an effective means of making sure that countries were complying with human rights obligations?

Professor Meron: I think that state reports and the discussion of state reports by the Human Rights Committee have proved to be very useful, because they have not been confined to the simple consideration of written reports. The Human Rights Committee has been inviting representatives of states to appear before the Human Rights Committee and the dialogue that has ensued has brought pressure to bear upon states to improve their human rights performance. The reports of the Human Rights Committee to the General Assembly contain records of the dialogue and of the Committee's comments.

Unfortunately, under article 40 of the Political Covenant, these comments have to be general. It may be noted that the 1984 U.N. Convention against Torture (article 15) appears to grant the Committee against Torture more authority to allude to specific country violations. Although state reports to human rights bodies are not the ideal way of ensuring compliance with human rights obligations, they are an important element in working towards a better implementation.

Mary Margaret McCarthy*  
Reporter

**DeveLopments in the International Law of Telecommunications**

The panel was convened by its co-Chairs, Stephen Gorove** and Robert R. Bruce,*** at 10:30 a.m., April 7, 1989.

Remarks by Stephen Gorove

In starting this program I would like to point out a couple of things that might be of interest about the background of this panel discussion. I first want to explain how this panel developed, as it is unique among the Society's annual meetings.

Last year's interest group on space law proposed to the program committee to have a meeting this year on space telecommunications and its recent developments. We did this because the Space World Administrative Radio Conference (WARC) was going to meet in the later part of 1988, and we thought that this would be a good opportunity to discuss the developments pertaining to that meeting.

The program committee, under the able chairmanship of Jordan Paust, suggested including in the discussion the terrestrial aspects of telecommunications and offered to help select the people who could participate on the terrestrial aspect, about which I must say I know close to nothing. Our distinguished colleague, Ms. Karen Hudes of the World Bank, suggested two of the distinguished persons whom we are delighted to have participating in this panel—one as our co-Chair and one as a panelist discussing the territorial aspects.

This meeting on telecommunications law is not the first one sponsored by this Society. We had one in 1983 on space telecommunications issues and policies. At that time the major question in our minds was the U.N. Resolution concerning Direct

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Broadcast Satellites. It was a controversial situation as far as U.S. policy was concerned, so we thought it would be a good idea to discuss it in 1983.

In today’s meeting we will deal with the developments that took place in the 1985 and 1988 WARC’s which focused, as far as the space telecommunication was concerned, on the issue of equitable access to the geostationary orbit (GSO) and the space services utilizing it. At the same time, the issues that came up very recently in Australia in the World Administrative Telephone and Telegraph Conference (WATTC) will also be handled by our panel. This combination will give us a broader view of recent developments in telecommunications.

As a brief introduction to the topic of space telecommunications and equitable access, it may be recalled that the 1971 WARC was the first conference to draw attention to what was called equal rights in the use of the GSO by all countries. It is interesting to note that the GSO was identified as a limited natural resource. This was picked up subsequently by the International Telecommunication Convention of 1973 which re-stated, in a more authoritative treaty form, that the GSO and the radio spectrum were limited natural resources. At the same time, the Convention also stated that all countries should have equitable access to the GSO in accordance with the radio regulations and in line with “their needs and the technical facilities at their disposal.” Those were supposedly two conditions set forth.

The WARC’s of 1977 and 1979, which took place under the umbrella of the International Telecommunications Union (ITU), went a step further in stressing equal rights and equitable access, respectively. The 1979 WARC also decided that we should have a conference that would guarantee in practice for all countries such equitable access to the GSO and the space services utilizing it. This was in a resolution.

In 1982 the new International Telecommunications Convention (ITC) was born in Nairobi. That Convention changed the wording of the relevant article of the 1973 convention and eliminated the phrase “according to the needs and technical facilities at their disposal” and substituted the words “taking into account the special needs of the developing countries and also the geographical situation of particular countries.” So, it looked like “needs and technical facilities” were no longer a requirement, but equitable access, nevertheless, had to be guaranteed irrespective of them.

The conference contemplated in 1979 was held in 1985. It envisioned a plan allotting positions in the GSO and also a multilateral planning meeting (MPM) to satisfy the needs of every country in relation to equitable access. However, the 1985 WARC has not been able to finish its work. That is why a second conference was needed which was completed in the fall of 1988 in Geneva. That is the brief background of equitable access to the GSO and radio spectrum resource and now our distinguished panelists will assess the latest developments.

**REMARKS BY MAJOR MILTON SMITH**

Basically, the objective of the Space WARC was to guarantee equitable access by all countries to the GSO and radio frequency spectrum. Professor Gorove did an excellent job of summarizing the history.

As he mentioned, we started in 1971 and there was a call for planning of the Broadcast Satellite Service (BSS). That was not actually completed until WARC 1988. Now we guarantee equitable access for all countries. The Space WARC was a two-