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UNITED NATIONS
GENERAL
ASSEMBLY



Twenty-sixth session

REQUEST FOR THE INCLUSION OF AN ITEM IN THE PROVISIONAL AGENDA
OF THE TWENTY-SIXTH SESSION

Letter dated 27 May 1971 from the Minister for Foreign Affairs
of the Union of Soviet Socialist Republics addressed to the
Secretary-General

Corrigendum

The wording of the item should be: "Preparation of an international treaty
concerning the Moon."

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Twenty-sixth session

REQUEST FOR THE INCLUSION OF AN ITEM IN THE PROVISIONAL AGENDA
OF THE TWENTY-SIXTH SESSION

PREPARATION OF A TREATY CONCERNING THE MOON

Letter dated 27 May 1971 from the Minister for Foreign Affairs of the
Union of Soviet Socialist Republics addressed to the Secretary-General

On instructions from the Government of the Union of Soviet Socialist Republics, I would request the inclusion of an item in the agenda of the twenty-sixth session of the General Assembly of the United Nations entitled "Preparation of a treaty concerning the Moon".

In recent years major new advances have been made in space research. On the basis of modern science and technology, extensive research programmes relating to the Moon are being undertaken. The missions of United States astronauts and the experiments conducted by the USSR with the help of Lunokhod-1 and other automatic devices have opened up new prospects for mankind in the exploration of the Moon. These achievements will promote the further expansion of activities by States on the Moon.

At all stages of space exploration, the Soviet Union has invariably advocated the progressive development of international law on outer space in the interests of all peoples. Establishing a solid international legal basis for the activities of States in outer space serves the cause of peace and helps to strengthen mutual understanding and co-operation among States. It will be recalled that it was the initiative of the Soviet Union which led to the conclusion 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 Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space.

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The Soviet Government is of the opinion that steps should be taken now towards the further elaboration and formulation of rules of international law to govern the activities of States on the Moon. As the Earth's only natural satellite, the Moon has an important role to play in the conquest of outer space and it should be used exclusively in the interests of peace and for the benefit of all mankind. It is essential that the activities of States on the Moon should not be allowed to become a source of international conflict and that a legal basis should be established for potential uses of the Moon. The conclusion of an appropriate international treaty would serve this purpose.

I am transmitting to you a draft Treaty concerning the Moon, which is based on generally accepted rules of international law, including the Charter of the United Nations and agreements relating to outer space concluded earlier. It contains the following basic provisions:

(1) The exploration and use of the Moon are to be carried out with due regard to the interests of present and future generations.

(2) In accordance with the principles of the Charter of the United Nations, the threat or use of force or any other hostile activities on the Moon as well as the use of the Moon to carry out such activities in relation to the Earth are prohibited.

(3) The prohibition against the installation on the Moon of nuclear weapons and other weapons of mass destruction and against any other activities involving the use of the Moon for military purposes is reaffirmed.

(4) The Moon is to be explored and used by means which ensure that any adverse changes or contamination of the lunar environment are avoided.

(5) The surface and subsoil of the Moon cannot become the property of States, international intergovernmental or non-governmental organizations, national organizations or juridical or natural persons.

(6) States Parties are to take all possible steps to safeguard the life and health of any man on the Moon.

A treaty based on the above principles would be an important contribution to the formation and development of international space law. The conclusion of such a treaty would promote the further elaboration of rules of international law relating to the activities of States in the exploration of celestial bodies.

The Government of the Union of Soviet Socialist Republics trusts that at its twenty-sixth session the General Assembly will give due attention to the item "Preparation of a treaty concerning the Moon".

Since the United Nations Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee are to hold sessions before the opening of the twenty-sixth session of the General Assembly, I would ask you to bring the Soviet draft Treaty concerning the Moon to the attention of those bodies.

I would request you, Sir, to regard this letter as an explanatory memorandum under rule 20 of the rules of procedure of the General Assembly and to circulate it, together with the text of the draft Treaty, as an official document of the United Nations.

(Signed) A. GROMYKO
Minister for Foreign Affairs of the Union of
Soviet Socialist Republics

ANNEX

Treaty Concerning the Moon

The States Parties to this Treaty,
Noting the gains made by States in the exploration of the Moon,
Recognizing that the Moon as the only natural satellite of the Earth, has an important role to play in the conquest of outer space,
Desiring to prevent the Moon from becoming a scene of international conflict,
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,
Recalling 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 provisions of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space,
Taking into account the need to define and develop the provisions of these international instruments in relation to the Moon with a view to further progress in the conquest of outer space,
Have agreed on the following:

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.
2. In accordance with the principles of the Charter of the United Nations, the use of force in any form or the threat of force, as well as any other hostile actions or threat of such actions, shall be prohibited on the Moon. The use of the Moon to commit any of the aforementioned actions in relation to the Earth or space objects shall also be prohibited.

Article II

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

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2. States Parties undertake not to place in orbit around the Moon any objects carrying nuclear weapons or any other kinds of weapons of mass destruction or to install such weapons on the surface of the Moon or in its subsoil.

3. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military manoeuvres on the Moon shall be prohibited.

