

Resources of the United Nations and its specialized agencies and other competent international bodies relating to the peaceful uses of outer space (A/AC.105/193) had been issued recently with the object of providing, in a form that would make it useful as a reference guide, a general conspectus of the current activities, programmes and functions of the various international bodies involved in the expanding pattern of co-operative efforts in the peaceful uses of outer space.

125. The Sub-Committee noted with appreciation the progress report on telecommunication and the peaceful uses of outer space submitted by ITU (A/AC.105/175) and the statement made by its representative on the proceedings of the World Administrative Radio Conference (WARC) for the planning of the broadcasting-satellite service held in Geneva from 10 January to 13 February 1977.

126. The Sub-Committee noted with appreciation the participation in its session by representatives of United Nations bodies, the specialized agencies and international organizations, and found the reports they had submitted helpful in enabling the Sub-Committee to fulfil its role as a "focal point" for international co-operation, especially with respect to the practical application of space science and technology in developing countries. The Sub-Committee further expressed its appreciation to the specialized agencies for their continued co-operation with the Sub-Committee and, in particular, for their participation in the United Nations programme on space applications as noted in section II of this report.

127. The Sub-Committee noted with appreciation the participation of COSPAR and IAF in its work and in particular noted that in accordance with the request made by it, both organizations had continued to provide valuable reports to the Sub-Committee on an annual basis on scientific and technical developments in the exploration and practical uses of outer space. In this connexion, it expressed its appreciation to COSPAR for the report submitted by it in document A/AC.105/188 and to IAF for the report submitted by it in document A/AC.105/189 as well as for the informative statements made by the representatives of COSPAR and IAF in presenting those documents to the Sub-Committee.

(e) International sounding rocket facilities

128. The Sub-Committee noted with satisfaction that work continued to be carried out at the Thumba Equatorial Rocket Launching Station of the Vikram Sarabhai Space Centre in India and the CELPA Mar del Plata Rocket Launching Station in Argentina relative to the use of sounding rocket facilities for international co-operation and training in the peaceful scientific exploration of outer space. The Sub-Committee therefore recommended that the United Nations continue to grant sponsorship to these ranges.

UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/AC.105/196
11 April 1977

ORIGINAL: ENGLISH

COMMITTEE ON THE PEACEFUL USES
OF OUTER SPACE

REPORT OF THE LEGAL SUB-COMMITTEE ON THE WORK OF
ITS SIXTEENTH SESSION (14 MARCH-8 APRIL 1977)

CONTENTS	Paragraphs	Page
Introduction	1 - 17	2
I. Draft treaty relating to the moon	18 - 21	7
II. Elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting	22 - 27	7
III. Legal implications of remote sensing of the earth from space	28 - 32	8
IV. Matters relating to the definition and/or delimitation of outer space and outer space activities	33 - 35	9

Annexes

- I. Report of the Chairman of Working Group I
- II. Report of the Chairman of Working Group II
- III. Report of the Chairman of Working Group III
- IV. Working paper by the United Kingdom

INTRODUCTION

Opening of the session

1. The Legal Sub-Committee opened its sixteenth session at the United Nations Headquarters on 14 March 1977 under the chairmanship of Mr. Eugeniusz Wyzner (Poland).
2. The Chairman in his opening statement referred to the great legal interest of the work of the Sub-Committee and of its importance to the development of the law of outer space, and through such development of law, to international co-operation in the peaceful uses of outer space. There was, the Chairman stated, the continuing and every pressing need, with the continuing and fascinating developments in space technology and space achievements, for parallel developments in the law of outer space. While the Sub-Committee may not have been successful in formulating international treaties as speedily as the Sub-Committee might have wished, he was, the Chairman stated, greatly encouraged by the fact that at each of its sessions the Sub-Committee had taken matters significantly forward notwithstanding the novelty and complexity of the legal problems to be resolved.
3. The Chairman reviewed the work done by the Sub-Committee at its fifteenth session the preceding year and informed the Sub-Committee that the Committee on the Peaceful Uses of Outer Space at its nineteenth session in June 1976 had agreed with the recommendations made by the Sub-Committee as to the work to be undertaken at its present session. The General Assembly, in its resolution 31/8 of 8 November 1976, noted with satisfaction the work accomplished by the Sub-Committee and recommended that the Sub-Committee at its present sixteenth session should: (a) continue to consider the following subjects as matters of high priority: the draft treaty relating to the moon; the elaboration of draft 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 the legal implications of remote sensing of the earth from space, with the particular aim of formulating draft principles on the basis of common elements identified by the Sub-Committee; and (b) in the remaining time available, pursue its work on questions relating to the definition and/or delimitation of outer space and outer space activities.
4. The Chairman, concluding his opening statement, expressed the hope that delegations had been able to give further thought to the questions that had remained unresolved at the conclusion of the fifteenth session of the Sub-Committee. He was confident, he stated, that the Sub-Committee would make every effort to discharge its important responsibilities in its usual spirit of mutual understanding and co-operation.

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.109):

1. Statement by the Chairman
2. Draft treaty relating to the moon
3. Elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting with a view to concluding an international agreement or agreements
4. Legal implications of remote sensing of the earth from space, with the particular aim of formulating draft principles on the basis of common elements identified by the Legal Sub-Committee
5. Matters relating to the definition and/or delimitation of outer space and outer space activities

Organization of work

6. The Sub-Committee decided to organize its work as follows:
 - (a) The Sub-Committee would devote the first week of its session to agenda item 2 (Draft treaty relating to the moon). To accommodate certain delegations, the Sub-Committee would devote the second week to agenda item 4 (Legal implications of remote sensing of the earth from space, with the particular aim of formulating draft principles on the basis of common elements identified by the Legal Sub-Committee) and the third week to agenda item 3 (Elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting with a view to concluding an international agreement or agreements). The Sub-Committee agreed that a certain degree of flexibility should be observed in the allocation of time between the three agenda items, so that all available time was in fact utilized. The same high priority of the three items would, however, be observed. The Sub-Committee would consider at the end of the third week of its session how, in the light of the progress achieved up to that point, the remaining time at its disposal could best be utilized, having regard to the time required for consideration of agenda item 5 (Matters relating to the definition and/or delimitation of outer space and outer space activities).
 - (b) The Sub-Committee would maintain its practice of setting up working groups, open to all members of the Sub-Committee, for consideration of the priority items on its agenda. The Sub-Committee, accordingly, re-established its Working Group I on the draft treaty relating to the moon; its Working Group II on direct television broadcasting; and its Working Group III on remote sensing. The Sub-Committee agreed that Mr. G. Haraszti, the representative of Hungary, would continue as Chairman of Working Group I; that Mr. E. Wyzner, the representative of Poland, Chairman of the Sub-Committee, would be Chairman of Working Group II; and that Mr. H. Tuerk, the representative of Austria, would be Chairman of Working Group III.
 - (c) The Sub-Committee would each day begin with a plenary meeting to provide for a general exchange of views, during the first week of the session, and to enable delegations to address the Sub-Committee on the specific items on its agenda in the

/...

remaining weeks of the session. The Sub-Committee would each day after the conclusion of its plenary meeting reconvene as a working group.

7. The Chairman informed the Sub-Committee, at its opening meeting, that he had received requests from Colombia, Ecuador and Guyana to participate in meetings of the Sub-Committee. The Sub-Committee agreed that, since the granting of observer status was a prerogative of the Committee on the Peaceful Uses of Outer Space, the Sub-Committee could take no decision on the matter but that representatives of the three States might attend the formal meetings of the Sub-Committee and could direct to the Chair their requests for the floor should they wish to make statements.

8. Working Group I held three meetings, and an informal group for consultations established by it held three meetings. Working Group II held 14 meetings, including seven informal meetings. Working Group III held 13 meetings and one informal meeting.

9. The Chairmen of the three Working Groups reported to the Sub-Committee at its 281st, 282nd and 283rd meetings on 6 and 8 April. The Sub-Committee took note with appreciation of the work done in the Working Groups.

10. The Sub-Committee considered item 5 of its agenda at its 279th, 280th and 281st meetings on 4, 5 and 6 April.

11. 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.266 to 283.

12. A list of the representatives of the States members of the Sub-Committee attending the session, of the observers for specialized agencies and other organizations and of the secretariat of the Sub-Committee, is to be found in document A/AC.105/C.2/INF.9.

Proposal concerning the tenth anniversary
of the Outer Space Treaty

13. At its 281st meeting on 6 April, the Sub-Committee, noting that 10 October 1977 would be the tenth anniversary of the entry into force 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, approved the following draft resolution and recommended that it be forwarded by the Committee on the Peaceful Uses of Outer Space to the General Assembly for consideration and adoption at its thirty-second session.

Draft resolution: Tenth anniversary of the entry into force
of the Treaty on Principles Governing the Activities of
States in the Exploration and Use of Outer Space, including
the Moon and Other Celestial Bodies

The General Assembly,

Noting that 10 years have passed since the entry into force 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,

Confirming the great importance of the Treaty for the development of international co-operation in the peaceful exploration and use of outer space, including the moon and other celestial bodies, and for developing the rule of law in this sphere of human activity,

Convinced that during the decade in which the Treaty has been in force it has played a positive role in the implementation of the purposes and principles of the United Nations Charter and the progressive development of the law of outer space, including the elaboration and adoption of other international instruments governing the outer space activities of States,

Noting that ... States have become parties to the Treaty,

Recognizing that participation in the Treaty contributes to the peaceful exploration and use of outer space for the benefit of all mankind, regardless of the degree of economic or scientific development of States, and to the development of mutual understanding and the strengthening of friendly relations among States and peoples,

Recalling its resolutions 2260 (XXII), 2453 (XXIII), 2601 (XXIV), 2733 (XXV), 2776 (XXVI), 2915 (XXVII), 3182 (XXVIII), 3234 (XXIX), 3388 (XXX) and 31/8 in which it invited States which had not yet become parties to the Treaty to give early consideration to ratifying or acceding to it,

Expressing the belief that the participation in the Treaty of all States and the application of this international instrument by them can contribute to enhancing the effectiveness of international co-operation in the peaceful exploration and use of outer space, including the moon and other celestial bodies,

1. Invites States which have not yet become parties 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, to ratify or accede to it as soon as possible;

2. Requests the Secretary-General to undertake research analysing the experience gained in the application of the Treaty over the past 10 years and showing its importance for the development of international co-operation in the practical application of space technology;

3. Recommends that the Committee on the Peaceful Uses of Outer Space should consider at its next session possible measures to encourage the largest possible number of States to participate in the Treaty.

Tribute to the Chairman of the Legal Sub-Committee

14. At its 283rd meeting on 8 April, the Sub-Committee adopted by acclamation the following resolution which paid tribute to the 10 years of chairmanship of the

Legal Sub-Committee by Mr. Eugeniusz Wyzner, the Permanent Representative of Poland to the United Nations at Geneva.

