

# PART I

## TELECOMMUNICATIONS SATELLITES AND INTERNATIONAL LAW

BY

**I. H. Ph. DIEDERIKS-VERSCHOOR**

President International Institute of Space Law

Ladies and Gentlemen,

I would like to start by saying that I consider it as a great honour and a pleasure to be invited to speak to this very useful Colloquium ; useful because communications satellites are the first and most obvious practical benefits from the space programme.

Telecommunications satellites provide more reliable services than traditional means of communications and as Dr. Matte observes, they also provide the cheapest communications services (1).

Telecommunications by satellite are basically concerned with the transmission of information. When the use of satellites for telecommunications services became technologically feasible, international telecommunication law had been created. The International Telecommunication Union (ITU), originally founded in 1865, finds its base for telecommunications services in the Malaga-Torremolinos International Telecommunication Convention, adapted in 1973. The main purpose of the Union is :

- a) to maintain and extend international cooperation for the improvement and rational use of telecommunications of all kinds ;
- b) to promote the development of technical facilities and their most efficient operation, with a view to improving the efficiency of telecommunications services, increasing their usefulness and making them, as far as possible, generally available to the public ;
- c) to harmonize the actions of nations in the attainment of those ends (2).

The term « telecommunication » is defined in Annex 2 of the ITU Convention as : « Any transmission, emission or reception of signs, writing, images

(1) N. M. MATTE, *Aerospace Law, Telecommunications Satellites*, The Institute and Centre of Air and Space Law, McGill University, Montreal, Butterworths, 1982.

(2) Art. 4, Par. 1.

and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic system ».

Membership of the ITU is open to all countries. There are 163 member states. It is a specialized agency of the United Nations for Telecommunications.

When telecommunications satellites became technologically more developed, an international organization, the International Telecommunications Satellite Organization (INTELSAT), was established to provide these services. According to the Preamble of its Agreements, INTELSAT was established « with the aim of achieving a single global commercial telecommunications satellite system to provide, for the benefit of mankind, the most efficient and economic facilities possible consistent with the best and most equitable use of the radio frequency spectrum and orbital space ». The Statutes of INTELSAT were adopted on May 21, 1971. INTELSAT has its headquarters in Washington and has legal personality. The Eastern countries have created also such an organization, namely INTERSPUTNIK. The agreement on the creation of INTERSPUTNIK was signed at Moscow on November 15, 1971, by nine socialist states. Today there are not only several international systems and organizations such as INTELSAT, INTERSPUTNIK and INMARSAT, but also a number of regional systems such as EUTELSAT and ARABSAT, as well as many national systems in full operation.

I would like to make some observation on ARABSAT. As Mr. Hurwitz observes (3) : « On reaching their decision to create ARABSAT the Arab States submitted their proposal to the Board of Governors of INTELSAT. In their meeting of March 14, 1980, the Board ruled that the proposed network will not cause significant economic harm to the global system of INTELSAT. Accordingly, on April 4, 1980, INTELSAT approved the establishment of ARABSAT ».

In my opinion the fact that the Arabs respected international law and applied for recognition by INTELSAT, is a positive sign of international cooperation and proves also the established authority of INTELSAT.

Many of these systems are operating successfully on a commercial basis. The field is growing rapidly and new systems and services may be expected to be introduced over the next few years — TV broadcasting, aeronautic and mobile service, to name only a few (4).

The International Telecommunication Union has designated certain frequencies for the exclusive use of direct broadcasting satellites. Direct telecommunications by satellites (which means the transmission of signals

(3) B. A. HURWITZ, « The Labyrinth of International Telecommunications Law : Direct Broadcast Satellites », *Netherlands International Law Review*, Vol. XXXV, 1988, p. 145 a.f.

(4) Compare report to the ICSU Executive Board and General Assembly, July 1988.

from one earth station to a satellite, from which the great power allows it to broadcast immediately to the individual receivers) is regulated by ITU.

The International Telecommunication Convention, signed at Nairobi in 1982, entered into force on January 1, 1984. According to article 48, this Convention replaced the Convention of Malaga-Torremolinos of October 25, 1973. The 1982 Convention includes definitions on radiocommunications in space and also regulations on the use of frequencies and on the use of satellites in geostationary orbit. Moreover, the Convention stressed « the special needs of the developing countries and the geographical situation of particular countries » (art. 33).

The right to information has also been a point of discussion in connection with direct telecommunication by satellites, i.e. the transmission by signals from one earth station to a satellite from which a State authorizes direct broadcasting to individual receivers. In this context, there is also a conflict between the sovereign rights of States, notable the State which requires prior consent before authorizing international direct television broadcasting by satellite, and the right to freedom of information.

