

At its September, 1972 session the Outer Space Committee "expressed satisfaction that the Legal Sub-Committee had made suitable progress by approving the texts of the preamble and nine articles of the Draft Convention on the Registration of Objects Launched into Outer Space, noting at the same time that provisions on some articles, which are placed within square brackets, are yet to be agreed upon". It went on to express the hope that the Sub-Committee will be able to make further progress with a view to completing the Draft Convention and recommended that the Legal Sub-Committee should pursue work on it as a matter of priority at its 1973 session.

(c) Draft Moon Treaty

As a major initiative the U.S.S.R. presented a Draft Treaty concerning the Moon to the 1971 session of the U.N. General Assembly. The Soviet draft was given detailed consideration at the 1972 session of the Legal Sub-Committee. The U.S.A. delegation tabled separate working papers on each of the Soviet draft articles so that most of the detailed consideration in the Legal Sub-Committee focused on the U.S.A. as well as U.S.S.R. texts. The portions of the draft text upon which it was unable to reach agreement were placed in square brackets. Although the draft text approved by the Legal Sub-Committee is a considerable improvement over the Soviet draft, there are a number of ways in which it can still be improved. Accordingly, further consideration will be given to the Draft Moon Treaty at the 1973 session of the Legal Sub-Committee. Among the most difficult problems that must be resolved before a treaty can be approved are:

- (i) Should the treaty apply to just the moon or, as well, to "other celestial bodies"? Although the U.S.S.R. took the position that it was premature to apply the provisions of the treaty to "other celestial bodies", it now appears that the U.S.S.R. will be willing to agree to the insertion of a new article which would make the provisions of the treaty applicable to "other celestial bodies" until such time as they are displaced by new provisions contained in future treaties governing particular celestial bodies. The Canadian Delegation supported this approach.
- (ii) Exploitation of the moon's natural resources: Although Article VIII of the Soviet draft treaty reaffirmed in greater detail the principle of non-appropriation of the moon contained in Article II of the 1967 Outer Space Treaty, it remained intentionally silent on the question of the exploitation of the moon's resources. Filling this gap was the main thrust of the Argentinian "Draft Agreement on the Principles Governing Activities in the Use of the Natural Resources of the Moon and Other Celestial Bodies" tabled at the Legal Sub-Committee's 1970 session. Article 1 of the Argentinian draft states that "the natural resources of the Moon and other celestial bodies shall be the common heritage of all mankind". The substance of the 1970 Argentinian draft was incorporated in a Working Paper co-sponsored by Egypt and India at the Legal Sub-Committee's 1972 session. Moreover, the U.S.A. also accepted the concept of "the common heritage of all mankind" in one of their working papers.

The U.S.S.R. strongly opposed incorporation of the concept on the ground that it was premature to work out a legal régime governing exploitation of the moon's natural resources when there was no existing appreciation of the resources that might some day be subject to exploitation. The Canadian Delegation expressed the view that the