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THE 1967 OUTER SPACE TREATY (1967 OST) AS THE MAGNA CARTA OF CONTEMPORARY SPACE LAW: A BRIEF REFLECTION

Maurice N. Andem
Faculty of Law, University of Lapland
Rovaniemi, Finland*

ABSTRACT

The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967 OST), was adopted by the UN General Assembly on 19 December 1966 and opened for signature in New York on 27 January 1967. It entered into force on 10 October 1967.

During the past 37 years the Treaty has served as the nucleus for the codification and progressive development of space law. Much has already been written on its provisions by eminent authorities and experts in space law. The topic of this session is: A GENERAL CONVENTION ON SPACE LAW?

Thus, this paper is a brief reflection on the 1967 OST as a legal policy instrument and the primary source of contemporary space law, with a view to contributing to the on-going discussion on the progressive development of space law.

* Professor of Private International Law and Comparative Law; Director of the Institute of Air and Space Law of the University of Lapland.

1. Introduction

The theme of the Vancouver 55th International Astronautical Congress is: "Infinite Possibilities and Global Realities" and the theme of IISL. Session 3 is: "A General Convention on Space Law." My paper will be a brief reflection on the 1967 Outer Space Treaty (1967 OST) as the Magna Carta of Contemporary Space Law. In doing this, I will not examine its provisions only as a legal instrument, but as a legal policy instrument and primary source of contemporary space law. Much has already been written on the 1967 OST.[1]

Before commencing with my task, it would be useful to make some general overview of the concepts used in this paper. The role and the rule of law have been very well recognised in the history of the development of all human societies, including contemporary international society. It has been and will continue to be an instrument which humankind in society consciously utilises to change the environment in which it lives.

Professor Philip Allott correctly pointed out in this respect that, "In law society finds the means not only to survive but also to prosper. Through law natural energy is transformed into social power. Through law natural power is exchanged for social power when social purpose is made a condition of the excercise of natural power. Law is the socialization of particular desire, the particularization of social desire. ..... Law is the willing and acting of the individual in the willing and acting of society. In international law the society of the whole human race

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[1] See, for example, Zhukov, G., and Kolosov, Y., INTERNATIONAL SPACE LAW, Praeger Publishers, New York (1984), pp.33-84; Cheng, Bin, STUDIES IN INTERNATIONAL SPACE LAW, Clarendon Press, Oxford (1997), pp.215-264; Diederiks-Verschoor, I. H. Ph., AN INTRODUCTION TO SPACE LAW, 2nd. Revised Edition, Kluwer Law International, The Hague (1999), pp. 26-36; Jakhu, Ram, Current Legal Issues Relating to Access to Space, Paper presented at the Space Law Conference 2004 - Asia a Regional Force in Space, 25-27 April 2004, Beijing, China; Christol, Carl Q., THE MODERN INTERNATIONAL LAW OF OUTER SPACE, Pergamon Press, New York (1982), pp.20-58.

may will and act not only the survival but also the prospering of the whole human race, universalizing all particular human willing, paricularizing universal willing."[2]

As applied to outer space, the law-making process took place side by side with the formulation of the appropriate space policy within the UN General Assembly.
Legal policy, on the other hand, is construed as a science of rational social change obtained by means of law, is based on generally accepted social values and on the store of knowledge about social behaviour, is concerned with formulating directives for the planning and realization of social change. Moreover, it should be borne in mind that, the term "policy", as applied to a law, ordinance, or rule of law, denotes its general purpose or tendency as directed to the welfare or the prosperity of the state or community.[3]

Modern world history is replete with thousands of examples of the use by states technological and scientific developments and advances to promote aggressive and war-like policies. It should be pointed out that international law, as an instrument of regulating international relations between states, could not prevent the use of the V-1 and V-2 rockets as weapons of mass destruction during the two world wars. Furthermore, it could not prevent the use of the advances made in atomic energy research for military purposes. Thanks are due to the indefatigable efforts of all the Member States for their co-operation in the UN in banning the use of nuclear weapons in armed conflict.

It should be remembered that after the Second World War, the United States was able to obtain the services of many of the top German experts, along with considerable rocket hardware including approximately 100 V-2 rockets. The United States experimented with the captured V-2 rockets during the period 1946-1951, adding greatly to its knowledge of liquid-fuelled rocket technology.

