

## THE TREATY OF 67 IN FRONT OF 21st CENTURY

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After 30 years of Treaty of 67 is necessary to amend it and supplement it too. The conditions of the world in 1967 are not the conditions today. The space knowledge, the advance of space technology, new states, International Intergovernmental Organizations, natural and juridical persons in space activities require a new space law to 21st century.

I think that is necessary to amend the Treaty of 67, in different aspects: To abolish the expression "States Parties" in order to change the Treaty of 67 of states parties by one treaty more general to all states, International Intergovernmental Organizations any nations, associations of states, union of states. As a consequence for instance, the article XIV will be change in order to open for signature by International Intergovernmental Organizations. The space is not only for states parties of Treaty of 67 or any other treaty of outer space activities but is for all mankind. The article II, is necessary to amend it, in order to International Intergovernmental Organizations, natural or juridical persons can not claim of property, by means of use or occupation or by other means.

A new article: The sovereignty and jurisdiction over the Moon, other celestial bodies and any natural space resource will take exercise by mankind.

I think that is necessary supplement the Treaty of 67 to develop the concepts "Astronauts as envoys of mankind and common heritage of mankind". The first one, today only develop the aspects of security activities but not exist a law of people into outer space: Principles, rights, warrants, etc. The second one is other rich and important concept that is necessary to develop with special treaty.

The next century require a space law to new conditions of the world.

#### Introduction

The history of relationship of the human people teach to us that the in the first time was make it between a short group: The family, the tribe, after arise the polis in Greece, after the empire, the feudal time, the kingdoms, the states and now in end of 20st century arise states union, states association and we see in front of 21st

century that the activity of the mankind principally will be do it with the last system. The concept of the states go to disappear and emerge new concept of people association. In the other hand I think that in middle of 21st century, human people will be live and will be born into outer space, maybe on the Moon or Mars, for this reason is important to develop the outer space law about the concept of astronauts as a envoys of mankind, and common heritage of mankind.

There is the future situation that the Treaty of 67 will applicate in 21st century. It is necessary adapt it to new time.

#### To amend the Treaty of 67

When the space activities was start, only states was do it and the space law only was make it by states for states, but now after 30 years of Treaty of 67 the situation are different, not only the states individual consider have interest in outer space, but States Union Association, Intergovernmental Organizations, private companies have too. We must to see the space not for states, but by mankind, for mankind and from mankind.

The space law time by time must to adapt to new time in from of future, the space law is actual, dynamics and base of future.

Pacta Sunt Servanda. The Treaties oblige to the parties and must to fulfill them of good faith. Express that all parties in Treaty is oblige by it. The international doctrine and international jurisprudence recognize this norm as a juridical base of the peace, security and union life between states or any subject who signature a Treaty. This law as in the preamble of charter of united nations, American States Organizations and other International Organization. This norm is a rule independence of Treaty recognize it as a general norm of international law, is universally recognize by all states of the world.

With base of Pacta Sunt Servanda and the new and future situation of the world, I think that is important to amend the Treaty of 67 in order to abolish the expression "States Parties and States" in all articles of the Treaty and change for expression "Parties" in some articles and in other for the expression "mankind". Is time to see the outer space from other perspective different of states, but of union states, association states, intergovernmental and other specialist international organism.

The Treaty of 67 must be open to signature to other international subject moreover the States, even the autonomy territories recognize it by the United Nations, but without total independence with base of 1514 resolution of General Assembly. If the Treaty of 67 is open to signature to other international subject moreover of states, the expression States Parties is not appropriate, the correct is only Parties. The Convention of Vienna, article 26, express that the Treaty in force obliges to the parties. In the other hand, any subject that signature any Treaty that is in force, is obliges by it independence of that Treaty have to expression Parties, because for all Treaties is recognize this important rule of Pacta Sunt Servanda.

The relationship of human groups change time by time. Until middle of 20st Century was do it by States, by now and the future will be do it by States Union, States Association, International Organism. Then as a consequence of this all international activities of mankind, shall be regulate with a new conception of the international law. The outer space law, is not a exception of the reality and must to be adapt it now. To opening to signature the Treaty of 67 to other international subjects moreover states.