Article III

1. States Parties shall strive to co-operate in matters relating to activities on the Moon. Such co-operation may be on either a multilateral or a bilateral basis.

2. Each State Party shall engage in the exploration and use of the Moon with due regard to the interests of present and future generations and with respect for the rights of other States Parties as specified in this Treaty.

3. A State Party which has reason to believe that another State Party is violating its obligations under this Treaty may request consultations between the States Parties concerned.

Article IV

1. States Parties shall explore and use the Moon by reasonable means avoiding the disruption of the existing balance of the lunar environment.

2. States Parties shall explore and use the Moon in such a way as to prevent adverse changes in the lunar environment and its contamination through the introduction of extralunar matter. Where necessary, consultations shall be held between the States Parties concerned.

Article V

1. States Parties may pursue their activities in the exploration and use of the Moon anywhere on the surface of the Moon, in its subsoil or in circumlunar space.

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

- land their space objects on the Moon, launch them from the Moon and place them in circumlunar orbit;

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- dispose their vehicles, equipment and personnel anywhere on the surface of the Moon, in its subsoil or in circumlunar space.

Vehicles and personnel of States Parties may move freely over the surface of the Moon, through its subsoil and in circumlunar space.

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

Article VI

1. States Parties may establish both manned and unmanned stations on the Moon.

2. Stations shall be installed in such a manner that they do not impede the free access of vehicles and personnel of other States Parties pursuing activities on the Moon to all areas of the Moon, as provided for 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.

Article VII

1. States Parties undertake to adopt all practicable measures to safeguard the life and health of men on the Moon. For this purpose they shall regard any person on the Moon as an astronaut within the meaning of the article V of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and as part of the personnel of a spacecraft within the meaning of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, irrespective of the duration of the stay of such person on the Moon, the place where he is situated on the Moon, his formal membership of the crew of a spacecraft and other similar circumstances.

2. It shall be the duty of States Parties to offer shelter in their stations, vehicles, installations or other facilities to persons in distress on the Moon who are part of the personnel of other States Parties.

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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.

Article VIII

1. Neither States, international intergovernmental or non-governmental organizations and national organizations having the status of juridical persons or not, nor natural persons, may claim the surface or subsoil of the Moon as their property. The emplacement of vehicles or equipment on the surface of the Moon or in the subsoil thereof, including the construction of installations integrally connected with the surface or subsoil of the Moon, shall not create a right of ownership over portions of the surface or subsoil of the Moon.

2. Portions of the surface or subsoil of the Moon may not be the object of concession, 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 IX

In accordance with article VIII 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, States Parties shall retain ownership of articles of their property delivered to the surface of the Moon or to circumlunar space, including structures, vehicles and equipment.

Article X

A State Party which learns of the crash landing, forced landing or other unintended landing on the Moon of a space object that does not belong to it, or the crash of component parts of such an object shall inform the State Party to which the space object or component parts belong, and the Secretary-General of the United Nations.

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Article XI

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.

Article XII

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

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of, which are hereby designated the Depositary Governments.

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

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force and other notices.

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

Article XIII

Any State Party to the Treaty may propose amendments to this Treaty. Amendments shall enter into force for each State Party to the Treaty accepting the amendments

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upon their acceptance by a majority of the States Parties to the Treaty and thereafter for each remaining State Party to the Treaty on the date of acceptance by it.

Article XIV

Any State Party to the Treaty may give notice of its withdrawal from the Treaty one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article XV

This Treaty, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Treaty.

DONE in ..., at the cities of ..., the ... day of ... one thousand nine hundred and seventy-....

UNITED NATIONS
GENERAL
ASSEMBLY



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A/C.1/L.570/Rev.1
11 November 1971

ORIGINAL: ENGLISH

Twenty-sixth session
Committee
on item 33

A/RES/2777 (XXVI) - 見込

INTERNATIONAL CO-OPERATION IN THE PEACEFUL USES OF OUTER SPACE:
REPORT OF THE COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

Draft Convention on International Liability for Damage caused
by Space Objects

Australia, Austria, Belgium, Brazil, Bulgaria, Hungary, Lebanon,
Mongolia, Poland, Union of Soviet Socialist Republics, United
Kingdom of Great Britain and Northern Ireland and United States
of America: revised draft resolution

The General Assembly,

Reaffirming the importance of international co-operation in the field of the
exploration and peaceful uses of outer space, including the moon and other
celestial bodies, and of promoting the law in this new field of human endeavour,

Desiring that the rights and obligations pertaining to liability for damage
laid down in the Treaty on Principles Governing the Activities of States in
the Exploration and Use of Outer Space, including the Moon and other Celestial
bodies should be elaborated in a separate international instrument,

Recalling its resolutions 1963 (XVIII), 2130 (XX), 2222 (XXI), 2345 (XXII),
2453 B (XXIII), 2601 B (XXIV) and 2733 B (XXV) concerning the elaboration of an
agreement on the liability for damages caused by the launching of objects into
outer space,

