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I. INTRODUCTION

In the present state of interdependence of peoples, all national activities extending beyond the frontiers of the country of origin must be limited and conditioned according to law. The international community is steadily progressing in the elaboration of a more perfect law of mankind, independently from the law of States individually considered. Those areas of specialization which are most developed at the moment, such as human rights, atomic energy law, the law of the sea-bed and ocean floor, the protection of the environment and, particularly, the law of outer space, are contributing toward this new expression of man in society and in a planetary dimension. Within the field of space law, the so-called "law of social communication" has lately been breaking new ground in such a way and to such an extent as to potentially affect the supreme interests of mankind.

From time immemorial, man has endeavored to obtain the recognition of those rights that are inherent in his human condition and connected to his social relationship. Nevertheless, in the face of every new technological achievement, it not only appears that the rights of persons are stagnant, but also that they are receiving less consideration. Furthermore, a tendency to ignore them may even be felt.

An example of this anti-legal situation may be observed among such intergovernmental organizations as the United Nations. Here, paradoxically, the Universal Declaration of Human Rights was born.

For this reason, it is understood that the firmest premise to be adopted by the jurist, when dwelling upon the idea of technological progress, is that law should not only march hand in hand with technique, but its scientific nature should also enable it to anticipate the technical facts. Its evolutionary tempo should be rapid since it is not subject to any experimentation phase whatsoever.

It is undeniable that we are living in a technological era which has not brought the welfare expected by man. One of the causes for this lack of harmony between the spiritual ambitions and material comforts is in fact a certain evasion of law.

Professor Federico N. Escalado, on the occasion of his admission to the National Academy of Law and Social Sciences of Buenos Aires, on October 23, 1973, entitled his dissertation "A Time of Law." He developed the thesis that all the contemporary

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problems of civilization, including violence in any of its form, are due to a departure from law and that today, more than ever before, man lives in a time of law. Man undoubtedly needs this for himself, for self-preservation and subsistence.

II. LAW AND TECHNOLOGY IN DIRECT BROADCAST

The national and international academic institutes which have dealt with the legal problems of direct broadcast have unanimously established the necessity of regulating such an individually and socially transcendental activity.

The meetings of broadcast associations and unions, together with professional considerations, emphasize a very significant role for the law, and have also pointed to the necessity of regulation.

Within the United Nations' specialized agencies which have a competence other than legal, such as UNESCO and ITU (International Telecommunication Union), formal declarations and regulations have been agreed upon, indicating very much the presence of law. Perhaps it could be said that law is presiding, in spite of the technical nature of the documents.

At its 17th session, the UNESCO General Conference adopted a previously prepared Draft Declaration of Guiding Principles on the Use of Satellite Broadcasting for the Free Flow of Information, and Spread of Education and Greater Cultural Exchange.¹

The World Administrative Radio Conference on Space Telecommunications (WARC-ST) has taken measures and adopted resolutions concerning the definition of broadcasting-satellite service. It revised the Table of Frequency Allocations; determined the necessity of concluding agreements among countries affected by the transborder radiation, and the necessity of introducing new provisions in regard to the use of the geostationary orbit; adopted Resolution *Spa 2-1* relating to the use of the frequencies of space radio-communications services by all countries on a basis of equality,² and voted Resolution *Spa 2-2* relating to the establishment of agreements and associated plans for the broadcasting-satellite services which provides that stations in the broadcasting-satellite service shall be established and operated in accordance with agreements and associated plans adopted by World or Regional Administrative Conferences.³

Likewise, UNESCO and WIPO (World Intellectual Property Organization) prepared a draft convention that prohibits the unauthorized distribution of program-carrying signals transmitted by satellites. The draft was revised in Nairobi in 1973 during the third

¹UNESCO, Docs. 16 C/Res. 4. 132(b) and 17 C/76.

²Partial Revision of Radio Regulations and Final Protocol: Space Telecommunications, signed at Geneva on July 17, 1971, entered into force on January 1, 1973, T.I.A.S. 7435 at Res. Spa 2-1.

³Partial Revision of Radio Regulations, *supra* note 1, Res. Spa 2-2.

meeting of the Governmental Experts' Committee. A diplomatic conference for dealing with the subject is expected to be held in 1974.