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[2] Allott, Philip, EUNOMIA **NEW Order for a New World, Oxford University Press, Oxford (1990), p. 255, para. 14.5.**

[3] See **BLACK'S LAW DICTIONARY,Fifth Edition (1979).**

During the next decade, a number of rocket types were (Jupiter, Thor, Atlas and Redstone) developed as missiles, some of which could be adapted for space missions. By 1955, programmes were initiated by the United States and the former Soviet Union to launch satellites during the International Geophysical Year (IGY) which ran from July 1957 to December 1958.[4]

On 4 October 1957, the former Soviet Union succeeded in launching into orbit around the Earth the first man-made artificial satellite, Sputnik-1. The United States succeeded in launching the Explorer-1 satellite on 31 January 1958. This was the beginning of the space age, with post World War II international law having no appropriate norms and principles directly concerned with the legal regulation of the activities of states in the new domain - outer space.

Moreover, it should be borne in mind that the beginning of the space age coincided with the intensification of the Cold War, which was characterised by suspicion and mistrust, as well as an arms race and military build-up by the former Soviet Union and the United States, including members of their military alliances and blocs.[5] It was, therefore, imperative for the international community as represented in the United Nations (UN) to set into motion the process of formulating the legal rules and policy of the future positive law in the new domain - the law of outer space, or space law.

2. The United Nations and Outer Space: The Law-making Process.

The United Nations did not fold its hands and allow the superpowers' rivalry and arms race to be extended into outer space. Thus, pursuant to the provisions of the Preamble and Articles 1 and 13 of the UN Charter, the General Assembly, as will be seen below, was faced with the task of formulating international

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[4] See McDonald, Robert L. & Hesse, Walter H., **Space Science, Charles E. Merrill Publishing Co., Columbus, Ohio (1970), p.7; Lachs, M., The Law of Outer Space, Leiden (1972), pp. 27-28.**

[5] See, American Rocket Society, **SPACE FLIGHT REPORT TO THE NATION, edited by Jerry Grey and Vivian Grey, Basic Bookd, Inc., publishers, New York (1962), pp. 127-131; PEACE THEOLOGY AND THE ARMS RACE: Reading on Arms and Disarmament, edited by Osterle, William H., and Donaghy, John., College of Theology Society Sourcebook Series, Vol. I (1980); Humble, Ronald D., THE SOVIET SPACE PROGRAMME, Routledge, London (1988).**

legal policy in its law-making process. Bearing in mind the foregoing, let us look at the law-making process in space law.

It should be pointed out that the space law/policy-making process in the United Nations started with the adoption by the UN General Assembly of resolution 1348 (XIII). Question of the peaceful use of outer space of 13 December 1958. The first paragraph of its preamble recognised the common interest of mankind in outer space and that it is the common aim that outer space should be used for peaceful purposes only. An ad hoc Committee on the Peaceful Uses of Outer Space (COPUOS) was established under its provisions. The Committee on the Peaceful Uses of Outer Space (COPUOS) was later established on a permanent basis under UN General Assembly (UNGA) resolution 1472 (XIV). International co-operation in the peaceful uses of outer space of 12 December 1959. In that resolution, the UNGA requested COPUOS:

(a) To review, as appropriate, the area of international co-operation, and to study practical and feasible means for giving effect to programmes in the peaceful uses of outer space which could appropriately be undertaken under the United Nations auspices, including, inter alia: (i) Assistance for the continuation on a permanent basis of the research on outer space carried on within the framework of the International Geophysical Year; (ii) Organization of mutual exchange and dissemination of information on outer space research; (iii) Encouragement of national research programmes for the study of outer space, and the rendering of all possible assistance and help towards their realization;

(b) To study the nature of legal problems which may arise from the exploration of outer space. COPUOS was requested to submit reports on its activities to subsequent sessions of the General Assembly.

It should be borne in mind that from 1958 to 1966 before the conclusion of the 1967 Outer Space Treaty, resolutions adopted by the UN General Assembly (UNGA) had been the only legal instrument available in the process of formulating and elaborating the norms and

principles of this new branch of contemporary international law - space law. Moreover, it should be pointed out that they also embodied legal policy for outer space. Among the resolutions adopted by UNGA during this period, resolution 1721 (XVI) of 20 December 1961 and resolution 1962 (XVIII) of 13 December 1963 on Declaration of Legal Principles Governing the Activities of States in Exploration and Use of Outer Space were very important as part of the first phase of the evolutionary process of establishing and progressively developing space law.