Recalling also that in its latest resolution, 2733 B (XXV) of 16 December 1970,
it urged the Committee on the Peaceful Uses of Outer Space to reach early
agreement on a draft Convention on liability, to be submitted to the General
assembly at its twenty-sixth session, embodying the principles of a full measure

of compensation to victims and effective procedures which would lead to prompt and equitable settlement of claims,

Having considered the report of the Committee on Peaceful Uses of Outer Space,

Taking note with appreciation of the work accomplished by the Committee on Peaceful Uses of Outer Space and in particular that of its Legal Sub-Committee,

1. Commends the Convention on International Liability for Damage caused by Space Objects, the text of which is annexed to the present resolution;
2. Requests the Depository Governments to open the Convention for signature and ratification at the earliest possible date;
3. Notes that any State may, on becoming a Party to the Convention, declare that it will recognize as binding, in relation to any other State accepting the same obligation, the decision of a Claims Commission concerning any dispute to which it may become a party;
4. Expresses its hope for the widest possible adherence to this Convention.

ANNEX*

* For the text of the Draft Convention see A/8420, pp. 3-15.



UNITED NATIONS
GENERAL
ASSEMBLY



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A/RES/2776 (XXVI)
6 December 1971

Twenty-sixth session
Agenda item 33

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

/on the report of the First Committee (A/8528)/

2776 (XXVI). International co-operation in the peaceful
uses of outer space

The General Assembly,

Recalling its resolution 2733 (XXV) of 16 December 1970,

Having considered the report of the Committee on the Peaceful Uses of Outer
Space,^{1/}

Reaffirming the common interest of mankind in furthering the exploration and
use of outer space for peaceful purposes,

Continuing to believe that the benefits deriving from space exploration can
be extended to States at all stages of economic and scientific development if
Member States conduct their space programmes in a manner designed to promote
maximum international co-operation, including the widest possible exchange of
information in this field,

Convinced of the need for continued international efforts to promote practical
applications of space technology,

1. Endorses the report of the Committee on the Peaceful Uses of Outer Space;
2. 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

^{1/} Official Records of the General Assembly, Twenty-sixth Session, Supplement
No. 20 (A/8420).

Space, including the Moon and Other Celestial Bodies and the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space to give early consideration to ratifying or acceding to those agreements so that they may have the broadest possible effect;

3. Reiterates the importance of the goal of making satellite communications available to States on a world-wide and non-discriminatory basis, as expressed in General Assembly resolution 1721 D (XVI) of 20 December 1961;

4. Takes note of the agreements relating to space communications recently concluded between a number of States and of the desirability of keeping the United Nations currently informed concerning activities and developments in this field;

5. Notes the action taken by the International Telecommunication Union, through the World Administrative Radio Conference for Space Telecommunications held in June and July 1971, to allocate frequencies and to adopt administrative procedures for all kinds of space communications, and recommends that the Union and its specialized bodies, as well as the members of the Union, should apply these provisions with a view to promoting the use of space communications for the benefit of all countries in accordance with the relevant resolutions of the General Assembly;

6. Welcomes the progress achieved by the Committee on the Peaceful Uses of Outer Space in its efforts to encourage international programmes to promote practical applications of space technology for the benefit of all countries and commends to the attention of Member States, specialized agencies and interested United Nations bodies the programme contained in the report of the Scientific and Technical Sub-Committee of the Committee;^{2/}

7. Takes note with appreciation of the valuable work carried out by the Secretary-General within the framework of the programme for promoting the application of space technology in accordance with the relevant recommendations of the Committee on the Peaceful Uses of Outer Space and resolutions of the General Assembly;

^{2/} A/AC.105/95 and Corr.1, sect. I.

8. Endorses the resolution contained in paragraph 15 of the report of the Committee on the Peaceful Uses of Outer Space and recommends the continuation and development of the programme for promoting the practical applications of space technology taking into account the needs of the developing countries;

9. Welcomes the efforts of a number of Member States to share with other interested Member States the practical benefits that may be derived from programmes in space technology;

10. Welcomes the progress achieved in international co-operation among Member States in space research and exploration, including the exchange and analysis of lunar material on a broad international basis and studies of the development of compatible rendezvous and docking systems for manned spacecraft;

11. Welcomes also the action of a number of States and of the Food and Agriculture Organization of the United Nations in promoting international co-operation in education and training in the peaceful uses of outer space and endorses the appeal made to other States by the Committee on the Peaceful Uses of Outer Space for similar contributions to international education and training in this field;

12. Approves continuing sponsorship by the United Nations of the Thumba Equatorial Rocket Launching Station in India and the CELPA Mar del Plata Station in Argentina, expresses its satisfaction at the work being carried out at these ranges in relation to the use of sounding rocket facilities for international co-operation and training in the peaceful and scientific exploration of outer space, and recommends that Member States continue to give consideration to the use of these facilities for appropriate space research activities;

13. Welcomes the efforts of Member States to keep the Committee on the Peaceful Uses of Outer Space fully informed of their space activities and invites all Member States to do so;

14. Notes that, in accordance with General Assembly resolution 1721 B (XVI) of 20 December 1961, the Secretary-General continues to maintain a public registry of objects launched into orbit or beyond on the basis of information furnished by Member States;