Finally, private industry has been considering the possibility of using direct broadcast in the not too distant future, and such possibility may well be appreciated by anyone who witnessed the Aeronautical Show at Le Bourget in the Summer of 1973.⁴ Some weeks later, however, one of the delegations participating in the U. N. Working Group on Direct Broadcast Satellites questioned the proximity of such an event.⁵

III. THE QUESTION BEFORE THE UNITED NATIONS

Owing to the fact that the Committee on the Peaceful Uses of Outer Space (briefly, Outer Space Committee or COPUOS) is the "focal point" of international cooperation as regards to the exploration and use of outer space for peaceful purposes, pursuant to Resolution 1721/XVI (1961) of the General Assembly, its activity within this area is most significant. The Outer Space Committee established a Working Group on Direct Broadcast Satellites in accordance with Resolution 2453 B/XXIII (1968) of the General Assembly.

Even though the United Nations is the politico-legal organization *par excellence* of the international community, none of these questions were examined at the Working Group's first meeting. The Working Group limited its task to the study of the technical feasibility of communications by direct broadcast from satellites and to the examination of the current and foreseeable evolution in this sphere, including users' costs and, in certain cases, other economic considerations.⁶

In the second session, social, cultural, legal, and other questions were examined by the Working Group.⁷ At this second meeting, Argentina submitted a paper which was discussed by the Group.⁸ On this occasion, the Working Group arrived at some conclusions on international questions of a juridical nature, such as general legal framework, protection of copyright and related rights, protection of transmissions as well as certain aspects regarding the content of the programs (political, social, and cultural questions, and commercial aspects). The Group also reflected on international cooperation in connection with broadcasters and countries which have not yet completed their development.

On the occasion of the Group's third meeting in New York in 1970, there existed already among the delegations a clear recognition of the necessity to make appropriate

⁴The air show was held at Le Bourget Field, Paris, France on August 3, 1973.

⁵U.N. Doc. A/AC.105/L.71 (June 22, 1973).

⁶U.N. Doc. A/AC.105/51 (1969).

⁷U.N. Doc. A/AC.105/66 (1969).

⁸U.N. Doc. A/AC.105/WG.3/WP. (1969).

adjustments in the law with respect to every present and future activity in the field of direct broadcast by satellites. In the report of this meeting⁹ not only are important references on concrete legal aspects included in the conclusions and recommendations, but also there are some annexes as well; one of them is in the form of a working document submitted by the USSR on Model General Principles For the Use of Artificial Satellites for Radio and Television Broadcasting (Annex IV), and another in the form of a paper on Proposed Principles to Govern Direct Broadcast From Communications Satellites, submitted by France (Annex V).

This hesitation to approach the juridical field openly and decisively was made evident at the Fifteenth Session of COPUOS (New York, September 1972), where the UNESCO Declaration turned out to be the most vividly discussed topic. Following long deliberations, a text was finally adopted whereby it was established that the Committee "had the obligation to comment on the UNESCO draft declaration." It was added that: "The Committee regretted that it had not been able to comment thereon during the present session. Nevertheless, many delegations felt that the Committee should comment and that those comments should be made at a stage where UNESCO can usefully take account of the Committee's views. They expressed the hope that the General Conference of UNESCO would favorably consider giving the Committee on the Peaceful Uses of Outer Space further opportunity to comment before finally adopting the text of the draft declaration. However, some delegations did not share this view."¹⁰

The slightly regulatory nature of the text of the UNESCO Declaration led some delegations to take a very firm position against any attempt to regulate direct broadcast. It was the most controversial topic of the session, and if the minutes are read unemotionally, one may validly conclude that no legal ground exists for supporting the position of those states which squarely opposed the UNESCO text. Apart from the fact that this question was seen as one of deep crisis within the Committee where, as it is known, decisions, recommendations, and documents are adopted by general consensus, the possibility arose of a conflict involving a specialized agency of the system and the United Nations itself. The text which was eventually adopted resulted from a concession on the part of most delegations toward the position upheld by a few, with a view to overcoming the obstacle.

On the above-mentioned occasion, the present writer expressed what may be considered as a summary of his view directed toward the resolution of this question:

"Firstly, I should like to say that I notice a kind extension of the functions for which the Working Group on Direct Broadcast was set up. As representatives will remember, in that Group's first two sessions we dealt with questions which were fundamentally scientific and technical, and at the third session we added political, legal, and cultural questions. Thus those questions, too, should appear in the Working Group's agenda. But

⁹U.N. Doc. A/AC.105/83 (1970).