In resolution 1721 (XVI) of 20 December 1961, the following two principles are recommended to States for their guidance in the exploration and use of outer space:

(i) International law, including the Charter of the United Nations, applies to outer space and celestial bodies; (ii) Outer space and celestial bodies are free for exploration and use by all States in conformity with international law and are not subject to national appropriation.

In resolution 1962 (XVIII) of 13 December 1963, the following nine principles governing the activities of states in the exploration and use of outer space were declared by the UN General Assembly:

(i). The exploration and use of outer space shall be carried on for the benefit and in the interests of mankind.

(ii). Outer space and celestial bodies are free for exploration and use by all States on the basis of equality and in accordance with international law.

(iii). Outer space and celestial bodies are not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.

(iv). The activities of States in the exploration and use of outer space shall be carried on 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.

(v). States bear international responsibility for national activities in outer space, whether carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried on in conformity with the principles set forth in the present Declaration. The activities of non-governmental entities in outer space shall require authorization and continuing supervision by the State concerned. When activities are carried on in outer space by an international organization, responsibility for compliance with the principles set forth in this Declaration shall be borne by the international organization and by the States participating in it.

(vi). In the exploration and use of outer space, States shall be guided by the principle of co-operation and mutual assistance and shall conduct all their activities in outer space with due regard for the corresponding interests of other States. If a State has reason to believe that an outer space activity or experiment planned by it or its nationals would cause potential harmful interference with activities of other States in the peaceful exploration and use of outer space, it shall undertake appropriate international consultations before proceeding with any such activity or experiment. A State which has reason to believe that an outer space activity or experiment planned by another State would cause potentially harmful interference with activities in the peaceful exploration and use of outer space may request consultation concerning the activity or experiment.

(vii). The State on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and any personnel thereon, while in outer space. Ownership of objects launched into outer space, and of their component parts, is not affected by their passage through outer space or their return to the earth. Such objects or component

parts found beyond the limits of the State of registry shall be returned to that State, which shall furnish identifying data upon request prior to return.

(viii). Each State which launches or procures the launching of an object into outer space, and each State from whose territory or facility an object is launched, is internationally liable for damage to a foreign State or to its natural or juridical persons by such object or its component parts on the earth, in air space, or in outer space.

(ix). States shall regard astronauts as envoys of mankind in outer sapce, and shall render to them all possible assistance in the event of accident, distress, or emergency landing on the territory of a foreign State or on the high seas. Astronauts who make such a landing shall be safely and promptly returned to the State of registry of their space vehicle.

It should be remembered that the two resolutions mentioned above were adopted unanimously by the General Assembly. Therefore, they not only stipulated the legal rules and principles but also legal policy rules governing the activities of States in outer space and on the moon and other celestial bodies. Furthermore, their provisions laid the legal framework or foundation for the preparation and elaboration of the comprehensive text of legal principles on outer space, which are now embodied in the 1967 Space Treaty.

Bearing in mind the foregoing observations, I would now like to proceed with my brief reflection on the 1967 Outer Space Treaty. However, I have already examined some of the provisions of the 1967 Space Treaty during the IISL 43rd Colloquium on the Law of Outer Space in Rio de Janeiro 2000.[6]

3. 1967 Space Treaty: Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies

[6] For more detail, see, Proceedings of the Forty-Third Colloquium on the Law of Outer Space, (2001), pp. 275-291.

The 1967 OuterSpace Treaty, as pointed out earlier, is the basic legal instrument, a Magna Carta, Space Constitution or Space Code. It consists of a preamble and 17 articles. In the preamble, reference is made to the provisions of preambles of earlier resolutions adopted by the UN General Assembly on outer space. Reference is also made to resolutions 1962 (XVIII) of 13 December 1963, 1884 (XVIII) of 17 October 1963 **and 110 (II) of 3 November 1947. It is interesting to note that the 1967 Space Treaty confirmed the legal status and regime of outer space, including the moon and other celestial bodies, before the first man landed on the moon 35 years ago, on 20 July 1969.**

Article I establishes the principle of freedom of exploration and use of outer space, the moon and other celestial bodies. It stipulates that space activities should be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development. It also stipulates that the new domain shall be the province of mankind. It further provides in the third paragraph that there shall be freedom of scientific investigation in outer space, including the moon and other celestial bodies, and that states shall facilitate and encourage international co-operation in such investigation. The provisions of Article I have been reinforced further by Article II of the Treaty, which provides that outer space, the moon and other celestial bodies are not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means. Article 11 of the 1979 Moon Treaty elaborates further on the provisions of Articles I and II. However, the freedom provided here is not absolute. For example, any intrusion from outer space via satellites into the privacy of individuals for any reason whatsoever will be a gross violation of international humanitarian law.

