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COMMITTEE ON THE PEACEFUL USES
OF OUTER SPACE

REPORT OF THE LEGAL SUB-COMMITTEE ON THE WORK OF ITS
TWELFTH SESSION (26 MARCH-20 APRIL 1973)

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INTRODUCTION

Opening of the session

1. The Legal Sub-Committee opened its twelfth session at the United Nations Headquarters on 26 March 1973 under the chairmanship of Mr. Eugeniusz Wyzner (Poland).

2. In his opening statement the Chairman noted that remarkable advancements of space technology, exemplified by the launching of Apollo 17 and the accomplishments of Lunokhod 2, gave new urgency to the need for corresponding development of the law of outer space. He was gratified that the Convention on International Liability for Damage Caused by Space Objects, a major accomplishment of the Sub-Committee, had come into effect on 1 September 1972.

3. As to the work of the Sub-Committee at the present session, he reminded members of the approval by the Sub-Committee last year of the texts of the preamble and 21 articles of a draft treaty relating to the moon and elaboration of the text of the preamble and 9 articles of the draft convention on the registration of objects launched into space for the exploration and use of outer space. Thus the Sub-Committee had made significant progress at its previous session. There were, however, some issues which still remained to be resolved in the formulation of the draft treaty relating to the moon and of the draft convention on registration.

4. The Chairman referred to General Assembly resolution 2915 (XXVII) of 9 November 1972, which provided that the Sub-Committee should pursue its work on both the draft treaty on the moon and the draft convention on registration as a matter of priority. In paragraph 7 of the same resolution, the General Assembly also expressed the hope that, as recommended by the Committee on the Peaceful Uses of Outer Space (A/8720, para. 19) the Sub-Committee would give early consideration to matters relating to the definition and/or delimitation of outer space and outer space activities; the various implications of space communications; the report of the Working Group on Direct Broadcast Satellites; and matters relating to the activities carried out through remote sensing satellite survey of earth resources. The Sub-Committee was unable to consider these subjects in any detail at its previous session because of lack of time. In regard to one of these subjects, the Chairman also drew attention to General Assembly resolution 2916 (XXVII) of 9 November 1972. In that resolution the Assembly, noting the draft convention on principles governing the use by States of artificial earth satellites for direct television broadcasting, submitted to the Assembly by the Union of Soviet Socialist Republics, considered it necessary to elaborate such principles with a view to concluding an international agreement or agreements and had requested the Committee on the Peaceful Uses of Outer Space to undertake the elaboration of such principles as soon as possible.

5. A statement was also made by Mr. Sloan, Director of the General Legal Division, Office of Legal Affairs, who welcomed the Sub-Committee on behalf of the Secretary-General and the Legal Counsel.

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Adoption of the agenda

6. At its opening meeting, the Sub-Committee adopted the following agenda for the session (A/AC.105/C.2/L.84 and Corr.1):

1. Statement by the Chairman
2. Draft treaty relating to the moon
3. Draft convention on registration of objects launched into space for the exploration or use of outer space
4. Matters relating to the definition and/or delimitation of outer space and outer space activities
5. The various implications of space communications: report of the Working Group on Direct Broadcast Satellites
6. Matters relating to the activities carried out through remote sensing satellite surveys of earth resources

Organization of work

7. The Sub-Committee at its opening session decided that it would begin its work with general exchange of views. The Sub-Committee also decided to re-establish its two working groups of the whole, open to all members, to consider the provisions of the draft treaty relating to the moon (Working Group I) and the draft convention on registration (Working Group II). Each working group would meet for the same number of days beginning with Working Group I. It was also decided that the Sub-Committee would meet in the mornings and, after the general exchange of views in plenary, adjourn and reconvene as a working group.

8. Working Group I was presided over by the Chairman of the Sub-Committee, and Working Group II by the representative of Austria.

9. At its 200th meeting, on 9 April 1973, the Sub-Committee decided to establish a Drafting Group on the draft treaty relating to the moon, consisting of Argentina, Belgium, Bulgaria, France, India, the USSR, the United Kingdom and the United States. Other members of the Sub-Committee were free to attend the meetings of the Drafting Group and to express their views if they so wished. The Drafting Group would examine all the provisions of the treaty relating to the moon, including the title, the preamble, the final clauses and the structure as a whole. No meetings of the Drafting Group were held.

10. The Sub-Committee held a total of 16 meetings. The views expressed in the Sub-Committee are summarized in documents A/AC.105/C.2/SR.192-207. Working Group I held 15 meetings and Working Group II held 13 meetings.

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11. At the 206th meeting, on 19 April, the Sub-Committee decided to request its Chairman to attend, if possible, the forthcoming session of the Committee on the Peaceful Uses of Outer Space with a view to assisting the Committee in completing the elaboration of the draft treaty relating to the moon and the draft convention on registration of objects launched into outer space.

12. The Sub-Committee concluded its work on 20 April 1973 by adopting the present report unanimously. A list of the representatives of States members of the Sub-Committee attending the session, of the observers for specialized agencies and of the secretariat of the Sub-Committee, is to be found in document A/AC.105/C.2/INF.5.

Date and place of the next session of the Sub-Committee

13. The Sub-Committee recommended that its thirteenth session be held from 4 to 28 June 1974. This session would take place in Geneva as previously agreed.

I. QUESTIONS RELATING TO THE MOON

14. The Sub-Committee resumed consideration of the draft treaty relating to the moon (agenda item 2) at its 193rd meeting on 27 March 1973. The Chairman made an introductory statement outlining the work previously undertaken in the preparation of the draft treaty.

15. As indicated in paragraph 7 above, the Sub-Committee, on 26 March, re-established Working Group I with respect to item 2. In accordance with paragraph 21 of the report covering its eleventh session (A/AC.105/101), the Sub-Committee pursued its work on the basis of the text which it had approved and which was set out in that paragraph. To facilitate further work on the subject, the Sub-Committee decided to reproduce this text in annex I(A).

16. In the course of the discussions in the Working Group the following working papers were submitted which are reproduced in annex I(B).

A working paper by Bulgaria which contained the text of a draft treaty, consisting of a preamble and 21 articles, based on the text approved by the Sub-Committee at its previous session, together with certain changes and amendments (Annex I(B)(1)).

Two joint working papers by Egypt and India: one relating to article II, paragraph 1 (Annex I(B)(2)) and the other relating to article V, paragraphs 1 and 4 (Annex I(B)(3)).

Two working papers by India: one relating to article IX, paragraph 3 (Annex I(B)(4)) and the other relating to article X (Annex I(B)(5)).

A working paper by Iran relating to the preamble (Annex I(B)(6)).

A working paper by the USSR relating to the question of "common heritage of all mankind" (Annex I (B)(7)).

Four working papers by Argentina: one relating to article X (Annex I(B)(8)), the second relating to article XVIII, paragraphs 2 and 3 (Annex I(B)(9)), the third relating to article VI, paragraph 4 (Annex I(B)(10)), and the fourth relating to the question of "common heritage of all mankind" (Annex I(B)(11)).

Three working papers by the United States: two relating to the scope of the treaty (Annex I(B)(12) and Annex I(B)(13)), and one dated 17 April 1973 relating to article X (Annex I(B)(14)).

A working paper by the United Kingdom relating to article I (Annex I(B)(15)).

A working paper by Italy relating to article X (Annex I(B)(16)).

A working paper by Sweden relating to article X (Annex I(B)(17)).

17. The Working Group, after consideration approved the texts of six provisions which are reproduced below.

Article II, paragraph 1

All activities on the moon including its exploration and use, shall be carried out in accordance with international law, in particular, the Charter of the United Nations, and taking into account the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970, in the interest of maintaining international peace and security and promoting international co-operation and mutual understanding, and with due regard to the corresponding interests of all other States Parties.

Article IV, paragraph 3

States Parties shall inform the Secretary-General as well as the public and the international scientific community, to the greatest extent feasible and practicable, of their activities concerned with the exploration and use of the moon. Information on the time, purposes, locations, orbital parameters and duration shall be given in respect of each mission to the moon, while information on the results of each mission, including scientific results, shall be furnished upon completion of the mission. In case of a mission lasting more than 60 days, information on conduct of the mission shall be given periodically at 30 days' intervals. For missions lasting more than six months, only significant additions to such information need be reported thereafter (points of time of information to the Secretary-General to be resolved).

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Article VI

1. In exploring and using the moon, States Parties shall take measures to prevent the disruption of the existing balance of its environment whether by introducing adverse changes in such environment, its harmful contamination through the introduction of extra-environmental matter or otherwise. States Parties shall also take measures to prevent harmfully affecting the environment of the earth through the introduction of extra-terrestrial matter or otherwise.

2. States Parties shall inform the Secretary-General of the measures being adopted by them in accordance with paragraph 1 of this article and shall also notify him of all placements by them of radioactive materials on the moon and of the purposes of such placements. (Points of time of information and notification to the Secretary-General to be resolved.)

...

4. States Parties shall report to other States Parties and to the Secretary-General concerning areas of the moon having special scientific interest in order that, without prejudice to the rights of other States Parties, consideration may be given to the designation of such areas as international scientific preserves for which special protective arrangements are to be agreed in consultation with the competent organs of the United Nations.

Article IX, paragraph 3

States Parties shall immediately inform the Secretary-General, as well as the public and the international scientific community, of any phenomena they discover in outer space, including the moon and other celestial bodies, which could endanger human life or health, as well as any indication of organic life.

Article XIII, paragraph 2

States Parties recognize that detailed arrangements concerning liability for damage sustained on the moon, in addition to the provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies and the Convention on International Liability for Damage Caused by Space Objects, may become necessary as a result of more extensive activities on the moon, and agree that a conference of States Parties to this Treaty for the purpose of elaborating such arrangements shall be convened by the Depositary Governments when one third of the States Parties so request.

The Working Group also agreed to delete article XV of the text approved by the Legal Sub-Committee in 1972.

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18. The Working Group considered the text relating to article X worked out originally in informal consultations but did not reach agreement on it. This text is reproduced in annex I (C).

19. At the 205th meeting of the Sub-Committee, the Chairman reported, in his capacity as Chairman of Working Group I, on the work of that Group. The Sub-Committee took note of the texts set out in paragraph 17 above, and recommended that the Committee on the Peaceful Uses of Outer Space should make its best efforts to complete the treaty relating to the moon at its next session in June 1973 in order that the draft treaty may be submitted to the twenty-eighth session of the General Assembly for adoption.

II. DRAFT CONVENTION ON REGISTRATION OF OBJECTS LAUNCHED INTO SPACE FOR THE EXPLORATION OR USE OF OUTER SPACE

20. The Sub-Committee resumed consideration of the draft convention on registration (agenda item 3) at its 197th meeting on 2 April 1973. The Chairman made an introductory statement summarizing previous consideration of the draft convention on registration.

21. At the 193rd meeting on 27 March 1973 of the Sub-Committee, during the general exchange of views, the representative of the United States introduced his delegation's proposal containing the text of a "Convention on the registration of objects launched into outer space" (A/AC.105/C.2/L.85). At the 197th meeting of the Sub-Committee on 2 April 1973 the representative of Canada, on behalf of the sponsors, introduced the joint proposal by Canada and France for a "Convention on the registration of objects launched into outer space" (A/AC.105/C.2/L.86) which was based on the text elaborated by the Sub-Committee at its previous session, together with certain changes and amendments.

22. At the request of the Sub-Committee, the Secretariat prepared a comparative table of the provisions elaborated by the Sub-Committee at its previous session (A/AC.105/101, para. 31), the provisions of the United States proposal (A/AC.105/C.2/L.85) and the provisions of the joint proposal by Canada and France (A/AC.105/C.2/L.86).

23. During the discussions in Working Group II, which was re-established by the Sub-Committee on 26 March (see para. 7 above), the following further proposal and working papers were submitted which, together with the proposals referred to in paragraph 21 above, are reproduced in annex II (A) and (B).