¹⁰Report of the Committee on the Peaceful Uses of Outer Space, Suppl. No. 20, U.N. Doc. A/8720 at 11, para. 57 (1972).

from the statements made this morning it would seem that the fundamental task of the Group is of a legal and political nature. So this question immediately comes to mind: Does the Working Group have more competence than the plenary Committee, in which we are now, to give an opinion requested by UNESCO, for example—or must the plenary Committee refer it to the Working Group, which was initially a technical body, but later was vested with the right to consider political and legal matters?

I think this is a question of procedure, which has a certain scope and which we should bear in mind. We are giving the Working Group wider competence than a working group should really have; it is more like the competence of our Sub-Committee and even of this Committee. And if my memory serves me well, originally there were 11 members of the Working Group, and at the last session the number was increased to 15. Accordingly, we would have to submit all problems of substance in legal and political areas to this small group, which is to be reconvened, before solving them ourselves in a session like this one or during a week of meetings in the plenary Committee. That is one aspect.

The other aspect concerns the co-ordination of tasks between United Nations specialized agencies and the parent organization. Here emphasis has been laid on UNESCO'S 10 years of work in preparing this document, but now we would ask UNESCO to wait two years more so that a working group could have an opportunity to comment on its work. I think that any specialized agency, such as UNESCO, ILO or WMO, could ask us to study what those organizations had sent to us in proper time, at least among the working papers circulated prior to the session in which we are participating. Moreover, I think we would be running a serious risk of going backward in the task of codification of questions concerning direct radio broadcasting if we ask UNESCO for this waiting period. From a reading of the document that has been circulated to us, nothing seems to emerge that is contradictory to anything that the Working Group has said or to anything that has been said in the Sub-Committee of this Committee or in the Committee itself. I cannot see any special reason for asking for such a sacrifice—delaying for two years the adoption of a declaration. We must have very special reason for this, and I do not see any such reason.

In the drafting of this document, as can be noted in the preamble in particular and in the brief background paper on the formulation of the draft, everything that has been worked out within the United Nations family and especially in areas that are specifically within UNESCO'S competence is mentioned. This specific jurisdiction of UNESCO has political and legal characteristics, but not to such a degree that we can justifiably ask that specialized agency, which has worked intensively to achieve these results, to make the sacrifice of holding this up for two years. I am referring only to questions of substance. First, has a working group more competence than this Committee? Second, can a Committee such as ours ask for such a sacrifice from a specialized agency when there is no serious reason for doing this? The third issue that I should like to raise is also fundamental, and it concerns the need to make progress in this evolutionary process and in the matter of the progressive codification of space law.

Without any doubt, the preparation of this Soviet Draft—also circulated as a document prior to this session—would be made more difficult, or at least delayed, if in this year we did not accept the UNESCO draft declaration. There is no doubt that the question of direct broadcasting is a very delicate issue that requires adequate codification. But to work out such an adequate codification in a binding text we must, first of all, set out on the course toward the consolidation of principles; and if we do not have a declaration or a resolution either from UNESCO or from the General Assembly, it is going to be very difficult to arrive at a binding text of an agreement, convention, or treaty.

Thus, there are four points of concern to my delegation. First, are we not somewhat distorting the specific functions of the Working Group on Direct Broadcasting Satellites? Second, is the competence of that Group such that it can paralyze the activity of the main Committee? Third, can we ask such a sacrifice of a specialized agency when there are apparently no substantive reasons for doing so? And fourth, would we not thus be taking a step backward instead of toward the codification of space law?"¹¹

Some weeks later, however, on November 9, 1972, the United Nations General Assembly adopted Resolution 2916/XXVII concerning the elaboration of an international convention on the principles governing the use by states of artificial satellites of the earth for direct broadcasts by television. On that same day Resolution 2917/XXVII was voted on concerning the preparation of international instruments or United Nations agreements on the principles governing the use by states of artificial earth satellites for direct broadcast by television. Consequently, the international community was in favor of the legal regulation of direct broadcast.

In order to make some progress, a meeting of the Working Group, which had not been together since 1970, was fixed. This fourth session took place in New York during June, 1973. The working documents were more complete on this occasion: there existed a draft international convention prepared by the USSR, composed of a preamble and 17 articles; and a draft declaration of principles submitted by Canada and Sweden, composed of a preamble and ten points.¹² To this, the Twelve Tables of Law on Direct Broadcast may be added.¹³

Unfortunately, none of these important documents were dealt with in the June, 1973 meeting because of the opposition of some countries to regulate the activity. As it usually happens in these cases, the main difficulty lay in the fact that the conclusions and recommendations of the report of this meeting¹⁴ were discussed at a high level at the session of the Working Group. The formula appearing in the report in paragraphs 77-79 was reached after a long process of negotiation, where the parties used every possible effort to draft a text in harmony with the views of the different governments.

