

95th Congress }  
2d Session }

COMMITTEE PRINT

SPACE LAW  
Selected Basic Documents  
Second Edition

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PREPARED AT THE REQUEST OF  
HON. HOWARD W. CANNON, *Chairman*  
COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE



DECEMBER 1978

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STOCK NUMBER 052-070-04813-1  
CATEGORY 11-SERIAL NUMBER 0676  
PRICE \$5.50

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Committee on Commerce, Science, and Transportation

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U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1978

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(II)

## LETTER OF TRANSMITTAL

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U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE,  
AND TRANSPORTATION,  
*Washington, D.C., November 22, 1978.*

DEAR COLLEAGUE: Under Senate Resolution 4 agreed to on February 4, 1977, the Committee on Commerce, Science, and Transportation was given legislative jurisdiction over the Nation's civil space program and oversight jurisdiction over all space matters. The international aspects of space activities are governed by a broad spectrum of agreements between nations, and new agreements are constantly being discussed and considered. To understand what has already been agreed to and to assist in the formulation of new agreements, the former Committee on Aeronautical and Space Sciences in 1976 published, as a committee print, a selection of basic documents on space law. That collection was a useful reference source on space law. Unfortunately, copies are no longer available.

This second edition on space law was prepared so that Members of Congress, and their staffs, members of the executive branch, the scientific, technical and legal community involved in space activities, and the general public will have available again in one volume the principal agreements that govern international space activities. It should be a useful source document on issues over which the committee has jurisdiction.

Sincerely,

HOWARD W. CANNON, *Chairman.*

(III)

## LETTER OF SUBMITTAL

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U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE,  
AND TRANSPORTATION,  
*Washington, D.C., October 9, 1978.*

HON. HOWARD W. CANNON,  
*Chairman, Committee on Commerce, Science, and Transportation,  
U.S. Senate,  
Washington, D.C.*

DEAR MR. CHAIRMAN: I am pleased to submit for printing as a committee print a collection of documents on space law. This will be the second edition of this important work. The first edition was widely used in the Congress, the executive branch, and indeed throughout the world. However, it has been out of print for some time and therefore unavailable.

Given the worldwide interest in the subject, I believe this committee print will receive the same wide use as the first edition. It will be especially useful to members of Congress and officials in the executive branch.

Sincerely,

ADLAI E. STEVENSON,  
*Chairman, Subcommittee on Science, Technology, and Space.*

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## INTRODUCTION TO SECOND EDITION

The first edition of "Space Law—Selected Basic Documents" was published at the direction of the former Committee on Aeronautical and Space Sciences. Although somewhat out of date, the world-wide demand for this publication continues; unfortunately, the first edition was a limited printing and copies have not been available for some time.

This second edition of "Space Law" retains all of the documents of the first edition except the AEROSAT agreement between COMSAT, the European Space Agency and Canada; new agreements negotiated since the publication of the first edition have been added.

As stated in the introduction to the first edition, the purpose of this committee print is to provide the text of basic documents so that the Committee, the Congress, and others responsible for formulating legal principles that guide states in the conduct of their space activities have a ready reference to what is already in existence and thereby will be assisted in constructing a consistent body of space law. I also hope that it will encourage continued and expanded international cooperation in space activities. International cooperation played an important role during the early decades of space exploration. I believe cooperation between nations in space activities will become increasingly important as man expands his exploration and use of the space environment with the Space Shuttle now under development; many of my colleagues share this view.

It has been and remains the policy of the United States to cooperate with other nations so that the benefits of space reach all mankind. For that policy to be effective, it is important that the legal aspects of space activities develop along with the scientific and technological aspects of space exploration and use. The publication of this committee print, I believe, will further that purpose.

The documents in this second edition are current as of December 1, 1978. They are arranged under four sections: International Space Agreements to Which the United States is a Party; Other international Space Agreements; U.S. Space Law and Policy; and Previous Committee Reports.

The first edition of this work was prepared by Mrs. Eilene M. Galloway under the direction of Mr. James J. Gehrig of the professional staff of the Committee.

This second edition also was prepared under the direction of Mr. Gehrig. Miss Anna Fotias, Miss Anne Jones, and Mr. Lloyd Beasley of the Committee staff prepared the volume for printing. Mr. Matthew Mitchell, serving with the Committee as a student intern during the summer of 1978, did most of the detail work such as ordering and indexing the agreements to make the committee print easier to use.



