

AnnexPRINCIPLES GOVERNING THE USE BY STATES OF ARTIFICIAL EARTH SATELLITES
FOR INTERNATIONAL DIRECT TELEVISION BROADCASTINGPurposes and objectives

1. Activities in the field of international direct television broadcasting by satellite should be carried out in a manner compatible with the sovereign rights of States, including the principle of non-intervention as well as with the right of everyone to seek, receive and impart information and ideas as enshrined in the relevant United Nations instruments.
2. Such activities should promote the free 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 qualities of life of all peoples and provide recreation with due respect to the political and cultural integrity of States.
3. These activities should accordingly 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.

Applicability of international law

Activities in the field of international direct television broadcasting by satellite 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 satellite 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 satellite should be based upon and encourage international co-operation. Such co-operation should be the subject of appropriate arrangements. Special consideration should be given to the needs of the developing countries in the use of international direct television broadcasting by satellite for the purpose of accelerating their national development.

Peaceful settlement of disputes

Any international dispute that may arise from activities covered by these principles should be settled through established procedures for the peaceful settlement of disputes agreed upon by the parties to the dispute in accordance with the provisions of the Charter of the United Nations.

State responsibility

1. States should bear international responsibility for activities in the field of international direct television broadcasting by satellite carried out by them or under their jurisdiction and for the conformity of any such activities with the principles set forth in this document.
2. When international direct television broadcasting by satellite is carried out by an international intergovernmental organization, the responsibility referred to in the above paragraph should be borne both by that organization and by the States participating in it.

Duty and right to consult

Any broadcasting or receiving State within an international direct television broadcasting satellite service established between them requested to do so by any other broadcasting or receiving State within the same service should promptly enter into consultations with the requesting State regarding its activities in the field of international direct television broadcasting by satellite without prejudice to other consultations which these States may undertake with any other State on that subject.

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 neighboring 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 international direct television broadcasting by satellite 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.

Consultations and agreements between States

1. A State which intends to establish or authorize the establishment of an international direct television broadcasting satellite service shall without delay notify the proposed receiving State or States of such intention and shall promptly enter into consultation with any of those States which so requests.
2. An international direct television broadcasting satellite service shall only be established after the conditions set forth in paragraph 1 above have been met and on the basis of agreements and/or arrangements in conformity with the relevant instruments of the International Telecommunication Union and in accordance with these principles.
3. With respect to the unavoidable overspill of the radiation of the satellite signal, the relevant instruments of the International Telecommunication Union shall be exclusively applicable.

V.

Resolution adopted by the General Assembly of the United Nations
(Thirty-sixth session)

A/RES/36/40

**WORLD COMMUNICATIONS YEAR:
DEVELOPMENT OF COMMUNICATIONS INFRASTRUCTURES**

The General Assembly,

Recalling its resolution 32/160 of 19 December 1977 on the Transport and Communications Decade in Africa, in which it requested the Secretary-General, in consultation with the International Telecommunication Union and other specialized agencies concerned, to propose for consideration, as appropriate, one year during the Decade as a World Communications Year, in view of the importance of transport and communications to other regions of the world,

Recalling also its resolution 35/109 of 5 December 1980 on the World Communications Year, by which it endorsed the arrangements made by the Economic and Social Council concerning the Year,

Recalling further Economic and Social Council resolution 1981/60 of 23 July 1981 in which the Council proposed that the year 1983 should be proclaimed as World Communications Year: Development of Communications Infrastructures,

Taking into account the guidelines for future international years adopted in its decision 35/424 of 5 December 1980,

Having examined the note from the Secretary-General of the International Telecommunication Union concerning the mobilization of voluntary resources for the World Communications Year,

Recognizing the fundamental importance of communications infrastructures as an essential element in the economic and social development of all countries,

Convinced that a World Communications Year would provide the opportunity for all countries to undertake an in-depth review and analysis of their policies on communications development and stimulate the accelerated development of communications infrastructures,

1. *Endorses* the proposal made by the Economic and Social Council in paragraph 1 of its resolution 1981/60 and proclaims the year 1983 World Communications Year: Development of Communications Infrastructures, with the International Telecommunication Union serving as the lead agency for the Year and having responsibility for co-ordinating the interorganizational aspects of the programmes and activities of other agencies;
2. *Requests* all States to participate actively in the attainment of the objectives of the World Communications Year;

3. *Invites* the competent organizations and agencies of the United Nations system to co-operate closely with the Secretary-General of the International Telecommunication Union, within their respective terms of reference, for the implementation of the programme for the World Communications Year;
4. *Invites* non-governmental organizations and users of communications services to participate actively in the World Communications Year and to secure the fullest possible co-ordination of their programmes for the Year, particularly at the national level;
5. *Invites* Governments and other interested organizations to make voluntary contributions to the World Communications Year through the special Fund for World Communications Year co-ordinated by the International Telecommunication Union, in order to ensure increased financing of projects at the national, regional and global levels;
6. *Appeals* to governmental authorities and appropriate organizations to make circuits available for reporting on the activities of the World Communications Year through existing means of information, including radio and television broadcasts, in collaboration with those authorities;
7. *Requests* the Secretary-General of the International Telecommunication Union to report to the General Assembly at its thirty-seventh session, through the Economic and Social Council at its second regular session of 1982, on the state of preparations for the World Communications Year.

