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COMMITTEE ON THE PEACEFUL USES
OF OUTER SPACE

REPORT OF THE LEGAL SUB-COMMITTEE ON THE WORK OF ITS
THIRTEENTH SESSION (6-31 MAY 1974)

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INTRODUCTION

Opening of the session

1. The Legal Sub-Committee opened its thirteenth session at the United Nations Office at Geneva on 6 May 1974 under the chairmanship of H.E. Mr. Eugeniusz Wyzner (Poland).
2. The Chairman in his opening statement welcomed the delegations of nine States who were attending the meetings of the Legal Sub-Committee for the first time.*
3. The Chairman drew the Sub-Committee's attention to General Assembly resolution 3182 (XXVIII), dated 18 December 1973, which requested that the Sub-Committee should give highest priority to the draft treaty relating to the moon and the draft convention on registration of space objects launched into outer space. The General Assembly had also requested the Sub-Committee to give high priority to the question of elaborating principles governing the use by States of artificial earth satellites for direct television broadcasting with a view to concluding an international agreement or agreements, and to devote part of the current session to the legal implications of the earth resources survey by remote sensing satellites. The Assembly had also agreed that the Sub-Committee should, as time permitted, consider matters relating to the definition and/or delimitation of outer space and outer space activities. The Chairman noted that the workload of the Sub-Committee at its present session was therefore a heavy one and he urged that every effort be made by the Sub-Committee to discharge its functions in a constructive manner and in the same spirit of understanding and co-operation as members of the Sub-Committee had shown in the past.
4. At its 209th meeting the Chairman welcomed to the Sub-Committee Mr. Erik Suy, the recently appointed Legal Counsel and Under-Secretary-General of the United Nations. Mr. Suy made a statement in which he referred to the various items to be considered by the Sub-Committee at its current session and emphasized the importance of this work.

Adoption of the agenda

5. At its opening meeting, the Sub-Committee adopted the following agenda for the session (A/AC.105/C.2/L.90):
 1. Statement by the Chairman
 2. Draft treaty relating to the moon

* Pursuant to General Assembly resolution 3182 (XXVIII) the following additional members were appointed to the Committee on the Peaceful Uses of Outer Space: Chile; German Democratic Republic; Germany, Federal Republic of; Indonesia; Kenya; Nigeria; Pakistan; Sudan and Venezuela.

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

Organization of work

6. The Sub-Committee at its opening meeting decided that it would begin its work with a brief exchange of views on the items before it. The Sub-Committee also decided to re-establish its two working groups of the whole, to consider the provisions of the draft treaty relating to the moon (Working Group I) and the draft convention on registration (Working Group II). The Sub-Committee also decided to establish a third working group on direct broadcast satellites (Working Group III). It was decided that Working Groups I and II would meet during the first two weeks of the session and that Working Group III would meet in the third week. The Sub-Committee agreed that it would take up the question of remote sensing at the beginning of its fourth week and devote appropriate time to it taking into account the progress reached on the other items.
 7. Working Group I was presided over by the representative of Hungary, Working Group II by the representative of Austria and Working Group III by the representative of India.
 8. There were eight meetings of Working Group I and nine meetings of Working Group II. Working Group III at its first meeting established a drafting group which held six meetings and Working Group III itself held three meetings.
 9. The Chairmen of Working Groups I and II reported to the Sub-Committee at its 222nd meeting on 28 May and the Chairman of Working Group III reported to the Sub-Committee at its 223rd meeting on 29 May.
 10. The Sub-Committee, as agreed, considered item 5 of the agenda concerning remote sensing satellite surveys of earth resources at its 220th to 223rd meetings on 27, 28 and 29 May.
 11. The Sub-Committee considered the question regarding the venue of its future sessions. In this connexion, some delegations proposed to recommend to the parent Committee to change the system of rotation of the sessions of the Legal Sub-Committee between New York and Geneva and to hold all sessions in Geneva. Upon the request of these delegations, the Secretariat submitted to the Sub-Committee a document on financial implications of convening the Legal Sub-Committee at Geneva or New York in 1975 (A/AC.105/C.2/L.100). According to this document, costs
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for holding meetings at Geneva outside the peak load periods might in certain circumstances be slightly lower than in New York. Certain other delegations said that they had no instructions that would permit changing the agreed system of alternating sessions between New York and Geneva, and noted that they had not had a sufficient opportunity to study the cost data contained in document A/AC.105/C.2/L.100 which had been circulated on the day before the session concluded. These delegations believed that any decision to alter the agreed rotation system would have to await consideration of the question in the Outer Space Committee. The Sub-Committee was of the opinion that in establishing the 1975 time-table of meetings of United Nations bodies dealing with questions pertaining to outer space, it would be appropriate for the Committee to take this document into account (the document is reproduced as annex V of the present report).