The path toward conciliation was begun by Argentina in a text circulated and analyzed on June 20:

"The Working Group noted that, having in mind that in the present meeting information has been compiled concerning relevant facts and technical and economical issues related to direct broadcast, it is necessary now to focus attention on the arising juridical and

¹¹U.N. Doc. A/AC.105/PV.117 (1972).

¹²U.N. Doc. A/AC.105/117 (1973).

¹³The Twelve Tables on Direct Broadcasting proposed by Argentina in 1970 were printed in "La Prensa," Buenos Aires, May 25, 1970; see also *La enseñanza del derecho internacional aplicado al espacio y a las comunicaciones espaciales*, CNIE-UNESCO, Buenos Aires (1972); cf. U.N. Doc. A/AC.105/83 (1970).

¹⁴U.N. Doc. A/AC.105/117 (1973).

political problems. In this regard, it expressed its view that, at the present stage of its work, another meeting should be convened before the thirteenth session of the Legal Sub-Committee on the Peaceful Uses of Outer Space takes place. In that session, the Working Group should specifically be committed with dealing—within the framework of its competence as established by Resolution 2453B (XXIII) of the General Assembly—with the implication of issues considered in the present meeting from a juridical and political point of view, trying to attain a consensus. Such general agreement should be related to basic principles governing the activities of the States in the field of direct broadcast, in such a way as to permit the next session's report to reflect a general sharing of views that could be considered by the Legal Sub-Committee as a basis for its drafting work."¹⁵

Canada and Sweden, who shared the same current of opinion, promptly submitted another text to the same end:

"While the Working Group considers that the finalization of principles governing the use of satellites for television broadcasting according to the General Assembly Resolution 2916 (XXVII), should be entrusted to the Legal Sub-Committee, the Group is of the opinion that it would be necessary for the Group to consider at another meeting the elaboration of such principles. The Working Group therefore recommends to the Committee on the Peaceful Uses of Outer Space that the Group be reconvened in 1974 with the specific task of considering, in view of its interdisciplinary character, the elaboration of principles governing the use of satellites for broadcasting. In this work the Group should take into account the basic assumptions which would underlie such principles as well as the implications of the decisions of the World Administrative Radio Conference for Space Telecommunications, Geneva, 1971."¹⁶

It was very opportune that Argentina, Sweden, and Canada should unify their proposals, thus, a draft proposal was circulated by these three countries:

"The Working Group has, pursuant to General Assembly Resolution 2915 (XXVII), reviewed substantive material on the technical, economic and other issues related to direct satellite broadcasting made available since its last session. Accordingly, the Working Group now considers it necessary to focus attention on the relevant legal and political problems. In this connection, it expressed the view that another session of the Working Group should be convened before the thirteenth session of the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space. The Working Group should be specifically requested to consider, at that session, the elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting, as provided in General Assembly Resolution 2916 (XXVII), with a view to achieving general consensus on this subject. This would permit the Legal Sub-Committee to effectively discharge such responsibilities as may be conferred upon it for the final formulation of appropriate principles on this subject. In its work, the Working Group should take into account the basic assumptions which would underlie such principles as well as the implications of the decisions of the 1971 World Administrative Radio Conference for Space Telecommunications."¹⁷

¹⁵U.N. Doc. A/AC.105/W.G. 3(V)/CRP.3.

¹⁶U.N. Doc. A/AC.105/WG. 3/L.4 (1973).

¹⁷Most of the points in this proposal became part of the final text incorporated in U.N. Doc. A/AC.117, paras. 77-79 (1973).

An informal text submitted by the United States followed this joint proposal:

"It is recommended that the Committee on the Peaceful Uses of Outer Space consider reconvening the Working Group on Direct Broadcast Satellites in 1974, directing it to perform the following tasks: (1) Analysis of the basic assumptions—technical, economic and otherwise—which would underlie possible future principles concerning international satellite broadcasting. (2) Examination of possible official or non-official arrangements concerning international satellite broadcasting on a regional basis. (3) Consideration of developments in the technological state of the art of satellite broadcasting, including timing, costs, and prerequisites for the establishment of operational satellite broadcast systems, keeping in mind the similarities and differences between utilizing community and individual receivers. (4) Examination of the results and implications of the application of the 1971 ITU WARC-ST rules, regulations and decisions concerning satellite broadcasting."¹⁸

