

THE 1980 SESSION OF THE U.N. COMMITTEE ON THE
PEACEFUL USES OF OUTER SPACE: HIGHLIGHTS OF POSITIONS ON
OUTSTANDING LEGAL ISSUES

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The United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS) held its twenty-third session at United Nations Headquarters from 23 June to 3 July, 1980 under the chairmanship of Ambassador Peter Jankowitsch of Austria.¹ The Chairman opened the session with a statement reviewing the work of the Committee's subsidiary bodies² and outlining the work of the Committee which included *inter alia*, consideration of the item "applications of space science and technology and activities in outer space". The purpose of my presentation is to focus on some of the latest pronouncements reflecting positions of States on outstanding legal issues during the discussion of this item before the Committee.³

Under the topic of "applications of space science and technology and activities in outer space", the Committee had under consideration the following five subject matters: (a) the remote sensing of earth by satellites; (b) direct television broadcasting by satellites; (c) the definition and/or delimitation of outer space and outer space activities "bearing in mind, *inter alia*, questions relating to the geostationary orbit"; (d) the use of nuclear-power sources in outer space; and (e) space transportation systems. Some of the relevant points brought up in the deliberations may be conveniently presented under each of these subjects.

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¹42 of the 47 members of the Committee were represented at the session. Those nations which did not send representatives included Albania, Chad, Iran, Lebanon and Sierra Leone. Representatives of the International Atomic Energy Agency (IAEA) and of the following specialized agencies attended the session: Food and Agriculture Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), International Telecommunication Union (ITU), World Meteorological Organization (WHO). Representatives of the European Space Agency (ESA), the Committee on Space Research (COSPAR) of the International Council of Scientific Unions (ICSU) and the International Astronautical Federation (IAF) also attended the session. Representatives of the Division for Natural Resources and Energy (DNRE) of the Department for Natural Resources and Energy (DNRE) of the Department of Technical Co-operation for Development (DTCD) of the United Nations Secretariat, of the Office of the United Nations Disaster Relief Co-ordinator (UNDRO) and of the United Nations Development Programme (UNDP) were also in attendance. See Doc. A/AC. 105/XXIII/INF. 1, and Add. 1 (1980).

²The Scientific and Technical Subcommittee's recent report on its work may be found in Doc. A/AC. 105/267 (1980) and that of the Legal Subcommittee in Doc. A/AC. 105/271 and Corr. 1 (1980).

³For earlier discussions of the Committee's work, see Hosenball, *The United Nations Committee on the Peaceful Uses of Outer Space: Past Accomplishments and Future Challenges*, 7 *J. Space L.* 95 (1979); Jankowitsch, *Contributions of the United Nations Committee on the Peaceful Uses of Outer Space; An Overview*, 5 *J. Space L.* 7 (1977).

(a) *Remote Sensing of the Earth by Satellites (RS)*

The formulation of draft principles to govern activities in relation to RS had been before the Legal Subcommittee for some years but—as the square brackets in the relevant text⁴ indicate—thus far no consensus has been achieved. Differences of opinion continued to surface in the course of discussions before the Committee and some of the relevant views are summarized below:

Perceptible progress has been made regarding the development of a set of principles on RS (U.K.⁵);

No appreciable progress was made in the consideration of the legal implications of RS (Nigeria⁶);

Progress should not be slowed (France⁷);

Agreed-upon principles complementing existing international cooperative agreements should be formulated and maximum use by all interested nations should be facilitated; legal principles on RS should not be permitted to render practical arrangements more difficult or even impossible (U.S.⁸);

Internationally accepted juridical norms were necessary (Chile⁹);

There should be unrestricted dissemination of data and information resulting from RS activities (Italy¹⁰);

The distribution of data and information from RS required the consent of those States concerned (Soviet Union¹¹);

The unconditional consent of the sensed State was essential prior to the dissemination of data (Bulgaria¹²);

⁴Doc. A/AC.105/271, Annex II, pp. 7-11 (1980); reproduced *infra*, pp. 17-21.