According to Article 11 paragraph 1 of the 1979 Moon Treaty, the moon and its natural resources are the common heritage of mankind (CHM). At this juncture, it should be emphasised that the CHM is a legal concept whose meaning can be clearly understood through the comparative study of the law of persons and the law of property. Furthermore, mankind (humankind) or humanity - comprising of all races and peoples on our planet Earth - is

construed to be the centre of the benefits derived from the peaceful exploration and uses of outer space.[7] Moreover, it signifies that humankind has a common Creator - the Creator of Heaven and Earth and all therein. In this context, we are the heirs and heiresses of all that exist here on Earth and in outer space, including the moon and other celestial bodies.[8]

Thus, when examining or analysing the 1967 Space Treaty, it should be remembered that other principles are centred around the principles stipulated in the provisions of Articles I and II. They are the core of the legal status of outer space, the moon and other celestial bodies. The UNESCO World Commission on the Ethics of Scientific Knowledge and Technology (COMEST) in respect of Article II of Treaty correctly observed that:

> **The importance of the key principle of non-appropriation of space embodied in Art.2 of the Space Treaty of 1967 was underlined, because of the threat of weakening of this principle that existed today, for example through the sale of plots of land on the Moon by certain companies. Even if this type of initiative caused us to smile rather than eliciting any other reaction, it was in complete contradiction with the principle of non-appropriation. Any infringement of that principle was liable not only to deprive of all content one of the foundations of space law but was also dangerous. Space must be and must remain a benefit of all mankind.[9]**

Article III provides that the exploration and use of outer space, the moon and other celestial bodies must be carried out in accordance with international law, including the Charter of the United Nations. It is interesting to point out that the provision of this Article introduces the

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[7] For example, see, A/CONF.184/6: **Report of the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space, Vienna, 19-30 July 1999, pp.23-26.**

[8] See also, Andem, Maurice N., Twentieth Anniversary of the 1979 Moon Treaty and Other Celestial Bodies Revisited in the Light of the Commercialization of Outer Space Activities, in **PROCEEDINGS OF 42ND COLLOQUIUM ON THE LAW OF OUTER SPACE, 4-8 October 1999, Amsterdam, The Netherlands, AIAA (2002), pp. 383-392.**

[9] Pompidou, Alain, **THE ETHICS OF SPACE POLICY, UNESCO in collaboration with ESA (2000), p. 131.**

rule of law in the new domain. It has further consolidated similar provisions embodied in resolutions 1721 (XVI) of 20 December 1961 and 1962 (XVIII) of 13 December 1963. Moreover, it reinforces the status of the UN Charter as the fundamental and principal source of contemporary international law and international relations between the states and peoples of the world.

Therefore, reference to international law and the Charter in the provision of Article III is a further re-affirmation that all the principles of international law as embodied in the Charter and in resolution 2625 (XXV) of 24 October 1970 on Declaration on Principle of International Law concerningFriendly Relations and Co-operation among States, including those embodied in other international legal instruments, are applicable in the new domain.

For example, the use of force in whatever manner in outer space, on the moon and other celestial bodies is absolutely prohibited. Principle (a) of the 1970 Declaration stipulates that every State has the duty to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. Such a threat or use of force constitutes a violation of international law and the Charter of the United Nations and shall never be employed as a means of settling international issues. This principle is an elaboration of Article 2 (4) of the UN Charter. Thus, it means that all states carrying on space activities must ensure the maintenance of international peace and security at all times in the new domain.

At this juncture it will be useful to briefly examine the provisions of Charter VII, Article 51 of the UN Charter[10] with respect to their applicability in the new domain - outer space, the moon and other celestial

[10] It stipulates that: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibilty of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore

bodies. The right of self-defence is embodied in these provisions. Nevertheless, it should be pointed out that this right must be exercised to complement the Security Council action with respect to threats to the peace and acts of aggression here on earth.[11]

A gloss over the documents of the Tehran, Yalta and Potsdam Conferences convinces me that the Founding Fathers of the UN worked very hard and devoted all their energy and time to ensure the final creation of the United Nations.[12] For example, in the Communique adopted during the Crimea Conference the Heads of Government of the Soviet Union, the United States and Great Britain reaffirmed their common determination to maintain and strengthen in the peace to come that unity of purpose and of action which had made victory possible and certain for the United Nations in the war. They also expressed their profound belief that it was the sacred obligation which their governments owed to their peoples and to all peoples of the world.[13] This sacred obligation is clearly expressed in the Preamble of the UN Charter.