12. The Sub-Committee held a total of 18 meetings. The views expressed in the Sub-Committee are summarized in documents A/AC.105/C.2/SR.208-225.

13. The Sub-Committee concluded its work on 31 May 1974 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.6.

I. DRAFT TREATY RELATING TO THE MOON

14. At the 209th meeting of the Sub-Committee, on 7 May, the Chairman made an introductory statement on the draft treaty relating to the moon (agenda item 2) in which he outlined the work previously undertaken in the preparation of the draft treaty.
15. The Sub-Committee had before it the following texts: a preamble and 21 articles including final clauses which the Sub-Committee approved at its eleventh session in 1972 and on the basis of which the Sub-Committee decided to pursue its work (A/AC.105/101, para. 21); the text of six provisions formulated by its Working Group and taken note of by the Sub-Committee at its twelfth session in 1973 (A/AC.105/115, para. 17); the text relating to article X contained in annex I of the 1973 report of the Legal Sub-Committee (A/AC.105/115, annex I (c)); an informal proposal referred to in paragraph 25 of the report of the Committee on the Peaceful Uses of Outer Space (A/9020); and the report of the Chairman of the informal working group established by the Committee on the Peaceful Uses of Outer Space at its sixteenth session in 1973 (A/9020, annex II).
16. As indicated in paragraph 6 above, the Sub-Committee on 6 May re-established Working Group I with respect to agenda item 2. In the course of the discussions in the Sub-Committee and the Working Group, the following working papers were submitted:
- Working paper by the United States proposing a rearrangement of the articles of the draft treaty (A/AC.105/C.2/L.91 and Corr.1).
- Working paper by Bulgaria which contained the text of a draft treaty consisting of a preamble and 21 articles, based on the text formulated by the Sub-Committee at its previous sessions, together with certain changes and amendments (A/AC.105/C.2/L.93).
- Working paper by India and co-sponsored by Egypt amending article V, para. 1 (A/AC.105/C.2/L.95).
- Working paper by India amending article I, para. 1 (ii) (A/AC.105/C.2/L.96).
- Joint working paper by India and Nigeria and co-sponsored by Egypt relating to article X (A/AC.105/C.2/L.97).
- Working paper by Mongolia relating to article X (A/AC.105/C.2/L.98/Rev.1).
17. At the 222nd meeting of the Sub-Committee on 28 May, the Chairman of Working Group I reported on the work of that Group. The Sub-Committee took note with appreciation of the report and of the work done by Working Group I. In accordance with the decision taken by the Sub-Committee at the same meeting, the report of the Chairman of Working Group I is reproduced in annex I (A) of the present report. The working papers referred to in paragraph 15 above are reproduced in annex I (B).
18. The Legal Sub-Committee considered that it should continue work on the draft treaty relating to the moon at its next session as a priority item on its agenda.

III. THE VARIOUS IMPLICATIONS OF SPACE COMMUNICATIONS:
REPORT OF THE WORKING GROUP ON DIRECT BROADCAST
SATELLITES

26. At the 213th meeting of the Sub-Committee on 13 May 1974, the Chairman made an introductory statement on agenda item 4 relating to direct broadcast satellites in which he outlined the background of this item. At the 216th meeting on 17 May 1974, a statement on this item was made by Mr. Abdel Ghani, Chief of the Outer Space Affairs Division. There was a general exchange of views in the Sub-Committee at the 217th, 218th and 219th meetings on 20, 22 and 24 May 1974.