A proposal by Argentina to add a new article to the draft convention on registration (A/AC.105/C.2/L.87).

Two working papers by Argentina: one relating to article VII, paragraph 2 of the United States proposal (Annex II(B)(1)), and the other relating to article IV (Annex II(B)(2)).

Three working papers by France: one relating to article II (Annex II(B)(3)), and the other two relating to article V (Annex II(B)(4) and Annex II(B)(5), with the latter replacing the former).

A working paper by Canada relating to an article on "marking" (Annex II(B)(6)).

24. The Working Group following consideration of the proposals as well as working and informal papers before it, and after substantial informal consultations, particularly among the sponsors of documents A/AC.105/C.2/L.85 and A/AC.105/C.2/L.86, approved the texts of a preamble and 10 articles as well as the title of the draft convention which are reproduced below.

DRAFT CONVENTION ON REGISTRATION OF OBJECTS LAUNCHED
INTO OUTER SPACE

Draft articles approved by Working Group II

Preamble

The States parties to this Convention,

Recognizing the common interest of all mankind in furthering the exploration and use of outer space for peaceful purposes,

Recalling that the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, affirms that States shall bear international responsibility for their national activities in outer space and refers to the State on whose registry an object launched into outer space is carried,

Recalling also that the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space provides that a launching authority shall, upon request, furnish identifying data prior to the return of an object it has launched into outer space which has come into the possession of another State party,

Recalling further that the Convention on International Liability for Damage Caused by Space Objects elaborates international rules and procedures concerning the liability of launching States for damage caused by their space objects,

Taking note of the treaty relating to the moon /and other celestial bodies/, concerning an international legal régime for the exploration and use of the moon /and other celestial bodies/,

Desiring, in the light of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, to make provision for the registration by a launching State of space objects launched into outer space,

/...

Desiring further to establish, on an obligatory basis, a central register of objects launched into outer space to be maintained by the Secretary-General of the United Nations,

Desiring also to provide for States parties additional means and procedures to assist in the identification of space objects for the purposes set out in this Convention,

Believing that a mandatory system of registering objects launched into outer space would, in particular, assist in their identification and would contribute to the application and development of international law governing the exploration and use of outer space,

Have agreed as follows:

Article I

For the purpose of this Convention:

(a) The term "launching State" means

(i) A State which launches or procures the launching of a space object;

(ii) A State from whose territory or facility a space object is launched.

(b) The term "space object" includes component parts of a space object as well as its launch vehicle and parts thereof.

(c) The term "State of registry" means a launching State on whose registry a space object is carried in accordance with article II.

Article II

1. When a space object is launched into earth orbit or beyond,* the launching State shall register the space object by means of an entry in an appropriate registry which it shall maintain. Each launching State shall inform the Secretary-General of the United Nations of the establishment of such a registry.

* The expression "into earth orbit or beyond" as used in the various articles of this draft convention reflects the terminology used in General Assembly resolution 1721 B (XVII). One delegation, however, was of the view that further consideration should be given to the rendering of this expression in all official languages.

2. Where there are two or more launching States in respect of any such space object, they shall jointly determine which one of them shall register the object in accordance with paragraph 1 of this article, bearing in mind the provisions of article VIII of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and without prejudice to appropriate agreements concluded or to be concluded between the launching States on jurisdiction and control over the space object and over any personnel thereof.

3. The contents of and conditions under which each registry is maintained shall be determined by the State of registry concerned.

Article III

1. Each State of registry shall furnish to the Secretary-General, as soon as practicable, the following information concerning each space object launched into earth orbit or beyond:

- (a) Name of launching State or States;
- (b) An appropriate international designator or registration number;
- (c) Date and territory or facility of launch;
- (d) Basic orbital parameters, including:
 - (i) Nodal period,
 - (ii) Inclination,
 - (iii) Apogee, and
 - (iv) Perigee;
- (e) General function of the space object.

2. A State of registry may, from time to time, provide the Secretary-General with additional information in relation to a space object it has launched into earth orbit or beyond.

3. Each State of registry shall notify the Secretary-General, to the greatest extent feasible and as soon as practicable, of space objects concerning which it has previously transmitted information, and which have been but no longer are in earth orbit.

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Article IV

1. The Secretary-General shall maintain a central register in which the information furnished in accordance with article III shall be recorded.
2. There shall be full and open access to the information in this register.

Article V

Where the application of the provisions of this Convention has not enabled a State party to identify a space object which has caused damage to it or to any of its natural or juridical persons, or which may be of a hazardous or deleterious nature, other States parties, including in particular States possessing space monitoring and tracking facilities, shall respond to the greatest extent feasible to a request by that State party, or transmitted through the Secretary-General on its behalf, for assistance under equitable and reasonable conditions in the identification of the object. A State party making such a request shall, to the greatest extent feasible, submit information as to the time, nature and circumstances of the events giving rise to the request. Arrangements under which such assistance shall be rendered shall be the object of agreement between the parties concerned.

Article VI

1. With the exception of articles VII through XI of this Convention, references to States shall be deemed to apply to any international intergovernmental organization which conducts space activities if the organization declares its acceptance of the rights and obligations provided for in this Convention and if a majority of the States members of the organization are States parties to this Convention and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

2. States members of any such organization which are States parties to this Convention shall take all appropriate steps to ensure that the organization makes a declaration in accordance with the preceding paragraph.

Article VII

1. This Convention shall be open to all States for signature. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.
2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited

with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which are hereby designated the depositary Governments.

3. This Convention shall enter into force on the deposit of the fifth instrument of ratification.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Convention, the date of its entry into force and other notices.

6. This Convention shall be registered by the depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article VIII

Any State party to this Convention may propose amendments to this Convention. Amendments shall enter into force for each State party to the Convention accepting the amendments upon their acceptance by a majority of the States party to the Convention on the date of acceptance by it.

Article IX

Any State party to this Convention may give notice of its withdrawal from the Convention one year after its entry into force by written notification to the depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article X

This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the depositary Governments. Duly certified copies of this Convention shall be transmitted by the depositary Governments to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Convention.

Done in _____, at the cities of _____,
this _____ day of _____, one thousand nine hundred and seventy-
_____.

/...

25. At the 205th meeting of the Sub-Committee, the Chairman of Working Group II reported on the work of that Group. In his statement the Chairman drew attention to the following matters which the Working Group considered should be reflected in the Sub-Committee's report:

(a) The Working Group agreed to the following explanation of the term "damage":

"The term 'damage' as used in article V of the Draft Convention is used in the same sense as in the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies."

(b) The question of the inclusion of a provision requiring States parties to notify the Secretary-General of the United Nations of the presence of personnel on board a space object was considered but was not agreed upon.

(c) Several delegations, believing that marking of space objects was an essential element of registration, requested that a specific provision dealing with this question be included in the text of the Convention. Other delegations, while not attaching the same importance to marking, admitted none the less the possibility of including a reference to voluntary marking in the text of the Convention. Some delegations, considering that marking would not further the better implementation of the Convention and was not technically feasible, were of the opinion that no reference to marking should be included in the text of the Convention.

(d) The question of the inclusion of a review clause was discussed. Although there was wide support for such a provision, no agreement was reached for its inclusion.

(e) Many delegations expressed support in principle for a proposal making the Secretary-General of the United Nations the sole depositary of the Convention. A number of delegations which agreed with the proposal in principle felt, however, that the three depositary system previously used in international instruments on outer space concluded under the auspices of the United Nations should be retained, at least at the present time, in the Convention; others expressed the view that this system had its intrinsic merits and should not be changed.

26. The Sub-Committee took note of the texts set out in paragraph 24 above, and recommended that the Committee on the Peaceful Uses of Outer Space should make its best efforts to complete the draft convention relating to registration at its next session in June 1973 in order that the draft convention may be submitted to the twenty-eighth session of the General Assembly for adoption.

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III. OTHER QUESTIONS

27. The Sub-Committee because of lack of time was not able to consider agenda items 4, 5 and 6. However, some delegations recorded their views on those questions in the general exchange of views.

28. With respect to agenda item 5 (The various implications of space communications: report of the Working Group on Direct Broadcast Satellites) the delegation of the USSR submitted a proposal (A/AC.105/C.2/L.89) which is reproduced in annex III (A).

29. With regard to agenda item 6 (Matters relating to the activities carried out through remote sensing satellite surveys of earth resources) a proposal entitled "Model draft principles governing the use of space technology by States for the study of earth resources" was submitted by the USSR (A/AC.105/C.2/L.88). This proposal is reproduced in annex III (B).

30. In this connexion, after a discussion of the question of altering the priorities of items on its agenda, the Sub-Committee was of the view that the Committee on the Peaceful Uses of Outer Space may itself wish to consider this question in light of the discussions in the Legal Sub-Committee and of any subsequent developments prior to the meeting of the Committee in June 1973 and in light of developments during the next session of the Committee.

31. Certain delegations also drew attention to the desirability of early ratification of the Convention on International Liability for Damage Caused by Space Objects.

Annex I

DOCUMENTS RELATING TO AGENDA ITEM 2

(DRAFT TREATY RELATING TO THE MOON)

- (A) Text contained in 1972 report of the Sub-Committee
(document A/AC.105/101, paragraph 21)

The States Parties to this Treaty,

Noting the achievements of States in the exploration and use of the moon
/and other celestial bodies/, a/

Recognizing that the moon, as a natural satellite of the earth, has an
important role to play in the exploration of outer space,

Determined to promote on the basis of equality the further development of
co-operation among States in the exploration and use of the moon /and other
celestial bodies/,

Desiring to prevent the moon /and other celestial bodies/ from becoming an
area of international conflict,

Recalling the Treaty on Principles Governing the Activities of States in
the Exploration and Use of Outer Space, including the Moon and Other Celestial
Bodies, the Agreement on the Rescue of Astronauts, the Return of Astronauts and
the Return of Objects Launched into Outer Space, and the Convention on
International Liability for damage caused by space objects,

Taking into account the need to define and develop the provisions of these
international instruments in relation to the moon /and other celestial bodies/
having regard to further progress in the exploration and use of outer space,

Have agreed on the following:

a/ A suggestion was made that, with a view to deleting references to
"other celestial bodies" the treaty might contain a provision along the following
lines:

The provisions of this Treaty shall apply to celestial bodies in addition
to the moon until such time as provision is made by other treaties in
relation to specific celestial bodies. To the extent that provision is so
made, this Treaty shall then cease to apply to those bodies.

/...

Article I

1. /As employed in this Treaty:

(i) The term "celestial body" includes all natural celestial bodies other than the earth.

(ii) The phrase "the Moon and other celestial bodies" includes orbits around or other trajectories to or around celestial bodies./

2. This Treaty does not apply to extra-terrestrial materials which reach the surface of the earth by natural means.

Article II

1. Activities on /in the exploration and use of the moon /and in circumlunar space /and other celestial bodies / shall be carried out in accordance with international law, including the Charter of the United Nations in the interest of maintaining international peace and security and promoting international co-operation and understanding.

2. In accordance with the Charter of the United Nations, the threat or use of force or any other hostile act or threat of hostile act on the moon /and other celestial bodies / is prohibited. It is likewise prohibited to use the moon /or other celestial bodies / in order to commit any such act or to engage in any such threat in relation to the earth, /the moon/ or other celestial bodies, spacecraft, the personnel of spacecraft or man-made space objects.

Article III

1. The moon /and other celestial bodies / shall be used by all States Parties exclusively for peaceful purposes.

2. States Parties shall not place in orbit around or other trajectory to or around the moon /or other celestial bodies / objects carrying nuclear weapons or any other kinds of weapons of mass destruction or place or use such weapons on or in the moon /or other celestial bodies /. b/

3. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military manoeuvres on the moon /and other celestial bodies / shall be forbidden. The use of military personnel for scientific research or for any other peaceful purposes shall not

b/ Certain delegations reserved their position on this paragraph.

be prohibited. The use of any equipment or facility necessary for peaceful exploration and use of the moon /and other celestial bodies/ shall also not be prohibited.