Tenth Anniversary of the Assumption of the Chairmanship of
the Legal Sub-Committee of the Committee on the Peaceful
Uses of Outer Space by the Honourable Eugeniusz Wyzner

The Legal Sub-Committee on the Committee on the Peaceful Uses of Outer
Space,

Noting that this is the tenth anniversary since the Honourable Ambassador of Poland, Eugeniusz Wyzner, has assumed the chairmanship of the Legal Sub-Committee,

Confirming the significant contribution and diligent leadership which he has provided throughout this decade,

Recognizing that the substantial progress in the work of the Legal Sub-Committee is largely due to the patience and perseverance of the Honourable Eugeniusz Wyzner,

Expresses its appreciation for his distinguished service and substantial contribution to the development of the law of outer space.

Tribute to the Secretary of the Legal Sub-Committee

15. The Legal Sub-Committee noting that Miss Kwen Chen, Secretary of the Sub-Committee will end her duties as Secretary when the Sub-Committee concludes its work at the present session, expressed its appreciation for the devoted and outstanding service she has rendered the Sub-Committee during the 15 years she has served as its Secretary.

Future sessions of the Sub-Committee

16. The Sub-Committee recommended to the Committee on the Peaceful Uses of Outer Space that the former practice agreed to by the Committee at its 107th meeting on 15 December 1971 (A/AC.105/PV.107, p. 32) and reaffirmed during its eighteenth session in 1975 of holding the meetings of the Legal Sub-Committee in rotation between Geneva and New York (A/10020, para. 56) should be maintained and reflected in the schedule of meetings for 1978.

Adoption of the report

17. The Sub-Committee adopted the present report unanimously and concluded its work on 8 April 1977.

/...

I. DRAFT TREATY RELATING TO THE MOON

18. At the 267th meeting of the Sub-Committee on 15 March 1977, the Chairman made an introductory statement on the draft treaty relating to the moon (agenda item 2) in which he gave a summary of the work done previously in the preparation of the draft treaty and pointed out the main outstanding questions still to be resolved.

19. The Chairman noted that the General Assembly at its thirty-first session, in resolution 31/8 of 12 November 1976, had recommended that the Sub-Committee should continue at its present session consideration of the "Draft treaty relating to the moon" as a matter of high priority.

20. As indicated in 6 (b) above, the Sub-Committee re-established Working Group I with respect to agenda item 2. The discussions in the Sub-Committee and the Working Group concentrated on the question of the legal status of the moon and its natural resources.

21. At the 281st meeting of the Sub-Committee on 6 April, 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 to the present report.

II. ELABORATION OF PRINCIPLES GOVERNING THE USE BY STATES
OF ARTIFICIAL EARTH SATELLITES FOR DIRECT TELEVISION
BROADCASTING

22. The Chairman made an introductory statement on agenda item 3 (Elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting) at the 275th meeting of the Sub-Committee on 28 March 1977. He further reviewed the work done by the Sub-Committee on this item at its previous sessions which resulted in the elaboration of nine principles.

23. The Chairman noted that the General Assembly at its thirty-first session, in resolution 31/8 of 12 November 1976, had recommended that the Sub-Committee should at its present session consider as a matter of high priority "completing the elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting with a view to concluding an international agreement or agreements".

24. As noted in paragraph 6 (b) above, the Sub-Committee at its opening meeting on 10 March 1977 re-established its Working Group on television broadcasting as Working Group II.

25. A working paper was submitted by the United Kingdom to the Legal Sub-Committee on 18 March 1977 (A/AC.105/C.2/L.110) and is attached to the present report as annex IV.

/...

26. The Sub-Committee also heard a statement by the observer of the International Telecommunication Union on its World Administrative Radio Conference on Direct Television Broadcasting held at Geneva in January-February 1977.

27. At the 283rd meeting of the Sub-Committee on 8 April 1977, the Chairman of Working Group II 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 II and noted with satisfaction the progress reached in formulating the principles during the current session. It expressed the hope that in view of that development the task entrusted to the Legal Sub-Committee in General Assembly resolution 31/8 would be fulfilled at the forthcoming session of the Outer Space Committee to be held from 20 June to 1 July in Vienna. In accordance with the decision taken by the Sub-Committee at the same meeting, the report of the Chairman of Working Group II is reproduced in annex II to the report.

III. LEGAL IMPLICATIONS OF REMOTE SENSING OF THE EARTH FROM SPACE

28. At the 271st meeting of the Sub-Committee on 21 March 1977, the Chairman made an introductory statement on agenda item 4 (Legal implications of remote sensing of the earth from space, with the particular aim of formulating draft principles on the basis of common elements identified by the Legal Sub-Committee) in which he reviewed the Sub-Committee's work on the item of remote sensing at its fifteenth session last year.

29. The Chairman noted that the General Assembly at its thirty-first session, in resolution 31/8 dated 8 November 1976, had recommended that the Sub-Committee should at its present session continue to consider as a matter of high priority the legal implications of remote sensing of the earth from space, with the particular aim of formulating draft principles on the basis of common elements identified by the Sub-Committee.

30. The Chairman drew attention to the fact that the subject of remote sensing had been an item on the agenda of the Scientific and Technical Sub-Committee at its fourteenth session in February 1977. The report of the Scientific and Technical Sub-Committee on its fourteenth session (A/AC.105/195) showed that there had been a lengthy consideration of remote sensing in that Sub-Committee and that a number of matters of relevance to the work of the Legal Sub-Committee had been discussed.

31. As noted in paragraph 6 (b) above, the Sub-Committee at its opening meeting on 14 March 1977 re-established its Working Group III on remote sensing.

32. At the 282nd meeting of the Sub-Committee on 6 April, the Chairman of the Working Group 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 III and noted with satisfaction the progress reached in formulating the principles during the current session. In accordance with the decision taken by the Sub-Committee at the same meeting, the report of the Chairman of Working Group III is reproduced in annex III to the present report.

IV. MATTERS RELATING TO THE DEFINITION AND/OR DELIMITATION OF OUTER SPACE AND OUTER SPACE ACTIVITIES

33. 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) at the 279th meeting of the Sub-Committee on 4 April 1977. He briefly reviewed the consideration of the question in the United Nations from 1959, when it was first identified as a legal problem by the Ad Hoc Committee on the Peaceful Uses of Outer Space, to the present time. He noted that this item had been on the agenda of the Sub-Committee since the sixth session in 1967 but owing to lack of time, it had not been considered in any detail.

34. The Chairman drew the attention of the Sub-Committee to two documents on the subject of definition of outer space, prepared by the Secretariat at the request of the Committee on the Peaceful Uses of Outer Space: one (A/AC.105/C.2/7/Add.1) bringing up to date the information contained in the background paper issued in 1970 (A/AC.105/C.2/7) and the other being a synoptic table of proposals and suggestions.

35. The Sub-Committee considered the item at its 280th and 281st meetings on 5 and 6 April 1977. Some delegations made statements stressing the need for a definition or delimitation of outer space and outer space activities. They expressed the hope that this item should receive higher priority possibly after completion of other priority items. One delegation expressed the opinion that the method for reaching a definition of outer space could consist, first, of identifying points of agreement in the views expressed and the proposals submitted, second, defining a set of problems and establishing provisional criteria for a definition, and third, developing each idea. Other delegations expressed the view that there was no urgency for the resolution of this question. Reference was also made to the question of the geostationary orbit in relation to the definition and/or delimitation of outer space, and some delegations suggested that the parent Committee might also wish to consider this matter in more detail.

Annex I

REPORT OF THE CHAIRMAN OF WORKING GROUP I

1. The Sub-Committee, at its 266th meeting held on 14 March 1977, decided to re-establish Working Group I to continue its consideration of the draft treaty relating to the moon. The Working Group held three meetings between 15 March and 5 April. An informal group of consultations, open to all interested delegations, had three meetings during the same period of time.
2. In the course of the previous sessions of the Sub-Committee no agreement could be reached on three main outstanding issues: the question of the scope of the treaty, the information to be furnished on missions to the moon, and the natural resources of the moon. The Working Group, as it did already at previous sessions of the Sub-Committee, decided again to give priority to the question of the natural resources of the moon, generally regarded as the key issue whose solution could facilitate an agreement on the two remaining issues.
3. The Working Group had before it three reference papers compiled by the Secretariat (WG.I/CRP.1-3), containing all the drafts and working papers submitted by delegations and the texts formulated or approved by the Working Group and/or the Sub-Committee on the three above-mentioned outstanding problems during the eleventh to fifteenth sessions of the Sub-Committee. These reference papers are appended to this report. The texts approved by the Sub-Committee in 1972 and the texts approved by the Working Group and taken note of by the Sub-Committee in 1973 are also appended. A working paper was submitted by the Australian and the Canadian delegations in the interests of facilitating the informal consultations between delegations. This document (WG.I/WP.1) is annexed to the present report. The Working Group also had before it an informal proposal for the drafting of an additional optional protocol to the treaty concerning the legal régime of natural resources of the moon and other celestial bodies, but it did not have support.
4. In the course of the exchange of views which took place in the Working Group, no consensus could be realized on the question of the natural resources of the moon. Consequently, despite the efforts made by a great number of delegations, no text relating to this issue was agreed upon during the present session by the Working Group.

Appendix A

DRAFT TREATY RELATING TO THE MOON

Texts proposed concerning natural resources
 (WG.I/CRP.1, 15 March 1977)

Table of contents

1976

Italy: working papers	4
Argentina, Brazil, Chile, Indonesia, Mexico, Nigeria, Romania, Sierra Leone, Venezuela: working paper	4

1975

Text prepared by Working Group I	6
--	---

1974

Bulgaria: working paper	8
Egypt, India and Nigeria: working paper	9
Mongolia: working paper	9

1973

Bulgaria: working paper	9
India: working paper	10
Iran: working paper	11
Union of Soviet Socialist Republics: working paper	11
Argentina: working paper	13
Argentina: working paper	14
United States of America: working paper	16
Italy: working paper	17
Sweden: working paper	18
Text originally worked out in informal consultations and considered by Working Group I	19

1972

Text contained in 1972 report of the Legal Sub-Committee	20
Union of Soviet Socialist Republics: proposal for a treaty concerning the moon (A/8391, annex)	20

Page

/...

Contents (continued)

Page

Argentina: draft agreement on the principles governing activities in the use of the natural resources of the moon and other celestial bodies (A/AC.105/C.2/L.71 and Corr.1)*	21
Sweden and United Kingdom: revised working paper	22
Sweden and United Kingdom: working paper	22
Australia: working paper	23
United States of America: working paper	23
United States of America: working paper	23
Australia: working paper	24
Egypt and India: working paper	24
Bulgaria: working paper	25

* Initially presented to the Sub-Committee in 1970.

/...

