

Session of Brussels – 1963

The Legal Regime of Outer Space

(Second Commission, Rapporteur : Mr C. Wilfred Jenks)

(The French text is authoritative. The English text is a translation.)

The Institute of International Law,

Considering that the legal regime of the exploration and utilisation of outer space and celestial bodies should be inspired by a spirit of universality ;

Acknowledging the common interest of mankind in the exclusive dedication of outer space to peaceful purposes in accordance with the Charter of the United Nations ;

Noting the Resolutions on international cooperation in the peaceful uses of outer space adopted unanimously by the General Assembly of the United Nations on 20 December 1961 and 14 December 1962 and the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water signed at Moscow on 6 August 1963 ;

Having regard to the urgency of international regulation of the matter in view of the rapidity of scientific and technical progress ;

Recognizes the validity of the following principles and would welcome their inclusion in a generally accepted treaty or declaration governing the legal regime of outer space :

1. Outer space and the celestial bodies are not subject to any kind of appropriation, they are free for exploration and use by all States for exclusively peaceful purposes in conformity with the following provisions.
2. No space object shall be launched otherwise than under the authority of a State. Each State shall ensure that the utilisation of every space object launched under its authority complies with the applicable international rules.
3. Every launching of a space object shall be registered by the State under the authority of which the launching took place with the United Nations or a special body to be created ; the registration shall be effected promptly and with particulars to be agreed.

4. Every space object shall bear marks of identification showing its origin and use call signals making it possible to identify the State under the authority of which the launching took place.

5. Every space object launched in accordance with the foregoing provisions shall remain subject to the jurisdiction of the State under the authority of which it was launched.

6. The State establishing a space installation is required to ensure good order and safety at the installation. Subject to any subsequent international agreement, persons using, and occurrences at, any space installation are subject to the jurisdiction of the State having established the installation.

7. All States shall ensure that space telecommunications comply with the regulations of the International Telecommunication Union.

8. States shall take appropriate measures for :

a) mutual assistance among astronauts ;

b) mutual assistance among States on behalf of astronauts in need of assistance ;

c) prompt repatriation of astronauts after any emergency landing or rescue.

9. Appropriate measures shall be provided for by an international agreement for the return to the State under the authority of which the launching took place of space objects the launching of which has been officially notified, which bear identification marks showing their origin, and which on return the earth have come into the possession of another State.

10. The State under the authority of which the launching of a space object takes place shall ensure that every such object is, so far as practicable, fitted with a suitable device permitting the launcher to recover it on the termination of its useful life or if recovery is not feasible as a minimum to silence radio transmission there from and eliminate its other effects.

11. The State under the authority of which the launching of a space object takes place shall ensure that appropriate precautions are taken against biological, radiological or chemical contamination of or from outer space or celestial bodies. International cooperation in respect of the matter should be arranged.

12. Scientific or technological experiments or tests in space which may involve a risk of modifying the natural environment of the earth, of any of the celestial bodies or in space in a manner liable to be prejudicial to the future of scientific investigation and experiment, the well-being of human life, or the interests of another State, necessarily affect directly the interests of the whole international community. The provisions of this resolution should be supplemented by appropriate international arrangements to forestall such risk.

13. The State under the authority of which the launching of a space object has taken place shall be liable, irrespective of fault, for any injury, including loss of life, or damage that may result. Modalities of application of this principle may be determined by special convention. Any limitation of the amount of the reparation due shall be determined in the same manner.

14. In all matters not provided for in the preceding paragraphs, States are bound by general international law, including the principles of the Charter of the United Nations.

15. The principles set forth in this resolution apply to space activities undertaken by States acting individually or collectively or by international organizations.

References to States in the preceding paragraphs are to be construed as including a reference to international organizations, it being understood that the States members of an international organization remain responsible for the space activities of the organization.

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(11 September 1963)