Moreover, pursuant to the provisions of Articles 39-50 of Chapter VII of the Charter, no state can implement self-defence as embodied in Article 51 without the authorisation or approval of the Security Council. As events around the world have illustrated since the beginning of the 21st century, it is very sad to observe that some "big" permanent members of the Security Council are undermining the integrity and effectiveness of the Council in particular and the United Nations in general through their unilateral and individualistic actions. At this juncture, it should strongly be emphasised that no state is above the law, irrespective of its economic or military might or power. We are all equal before the law - divine, natural or man-made.

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international peace and security."

[11] For more details, see, for example, Brownlie, Ian, **INTERNATIONAL LAW AND THE USE OF FORCE BY STATES, Oxford University Press, London (1963), pp. 250-280.**

[12] See, for example, **The TEHRAN, YALTA AND POTSDAM CONFERENCES Documents, Progress Publishers, Moscow (1969).**

[13] **ibid., op. cit., pp. 139-140.**

Armed conflicts and aggressions have taken place and are continuing to take place here on our planet Earth. Is it ethically and morally right and justified to extend our hatred, bitterness, differences and fear into outer space under the pretext of self-defence, while the supposed aggressor's and the victim's domicile or territory is here on Earth?

Article IV of the 1967 Space Treaty embodies provisions concerning partial demilitarization of outer space and total demilitarization of the moon and other celestial bodies. Much has already been written on these provisions during the past 37 years.[14] Thus, I would not like to repeat what I have already said in my previous presentations. Nevertheless, it is sad to observe that the intensification of the militarisation and weaponisation of outer space since the beginning of the 21st century by some states is gathering momentum.[15] Billions of US dollars are being spent on their development, testing and production of new types sophistcated weapons of mass destruction, while billions of people are in dire need of food, clothing, shelter and basic medical care. Thus, in order to ensure that outer space, including the moon and other celestial bodies, is used only for peaceful purposes, it is submitted that all weapons whatever are their nature or production labels (for example, weapons of mass destruction (WMD) or laser, etc.), should totally be banned from outer space. In this respect, it should be emphasised that the leaders and politicians of the world have a sacred duty and obligation before our Creator to create a peaceful and safe environment on earth for the unborn future generations. This would require that existing disarmament treaties be complied with - both in letter and spirit - by all states. The major task before the human race today is to strive for total and complete disarmament. The main problem facing us today is not terrorism, but inequality and injustice in the distribution of wealth among states and peoples of the world. Thus it will be counter-productive, destabilizing and futile to intensify the development of new types of weapons in outer space. The peoples of the world need peace and not armed conflict or war.

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[14] See, for example, Christol, Carl Q., op. cit., pp. 25-37; **Cheng, Bin, op. cit., pp. 244-252; Lachs, Manfred, THE LAW OF OUTER SPACE, Sijthoff, Leiden (1972), pp.105-112; Outer Space- A New Dimension of the Arms Race, Edited by Jasani, Bhupendra, SIPRI (1982); Andem, Maurice N., INTERNATIONAL LEGAL PROBLEMS IN THE PEACEFUL EXPLORATION AND USE OF OUTER SPACE, Rovaniemi (1992), pp. 185-234.**

[15] See, for example, **AW & ST., August 16, 2004, pp.49-51; April 12, 2004.**

The principle of international responsibility of states for national activities in outer space is embodied in the provision of Article VI. It should be pointed out that the privatization and commercialization of outer space activities have not made natural and juridical persons subjects of international law. As subjects of the national or domestic laws they are under the jurisdiction of the States Parties to the 1967 Outer Space Treaty.

Article IX embodies the principle of international co-operation. It is very important in the realisation of the other provisions of the 1967 Space Treaty. This principle is embodied in Article (3) of the UN Charter. It has been further elaborated in the provisions of the UNGA Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States. The UN should be strengthened as the centre or nucleus for the promotion of international co-operation in the exploration and peaceful uses of outer space. Thanks are due to the assistance and support given to the United Nations by the IAF, IAA, COSPAR and other partners in the implementation of space applications techniques in the development projects and programmes in developing countries.