1976

(See A/AC.105/171, Annex I, pp. 2-4)

Italy: working paper on the legal régime applicable
to the natural resources of the moon

Without prejudice to the equal relevance of the Outer Space Treaty to all other celestial bodies, the following legal régimes shall apply to the moon:

(Appropriate articles)

Italy: working paper on the legal régime applicable
to the natural resources of the moon

1. The moon is not subject to appropriation by any State or group of States through any claim of sovereignty, by means of use or occupation, or by any other means. The placement of personnel, space vehicles, equipment, facilities, stations and installations on or below the surface of the moon including structures permanently affixed to its surface or subsurface, shall not create a right of ownership over any areas or zones on or below the surface of the moon.
2. Natural resources of the moon can be freely used by States for the purpose of exploration of outer space and its celestial bodies in the interest and for the benefit of all countries.
3. The natural resources of the moon cannot be transferred on to the earth by any country for its own exclusive economic profit: those resources shall be transferred on to the earth only under the provisions of an international régime as specified by the following article.
4. The economic resources of the moon, due to be (when) transferred on to the earth, shall be dealt with as common heritage of mankind; all States shall have an equal and unhindered access to them on an equitable basis.
5. When so requested by a third of the members of the United Nations judging that the economic exploitation of the resources of the moon has actually become feasible, the Secretary-General of the United Nations shall convene a United Nations conference to define the structure of the international régime provided for by article 4.

Argentina, Brazil, Chile, Indonesia, Mexico, Nigeria,
Romania, Sierra Leone, Venezuela: working paper

Article IX bis

The moon* and its natural resources are a common heritage of all mankind.

* The question of the scope of the treaty is to be settled separately.

Article X

.....

Article X bis

1. States have an equal right to undertake the exploration and use of the moon, including the exploitation of its natural resources, without discrimination of any kind.

2. States Parties undertake to establish an international régime governing such exploitation on the basis of the principle that the moon and its resources are a common heritage of mankind.

3. The main objectives of such international régime to be established shall include:

- (a) the orderly and safe development of natural resources of the moon;
- (b) the rational management of these resources;
- (c) the expansion of opportunities in the use and exploitation of those resources; and
- (d) an equitable sharing in the benefits derived from those resources.

The interests and needs of developing countries as well as the efforts of the countries which have contributed to the exploration of the moon shall be given special consideration in this regard.

4. In order to decide whether the exploitation of natural resources has become feasible with a view to implementing the provisions of paragraph 2 of this article, the Secretary-General, after the entry into force of this Treaty, shall convene a conference of States Parties during a regular session of the General Assembly, every 10 years unless ... of the States Parties request to convene earlier conferences to decide whether the international régime is to be established. All States Parties undertake to take all appropriate measures to assure their participation at such conferences.

5. If the conference of States Parties, provided for in paragraph 4 of this article, decides that the international régime should be established, the Secretary-General shall include in the provisional agenda of the next session of the General Assembly the item on the establishing of the international régime, in accordance with the provisions of paragraph 2 of this article.

6. Until such international régime is established and without prejudice to the provisions of article V of this Treaty, States Parties undertake that all their

/...

activities with respect to the moon and its natural resources shall be carried out in a manner compatible with the principle mentioned in paragraph 2 above and the main objectives of the international régime to be established.

7. States Parties shall promptly inform the Secretary-General as well as the public and the international scientific community to the greatest extent possible and practicable, of each discovery of natural resources of the moon and of every other activity undertaken thereon.

1975

(See A/AC.105/147, Annex I, pp. 2-3)

Text prepared by Working Group I

Article X

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

2. Without prejudice to the provisions of Article X bis areas or zones on or below the surface of the moon or other celestial bodies shall not become the property of any State, international intergovernmental or non-governmental organization, national organization or any other legal entity or natural person. The placement of personnel, space vehicles, equipment, facilities, stations and installations on or below the surface of the moon or other celestial bodies, including structures permanently affixed to the surface or subsurface, shall not create a right of ownership over any areas or zones on or below the surface of the moon or other celestial bodies.

3. Areas or zones on or below the surface of the moon or other celestial bodies 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.

4. The moon as well as its natural resources are the common heritage of mankind.

Article X bis

1. States Parties have an equal right to undertake the exploration and use of the moon and other celestial bodies, including the exploitation of its natural resources, without discrimination of any kind under the conditions stipulated in

/...

this treaty. Nevertheless, the exploitation of the natural resources of the moon and other celestial bodies shall be carried out under the conditions stipulated in this article.

2. States Parties undertake to establish an international régime governing the exploitation of the natural resources of the moon and other celestial bodies, when such exploitation becomes feasible, on the basis of the principle that those resources of the moon and other celestial bodies are the common heritage of mankind. Exploitation of the natural resources of the moon shall not be done except in accordance with the international régime to be established.

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

(a) the orderly and safe development of natural resources of the moon and other celestial bodies;

(b) the rational management of those resources;

(c) the expansion of opportunities in the use of those resources; and

(d) an equitable sharing in the benefits derived from those resources.

The interests and needs of the developing countries, as well as the efforts of those countries which have contributed to the discovery and exploration of the resources and of those which are responsible for exploiting them, shall be given particular consideration in this regard.

4. A conference of all States Parties shall be convened by the Secretary-General of the United Nations, as depository, at the request of one third of such States for considering the fulfilment of in order to implement the provisions of paragraph 2 of this article.

5. 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 possible and practicable of any natural resources they may discover on the moon and other celestial bodies.

6. Without prejudice to the provisions of Article V of this Treaty, all activities with respect to the natural resources of the moon and other celestial bodies shall be carried out in a manner compatible with the purposes of the international régime to be established, as specified in paragraph 3 of this Article.

Without prejudice to the provisions of Article V of this Treaty no activities shall be carried out on the moon and other celestial bodies with regard to its natural resources which may be incompatible with the purposes of the international régime to be established as specified in paragraph 3 of this article.

/...

1974

(See A/AC.105/133, Annex I)

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

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.

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

...

(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.

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."

1973

(See A/AC.105/115, Annex I)

Bulgaria: working paper (27 March 1973)

DRAFT TREATY RELATING TO THE MOON

(Article X, para. 3)

3. States parties to this treaty, bearing in mind the need for economic

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

India: working paper (27 March 1973)

DRAFT TREATY RELATING TO THE MOON

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

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

Article X

1. The moon and other celestial bodies, their subsoil as well as their resources, are the common heritage of mankind.

2. States parties undertake to establish an international régime for the orderly and safe development and rational management of the resources of the moon and other celestial bodies and their subsoil, and for expanding opportunities in the use thereof, and to ensure the equitable sharing by all States in the benefits derived therefrom, taking into particular consideration the interests and needs of the developing countries.

3. Exploitation of the resources of the moon and other celestial bodies and their subsoil shall not be done except in accordance with the international régime to be established. For this purpose, the depositary Governments shall convene a conference of all States parties at the request of one third of such States.

Article X (bis)*

1. The moon and other celestial bodies and their subsoil, as well as their resources, are not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means. No such appropriation shall be recognized as legal.

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

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

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

Iran: working paper (28 March 1973)

DRAFT TREATY RELATING TO THE MOON

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

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

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

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

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

DRAFT TREATY RELATING TO THE MOON

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

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

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

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

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

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

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

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

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

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

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

/...

Argentina: working paper (30 March 1973)

DRAFT TREATY RELATING TO THE MOON

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

Article X

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

Article X (bis)

1. Neither States, international, intergovernmental or non-governmental organizations or national organizations having the status of juridical persons or not, nor natural persons, may claim the surface or subsurface of the moon or other celestial bodies as their property. The placement of personnel, space vehicles, equipment, stations and installations on or below the surface of the moon and other celestial bodies, including structures connected with the surface or subsurface, shall not create a right of ownership over part of the surface or subsurface of the moon or other celestial bodies.
2. Parts of the surface or subsurface of the moon or other celestial bodies may not be the object of grant, exchange, transfer, sale or purchase, lease, hire, gift or any other arrangement or transactions, with or without compensation, between States, international, intergovernmental or non-governmental organizations or national organizations having the status of juridical persons or not, or of arrangements or transactions between natural persons.

Article X (ter)

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

/...

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

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

Argentina: working paper (17 April 1973)

DRAFT TREATY RELATING TO THE MOON

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

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

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

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

/...

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

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

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

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

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

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

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

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

/...

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

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

Equitable sharing of the profits derived;

Consideration of the needs and interests of developing countries;

Supervision of this activity with a view to equitable distribution;

The institution of an international régime;

The establishment of appropriate procedures for such a régime.

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

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

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

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

DRAFT TREATY RELATING TO THE MOON

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

Article X

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

"2. Neither the surface nor the subsurface of the moon or other celestial bodies, nor any area thereof or natural resources in place, shall become the property of any State, international intergovernmental or non-governmental organization, national organization or non-governmental entity or of any

/...

natural person. The placement of personnel, space vehicles, equipment, facilities, stations and installations on or below the surface of the moon or other celestial bodies, including structures connected with their surface or subsurface, shall not create a right of ownership over the surface or the subsurface of the moon or other celestial bodies or any areas thereof. The foregoing provisions are without prejudice to the international régime referred to in paragraph 4 of this article, as well as to exploitation of the natural resources of the moon or other celestial bodies pending the establishment of such a régime.

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

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

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

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

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

Italy: working paper (3 April 1973)

DRAFT TREATY RELATING TO THE MOON

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

Article X

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

/...

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

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

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

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

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

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

Sweden: working paper (18 April 1973)

DRAFT TREATY RELATING TO THE MOON

Proposed amendment to article X

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

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

/...

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

Article X

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

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

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

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

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

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

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

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

/...

1972

Text contained in 1972 report of the Legal Sub-Committee

(See A/AC.105/101, para. 21)

Article X 8/

1. The natural resources of the Moon and other celestial bodies shall be the common heritage of all mankind.
2. Neither States, international intergovernmental or non-governmental organizations, national organizations having the status of juridical persons or not, nor natural persons, may claim the surface or subsurface of the Moon or other celestial bodies as their property. The placement of personnel, space vehicles, equipment, facilities, stations and installations on or below the surface of the Moon or other celestial bodies including structures connected with its their surface or subsurface, shall not create a right of ownership over parts of the surface or subsurface of the Moon or other celestial bodies.
3. Parts of the surface or subsurface of the Moon or other celestial bodies may not be the object of grant, exchange, transfer, sale or purchase, lease, hire, gift or any other arrangement or transactions with or without compensation between States, international intergovernmental and non-governmental organizations or national organizations having the status of juridical persons or not, or of arrangements or transactions between natural persons.
4. The States Parties to this Treaty, bearing in mind the need for economic advancement and for the encouragement of investment and efficient development if utilization of the resources of the Moon and other celestial bodies becomes a reality, recognize the importance of concluding agreements in this area. To this end, the Depositary Governments shall promptly convene a meeting of all States Parties with a view to negotiating arrangements for the international sharing of the benefits of such utilization when one third of the States Parties inform the Depositary Governments that they consider that practical utilization of the resources of the Moon or other celestial bodies is likely to begin within two years following or has already begun.