#### Sovereignty and Jurisdiction

With this paper I present a new different concept of sovereignty and jurisdiction, different of the concept express in the article II and VIII of Treaty of 67, and the articles XI and XII of Agreement governing the activities of States on the Moon and other celestial bodies.

I present the sovereignty and jurisdiction not from states, not by states, not for states, but from mankind, by mankind and for mankind. I think that any State can not made a law in order to apply into outer space, and special on the Moon, Mars or any celestial bodies, include their natural resources without consider the sovereignty and jurisdiction of mankind over them. I do not believe that we go to see the next time in space facilities, stations, installations, settlements as a extraterritorial position of states. One United States facilities the law of the United States; one installation of Russia, the law of Russia; one station of Germany, the law of Germany, etc.

The jurisdiction of states is only for maintenance the control of property of objects and control over the personnel into space for that the other states can not appropriate them, but never in order to conform a new extension of their legal order into the space.

I think that we must to consider one outer space law over the states law. In the other hand, if states law will be applicate into space, in the same form that exist actually in the earth, we go to see the sovereignty and jurisdiction of states into outer space include the Moon, Mars and other celestial bodies.

The sovereignty of mankind over outer space include Moon, Mars and other celestial bodies and natural resources, arise as a natural consequence of the man is until now the unique intelligent that exist of the universe. The space is for mankind consider as a one thing and not as a one state or some states or several states. The sovereignty of states into outer space is not exist, is one right that never the states can obtain. The sovereignty into outer space is only one mankind right. As a consequence of sovereignty exercise of mankind, the jurisdiction consider as exercise of authority and expression of make a law is other right of mankind and the states law must to submitted to mankind outer space law. For natural and juridical person, the real rights as a property mortgage, inheritance, etc. over surface or subsurface of the moon or other celestial bodies and any natural space resources, never will be arise into any place of outer space. Any kind of action about this rights are forbidden, any document is null.

Is important that we see the outer space as a place where the all activities there will be do it not as a states but by mankind. Only in this form we can think when we draw or develop or comment the outer space law as a envoys of mankind into space. Our condition of nationality of one state is out in front of outer space. The space is a beautiful opportunity to us in order to think, act and to live as a one, as a mankind.

The general norm about third state. One Treaty do not create duties nor rights for one third state without its consent. I think that in front of outer space law is possible to create duties and rights for any state or people even without its consent. The reason is that the all celestial bodies and any natural space resources are common heritage of mankind, then as a result of this, the sovereignty and jurisdiction of mankind over them.

#### New Treaty

TREATY ON PRINCIPLES GOVERNING THE ACTIVITIES OF MANKIND IN THE EXPLORATION AND USE OF OUTER SPACE, INCLUDING THE MOON AND OTHER CELESTIAL BODIES.

The parties to this Treaty:

Inspired by the great prospects opening up before mankind as a result of man's entry into outer space,

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

Believing that the exploration and use of outer space should be carried on for the benefit of all peoples irrespective of the degree of their economics or scientific development.

Desiring to contribute to broad international co-operation in the scientific as well as the

legal aspects of the exploration and use of outer space peaceful purposes,

Believing that such co-operation will contribute to the development of mutual understanding and to the strengthening of friendly relations between States and peoples.

Recalling resolution 1962 (XVIII), entitled "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space", which was adopted unanimously by the United Nations General Assembly on 13 December 1963,

Recalling resolution 1884 (XVIII), calling upon States to refrain from placing in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction or from installing such weapons on celestial bodies, which was adopted unanimously by the United Nations General Assembly on 27 October 1963,

Taking account of United Nations General Assembly resolution 110 (II) of 3 November 1947, which condemned propaganda designed or likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression, and considering that the aforementioned resolution is applicable to outer space,

Convinced that a Treaty on Principles Governing the Activities of Mankind in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, will further the purposes and principles of the Charter of the United Nations,

Have agreed on the following:

#### Article I

The exploration and use of outer space, including the Moon and other celestial bodies, shall be carried out for the benefit and in the interests of all parties irrespective of their degree of economic or scientific development, and shall be the province of all mankind.

Outer space, including the Moon and other celestial bodies, shall be free for exploration and use by all mankind without discrimination of any kind, on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies.

There shall be freedom of scientific investigation in outer space, including the Moon and other celestial bodies, and parties shall facilitate and encourage international co-operation in such investigation.