⁵Doc. OS/961, p. 2 (1980).

⁶*Id.* at 5.

⁷*Id.* at 4.

⁸Docs. A/AC.105/PV.212, p. 17 (1980); OS/962, p. 5 (30 June 1980).

⁹Doc. OS/961, p. 4 (27 June 1980).

¹⁰Doc. OS/957, p. 4 (25 June 1980).

¹¹Doc. OS/960, p. 3 (26 June 1980).

¹²Doc. A/AC.105/PV.205, p. 17 (1980).

Dissemination of data obtained by RS should be subject to the prior consent of the sensed State (Egypt¹³);

Was in favor of defending sovereign rights of nations regarding the dissemination of information about themselves (Brazil¹⁴);

Progress and economic interests of States and of the international community as a whole should be reconciled with the sovereignty of States over their natural resources (Turkey¹⁵);

The principle of sovereignty must be taken into account (France¹⁶);

Important issues included the rights of the sensed State (Chile¹⁷);

The sensed State had a priority right to obtain without cost information derived from RS and such State had a right to be consulted before information was made available to third parties in exchange for financial and political compensation (Ecuador¹⁸);

Sensed States should be assured timely and priority access to information resulting from RS but they should agree to reconcile their national interests with the interests of mankind as a whole (Italy¹⁹);

All states should have direct access to data relevant to their territory and all other data. It was important to eliminate discriminatory restrictions (Rumania²⁰);

Emphasis should be placed on a solution for all states to have access to collected data (France²¹);

One must find ways to harmonize the interests of "sensed" countries and other countries, assuring that those other countries did not enjoy privileges (Belgium²²);

¹³Doc. OS/960, p. 6 (26 June 1980).

¹⁴Doc. A/AC.105/PV.205, p. 23 (1980).

¹⁵Doc. OS/960, p. 4 (26 June 1980).

¹⁶Doc. OS/961, p. 4 (27 June 1980).

¹⁷Doc. OS/963, p. 2 (1 July 1980).

¹⁸*Ibid.*

¹⁹Doc. OS/957, p. 4 (25 June 1980).

²⁰Doc. OS/961, p. 7 (27 June 1980).

²¹*Id.* at 4.

²²Doc. OS/961, p. 6 (27 June 1980).

Compromises were acceptable but the dissemination of data should be consistent with the economic and political interests of States (Poland²³);

Prepared to share the data it had collected on natural resources with other countries (Argentina²⁴);

The UN program should assist developing countries to analyze and interpret available data and expand RS stations in those countries (Italy²⁵);

An important question was how to assure that data would be available on a continuing basis (Sweden²⁶);

It would be better to consider prerequisites for coordinating a RS system for earth (Belgium²⁷);

The RS issues are complex from a scientific as well as from a legal and political point of view (Poland²⁸);

All delegations should use the terms "primary data" and "analyzed information" for greater clarity (Canada²⁹);

The focus of the work should be on the practical aspects of RS technology (Rumania³⁰);

In some of the additional discussions the view was also expressed that the lack of progress in this area was due to the fact that the total range of earth observation satellites extending from meteorological satellites to surveillance satellites was not taken into account³¹. Having heard the different views of Member States on outstanding issues the Committee recommended that the Legal Subcommittee should continue, on the basis of priority, to give detailed consideration to the legal implications of RS of the earth from space, with the aim of formulating draft principles.³²

²³*Id.* at 5.

²⁴Doc. OS/957, p. 3 (25 June 1980).

²⁵Doc. OS/962, p. 8 (30 June 1980).

²⁶Doc. A/AC.105/PV.205, p. 28 (1980).

²⁷Doc. OS/961, p. 6 (27 June 1980).

²⁸Doc. A/AC.105/P.V.212, p. 33 (1980).

²⁹*Supra* note 26 at 8.

³⁰Doc. A/AC.105/PV.213, p. 17 (1980).

³¹Doc. A/35/20, p. 6. (1980).

³²*Id.* at 6-8.