15. Takes note with appreciation of the activities of the World Meteorological Organization during the past year, as reported to the Committee on the Peaceful

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Uses of Outer Space,^{3/} in particular the measures taken in implementation of General Assembly resolution 2733 D (XXV) requesting the World Meteorological Organization to mobilize technical resources in order to discover ways and means of mitigating the harmful effects and destructive potential of tropical storms;

16. Takes note of the programmes currently being undertaken by the United Nations Educational, Scientific and Cultural Organization and the International Telecommunication Union in satellite broadcasting for the purpose of contributing to the advancement of education and training, and draws attention to the fact that questions relating to the legal implications of space communications are also on the agenda of the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space, with which the two agencies should co-ordinate their activities in this field;

17. Requests the specialized agencies and the International Atomic Energy Agency to continue, as appropriate, to provide the Committee on the Peaceful Uses of Outer Space with progress reports on their work relating to the peaceful uses of outer space and to examine and report to the Committee on the particular problems which arise or may arise from the use of outer space in the fields within their competence and which should, in their opinion, be brought to the attention of the Committee;

18. Endorses the recommendations contained in paragraph 38 of the report of the Committee on the Peaceful Uses of Outer Space concerning the future work of its Legal Sub-Committee;

19. Requests the Committee on the Peaceful Uses of Outer Space to continue its work as set out in the present resolution and in previous resolutions of the General Assembly and to report to the Assembly at its twenty-seventh session.

1998th plenary meeting,
29 November 1971.

^{3/} See A/AC.105/PV.100.

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A/RES/2778 (XXVI)
8 December 1971



Twenty-sixth session
Agenda item 33

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[On the report of the First Committee (A/8528)]

2778: Convening of the Working Group on Remote
Sensing of the Earth by Satellites

The General Assembly,

Recalling its resolution 2733 C (XXV) of 16 December 1970 in which it requested the Scientific and Technical Sub-Committee of the Committee on the Peaceful Uses of Outer Space, as authorized by the Committee, to determine at what time and in what specific frame of reference a working group on earth resources surveying, with special reference to satellites, should be convened,

Welcoming the decision of the Sub-Committee at its eighth session to establish and convene a Working Group on Remote Sensing of the Earth by Satellites,

Sharing the view expressed by the Committee on the Peaceful Uses of Outer Space in the report on its fourteenth session that the potential benefits from technological developments in remote sensing of the earth from space platforms could be extremely meaningful for the economic development of all countries, especially the developing countries, and for the preservation of the global environment,^{1/}

Noting that the Working Group on Remote Sensing of the Earth by Satellites had a first organizational meeting in connexion with the fourteenth session of the Committee on the Peaceful Uses of Outer Space,

^{1/} Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 20 (A/8420), para.10.

Looking forward to the early initiation of the substantive work of the Working Group, keeping in mind that experiments to test the feasibility of remote sensing of the earth from space platforms are scheduled to begin early in 1972,

Expressing confidence that in discharging its responsibility the Working Group would seek to promote the optimum utilization of this space application for the benefit of individual States and of the international community,

1. Requests Member States to submit information on their national and co-operative activities in this field, as well as comments and working papers, through the Secretary-General to the Working Group on Remote Sensing of the Earth by Satellites;

2. Endorses the request of the Scientific and Technical Sub-Committee that the Working Group solicit the views of appropriate United Nations bodies and specialized agencies, and other relevant international organizations;

3. Requests the Secretary-General to provide the Working Group with his comments on this subject and to submit working papers on matters falling within the terms of reference of the Group;

4. Requests the Committee on the Peaceful Uses of Outer Space and its Scientific and Technical Sub-Committee to bring about the early initiation of the Working Group's substantive work and to keep the General Assembly informed in a comprehensive fashion on the progress of its work.

1998th plenary meeting,
29 November 1971.

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A/RES/2779 (XXVI)
9 December 1971



Twenty-sixth session
Agenda item 92

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

/on the report of the First Committee (A/8529)/

2779 (XXVI). Preparation of an international treaty
concerning the Moon

The General Assembly,

Recalling its resolution 2222 (XXI) of 19 December 1966 stressing the importance of international co-operation in the field of activities in the peaceful exploration and use of outer space, including the Moon and other celestial bodies, and the importance of developing the rule of law in this new area of human endeavour,

Reaffirming the common interest of all mankind in furthering the peaceful exploration and use of outer space for the benefit of all States and for the development of friendly relations and mutual understanding among them,

Taking into account the advances made in recent years in the exploration of outer space, including those resulting from extensive lunar research programmes on the basis of modern science and technology,

Bearing in mind the interest of all mankind in the exploration and utilization of the Moon exclusively for peaceful purposes and in preventing the Moon from becoming a scene of international conflict,

Prompted by the consideration that the Moon, as the only natural satellite of the Earth, has an important role to play in the conquest of outer space and that it should be used with due regard to the interests of present and future generations,

Desiring to further the elaboration of specific rules of international law to govern the activities of States on the Moon on the basis of 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, as a means of further developing a sound legal basis for such activities,

Considering that special rules should also govern activities in the use of all natural resources and substances of the Moon and other celestial bodies,

1. Takes note of the draft treaty concerning the Moon submitted to the General Assembly by the delegation of the Union of Soviet Socialist Republics;^{1/}
2. Requests the Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee to consider, as a matter of priority, the question of the elaboration of a draft international treaty concerning the Moon in accordance with the recommendations contained in paragraph 38 of the report of the Committee^{2/} and to report thereon to the General Assembly at its twenty-seventh session.