The interest of the United Nations in the topic of DBS started shortly after the conclusion of the 1967 Outer Space Treaty, but it took legal form during the 1970's, following the adoption of Resolution 2916 (XXVII) of November 9, 1972, which considered it necessary « to elaborate principles governing the use by States of artificial earth satellites for direct television broadcasting with a view to concluding an international agreement or agreements ». The Legal Sub-Committee of COPUOS made some progress in this respect during the late 1970's by formulating a number of principles which were close to achieving consensus. However, it was not possible to reach full agreement on principles relating to such important points as State responsibility for DBS activities, duty and right to consult and, in particular, on consultation and agreements between States. The differences in these points emanated from the contradictory philosophies of the main groups of States, one group emphasizing the need to ensure free flow of information, and the other attaching primary importance to sovereign rights and protection of the political, economic and cultural identity of all States.

After several years of negotiations on these issues, with no prospects for agreement in sight, the question was taken into the General Assembly, which passed on December 10, 1982, by majority vote, Resolution 37/92, which included in an Annex the Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting. These 1982 Principles are the outcome of the first attempts to introduce some general regulatory norms of conduct for the use of a special category

of space technology under conditions of diversity of social, political and cultural interests in the world (5). This Resolution has no Treaty Status.

There were two arguments of those States opposing the Resolution. Firstly there was opposition from a procedural point of view, caused by the bypassing of the Legal Sub-Committee and its consensus procedure, which previously was estimated to be highly valuable in the construction of international law. Secondly there was opposition regarding the substance, namely in relation to the concept of prior consent based on the concept of State sovereignty as elaborated in the provisions spelled out in the principle concerning Consultation and Agreements between States.

Due to the above situation, the U.N. Resolution can definitely not be seen as a constructive step towards the formation of global rules governing the practice of direct satellite broadcasting.

Coming back again to the International Telecommunication Union, ITU has also regulated how and where requests for registration of the frequencies are to be registered. All countries have the right to use frequencies and to place their satellites in a position in the geostationary orbit.

Why is the Geostationary Orbit so important? The GSO is generally recognized as a limited national resource which is the best place for some satellite activities. Communications satellites in geostationary orbit have the capability to exchange information across very large distance. Certain parts of the geostationary orbit are more in demand than others. In the beginning the principle of « first come, first served » has been applied. The procedure « first come, first served » provides that a country wishing to put a communication satellite into the Geostationary Orbit must ensure that it does not interfere with any system previously registered with the ITU. But as Dr. Jakhu puts rightly, « The right of priority had, however, never been expressly recognized in the ITU Convention or Regulations and hence, was not legally binding » (6). But already in 1977 this principle has been abandoned regarding the broadcasting satellites services. In 1982, during the Second UN Space Conference, the club of 77 developing countries urged the conference to provide for more opportunities to take part in space activities. The involvement in such activities of the developing countries was recently recognized by the UN Legal Sub-Committee on Outer Space, which met in Geneva March 14 to 31, 1988. In this respect the UN Legal Sub-Committee on Outer Space decided to add a new topic to its agenda. After many discussions a compromise was found in the following — rather complicated — text :

(5) Dr. V. KOPAL, *The Progressive Development of Space Law in the United Nations, Latin American Conference 14-18 August 1988*, Leyden-Mexico Universities.

(6) Ram JAKHU, « The evolution of the ITU's regulatory regime governing space radiocommunication services and the geostationary satellite orbit », *Annals of Air and Space Law*, Vol. VIII, 1983, p. 394.

« Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interest of all States, taking into particular account the needs of the developing countries » (7).

What it is all about in matters of telecommunications is the equitable access of all countries.

The ITU has discussed the access to a position in the geostationary orbit during several important conferences, held in 1971, 1977, 1983, 1985, 1987 and in August 1988. These are the so-called World Administrative Radio Conferences (WARC). The WARC-Orb.2 Conference, held in August of this year, had on its agenda considering planning principles, planning methods as well as procedural guidelines. As Mr. Milton Smith observes (8) : « The primary task for the 1988 Warc is to define the two planning methods outlined in 1985, so as to guarantee equitable access ». I have not yet heard about the results of the 1988 Warc Conference.

Discussions have included an a priori planning on the basis of equity access. As Dr. Jakhu observes « it is important to note that this decision was taken on the initiation and insistence of those ITU member States mostly the developing countries) which felt that some developed countries were monopolizing the use of the spectrum/orbit resource, and that if the existing practice of « first come, first served » continued to apply to the distribution of radio frequencies and orbital positions for space services, there would not be sufficient and appropriate radio frequencies/orbital positions left for them when they were ready to use them » (9).

In the UN Legal Sub-Committee, where the special status of the geostationary orbit has been discussed for some years, Indonesia plays an important and useful conciliatory role between the equatorial countries, who feel that sovereignty, as recognized in law, extends without upper limits, and other States, who do not recognize sovereignty in space, basing themselves on Art. 1 of the Space Treaty of 1967 (10).