27. As the Chairman noted in his introductory statement, the General Assembly had, in its resolution 3182 (XXVIII) of 18 December 1973, endorsed the decision of the Outer Space Committee that the Working Group on Direct Broadcast Satellites should be convened before the present session of the Legal Sub-Committee in order that the Working Group on Direct Broadcast Satellites might consider and discuss principles on the use by States of artificial earth satellites for direct television broadcasting in accordance with General Assembly resolution 2916 (XXVII) of 9 November 1972, with a view to making specific recommendations for the work of the Legal Sub-Committee in this field. The Working Group on Direct Broadcast Satellites accordingly met, in its fifth session, in March this year and its report (A/AC.105/127) was before the Sub-Committee.

28. The report of the Working Group on Direct Broadcast Satellites contained the following proposals:

A proposal by the Union of Soviet Socialist Republics on principles governing the use by States of artificial earth satellites for direct television broadcasting, being elaborated pursuant to General Assembly resolution 2916 (XXVII) with a view to the conclusion of an international agreement or agreements (A/AC.105/127, annex II):

A proposal by Canada and Sweden on draft principles governing direct broadcasting by Satellite (A/AC.105/127, annex III).

A proposal by the United States on draft principles on direct broadcast satellites (A/AC.105/127, annex IV):

A proposal by Argentina on direct broadcasting by satellites (A/AC.105/127, annex V).

The results of the discussion in the Working Group on draft principles governing direct television broadcasting by satellites were contained in paragraphs 31 to 63 of that report.

29. As indicated in paragraph 6 above, the Sub-Committee on 6 May 1974 established Working Group III with respect to agenda item 4. The Working Group decided to commence with the formulation of draft principles with respect to the five

following subjects: applicability of international law: rights and benefits of States; international co-operation; State responsibility; and the peaceful settlement of disputes. To consider these subjects, the Working Group established a drafting group open to all members.

30. The drafting group, following consideration of the relevant provisions of the proposals referred to above, as well as of informal papers submitted to it, formulated the texts of five principles each of which included certain elements in which agreement was not achieved and which therefore were enclosed in square brackets. The texts were subsequently endorsed by the Working Group on 28 May (PUOS/C.2(XIII)/WG.III/1/Rev.1).

31. At the 223rd meeting of the Sub-Committee on 29 May 1974, the Chairman of Working Group III reported on the work of that Group. In accordance with the request of Working Group III, and the decision taken by the Sub-Committee on 28 May, the report of the Chairman of that Working Group and the text of the five principles endorsed by the Working Group are included in this report as annex III(A). A document submitted by Argentina, Austria, Belgium, Germany, Federal Republic of, Indonesia and Italy (Conference room paper PUOS/C.2(XIII)/WG.III/DG/CRP.1) is reproduced as annex III(B).

32. Having regard to the degree of consensus already achieved and the amount of work yet to be done in the elaboration of principles in the field of direct broadcasting by means of satellite in accordance with General Assembly resolution 3182 (XXVIII), the Sub-Committee was of the opinion that it should continue this work as a priority item at its next session.

IV. MATTERS RELATING TO THE ACTIVITIES CARRIED OUT THROUGH REMOTE SENSING SATELLITE SURVEYS OF EARTH RESOURCES

33. At the 219th meeting of the Sub-Committee on 24 May 1974, the Chairman made an introductory statement on matters relating to the activities carried out through remote sensing satellite surveys of earth resources (agenda item 5). A statement on this item was also made by Mr. Abdel-Ghani, Chief of the Outer Space Affairs Division, at the 220th meeting on 27 May. There was a general exchange of views in the Sub-Committee at its meetings (220th-223rd) held on 27, 28 and 29 May 1974.

34. As the Chairman noted in his introductory statement, the General Assembly in its resolution 3182 (XXVIII) of 8 December 1973 recommended "that the Legal Sub-Committee, at its next session, should respond to the request for its views by the Working Group on Remote Sensing of the Earth by Satellite, on the legal implications of the earth resources survey by remote sensing satellites, devoting part of that session to this purpose."

35. The Sub-Committee had before it the report of the Working Group on Remote Sensing of the Earth by Satellites on the work of its third session (A/AC.105/125). The Sub-Committee had also before it the text of the following proposals:

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Annex I

DOCUMENTS RELATING TO AGENDA ITEM 2

(DRAFT TREATY RELATING TO THE MOON)

(A) Report of the Chairman of Working Group I

The Sub-Committee at its 208th meeting held on 6 May 1974, decided to re-establish Working Group I to continue its consideration of the draft treaty relating to the moon. The Working Group held eight meetings between the 6th and 17th of May.