Article IV

1. The exploration and use of the moon /and other celestial bodies/ shall be the province of all mankind and /the exploitation of their natural resources/ shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development. Due regard shall be paid to the interests of present and future generations as well as to the need to promote higher standards of living conditions of economic and social progress and development in accordance with the Charter of the United Nations. c/

2. States Parties shall be guided by the principle of co-operation and mutual assistance in all their activities concerning the exploration and use of the moon /and other celestial bodies/. International co-operation in pursuance of this Treaty should be as wide as possible and may take place on a multilateral basis, on a bilateral basis, or through international intergovernmental organizations.

3. States Parties shall inform the Secretary-General as well as the public and international scientific community, to the greatest extent feasible and practicable, of their activities concerned with the exploration and use of the moon /and other celestial bodies/. They shall in any case give information on the time, purposes, locations, orbital parameters, duration and results of each /completed/ mission to the moon /and other celestial bodies/, in particular on the scientific results arising out of such missions. In case of a mission lasting more than 60 days, information on conduct of the mission shall be given periodically at 30 days' intervals. For missions lasting more than six months, only significant additions to such information need be reported thereafter. d/

4. If a State Party becomes aware that another State Party plans to operate simultaneously in the same area of or in the same orbit around or trajectory to or around the moon or other celestial body, it shall promptly inform the other State of the timing of and plans for its own operations.

c/ The eventual placement of this paragraph will be decided later.

d/ Certain delegations reserved their position with respect to the question of advance notification of missions to celestial bodies.

/...

Article V

1. There shall be freedom of scientific investigation on the moon /and other celestial bodies/ by all States Parties without discrimination of any kind, on the basis of equality and in accordance with international law.
2. In carrying out scientific investigations in furtherance of the provisions of this Treaty the States Parties shall have the right to collect on and remove from the moon /and other celestial bodies/ samples of its /their/ mineral and other substances. Such samples shall remain at the disposal of those States Parties which caused them to be collected and may be used by them for scientific purposes. States Parties shall have regard to the desirability of making a portion of such samples available to other interested States Parties and the international scientific community for scientific investigation. States Parties may in the course of scientific investigations also use mineral and other substances of the moon /and other celestial bodies/ in quantities appropriate for the support of their missions.
3. States Parties agree on the desirability of exchanging scientific and other personnel on expeditions to or installations on the moon /or other celestial bodies/ to the greatest extent feasible and practicable.

Article VI

1. In exploring and using the moon /and circumlunar space/ /and other celestial bodies/ States Parties shall take measures to prevent the disruption of the existing balance of /its/ /their/ environment/s/ whether by introducing adverse changes in such environment/s/ /its/ /their/ harmful contamination through the introduction of extra-environmental matter or otherwise. States Parties shall also take measures to prevent harmfully affecting the environment of the earth through the introduction of extra-terrestrial matter or otherwise.
2. /States Parties planning missions to the moon /and other celestial bodies/ shall notify the Secretary-General of measures being adopted to minimize the disruption of the existing balance of the environment/s/ of /those bodies/. Such reports shall include the trajectories to be flown the distance of closest approach, and specific measures taken to control micro-organisms on and in the spacecraft./
3. /States Parties shall notify the Secretary-General of plans to place radio-active material on or in orbit or other trajectory around the moon /or other celestial bodies/ and shall give similar notification with regard to the conditions and effects of such placement when it occurs./
4. States Parties shall report to other States Parties and to the Secretary-General concerning areas of the moon /and other celestial bodies/ having special

scientific interest in order that consideration may be given to their designation as international scientific preserves for which special protective arrangements are to be agreed, without prejudice to the rights of other States Parties to this Treaty.

Article VII

1. States Parties may pursue their activities in the exploration and use of the moon /and other celestial bodies/ anywhere on or below its /their/ surface, /and in circumlunar space/, subject to the other provisions of this Treaty.
2. For these purposes States Parties may, in particular:
 - (a) land their space objects on the moon /and other celestial bodies/, and launch them from the moon /such bodies/, /and place them in circumlunar orbit/;
 - (b) place their personnel, space vehicles, equipment, facilities, stations and installations anywhere on or below the surface of the moon /and other celestial bodies/ /and in circumlunar space/;

Personnel, space vehicles, equipment, facilities, stations and installations may move or be moved freely over or below the surface of the moon /and other celestial bodies/ /and in circumlunar space/.

3. Activities of States Parties in accordance with paragraphs 1 and 2 of this article shall not interfere with the activities of other States Parties on the moon /and other celestial bodies/. Where such interference may occur, the States Parties concerned shall undertake consultations in accordance with article XVI.

Article VIII

1. States Parties may establish manned and unmanned stations on the moon /and other celestial bodies/. A State Party establishing a station shall use only that area which is required for the needs of the station and shall immediately inform the Secretary-General of the location and purposes of that station. Subsequently, at annual intervals that State shall likewise inform the Secretary-General whether the station continues in use and whether its purposes have changed.
2. Stations shall be installed in such a manner that they do not impede the free access to all areas of the moon of personnel, vehicles and equipment of other States Parties conducting activities on the moon /and other celestial bodies/ in accordance with the provisions of this Treaty or of article I of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies.

Article IX

1. States Parties shall adopt all practicable measures to safeguard the life and health of persons on the moon /and other celestial bodies/. For this purpose they shall regard any person on the moon /or other celestial body/ as an astronaut within the meaning of the article V of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies and as part of the personnel of a spacecraft within the meaning of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space.
2. States Parties shall offer shelter in their stations, installations, vehicles and other facilities to persons in distress on the moon /or other celestial bodies/.
3. States Parties shall inform the Secretary-General, as well as the public and the international scientific community, of any phenomena they discover in outer space, including the moon and other celestial bodies, which could endanger human life or health, as well as any indication of organic life.

Article X^{e/}

1. /The natural resources of the moon /and other celestial bodies/ shall be the common heritage of all mankind./
2. Neither States, international intergovernmental or non-governmental organizations, national organizations having the status of juridical persons or not, nor natural persons, may claim the surface or subsurface of the moon /or other celestial bodies/ as their property. The placement of personnel, space vehicles, equipment, facilities, stations and installations on or below the surface of the moon /or other celestial bodies/ including structures connected with its /their/ surface or subsurface, shall not create a right of ownership over parts of the surface or subsurface of the moon /or other celestial bodies/.
3. /Parts of the surface or subsurface of the moon /or other celestial bodies/ may not be the object of grant, exchange, transfer, sale or purchase, lease, hire, gift or any other arrangement or transactions with or without compensation between States, international intergovernmental and non-governmental organizations or national organizations having the status of juridical persons or not, or of arrangements or transactions between natural persons./
4. /The States Parties to this Treaty, bearing in mind the need for economic advancement and for the encouragement of investment and efficient development if

e/ This text may be supplemented later.

utilization of the resources of the moon and other celestial bodies becomes a reality, recognize the importance of concluding agreements in this area. To this end, the Depositary Governments shall promptly convene a meeting of all States Parties with a view to negotiating arrangements for the international sharing of the benefits of such utilization when one third of the States Parties inform the Depositary Governments that they consider that practical utilization of the resources of the moon or other celestial bodies is likely to begin within two years following or has already begun./

Article XI

1. States Parties shall retain jurisdiction and control over their personnel, vehicles, equipment, facilities, stations and installations on the moon /and other celestial bodies/. The ownership of space vehicles, equipment, facilities, stations and installations shall not be affected by their presence on the moon /or other celestial bodies/. f/
2. Vehicles, installations and equipment or their component parts found in places other than their intended location shall be dealt with in accordance with article V of the Agreement on Assistance to Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space.
3. In the event of an emergency involving a threat to human life, States Parties may use the equipment, vehicles, installations, facilities or supplies of other States Parties on the moon /or in circumlunar space/ /or other celestial bodies/. Prompt notification of such use shall be made to the Secretary-General or State Party concerned.

Article XII

A State Party which learns of the crash landing, forced landing or other unintended landing on the moon /or other celestial body/ of a space object, or its component parts, that were not launched by it, shall promptly inform the launching State Party and the Secretary-General of the United Nations.

Article XIII

1. States Parties to this Treaty shall bear international responsibility for national activities on the moon /and other celestial bodies/ whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity

f/ Certain delegations reserved their positions on the reference to property, with regard to facilities, stations and installations.

/...

with the provisions set forth in the present Treaty. States Parties shall ensure that non-governmental entities under their jurisdiction shall engage in activities on the moon /and other celestial bodies/ only under the authority and continuing supervision of the appropriate State Party.

2. /In addition to the provisions of article VII of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, a State Party shall be liable for damage resulting from its act or omission or from an act or omission of its personnel on the moon to the property or personnel of other States Parties on the moon, unless it is established that the damage occurred through no fault of the said State or of its personnel on the moon./

Article XIV

With the exception of Articles XVIII to XXI, references in this Treaty to States shall be deemed to apply to any international intergovernmental organization which conducts space activities if the organization declares its acceptance of the rights and obligations provided for in this Treaty and if a majority of the States members of the organization are States Parties to this Treaty and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies. States members of any such organization which are States Parties to this Treaty shall take all appropriate steps to ensure that the organization makes a declaration in accordance with the foregoing.

Article XV

In the event of any difference arising between States Parties with regard to the interpretation /or application/ of the provisions of this Treaty, reference shall be made where appropriate to the provisions of the Treaty on the Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and other Celestial Bodies, the Agreement on the Rescue of Astronauts, the Return of Astronauts, and the Return of Objects Launched into Outer Space, and the Convention on International Liability for Damage caused by Space Objects. g/

Article XVI

1. Each State Party may assure itself that the activities of other States Parties in the exploration and use of the moon /and other celestial bodies/ are compatible with the provisions of this Treaty. To this end, all space vehicles, equipment,

g/ The delegation of Australia reserved its position on this article.

/...

facilities, stations and installations on the moon and other celestial bodies shall be open to other States Parties. Such States Parties shall give reasonable advance notice of a projected visit, in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety and to avoid interference with normal operations in the facility to be visited. In pursuance of this Article, any State Party may use its own means, or may act with the full or partial assistance of any other State Party, or through appropriate international procedures within the framework of the United Nations and in accordance with the Charter.

2. A State Party which has reason to believe that another State Party is not fulfilling the obligations incumbent upon it pursuant to this Treaty or that another State Party is interfering with the rights which the former State has under this Treaty may request consultations with that Party. A State Party receiving such a request shall enter into such consultations without delay. Any other State Party which requests to do so shall be entitled to take part in the consultations. Each State Party participating in such consultations shall seek a mutually acceptable resolution of any controversy and shall bear in mind the rights and interests of all States Parties. The Secretary-General shall be informed of the results of the consultations and transmit the information received to all States Parties concerned.

3. If the consultations do not lead to a mutually acceptable settlement which has due regard for the rights and interests of all the States Parties, the parties concerned shall take all measures to settle the dispute by other peaceful means of their choice and appropriate to the circumstances and the nature of the dispute. If difficulties arise in connexion with the opening of consultations or if consultations do not lead to a mutually acceptable settlement, any State Party may seek the assistance of the Secretary-General without seeking the consent of any other State Party concerned, in order to resolve the controversy. A State Party which does not maintain diplomatic relations with another State Party concerned shall participate in such consultations, at its choice, either itself or through another State Party or the Secretary-General, as intermediary.

Article XVII

At any time after this Treaty has been in force for five years, at the request of one third of the States Parties to the Treaty and with the concurrence of the majority of the States Parties a conference of the States Parties shall be convened to review this Treaty.

Article XVIII

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of..., which are hereby designated the Depositary Governments.
3. This Treaty shall enter into force upon the deposit of instruments of ratification by five Governments including the Governments designated as Depositary Governments under this Treaty.
4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force and other notices.
6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article XIX

Any State Party to the Treaty may propose amendments to this Treaty. Amendments shall enter into force for each State Party to the Treaty accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and thereafter for each remaining State Party to the Treaty on the date of acceptance by it.