Prof. Priyatna Abdurrasyid rightly mentions that « basically, it has turned out that the Declaration adopted by the equatorial nations in Bogota in 1976 has become one of the primemovers for a comprehensive review by the international community with regard to the utilization of

(7) See par. 41 and 48 of Doc.A/AC.105/411 at p. 10-11.

(8) M. SMITH, « Space Stations », *Issue Brief IB85209* (Congressional Research Service, Library of Congress, Washington, updated edition, August 1988), 17 pp.

(9) R.S. JAKHU, « The evolution of the ITU regulatory regime governing space radiocommunication services and the geostationary satellite orbit », *Annals of Air and Space Law*, Vol. VIII, 1983, p. 381-407.

(10) The text of art. 1 par. 1 of the Space Treaty of 1967 states : « The exploration and use of outer space, including the moon and other celestial bodies shall be carried out for the benefit and in the interest of all countries, irrespective of their degree of economic or scientific development, and shall be the province of mankind. For the text of the Bogota Declaration, December 3, 1976, see C. CHRISTOL, *The modern international law of outer space*, 1982, p. 891 a.f.

GSO for various purposes. Although the Declaration has come up in the shape of a demand launched by the equatorial countries, claiming their sovereignty over the GSO which is situated above their respective territories, it has turned out that its development in the international arena has come to nothing but a mere protest against the procedures regulating the utilization of the GSO under the principle of «first come, first served» (11).

For the time being, satellite communications are the only substantial commercial use of outer space. Use of the GSO for telecommunications is the primary area of space commercialization. Communication via satellite represents a significant economic activity in the order of \$ 2 billion per year, with projections reaching \$ 10 billion by 1990 (12).

Satellite communications may be used in the International Space Year in 1992 to establish a global communications network for holding teleconferences, or other purposes, in particular within the field of public education and information (13).

Satellites are placed in outer space and therefore governed by the principles of space law. The fact that telecommunications satellites are used for earth-bound activities does not take them out of the regime of space law.

Conflicts have been avoided in international space law — including the INTELSAT and INMARSAT agreements — by incorporating in each instrument the fundamental provisions of the 1967 Outer Space Treaty (14). As the Secretary General of the ITU, Mr. Butler observed : «Telecommunications provide the only link between space and earth, and whatever happens in space or whatever use is made of space, telecommunications are required to make it possible» (15).

All this goes to show that the organizers of this Colloquium have chosen a most captivating topic for discussion, highlighting, in doing so, a theme of great current and practical interest.

Thank you for your kind attention.

(11) Priyatna ABDURRASYID, *Developing Countries and Use of the Geostationary Orbit, Conference held during the Congress of the International Astronautical Federation*, Brighton (G.B.), 1987.

(12) Current and Future State of Space Technology, *United Nations Document A/Conf.101/BP2*, March 16, 1981 at 16.

(13) Cf. *Report to the ICSU Executive Board and General Assembly*, July 1988.

(14) Cf. U.S. Congress, Office of Technology Assessment, *Space Stations and the Law : Selected Legal Issues, Background Paper, OTA-BP-ISC-41*, Washington D.C., U.S. Government Printing Office, August 1986.

(15) R. E. BUTLER, *Satellite Communications : Regulatory Framework and Applications for Development, Space Communications and Broadcasting*, Vol. 3, No. 2, 1985, pp. 103-108.

United Nations Educational, Scientific  
and Cultural Organization

DECLARATION OF GUIDING PRINCIPLES ON THE USE  
OF SATELLITE BROADCASTING FOR THE FREE FLOW OF INFORMATION  
THE SPREAD OF EDUCATION AND GREATER CULTURAL EXCHANGE

The General Conference of the United Nations Educational, Scientific and Cultural Organization meeting in Paris at its seventeenth session in 1972,

*Recognizing* that the development of communication satellites capable of broadcasting programmes for community or individual reception establishes a new dimension in international communication,

*Recalling* that under its Constitution the purpose of Unesco is to contribute to peace and security by promoting collaboration among the nations through education, science and culture, and that, to realize this purpose, the Organization will collaborate in the work of advancing the mutual knowledge and understanding of peoples through all means of mass communication and to that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image,

*Recalling* that the Charter of the United Nations specifies, among the purposes and principles of the United Nations, the development of friendly relations among nations based on respect for the principle of equal rights, the non-interference in matters within the domestic jurisdiction of any State, the achievement of international co-operation and the respect for human rights and fundamental freedoms,

*Bearing in mind* that the Universal Declaration of Human Rights proclaims that everyone has the right to seek, receive and impart information and ideas through any media and regardless of frontiers, that everyone has the right to education and that everyone has the right freely to participate in the cultural life of the community, as well as the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author,