Union of Soviet Socialist Republics: proposal for a treaty concerning the moon (A/8391, annex)

No provision.

8/ This text may be supplemented later.

/...

Argentina: draft agreement on the principles governing activities in the use of the natural resources of the moon and other celestial bodies (A/AC.105/C.2/L.71 and Corr.1), initially presented to the Legal Sub-Committee in 1970

The States Parties to this Agreement,

Bearing in mind that activities in the use of the natural resources of the Moon have begun,

Reaffirming that mankind has a common interest in promoting the use of outer space, including the Moon and other celestial bodies, for peaceful purposes,

Considering that the Treaty of 27 January 1967 does not establish regulations specifically for activities in the use of the natural resources of the Moon and other celestial bodies,

Believing that it is necessary to complete the provisions of that Treaty with respect to the legal system for activities in the use of such resources,

Bearing in mind the benefits to be obtained from the prompt establishment of principles for the use of the natural resources of the Moon and other celestial bodies by means of a general agreement within the framework of the 1967 Treaty,

Recalling that the use of outer space must be for the benefit and in the interests of all countries, and shall be the province of all mankind,

Have agreed on the following:

Article 1

The natural resources of the Moon and other celestial bodies shall be the common heritage of all mankind.

Article 2

All substances originating in the Moon or other celestial bodies shall be regarded as natural resources.

Article 3

The legal system applicable to natural resources used in their place of origin shall be distinct from that applicable to those brought to the Earth for use.

/...

Article 4

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

Article 5

In distributing such benefits, account shall be taken of the need to promote the attainment of higher standards of living and conditions of economic and social progress and development, pursuant to Article 55a of the Charter of the United Nations, in the light of the interests and requirements of the developing countries and the rights of those undertaking these activities. (Followed by the formal provisions or final clauses on the lines of those of the Treaty of 1967 and the Agreement of 1968).

Sweden and United Kingdom: revised working paper (A/AC.105/C.2(XI)/Working paper 10/Rev.1; 13 April 1972)

Article III, paragraph 1 bis

(Scientific investigation)

- 1 bis (i) The scientific results of investigations on the Moon and other celestial bodies shall be made freely available to the international community.
- (ii) Samples of minerals and other substances collected on the Moon or other celestial bodies for scientific purposes shall remain at the disposal of the State Party which caused them to be collected.

Sweden and United Kingdom: working paper (A/AC.105/C.2(XI)/Working paper 10; 12 April 1972)

Article ...

(Scientific investigation)

There shall be freedom of scientific investigation on the Moon and other celestial bodies and in respect of their natural resources. Samples of minerals and other substances gathered for scientific purposes shall remain at the disposal of those who have collected them or caused them to be collected. The scientific results of such investigations shall be made freely available.

/...

Australia: working paper (A/AC.105/C.2(XI)/Working paper 11; 13 April 1972)

Article III

Proposed addition to the amendment of Sweden and the United Kingdom (working paper 10)

Add after the second sentence the following sentence:

"Such State shall, however, have regard to the desirability of making some portion of such samples available to interested States for similar scientific purposes."

United States of America: working paper (A/AC.105/C.2(XI)/Working paper 12; 13 April 1972)

Article VIII

(Natural resources)

1. The natural resources of the moon and other celestial bodies shall be the common heritage of all mankind.
2. States Parties may use appropriate quantities of the resources of the moon and other celestial bodies in carrying out scientific investigations in furtherance of the provisions of this Treaty, whether for supporting scientific investigation on the moon or other celestial bodies or by removing such resources to the earth for analysis or analysing them in space or on the moon or other celestial bodies.

United States of America: working paper (A/AC.105/C.2(XI)/Working paper 12/Rev.1; 17 April 1972)

Article VIII

(Natural resources)

1. The natural resources of the moon and other celestial bodies shall be the common heritage of all mankind.
2. States Parties may use appropriate quantities of the resources of the moon and other celestial bodies in carrying out scientific investigations in furtherance of the provisions of this Treaty, whether for supporting scientific investigation on the moon or other celestial bodies or by removing such resources to the earth for analysis or analysing them in space or on the moon or other celestial bodies.
3. The States Parties to this Treaty, bearing in mind the need for economic advancement and for the encouragement of investment and efficient development if

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

Australia: working paper (A/AC.105/C.2/XI)/Working paper 13;
13 April 1972)

Article VIII

Proposed addition to paragraph 2 of United States working paper 12

Add the following sentence at the conclusion of paragraph 2:

"Such States shall have regard to the desirability of making some portion of resources removed to the earth for such purposes available to other interested States for similar scientific investigation."

Egypt and India: working paper (A/AC.105/C.2(XI)/Working paper;
14 April 1972)

Article VIII

- (i) The Moon /and other celestial bodies/ and their natural resources shall be the common heritage of all mankind.
- (ii) The exploration and use of the Moon /and other celestial bodies/ and their natural resources shall be carried out in the interest of mankind as a whole and the benefits arising therefrom shall be made available to all peoples without discrimination of any kind.
- (iii) In the distribution of such benefits account shall be taken of the need to promote the attainment of higher standards of living and conditions of economic and social progress and development, pursuant to Article 55 (a) of the Charter of the United Nations, in the interests and requirements of the developing countries.

Bulgaria: working paper (A/AC.105/C.2/XI/Working Paper 25;
27 April 1972)

Article III bis. 2

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

Appendix B

DRAFT TREATY RELATING TO THE MOON

Texts proposed concerning the scope of the treaty
(WG.I/CRP.2, 16 March 1977)

Table of contents

1972

Union of Soviet Socialist Republics: proposal for a treaty concerning the moon (A/8391, annex)	27
United States of America: working paper	27
United States of America: working paper	27
United States of America: working paper	28
United Kingdom: working paper	28
Text formulated by the Working Group	28
Text considered by the Working Group	29
Text formulated by the Working Group	29
Text contained in 1972 report of the Sub-Committee	29

1973

Bulgaria: working paper	30
United States of America: working paper	31
United States of America: working paper	31
United Kingdom: proposed article I	31

1974

Bulgaria: working paper	32
India: working paper	33

1972

(See A/AC.105/101 and Annex I)

Union of Soviet Socialist Republics: proposal for a treaty concerning the Moon (A/8391, annex)

The States Parties to this Treaty,

Noting the gains made by States in the exploration of the Moon,

Determined to promote the further development of co-operation among States in the exploration and use of the Moon and its subsoil and of circumlunar space,

Article I

1. States Parties shall pursue their activities on the Moon and in circumlunar space in accordance with international law, including the Charter of the United Nations.

United States of America: working paper (A/AC.105/C.2(XI)/Working paper 1; 11 April 1972)

Article I

(International law, force, hostile acts)

1. States Parties to the Treaty shall carry out their activities on the Moon and other celestial bodies consistent with international law, including the Charter of the United Nations and other treaties in force.

United States of America: working paper (A/AC.105/C.2(XI)/Working paper 4; 11 April 1972)

Article IV

(Definitions)

As employed in this Treaty:

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

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

/...

/...

Article I

1. As employed in this Treaty:

- (i) The term "celestial body" includes all natural celestial bodies other than the Earth.
- (ii) The phrase "the Moon and other celestial bodies" includes orbits around or other trajectories to or around celestial bodies.

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

1973

(See A/AC.105/115, annex I, pp. 11-12)

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

DRAFT TREATY RELATING TO THE MOON

The States parties to this treaty,

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

Article I

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

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

(See A/AC.105/115, annex I, p. 32)

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

DRAFT TREATY RELATING TO THE MOON

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

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

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

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

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

DRAFT TREATY RELATING TO THE MOON

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

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

(See A/AC.105/115, annex I, p. 35)

United Kingdom: proposed article I (30 March 1973)

DRAFT TREATY RELATING TO THE MOON

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

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

/...

/...

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

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

1974

(See A/AC.105/133, annex I, p. 5)

Bulgaria: working paper

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

Draft treaty relating to the moon

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.

/...

(See A/AC.105/133, annex I, p. 13)

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, paragraph 1 (ii)

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

/...

Appendix C

DRAFT TREATY RELATING TO THE MOON

Texts proposed concerning information on
 missions to the moon

- (a) question of timing in provision of information;
- (b) other information (WG.I/CRP.3, 16 March 1977)

Table of contents

	<u>Page</u>
<u>(a) Question of timing in provision of information</u>	
<u>1972</u>	
United States of America: working paper	36
Bulgaria: working paper	36
Texts formulated by the Working Group	37
Text approved by Sub-Committee on which work should be pursued as a priority	37
<u>1973</u>	
Bulgaria: working paper	38
United States of America: working paper	38
Text approved by Working Group	39
<u>1974</u>	
Bulgaria: working paper	39
Egypt, India and Nigeria: working paper	40
<u>(b) Other information</u>	
<u>1972</u>	
Union of Soviet Socialist Republics: proposal for a treaty concerning the moon (A/8391, annex)	40
United States of America: working papers	40
Bulgaria: working paper	42
Text formulated by the Working Group	42
Text approved by the Legal Sub-Committee on which work should be pursued as a priority	42

/...

Contents (continued)

	<u>Page</u>
<u>1973</u>	
Bulgaria: working paper	43
India: working paper	44
Argentina: working paper	45
Text approved by the Working Group	45
<u>1974</u>	
Bulgaria: working paper	46

/...

(a) Question of timing in provision of information

1972

(See A/AC.105/101 and Annex I)

United States of America: working paper (A/AC.105/C.2(XI)/
Working paper 3; 11 April 1972)

Article III

(Freedom of scientific investigation, co-operation,
exchange of personnel, reporting, scientific
preserves, access, consultations)

5. Well in advance of launching, but in any event not later than 60 days before launching, States Parties intending to conduct activities on the moon or other celestial bodies shall inform the Secretary-General of the United Nations, as well as the public and the international scientific community, of the planned time frame of launching, purposes of the mission, intended locations of the mission, orbital parameters, and prospective duration of the mission. Timely notice shall also be given of any major changes in plans for the mission, of the termination of the mission and, in due course, of the nature, conduct, locations and results of the mission. The Secretary-General of the United Nations shall disseminate such information, as well as other information transmitted to him under this Treaty, immediately and effectively.