The Working Group had before it a draft consisting of a preamble and 21 articles approved by the Sub-Committee in the course of its eleventh session and on the basis of which the Sub-Committee decided to pursue its work at its twelfth session. The Working Group had further before it the text of six provisions formulated by the Working Group and taken note of by the Sub-Committee at its twelfth session in 1973; the text relating to article X originally worked out in informal consultations and contained in document A/AC.105/115, an informal proposal relating to article X referred to in paragraph 25 of the report of the Committee on the Peaceful Uses of Outer Space; and the report of the Chairman of the informal Working Group established by the Committee on the Peaceful Uses of Outer Space at its sixteenth session in 1973.

The members of the Working Group agreed to concentrate their efforts on the three main unresolved issues, i.e. the scope of the treaty (article I of the draft), the information to be furnished on missions to the moon (article IV) and the question of the natural resources of the moon (article X). Of these three problems only the first (scope of the treaty) and the third (natural resources of the moon) have been discussed in a detailed manner in the meetings of Working Group I.

In the course of the discussions in the Sub-Committee and the Working Group, the following working papers relating to the moon treaty were submitted.

A working paper (A/AC.105/C.2/L.91 and Corr.1) by the United States concerning the rearrangement of the draft articles.

A working paper by Bulgaria (A/AC.105/C.2/L.93) which contained the text of a draft treaty based on the text of the working paper submitted by the same delegation in the course of the previous session of the Sub-Committee, and on the provisions approved by the Working Group during the twelfth session of the Sub-Committee, together with certain changes and amendments.

A working paper submitted by India and co-sponsored by Egypt (A/AC.105/C.2/L.95) concerning the freedom of scientific investigation on the moon.

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A working paper submitted by India (A/AC.105/C.2/L.96) concerning the scope of the treaty.

A joint working paper by India and Nigeria and co-sponsored by Egypt (A/AC.105/C.2/L.97) relating to the natural resources of the moon.

A working paper by Mongolia (A/AC.105/C.2/L.98/Rev.1) also relating to the question of the natural resources.

After a general exchange of views on the three main unresolved problems the Working Group entered into a discussion of article I relating to the scope of the treaty. On the proposal of some delegations the Working Group decided to interrupt this debate and to give priority to the discussion of article X relating to the question of natural resources, regarded by many delegations as the problem whose solution should precede that of the remaining two questions. In the course of the debate, however, no agreement has been reached on the legal status of the natural resources of the moon. In view of this situation the proposal has been made by some delegations to exclude from the treaty any reference to the legal status of the natural resources of the moon, on the understanding that this legal status would be defined by a separate international instrument. Other delegations, however, were of the opinion that the draft treaty relating to the moon should itself contain provisions concerning the legal status of the moon and of its natural resources. Since no agreement has been reached on this point, the Working Group adjourned its meetings without completing in the course of the present session of the Sub-Committee, the elaboration of the draft treaty relating to the moon.

(B) Working papers

United States of America: working paper
(Document A/AC.105/C.2/L.91 (and Corr.1) of 6 May 1974)

Draft treaty relating to the moon

In the interim since the discussion in the Committee on the Peaceful Uses of Outer Space in July 1973, the appropriate authorities of the United States Government have given intensive consideration to the draft treaty on the exploration and use of the moon, planets and other celestial bodies of the solar system. Apart from the content of certain articles concerning which general agreement has not thus far been attained, the United States believes that the clarity and coherence of the proposed treaty would significantly benefit from reorganization.

To this end and to facilitate consideration by the Legal Sub-Committee of the substance of the draft articles, the United States delegation proposes the rearrangement indicated below.

It should be stressed that this suggested rearrangement is without prejudice to the substance of the articles as reflected in the texts reproduced in the 1973

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report of the Committee on the Peaceful Uses of Outer Space (A/9020). a/ In this respect, the United States delegation anticipates proposing in an appropriate manner certain substantive modifications of the texts with a view to reaching a positive and mutually acceptable conclusion.