#### Article II

Outer space, including the Moon and other celestial bodies is not subject to national appropriation by claim of sovereignty, by means of use or occupation or by any other means

- Any other international subject, natural or juridical person can not claim of property, by means of use or occupation or by other means.

#### New Article III

The sovereignty and jurisdiction over the Moon other celestial bodies and any natural space resources will be take exercise by mankind.

#### Article

Parties to the Treaty shall carry on activities in the exploration and use of outer space, including the Moon and other celestial bodies, 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.

#### Article

Parties to the Treaty undertake not to place in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station such weapons in outer space in any other manner.

The Moon and other celestial bodies shall be used by all mankind exclusively for peaceful purposes. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military manoeuvres on celestial bodies shall be forbidden. The use of military personnel for scientific research or for any other peaceful purposes shall not be prohibited. The use of any equipment or facility necessary for peaceful exploration of the Moon and other celestial bodies shall also not be prohibited.

#### Article

Any States of the World and - or Parties to the Treaty shall regard astronauts as envoys of mankind in outer space and shall render to them all possible assistance in the event of accident, distress, or emergency landing on any territory of the world or on the high seas. When astronauts make such a landing, they shall be safely and promptly returned to the State or Party of registry of their space vehicle.

In carrying on activities in outer space and on celestial bodies, any astronaut shall render all possible assistance to the other astronauts or any States of the World.

Any person or parties to the Treaty shall immediately inform the other Parties to the Treaty of the Secretary-General of the United Nations of any phenomena they discover in outer space, including the Moon and other celestial bodies, which could constitute a danger to the life or health of astronauts.

#### Article

Any State of the World or any Parties to the Treaty shall bear international responsibility for national activities in outer space, including the Moon and other celestial bodies, whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in the present Treaty. The activities of non-governmental entities in outer space, including the Moon and other celestial bodies shall require authorization and continuing supervision by the appropriate State of the World or State Party. When activities are carried on in outer space including the Moon and other celestial bodies, by an international organization, responsibility for compliance with this Treaty shall be born both by the international organization and by the State Parties to the Treaty participating in such organization.

#### Article

Any State of the World or any Party to the Treaty that launches or procures the launching of an object into outer space, including the Moon and other celestial bodies, and any State of the World or any Party from whose territory or facility and object is launched, is international liable for damage to another State of the World or any Party to the Treaty or to its natural or juridical persons by such object or its component parts on the Earth, in air or in outer space, including the Moon and other celestial bodies.

#### Article

Any State of the World or any Party to the Treaty on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and over any personnel thereof, while in outer space or on a celestial body. Ownership of object launched into outer space, including objects landed or constructed on a celestial body, and of their component parts, is not affected by their presence in outer space or on a celestial body or by their return to the Earth. Such object or component partes found beyond the limits of the State of the World or any Party to the Treaty on whose registry they area carried shall be return to that State of the World or any Party, which shall, upon request, furnish identifying data prior to their return.

#### Article

In the exploration and use of outer space, including the Moon and other celestial bodies, all States of the World and the Parties to the Treaty shall be guide by the principle of co-operation and mutual assistance and shall conduct all their activities in outer space, including the Moon and other celestial bodies, with due regard to the corresponding interest of all States of the World and Parties to the Treaty. States of the World and Parties to the Treaty shall pursue studies of outer space, including the

Moon and other celestial bodies, and conduct exploration of them so as to avoid their harmful contamition and also adverse changes in the environment of the Earth resulting from the introduction of extraterrestrial matter and, where necessary, shall adopt appropriate measure for this purpose. If a any State of the World or any Party to the Treaty has reason to believe that an activity or experiment planned by it or its nationals in outer space, including the Moon and other celestial bodies, would cause potentially harmful interference with activities of any State or Parties in the peaceful exploration and use of outer space, including the Moon and other celestial bodies, it shall undertake appropriate international consultations before proceeding with any such activity or experiment. Any State of the World or any Party to the Treaty which has reason to believe that an activity or experiment planned by any State of the World or Party to the Treaty in outer space, including the Moon and other celestial bodies, would cause potentially harmful interference with activities in the peaceful exploration and use of outer space, including the Moon and other celestial bodies, may request consultation concerning the activity or experiment.