Article XX

Any State Party to the Treaty may give notice of its withdrawal from the Treaty one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article XXI

This Treaty, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Treaty.

DONE in ..., at the cities of ..., the ... day of ... one thousand nine hundred and seventy....

/...

(B) Working papers

(1) Working paper submitted by Bulgaria (27 March 1973)

DRAFT TREATY RELATING TO THE MOON

The States parties to this treaty,

Noting the achievements of States in the exploration and use of the moon and other celestial bodies,

Recognizing that the moon, as a natural satellite of the earth, has an important role to play in the exploration of outer space,

Determined to promote on the basis of equality the further development of co-operation among States in the exploration and use of the moon and other celestial bodies,

Desiring to prevent the moon and other celestial bodies from becoming an area of international conflict,

Recalling the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, and the Convention on International Liability for Damage Caused by Space Objects,

Taking into account the need to define and develop the provisions of these international instruments in relation to the moon and other celestial bodies having regard to further progress in the exploration and use of outer space,

Have agreed on the following:

Article I

1. The term "moon" as employed in this treaty shall include orbits and other transit trajectories of space objects around the moon.

2. The provisions of this treaty shall be deemed applicable to the moon as well as to any other natural celestial body, except the earth, until the entry into force of a treaty regulating the exploration and use of such celestial body whereupon the provisions of this treaty shall cease to be in force with regard to this celestial body. This treaty shall not be applicable to extraterrestrial materials which reach the surface of the earth by natural means.

Article II

1. Activities on the moon shall be carried out in accordance with international law, including the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international co-operation and understanding.

2. In accordance with the Charter of the United Nations, the threat or use of force or any other hostile act or threat of hostile act on the moon is prohibited. It is likewise prohibited to use the moon in order to commit any such act or to engage in any such threat in relation to the earth, or other celestial bodies, spacecraft, the personnel of spacecraft or man-made space objects.

Article III

1. The moon shall be used by all States parties exclusively for peaceful purposes.

2. States parties shall not place in orbit around or other trajectory to or around the moon objects carrying nuclear weapons or any other kinds of weapons of mass destruction or place or use such weapons on or in the moon.

3. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military manoeuvres on the moon shall be forbidden. The use of military personnel for scientific research or for any other peaceful purposes shall not be prohibited. The use of any equipment or facility necessary for peaceful exploration and use of the moon shall also not be prohibited.

Article IV

1. The exploration and use of the moon shall be the province of all mankind and shall be carried out for the benefit and in the interests of all

countries, irrespective of their degree of economic or scientific development. Due regard shall be paid to the interests of present and future generations as well as to the need to promote higher standards of living and conditions of economic and social progress and development in accordance with the Charter of the United Nations.

2. States parties shall be guided by the principle of co-operation and mutual assistance in all their activities concerning the exploration and use of the moon. International co-operation in pursuance of this treaty should be as wide as possible and may take place on a multilateral basis, on a bilateral basis, or through international intergovernmental organizations.

3. States parties shall inform the Secretary-General as well as the public and the international scientific community, to the greatest extent feasible and practicable, of their activities concerned with the exploration and use of the moon. Information on the time, purposes, locations, orbital parameters and duration shall be given in respect of each mission to the moon as soon as possible after launching, while information on the results of each mission, including scientific results, shall be furnished upon completion of the mission. In case of a mission lasting more than 60 days, information on conduct of the mission shall be given periodically at 30 days intervals. For missions lasting more than six months, only significant additions to such information need be reported thereafter.

4. If a State party becomes aware that another State party plans to operate simultaneously in the same area of or in the same orbit around or trajectory to or around the moon or other celestial body, it shall promptly inform the other State of the timing of and plans for its own operations.

Article V

1. There shall be freedom of scientific investigation on the moon by all States parties without discrimination of any kind, on the basis of equality and in accordance with international law.

2. In carrying out scientific investigations in furtherance of the provisions of this treaty the States parties shall have the right to collect on and remove from the moon samples of its mineral and other substances. Such samples shall remain at the disposal of those States parties which caused them to be collected and may be used by them for scientific purposes. States parties shall have regard to the desirability of making a portion of such samples available to other interested States parties and the international scientific community for scientific investigation. States parties may in the course of scientific investigations also use mineral and other substances of the moon in quantities appropriate for the support of their missions.

3. States parties agree on the desirability of exchanging scientific and other personnel on expeditions to or installations on the moon to the greatest extent feasible and practicable.

Article VI

1. In exploring and using the moon States parties shall take measures to prevent the disruption of the existing balance of its environment whether by introducing adverse changes in such environment, its harmful contamination through the introduction of extra-environmental matter or otherwise. States parties shall also take measures to prevent harmfully affecting the environment of the earth through the introduction of extraterrestrial matter or otherwise.

2. States parties to this treaty communicating the information on their activities related to the exploration and use of the moon in accordance with paragraph 3 of article IV of this treaty shall indicate measures adopted by them for the purposes of minimizing the disruption of the existing balance of the lunar environment. States parties shall also notify of all placements by them of radio-active materials on the moon and of the purposes of such placements.

3. If a State party has reasons to believe that any activities or experiment planned by it on the moon may cause a substantial disruption of the existing balance of the lunar environment, it shall undertake appropriate international consultations before proceeding with any such activity or experiment.

4. States parties shall report to other States parties and to the Secretary-General concerning areas of the moon having special scientific interest in order that consideration may be given to their designation as international scientific preserves for which special protective arrangements are to be agreed, without prejudice to the rights of other States parties to this treaty.

Article VII

1. States parties may pursue their activities in the exploration and use of the moon anywhere on or below its surface, subject to the other provisions of this treaty.

2. For these purposes States parties may, in particular:

(a) Land their space objects on the moon, and launch them from the moon;

(b) Place their personnel, space vehicles, equipment, facilities, stations and installations anywhere on or below the surface of the moon;

Personnel, space vehicles, equipment, facilities, stations and installations may move or be moved freely over or below the surface of the moon.

3. Activities of States parties in accordance with paragraphs 1 and 2 of this article shall not interfere with the activities of other States parties on the moon. Where such interference may occur, the States parties concerned shall undertake consultations in accordance with article XVI.

Article VIII

1. States parties may establish manned and unmanned stations on the moon. A State party establishing a station shall use only that area which is required for the needs of the station and shall immediately inform the Secretary-General of the location and purposes of that station. Subsequently at annual intervals that State shall likewise inform the Secretary-General whether the station continues in use and whether its purposes have changed.

2. Stations shall be installed in such a manner that they do not impede the free access to all areas of the moon of personnel, vehicles and equipment of other States parties conducting activities on the moon in accordance with the provisions of this treaty or of article I of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

Article IX

1. States parties shall adopt all practicable measures to safeguard the life and health of persons on the moon. For this purpose they shall regard any person on the moon as an astronaut within the meaning of the article V of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and as part of the personnel of a spacecraft within the meaning of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space.

2. States parties shall offer shelter in their stations, installations, vehicles and other facilities to persons in distress on the moon;

3. States parties shall inform the Secretary-General, as well as the public and the international scientific community, of any phenomena they discover in outer space, including the moon and other celestial bodies, which could endanger human life or health, as well as any indication of organic life.

Article X

1. Neither States, international intergovernmental or non-governmental organizations, national organizations having the status of juridical persons or not, nor natural persons, may claim the surface or subsurface of the moon as their property. The placement of personnel, space vehicles, equipment, facilities, stations and installations on or below the surface of the moon including structures connected with its surface or subsurface, shall not create a right of ownership over parts of the surface or subsurface of the moon.

2. Parts of the surface or subsurface of the moon may not be the object of grant, exchange, transfer, sale or purchase, lease, hire, gift or any other arrangement or transactions with or without compensation between States, international intergovernmental and non-governmental organizations or national organizations having the status of juridical persons or not, or of arrangements or transactions between natural persons.

3. States parties to this treaty, bearing in mind the need for economic advancement and for assuring the orderly and safe development and rational management of the natural resources of the moon, when the exploitation of these resources becomes a reality, recognize the importance of establishing an international régime governing such exploitation. In establishing this régime due regard shall be paid to the participation of all States in sharing the benefits to be derived from the exploitation of the natural resources of the moon, and in particular to the consideration of the desirability of declaring these resources common heritage of all mankind. For this purpose the depositary Governments shall convene a conference of all States parties to this treaty on the request of one third of such States.

Article XI

1. States parties shall retain jurisdiction and control over their personnel, vehicles, equipment, facilities, stations and installations on the moon. The ownership of space vehicles, equipment, facilities, stations and installations shall not be affected by their presence on the moon.

2. Vehicles, installations and equipment or their component parts found in places other than their intended location shall be dealt with in accordance with article V of the Agreement on Assistance to Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space.

3. In the event of an emergency involving a threat to human life, States parties may use the equipment, vehicles, installations, facilities or supplies of other States parties on the moon. Prompt notification of such use shall be made to the Secretary-General of the United Nations or the State party concerned.

Article XII

A State party which learns of the crash landing, forced landing or other unintended landing on the moon of a space object, or its component parts, that were not launched by it, shall promptly inform the launching State party and the Secretary-General of the United Nations.

Article XIII

1. States parties to this treaty shall bear international responsibility for national activities on the moon whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set fourth in the present treaty. States parties shall ensure that non-governmental entities under their jurisdiction shall engage in activities on the moon only under the authority and continuing supervision of the appropriate State party.

2. A State party shall bear international responsibility for the damage caused on the moon due to its fault or the fault of persons for whom it is responsible, to other State party, its natural or juridical persons.

Article XIV

With the exception of articles XVIII to XXI, references in this treaty to States shall be deemed to apply to any international intergovernmental organization which conducts space activities if the organization declares its acceptance of the rights and obligations provided for in this treaty and if a majority of the States members of the organization are States parties to this treaty and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies. States members of any such organization which are States parties to this treaty shall take all appropriate steps to ensure that the organization makes a declaration in accordance with the foregoing.

Article XV

In the event of any difference arising between States parties with regard to the interpretation or application of the provisions of this treaty, reference shall be made where appropriate to the provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and other Celestial Bodies, the Agreement on the Rescue of Astronauts, the Return of Astronauts, and the Return of Objects Launched into Outer Space, and the Convention on International Liability for Damage caused by Space Objects.

Article XVI

1. Each State party may assure itself that the activities of other States parties in the exploration and use of the moon are compatible with the provisions

of this treaty. To this end, all space vehicles, equipment, facilities, stations and installations on the moon shall be open to other States parties. Such States parties shall give reasonable advance notice of a projected visit, in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety and to avoid interference with normal operations in the facility to be visited. In pursuance of this article, any State party may use its own means, or may act with the full or partial assistance of any other State party, or through appropriate international procedures within the framework of the United Nations and in accordance with the Charter.

2. A State party which has reason to believe that another State party is not fulfilling the obligations incumbent upon it pursuant to this treaty or that another State party is interfering with the rights which the former State has under this treaty may request consultations with that party. A State party receiving such a request shall enter into such consultations without delay. Any other State party which requests to do so shall be entitled to take part in the consultations. Each State party participating in such consultations shall seek a mutually acceptable resolution of any controversy and shall bear in mind the rights and interests of all States parties. The Secretary-General shall be informed of the results of the consultations and transmit the information received to all States parties concerned.

3. If the consultations do not lead to a mutually acceptable settlement which has due regard for the rights and interests of all the States parties, the parties concerned shall take all measures to settle the dispute by other peaceful means of their choice and appropriate to the circumstances and the nature of the dispute. If difficulties arise in connexion with the opening of consultations or if consultations do not lead to a mutually acceptable settlement, any State party may seek the assistance of the Secretary-General of the United Nations without seeking the consent of any other States party concerned, in order to resolve the controversy. A State party which does not maintain diplomatic relations with another State party concerned shall participate in such consultations, at its choice, either itself or through another State party or the Secretary-General, as intermediary.