Belgium, Japan, the U.K., and the U.S. immediately submitted a joint proposal—to which Italy adhered afterwards—in the following terms:

"IV. Conclusions and recommendations. It is recommended that the Committee on the Peaceful Uses of Outer Space consider reconvening the Working Group on Direct Broadcast Satellites in 1974, directing it, within its existing mandate, to perform the following tasks: (1) Analysis of the basic assumptions—technical, economic, legal and political—which would underlie future principles concerning international satellite broadcasting which might be formulated. (2) Examination of appropriate arrangements concerning international satellite broadcasting on a regional basis. (3) Consideration of developments in the technological state of the art of satellite broadcasting, including factors such as timing, costs, and technical requirements for the establishment of operational satellite broadcasting systems. (4) Study of ways to enhance international cooperation with the aim of deriving maximum benefit from broadcast satellite technology."¹⁹

The above-mentioned delegations then submitted the following conciliatory text:

"The Working Group has, pursuant to General Assembly Resolution 2915 (XXVII), reviewed substantive material on the technical, economic and other issues related to direct satellite broadcasting made available since its last session. The Working Group considers it necessary to give attention to relevant legal and political problems, while continuing to study new developments in satellite broadcasting technology and relevant economic factors. If it is reconvened, the Working Group could be requested to consider and discuss, *inter alia*, at that session principles bearing upon the use by states of artificial earth satellites for direct television broadcasting, as provided in the Working Group, noting that another session could be convened before the thirteenth session of the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space. This could permit the Legal Sub-Committee to discharge more effectively such responsibilities as may be conferred upon it. In its work, the Working Group should take into account the basic operational and juridical assumptions, on both global and regional levels, which would underlie such principles as well as the implications of the decisions of the 1971

¹⁸Working paper presented by the United States, U.N. Doc. A/AC.105/L.71 (1973).

¹⁹Informal text distributed exclusively among member states and mimeographed in purple paper. Publications in this color are neither official nor definitive texts.

World Administrative Radio Conference for Space Telecommunications. The Working Group should also study ways to enhance international cooperation with the aim of deriving maximum benefit from broadcast satellite technology."²⁰

Finally, the text negotiated by the authors of proposals by Argentina, Canada and Sweden, who were later joined by the USSR on one side and Belgium, Italy, Japan, the U.K., and the U.S. on the other appeared in paragraphs 77-79 of the report:

"77. The Working Group considers it necessary to give its primary attention to relevant legal and political problems, while continuing to study new developments in satellite broadcasting technology and relevant economic factors. 78. In this connection, the Working Group considers that another session should be convened before the thirteenth session of the Legal Sub-Committee on the Peaceful uses of Outer Space. During the course of that session, the Working Group should be requested to consider and discuss principles on the use by States of artificial Earth Satellites for direct television broadcasting, in accordance with General Assembly Resolution 2916 (XXVII), with a view to making specific recommendations for the work of the Legal Sub-Committee in this field. This would permit the Legal Sub-Committee to discharge more effectively such responsibilities as may be conferred upon it. 79. In its work, the Working Group should take into account basic legal and operational assumptions, on both legal and regional levels, as well as the implications of appropriate international instruments including the decisions of the 1971 World Administrative Radio Conference for Space Telecommunications. The Working Group should also study ways to enhance international co-operation with the aim of deriving maximum benefit from broadcasting satellite technology, in particular for the developing countries."²¹

Within the Committee on the Peaceful Uses of Outer Space, which met immediately afterwards, this text was qualified by one of the delegations as a "lukewarm compromise."²²

It must be noticed, however, that the fact that the Working Group convened a meeting before the Legal Sub-Committee on Outer Space in 1974 shows a hope, in the sense that the Group will be submitting considerations and juridical conclusions sufficiently clear as to allow the beginning without delay of the codification task of said Sub-Committee on the matter.²³

IV. OTHER EFFORTS IN FAVOR OF THE REGULATION OF DIRECT BROADCAST DURING THE RECESS AT THE UNITED NATIONS

In addition to the United Nations and related international agencies, other

²⁰See footnote 19.

²¹U.N. Doc. A/AC.105/117 (1973).

²²The expression was taken from the notes of the Argentine delegate.

²³Editor's note: In the meantime, the Working Group's fifth session was held from March 11-22, 1974; see U.N. Doc. A/AC.105/127 (1974).

institutions, both national and international, have continued giving priority to the treatment of the matter.