1998th plenary meeting,
29 November 1971.

^{1/} A/8391 and Corr.1, annex.

^{2/} Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 20 (A/8420).

月に係る条約（連草案）

この条約の当事国は

月の探査において、いくつかの国により得られた成果を認識し、

地球の唯一の天然の行星としての月が、宇宙空間の征服において果たす重要な役割を認識し、

月が、国際紛争の場と化さないよう保護することを要望し、

月およびその底土ならびにその周辺空間の探査および利用における諸国間の協力の一層の増進を促進することを決心し、

「月その他の天体を含む宇宙空間の探査および利用における国家活動を律する原則に関する条約」および「宇宙飛行士および宇宙物体の返還に関する協定」の諸条項を想起し、宇宙空間の征服における一層の進展を目途とした月との関連においてこれらの国際的文書の諸事項を規定し、発展させる必要性を考慮し、次のとおり協定した。

第一条

1. 条約の当事国は、国際連合憲章を含む国際法に従って、月およびその周辺空間における諸活動を遂行せねばならない。

2. 国際連合憲章の諸原則に従って、いかなる形の武力の行使または、武力による威嚇も、その他の敵対的行動または、このような行動による威嚇と同様、月においては、禁止する。地球および宇宙物体との関連において、前記の行動のいずれかを遂行するために月を利用することも同様に禁止する。

オ二条

一、月は、すべての条約当事国によって、もっぱら平和の目的のために使用されねばならない。

二、当事国は、核兵器および他の種類の大量破壊兵器を運ぶ物体を月を回る軌道に乗せないことならびに月の表面およびその底土にこれらの兵器を配置しないことを約束する。

三、月においては、軍事基地、軍事施設および防備施設の設置、あらゆる型の兵器の実験ならびに軍事演習の実施は、禁止する。

オ三条

一、当事国は、月における活動に关する事項について協力するものとする。このような協力は、多国内もしくは二国間ベースで行なうことができる。

二、各当事国は、月の探査および利用に従事するにあたり、現在および将来の世代の人々の利益を尊重し、またこの条約に列記される他の当事国の権利を尊重することを義務づけられるものとする。

三、他の当事国がこの条約に定められた義務に反していると信ずる理由を有する当事国は、関係当事国間の協議を要求することができる。

オ四条

一、当事国は、月を探査し、利用するにあたり、現存している月の環境の均衡を破壊することがないように、適切な手

段を用いなければならない。

2. 当事国は、月の環境を悪化させたり、月外の物質を持ちこむことで月を汚染したりすることがないように方法で、月を採査し、利用しなければならない。

オ五 条

1. 当事国は、月の表面、その底土およびその周辺空間のどこにでも採査および利用のための活動を遂行することができる。

2. 当事国は、オノ項の目的のために、特に以下のことをすることができる。

— 宇宙物体を月に着陸させること、月から飛びわたせること、および月を回る軌道にのせること。

— 月面、その底土およびその周辺空間のどこにでも、輸送機および装置ならびに人員を配置すること。

当事国の輸送機および人員は、月の表面、その底土およびその周辺空間を自由に往來できる。

3. この条文のオノ項およびオ二項に従う当事国の活動は、月における他の当事国の活動を妨げてはならない。このような干渉が起りそうな場合については、関係当事国は、協議を行なうものとする。

オ六 条

1. 当事国は、月において有人および無人の基地のいずれでも、建設することができる。

2. オノ項の基地は、「月その他の天体を含む宇宙空間の採査および利用における国家活動を律する原則」に準ずる。

る条約」のオノ条に見定されているように、月における活動を遂行している他の当事国の輸送機、および人員が、月の任意の地域に接近することを妨げないようなやり方で、設置されねばならない。

オ七条

1. 当事国は、月における人間の生命および健康を守るための、実行可能なあらゆる手段を採用することを約束する。この目的のために、当事国は、月における人間はすべて、その人間の月における滞在期間や、月においてその人間が置かれた場所や、宇宙機の乗組員としてのその人間の正規の資格や、その他の類似の事情にかかわらず、「月その他の天体を含む宇宙空間の探査および利用における国家活動を律する原則に関する条約」のオ5条の意味での宇宙飛行士とみなし、また「宇宙飛行士および宇宙物体の返還に関する協定」の意味での宇宙機の人員の一部とみなすものとする。

2. 月において遭難している他の当事国の人員の一部である人間に対し、当事国は、当事国所有の基地、輸送機、設備およびその他の設備による保護を提供する義務を有するものとする。