Article XVII

At any time after this treaty has been in force for five years, at the request of one third of the States parties to the treaty and with the concurrence of the majority of the States parties a conference of the States parties shall be convened to review this treaty.

Article XVIII

1. This treaty shall be open to all States for signature. Any State which does not sign this treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of, which are hereby designated the depositary Governments.

3. This treaty shall enter into force upon the deposit of instruments of ratification by five Governments including the Governments designated as depositary Governments under this treaty.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this treaty, the date of its entry into force and other notices.

6. This treaty shall be registered by the depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article XIX

Any State party to this treaty may propose amendments to the treaty. Amendments shall enter into force for each State party to the treaty accepting the amendments upon their acceptance by a majority of the States parties to the treaty and thereafter for each remaining State party to the treaty on the date of acceptance by it.

Article XX

Any State party to the treaty may give notice of its withdrawal from the treaty one year after its entry into force by written notification to the depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article XXI

This treaty, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the depositary

Governments. Duly certified copies of this treaty shall be transmitted by the depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Treaty.

DONE in ..., at the cities of ..., the ... day of ... one thousand nine hundred and seventy-....

(2) Egypt and India: working paper (27 March 1973)

DRAFT TREATY RELATING TO THE MOON

(A/AC.105/101, paragraph 21)

Replace the text of paragraph 1 of article II by the following text:

All activities on, or below the surface of, the moon and other celestial bodies, including their exploration and use, shall be carried out in accordance with the provisions of these articles, and international law, including the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970, in the interest of maintaining international peace and security and promoting international co-operation and mutual understanding.

(3) India: working paper (27 March 1973)

DRAFT TREATY RELATING TO THE MOON

(A/AC.105/101, paragraph 21)

Article V

1. Add the words "exclusively for peaceful purposes" in paragraph 1 immediately after the words "States parties".
2. Add the following text as paragraph 4 in article V:

States parties shall promote international co-operation in scientific investigation concerning the moon and other celestial bodies, in particular,

- (a) By participation in international programmes and by encouraging co-operation in scientific investigation by personnel of different countries;
- (b) By dissemination of the results of research programmes through international channels;
- (c) By co-operation in measures to strengthen research capabilities of developing countries, including the participation of their nationals in research programmes.

(4) India: working paper (27 March 1973)

DRAFT TREATY RELATING TO THE MOON

(A/AC.105/101, paragraph 21)

Amend paragraph 3 of article IX as follows:

1. Between the words "shall" and "inform", add the word "immediately".
2. Add the words "or resources" immediately after the words "organic life".

(5) India: working paper (27 March 1973)

DRAFT TREATY RELATING TO THE MOON

(A/AC.105/101, paragraph 21)

Replace paragraphs 1 and 4 of article X by the following text and place paragraphs 2 and 3 in a new article:

Article X

1. The moon and other celestial bodies, their subsoil as well as their resources, are the common heritage of mankind.
2. States parties undertake to establish an international régime for the orderly and safe development and rational management of the resources of the moon and other celestial bodies and their subsoil, and for expanding opportunities in the use thereof, and to ensure the equitable sharing by all States in the benefits derived therefrom, taking into particular consideration the interests and needs of the developing countries.
3. Exploitation of the resources of the moon and other celestial bodies and their subsoil shall not be done except in accordance with the international régime to be established. For this purpose, the depositary Governments shall convene a conference of all States parties at the request of one third of such States.

Article X (bis)*

1. The moon and other celestial bodies and their subsoil, as well as their resources, are not subject to national appropriation by claim of sovereignty, by

* Note: Paragraphs 2 and 3 of this new article are based on paragraphs 2 and 3 of article X as they appear on pages 11 and 12 of Legal Sub-Committee's report contained in document A/AC.105/101.

/...

means of use or occupation, or by any other means. No such appropriation shall be recognized as legal.

2. Neither States, international intergovernmental or non-governmental organizations, national organizations having the status of juridical persons or not, nor natural persons, shall claim the surface or subsurface of the moon or other celestial bodies, or parts thereof, or their resources, as their property or appropriate them by any means. The placement of personnel, space vehicles, equipment, facilities, stations and installations on or below the surface of the moon or other celestial bodies including structures connected with their surface or subsurface, shall not create a right of ownership over the surface or subsurface of the moon or other celestial bodies or parts thereof. No such claims or appropriation or ownership shall be recognized as legal.

3. The surface or subsurface of the moon or other celestial bodies, or parts thereof, shall not be the object of grant, exchange, transfer, sale or purchase, lease, hire, gift or any other arrangements or transactions with or without compensation between States, international intergovernmental and non-governmental organizations or national organizations having the status of juridical persons or not, or of arrangements or transactions between natural persons.

(6) Iran: working paper (28 March 1973)

DRAFT TREATY RELATING TO THE MOON

(A/AC.105/101, paragraph 21)

Amendment to the preambular part of the draft
treaty relating to the moon

After the second preambular paragraph of the draft treaty, insert the following
additional paragraph:

"Recognizing also that the moon, as a natural satellite of the earth,
constitutes a common heritage of mankind."

(7) Union of Soviet Socialist Republics:
working paper (28 March 1973)

DRAFT TREATY RELATING TO THE MOON

(A/AC.105/101, paragraph 21)

(Question of the "common heritage of all mankind")

One of the questions that still remains unresolved in the consideration of
the draft treaty relating to the moon is the problem of the use of the concept
of the "common heritage of all mankind".

We shall try to determine the legal content of that formula. In the legal
sense we are familiar with such civil law terms as "inheritance" and "succession".
We do not use the term "heritage" in civil law. We use this word in the
philosophical, rather than the legal sense.

Nevertheless, what is involved is not so much the terminology as the essence
of the problem. Nobody is likely to put forward any telling arguments to support
the extension of the constructions and categories of civil jurisprudence to
space law, which is a part of international public law.

What is "inheritance" in the civil law sense? This concept is inseparably
bound up with the right of ownership, the possession of a thing and the use of it.

The recognition of inheritance and the right to succession is bound up with
the concept of property and property rights. Without the concept of property,
the concept of succession also becomes meaningless.

/...

How does international space law resolve the question of property rights? The right of ownership over space objects and their parts is recognized (article VIII of the Treaty on Outer Space). And this is fully justified, since such objects are property belonging to a State or specific persons. That is a matter of civil law. International law, in this case, has merely confirmed the universal recognition of the corresponding parts of the civil law of States in respect of property rights over specific things.

In the case of celestial bodies, the Treaty on Outer Space has established definitely and unequivocally that the moon and other celestial bodies are not subject to national appropriation (art. II): they may not become any person's thing or any person's property. Developing this generally recognized approach logically, the Soviet draft treaty concerning the moon provides that no person may claim the surface or subsurface of the moon as their property (article VIII of the draft). Consequently, portions of the surface or subsurface of the moon cannot be the object of civil law transactions - grant, exchange, transfer, sale or purchase, lease, hire and so forth. Nor can they, quite naturally, be the object of succession. A thing that belongs to nobody cannot pass into any person's possession by succession.

According to the 1967 Treaty on Outer Space, celestial bodies are the province of all mankind. They are available for the undivided and common use of all States on earth, but are not jointly owned by them. This is the essential feature of international law.

Based on these scientific and legal premises, the Soviet delegation would be able to consider the question of the use in the draft treaty relating to the moon of the concept of the "common province of all mankind". It would seem that by taking this line a satisfactory compromise might also be found on this matter.

(8) Argentina: working paper (30 March 1973)

DRAFT TREATY RELATING TO THE MOON

(A/AC.105/101, paragraph 21)

Article X

1. The moon and other celestial bodies and their natural resources shall be the common heritage of all mankind.
2. All substances originating on the moon or other celestial bodies shall be regarded as natural resources. The same character shall attach to any development undertaken from or on the moon or other celestial bodies in the communications, energy or other analogous fields.
3. The utilization and development in situ of the natural resources of the moon and other celestial bodies, provided that they are undertaken in conformity with this Treaty, shall be lawful, on the understanding that their misuse shall be avoided and that the recognized rights of other States Parties shall not be impaired.

Article X (bis)

1. Neither States, international, intergovernmental or non-governmental organizations or national organizations having the status of juridical persons or not, nor natural persons, may claim the surface or subsurface of the moon or other celestial bodies as their property. The placement of personnel, space vehicles, equipment, stations and installations on or below the surface of the moon and other celestial bodies, including structures connected with the surface or subsurface, shall not create a right of ownership over part of the surface or subsurface of the moon or other celestial bodies.

/...

2. Parts of the surface or subsurface of the moon or other celestial bodies may not be the object of grant, exchange, transfer, sale or purchase, lease, hire, gift or any other arrangement or transactions, with or without compensation, between States, international, intergovernmental or non-governmental organizations or national organizations having the status of juridical persons or not, or of arrangements or transactions between natural persons.

Article X (ter)

1. The benefits obtained from the use of the natural resources of the moon and other celestial bodies shall be made available to all peoples without discrimination of any kind.

2. The States Parties, taking account of the need to promote the attainment of higher standards of living and conditions of economic and social progress and development, pursuant to Article 55, paragraph (a), of the Charter of the United Nations as well as to ensure the orderly development and rational exploitation of the natural resources of the moon and other celestial bodies, recognize the importance of establishing an international régime to regulate such exploitation.

3. In distributing the benefits obtained from the exploitation of the natural resources of the moon and other celestial bodies, the interests and needs of the developing countries shall be taken into account and appropriate international machinery shall be established for that purpose. To that end, a conference of all States Parties to this Treaty shall be convened, upon the request of one third of such States.

Article XI

1. States Parties shall retain jurisdiction and control over their personnel, vehicles, equipment, facilities, stations and installations on the moon or other celestial body. The ownership of space vehicles, equipment, facilities, stations and installations shall not be affected by the fact of their presence on the moon or other celestial body and they shall remain subject to the régime applicable before their launching.

2. The vehicles, equipment, stations, installations and other objects constructed on the moon or other celestial body shall be the property of the constructor, even where a substance originating on the moon or other celestial body is used.

3. Vehicles, equipment, stations, installations and other objects or their component parts found in places other than their intended location shall be dealt with in accordance with article V of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space.

4. Regardless of the provisions of paragraph 2, in the event of an emergency involving a threat to human life, States Parties may use the vehicles, equipment, stations, installations and other objects of their component parts, or the supplies of other States Parties, on the moon or other celestial bodies. Notification of such use shall be made without delay to the State Party concerned and to the Secretary-General of the United Nations.

(9) Argentina: working paper (2 April 1973)

DRAFT TREATY RELATING TO THE MOON

Amendment to article XVIII, paragraphs 2 and 3 of the
Bulgarian Working Paper (Annex I(B)(1))

"2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Secretary-General of the United Nations, hereby designated as the depositary.

"3. This Treaty shall enter into force upon the deposit of instruments of ratification by five Governments."

(10) Argentina: working paper (3 April 1973)

DRAFT TREATY RELATING TO THE MOON

(A/AC.105/101, paragraph 21)

Amendment to article VI, paragraph 4, of the proposal
by Bulgaria (Annex I(B)(1))

"4. States Parties shall report to other States Parties and to the Secretary-General concerning areas of the moon having special scientific interest in order that consideration may be given to their designation as international scientific preserves for which special protective arrangements are to be agreed, without prejudice to the rights of other States Parties to this Treaty. Such special arrangements, in which any State may join, shall be agreed upon with the participation of the Committee on the Peaceful Uses of Outer Space."

(11) Argentina: working paper (17 April 1973)

DRAFT TREATY RELATING TO THE MOON

(Question of the "common heritage of all mankind")

The Soviet delegation submitted, on 28 March 1973, a working paper in which it tries to determine the legal content of the expression "common heritage of all mankind".