Article IX also provides that States Parties to the Treaty are to pursue studies of outer space, the moon and other celestial bodies and conduct exploration of them so as to avoid their harmful contamination and adverse changes in the environment of the earth resulting from the introduction of extraterrestrial matter and, where necessary, are to adopt appropriate measures for this purpose. The principle of consultation is also enshrined in the provisions of this Article. This brings to mind the problem of space debris. Since the beginning of the space age, thousands of extraterrestrial bodies, that is, man-made objects have been introduced into the outer space environment. Much discusions have taken place in various forums on how to protect the space environment.[16] We all are quite aware of the enormous environmental problems now facing humanity here on earth since the last century because of our disrespect for the environment in which we lives.

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[16] See, for example, **Proceedings of the FIRST CONFERENCE ON SPACE DEBRIS, Darmstadt, Germany, 5-7 April 1993, Organised by the European Space Agency (ESA); IISL Proceedings, 42nd. Colloquium, op. cit., pp. 443-455.**

This can be illustrated by the narrative and commentary based on Psalm 115:16, which reads "The heaven, even the heavens, are the Lord's: but the earth hath been given to the children of men." It goes as follows: "Joey tossed his candy paper on the playground. Patty ran over from where she was playing with her friends, and said, You pick that up!" "I don't have to. Who made you boss?" "It is not nice to throw trash on the ground." "It's okay. I learned in Sunday school that God gave the earth to us, and we can do anything we want to with it."[17]

The above is very important and relevant with regard to the protection of the space environment. We must learn from our past mistakes concerning the harm already caused to our earth environment by taking strict preventive measures against the contamination of outer space, the moon and other celestial bodies. In this regard, it is submitted that all states carrying out activities in the exploration and uses of outer space, including the moon and other celestial bodies, must comply with the provisions of Article XI of the 1967 Treaty.

4. Observations and Conclusions.

In the foregoing pages I have briefly reflected on some of the provisions of the 1967 Space Treaty. As has been mentioned earlier in this paper, it is the Magna Carta of contemporary space law or the law of outer space. In my candid opinion, it was one of the greatest achievements in the law-making process in the UN General Assembly during the Cold War era, the result of indefatigable efforts of the Legal Sub-Committee of UNCOPUOS.[18] It laid down the fundamental principles of law and policy for universal and general application in the new domain - outer space, including the moon and other celestial bodies. These principles have further been elaborated in the provisions of the following four treaties on outer space: (i)

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[17] See, Dick, Dan, **WISDOM FRM THE PSALMS, Daily Thought for 14 September, Barbour Publishing, Inc., Ohio.**

[18] See, Lachs, Manfred, **THE LAW OF OUTER SPACE (1972), op. cit., pp. 135-147; "The Threshold in Law-Making" in Völkerrecht als Rechtsordnung Internationale Gerichtsbarkeit Menschenrechte Festschrift fur Hermann Mosler, New York (1982), 493-501.**

the 1968 Rescue Agreement; (ii) the 1972 Liability Convention; (iii) the 1975 Registration Agreement and (iv) the 1979 Moon Agreement.

In recent years, the 1967 Space Treaty has been the object of unwarranted criticisms. The Treaty laid the legal foundation for the progressive development and codification of the law of outer space. Therefore, it was not necessary for it to provide a detailed legal instrument, constitution or code for the regulation of all outer space activities. Thus, in order to enhance its effectiveness, I would like to seize this opportunity to submit that there is an urgent necessity for COPUOS to adopt procedural rules for the implementation of its provisions by all UN Members States. For example, the commercialisation and privatisation of outer space activities will require the enactment of space code on private international law - which will be based on the harmonization and unification of the existing national space legislations. Here the Legal Sub-Committee should seek the co-operation and assistance of the UN Commission on International Trade Law (UNCITRAL), UNIDROIT and the Hague Conference on Private International Law, including academic legal experts in that branch of law. This will be necessary because the existing legal instruments on outer space regulate relations between subjects of public international law.

Finally, taking into consideration the post Cold-War events in our world today, it would not be wise and expedient to tamper with the legal foundation laid down by the 1967 Space Treaty 37 years ago. It is our duty to improve and strengthen that foundation by enforcing the compliance of its provisions by all States. Finally, I would like to conclude this paper with the following quotation: "As the law's task is to facilitate life and relations among States, so is the jurist's duty to help in clarifying, and even simplifying the journey of the rules of conduct in crossing the threshold from a stage outside into the realm of law."[19]

[19] See, Lachs, Manfred, **op. cit., p. 501.**