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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

REPORT OF THE LEGAL SUB-COMMITTEE ON THE WORK OF ITS EIGHTEENTH SESSION (12 MARCH-6 APRIL 1979)

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AT THE PRESENT SESSION

10. The Sub-Committee recommended that the Committee on the Peaceful Uses of Outer Space, while considering the question of direct television broadcasting at its next session, should also consider whether the elaboration of draft principles on this subject could be concluded, or whether further progress could be achieved, during that session.

III. DRAFT TREATY RELATING TO THE MOON

11. The Chairman made an introductory statement on agenda item 4 (Draft treaty relating to the moon) at the 310th meeting of the Sub-Committee on 23 March 1979. He referred to the work of the Sub-Committee on this item at its seventeenth session.

12. The Chairman drew attention to the fact that the General Assembly at its thirty-third session, in resolution 33/16 dated 10 November 1978, had recommended that the Sub-Committee should at its present session continue, as a matter of priority, its efforts to complete the draft treaty relating to the moon.

13. The Sub-Committee noted that it had in 1972 approved the texts of a preamble and 21 articles including final clauses, and that in 1973 it had taken note of the texts of six provisions which were formulated that year in its Working Group. It had not as yet succeeded, however, in resolving the three main outstanding issues: the scope of the treaty, the information to be furnished on missions to the moon, and the natural resources of the moon. The question concerning the natural resources of the moon was generally recognized to be the key issue whose solution could facilitate agreement on the two other remaining issues.

14. The Sub-Committee at its present session also had before it the text of the tentative draft agreement which the delegation of Austria had, at the seventeenth session of the Sub-Committee, elaborated through informal consultations in the hope that it could serve as a basis for finalizing preparation of an international instrument relating to the moon and other celestial bodies. Consideration of the draft agreement had not been possible in the Working Group last year for want of time but the hope had been expressed that the draft agreement would facilitate the reaching of a consensus on an international instrument relating to the moon and other celestial bodies; and that work on the draft agreement could be taken up again at the twenty-first session of the Committee on the Peaceful Uses of Outer Space in June-July 1978 or at the present session of the Sub-Committee. The text of the draft agreement was annexed to the report of the Chairman of the Working Group on the draft treaty at the seventeenth session of the Sub-Committee (A/AC.105/218, annex I).

15. The Committee on the Peaceful Uses of Outer Space, at its twenty-first session, had established an informal working group to review the outstanding matters. Nevertheless, it had not been possible for want of time and as further consultations with home-Governments were necessary for any substantive discussions to take place. The Committee had, however, expressed its appreciation to the delegation of Austria for the efforts the delegation had made to facilitate a compromise on the unresolved issues with a view to reaching a consensus, and was of the view that the text of the draft agreement could facilitate the reaching of

a consensus on an international instrument relating to the moon and other celestial bodies. In this connexion, the Committee had noted that there were other proposals presented at previous sessions which could facilitate the work of the Legal Sub-Committee.

36. As noted in paragraph 7 (b) above, the Sub-Committee at its opening meeting on 12 March 1979 re-established its Working Group on the draft treaty relating to the moon as Working Group I.

37. At the 317th meeting of the Sub-Committee on 4 April 1979, the Chairman of the Working Group reported to the Sub-Committee. The Sub-Committee took note, with appreciation, of the report and work of the Working Group. In accordance with the decision taken by the Sub-Committee at the same meeting, the report of the Chairman of the Working Group is reproduced in annex III to the present report.

38. The Sub-Committee recommended that the Committee on the Peaceful Uses of Outer Space, while considering the question of the draft treaty relating to the moon at its next session, should also consider whether the elaboration of a draft treaty could be concluded, or whether further progress could be achieved, during that session.

IV. MATTERS RELATING TO THE DEFINITION AND/OR DELIMITATION OF OUTER SPACE AND OUTER SPACE ACTIVITIES, BEARING IN MIND, INTER ALIA, QUESTIONS RELATING TO THE GEOSTATIONARY ORBIT

39. The Chairman made an introductory statement on agenda item 5 (Matters relating to the definition and/or delimitation of outer space and outer space activities, bearing in mind, inter alia, questions relating to the geostationary orbit) at the 314th meeting of the Sub-Committee on 2 April 1979. He referred to the work of the Sub-Committee on this item at its seventeenth session.