VI.

RESOLUTIONS ON SPACE LAW ADOPTED BY THE 60TH CONFERENCE OF THE INTERNATIONAL LAW ASSOCIATION, AUGUST 29 - SEPTEMBER 4, 1982 MONTREAL, CANADA

RESOLUTION I

The 60th Conference of the International Law Association held in Montreal 29 August - 4 September, 1982:—

1. *Is convinced* that a generally accepted Moon Treaty can contribute to a greater measure of international cooperation in outer space, and recommends to States who have as yet not ratified this Treaty to do so without further delay;
2. *Considers* that the principle of "Common Heritage of Mankind," as adopted in the Moon Treaty, is in need of further elaboration, and draws the attention of the United Nations to the importance of the United Nations working out legal norms aimed at the implementation of this principle;
3. *Is of the opinion* that under the terms of the Moon Treaty, there is no moratorium on the exploitation of the natural resources of the moon, prior to the establishment of the international regime as provided for in Art. XII (5) of this Treaty;
4. *Draws the attention* of the Geneva Committee on Disarmament to the importance of a strict observance of Art. III of the Moon Treaty, and expresses the hope that the United Nations will consider measures for insuring such observance.

RESOLUTION II

The 60th Conference of the International Law Association held in Montreal 29 August - 4 September, 1982:—

Notes with approval the report of the Rapporteur of the Space Law Committee based on answers from Committee Members to a questionnaire, *recommends* that the

Committee now start the formulation of a *Draft Convention on the Settlement of Space Law Disputes* on the basis of the report, of the discussion held during the Montreal Conference, and on the basis of the following:

Basic Principles for a Draft Convention on the Settlement of Space Law Disputes:

1. The Convention should provide states with a choice for its application to:
 - (a) all space law disputes with other states parties;
 - (b) application to specific areas of space law as may be dealt with in specific bilateral or multilateral treaties;
 - (c) certain categories of disputes or certain sections of the Convention, subject to such exceptions that the state may wish to claim.
2. The Convention should in one section provide for non-binding settlement methods including recommendatory awards, but should in another section provide for binding methods of settlement upon application by one of the parties, if the other party does not agree to the conclusions of such non-binding methods.
3. The Convention should provide states with a choice among different settlement methods which, for binding settlement, should include adjudication by the International Court of Justice as well as administered and ad-hoc arbitration.
4. The Convention should provide that states parties have to select one method for binding settlement within the choice given according to Principle 3.
5. The Convention should stress that states parties have an obligation to fulfill decisions of the tribunal chosen under Principle 4.
6. In the Convention or as an annex thereto a "dispute settlement clause" should be drafted which could serve as a model to be included into future bilateral or multilateral treaties on Space Law.

VII.

SOUTH AMERICAN SPACE AGENCY *

PREAMBLE

The States Parties to this Agreement:

Considering that international co-operation must transcend morality and charity and occupy a clear position in the field of law,

Reaffirming the principles contained in resolution 1721 (XVI) of 20 December 1961 on the peaceful uses of outer space, and the 1970 Declaration on the Prohibition of the Use or Threat of Force, which is universal in character,

* Translated from Spanish and made available through the courtesies of Mr. Raimundo Gonzalez, First Secretary, Permanent Mission of Chile to the United Nations. For a discussion of this proposal, see Events of Interest, p. 218, *supra*.

Declaring that pursuant to these principles and those set forth in the "Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies", outer space must be used and exploited for the benefit and in the interest of all countries, regardless of the level of their scientific or economic development,

Bearing in mind the Declaration on Social Progress and Development of the United Nations General Assembly, especially article 3 (d) on permanent sovereignty of each nation over its natural wealth and resources,

Aware that, for these principles to have practical application, it is necessary to establish regional machinery for co-operation and that the establishment of such machinery implies, furthermore, the elimination of any possibility of militarizing outer space in the South American region,

Have agreed as follows:

Article 1

An international intergovernmental body known as the South American Space Agency shall be established. It shall be constituted by the present Agreement and its statutes. It shall have legal personality and the capacity necessary for the exercise of its functions and the achievement of its objectives, including the capacity to:

- (a) Conclude agreements with States or international organizations;
- (b) Employ staff;
- (c) Acquire and dispose of property;
- (d) File lawsuits.

Article 2

The South American Space Agency shall channel the cooperation among the countries in the area towards a mutual elaboration, execution and financing of projects for the utilization of space technology entailing economic and social development of the peoples.