Bulgaria: working paper (A/AC.105/C.2(XI)/Working paper 25;
27 April 1972)

Article III

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

Text formulated by the Working Group (PUOS/C.2/WG(XI)/4
and Corr.1; 13 and 20 April 1972)

Article III

5. /Well in advance of launching, but in any event not later than 60 days before launching, States Parties intending to conduct activities on the moon or other celestial bodies shall inform the Secretary-General of the United Nations, as well as the public and the international scientific community, of the planned time frame of launching, purposes of the mission, intended locations of the mission, orbital parameters and prospective duration of the mission. Timely notice shall also be given of any major changes in plans for the mission, of the termination of the mission and, in due course, of the nature, conduct, locations and results of the mission. The Secretary-General of the United Nations shall disseminate such information, as well as other information transmitted to him under this Treaty, immediately and effectively./

Text formulated by the Working Group (PUOS/C.2/WG(XI)/15;
27 April 1972

Article III

3. /States Parties shall inform the Secretary-General as well as the public and international scientific community, to the greatest extent feasible and practicable, of their activities concerned with the exploration and use of the Moon /and other celestial bodies/. They shall in any case give information on the time, purposes, locations, orbital parameters, duration and results of each /completed/ mission to the Moon /and other celestial bodies/, in particular on the scientific results arising out of such missions. In case of a mission lasting more than 60 days, information on conduct of the mission shall be given periodically at 30 days' intervals. For missions lasting more than six months, only significant additions to such information need be reported thereafter./ 2/

Text approved by Sub-Committee on which work
should be pursued as a priority

(As set out in para. 21 of the Sub-Committee's report)

Article IV

3. States Parties shall inform the Secretary-General as well as the public and international scientific community, to the greatest extent feasible and practicable, of their activities concerned with the exploration and use of the Moon /and other

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

/...

/...

celestial bodies^{7/}. They shall in any case give information on the time, purposes, locations, orbital parameters, duration and results of each completed mission to the Moon and other celestial bodies, in particular on the scientific results arising out of such missions. In case of a mission lasting more than 60 days, information on conduct of the mission shall be given periodically at 30 days' intervals. For missions lasting more than six months, only significant additions to such information need be reported thereafter. ^{7/}

1973

(See A/AC.105/115 and Annex I)

Working paper submitted by Bulgaria (27 March 1973)

Article IV

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

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

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

"3. States Parties shall inform the Secretary-General as well as the public and the international scientific community, to the greatest extent feasible and practicable, of their activities concerned with the exploration and use of the moon and other celestial bodies. They shall in any case give information on the time, purposes, locations, orbital parameters, duration and results of each mission to the moon and other celestial bodies, and in particular information regarding scientific results and natural resources arising out of such missions. In case of a mission

^{7/} Certain delegations reserved their position with respect to the question of advance notification of missions to celestial bodies.

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."*

Text approved by Working Group

(Set out in para. 17 of report of the Sub-Committee)

Article IV, paragraph 3

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

1974

(See A/AC.105/133, Annex I)

Bulgaria: working paper

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

Article IV

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.

* The question of advance notification of missions is reserved.

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

The States 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, ...

(b) Other information

1972

(See A/AC.105/101 and Annex I)

Union of Soviet Socialist Republics: proposal for a treaty concerning the moon (A/8391, annex)

Article VII

3. In pursuing activities on the Moon, States Parties shall take the necessary steps to exchange information on any phenomena they discover in outer space, including the Moon and other celestial bodies, which could endanger the life or health of men on the Moon, as well as information on any signs of organic life.

United States of America: working paper (A/AC.105/C.2(XI)/Working Paper 3; 11 April 1972)

Article III

6. 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 and the Secretary-General of the timing of and plans for its own operations.

7. States Parties undertake to report to other States Parties and to the Secretary-General on areas of the moon and other celestial bodies having special scientific interest with a view to the possible establishment in those areas of scientific preserves whose exploration and use should be subject to conditions to be agreed.

United States of America: working paper (A/AC.105/C.2(XI)/Working paper 5; 11 April 1972)

Article IV

(Non-contamination, reporting)

2. States Parties planning missions to the moon and other celestial bodies shall notify the Secretary-General of measures being adopted to minimize the disruption of the existing balance of the environments of those bodies. Such reports shall include the trajectories to be flown, the distance of closest approach, and specific measures taken to control micro-organisms on and in the spacecraft.

3. States Parties shall notify the Secretary-General of plans to place radio-active material on or in orbit or other trajectory around the moon or other celestial bodies and shall give similar notification with regard to the conditions and effects of such placement when it occurs.

United States of America: working paper (A/AC.105/C.2(XI)/Working paper 8; 11 April 1972)

Article VII

(Rescue, shelter, reporting)

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

United States of America: working paper (A/AC.105/C.2(XI)/Working paper 23; 19 April 1972)

The following provision replaces article III, paragraph 7 contained in A/AC.105/C.2(XI)/Working paper 3:

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

/...

/...

Bulgaria: working paper (A/AC.105/C.2(XI)/
Working paper 25; 27 April 1972)

Article III

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.

Text formulated by the Working Group (PUOS/C.2/WG(XI)/4
and Corr.1; 13 and 20 April 1972)

Article III

6. 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 and the Secretary-General of the timing of and plans for its own operations.

Text approved by the Legal Sub-Committee on which work
should be pursued as a priority

(As set out in para. 21 of the Sub-Committee's report)

Article IV

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 VI

2. States Parties planning missions to the Moon and other celestial bodies shall notify the Secretary-General of measures being adopted to minimize the disruption of the existing balance of the environment of those bodies. Such reports shall include the trajectories to be flown the distance of closest approach, and specific measures taken to control micro-organisms on and in the spacecraft.

3. States Parties shall notify the Secretary-General of plans to place radio-active material on or in orbit or other trajectory around the Moon or other celestial bodies and shall give similar notification with regard to the conditions and effects of such placement when it occurs.

/...

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

Article VIII

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

Article IX

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

1973

(A/AC.105/115 of Annex I)

Working paper submitted by Bulgaria

Draft treaty relating to the moon

Article IV

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 VI

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

...

1974

(A/AC.105/133, Annex I)

Bulgaria: working paper

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

Article IV

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 VI

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 radio-active materials on the moon and of the purposes of such placements.

...

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 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.

Article IX

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.

/...

Appendix D

DRAFT TREATY RELATING TO THE MOON

Texts approved by the Sub-Committee in 1972
/extract from document A/AC.105/101/

21. At its 190th meeting on 4 May, the Sub-Committee approved the following text (as contained in document PUOS/C.2/WG(XI)/15/Rev.1), on which work should be pursued as a matter of priority:

The States Parties to this Treaty,

Noting the achievements of States in the exploration and use of the Moon /and other celestial bodies/, 4/

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

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

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

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

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

Have agreed on the following:

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

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

/...

Article I

1. As employed in this Treaty:
 - (i) The term "celestial body" includes all natural celestial bodies other than the Earth.
 - (ii) The phrase "the Moon and other celestial bodies" includes orbits around or other trajectories to or around celestial bodies.^{5/}
2. This Treaty does not apply to extra-terrestrial materials which reach the surface of the Earth by natural means.

Article II

1. Activities on in the exploration and use of the Moon and in circumlunar space and other celestial bodies shall be carried out in accordance with international law, including the Charter of the United Nations in the interest of maintaining international peace and security and promoting international co-operation and understanding.
2. In accordance with the Charter of the United Nations, the threat or use of force or any other hostile act or threat of hostile act on the Moon and other celestial bodies is prohibited. It is likewise prohibited to use the Moon or other celestial bodies in order to commit any such act or to engage in any such threat in relation to the Earth, the Moon or other celestial bodies, spacecraft, the personnel of spacecraft or man-made space objects.

Article III

1. The Moon and other celestial bodies shall be used by all States Parties exclusively for peaceful purposes.
2. States Parties shall not place in orbit around or other trajectory to or around the Moon or other celestial bodies objects carrying nuclear weapons or any other kinds of weapons of mass destruction or place or use such weapons on or in the Moon or other celestial bodies.^{5/}
3. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military manoeuvres on the Moon and other celestial bodies shall be forbidden. The use of military personnel for scientific research or for any other peaceful purposes shall not be prohibited. The use of any equipment or facility necessary for peaceful exploration and use of the Moon and other celestial bodies shall also not be prohibited.

^{5/} Certain delegations reserved their position on this paragraph.

Article IV

1. The exploration and use of the Moon and other celestial bodies shall be the province of all mankind and the exploitation of their natural resources shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development. Due regard shall be paid to the interests of present and future generations as well as to the need to promote higher standards of living conditions of economic and social progress and development in accordance with the Charter of the United Nations.^{6/}
2. States Parties shall be guided by the principle of co-operation and mutual assistance in all their activities concerning the exploration and use of the Moon and other celestial bodies. International co-operation in pursuance of this Treaty should be as wide as possible and may take place on a multilateral basis, on a bilateral basis, or through international intergovernmental organizations.
3. States Parties shall inform the Secretary-General as well as the public and international scientific community, to the greatest extent feasible and practicable, of their activities concerned with the exploration and use of the Moon and other celestial bodies. They shall in any case give information on the time, purposes, locations, orbital parameters, duration and results of each completed mission to the Moon and other celestial bodies, in particular on the scientific results arising out of such missions. In case of a mission lasting more than 60 days, information on conduct of the mission shall be given periodically at 30 days' intervals. For missions lasting more than six months, only significant additions to such information need be reported thereafter.^{7/}
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 and other celestial bodies by all States Parties without discrimination of any kind, on the basis of equality and in accordance with international law.

^{6/} The eventual placement of this paragraph will be decided later.

^{7/} Certain delegations reserved their position with respect to the question of advance notification of missions to celestial bodies.

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

3. States Parties agree on the desirability of exchanging scientific and other personnel on expeditions to or installations on the Moon or other celestial bodies to the greatest extent feasible and practicable.

Article VI

1. In exploring and using the Moon and circumlunar space and other celestial bodies States Parties shall take measures to prevent the disruption of the existing balance of its their environment/s/ whether by introducing adverse changes in such environment/s/ its their harmful contamination through the introduction of extra-environmental matter or otherwise. States Parties shall also take measures to prevent harmfully affecting the environment of the Earth through the introduction of extra-terrestrial matter or otherwise.

2. States Parties planning missions to the Moon and other celestial bodies shall notify the Secretary-General of measures being adopted to minimize the disruption of the existing balance of the environment/s/ of those bodies. Such reports shall include the trajectories to be flown the distance of closest approach, and specific measures taken to control micro-organisms on and in the spacecraft.

3. States Parties shall notify the Secretary-General of plans to place radio-active material on or in orbit or other trajectory around the Moon or other celestial bodies and shall give similar notification with regard to the conditions and effects of such placement when it occurs.

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

Article VII

1. States Parties may pursue their activities in the exploration and use of the Moon and other celestial bodies anywhere on or below its their surface, and in circumlunar space, subject to the other provisions of this Treaty.

