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COMMITTEE ON THE PEACEFUL USES
OF OUTER SPACE
Nineteenth session

DRAFT REPORT OF THE COMMITTEE ON THE PEACEFUL USES OF
OUTER SPACE ON THE WORK OF ITS NINETEENTH SESSION

Addendum

II. RECOMMENDATIONS AND DECISIONS

A. Report of the Legal Sub-Committee

15. The Committee took note with appreciation of the report of the Legal Sub-Committee on the work of its fifteenth session (A/AC.105/L.71) covering the results of its deliberation on the items assigned by General Assembly resolution 3388 (XXX). Those items, which the Sub-Committee considered as matters of high priority at its session were: the draft treaty relating to the moon; the elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting; and the legal implications of remote sensing of the earth from space. The Sub-Committee also gave some consideration to matters relating to the definition and/or delimitation of outer space and outer space activities.

16. The Committee took note of the progress reached by the Sub-Committee in its effort to complete the text of the draft treaty relating to the moon as indicated in paragraphs 19 to 22 of its report and the report of the Chairman of Working Group I contained in annex I of the report of the Sub-Committee. The Committee noted, in particular, that Working Group I of the Sub-Committee continued to give priority to the question of natural resources of the moon, which it considered as the basis of articles X and X bis elaborated at the previous session of the Sub-Committee as well as other relevant proposals before it. The Committee furthermore noted that during the exchange of views conducted by the Working Group serious efforts had been made to reach a compromise solution which, unfortunately, had proved unsuccessful due to lack of consensus.

17. In the course of its present session, the Committee heard statements by its members underlining some basic issues with which the Sub-Committee had been

confronted. In view of the fact that a large measure of compromise had already been found possible, the Committee expressed the hope that at the next session of the Sub-Committee, further determined efforts would be made to finalize the text of the draft treaty relating to the moon and to submit it for approval to the Committee at its twentieth session. The Committee therefore recommended that the Legal Sub-Committee consider this item with priority at its forthcoming session with a view to completing the text of the draft treaty.

18. The Committee noted that the Legal Sub-Committee had made considerable progress in the elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting, with a view to concluding an international agreement or agreements, in accordance with General Assembly resolutions 2916 (XXVII) of 9 November 1972 and 3388 (XXX) of 18 November 1975. In particular, the Committee noted with satisfaction that the Sub-Committee, through its Working Group II, had been successful in formulating the nine principles referred to in paragraphs 26 of its report and the report of the Chairman of Working Group II in annex II of the report of the Sub-Committee. The nine principles dealt with purposes and objectives, applicability of international law, rights and benefits, international co-operation, State responsibility, duty and right to consult, peaceful settlement of disputes, copyright and neighbouring rights, and notification to the United Nations.

19. The Committee also noted with satisfaction that, due to further progress and consultations during the session, it was found no longer necessary to formulate principles relating to spill-over and disruption, enabling the Sub-Committee, consequently, to devote its attention at its next session to the three remaining principles, namely, consent and participation, programme content, and unlawful/inadmissible broadcasts.

20. The Committee during its current session heard further views expressed by its members on these and other principles, and commended these views to the attention of the Sub-Committee. In view of the importance of technical aspects of direct broadcast requiring further regulations by the International Telecommunication Union which will hold its World Administrative Radio Conference (WARC) for that purpose in January 1977, the Committee recommended that the Sub-Committee take into account, as appropriate, the results of the deliberations in that conference.

21. The Committee noted that the Legal Sub-Committee in continuing its detailed consideration of the item relating to legal implications of earth resources survey by remote sensing satellites as requested by General Assembly resolution 3388 (XXX) of 18 November 1975 had also made progress. The Committee noted with satisfaction that through its Working Group III, the Legal Sub-Committee had been able to formulate the texts of five draft principles, the first four of which were based on the common elements as referred to in paragraph 6 of the report of Working Group III contained in annex III of the report of the Sub-Committee. It further noted with satisfaction that the Working Group had been successful in identifying three new common elements referred to in paragraph 7 of its report. In view of the progress

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achieved, the Committee recommended that the Sub-Committee continue to give consideration to the legal implications of remote sensing of the earth from space, taking into account the observations made by members of the Committee at its current session, as well as such recommendations as the Scientific and Technical Sub-Committee might wish to bring to the attention of the Legal Sub-Committee.