3. 月における活動を遂行するにあたり、当事国は、月およびその他の天体を含む宇宙空間で発見した月における人間の生命や健康を脅かす可能性のある全ての現象についての情報を、有機生命の存在の徴候についてのすべての情報と同様に、交換するために必要な措置をとるものとする。

オ八条

1. いかなる国家、国際的政府間または非政府機関

および法人格を有するか、または有しない国内機関のみでなく、いかなる自然人も、月の表面および底土を自分の財産であると主張することはできない。

月の表面または底土と完全に結合した設備の建設を含む、月の表面またはその底土への輸送機または装置の設置も、月の表面およびその底土の一部を所有する権利を生じさせるものではない。

2. 月の表面およびその底土の一部は、国家、国際政府間および非政府機関または法人格を有するか、もしくは有しない国内機関の間における取引、交換、譲渡、もしくは購入、賃貸、贈与または代償の有無に関係なく、その他のいかなる取極、もしくは契約の対象とはならず、また、自然人の間における取極または契約の対象ともならないものとする。

第九条

「月その他の天体を含む宇宙空間の探査および利用における国家活動力を律する原則に関する条約」のオ条に従って、当事国は、構造物、輸送機および装置も含めて、月の表面および月周辺の空間に送り込まれた着目の所管に属する物品の所有権を保持するものとする。

第十条

国に属していない宇宙物体の月面上への衝突、不着または他の予期していなかった着陸、もしくは、このような物体の構成部分の衝突を探索した当事国は、その宇宙物体または構成部分の属する当事国および国連事務総長へ連絡するものとする。

第十一条

「月その他の天体を含む宇宙空間の探査および利用における国家活動を律する原則に関する条約」のオ7条の規定に加えて、当事国は当事国または目面上にいるその国の人員に過失がないにも関わらず生じた損害であるということが証明されない限り、その当事国の行爲もしくは怠慢または目におけるその国の人員の行爲もしくは怠慢の結果生じた目における他の当事国の財産または人員に与えた損害に対する責任を免れ得ないものとする。

オ12 条

1. この条約は、署名のためすべての国に開放される。この条約がその規定に従って効力を生ずる前にこの条約に署名しない国は、いつでも、この条約に加入することができる。

2. この条約は、署名国により批准されなければならない。批准書及び加入書は、寄託国政府として指定された政府に寄託するものとする。

3. この条約は、この条約により寄託国政府として指定された政府を含むその政府が批准書を寄託した時に効力を生ずる。

4. この条約の効力発生後に批准書または加入書を寄託する国については、この条約は、その批准書または加入書の寄託の日に効力を生ずる。

5. 寄託国政府はすべての署名国及び加入国に対し、署名の日、この条約の批准書及び加入書の寄託の日、この条約の効力発生の日その他についてすみやかに通報するものとする。

6. この条約は、寄託国政府が国際連合憲章オ108条の

規定に従って登録するものとする。

オ 13 条

条約のいずれの当事国も、この条約の改正を提案することができる。改正は、条約の当事国の過半数がこれを受諾した時に、その改正を受諾した条約の当事国について効力を生じ、その後は、条約の他の各当事国については、その国による受諾の日から効力を生ずる。

オ 14 条

条約のいずれの当事国も、この条約の効力発生の後1年を経過したときは、寄託国政府に於て通告書により、条約からの脱退を通告することができる。その脱退は、通告書の受領の日から1年で効力を生ずる。

オ 15 条

この条約は、英語、ロシア語、フランス語、スペイン語及び中国語による本文をひとく正文とし、寄託国政府に寄託するものとする。この条約の認証謄本は、寄託国政府が署名国及び加盟国の政府に送付するものとする。

以上の認証拠として、下名は、正当に委託を受け、この条約に署名した。

1977 年 月 日に において作成した。

Committee acknowledged the outstanding work done by the Legal Sub-Committee in successfully completing the task entrusted to it as requested by the General Assembly.

32. At its 106th meeting, on 10 September 1971, the Committee adopted and decided to submit to the General Assembly for consideration and final adoption the following draft Convention on International Liability for Damage Caused by Space Objects:

The States Parties to this Convention,

Recognizing the common interest of all mankind in furthering the exploration and use of outer space for peaceful purposes,

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,

Taking into consideration that, notwithstanding the precautionary measures to be taken by States and international intergovernmental organizations involved in the launching of space objects, damage may on occasion be caused by such objects,

Recognizing the need to elaborate effective international rules and procedures concerning liability for damage caused by space objects and to ensure, in particular, the prompt payment under the terms of this Convention of a full and equitable measure of compensation to victims of such damage,

Believing that the establishment of such rules and procedures will contribute to the strengthening of international co-operation in the field of the exploration and use of outer space for peaceful purposes,

Have agreed on the following:

Article I

For the purposes of this Convention:

(a) The term "damage" means loss of life, personal injury or other impairment of health; or loss of or damage to property of States or of persons, natural or juridical, or property of international intergovernmental organizations;

(b) The term "launching" includes attempted launching;

(c) The term "launching State" means:

(i) A State which launches or procures the launching of a space object;

(ii) A State from whose territory or facility a space object is launched;

(d) The term "space object" includes component parts of a space object as well as its launch vehicle and parts thereof.