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

(a) land their space objects on the Moon and other celestial bodies, and launch them from the Moon such bodies, and place them in circumlunar orbit;

(b) place their personnel, space vehicles, equipment, facilities, stations and installations anywhere on or below the surface of the Moon and other celestial bodies and in circumlunar space;

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

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

Article VIII

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

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

Article IX

1. States Parties shall adopt all practicable measures to safeguard the life and health of persons on the Moon and other celestial bodies. For

this purpose they shall regard any person on the Moon /or other celestial body/ as an astronaut within the meaning of 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 /or other celestial bodies/.

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

Article X 3/

1. /The natural resources of the Moon /and other celestial bodies/ shall be the common heritage of all mankind./

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

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

4. /The States Parties to this Treaty, bearing in mind the need for economic advancement and for the encouragement of investment and efficient development if utilization of the resources of the Moon and other celestial bodies becomes a reality, recognize the importance of concluding agreements in this area. To this end, the Depositary Governments shall

8/ This text may be supplemented later.

promptly convene a meeting of all States Parties with a view to negotiating arrangements for the international sharing of the benefits of such utilization when one third of the States Parties inform the Depositary Governments that they consider that practical utilization of the resources of the Moon or other celestial bodies is likely to begin within two years following or has already begun./

Article XI

1. States Parties shall retain jurisdiction and control over their personnel, vehicles, equipment, facilities, stations and installations on the Moon /and other celestial bodies/. The ownership of space vehicles, equipment, facilities, stations and installations shall not be affected by their presence on the Moon /or other celestial bodies/. 9/

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

3. In the event of an emergency involving a threat to human life, States Parties may use the equipment, vehicles, installations, facilities or supplies of other States Parties on the Moon /or in circumlunar space/ /or other celestial bodies/. Prompt notification of such use shall be made to the Secretary-General or State Party concerned.

Article XII

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

Article XIII

1. States Parties to this Treaty shall bear international responsibility for national activities on the Moon /and other celestial bodies/ whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in the present Treaty. States Parties shall ensure that non-governmental entities under their jurisdiction shall engage in activities on the Moon /and other celestial bodies/ only under the authority and continuing supervision of the appropriate State Party.

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

2. In addition to the provisions of article VII of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, a State Party shall be liable for damage resulting from its act or omission or from an act or omission of its personnel on the Moon to the property or personnel of other States Parties on the Moon, unless it is established that the damage occurred through no fault of the said State or of its personnel on the Moon.^{10/}

Article XIV

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

Article XV

In the event of any difference arising between States Parties with regard to the interpretation or application of the provisions of this Treaty, reference shall be made where appropriate to the provisions of the Treaty on the Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, the Agreement on the Rescue of Astronauts, the Return of Astronauts, and the Return of Objects Launched into Outer Space, and the Convention on International Liability for Damage caused by Space Objects. ^{10/}

Article XVI

1. Each State Party may assure itself that the activities of other States Parties in the exploration and use of the Moon and other celestial bodies are compatible with the provisions of this Treaty. To this end, all space vehicles, equipment, facilities, stations and installations on the Moon and other celestial bodies shall be open to other States Parties. Such States Parties shall give reasonable advance notice of a projected visit, in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety and to avoid interference with

^{10/} The delegation of Australia reserved its position on this article.

normal operations in the facility to be visited. In pursuance of this article, any State Party may use its own means, or may act with the full or partial assistance of any other State Party, or through appropriate international procedures within the framework of the United Nations and in accordance with the Charter.

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

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

Article XVII

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

Article XVIII

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

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

...

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

Article IX, paragraph 3

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

Article XIII, paragraph 2

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

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

Appendix F

WORKING PAPER SUBMITTED BY AUSTRALIA AND CANADA IN THE INTERESTS OF FACILITATING DISCUSSION AMONG DELEGATIONS IN THEIR INFORMAL CONSIDERATION OF THE DRAFT MOON TREATY (WG.I/WP.1, 15 March 1977)

Title: Treaty on principles governing activities of States on the moon and other celestial bodies

Article I

1. In this Treaty references to other celestial bodies shall apply to planets and other natural celestial bodies within the solar system, other than the earth and the moon, unless expressly stated.

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

Article II, paragraph 1

All activities on the moon and other celestial bodies including its their exploration and use, shall be carried out in accordance with international law, in particular, the Charter of the United Nations, and the 1967 Outer Space Treaty 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 interests of maintaining international peace and security and promoting international co-operation and mutual understanding, and with due regard to the corresponding interests of all other States Parties.

Article IV, paragraph 3

States Parties shall inform the Secretary-General as well as the public and the international scientific community, to the greatest extent feasible and practicable, of their activities concerned with the exploration and use of the moon and other celestial bodies. Information on the time, purposes, locations, orbital parameters and duration shall be given in respect of each mission to the moon and other celestial bodies 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.

/...

Article VI

1. In exploring and using the moon and other celestial bodies 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 to the maximum extent feasible notify him in advance of all placements by them of radio-active materials on the moon and other celestial bodies 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 and other celestial bodies having special scientific interest in order that, without prejudice to the rights of other States Parties, consideration may be given to the designation of such areas as international scientific preserves for which special protective arrangements are to be agreed in consultation with the competent organs of the United Nations.

Article IX, paragraph 3

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

Article IX bis

The moon and its natural resources are the common heritage of mankind.

Article X

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

2. Areas or zones on or below the surface of the moon or other celestial bodies shall not become the property of any State, international, intergovernmental or non-governmental organization, national organization or any other legal entity or natural person. The placement of personnel, space vehicles, equipment, facilities, stations and installations on or

/...

below the surface of the moon or other celestial bodies, including structures permanently affixed to the surface or subsurface, shall not create a right of ownership over any areas or zones on or below the surface of the moon or other celestial bodies.

3. To exclude

Article X bis

1. The moon shall be free for exploration and use, including exploitation of its natural resources, by all States without discrimination of any kind on a basis of equality and in accordance with international law.

2. States Parties undertake to establish an international régime governing the exploitation of the natural resources of the moon when this exploitation becomes possible.

3. The main objectives of such international régime to be established shall include:

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

Without prejudice to the principles and objectives set out in this Article, the interests and needs of developing countries as well as the efforts of the countries which have contributed to the exploration of the moon shall be given special consideration in this regard.

4. In order to decide whether the exploitation of natural resources of the moon has become possible with a view to implementing the provisions of paragraph 2 of this article, the Secretary-General, after the entry into force of this Treaty, shall convene a conference of States Parties during a regular session of the General Assembly, every ten years unless two-thirds of the States Parties request to convene earlier conferences to decide whether the international régime is to be established. All States Parties undertake to take all appropriate measures to assure their participation at such conferences.

5. If the conference of States Parties, provided for in paragraph 4 of this article, decides that the international régime should be established, the Secretary-General shall include in the provisional agenda of the next

/...

regular session of the General Assembly an item on the method of establishing the international régime in accordance with the provisions of paragraph 2 of this article.

6. Until such international régime is established and without prejudice to the provisions of article V of this Treaty, States Parties undertake that all their activities with respect to the natural resources of the moon shall be carried out in a manner compatible with the principle mentioned in article 9 bis and the main objectives of the international régime to be established.

7. States Parties shall promptly inform the Secretary-General as well as the public and the international scientific community to the greatest extent possible and practicable, of each discovery of natural resources of the moon and other celestial bodies and of every activity with respect to them.

Article XIII, paragraph 2

States Parties recognize that detailed arrangements concerning liability for damage sustained on the moon and other celestial bodies, 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 other celestial bodies and agree that a conference of States Parties to this Treaty for the purpose of elaborating such arrangements shall be convened by the Secretary-General of the United Nations as depositary when two thirds of the States Parties so request.

Annex II

REPORT OF THE CHAIRMAN OF WORKING GROUP II

1. At its opening meeting held on 10 March 1977, the Legal Sub-Committee re-established Working Group II for the item entitled "Elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting.
2. Working Group II held a total of 14 meetings including 7 informal meetings. There were also a number of informal consultations. At its first meeting, held on 28 March, the Working Group decided that it would continue the consideration of the three remaining principles ("consent and participation", "programme content" and "unlawful/inadmissible broadcasts") contained in the report of the Chairman of Working Group II and taken note of by the Sub-Committee last year (A/AC.105/171, annex II).
3. The Working Group also had before it a working paper submitted by the United Kingdom to the Sub-Committee on 18 March 1977 (A/AC.105/C.2/L.110), and a number of informal working papers submitted by delegations in the course of its meetings.
4. Having considered the existing texts of the principle of "consent and participation", the Working Group, in an effort to harmonize the differing views of delegations and in order to facilitate general agreement, sought to replace this tentatively with the text of a principle of "consultation and agreements between States". For the same purpose the Working Group proceeded to formulate a tentative text of a principle of "consultation and agreements between States" and a draft preamble. The paragraphs in the appendix reflect ideas that were put forward for inclusion in the preamble as a basis for further deliberations. Similarly, a tentative text of a draft principle of "consultation and agreements between States", which is in square brackets, is set out below (see para. 7).
5. The Working Group took into account the relevant results of the World Administrative Radio Conference for the Planning of Broadcasting-Satellite Service held by the International Telecommunication Union in January-February 1977 at Geneva, and also the view expressed in the paper referred to in paragraph 3 and supported by some other delegations, that as a result of the Agreement and Plan concluded at this Conference as well as other ITU instruments there would be little intentional State-to-State direct television broadcasting and minimal spill-over problems and thus no need to draw up a principle on consent and participation, as well as the view expressed by other delegations that the ITU had done useful work in resolving technical problems, which would undoubtedly promote orderly utilization of satellites for direct television broadcasting, but that the results of the ITU Conference reflect broad international recognition that direct television broadcasting should be based solely on prior agreements between the interested States, and thus confirmed the necessity for a principle on consultation and agreements. Other delegations considered that there was no contradiction between

/...

/...

the principle of free flow of information and the principle of respect for State sovereignty and non-interference in internal affairs of States. The view was also expressed that the use of artificial earth satellites for direct television broadcasting belongs to the field of relations among States and not to the field of human rights. Some delegations were of the opinion that the drafting of the principle on "consultation and agreements between States" was necessary and compatible with the free flow of information and ideas. Still other delegations held the view that a principle on consent and participation is not only unnecessary but would contravene the principle of free flow of information regardless of national frontiers as set forth in instruments of the United Nations relating to universal human rights. Of primary importance to some delegations was the necessity to delete the principle on "duty and right to consult" formulated last year as well as the proposed principles on "programme content" and "illegal broadcasts", as the formulation of a principle on "consultation and agreements between States" would make these texts redundant, while other delegations were of the view that the draft principle on "consultation and agreements between States" did not exhaust the content of the principle of "duty and right to consult" already formulated and that the proposed principles on "programme content" and "illegal broadcasts" might be deleted only if the principle on "duty and right to consult" is retained.

6. The Working Group expressed the hope that in view of the progress made during the current session all delegations would try their best in order to overcome the remaining differences so that the task entrusted to the Sub-Committee in General Assembly resolution 31/8 would be fulfilled at the forthcoming session of the Outer Space Committee to be held from 20 June to 1 July in Vienna.

