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Committee on the Peaceful Uses of Outer Space

Legal Subcommittee

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Item 6 of the provisional agenda*

**Status and application of the five United Nations treaties
on outer space**

Activities being carried out or to be carried out on the Moon and other celestial bodies, international and national rules governing those activities and information received from States parties to the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies about the benefits of adherence to that Agreement

Note by the Secretariat

1. During the forty-sixth session of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space, in 2007, the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space agreed that the Secretariat should prepare, for submission to the Subcommittee at its forty-seventh session, a background paper on activities being carried out or to be carried out on the Moon and other celestial bodies, international and national rules governing those activities and information from States parties to the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies about the benefits of adherence to that agreement. The Working Group also agreed that the background paper should be based primarily on information provided by member States on those matters. The report of the Working Group was endorsed by the Legal Subcommittee (A/AC.105/891, para. 44 and annex I, para. 12). To date, however, the Secretariat has received no information from member States on those matters.
2. The Moon has played a significant role in the space activities of States from the beginning of the space era. As of February 2007, approximately 100 spacecraft

* A/AC.105/C.2/L.269.



and 24 people have been to the Moon (<http://www.unoosa.org/pdf/pres/stsc2007/tech-19.pdf>).

3. The High-Level Panel on Space Exploration held a meeting in Vienna on 6 June 2007, pursuant to paragraph 49 of General Assembly resolution 61/111 of 14 December 2006. In the executive summary of its document entitled “The global exploration strategy: the framework for coordination”, the High-Level Panel noted that the number of countries involved in space exploration was growing steadily and that humankind was entering a new era, in which its presence would be extended beyond Earth’s orbit, physically and culturally (A/AC.105/2007/CRP.6).

4. In chapter I of its document, the High-Level Panel noted that the United States of America had developed its Vision for Space Exploration, that the European Space Agency had its Aurora space exploration programme, that China, India, Japan and the Russian Federation had ambitious national projects to explore the Moon or Mars and that future national missions were being discussed in Canada, Germany, Italy, the Republic of Korea and the United Kingdom of Great Britain and Northern Ireland.

5. In 1970, one year after the first person had landed on the Moon, the Legal Subcommittee had before it the Draft Agreement on the Principles Governing Activities in the Use of the Natural Resources of the Moon and Other Celestial Bodies, presented by the representative of Argentina (A/AC.105/C.2/L.71 and Corr.1). The Subcommittee continued to consider the issue of a legal framework for regulating activities on the Moon until 1979, when the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies was finalized. The Moon Agreement was opened for signature on 18 December 1979 following its adoption by the General Assembly in its resolution 34/68 of 5 December.

6. Article 18 of the Moon Agreement established that 10 years after the entry into force of the Agreement, the question of its review would be included in the provisional agenda of the General Assembly in order to consider, in the light of past application of the Agreement, whether it required revision.

7. At its thirty-seventh session, in 1994, the Committee on the Peaceful Uses of Outer Space considered the question of the review of the Moon Agreement and recommended that the General Assembly, at its forty-ninth session, in considering whether to revise the Agreement, should take no further action at that time.¹ The General Assembly took note of that recommendation in paragraph 42 of its resolution 49/34 of 9 December 1994.

8. As at 1 January 2008, 13 States had become parties to the Agreement and four more had signed it.

9. In its resolution 59/116 of 10 December 2004, the General Assembly requested the Secretary-General to send to the Ministers for Foreign Affairs of States that had not yet become parties to the United Nations treaties on outer space, the letter and document (A/AC.105/826, annex I, appendix I), as endorsed by the Legal

¹ *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 20 (A/49/20, para. 153).*

Subcommittee, encouraging their States to participate in those treaties,² and to send a similar letter to intergovernmental organizations that had not yet declared their acceptance of the rights and obligations under those treaties. The letter, as well as the explanatory document, were transmitted to all the Ministers in December 2004. At the forty-fifth session of the Legal Subcommittee, in 2006, the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space agreed that the Subcommittee should request Member States to provide information on any action that might have been taken at the national level as a result of receiving the above-mentioned letter (A/AC.105/871, annex I, para. 7 (a)).

² See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 20 (A/59/20)*, chap. II, D, para. 150.