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COMMITTEE ON THE PEACEFUL USES OF
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DRAFT TREATY RELATING TO THE MOON

Bulgaria: Working Paper

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. Reference 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 this Treaty shall cease to be in force with regard to any planet or other celestial body upon entry into force of an arrangement relating to that planet or celestial body.

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

Article II

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, 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. Account shall also be taken of 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.

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 day 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 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.

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 without prejudice to the rights of other States parties consideration may be given to their designation as international scientific preserves for which special protective arrangements are to be agreed, in consultation with the competent organs of the United Nations.

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 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 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 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 any area thereof 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 the subsurface of the moon or any areas thereof.

3. The surface or subsurface of the moon 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.

Article X - bis

1. States parties have an equal right to the exploration and use of the moon without discrimination of any kind under the conditions stipulated in this treaty.

2. States parties undertake to establish an international régime governing the exploitation of the natural resources of the moon, including appropriate procedures, when such exploitation becomes feasible.

3. 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 parties in the benefits derived therefrom, taking into consideration, in particular, the interests and needs of the developing countries.

4. 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 2 of this article on the basis of the principle that the natural resources of the moon are the object of common use of all States, due regard being paid to the provisions of article V of this treaty.

5. All activities with respect to the natural resources of the moon shall be carried out in a manner compatible with the purposes of the international régime to be established as specified in paragraph 3 of this article.

6. 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 any natural resources they may discover on the moon.

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. 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.

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

DELETED

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-.....