According to that paper, the term "heritage" is not used in civil law in the Soviet Union, where it has a philosophical rather than a legal sense. It does not appear that this can carry over into international law, where formulae and principles of general law are employed in the structure of many of its institutions. The word "succession", for instance, has been used in classical international law when speaking of succession of States, and it has not lost its validity - so much so that it is among the topics for priority treatment in the International Law Commission. The Spanish term for "heritage" ("patrimonio") is also used by modern international law in referring, for instance, to the "patrimonial sea" ("mar patrimonial").

The working paper in question states that, without the concept of property, the concept of succession also becomes meaningless. It is relevant to point out that there are two classes of domain; one is direct domain, which traditionally was known as "eminent domain" or, in short, ownership. This type of domain has not been recognized as being applicable to the moon in any of its forms. On the other hand, however, we must not forget that there has also existed since the most ancient times - and this has carried over into modern legal systems, particularly since the Second World War - a domain known as beneficial ownership (dominio útil), which comprises enjoyment, receipt of the fruits, profit. There undoubtedly exists on the moon beneficial ownership, pertaining to its utilization and to the possible exploitation of its natural resources. What is one to call

this community of ownership, this conjunction of profits, this joint receipt of fruits and products - in a word, this common property of the moon? There is no need to create anything new. The idea of heritage - which can even be intangible - has existed since olden times, and it resolves the issue without any major difficulty. Moreover, international law has always recognized, in addition to sovereignty, a right of ownership on the part of States, which is no different from the concept of ownership under general law.

The Soviet working paper states that the concept of inheritance is inseparably bound up with the right of ownership, the possession of a thing and the use of it. This is obvious and is demonstrated by the fact, among others, that on the occasion of its lunar missions the Soviet Union took possession of things (rocks and other samples from the moon) and made use of them. Thus, it operated within a concept of inheritance.

As applied to outer space and celestial bodies, the concept is not philosophical but legal, because the question hinges not on terminology but on the essence of the problem and on the prevailing rules. Consequently, there is little point in making a philosophical or philological analysis of the expression "common heritage of all mankind". It is, however, essential to note that the substance of the question is normative; it has to do with the norms and principles of international law.

The formulae thus far employed in the international instruments that have been elaborated in outer space law reflect the general interests of States, which have been increasingly identified as the exploration and use of space progresses. When the aspirations and needs of the peoples of the world arrive at a way of expressing themselves - in other words, when the point is reached where it is possible to establish what is desired - the matter enters into the legal sphere. What is desired necessarily tends to find expression in a principle or a norm which, on this issue, is always international.

The 1967 Space Treaty has resolved part of the question when it lays down that outer space, including the moon and other celestial bodies, is not subject to national appropriation (article II), and deviates from the principle which international law would have recognized by the fact of conquest or occupation if this exception had not been established. This deviation, or the negative aspect of the question, only affects States which have the capacity to reach outer space and other celestial bodies. The positive aspect, which begins with the entry into force of the Treaty, covers or binds all States, including those affected by the negative aspect.

But what is the positive aspect of these negations in the 1967 Treaty, which are taken to their final consequences in the draft treaty on the moon?

For the present, without any claim to exhaust other inherent points of substance, the following may be enunciated:

A realization on the part of all States and peoples that they are entitled to the benefits derived from the principles and norms established for outer space and celestial bodies;

The need to link to the exploration and use of space and celestial bodies the exploitation thereof;

The search for profit, with an attempt to ensure its results;

Equitable sharing of the profits derived;

Consideration of the needs and interests of developing countries;

Supervision of this activity with a view to equitable distribution;

The institution of an international régime;

The establishment of appropriate procedures for such a régime.

The existence of international machinery or an international authority to give effect to all the expectations that have been voiced.

The major merit of replacing the vague expression "province of all mankind" by the more meaningful expression "common heritage of all mankind" is that in so doing one has specified the commencement of an action, replacing an abstract statement by a means of operating, within a specified legal framework.

The fact that General Assembly resolution 2749 (XXV) on the sea-bed was adopted without any dissenting vote is definite proof of the existence of this legal viewpoint common to all States, entirely irrespective of their special internal features, their philosophical ideas or their policies.

(12) United States of America: working paper (30 March 1973)

DRAFT TREATY RELATING TO THE MOON

(A/AC.105/101, paragraph 21)

1. The provisions of this Treaty shall apply to the moon, planets, and other celestial bodies within the solar system, other than the earth, unless expressly stated, as well as to orbits around the moon, planets or such other celestial bodies.

2. This Treaty does not apply to extra-terrestrial materials which reach the surface of the earth by natural means.

3. The term "other celestial bodies" as employed in this Treaty shall apply to all natural celestial bodies of the solar system, other than the earth, moon and planets.

(13) United States of America: working paper (9 April 1973)

DRAFT TREATY RELATING TO THE MOON

(A/AC.105/101, paragraph 21)

References in this Treaty to "other celestial bodies" shall be deemed to apply to the planets and other celestial bodies within the solar system, except the earth, as well as to orbits and other transit trajectories to or around those bodies. The States parties to the Treaty agree that, should it become desirable at some later stage to elaborate additional arrangements in regard to the exploration and use of individual planets or other celestial bodies within the solar system, a conference of States parties shall be convened for that purpose by the depositary Governments when one third of the States parties so request.

(14) United States of America: working paper (17 April 1973)

DRAFT TREATY RELATING TO THE MOON

The United States advances the following proposal for the purpose of reaching agreement on a mutually acceptable formulation of article X, concerning the natural resources of the moon and other celestial bodies.

Article X

"1. The moon and other celestial bodies are not subject to national appropriation by any claim of sovereignty, by means of use or occupation, or by any other means.

"2. Neither the surface nor the subsurface of the moon or other celestial bodies, nor any area thereof or natural resources in place, shall become the property of any State, international intergovernmental or non-governmental organization, national organization or non-governmental entity or of any natural person. The placement of personnel, space vehicles, equipment, facilities, stations and installations on or below the surface of the moon or other celestial bodies, including structures connected with their surface or subsurface, shall not create a right of ownership over the surface or the subsurface of the moon or other celestial bodies or any areas thereof. The foregoing provisions are without prejudice to the international régime referred to in paragraph 4 of this article, as well as to exploitation of the natural resources of the moon or other celestial bodies pending the establishment of such a régime.

"3. States Parties have an equal right to the exploration and use of the moon and other celestial bodies without discrimination of any kind under the conditions stipulated in this treaty.

/...

"4. States Parties undertake to establish an international régime governing the exploitation of the natural resources of the moon and other celestial bodies, including appropriate procedures, when such exploitation becomes feasible.

"5. The main purposes of the international régime to be established shall be to ensure the orderly and safe development and rational management of the natural resources of the moon and other celestial bodies, to expand opportunities in the use thereof and to determine an equitable sharing by all States Parties in the benefits derived therefrom, taking into consideration, in particular, the interests and needs of the developing countries.

"6. A conference of all States Parties shall be convened by the depositary governments at the request of one third of such States in order to implement the provisions of paragraph 4 of this article on the basis of the principle that the natural resources of the moon and other celestial bodies are the common heritage of mankind, due regard being paid to the provisions of article V of this treaty.

"7. All activities with respect to the natural resources of the moon or other celestial bodies shall be carried out in a manner compatible with the purposes of the international régime to be established as specified in paragraph 5 of this article."

In addition, the United States would accept the proposal to add an obligation to furnish information not only on scientific results of missions but also on natural resources found on the moon or other celestial bodies. As revised accordingly, article IV, paragraph 3 of the draft treaty would read:

"3. States Parties shall inform the Secretary-General as well as the public and the international scientific community, to the greatest extent feasible and practicable, of their activities concerned with the exploration and use of the moon and other celestial bodies. They shall in any case give information on the time, purposes, locations, orbital parameters, duration and results of each mission to the moon and other celestial bodies, and in particular information regarding scientific results and natural resources arising out of such missions. In case of a mission lasting more than 60 days, information on conduct of the mission shall be given periodically at 30-day intervals. For missions lasting more than six months, only significant additions to such information need be reported thereafter."*

* The question of advance notification of missions is reserved.

(15) United Kingdom: proposed article I (30 March 1973)

DRAFT TREATY RELATING TO THE MOON

(A/AC.105/101, paragraph 21)

1. The term "moon" as employed in this Treaty shall include orbits and other transit trajectories of space objects around the moon.

2. References in this Treaty to the moon shall be deemed to apply also to the planets and other celestial bodies within the solar system, except the earth, as well as to orbits and other transit trajectories of space objects around such planets and other celestial bodies. The States Parties recognize, however, that it may become desirable at some later stage to elaborate separate arrangements in regard to the exploration and use of individual planets or other celestial bodies within the solar systems and agree that a conference of States Parties to this Treaty for the purpose of elaborating such arrangements shall be convened by the depositary Governments when one third of States Parties so request.

3. This Treaty shall not be applicable to extra-terrestrial materials which reach the surface of the earth by natural means.

(16) Italy: working paper (3 April 1973)

DRAFT TREATY RELATING TO THE MOON

(A/AC.105/101, paragraph 21)

Article X

1. The moon is not subject to national appropriation by claims of sovereignty, by means of use or occupation, or by any other means.

2. Neither the surface or subsurface of the moon, nor, subject to the provisions of article V, paragraph 2, their parts and natural resources shall become the property of any State, international intergovernmental or non-governmental organization, national organization or agency or non-governmental entity, or of any natural person. The placement of personnel, space vehicles, equipment, facilities, stations and installations on or below the surface of the moon, including structures connected with its surface or subsurface, shall not create a right of ownership over parts of the surface or subsurface of the moon.

The foregoing provisions are without prejudice to the international régime referred to in paragraph 4 of this article.

/...

3. All States have an equal right to the exploration and use of the moon without discrimination of any kind, under the conditions stipulated in this Treaty.

4. States parties to this Treaty undertake to establish an international régime governing the exploitation of the natural resources of the moon, when such exploitation will become technically feasible.

The main purposes of the international régime to be established shall be to ensure the orderly and safe development and rational management of the natural resources of the moon, to expand opportunities in the use thereof and to determine an equitable sharing by all States in the benefits derived therefrom, taking into consideration, in particular, the interests and needs of the developing countries.

5. A conference of all States parties to this Treaty shall be convened by the depositary Governments at the request of one third of such States, in order to implement the provision of paragraph 4 of this article, on the basis of the principle that the natural resources of the moon are the common heritage of mankind.

(17) Sweden: working paper (18 April 1973)

DRAFT TREATY RELATING TO THE MOON

Proposed amendment to article X

Add a final paragraph to article X as proposed by Italy (Annex I(B)(16)) with the following wording:

"No activities shall be carried out on the Moon with respect to its natural resources which may be incompatible with the purposes of the international régime to be established, as specified in paragraph 5 of this article."

(c) Text relating to Article X worked out originally in
informal consultations

DRAFT TREATY RELATING TO THE MOON

Text originally worked out in informal consultations
and considered by Working Group I

Article X

1. The moon is not subject to national appropriation by any claim of sovereignty, by means of use or occupation, or by any other means.

2. Neither the surface nor the subsurface of the moon, nor, subject to the provisions of article V, paragraph 2, their parts and natural resources shall become the property of any State, international intergovernmental or non-governmental organization, national organization or non-governmental entity, or of any natural person. The placement of personnel, space vehicles, equipment, facilities, stations and installations on or below the surface of the moon, including structures connected with its surface or subsurface, shall not create a right of ownership over the surface or subsurface of the moon or any areas thereof.

The foregoing provisions are without prejudice to the international régime referred to in paragraph 4 of this article.

3. States Parties have an equal right to the exploration and use of the moon including the exploitation of its natural resources without discrimination of any kind, under the conditions stipulated in this Treaty.

4. States Parties undertake to establish an international régime governing the exploitation of the natural resources of the moon, when such exploitation becomes feasible.

5. The main purposes of the international régime to be established shall be to ensure the orderly and safe development and rational management of the natural resources of the moon, to expand opportunities in the use thereof and to determine an equitable sharing by all States in the benefits derived therefrom, taking into consideration, in particular, the interests and needs of the developing countries.