7. The texts of the principle on consultation and agreements between States as well as of the preamble as formulated by the Working Group are set out below:

Draft preamble*

The General Assembly,

In view of the actual and potential benefits for all mankind /States, peoples and individuals/ in using international direct television broadcasting by means of artificial earth satellites;

... (see appendix)

Desiring to safeguard the legitimate rights and interests of all States and to encourage orderly development on an equitable basis of this new and promising means of television broadcasting;

/Recognizing the unique characteristics of such satellite broadcasting /not encountered in other forms of broadcasting/ which necessitate besides relevant technical regulations also specific legal principles /solely/ applicable in this field;/

* See para. 4 of this report and its appendix.

/...

Considering that States, as well as international governmental and non-governmental organizations, including broadcasting associations, should base their activities in this field upon and encourage international co-operation;

Solemnly declares that in international direct television broadcasting by means of artificial earth satellites, States should be guided by the following principles:*

Consultation and agreements between States

/A/ direct television broadcasting /satellite service/ specifically directed at a foreign State /, in those cases in which the coverage of that State is permitted under the relevant instruments of the International Telecommunication Union, shall be based on appropriate agreements and/or arrangements between the broadcasting and receiving States /or the broadcasting entities duly authorized by the respective States/, in order to facilitate the freer and wider dissemination of information of all kinds and to encourage co-operation in the field of information and the exchange of information with other countries.

For that purpose /in those cases in which the coverage of that State is permitted under the relevant instruments of the International Telecommunication Union, a State which proposes to establish or authorize the establishment of a direct television broadcasting /service/ by means of artificial earth satellites specifically directed at a foreign State shall without delay notify that State of such intention and shall enter into consultations with that State if the latter so requests.

No such agreements and/or arrangements shall be required with respect to the overspill of the radiation of the satellite signal within the limits established under the relevant instruments of the International Telecommunication Union./

* A number of delegations accepted this formulation on the understanding that the word "solely" will appear in the _____ preambular paragraph.

/...

Appendix

Recognizing that international direct broadcasting by means of artificial earth satellites should be based on strict respect for the sovereign rights of States and non-interference in their internal affairs;

Considering that direct television broadcasting by means of satellites should take place under conditions in which this new form of space technology will serve the lofty goals of peace and friendship among peoples;

Recognizing the importance of free dissemination of information and ideas and a broader exchange of views between all countries of the world;

Recognizing the importance of the right of everyone to freedom of expression, including the right to seek, receive and impart information and ideas regardless of frontiers, as enshrined in instruments of the United Nations relating to universal human rights.

/...

Annex III

REPORT OF THE CHAIRMAN OF WORKING GROUP III

1. The Sub-Committee at the opening meeting of its present session, on 14 March 1977, re-established its Working Group III on remote sensing.
2. The Working Group began its work on Monday, 21 March and concluded its work on 6 April. It held a total of 13 meetings. A further informal meeting, open to all members of the Sub-Committee, was held under the chairmanship of the Chairman of the Working Group.
3. The Working Group noted at its first meeting that the Legal Sub-Committee was required, under paragraph 4 (a) of General Assembly resolution 31/8 of 8 November 1976, to continue as a matter of high priority "to give detailed consideration to the legal implications of remote sensing of the earth from space, with the particular aim of formulating draft principles on the basis of common elements identified by the Sub-Committee".
4. The Working Group had before it the report of the Legal Sub-Committee on its fifteenth session held in 1976 (A/AC.105/171) which contained in its annex III the report of the Chairman of Working Group III and in annex IV a working paper submitted to the Legal Sub-Committee by Mongolia after Working Group III had concluded its work.
5. The Working Group noted that the documents before Working Group III last year included three draft international instruments: one submitted by France and the USSR (A/AC.105/C.2/L.99); one submitted by Argentina and Brazil and co-sponsored by Chile, Mexico and Venezuela (A/C.1/1047); and one submitted by the United States (A/AC.105/C.2/L.103).
6. The Working Group also noted that the subject of remote sensing was an item on the agenda of the Scientific and Technical Sub-Committee at its fourteenth session held in February 1977; and that, as could be seen from the report of the Scientific and Technical Sub-Committee on that session (A/AC.105/195), a number of matters of relevance to the work of the Legal Sub-Committee had been discussed by the Scientific and Technical Sub-Committee.
7. The Working Group agreed, at its first meeting, that it would endeavour, firstly, to formulate draft principles on the basis of the three common elements set out in paragraph 7 of the report of the Chairman of Working Group III of the previous year, and that it would then endeavour to draft new principles in accordance with the provisions of paragraph 4 (a) (iii) of General Assembly resolution 31/8 and finally that it would attempt to remove some of the square brackets contained in the draft principles already formulated.
8. A number of informal working papers were submitted by delegations in the course of the Working Group's meetings.

/...

9. The Working Group elaborated draft principles on the basis of the common elements set out in paragraph 7 (a) to (c) of the report of the Chairman of Working Group III of the preceding year. These draft principles VI, VII and VIII are contained in appendix A of the present report.

10. On the basis of an informal working paper submitted by the delegation of Nigeria, the Working Group was able to formulate draft principle IX contained in appendix A to the present report. The Working Group did in this connexion refrain from first elaborating a common element as in the course of the debate no delegation disputed that a common element existed and was reflected in the informal working paper.

11. The Working Group elaborated a further draft principle on State responsibility on the basis of an informal text submitted by the delegation of Argentina in connexion with the discussions on draft principle VIII - draft principle X contained in appendix A to the present report. The Working Group had before reached the conclusion that there was a common element regarding State responsibility and that a divergence of opinions existed only with respect to particular aspects of that question, which, however, would not impede the drafting of a principle.

12. The Working Group addressed itself to various questions set out in paragraph 9 of the report of the Chairman of Working Group III of the previous year. It was thereby able to ascertain a common element, namely that sensed States should have access to data obtained by remote sensing from outer space pertaining to their territories on reasonable terms. A draft principle was thus elaborated on that basis - draft principle XI contained in appendix A to the present report.

13. The Working Group held extensive discussions on the working paper submitted by Mongolia at the fifteenth session of the Legal Sub-Committee (A/AC.105/171, annex IV). Many delegations stated that draft principles on remote sensing should contain a text concerning full and permanent sovereignty of all States and peoples over their wealth and natural resources as well as the inalienable right to dispose of these resources and of information with respect thereto. Other delegations, while in principle not objecting to the inclusion of a principle on the permanent sovereignty of States over their natural resources, were of the opinion that there was no such sovereignty with respect to information. Still other delegations held the view that no such principle should be included in the draft principles as it had no relevance to remote sensing and there was thus no common element. In view of this position no agreement on a common element with respect to this question could be reached in the course of these discussions. A text of a possible draft principle was nevertheless prepared, parts of which commanded a substantial degree of support from among the members of the Working Group, on which, however, no consensus could be achieved. This text is thus set forth wholly within special brackets in appendix A to this report for the reason that some delegations felt that an unagreed text should not be included in appendix A.

14. The Working Group also deliberated on the question of a review clause on the basis of an informal working paper submitted by the delegation of Canada. After

/...

an intensive discussion, the conclusion was reached that a decision regarding such a clause would presently be premature and that the matter would require further consideration at a later stage.

15. Some delegations, while recognizing the utility of common elements where they could easily be identified, expressed the view that the elaboration of further principles should not exclusively depend on the identification of common elements. In the opinion of those delegations, the proceedings of the Working Group could be considerably expedited if the Group based itself on texts submitted by delegations to serve as a basis for possible principles without spending extra time on first identifying common elements. Other delegations referred to the method of work established in General Assembly resolutions 3388 (XXX) and 31/8 of first identifying common elements and expressed the view that this method of work had shown its utility thus far. They furthermore pointed to the possible waste of time when trying to draft principles before a common basis had been established.

16. Owing to lack of time the Working Group was not able to engage in a discussion of the question of the definition of the terms "data" and "information" in connexion with paragraph 30 of the report of the Scientific and Technical Sub-Committee on the work of its thirteenth session. An informal working paper submitted by the delegation of Sweden is contained in appendix B to the present report.

17. Owing to lack of time the Working Group was not in a position to complete the discussions on the questions set forth in paragraph 9 of the report of the Chairman of Working Group III of the previous year, nor to consider the removal of brackets contained in draft principles already formulated.

18. Appendix A to the present report also contains the texts of the first five draft principles which were already elaborated by Working Group III during the fifteenth session of the Legal Sub-Committee held in 1976.

/...

Appendix A

Principle I

Remote sensing of the natural resources of the earth and its environment from outer space and international co-operation in that field shall should be carried out for the benefit and in the interests of all countries mankind, irrespective of their degree of economic or scientific development, and taking into consideration, in international co-operation, the particular needs of the developing countries.

Principle II

Remote sensing of the natural resources of the earth and its environment from outer space shall should be conducted in accordance with international law, including the Charter of the United Nations and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies.

Principle III

1. States carrying out programmes for remote sensing of the natural resources of the earth and its environment from outer space should shall promote international co-operation in these programmes. To this end, sensing States should shall make available to other States opportunities for participation in these programmes. Such participation should be based in each case on equitable and mutually acceptable terms due regard being paid to elements ...

2. In order to maximize the availability of benefits from such remote sensing data, States are encouraged to consider agreements for the establishment of shared regional facilities.

Principle IV

Remote sensing of the natural resources of the earth and its environment from outer space should shall promote the protection of the natural environment of the earth. To this end States participating in remote sensing should shall identify and make available information useful for the prevention of phenomena detrimental to the natural environment of the earth.

Principle V

States participating in remote sensing of the natural resources of the earth and its environment from outer space should shall make available technical assistance to other interested States on mutually agreed terms.

/...

Principle VI

1. The United Nations and its relevant specialized agencies and the International Atomic Energy Agency should shall promote international co-operation, including technical assistance, a and play a role of co-ordination in the area of remote sensing of the natural resources of the earth and its environment.

2. States conducting activities in the field of remote sensing of the natural resources of the earth and its environment shall should notify the Secretary-General thereof, in compliance with article XI 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. b

Principle VII

Information c obtained by remote sensing of the natural resources of the earth and its environment indicating an impending natural disaster shall be disseminated d as promptly as possible to those States likely to be affected.

Principle VIII e

Taking into account the principles I and II above, remote sensing data or information derived therefrom shall should not be used by States to the detriment of in a manner compatible with the legitimate rights and interests of other States.

Principle IX

States participating in remote sensing of the natural resources of the earth and its environment, either directly or through relevant international

a Depending on whether the Sub-Committee believes that a separate principle should be developed on technical assistance.

b The question of application to international intergovernmental organizations will be considered later.

c Subject to later discussion of the terms "information" and "data".

d Subject to further discussion after information concerning procedure of dissemination in the practice of the United Nations is received from the Secretariat.

e Should be considered in connexion with the formulation of a principle on dissemination of data or information and subject to later discussion of the terms "information" and "data".