40. The Chairman drew attention to the fact that the General Assembly at its thirty-third session, in resolution 33/16 dated 10 November 1978, had recommended that the Sub-Committee should at its present session continue to discuss matters relating to the definition and/or delimitation of outer space and outer space activities, bearing in mind, inter alia, questions relating to the geostationary orbit.

41. The Sub-Committee noted that the subject of the "physical nature and technical attributes of the geostationary orbit" was an item on the agenda of the Scientific and Technical Sub-Committee at its recently concluded sixteenth session and was considered in chapter VI of its report (A/AC.105/238).

42. The Sub-Committee also had before it a working paper, entitled "Approach to the solution of the problems of the delimitation of air space and outer space", submitted to the Sub-Committee at its present session by the delegation of the USSR (A/AC.105/C.2/L.121, reproduced in annex IV to this report).

43. The Sub-Committee considered agenda item 5 at its 314th to 318th meetings on 3, 4 and 5 April 1979.

Annex III

REPORT OF THE CHAIRMAN OF WORKING GROUP I

1. The Sub-Committee, at its 302nd meeting held on 12 March 1979, decided to re-establish Working Group I to continue its consideration of the draft treaty relating to the moon. The Working Group held five meetings between 26 March and 2 April.
2. The Working Group noted that the Legal Sub-Committee was required, under paragraph 4 (a) of General Assembly resolution 33/16 of 17 November 1978, to continue as a matter of priority its efforts to complete the draft treaty relating to the moon.
3. The Working Group had before it, and its discussions were based on, the text of a tentative draft agreement elaborated by the delegation of Austria and submitted to the Working Group during the seventeenth session of the Legal Sub-Committee as working paper WG.I(1978)/WP.2. In the course of that session it could, however, only be discussed in informal consultations, since time did not permit its consideration in the Working Group itself. The Sub-Committee, at its seventeenth session, expressed the hope that this working paper would facilitate the reaching of a consensus on an international instrument relating to the moon and other celestial bodies. The working paper had been reproduced as an appendix to the 1978 report of the Chairman of Working Group I at the seventeenth session of the Sub-Committee (A/AC.105/218, annex I).
4. At its 1st meeting on 26 March 1979, the Working Group discussed the organization of its work. The view was expressed that the text before the Working Group in its entirety was intended to serve as the compromise solution and could be considered only as a whole. Other delegations, however, held that the working paper should be reviewed in detail and priority be given to the question of the natural resources of the moon, generally regarded as the key issue. The view was also expressed that in accordance with what was contained in paragraph 61 of the report of the Committee on the Peaceful Uses of Outer Space for 1978 (A/33/20) there were other proposals on this item presented at previous sessions which could facilitate the work of the Sub-Committee. Finally, according to a consensus reached on this procedural question, it was decided that the text of the working paper should be considered article by article. In the course of this review, in accordance with past practice, those parts of the text on which no agreement could be reached were placed within square brackets at the request of some delegations who expressed the wish to do so.
5. In the course of the deliberations of the Working Group, some delegations also made statements of a general nature. In this connexion some delegations expressed the view that the treaty relating to the moon should be based on the following principles: (1) the treaty should cover the moon and all other celestial bodies of the solar system which are not subject to any other treaty or

legal instrument; (2) all States should obtain comprehensive information on the missions sent to the moon; (3) the moon, other celestial bodies and their natural resources should be considered as the common heritage of mankind; (4) an international régime governing the exploitation of the natural resources of the moon should be established. Other delegations were of the view that the scope of the treaty should be limited to the moon only and that since the exploration of the moon was only in the initial stage, this treaty should not contain any provisions on the natural resources of the moon and other celestial bodies. Some delegations declared that they could accept the Austrian text as it was. Some of these delegations however would have wished to introduce some technical amendments to the Austrian text.

