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THE TERRITORIAL CONCEPTION OF THE PROVINCE PROVISION WITHIN THE OST'S  
TRAVAUX PRÉPARATOIRES AND ITS EQUALLY AUTHENTIC LANGUAGES**Abstract**

Expanding upon ‘the territorial conception of the “province of all mankind”’ introduced in the oral paper submitted to the Young Scholars Session, this interactive presentation provides a detailed examination of Article I of the *Outer Space Treaty* (OST) within both its *travaux préparatoires* and its five equally authentic languages. This proposed territorial conception of the province provision sees humankind as an emerging subject of international law appropriating those areas of outer space where humanity ventures. The result of which being that those regions of space where our species extends its presence comprise the literal territorial province of all humankind.

By presenting an analysis of the entirety of the OST’s 1966 negotiation history, with a focus on the province provision within the wider treaty deliberations, numerous delegate statements supportive of the proposed territorial conception are revealed. For multiple delegates of COPUOS, its Legal Subcommittee, the UN General Assembly and its First Committee all commented on the *res communis* nature of outer space and that outer space itself (not just the activities of “exploration and use”) constitute the “province of all mankind”. Indeed Kurt Waldheim, then Chairman of COPUOS and subsequently UN Secretary-General, declared that “[o]uter space and celestial bodies have thus become *res communes omnium*.” As is often the case when examining the preparatory works of a treaty, it is not incontrovertibly established that the territorial conception is the single legitimate interpretation of the province provision, but likewise there are no delegate statements that preclude this potential evolutionary meaning. What this focused analysis of the *travaux* does reveal however, is legitimate scope for the province provision to develop in this proposed territorial direction.

Similarly, having obtained multiple professional translations of the entirety of Article I from its Russian, French, Spanish and Chinese texts, these will all be presented. For example, as the language the province provision was first proposed in by the Soviet Union, the original Russian terminology used for the province provision is of significance and directly translates as “the property of all mankind.” Such a unique comparison between the OST’s official languages accordingly reveals important nuances of difference. The territorial conception notably provides not only an interpretation of the province provision that enjoys some basis in all five authentic languages but, crucially, also reconciles these nuances between them.