Article II

A launching State shall be absolutely liable to pay compensation for damage caused by its space object on the surface of the earth or to aircraft in flight.

Article III

In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, the latter shall be liable only if the damage is due to its fault or the fault of persons for whom it is responsible.

Article IV

1. In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, and of damage thereby being caused to a third State or to its natural or juridical persons, the first two States shall be jointly and severally liable to the third State, to the extent indicated by the following:

(a) If the damage has been caused to the third State on the surface of the earth or to aircraft in flight, their liability to the third State shall be absolute;

(b) If the damage has been caused to a space object of the third State or to persons or property on board that space object elsewhere than on the surface of the earth, their liability to the third State shall be based on the fault of either of the first two States or on the fault of persons for whom either is responsible.)

2. In all cases of joint and several liability referred to in paragraph 1, the burden of compensation for the damage shall be apportioned between the first two States in accordance with the extent to which they were at fault; if the extent of the fault of each of these States cannot be established, the burden of compensation shall be apportioned equally between them. Such apportionment shall be without prejudice to the right of the third State to seek the entire compensation due under this Convention from any or all of the launching States which are jointly and severally liable.

Article V

1. Whenever two or more States jointly launch a space object, they shall be jointly and severally liable for any damage caused.

2. A launching State which has paid compensation for damage shall have the right to present a claim for indemnification to other participants in the joint launching. The participants in a joint launching may conclude agreements regarding the apportioning among themselves of the financial obligation in respect of which they are jointly and severally liable. Such agreements shall be without prejudice to the right of a State sustaining damage to seek the entire compensation due under this Convention from any or all of the launching States which are jointly and severally liable.

3. A State from whose territory or facility a space object is launched shall be regarded as a participant in a joint launching.

Article VI

1. Subject to the provisions of paragraph 2, exoneration from absolute liability shall be granted to the extent that a launching State establishes that the damage has resulted either wholly or partially from gross negligence or from an act or omission done with intent to cause damage on the part of a claimant State or of natural or juridical persons it represents.

2. No exoneration whatever shall be granted in cases where the damage has resulted from activities conducted by a launching State which are not in conformity with international law including, in particular, 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.

Article VII

The provisions of this Convention shall not apply to damage caused by a space object of a launching State to:

(a) Nationals of that launching State;

(b) Foreign nationals during such time as they are participating in the operation of that space object from the time of its launching or at any stage thereafter until its descent, or during such time as they are in the immediate vicinity of a planned launching or recovery area as the result of an invitation by that launching State.

Article VIII

1. A State which suffers damage, or whose natural or juridical persons suffer damage, may present to a launching State a claim for compensation for such damage.

2. If the State of nationality has not presented a claim, another State may, in respect of damage sustained in its territory by any natural or juridical person, present a claim to a launching State.

3. If neither the State of nationality nor the State in whose territory the damage was sustained has presented a claim or notified its intention of presenting a claim, another State may, in respect of damage sustained by its permanent residents, present a claim to a launching State.

Article IX

A claim for compensation for damage shall be presented to a launching State through diplomatic channels. If a State does not maintain diplomatic relations with the launching State concerned, it may request another State to present its claim to that launching State or otherwise represent its interests under this Convention. It may also present its claim through the Secretary-General of the United Nations, provided the claimant State and the launching State are both Members of the United Nations.

Article X

1. A claim for compensation for damage may be presented to a launching State not later than one year following the date of the occurrence of the damage or the identification of the launching State which is liable.

2. If, however, a State does not know of the occurrence of the damage or has not been able to identify the launching State which is liable, it may present a claim within one year following the date on which it learned of the aforementioned facts; however, this period shall in no event exceed one year following the date on which the State could reasonably be expected to have learned of the facts through the exercise of due diligence.

3. The time-limits specified in paragraphs 1 and 2 shall apply even if the full extent of the damage may not be known. In this event, however, the claimant State shall be entitled to revise the claim and submit additional documentation after the expiration of such time-limits until one year after the full extent of the damage is known.

Article XI

1. Presentation of a claim to a launching State for compensation for damage under this Convention shall not require the prior exhaustion of any local remedies which may be available to a claimant State or to natural or juridical persons it represents.

2. Nothing in this Convention shall prevent a State, or natural or juridical persons it might represent, from pursuing a claim in the courts or administrative tribunals or agencies of a launching State. A State shall not, however, be entitled to present a claim under this Convention in respect of the same damage for which a claim is being pursued in the courts or administrative tribunals or agencies of a launching State or under another international agreement which is binding on the States concerned.

Article XII

The compensation which the launching State shall be liable to pay for damage under this Convention shall be determined in accordance with international law and the principles of justice and equity, in order to provide such reparation in respect of the damage as will restore the person, natural or juridical, State or international organization on whose behalf the claim is presented to the condition which would have existed if the damage had not occurred.

Article XIII

Unless the claimant State and the State from which compensation is due under this Convention agree on another form of compensation, the compensation shall be paid in the currency of the claimant State or, if that State so requests, in the currency of the State from which compensation is due.