Mrs. Galloway, Vice President of the International Institute of Space Law, gave valuable counsel from time to time. Many others from the Library of Congress, the executive branch of the Government and from the private sector provided useful information during the preparation of this second edition. Their assistance in making this book possible is greatly appreciated.

ADLAI E. STEVENSON,  
*Chairman, Subcommittee on Science,  
Technology, and Space.*

## INTRODUCTION TO FIRST EDITION

The Committee on Aeronautical and Space Sciences has been concerned with the development of space law since satellites were first orbited and there was recognition that legal problems would arise as a result of the use and exploration of outer space. In exercising its jurisdiction under the Senate rules "... to survey and review, and to prepare studies and reports upon, aeronautical and space activities of all agencies of the United States . . .", the Committee has kept abreast of the progress made in this field.

The first study, *Space Law*, was initiated in 1958 by Senator Lyndon B. Johnson who was the chairman of the Senate Special Committee on Space and Astronautics, the immediate predecessor of the Senate Committee on Aeronautical and Space Sciences. So great was the worldwide demand for this publication that a second symposium was published in 1961 on *Legal Problems of Space Exploration*, a document which reveals the extent and depth of analysis concerned with the establishment of an international legal regime devoted to the encouragement of peaceful purposes, and the avoidance of harmful consequences, resulting from the variety of uses of the space environment. Both studies were edited by Eilene Galloway, Special Consultant to the Committee.

Space activities have brought about a high degree of cooperation among nations, a development which strengthens the conditions for world peace. Through the years this Committee has also surveyed and made available to the Senate and the public the developing patterns of international cooperation on outer space activities. The strength of the U.S. space program was developed in accordance with the National Aeronautics and Space Act of 1958, which requires the United States to be "a leader in aeronautical and space science and technology and in the application thereof to the conduct of peaceful activities within and outside the atmosphere." This strength has been essential in providing the means and methods which foster international cooperation. One has only to note that NASA has had in excess of 800 cooperative space agreements with other countries to realize the opportunities afforded by space science and technology in bringing people and nations together for mutually advantageous purposes.

The climate of international opinion which developed in connection with the progress of space activities helped to form the basis for cooperation in the United Nations where the Committee on the Peaceful Uses of Outer Space, and particularly its Legal Subcommittee, were charged with the responsibility of drafting treaties to guide

States in the conduct of their space activities. The texts of space treaties were attained by consensus rather than by voting, and this unanimity of agreement formed a solid foundation for the developing regime of international space law. Efforts are continuing in the Legal Subcommittee to keep international law abreast and foresightedly ahead of space science and technology.

As legal developments occur in the United Nations and elsewhere, there is a need to know what has been accomplished and what remains to be done. As new legal issues arise, it is necessary to ensure that the total body of space law is harmonious and avoids internal conflicts. Space law, whether national or international, has been developing step by step over a period of some 18 years and can be expected to continue this pattern in order to meet the demands of new space applications.

The purpose of this collection is to provide the texts of existing basic documents so that those responsible for formulating legal principles to guide States in the conduct of future space activities will be assisted in constructing a consistent body of international space law. The document should also be of assistance to those who wish to study the progress that has been made since the beginning of the space age.

Senator FRANK E. MOSS,  
*Chairman.*

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**INTERNATIONAL SPACE AGREEMENTS TO WHICH THE  
UNITED STATES IS A PARTY**

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TREATY BANNING NUCLEAR WEAPON TESTS IN THE  
ATMOSPHERE, IN OUTER SPACE AND UNDER WATER

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# MULTILATERAL

## Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water

*Done at Moscow August 5, 1963;*

*Ratification advised by the Senate of the United States of America  
September 24, 1963;*

*Ratified by the President of the United States of America October 7,  
1963;*

*Ratifications of the Governments of the United States of America,  
the United Kingdom of Great Britain and Northern Ireland,  
and the Union of Soviet Socialist Republics deposited with  
the said Governments at Washington, London, and Moscow  
October 10, 1963;*

*Proclaimed by the President of the United States of America Octo-  
ber 10, 1963;*

*Entered into force October 10, 1963.*

(9)



BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water was signed at Moscow on August 5, 1963 by the respective plenipotentiaries of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, and was thereafter opened to other States for signature at Washington, London, and Moscow;

WHEREAS the text of the Treaty, in the English and Russian languages, as certified by the Department of State of the United States of America, is word for word as follows: