WG.I(1978)/WP.2 OF
3 APRIL 1978*

[Agreement Governing the Activities of States on the Moon and other
Celestial Bodies] [Draft Treaty relating to the Moon]

The States Parties to this Agreement

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

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

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

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

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

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

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

Have agreed on the following:

* Working paper WG.I(1978)/WP.2 is reproduced in A/AC.105/218, annex I, appendix.

Article I

1. [The provisions of this [Agreement] [Treaty] relating to the moon shall also apply to other celestial bodies within the solar system, other than the earth, except in so far as specific legal norms [or international agreements] enter into force [at the international level] with respect to any of these celestial bodies].

2. For the purposes of this [Agreement] [Treaty] reference to the moon shall include orbits around or other trajectories to or around it.

3. This [Agreement] [Treaty] does not apply to extra-terrestrial materials which reach the surface of the earth by natural means.

Article II

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

Article III

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

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

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

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

Article IV

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

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

Article V

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

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

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

Article VI

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

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

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

Article VII

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

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

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

Article VIII

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

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

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

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

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

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

Article IX

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

2. Stations shall be installed in such a manner that they do not impede the free access to all areas of the moon of personnel, vehicles and equipment of other States Parties conducting activities on the moon in accordance with the provisions of this [Agreement] [Treaty] or of Article I of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies.

Article X

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

personnel of a spacecraft within the meaning of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space.

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

Article XI

[1. The moon and its natural resources are the common heritage of mankind, which finds its expression in the provisions of this [Agreement] [Treaty] and in particular in paragraph 5 of this article.

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

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

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

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

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

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

/...

- (a) The orderly and safe development of the natural resources of the moon;
- (b) The rational management of those resources;
- (c) The expansion of opportunities in the use of those resources; and
- (d) An equitable sharing by all States Parties in the benefits derived from those resources,

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

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

Article XII

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

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

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

Article XIII

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

Article XIV

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

2. States Parties recognize that detailed arrangements concerning liability for damage sustained on the moon, in addition to the provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies and the Convention on International Liability for Damage Caused by Space Objects, may become necessary as a result of more extensive activities on the moon. Any such arrangements shall be elaborated in accordance with the procedure provided for in article XVIII of this [Agreement] [Treaty].

Article XV

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

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

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

Article XVI

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

Article XVII

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

Article XVIII

[Ten years after the entry into force of this [Agreement] [Treaty], the question of the review of the [Agreement] [Treaty] shall be included in the provisional agenda of the United Nations General Assembly in order to consider, in the light of past application of the [Agreement] [Treaty], whether it requires revision. However, at any time after the [Agreement] [Treaty] has been in force for five years, the Secretary-General of the United Nations, as depository, shall, at the request of one third of the States Parties to the [Agreement] [Treaty] and with the concurrence of the majority of the States Parties, convene a conference of the States Parties to review this [Agreement] [Treaty]. A review conference

shall also consider the question of the implementation of the provisions of article XI, paragraph 5, on the basis of the principle referred to in paragraph 1 of that article and taking into account in particular any relevant technological developments.]

Article XIX

Alternative A

1. This [Agreement] [Treaty] shall be open to all States for signature. Any State which does not sign this [Agreement] [Treaty] before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.
2. This [Agreement] [Treaty] 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 [Agreement] [Treaty] shall enter into force upon the deposit of instruments of ratification by five Governments including the Governments designated as Depositary Governments under this [Agreement] [Treaty].
4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this [Agreement] [Treaty], 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 [Agreement] [Treaty], the date of its entry into force and other notices.
6. This [Agreement] [Treaty] shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.]

Alternative B

1. This [Agreement] [Treaty] shall be open for signature by all States at United Nations Headquarters in New York.
2. This [Agreement] [Treaty] shall be subject to ratification by signatory States. Any State which does not sign this [Agreement] [Treaty] before its entry into force in accordance with paragraph 3 of this article may accede to it at any time. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. This [Agreement] [Treaty] shall enter into force on the 30th day following the date of deposit of the fifth instrument of ratification.

4. For each State depositing its instrument of ratification or accession after the entry into force of this [Agreement] [Treaty], it shall enter into force on the 30th day following the date of deposit of such instrument.

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

Article XX

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

Article XXI

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

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

Appendix B

WORKING PAPERS SUBMITTED TO THE WORKING GROUP
AT THE PRESENT SESSION

Netherlands: working paper
(WG.I(1979)/WP.1)

Article XIX

1. This Agreement shall be open for signature by all States at United Nations Headquarters in New York.
2. This Agreement shall be subject to ratification, approval or acceptance by signatory States. Any State which does not sign this Agreement before its entry into force in accordance with paragraph 3 of this article may accede to it at any time. Instruments of ratification, approval, acceptance or accession shall be deposited with the Secretary-General of the United Nations.
3. This Agreement shall enter into force on the 30th day following the date of deposit of the fifth instrument of ratification, approval or acceptance.
4. For each State depositing its instrument of ratification, approval, acceptance or accession after the entry into force of this Agreement, it shall enter into force on the 30th day following the date of deposit of such instrument.
5. The Secretary-General shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification, approval, acceptance of, or accession to this Agreement, the date of its entry into force and other notices.

Belgium: working paper
(WG.I(1979)/WP.2)

Article XVIII

Divide in paragraphs to read:

1. Ten years ... requires revision.
2. However ... developments.

Add a paragraph:

3. Under the same conditions as set out in the preceding paragraphs, the Secretary-General of the United Nations, as depositary, shall convene a conference of the States Parties to negotiate the establishment of the international régime foreseen by the provisions of article XI, paragraph 5.

/...

Annex IV

DOCUMENTS SUBMITTED TO THE LEGAL SUB-COMMITTEE
AT THE PRESENT SESSION

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

Romania: working paper
(A/AC.105/C.2/L.122 of 26 March 1979)

Principle XII

By virtue of the principle of permanent sovereignty over its wealth and natural resources, the State whose territory is sensed shall have the right of access to the data and information relating to its territory.

The right to consult recordings relating to a State's own territory may not be made subject to any condition.

The right to receive the images obtained by remote sensing from space shall be exercised on the basis of agreements which must establish reasonable prices.

Romania: working paper
(A/AC.105/C.2/L.123 of 26 March 1979)

Principle XIII

1. Remote sensing activities shall be conducted exclusively for peaceful purposes, with full respect for the principle of permanent sovereignty of all States and all peoples over their wealth and their natural resources and for their inalienable right to dispose of them, including the right of access to information relating to them.

2. The remote sensing activities carried out by certain States in virtue of the freedoms set forth in article 1 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, shall be conducted in conformity with the provisions of the present principles, with due regard for the rights and interests of other States.

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

Canada and Sweden: working paper
(A/AC.105/C.2/L.117 of 15 February 1979)
[Clean text]

Principles governing the use by States of artificial earth
satellites for direct television broadcasting

The General Assembly,

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

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

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

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

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

Purposes and objectives

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

Applicability of international law

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

Rights and benefits

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

International co-operation

Activities in the field of international direct television broadcasting by means of artificial earth satellites should be based upon and encourage international co-operation. Such co-operation should be the subject of appropriate arrangements.

State responsibility

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

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

Duty and right to consult

Any State requested to do so by another State should promptly enter into consultations with the requesting State concerning matters covered by these principles that are likely to affect the requesting State.

Peaceful settlement of disputes

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

Copyright and neighbouring rights

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

Notification to the United Nations

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

Consultation and agreements between States

1. A direct television broadcasting service by means of artificial earth satellites specifically directed at a foreign State, which shall be established only when it is not inconsistent with the provisions of the relevant instruments of the International Telecommunication Union, shall be based on appropriate agreements and/or arrangements between the broadcasting and receiving States or the broadcasting entities duly authorized by the respective States, in order to

facilitate the freer and wider dissemination of information of all kinds and to encourage co-operation in the field of information and the exchange of information with other countries.

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

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

United States of America: working paper
(A/AC.105/C.2/L.118 of 22 March 1979)

Replace the present paragraphs 1 and 2 of the principle now entitled "Consultation and agreements between States" with the following:

"A State which proposes to establish or authorize the establishment of an international direct television broadcasting service by means of artificial earth satellites specifically aimed at a foreign State should, without delay, notify that State of such intention and should promptly enter into consultations with that State if the latter so requests. The State which proposes to establish or authorize such a service should take into account and give due regard to the interests and concerns of the foreign State in regard to the proposed service, as set forth in such consultations. Any such consultations should also be premised upon facilitating a free flow and a wider dissemination of information of all kinds and encouraging co-operation in the field of information and the exchange of information with other countries."

Belgium: working paper
(A/AC.105/C.2/L.119 of 22 March 1979)

Amendment calling for the replacement of the draft principle entitled "Consultation and agreements between States" in document A/AC.105/218, appendix to annex II, and document A/AC.105/C.2/L.117 by the following text:

"Agreements between States on the exchange of programmes

"In order to facilitate the freer and wider dissemination of information of all kinds and to encourage co-operation in the field of information and the exchange of information with other countries, (broadcasting and receiving) States may agree, bilaterally or multilaterally, directly or through their duly authorized broadcasting entities, to lend each other or pool the direct television broadcasting facilities available to them under the relevant instruments of the International Telecommunication Union, for the purpose of exchanging programmes for broadcasting to the public in their respective countries."

Belgium: working paper
(A/AC.105/C.2/L.120 of 22 March 1979)

Amendment to document A/AC.105/218, appendix to annex II, and to document A/AC.105/C.2/L.117.

Add the following wording at the end of the preambular part:

"Recognizing that in no instance does the scope of these principles cover national direct television broadcasting services or overspill within the limits established under the relevant instruments of the ITU."

C. MATTERS RELATING TO THE DEFINITION AND/OR DELIMITATION OF OUTER SPACE AND OUTER SPACE ACTIVITIES, BEARING IN MIND, INTER ALIA, QUESTIONS RELATING TO THE GEOSTATIONARY ORBIT

Union of Soviet Socialist Republics: working paper
(A/AC.105/C.2/L.121 of 28 March 1979)

Approach to the solution of the problems of the delimitation of air space and outer space

1. The region above 100 (110) km altitude from the sea level of the earth is outer space.
2. The boundary between air space and outer space shall be subject to agreement among States and shall subsequently be established by a treaty at an altitude not exceeding 100 (110) km above sea level.
3. Space objects of States shall retain the right to fly over the territory of other States at altitudes lower than 100 (110) km above sea level for the purpose of reaching orbit or returning to earth in the territory of the launching State.