#### Article

In order to promote international co-operation in the exploration and use of outer space, including the Moon and other celestial bodies, in conformity with the purposes of this Treaty, the Parties to the Treaty shall consider on a bases of equality any request by any other Party to the Treaty to be afforded and opportunity to observe the flight of space objects launched by those Parties.

The nature of such an opportunity for observation and the conditions under which it could be afforded shall be determined by agreement between the Parties concerned.

#### Article

In order to promote international co-operation in the peaceful exploration and use of outer space, any State of the World and any Party to the Treaty conducting activities in outer space, including the Moon and other celestial bodies, shall to inform the Secretary-General of the United Nations as well as the public and the international scientific community to the greatest extent feasible and practicable, of the nature, conduct, location, and result of such activities. On receiving the said information, the Secretary-General of the United Nations should be prepared to disseminate it immediately and effectively.

#### Article

All stations, installations, equipment and space vehicles on the Moon and other celestial bodies, shall be open to representatives of any State of the World or any Party to the Treaty on a basis of reciprocity. Such

representatives shall give reasonable advance notice of a projected visit, in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety and to avoid interference with normal operations in the facility to be visited.

Article

The provisions of this Treaty shall apply to the activities of any State of the World and any Party to the Treaty in the exploration and use of outer space, including the Moon and other celestial bodies, whether such activities are carried on by any State of the World a single State or any Party to the Treaty or jointly with other States, including cases where they are carried on within the framework of international intergovernmental organizations.

Any practical questions arising in connection with activities carried on by international intergovernmental organizations in the exploration and use of outer space, including the Moon and other celestial bodies, shall be resolved by the Parties to the Treaty either with the appropriate international organization or with one or more States members of that international organizations which are Parties to this Treaty.

Article

1. This Treaty shall be open to all States, States Association, States Union, international intergovernmental organizations autonomy territories recognized it by the United Nations, but without total independence with base of 1514 resolution of General Assembly, 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 and the appropriate proceeding of other subjects that signature this Treaty. Instruments or ratification, instruments of accession and other instruments about this Treaty shall be deposited with the Governments of the Russia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which are hereby designated the Depository Governments.

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

4. For States or other subject accordance with paragraph 1 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 Depository 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 an accession

to this Treaty, the date of its entry into force and other notices.

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

Article

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

Article

Any - 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 Depository Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article

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

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

Astronauts as envoys of mankind  
Common heritage of mankind

The States Parties to the Treaty shall regard astronauts as envoys of mankind. The Treaty of 1967 in the article V, consider respect the astronaut, the aspects of assistance in the event of accidents distress or emergency landing on the territory of another state Party or on the high seas, in carrying on activities in outer space and on celestial bodies, the astronauts of one State Party shall render all possible assistance to the astronauts of other States Parties. Other aspect, is the State Party to the Treaty shall immediately inform the other States Parties to the Treaty or the Secretary-General of United Nations of any phenomena they discover in outer space, including the Moon and other celestial bodies, which could constitute a danger to the life or health of astronaut. This article only consider security aspect of activities astronauts.

Astronaut is a person who stay in outer space, who go into outer space or who come back to Earth from outer space.

I think that is important and necessary to draw a new agreement that consider other aspects of astronauts as envoys of mankind. For instance rights, duties, warrants, etc.

The Parties to this Treaty.

- Recognizing the actual and future interest of all mankind in outer space activities for peaceful purposes.

- Believing that the exploration and use of outer space should be carried on for the benefit of all mankind.

- Considering that the all people of the Earth shall regard astronauts as envoys mankind.

Have agreed on the following:

Article

The astronauts are regard as envoys of mankind in outer space.

Article

Astronauts is any person who go into space, who stay in outer space or who come back to Earth from outer space.

Article

The man and woman as astronaut have in outer space equal rights, duties, warrants and opportunities, irrespective of nationality religious creed, political ideas, sex, color, etc.

Article

States of the World and Parties to the Treaty shall recognize to astronauts the following rights:

The right to life; the right to be born in outer space, the Moon and other celestial bodies; the right to the freedom; the right to the honor; the right to the integrity personnel; the right to the security; the right to live in outer space, the Moon and other celestial bodies; the right to the exploration, investigation, use and exploitation of outer space the Moon and other celestial bodies. Death penalty is forbidden. The right to work in outer space.

The astronauts will have freedom of political ideas and religious creed.