*Recalling* the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space (resolution 1962 [XVIII] of 13 December 1963), and 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 1967 (hereinafter referred to as the Outer Space Treaty),

*Taking account* of United Nations General Assembly resolution 110 (II) of 3 November 1947, condemning propaganda designed or likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression, which resolution as stated in the preamble to the Outer Space Treaty is applicable to outer space; and the United Nations General Assembly resolution 1721 D (XVI) of 20 December 1961 declaring that communication by means of satellites should be available as soon as practicable on a global and non-discriminatory basis,

*Bearing in mind* the Declaration of the Principles of International Cultural Co-operation adopted by the General Conference of Unesco, as its fourteenth session,

*Considering* that radio frequencies are a limited natural resource belonging to all nations, that their use is regulated by the International Telecommunications Convention and its Radio Regulations and that the assignment of adequate frequencies is essential to the use of satellite broadcasting for education, science, culture and information,

*Noting* the United Nations General Assembly resolution 2733 (XXV) of 16 December 1970 recommending that Member States, regional and international organizations, including broadcasting associations, should promote and encourage international co-operation at regional and other levels in order to allow all participating parties to share in the establishment and operation of regional satellite broadcasting services, *Noting* further that the same resolution invites Unesco to continue and promote the use of satellite broadcasting for the advancement of education and training, science and culture, and in consultation with appropriate intergovernmental and non-governmental organizations and broadcasting associations, to direct its efforts towards the solution of problems falling within its mandate,

*Proclaims* on the 15th day of November 1972, this Declaration of Guiding Principles on the Use of Satellite Broadcasting for the Free Flow of Information, the Spread of Education and Greater Cultural Exchange :

#### *Article I*

The use of Outer Space being governed by international law, the development of satellite broadcasting shall be guided by the principles and rules of international law, in particular the Charter of the United Nations and the Outer Space Treaty.

#### *Article II*

1. Satellite broadcasting shall respect the sovereignty and equality of all States.
2. Satellite broadcasting shall be apolitical and conducted with due regard for the rights of individual persons and non-governmental entities, as recognized by States and international law.

#### *Article III*

1. The benefits of satellite broadcasting should be available to all countries without discrimination and regardless of their degree of development.
2. The use of satellites for broadcasting should be based on international co-operation, world-wide and regional, intergovernmental and professional.

#### *Article IV*

1. Satellite broadcasting provides a new means of disseminating knowledge and promoting better understanding among peoples.
2. The fulfilment of these potentialities requires that account be taken of the needs and rights of audiences, as well as the objectives of peace, friendship and co-operation between peoples, and of economic, social and cultural progress.

#### *Article V*

1. The objective of satellite broadcasting for the free flow of information is to ensure the widest possible dissemination, among the peoples of the world, of news of all countries, developed and developing alike.
2. Satellite broadcasting, making possible instantaneous world-wide dissemination of news, requires that every effort be made to ensure the factual accuracy of the information reaching the public. News broadcasts shall identify the body which assumes responsibility for the news programme as a whole, attributing where appropriate particular news items to their source.



*Article VI*

1. The objectives of satellite broadcasting for the spread of education are to accelerate the expansion of education, extend educational opportunities, improve the content of school curricula, further the training of educators, assist in the struggle against illiteracy, and help insure life-long education.
2. Each country has the right to decide on the content of the educational programmes broadcast by satellite to its people and, in cases where such programmes are produced in co-operation with other countries, to take part in their planning and production, on a free and equal footing.

*Article VII*

1. The objective of satellite broadcasting for the promotion of cultural exchange is to foster greater contact and mutual understanding between peoples by permitting audiences to enjoy, on an unprecedented scale, programmes on each other's social and cultural life including artistic performances and sporting and other events.
2. Cultural programmes, while promoting the enrichment of all cultures, should respect the distinctive character, the value and the dignity of each, and the right of all countries and peoples to preserve their cultures as part of the common heritage of mankind.

*Article VIII*

Broadcasters and their national, regional and international associations should be encouraged to co-operate in the production and exchange of programmes and in all other aspects of satellite broadcasting including the training of technical and programme personnel.

*Article IX*

1. In order to further the objectives set out in the preceding articles, it is necessary that States, taking into account the principle of freedom of information, reach or promote prior agreements concerning direct satellite broadcasting to the population of countries other than the country of origin of the transmission.
2. With respect to commercial advertising, its transmission shall be subject to specific agreement between the originating and receiving countries.

*Article X*

In the preparation of programmes for direct broadcasting to other countries, account shall be taken of differences in the national laws of the countries of reception.

*Article XI*

The principles of this Declaration shall be applied with due regard for human rights and fundamental freedoms.

## 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.1), 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 (XXVII) 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 Subcommittee 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 purpose 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 Interna-

tional 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 People's 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, Luxemburg, Netherlands, Norway, Spain, United Kingdom, United States.

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