6. The title of the document under review was set within square brackets and the words "Draft Treaty relating to the Moon" in brackets was introduced as another alternative. The references to "Agreement" were then put in square brackets throughout the working paper together with the addition of the word "Treaty" in brackets.

7. The words "and other celestial bodies" in preambular paragraphs 3 and 5 were put in square brackets at the request of some delegations.

8. During the review of the working paper, paragraph 1 of article I defining the scope of the treaty was put in square brackets at the request of some delegations. In the third line of this paragraph, after the word "norms", the words "or international agreements", and in the fourth line, after the word "force", the expression "at the international level", were introduced in square brackets. Some delegations expressed the view that the relationship between the various paragraphs of article I as well as between article I and other articles of the text should be re-examined at a later stage. The view was also expressed that the text was clear and that no re-examination was necessary.

9. In article VII, paragraph 1, after the words "extra-environmental matter", the words "especially nuclear materials" were added in square brackets. Paragraph 2 of article VII was set in square brackets. In the bracketed paragraph 2 of this article the words "to the maximum extent feasible" were set in square brackets.

10. Article XI as a whole was put within square brackets at the request of some delegations. In this article which in its entirety remained in square brackets, the following new text replaced paragraph 1: "The moon and its natural resources are the common heritage of mankind, which finds its expression in the provisions of this [Agreement] [Treaty] and in particular in paragraph 5 of this article." In paragraph 5 of the same article the words "as such exploitation is about to become feasible" were put in square brackets at the request of some delegations and in paragraph 7 in the penultimate line after the words "have contributed" the words "either directly or indirectly" were included. The delegations who proposed the new text for article XI, paragraph 1, referred to above, stated that it was

in a concerted effort to find language that would facilitate the reaching of consensus on the subject, and that if there could be found tentative agreement on this proposal as a whole, they would seek authority from their respective governments to accept the Austrian text as a whole without any further substantial changes. However, general agreement did not prove to be possible.

11. In article XV the last sentence of paragraph 1 was reworded for the sake of clarification, as follows: "In pursuance of this article, any State Party may act on its own behalf or 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."

12. Article XVIII was put in square brackets. The delegation of Belgium submitted a working paper relating to this article (WG.I(1979)/WP.2), which proposed the division of the text in two paragraphs and the addition of a third paragraph, but since the whole article XI and article XVIII appear now in square brackets, this delegation did not ask for the consideration of its working paper during the present session.

13. On article XIX a new working paper (WG.I(1979)/WP.1) was submitted by the delegation of the Netherlands. This text, after having been slightly modified and put in square brackets, replaced article XIX of document WG/I(1978)/WP.2. At the same time, article XVIII of the text approved by the Sub-Committee during its 1972 session and reproduced in document A/AC.105/196 of 11 April 1977 (annex I, pp. 55-56) was retained after having been put in square brackets as another alternative to article XIX.

14. In article XX, as well as in article XXI, square brackets were placed around the words "the Secretary-General of the United Nations".

15. The hope was expressed in the Working Group that further efforts would be made in the course of the next session of the Legal Sub-Committee in order to achieve a consensus on an international instrument relating to the moon and other celestial bodies.

16. The working paper reflecting the outcome of the review of working paper WG.I(1978)/WP.2, as well as working papers WG.I(1979)/WP.1 and WG.I(1979)/WP.2 submitted to Working Group I during the present session of the Legal Sub-Committee are reproduced in appendices A and B to this report.

17. The Working Group, at its meeting held on 2 April 1979, considered and approved the report of the Chairman.

Appendix A

WORKING PAPER REFLECTING THE OUTCOME OF THE REVIEW AT THE
PRESENT SESSION OF WORKING PAPER WG.I (1978)/WP.2 OF
3 APRIL 1978*

[Agreement Governing the Activities of States on the Moon and other
Celestial Bodies] [Draft Treaty relating to the Moon]

The States Parties to this Agreement

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 from becoming an area of international conflict,

Bearing in mind the benefits which may be derived from the exploitation of the natural resources of the moon [and other celestial bodies],

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, the Convention on International Liability for Damage Caused by Space Objects, and the Convention on Registration of Objects Launched into Outer Space.