Chronologically, some of them are mentioned hereunder:

(a) *International Broadcast Institute (IBI)* meeting, Nicosia, Cyprus, September 13-19, 1973. This Institute, defined as "a non-governmental organization concerned with the function and implications of communications through electronic media and their effects on human society," organized its academic work in Nicosia by means of several committees: I, recent trends in mass communication research in relation to the use of media in different socio-cultural contexts; and III, participation, access, and democratization. One of the Institute's top priorities is "to continue work already started on satellite communications, cable systems and other technological development." The Institute recognizes that "to exploit fully the strong emphasis that is placed on the potential of satellite technology many tasks have to be carried out on the ground as well as in the air."²⁴

(b) *Meeting of the Inter-American Broadcast Association (AIR)*, Mar del Plata, September 26-29, 1973. The Legal Committee of AIR, which during those days had a preparatory meeting of the Second World Inter-Broadcasting Unions Conference held in Rio de Janeiro in November, 1973, dealt with many topics which appear in the documentation of the Working Group of the United Nations. Among them, mention should be made of the 1971 Rome Convention, the WIPO-UNESCO draft convention, the drafts on the regulation of direct broadcast for individual reception and the relations among international broadcasting unions. On that occasion, the legal committee of ARPA-ATA (Argentina), chaired by Professor Manuel Augusto Ferrer, Jr., prepared a highly detailed report on the draft convention on direct broadcast by satellites submitted by the USSR to the United Nations, and the WIPO-UNESCO draft dealing with the prohibition of non-authorized signals carrying programs transmitted by satellites.²⁵

(c) *Sixteenth Colloquium of the International Institute of Space Law*, Baku, USSR, October 7-13, 1973. The 9th of October was devoted to the subject "Direct Television Broadcasting."²⁶

(d) *Eighth Session of the Group of Experts of UNESCO on Space Communications*, Paris, November 6-8, 1973.²⁷

²⁴International Broadcast Institute, Report to Trustees (Documentation circulated among participants, Briefing Notes 1 to 7, September 14, 1973).

²⁵Documentation distributed at the Conference of Mar del Plata, Sept. 26-29, 1973 (mimeo).

²⁶Proc. Sixteenth Colloquium on the Law of Outer Space (1974).

²⁷UNESCO, Doc. COM/SPACE PANEL VIII/1 (1973).

(e) *University of Mississippi Symposium on "Direct Broadcast Satellites and Space Law,"* November 1, 1974.²⁸

A joint meeting has likewise been held between the American Society of International Law and the International Broadcast Institute in February, 1974, on the Principles Satellite Broadcasting.²⁹

V. THE RIGHT OF MAN TO COMMUNICATE MUST BE REGULATED

As Jean D'Arcy has rightly pointed out in Nicosia not long ago:

"Here two forces can be seen at work: one that pushes man to communicate and unite with his kind to form a society and another which induces a thus formed society to set up for its own operation and its very expression, ever more perfect communication methods leading to constantly more evolved social structures. Successive freedoms result from the tension between the individual's need to communicate and the societal need to establish its own channels of communication and expression."³⁰

And he concludes his paper presented at the Cyprus IBI meeting by saying:

"New thinking is now due. A new philosophy as a new approach to communication issues would lead to studies for the reshaping of both national and international communication structures. To propose already at this stage the future recognition of this right of man and of nations to communicate would give fresh insight to research on such problems as the declaration and convention on freedom of information now pending at the UN, access and participation, the multilateral flow of information and the preservation of the cultural heritage."³¹

We hereby insist that the right of man to communicate is to be regulated, as every right should be. It would be out of place to look for an improved formula to enforce such right and ensure its permanent exercise if we are not all in accord on an agreement of a universal scope to that end. So far as doubts exist on the part of certain governments on the advisability of proceeding to such regulation, no progress at all will be reached in this field and technology will overcome juridical science.

When this general and universalized conscience is achieved, with the support of those states possessing an advanced technology and wide broadcast networks, the task of the jurist will no longer be delayed. Conversely, he will push forward with enthusiasms

²⁸The papers submitted at the conference are expected to be published in the 1975 issue of the JOURNAL OF SPACE LAW.

²⁹Bellagio, Italy, February 20, 24, 1974. See Summary of Discussions published in INTERMEDIA, No. 6, 1974, by the International Broadcast Institute, London.

³⁰See note 24 above.

³¹*Ibid.*

and hope, because, as von Ihering has so rightly observed, jurists all over the world speak the same language. It will be the best contribution to this unavoidable time of law.