

The Fourteenth Session of the Legal Sub-Committee had been specifically directed by the General Assembly to consider for the first time, and as a matter of "high priority" the legal implications of remote sensing of the earth from space. Widely divergent views exist among member countries of the Sub-Committee on three major issues, two procedural, the other substantial: (1) There is basic disagreement as to whether the time is now ripe to commence drafting principles, guidelines or treaty provisions to govern remote sensing, or whether more consideration must be given to the technical, political and social realities and possibilities of this new technology. (2) There is reluctance on the part of those countries who support the Latin American and Franco-Soviet draft proposals for a treaty and principles, to consider further the views of states which have not tabled formal proposals, and to take sufficiently into account the work being done in other U.N. Committees on technical aspects of remote sensing. While these countries fear that such further consideration would only serve to delay unnecessarily the drafting of instruments, other states believe that some problems might better be tackled through "organizational" means rather than through establishing a potentially restrictive legal regime. (3) There is substantive disagreement between the United States and most West European countries on the one hand, and the developing countries and the Soviet Union on the other, as to whether or not there is a need for sensed states to protect themselves from exploitation of their natural resources by sensing states - and third parties in possession of data concerning the sensed state. If there is a need, states disagree as to whether this protection should best be afforded through the assertion by "sensed" states of a right to either (as in the case of the Latin American proposal) (a) Withhold their consent to being sensed, or (b) Withhold their consent to dissemination of data concerning the sensed states and thereby restrict a free and open dissemination of data and flow of information. The Latin American view is that the states must protect themselves from the exploitation of their natural resources by sensing states through insisting on such a restrictive regime; they argue that