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:

* Working paper WG.I (1978)/WP.2 is reproduced in A/AC.105/218, annex I, appendix.

Article I

1. [The provisions of this [Agreement] [Treaty] relating to the moon shall also apply to other celestial bodies within the solar system, other than the earth, except in so far as specific legal norms [or international agreements] enter into force [at the international level] with respect to any of these celestial bodies].

2. For the purposes of this [Agreement] [Treaty] reference to the moon shall include orbits around or other trajectories to or around it.

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

Article II

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 III

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

2. Any 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, the moon, spacecraft, the personnel of spacecraft or man-made space objects.

3. 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.

4. 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 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 [Agreement] [Treaty] should be as wide as possible and may take place on a multilateral basis, on a bilateral basis, or through international intergovernmental organizations.

Article V

1. States Parties shall inform the Secretary-General of the United Nations 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 including any scientific results 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.

2. 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, it shall promptly inform the other State of the timing of and plans for its own operations.

3. In carrying out activities under this [Agreement] [Treaty] States Parties shall promptly 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, which could endanger human life or health, as well as of any indication of organic life.

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Article VI

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 [Agreement] [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 VII

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 [, especially nuclear materials,] 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 United Nations of the measures being adopted by them in accordance with paragraph 1 of this article and shall also [to the maximum extent feasible] notify him in advance of all placements by them of radio-active materials on the moon and of the purposes of such placements].

3. 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 VIII

1. States Parties may pursue their activities in the exploration and use of the moon anywhere on or below its surface, subject to the provisions of this [Agreement] [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 XV, paragraphs 2 and 3.

Article IX

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 United Nations 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 [Agreement] [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 X

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 on 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.

Article XI

[1. The moon and its natural resources are the common heritage of mankind, which finds its expression in the provisions of this [Agreement] [Treaty] and in particular in paragraph 5 of this article.

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

3. Neither the surface nor the subsurface of the moon, nor any part thereof or natural resources in place, shall become 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 the surface or subsurface, shall not create a right of ownership over the surface or the subsurface of the moon or any areas thereof. The foregoing provisions are without prejudice to the international régime referred to in paragraph 5 of this article.

4. States Parties have the right to exploration and use of the moon without discrimination of any kind on a basis of equality, and in accordance with international law and the terms of this [Agreement] [Treaty].

5. States Parties to this [Agreement] [Treaty] hereby undertake to establish an international régime, including appropriate procedures, to govern the exploitation of the natural resources of the moon [as such exploitation is about to become feasible]. This provision shall be implemented in accordance with article XVIII of this [Agreement] [Treaty].

6. In order to facilitate the establishment of the international régime referred to in paragraph 5 of this article, States Parties shall inform the Secretary-General of the United Nations 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.

7. The main purposes of the international régime to be established shall include:

- (a) The orderly and safe development of the natural resources of the moon;
- (b) The rational management of those resources;
- (c) The expansion of opportunities in the use of those resources; and
- (d) An equitable sharing by all States Parties in the benefits derived from those resources,

whereby the interests and needs of the developing countries as well as the efforts of those countries which have contributed either directly or indirectly to the exploration of the moon shall be given special consideration.

8. All the activities with respect to the natural resources of the moon shall be carried out in a manner compatible with the purposes specified in paragraph 7 of this article and the provisions of article VI, paragraph 2, of this [Agreement] [Treaty].

Article XII

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 State Party concerned.

Article XIII

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 XIV

1. States Parties to this [Agreement] [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 [Agreement] [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. Any such arrangements shall be elaborated in accordance with the procedure provided for in article XVIII of this [Agreement] [Treaty].