PROPOSED REARRANGEMENT

<u>New article</u>	<u>Principal content</u>	<u>Former article</u>
I	Definitions and application	I
II	Activities for lawful and peaceful purposes	II(1) and III(1)
III	Prohibition of use or threat of force, emplacement of weapons of mass destruction, establishment of military bases	II(2) and III(2) and (3)
IV	Common interest in exploration and use; co-operation and mutual assistance	IV(1) and (2)
V	Prohibition of territorial claims and transfers; natural resources	X
VI	Information on missions	IV(3) and (4)
VII	Freedom of scientific investigation	V
VIII	Environmental protection, radioactive emplacements, scientific preserves	VI and IX(3)
IX	Right to establish stations; inspection rights	VIII and XVI(1)
X	Freedom to conduct activities; non-interference	VII
XI	Safety of life and health; shelter in distress	IX(1) and (2)
XII	Emergencies; retention of State jurisdiction	XII and XI

a/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 20.

<u>New article</u>	<u>Principal content</u>	<u>Former article</u>
XIII	State international responsibility for activities	XIII
XIV	Consultations; dispute settlement	XVI(2) and (3)
XV	Applicability of international intergovernmental organizations	XIV
XVI	Interpretation of treaty	XV
XVII	Review conference	XVII
XVIII	Signature and ratification; entry into force; depositaries	XVIII
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XX	Withdrawal	XX
XXI	Authentic texts	XXI

Bulgaria: working paper
(Document A/AC.105/C.2/L.93 of 8 May 1974)

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,

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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.

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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

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(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.

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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 forth 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

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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 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 is 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

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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 of the year one thousand nine hundred and seventy-.....

Egypt and India: working paper
(Document A/AC.105/C.2/L.95 of 13 May 1974)

Draft treaty relating to the moon

Amendment to article V, para. 1

There shall be freedom of scientific investigation exclusively for peaceful purposes 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.

India: working paper
(Document A/AC.105/C.2/L.96 of 13 May 1974)

Draft treaty relating to the moon

Amendment to article I, para. 1(ii)

The phrase "the moon and other celestial bodies" includes their subsoil and orbits around or other trajectories to or around celestial bodies.

Egypt, India and Nigeria: working paper
(Document A/AC.105/C.2/L.97 of 13 May 1974)

Draft treaty relating to the moon

Proposed amendment to article X

Add a final paragraph 8 to the text worked out in informal consultations and considered by Working Group I at the twelfth session of the Legal Sub-Committee (annex I(c) of A/AC.105/115):

The State Parties may engage in exploration for experimental purposes of the moon and other celestial bodies on the following terms and conditions:

- (1) States Parties planning such exploration of the moon and other celestial bodies shall notify the Secretary-General of the United Nations, in advance, about the details of their mission, namely, the areas of the moon and other celestial bodies to be explored, the experiments to be conducted,
- (2) In carrying out such exploration, States Parties may collect on and remove from the moon and other celestial bodies samples of minerals and other substances. Property in such samples shall vest in the United Nations.
- (3) States Parties shall permit participation of other States in each mission to the moon and other celestial bodies for such exploration.
- (4) States Parties shall deposit with the Secretary-General of the United Nations all information about the samples and other data and their analysis thereof.
- (5) States Parties shall disseminate to all requesting States as well as other organizations, the samples and the data received from the exploration of the moon and other celestial bodies, including information regarding the techniques of analysis of such samples and data.
- (6) The Secretary-General of the United Nations shall make an annual report to the General Assembly about such activities.

Mongolia: working paper
(Document A/AC.105/C.2/L.98/Rev.1 of 20 May 1974)

Draft treaty relating to the moon

As a compromise, article X, paragraph 4 of the draft treaty relating to the Moon prepared by the Sub-Committee, or article X-bis of the draft treaty submitted by the delegation of Bulgaria might be replaced by the following article:

"In establishing a régime for the exploitation of the natural resources of the moon, the States Parties to the Treaty shall base themselves on the principle declaring the exploration and use of the moon to be the province of all mankind and shall give appropriate attention to enabling all States to enjoy the benefits resulting from exploitation of the natural resources of the moon."