6. A conference of all States Parties shall be convened by the depositary Governments at the request of one third of such States, in order to implement the provision of paragraph 4 of this article, on the basis of the principle that the natural resources of the moon are the common heritage of mankind.

7. No activities shall be carried out on the moon with regard to its natural resources which may be incompatible with the purposes of the international régime to be established as specified in paragraph 5 of this article.

Annex II

DOCUMENTS RELATING TO AGENDA ITEM 3 (DRAFT CONVENTION
ON REGISTRATION OF OBJECTS LAUNCHED INTO SPACE FOR
THE EXPLORATION OR USE OF OUTER SPACE)

(A) Proposals

- (1) United States of America: proposal
(A/AC.105/C.2/L.85, 19 March 1973)

Convention on the Registration of Objects Launched into Outer Space

The States Parties to this Convention,

Recognizing the common interest of all mankind in furthering the exploration and use of outer space for peaceful purposes,

Recalling that the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, affirms that States shall bear international responsibility for their activities in outer space and refers to the registration of objects launched into outer space,

Recalling also that the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space provides that a launching authority shall, upon request, furnish identifying data prior to the return of an object it has launched into outer space which has come into the possession of another State Party,

Recalling further that the Convention on International Liability for Damage Caused by Space Objects elaborates international rules and procedures concerning the liability of launching States for damage caused by space objects,

Seeking in particular to promote the objectives of the Convention on International Liability for Damage Caused by Space Objects,

Desiring to provide for States Parties means and procedures to assist in the identification of the launching State of a space object which has caused damage,

Believing that a mandatory international system of registration of objects launched into outer space could contribute to the identification of the launching State of a space object which has caused damage,

Intending to strengthen the present registry system maintained by the Secretary-General of the United Nations in conformance with General Assembly resolution 1721 B (XVI) and thereby to ensure the maintenance of a comprehensive inventory of objects launched into outer space,

Have agreed as follows:

Article I

For the purposes of this Convention,

(a) The term "space object" includes component parts of a space object as well as its launch vehicle and parts thereof.

(b) The term "launching State" means

(i) A State which launches or procures the launching of a space object;

(ii) A State from whose territory or facility a space object is launched.

Article II

1. Each launching State shall maintain either individually or jointly with other launching States an appropriate register of space objects which it has launched into earth orbit or beyond. Each such space object shall be so registered only once. Each launching State shall inform the Secretary-General of the establishment or termination of all such registers.

2. Each launching State shall inform the Secretary-General in accordance with article IV of each space object which it has launched into earth orbit or beyond. In the event of joint launches, the launching States participating may designate from among themselves one or more States which shall notify the Secretary-General on their behalf. Notification of joint launches shall include the names of all participating launching States.

Article III

1. The Secretary-General of the United Nations shall maintain a central register in which the information furnished in accordance with article IV shall be recorded.

2. There shall be free and unlimited access to the information in the central register.

Article IV

1. Each launching State shall furnish to the Secretary-General the following information concerning each space object it has launched into earth orbit or beyond as soon as practicable after launch:

- (a) Name of launching State or States;
- (b) International designator, which shall consist of
 - (i) The year of launch, followed by a dash,
 - (ii) A two-letter launching-State designator assigned by the Secretary-General, followed by a dash, and
 - (iii) An appropriate sequential number;
- (c) Conventional designation of the main launching vehicle;
- (d) Date, time and place of launch;
- (e) Basic orbital parameters, including
 - (i) Nodal period,
 - (ii) Inclination,
 - (iii) Apogee, and
 - (iv) Perigee;
- (f) General function of the space object, indicated by letter reference to the following categories:
 - (i) A - Development of space flight techniques and technology
 - (ii) B - Space research and exploration
 - (iii) C - Practical applications of space based on technology
 - (iv) D - Non-functional objects;
- (g) Such other information as the launching State may wish to submit from time to time.

2. Each launching State shall notify the Secretary-General as soon as practicable of space objects which it has launched which are no longer in orbit.

Article V

States Parties to this Convention, including in particular States possessing space monitoring and tracking facilities, shall respond to the greatest extent feasible to requests by any other State Party to this Convention or to the Convention on International Liability for Damage Caused by Space Objects, or by the Secretary-General on their behalf, for assistance in addition to the information supplied pursuant to article IV in the identification of a particular space object which has caused damage for the purpose of facilitating the settlement of claims for such damage. State Parties making such requests shall, to the extent practicable, submit information as to the time, nature and circumstances of the events giving rise to the damage.

Article VI

1. With the exception of articles VII through X of this Convention, references to States shall be deemed to apply to any international intergovernmental organization which conducts space activities if the organization declares its acceptance of the rights and obligations provided for in this Convention and if a majority of the States members of the organization are States Parties to this Convention and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

2. States members of any such organization which are States Parties to this Convention shall take all appropriate steps to ensure that the organization makes a declaration in accordance with the preceding paragraph.

Article VII

1. This Convention shall be open to all States for signature. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with _____, which are hereby designated the Depositary Governments.

3. This Convention shall enter into force on the deposit of the fifth instrument of ratification.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Convention, the date of its entry into force, and other notices.

6. This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article VIII

Any State Party to this Convention may propose amendments to this Convention. Amendments shall enter into force for each State Party to the Convention accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party to the Convention on the date of acceptance by it.

Article IX

Any State Party to this Convention may give notice of its withdrawal from the Convention one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article X

This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Convention.

Done in _____ at the cities of _____,
this _____ day of _____, one thousand nine hundred and seventy-_____.

(2) Canada and France: proposal for a convention on registration
of objects launched into outer space a/

(A/AC.105/C.2/L.86, 27 March 1973)

The States Parties to this Convention,

Recognizing the common interest of all mankind in furthering the exploration
and use of outer space for peaceful purposes,

Recalling that the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, affirms that States shall bear international responsibility for their /national/ activities in outer space and refers to states of registry for objects launched into outer space,

Recalling also that the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space provides for a launching authority to furnish identifying data upon request prior to the return of a space object or its component parts,

Recalling further that, the Convention on International Liability for Damage caused by Space Objects elaborates international rules and procedures concerning the liability of launching States for damage caused by space objects,

/Considering the advantages, at the international level, of establishing a formal link between a space object and a launching State through mandatory registration by States of all space objects, and of making provision for the marking of space objects/,

/Believing that an adequate mandatory system of registering space objects would contribute significantly to their identification and would facilitate the application of international law to outer space activities/,

a/ Underlining is used to show changes made in the text prepared by the working group at the Legal Sub-Committee's eleventh session.

/...

/Believing that, although the public registry system maintained by the Secretary-General of the United Nations pursuant to General Assembly resolution 1721 B (XVI) has been a positive first step, a new and more comprehensive system is required/,

Have agreed on the following:

Article I

For the purpose of this Convention:

- (a) The term "launching State" means:
 - (i) A State which launches or procures the launching of a space object;
 - (ii) A State from whose territory or facility a space object is launched;
- (b) The term "State of registry" means a launching State on whose register a space object is carried and in the case of a joint register means all the States which maintain that register.
- /(c) The term "space object" includes component parts of a space object as well as its launch vehicle and parts thereof./

Article II

1. Each space object shall be registered by the launching State or States by means of an entry in an appropriate register maintained either individually or jointly by them. Each space object shall be so registered only once. Such State or States shall inform the Secretary-General of the establishment or termination of all such registers.
2. Where, in respect of any launch, there is more than one State of registry, the States of registry in question shall, for purposes of articles V and VII of the present Convention, designate the State or States among them which shall act as the State or States of registry with respect to each space object launched.

Article III

1. States of registry shall, either individually, or where a joint register is maintained, jointly, determine the rules applicable to registration.
2. The entry in the register concerning each object shall include a registration number and such other information as may be relevant. /The registration number shall be composed of:

/...

- (a) The letter C, followed by a dash;
 - (b) The radio call signal series assigned to the State of registry by international telecommunication regulations. This mark shall be followed by a dash;
 - (c) The registration mark, consisting of Roman capital letters, Arabic numerals or a combination of such letters and numerals.
3. States of registry shall retain jurisdiction and control over such objects, and over any personnel thereof, while in outer space or on a celestial body./

Article IV

/The State of registry shall mark, internally or externally and in the most appropriate and feasible way, any space object capable of withstanding re-entry with the registration number provided for in article III. Such marking shall be done in accordance with the latest scientific and technological capabilities in this field in the country of registry./

Article V

1. The State of registry shall furnish the Secretary-General with the following information, as soon as possible, concerning each registered space object:
- (a) Launching State (including all States referred to in article I (a));
 - /(b) The registration number;
 - (c) The day, date and site of launch;
 - (d) Conventional designation of the main launching vehicle;
 - (e) General function;
 - (f) General physical characteristics;
 - (g) Description, including any identifiable features, of components likely to withstand re-entry;
 - (h) Trajectory characteristics, comprising transit and orbit parameters, including nodal period, inclination, apogee and perigee;
 - (i) Expected decay or re-entry date, re-entry trajectory and landing or impact area, and

/...

- (j) Such other information as the State of registry considers helpful in identifying the space object./

2. After the initial information has been provided, the State of registry shall, to the greatest extent feasible and practicable, provide the Secretary-General with /such/ data on significant changes in the information furnished in accordance with the preceding paragraph /as will assist in identifying the space object/.

Article VI

1. The Secretary-General shall maintain a central register in which the information furnished /in accordance with articles V and VII/ shall be recorded.
2. States Parties shall have full access to the information in the central register.

Article VII

1. Additional relevant information shall be communicated, upon request and to the extent practicable, by the State of registry to any other State Party or to the Secretary-General of the United Nations. Such a request may be made by a State Party directly to a State of registry or by the Secretary-General on its behalf /whenever the State Party has reason to believe that this information is necessary to identify a space object or its parts for purposes of exercising a right or discharging an obligation under Conventions in force to which both the State of registry and the requesting State are Parties/.
2. In addition, /in the case where the conditions for a request under the preceding paragraph exist but where the identification of a space object has not otherwise been possible,/ the State Party concerned may request the assistance of States Parties with space monitoring and tracking capacities and facilities. The latter, in the spirit of promoting international co-operation in respect of the exploration and use of outer space, will do their utmost to respond favourably to such a request.

Article VIII (former Article V)

States Parties agree to consult from time to time, particularly through the United Nations and its competent organs, in order to determine, in the light of scientific and technical advances, improved methods of giving effect to this Convention.

Article IX

1. In this Convention, with the exception of articles _____ to _____, references to States shall be deemed to apply to any international intergovernmental organization which conducts space activities, if the organization declares its acceptance of the rights and obligations provided for in this Convention and if a majority of the States members of the organization are States Parties to this Convention and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

2. States members of any such organization which are States Parties to this Convention shall take all appropriate steps to ensure that the organization makes a declaration in accordance with the preceding paragraph.

(3) Argentina: proposal

(A/AC.105/C.2/L.87, 11 April 1973)

DRAFT CONVENTION ON REGISTRATION OF OBJECTS
LAUNCHED INTO OUTER SPACE

New article

1. The provisions of this Convention shall not affect other international agreements in force in so far as relations between the States Parties to such agreements are concerned.

2. Nothing in this Convention shall prevent States from concluding international agreements reaffirming, supplementing or extending its provisions.

(B) Working papers

(1) Argentina: working paper (2 April 1973)

DRAFT CONVENTION ON THE REGISTRATION OF OBJECTS
LAUNCHED INTO OUTER SPACE

Amendment to article VII, para. 2, of the proposal by the
United States of America (A/AC.105/C.2/L.85)

"2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Secretary-General of the United Nations, hereby designated as the depositary."

(2) Argentina: working paper (11 April 1973)

DRAFT CONVENTION ON REGISTRATION OF OBJECTS LAUNCHED INTO OUTER SPACE

Article IV

1. The Secretary-General shall register the information furnished in accordance with article III.

2. Access to the information recorded by the Secretary-General shall be full and open to all States, whether or not Parties to this Convention.