Article 3

All the countries of the South American region, who should be willing to comply with this convention and its statutes may be members of the Agency.

Article 4

There shall be equal participation of the various States and said participation shall not be subject to any sort of discrimination. The only requirement for joining this body is that of being a South American country.

Article 5

The main objectives of the body shall be to ensure and to develop, exclusively for peaceful purposes, the cooperation among the South American countries in the fields of research and utilization of space technology.

Towards this end, a long-term space policy shall be drawn and the coordination and the integration of national programmes with those pertaining to the Agency shall be ensured.

Article 6

The programmes shall be based on the principles of independence, balance and cooperation.

Article 7

An equitable distribution of resources between the scientific programmes and those of applicability (tele-observation, meteorology and tele-communications) should prevail. To this effect, the Agency shall exert itself in an effort to secure adequate means and infrastructure towards that end. Should this not be feasible, in a first stage, it shall seek to negotiate the necessary agreements in order that the region may wholly benefit from such an important development instrument.

Composition of the bodyArticle 8

The highest organ of the Agency shall be the Council, which shall be entrusted with the elaboration of the policy. The Council shall be composed of representatives of all member States and it shall draw the policy to be followed in scientific, technical, administrative and financial fields. To this effect, each State shall have the right to speak and shall be entitled to one vote.

Article 9

Unanimity of members of the Council shall be required for the adoption of decisions which affect the current budget of the Agency or its modification.

Other types of decisions shall be taken by a two-thirds majority of the total members of the Council on first reading and by a two-thirds majority of those present on second reading.

No more than 15 working days shall elapse between the first and second readings.

Article 10

There shall be established under this Agreement a Committee for Programmes and Scientific Research with the task of carrying out research and proposing projects for more effective use of space technology.

The implementation of projects shall be decided upon unanimously by members of the Council and shall be compatible with what each State is carrying out individually in that field.

Article 11

If circumstances so require, various committees shall be established in the areas to which the Council deems it necessary to accord priority.

Article 12

The Council shall appoint, by unanimous decision of its members at its first regular session, a Director-General, who shall be of the nationality of one of the member States. In the event that there is no agreement on his appointment, an extraordinary meeting shall be convened and shall take the necessary decision by the two-thirds majority mentioned in the second paragraph of article 9 of this Convention.

The Director-General shall have a term of office of three years and shall be eligible for re-election only once. His functions shall be:

- (a) To convene meetings of the Council and of the respective committees;
- (b) To employ, in agreement with the Council (two-thirds of its members), the staff necessary for the proper functioning of the Agency;
- (c) To act as the representative of the Council;
- (d) To carry out on behalf of the Council the functions which it assigns to him.

He shall be assisted in his functions by directors in charge of the various areas of work.

Article 13

The directors of the area shall be appointed by a two-thirds majority of the members of the Council and on the proposal of the Director General. Only to this effect, the Director General shall be entitled to one vote.

Article 14

The members of the Council shall be required to hold, in their respective countries, the rank of Minister of State or the equivalent. They may be represented by highly qualified persons on space matters, of a political, juridical or technical nature.

Article 15

There shall be a Legal Adviser in the Organization, who will depend directly on the Director General and who shall be appointed in accordance with provisions of Art. 13. He shall assist him on all legal matters and suggest new courses of action in international fora, both public and private, in which the formulation of positive norms of Space Law should be discussed. In that regard, he shall also be entrusted with studies and research conducive to a speedy consolidation of said juridical science, for the benefit of all developing countries. The Council shall be informed of said research in an extraordinary sessions, which shall be attended by the Director General and by the Legal Adviser.

Cooperation with other States and OrganizationsArticle 16

The body shall promote the cooperation with non-member States and with public or private international organizations, which may be granted the status of observers in the Agency.

In this regard, it shall basically seek the collaboration of nations which might contribute effectively to the plans of utilization of technology for the economic and social development of the region.

The establishment of an institutionalized relationship with the European Space Agency is specifically recommended in order to plan the exchange of missions and to enable technicians of the area to enjoy grants offered by said agency.

FinancingArticle 17

The budget of the organization shall be financed by the member States, who shall contribute in accordance with their national income.

The ordinary budget shall cover the following items:

- (a) Operating expenses of the Agency;
- (b) Donations received from member States, international organizations or third States;
- (c) Costs of the necessary scientific and research activities.

There shall be optional programmes which shall be carried out in accordance with a flexible formula. Each State which participates in a specific programme shall decide upon the percentage of its contribution.

Settlement of disputesArticle 18

All disputes which arise in connexion with the rights and obligations of member States, and those in connexion with the interpretation of this Agreement, shall be settled by diplomatic negotiation between the parties and in general by the procedures set forth in article 24 of the Charter of the Organization of American States.

In any event, whenever a dispute arises between two or more member States which, in the opinion of one of them, cannot be settled through current diplomatic means, the parties shall agree on any other peaceful means, ^{that} will permit them to reach another solution.

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