Article XIV

If no settlement of a claim is arrived at through diplomatic negotiations as provided for in article IX, within one year from the date on which the claimant State notifies the launching State that it has submitted the documentation of its claim, the parties concerned shall establish a Claims Commission at the request of either party.

Article XV

1. The Claims Commission shall be composed of three members: one appointed by the claimant State, one appointed by the launching State and the third member, the Chairman, to be chosen by both parties jointly. Each party shall make its appointment within two months of the request for the establishment of the Claims Commission.

2. If no agreement is reached on the choice of the Chairman within four months of the request for the establishment of the Claims Commission, either party may request the Secretary-General of the United Nations to appoint the Chairman within a further period of two months.

Article XVI

1. If one of the parties does not make its appointment within the stipulated period, the Chairman shall, at the request of the other party, constitute a single-member Claims Commission.

2. Any vacancy which may arise in the Claims Commission for whatever reason shall be filled by the same procedure adopted for the original appointment.

3. The Claims Commission shall determine its own procedure.

4. The Claims Commission shall determine the place or places where it shall sit and all other administrative matters.

5. Except in the case of decisions and awards by a single-member Commission, all decisions and awards of the Claims Commission shall be by majority vote.

Article XVII

No increase in the membership of the Claims Commission shall take place by reason of two or more claimant States or launching States being joined in any one proceeding before the Commission. The claimant States so joined shall collectively appoint one member of the Commission in the same manner and subject to the same conditions as would be the case for a single claimant State. When two or more launching States are so joined, they shall collectively appoint one member of the Commission in the same way. If the claimant States or the launching States do not make the appointment within the stipulated period, the Chairman shall constitute a single-member Commission.

Article XVIII

The Claims Commission shall decide the merits of the claim for compensation and determine the amount of compensation payable, if any.

Article XIX

1. The Commission shall act in accordance with the provisions of article XII.
2. The decision of the Commission shall be final and binding if the parties have so agreed; otherwise the Commission shall render a final and recommendatory award, which the parties shall consider in good faith. The Commission shall state the reasons for its decision or award.
3. The Commission shall give its decision or award as promptly as possible and no later than one year from the date of its establishment unless an extension of this period is found necessary by the Commission.
4. The Commission shall make its decision or award public. It shall deliver a certified copy of its decision or award to each of the parties and to the Secretary-General of the United Nations.

Article XX

The expenses in regard to the Claims Commission shall be borne equally by the parties, unless otherwise decided by the Commission.

Article XXI

If the damage caused by a space object presents a large-scale danger to human life or seriously interferes with the living conditions of the population or the functioning of vital centres, the States Parties, and in particular the launching State, shall examine the possibility of rendering appropriate and rapid assistance to the State which has suffered the damage, when it so requests. However, nothing in this article shall affect the rights or obligations of the States Parties under this Convention.

Article XXII

1. In this Convention, with the exception of articles XXIV to XXVII, references 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 Convention and if a majority of the States members of the organization are States Parties to this Convention 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.
2. States members of any such organization which are States Parties to this Convention shall take all appropriate steps to ensure that the organization makes a declaration in accordance with the preceding paragraph.

3. If an international intergovernmental organization is liable for damage by virtue of the provisions of this Convention, that organization and those of its members which are States Parties to this Convention shall be jointly and severally liable; provided, however, that:

(a) Any claim for compensation in respect of such damage shall be first presented to the organization;

(b) Only where the organization has not paid, within a period of six months, any sum agreed or determined to be due as compensation for such damage, may the claimant State invoke the liability of the members which are States Parties to this Convention for the payment of that sum.

4. Any claim, pursuant to the provisions of this Convention, for compensation in respect of damage caused to an organization which has made a declaration in accordance with paragraph 1 of this article shall be presented by a State member of the organization which is a State Party to this Convention.

Article XXIII

1. The provisions of this Convention shall not affect other international agreements in force in so far as relations between the States Parties to such agreements are concerned.

2. No provision of this Convention shall prevent States from concluding international agreements reaffirming, supplementing or extending its provisions.

Article XXIV

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

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which are hereby designated the Depositary Governments.

3. This Convention shall enter into force on the deposit of the fifth instrument of ratification.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Convention, the date of its entry into force and other notices.

6. This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article XXV

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

Article XXVI

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

Article XXVII

Any State Party to this Convention may give notice of its withdrawal from the Convention one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article XXVIII

This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Convention.

DONE in, at the cities of London, Moscow and Washington, the day of one thousand nine hundred and

33. During the consideration of the draft Convention in the Committee, many delegations gave full endorsement to the draft Convention as formulated by the Legal Sub-Committee.

34. In giving their support to the text of the draft Convention, some delegations stated that they accepted the provisions on measure of compensation (article XII) particularly in view of paragraph 4 of the preamble, article II and of the various statements of clarification made in the Legal Sub-Committee and in the Committee. With regard to the provisions on the settlement of claims, these delegations expressed their continued preference for the unqualified adoption, for all cases, of the rule that awards are binding, which would be the most effective guarantee for the benefit of the victim that proper compensation would be paid.