

General Assembly resolution 37/92

10 December 1982 Meeting 100 107 13 13 (recorded vote)

Approved by SPC (A/37/646) by recorded vote (88-15-11) 22 November (meeting 34) 20 nation draft (A/SPC/37-L.5 Rev.11 agenda item 63)

Sponsors Argentina Bolivia Brazil Chile Colombia Ecuador Egypt India Indonesia Iraq Kenya Mexico Niger Nigeria Pakistan Peru Philippines Romania Uruguay Venezuela

Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting

The General Assembly,

Recalling its resolution 2916(XXVIII) of 9 November 1972, in which it stressed the necessity of elaborating principles governing the use by States of artificial earth satellites for international direct television broadcasting and mindful of the importance of concluding an international agreement or agreements

Recalling further its resolutions 3182(XXVIII) of 18 December 1973, 3234(XXIX) of 12 November 1974 3388(XXX) of 18 November 1975 31/8 of 8 November 1976 32/196 of 20 December 1977, 33/16 of 10 November 1978, 34/66 of 5 December 1979 and 35/14 of 3 November 1980, and its resolution 36/35 of 18 November 1981 in which it decided to consider at its thirty seventh session the adoption of a draft set of principles governing the use by States of artificial earth satellites for international direct television broadcasting

Noting with appreciation the efforts made in the Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee to comply with the directives issued in the above-mentioned resolutions,

Considering that several experiments of direct broadcasting by satellite have been carried out and a number of direct broadcasting satellite systems are operational in some countries and may be commercialized in the very near future

Taking into consideration that the operation of international direct broadcasting satellites will have significant international political, economic social and cultural implications

Believing that the establishment of principles for international direct television broadcasting will contribute to the strengthening of international co-operation in this field and further the purposes and principles of the Charter of the United Nations

Adopts the Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting set forth in the annex to the present resolution

ANNEX

Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting

A Purposes 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.

B Applicability of international law

4 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.

C Rights and benefits

5 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.

D International co-operation

6 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.

E Peaceful settlement of disputes

7 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.

F State responsibility

8 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.

9 When international direct television broadcasting by satellite is carried out by an international intergovernmental organization, the responsibility referred to in paragraph 8 above should be borne both by that organization and by the States participating in it.

G Duty and right to consult

10 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.

H Copyright and neighbouring rights

11 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.

I Notification to the United Nations

12 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 should disseminate it immediately and effectively to the relevant specialized agencies, as well as to the public and the international scientific community.

J Consultations and agreements between States

13 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.

14 An international direct television broadcasting satellite service shall only be established after the conditions set forth in paragraph 13 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.

15 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.

Recorded vote in Assembly as follows:

In favour Afghanistan Algeria Argentina Bahrain Bangladesh, Barbados, Benin Bhutan Bolivia Botswana Brazil Bulgaria, Burma Burundi, Byelorussian SSR Central African Republic Chad Chile, China Colombia, Comoros, Congo, Cuba Cyprus, Czechoslovakia Democratic Kampuchea, Democratic Yemen Djibouti Dominican Republic Ecuador, Egypt, El Salvador, Ethiopia Fiji Gabon, Gambia German Democratic Republic Ghana, Guyana, Haiti, Honduras, Hungary India Indonesia Iran Iraq Jamaica Jordan Kenya Kuwait, Lao Peoples Democratic Republic Liberia Libyan Arab Jamahiriya, Madagascar, Malaysia Maldives, Mali, Malta Mauritania Mauritius, Mexico, Mongolia, Mozambique Nepal, Nicaragua Niger Nigeria Oman Pakistan Panama, Papua New Guinea Peru Philippines, Poland Qatar Romania Rwanda Sao Tome and Principe Saudi Arabia Senegal Sierra Leone, Singapore, Solomon Islands, Somalia Sri Lanka Sudan Suriname Syrian Arab Republic Thailand, Togo, Trinidad and Tobago Tunisia Turkey Uganda Ukrainian SSR USSR, United Arab Emirates, United Republic of Cameroon United Republic of Tanzania Upper Volta Uruguay Venezuela Viet Nam Yemen Yugoslavia Zaire, Zambia

Against Belgium Denmark Germany Federal Republic of Iceland, Israel Italy Japan Luxembourg Netherlands, Norway Spain United Kingdom United States

Abstaining Australia Austria Canada Finland France Greece, Ireland Lebanon Malawi Morocco, New Zealand Portugal Sweden