Article

The Parties to the Treaty establish: Astronauts have the following duties:

To live, to act and to think as envoys of mankind in outer space the Moon and other celestial bodies; to fulfill the outer space law; the exploration, investigation, use and exploitation of outer space, the Moon and other celestial

bodies, will be do it a good faith and for peaceful purposes; to inform to any party of the Treaty or General Secretary of United Nations, about any activities that has reason to believe would cause potentially harmful to life of astronauts, Earth environment, and space environment; to obey the verdict of court of justice of space.

Article

Parties to the Treaty, according that the astronauts conserve their rights, duties, warrants and opportunities of their nationality, even during the time of that person is in outer space, respect of its life on Earth.

Article

The astronauts will fulfill first of all the space law and after the law of their State.

Article

The astronauts have responsibility in front of mankind and after in front of their state, that has international responsibility for national activities, whether such activities are carry out by governmental agency or by non governmental entities.

Article

The person who born in outer space, the Moon and other celestial bodies, would choose its nationality between the fathers nationalities, the state of registry or any state of the world that he like it.

Article

This agreement shall be open to all states, States Association, States Union, Autonomy Territories, for signature. Any State, State Association, State Union, Autonomy Territories which does not sign this agreement before its entry into force, may accede to it at any time.

Article

Any party to the agreement may propose amendments to this agreement. Amendments shall enter into force each party to the agreement accepting the amendments upon their acceptance by a majority of the parties to the agreement and thereafter for each remaining party to the agreement on the day of acceptance by it.

Article

The original of this agreement, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certify copies thereof to all signatory and acceding States, States Associations, States Union

## Autonomy territories.

The Astronauts as envoys of mankind tell to us a new kind to think about the future space law, over all with respect a rights, duties, warrants, opportunities, etc. of man and woman into space and future generations of mankind. Is important, is necessary and urgent to draw the law of regulate all about the persons who will born, will live and will died into space.

### The common heritage of mankind

The common heritage of mankind principal express in the Moon agreement of 1979 in force. Have the following means:

The exploration, investigation, use and exploitation of outer space, including the Moon and other celestial bodies, will be do it with imprescindible co-operation and participation of all States, that shall to act together as a common activity. The effort of some one is not for benefit for others, but the participation of all for benefit of all. All States and peoples not only have rights but duties too in front of space activities. If space activities require the co-operation and participation of all States in order to obtain benefits for all States. Is not possible to think that until all states of the world make an action in any space program, the States that have participation in space activities have not duties to share benefits from space activities to other States. In this moment, no exist a law that regulate this important aspects. Arise the following questions:

- The develop States that have space program have rights to use and exploit the space with out duty of give benefit to other states.
- Until one State do not participate in one space program have not right to obtain benefits from space activities.
- Is necessary to create an international world organism that have the control and administration of natural resources of outer space, including the Moon and other celestial bodies.
- Any natural or juridical person (private companies) can explore, use and exploit free the outer space.
- Is possible that the natural and juridical person have right of property of any natural resources of outer space, the Moon and other celestial bodies.

This questions and others that we can think about the common heritage of mankind principle indicate to us that we must to draw one agreement that the develop this important principle.

### Conclusion

As a conclusion, the next 21st century require a new space law that correspondance of new situation of the world, in the other hand, with States Associations, States Union, natural and

juridical person develop space activities, a new perspective to work and live into outer space. Time by time is necessary to adapt the law to new real situation of mankind. The Treaty of 67 is not an exception of this reality. The space in not for States, but for mankind.

With this paper I present the idea of supplement the Treaty of 67 developing the principles of Astronauts as envoys of mankind and common heritage of mankind, with new agreements.

The Treaty of 67 is the more important space law that govern the space activities and is necessary develop it and adapt it to the new and future time. When the lawyer think about to amend and to supplement any space law, must to do it as a envoys of mankind.

### References

- Treaty on Principles Governing the Activities of States in the Exploration and Use Outer Space, including the Moon and other Celestial Bodies, Jan. 27, 1967.
- Agreement on the Rescue of Astronauts, the Return of Astronauts, and the Return of Objects Launched into Outer Space, April 22, 1968.
- Agreement Governing the Activities of States on the Moon and other Celestial Bodies.
- Convention of Viene, 1969.