/...

organization /shall/ /should/ be prepared to make available to the United Nations and other interested States, particularly the developing countries, upon their request, any relevant technical information involving possible operational systems which they are free to disclose.

Principle X

States /shall/ /should/ bear international responsibility for /national/ activities of remote sensing /of the natural resources of the earth/ /and its environment/ /irrespective of whether/ /where/ such activities are carried out by governmental /or non-governmental/ entities, and /shall/ /should/ /guarantee that such activities will/ comply with the provisions of these Principles.

Principle XI

A sensed State /shall/ /should/ have timely and non-discriminatory access to data obtained by remote sensing /of the natural resources of the earth/ /and its environment/ from outer space, pertaining to its territory on reasonable terms /to be mutually agreed upon with the sensing State/ and to the extent feasible and practicable, /shall/ /should/ be provided with such data on such terms /on a continuous and priority basis/ /and in any case no later than any third State/. f/

Principle ... (see para. 13 of this report)

Without prejudice to the principle of the freedom of exploration and use of outer space, as set forth in 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, remote sensing /of the natural resources of the earth/ /and its environment/ /should/ /shall/ be conducted with respect for the principle of full and permanent sovereignty of all States and peoples over their own wealth and natural resources /with due regard to the rights and interests of other States and their natural and juridical persons in accordance with international law/ /as well as their inalienable right to dispose of their natural resources and of information concerning those resources/.

f/ Subject to review in the light of the discussion on access by third States.

/...

Appendix B

Informal working paper submitted by Sweden

For the purposes of these principles

(a) The term "primary data" means those data which are acquired by satellite-borne remote sensors and transmitted from a satellite either by telemetry in the form of electromagnetic signals or physically in any form such as photographic film or magnetic tape, as well as preprocessed products derived from those data which may be used for later analysis.

(b) The term "analyzed information" means the end-product resulting from the analytical process performed on the primary data combined with data and knowledge obtained from sources other than remote sensing satellites.

Foot-note:

Points 1-4 in the report of the Scientific and Technical Sub-Committee on its fourteenth session in February 1977 (A/AC.105/195) relates to primary data while point 6 relates to analysed information. Point 5 is the analysis in which the primary data is transformed into analysed information.

/...

Annex IV

ELABORATION OF PRINCIPLES RELATING TO DIRECT TELEVISION
BROADCASTING BY SATELLITES

Working paper submitted by the United Kingdom

Technical and legal implications of the results of the World Administrative Radio
Conference (1977) of the International Telecommunication Union (ITU)

1. In giving further consideration to part II of the report on the fifteenth session it might be helpful to delegates to state the position governing the establishment and use of broadcasting satellites in the light of the International Telecommunication Union Radio Regulations and the World Broadcasting Satellite Administrative Radio Conference (WARC) which took place in January and February. Recent developments have a direct relevance to the question whether or not there is a problem over direct television broadcasting by satellite (DBS) to receivers owned by individuals (as opposed to reception by community receivers).

Role of the ITU

2. Regulation of the use of the radio spectrum including emissions from satellites in the geostationary orbit is undertaken by the International Telecommunication Union. The facilities available for telecommunication are limited for inescapable technical reasons. The ITU has among its functions to secure conditions which will allow the greatest and most efficient use of the comparatively limited facilities available by establishing a technically viable system which ensures equitable sharing between countries taking into account stated needs and the necessity of avoiding mutual interference of signals.

The Radio Regulations

3. The Radio Regulations, which are part of the ITU Convention, provide for the use of broadcast satellites in six frequency bands:

(a) In the two lower frequency bands (about 700 MHz and 2600 MHz) individual reception is ruled out either by power limits or through the effect of other regulations. Furthermore, as these frequency bands are shared with other radio communications services any plan to use the frequencies for other purposes would under existing rules require the prior consent of the Administrations affected (Radio Regulations 332A and 361B). (In practice, there has been very little operational use in the lower band, none at all in the higher band.)

(b) The three highest frequency bands (23 GHz in Asia and Australasia only; and world-wide at 42 and 85 GHz) are not contemplated for use by broadcasting satellite services in the foreseeable future. At these very short wave lengths signals cannot penetrate rain. If, in the future, advancing technical knowledge

/...

enables these frequencies to be used, a country contemplating DBS would have to observe the regulatory conditions laid down by the ITU. Well before operational services were introduced, the ITU would convene an appropriate conference to produce the agreement and plan under which these services would be established. No such conferences are envisaged.

4. The sixth band is the 12 GHz band. Use of this band is governed by the existing Radio Regulations and the Final Acts of the World Broadcasting Satellite Administrative Radio Conference (WARC) which was held in Geneva from 10 January to 13 February 1977.

The World Broadcasting Satellite Administrative Radio Conference (WARC)

5. The WARC concluded a World Agreement with an associated plan for regions 1 and 3 (i.e., the world except for the Americas). Following the normal process of approval of the Final Acts by Governments, the Agreement will come into force on 1 January 1979 at which time DBS to individual receivers will not yet be operative. The World Agreement is based on the fact that in region 1 the spectrum available (11.7-12.5 GHz, i.e. 800 MHz) will permit only 40 frequency channels of the necessary band width and 24 in region 3 (where the spectrum is 11.7-12.2 GHz, i.e. 500 MHz). In region 1 this allows roughly 5 frequency channels to be assigned to each country from its own orbital position. In region 3 the corresponding figure is 4 frequency channels. Apart from a few exceptions (see para. 9) these frequencies are for use for their national service only. For small or medium countries the channels available will cover the whole of their country with some overspill beyond their borders. In the case of a large country (e.g., the USSR, China and India) the channels cover only part of its territory and channels are therefore repeated at other orbital positions to cover the rest of the country. Large countries may therefore occupy many orbital positions and use very many channels in all.

6. In region 2 (the Americas) broadcasting satellite services are governed by Radio Regulation 405 BC which provides that they can be used only for domestic services. The Final Acts of the 1977 Conference require a Regional Conference to be held not later than 1982 to draw up a Frequency Assignment/Orbital Position Plan for region 2 for broadcasting satellites (and also fixed satellites which share the band in this region only). Guidelines have been laid for this conference; thus the plan for region 2 is expected to follow the lines of that agreed for regions 1 and 3. If no plan is agreed the present Regulations will continue to apply.

Reasons for the WARC plan for regions 1 and 3

7. The problems of mutual interference are very great in satellite broadcasting. Two satellites serving the same hemisphere, using the same frequencies and broadcasting to different countries, must be 6 degrees apart. Even so, the technical problems were such that at the WARC the frequency channels for each country had to be carefully selected by computer, taking into account the position on the orbit and the power and direction of the beam. The provisions of the Agreement also include conditions designed to avoid mutual interference between the broadcasting satellite services and other radio services using the same frequencies

/...

(broadcasting, mobile and fixed (e.g., telephone systems) and fixed satellites in region 2). Accordingly, the 113 countries at the Conference recognized that these technical conditions had to be strictly complied with, and the Agreement was therefore drafted so as to be legally binding.

8. These tightly controlled technical conditions are supplemented by equally rigid consultation procedures. For instance, there is no insistence procedure, which means that no country can insist on a frequency assignment against the wishes of a country concerned and affected. No country or group of countries may try to alter the plan, even by mutual agreement, except for relatively minor agreed modifications capable of being accommodated within the co-ordination procedures in the plan. Thus the plan remains in force for 15 years and can be revised only by a competent conference.

International broadcasting

9. International broadcasting requires wider beams than national broadcasting. The Conference therefore did not permit more than a handful of countries to have this facility. Given the limited number of frequency channels available, to do otherwise would have reduced the channels available to other countries for their national programmes. The plan therefore permits international broadcasting by only nine ITU members (Denmark, Finland, Norway, Sweden, Vatican City, Tunisia, Saudi Arabia, Syria and Iceland). The beams in question cover at least one but in no case more than five adjacent countries. The adjacent countries affected all gave their agreement to this in accordance with Radio Regulation 428A. A list of the broadcasting and receiving countries is annexed (see appendix). There is no legal possibility, in the life of this plan, for additional interstate broadcasting by supranational beams. However, this would not prevent programmes being exchanged between countries by mutual consent using the satellite and frequency of the receiving country.

10. It would be in breach of the Agreement if a country were to appropriate an orbital position and frequency channel not assigned to it in order to broadcast to another country. Moreover, such an attempt could not succeed unless there was already a legitimate broadcasting satellite service to that country and equipment capable of receiving the unauthorized transmission (for example, the receiver must be able to tune to the frequency channel and the 90 cm dish-shaped aerial must be accurately aimed at the satellite). But in this case there would be interference with that unauthorized broadcast (and of course the authorized one as well). The ability of the receiving country to use the frequencies for its terrestrial radio services would give it in the last resort a means of preventing reception of a recognizable signal from an unauthorized satellite broadcast.

11. In the case of national services that for technical reasons radiate beyond national frontiers, it would be impossible for the general public in the overspill areas to receive the programmes unless these were on frequencies within tuneable range of their sets, were beamed from the same orbital position to which their

/...

receiving aerials were positioned, and were not on frequencies being used by the country concerned for other radio services. But these represent formidable technical constraints.

12. In view of the considerations set out above, e.g. absence of insistence procedure and severe limitation of supranational beams, the United Kingdom concludes that the basic assumptions upon which the question whether prior consent to DBS is required from the receiving country have hitherto been considered in the Committee, have been completely changed. In the few cases mentioned in paragraph 9 and the annex, countries have voluntarily agreed to common beams. In all other cases deliberate State-to-State broadcasting by satellite without the agreement of the receiving country will be not only in breach of treaty obligations but in the opinion of the United Kingdom, for the reasons given in paragraph 10, not a practical possibility. Radical rethinking is now necessary on the question whether further discussion of prior consent is necessary in the Legal Sub-Committee.

/...

Appendix

STATE-TO-STATE BROADCASTING PERMITTED BY THE PLAN
OF THE 1977 WARC

<u>Broadcasting State</u>	<u>Beams</u>	<u>Receiving States</u>
Denmark	2	Denmark, Finland, Norway, Sweden
Finland	2	Denmark, Finland, Norway, Sweden
Norway	2	Denmark, Finland, Norway, Sweden
Sweden	2	Denmark, Finland, Norway, Sweden
Iceland	3	Iceland, Faroes
Denmark	2	Iceland, Faroes
Vatican City	1	Vatican City, Italy
Tunisia	1	Tunisia, Morocco, Algeria, Libya
Syria	1	Syria, Lebanon, Jordan
Saudi Arabia	1	Bahrain, Kuwait, Qatar, United Arab Emirates, Oman