(3) France: working paper (9 April 1973)

DRAFT CONVENTION ON REGISTRATION OF OBJECTS
LAUNCHED INTO OUTER SPACE

Article II

2. Where there are two or more Launching States in respect of any space object launched into earth orbit or beyond, they shall designate one of them as the State on whose registry the space object shall be carried.

3. However, the Launching States may agree that each State shall carry the space object on its registry. Each State shall indicate in its registry the parts of the space object which belong to it. The same space object or certain parts thereof may be carried on several registries where they belong jointly to several Launching States.

4. The contents of and conditions under which each registry is maintained shall be determined by the State or States concerned.

5. The State on whose registry the object is carried shall retain jurisdiction and control over the space object and over any personnel thereof, while in outer space or on a celestial body.

However, where there are several States on whose registries the object is carried, they may agree that each State shall retain jurisdiction and control over the personnel of its nationality, as well as over the part of the space object which belongs to it.

(4) France: working paper (9 April 1973)

DRAFT CONVENTION ON REGISTRATION OF OBJECTS
LAUNCHED INTO OUTER SPACE

Article V

1. States Parties to this Convention shall make every effort to respond to requests by any other State Party to this Convention, or by the Secretary-General on their behalf, for assistance in addition to the information supplied pursuant to article IV in the identification of a particular space object which has caused damage for the purpose of facilitating the settlement of claims for such damage. States Parties making such requests shall, to the extent practicable, submit information as to the time, nature and circumstances of the events giving rise to the damage.

2. Where the requests for assistance mentioned in the preceding paragraph fail to lead to the identification of the space object which has caused the damage, the requesting State may request the States Parties, including in particular States possessing space monitoring and tracking facilities, to provide it with assistance in the identification of the space object, under equitable and reasonable conditions.

(5) France: working paper (12 April 1973)

DRAFT CONVENTION ON REGISTRATION OF OBJECTS
LAUNCHED INTO OUTER SPACE

Article V

Where the application of the provisions of this Convention has not enabled a State Party to identify a space object which has caused /damage/ in its territory, States Parties to this Convention, including in particular States possessing space monitoring and tracking facilities, shall respond to the greatest extent feasible

to requests by any other State Party to this Convention, or transmitted through the Secretary-General on their behalf, for assistance under equitable and reasonable conditions in the identification of the object for the purpose of facilitating the settlement of claims for such damages. States Parties making such requests shall, to the extent practicable, submit information as to the time, nature and circumstances of the events giving rise to the damage. Arrangements under which such assistance shall be rendered shall be the object of agreement between the parties concerned.

(6) Canada: working paper (18 April 1973)

DRAFT CONVENTION ON REGISTRATION OF OBJECTS
LAUNCHED INTO OUTER SPACE

Draft article on "marking"

The State of Registry shall mark, in the most appropriate and feasible way, each space object it launches into earth orbit or beyond with the international designator or registration number.

Annex III

DOCUMENTS RELATING TO OTHER QUESTIONS

- (A) Proposal relating to agenda item 5 (The various implications of space communications: Report of the Working Group on Direct Broadcast Satellites)

Union of Soviet Socialist Republics: proposal
(A/AC.105/C.2/L.89, 19 April 1973)

CONVENTION ON PRINCIPLES GOVERNING THE USE BY STATES OF ARTIFICIAL EARTH
SATELLITES FOR DIRECT TELEVISION BROADCASTING

The States Parties to this Convention,

Inspired by the prospects for direct television broadcasting by means of artificial earth satellites for the purposes of strengthening peace, friendship, co-operation and mutual understanding among peoples and in the interests of the further social and cultural progress of mankind,

Convinced that the use of direct television broadcasting by means of artificial earth satellites requires broad international co-operation on the basis of special legal principles governing that activity,

Recognizing that such co-operation must be for the benefit of all States and free from discrimination of any kind,

Considering that the transmission by a given State to other States of television programmes using artificial earth satellites may give rise to political, legal, social and other problems of an international character,

Mindful of the fact that the misuse of such a mass information medium as direct television broadcasting by means of artificial earth satellites could be detrimental to the legitimate interests of States,

Desiring to contribute to the prevention of friction and conflict between States as a result of direct television broadcasting by means of artificial earth satellites,

Recognizing the applicability to the activities of States in the field of direct television broadcasting by means of artificial earth satellites of the generally recognized principles and norms of international law, including the United Nations Charter 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 27 January 1967,

Considering that the use by States of artificial earth satellites for the purpose of direct television broadcasting must be governed by international law.

Have agreed on the following:

Article I

1. All States shall have an equal right to carry out direct television broadcasting by means of artificial earth satellites. Such broadcasting shall be carried out exclusively in the interests of peace, progress, the development of mutual understanding and the strengthening of friendly relations between all States and peoples.

/...

2. All States shall have an equal right to enjoy the benefits arising from direct television broadcasting by means of artificial earth satellites, without discrimination of any kind.

Article II

States Parties to this Convention agree to base themselves in their television broadcasting activity using artificial earth satellites on the generally recognized principles of international law, including the United Nations Charter 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 27 January 1967.

Article III

States Parties to this Convention shall carry out direct television broadcasting by means of artificial earth satellites for the purposes of enhancing the educational level of the population, developing culture and expanding international exchanges in the fields of science, culture and sport. The transmission of advertising and other commercial material may be carried out only on the basis of specific agreements specially concluded between the States concerned.

Article IV

States Parties to this Convention undertake to exclude from television programmes transmitted by means of artificial earth satellites any material publicizing ideas of war, militarism, nazism, national and racial hatred and enmity between peoples, as well as material which is immoral or instigating in nature or is otherwise aimed at interfering in the domestic affairs or foreign policy of other States.

Article V

States Parties to this Convention may carry out direct television broadcasting by means of artificial earth satellites to foreign States only with the express consent of the latter.

Article VI

1. Transmission of television programmes by means of artificial earth satellites to foreign States without the express consent of the latter shall be regarded as illegal and as incurring the international liability of States.

2. Transmissions made in violation of article IV of this Convention shall also be regarded as illegal and as incurring the international liability of States. In particular, the following types of broadcast shall be regarded as illegal and as incurring the international liability of States:

/...

- (a) Broadcasts detrimental to the maintenance of international peace and security;
- (b) Broadcasts representing interference in intra-State conflicts of any kind;
- (c) Broadcasts involving an encroachment on fundamental human rights, on the dignity and worth of the human person and on fundamental freedoms for all without distinction as to race, sex, language or religion;
- (d) Broadcasts propagandizing violence, horrors, pornography and the use of narcotics;
- (e) Broadcasts undermining the foundations of the local civilization, culture, way of life, traditions or language;
- (f) Broadcasts which misinform the public on these or other matters.

Article VII

States Parties to this Convention shall bear international responsibility for all national activities connected with the use of artificial earth satellites for the purposes of direct television broadcasting, irrespective of whether such broadcasting is carried out by governmental agencies or by non-governmental organizations and juridical persons and of whether it is carried out by States acting independently or through international organizations. Television broadcasting with artificial earth satellites to foreign States may be carried out only by organizations which are under the control of the Governments of the States concerned.

Article VIII

1. If any State Party to this Convention has reason to believe that activities connected with direct television broadcasting planned by that State will cause potentially harmful interference to other States or will lead to unintentional radiation of their territory, it shall hold appropriate consultations before undertaking such activities.

2. If any State Party to this Convention has reason to believe that as a result of an agreement on direct television broadcasting reached between other States there will be unintentional radiation of its territory, it may request that appropriate consultations be held.

Article IX

1. Any State Party to this Convention may employ the means at its disposal to counteract illegal television broadcasting of which it is the object, not only in its own territory but also in outer space and other areas beyond the limits of the national jurisdiction of any State.

/...

2. States Parties to this Convention agree to give every assistance in stopping illegal television broadcasting.

Article X

1. States Parties to this Convention shall co-operate on a bilateral and multilateral basis in matters relating to the establishment of technical standards for direct television broadcasting by means of artificial earth satellites and, in particular, in matters connected with the assignment of frequencies for direct broadcasting and with the placing in geostationary orbit of artificial satellites for direct television broadcasting, with due regard to the pertinent recommendations and resolutions of the International Telecommunication Union.

2. When making direct television broadcasts by means of artificial earth satellites, States Parties to this Convention shall take all necessary measures in order to prevent interference with sea and air traffic.

Article XI

States Parties to this Convention shall co-operate with each other on a bilateral and multilateral basis in matters connected with protection of copyright in television broadcasts by means of artificial earth satellites. The precise conditions for such co-operation shall be established in appropriate agreements between the interested States Parties to this Convention.

In such co-operation they shall give special consideration to the interests of those developing countries which have expressed an interest in the use of direct television broadcasting for the purpose of accelerating their national development.

Article XII

States Parties undertake not to include in international agreements which they conclude in connexion with bilateral or multilateral co-operation in the field of direct television broadcasting by means of artificial earth satellites provisions which conflict with their obligations under this Convention.

Article XIII

In order to promote international co-operation in respect of direct television broadcasting by means of artificial earth satellites, States Parties to this Convention agree to inform the Secretary-General of the United Nations and UNESCO to the greatest extent possible of the nature of television programmes transmitted by them or by their organizations for foreign States.

Article XIV

States Parties to this Convention shall endeavour to ensure that the international organizations in which they participate and whose activities are relevant to direct television broadcasting by means of artificial earth satellites carry on their activities in accordance with the purposes and principles of this Convention.

Article XV

1. This Convention shall be open to all States for signature. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of, which are hereby designated the Depositary Governments.

3. This Convention shall enter into force upon the deposit of instruments of ratification by five Governments including the Governments designated as Depositary Governments under the Convention.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Convention, the date of its entry into force and other notices.

6. This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article XVI

Any State Party to the Convention may propose amendments to this Convention. Amendments shall enter into force for each State Party to the Convention accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party to the Convention on the date of acceptance by it.

Article XVII

Any State Party to the Convention may give notice of its withdrawal from the Convention one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

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English

Annex III

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This Convention, of which the Russian, English, French, Spanish and Chinese texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

/...

(B) Proposal relating to agenda item 6 (Matters relating to the activities carried out through remote sensing satellite surveys of earth resources)

Union of Soviet Socialist Republics: proposal
(A/AC.105/C.2/L.88, 18 April 1973)

MODEL DRAFT PRINCIPLES GOVERNING THE USE OF SPACE TECHNOLOGY
BY STATES FOR THE STUDY OF EARTH RESOURCES

1. Activities connected with the study of the natural resources of the earth by means of space technology shall be conducted in accordance with the principles of international law, including the United Nations Charter, and in the interests of peace and progress for all peoples.
2. States which make use of space technology for the purpose of studying earth resources undertake to respect the sovereignty of other States and, in particular, their inalienable right to dispose of their natural resources and of information concerning those resources.
3. International co-operation in the use of space technology to study the natural resources of the earth must contribute to the independent economic development of all States and be undertaken on the basis of respect by States for each other's interests.
4. A State which makes use of space technology for the purpose of studying the natural resources of the earth and which, in the course of such activities, obtains information concerning the natural resources of another State shall be required to transmit such information to the latter State on mutually acceptable terms.
5. A State which obtains information concerning the natural resources of another State through the use of space technology shall not be entitled to make it public or transmit it to third States or international organizations without the clearly expressed consent of the State to which the natural resources belong, nor shall it be entitled to use the information in any other manner to the detriment of the latter State.

(C) Proposal relating to paragraph 5 of the report

USSR: Add to paragraph 5 of the draft report (19 April 1973)

He remarked that there was a parallel development in the work of the Legal Sub-Committee on outer space and the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction in that the legal principles governing outer space activities and those governing activities in the area of the sea-bed and the ocean floor appeared to be very similar. In the course of the general exchange of views some delegations shared this view while other delegations strongly disagreed with this approach.