Article XV

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 [Agreement] [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 act on its own behalf or 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 [Agreement] [Treaty] or that another State Party is interfering with the rights which the former State has under this [Agreement] [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 of the United Nations 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 XVI

With the exception of articles XVII to XXI, references in this [Agreement] [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 [Agreement] [Treaty] and if a majority of the States members of the organization are States Parties to this [Agreement] [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 [Agreement] [Treaty] shall take all appropriate steps to ensure that the organization makes a declaration in accordance with the foregoing.

Article XVII

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

Article XVIII

[Ten years after the entry into force of this [Agreement] [Treaty], the question of the review of the [Agreement] [Treaty] shall be included in the provisional agenda of the United Nations General Assembly in order to consider, in the light of past application of the [Agreement] [Treaty], whether it requires revision. However, at any time after the [Agreement] [Treaty] has been in force for five years, the Secretary-General of the United Nations, as depository, shall, at the request of one third of the States Parties to the [Agreement] [Treaty] and with the concurrence of the majority of the States Parties, convene a conference of the States Parties to review this [Agreement] [Treaty]. A review conference

shall also consider the question of the implementation of the provisions of article XI, paragraph 5, on the basis of the principle referred to in paragraph 1 of that article and taking into account in particular any relevant technological developments.]

Article XIX

Alternative A

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

2. This [Agreement] [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 [Agreement] [Treaty] shall enter into force upon the deposit of instruments of ratification by five Governments including the Governments designated as Depositary Governments under this [Agreement] [Treaty].

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this [Agreement] [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 [Agreement] [Treaty], the date of its entry into force and other notices.

6. This [Agreement] [Treaty] shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.]

Alternative B

1. This [Agreement] [Treaty] shall be open for signature by all States at United Nations Headquarters in New York.

2. This [Agreement] [Treaty] shall be subject to ratification by signatory States. Any State which does not sign this [Agreement] [Treaty] before its entry into force in accordance with paragraph 3 of this article may accede to it at any time. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. This [Agreement] [Treaty] shall enter into force on the 30th day following the date of deposit of the fifth instrument of ratification.
4. For each State depositing its instrument of ratification or accession after the entry into force of this [Agreement] [Treaty], it shall enter into force on the 30th day following the date of deposit of such instrument.
5. The Secretary-General shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession to this [Agreement] [Treaty], the date of its entry into force and other notices.]

Article XX

Any State Party to this [Agreement] [Treaty] may give notice of its withdrawal from the [Agreement] [Treaty] one year after its entry into force by written notification to [the Secretary-General of the United Nations]. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article XXI

The original of this [Agreement] [Treaty, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with [the Secretary-General of the United Nations], who shall send certified copies thereof to all signatory and acceding States.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this [Agreement] [Treaty], opened for signature at New York on ...

Appendix B

WORKING PAPERS SUBMITTED TO THE WORKING GROUP
AT THE PRESENT SESSION

Netherlands: working paper
(WG.I(1979)/WP.1)

Article XIX

1. This Agreement shall be open for signature by all States at United Nations Headquarters in New York.
2. This Agreement shall be subject to ratification, approval or acceptance by signatory States. Any State which does not sign this Agreement before its entry into force in accordance with paragraph 3 of this article may accede to it at any time. Instruments of ratification, approval, acceptance or accession shall be deposited with the Secretary-General of the United Nations.
3. This Agreement shall enter into force on the 30th day following the date of deposit of the fifth instrument of ratification, approval or acceptance.
4. For each State depositing its instrument of ratification, approval, acceptance or accession after the entry into force of this Agreement, it shall enter into force on the 30th day following the date of deposit of such instrument.
5. The Secretary-General shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification, approval, acceptance of, or accession to this Agreement, the date of its entry into force and other notices.

Belgium: working paper
(WG.I(1979)/WP.2)

Article XVIII

Divide in paragraphs to read:

1. Ten years ... requires revision.
2. However ... developments.

Add a paragraph:

3. Under the same conditions as set out in the preceding paragraphs, the Secretary-General of the United Nations, as depositary, shall convene a conference of the States Parties to negotiate the establishment of the international régime foreseen by the provisions of article XI, paragraph 5.

/...