United States of America

Draft Treaty Governing the Exploration of the Moon and Other Celestial Bodies

Note: at the request of the United States the attached text of the United States proposal already distributed as A/AC.105/32 is submitted to the Legal Sub-Committee.
16 June 1966

On 9 May, I informed you of the statement by President Johnson of 7 May in which he proposed early discussion of a treaty governing the exploration of the moon and other celestial bodies.

The purpose of my letter was to request an early convening of the Outer Space Legal Sub-Committee to prepare a draft treaty for submission to the General Assembly at the next session.

Shortly after that request, we consulted with members of the Outer Space Committee to give them our views in some detail on the twelve points which we believed should be included in a celestial bodies treaty.

One of the first to be consulted was the Soviet Mission, on whose Permanent Representative I called on 11 May. At that time I gave him a written outline as follows:

"Outline of Points for Inclusion in Celestial Bodies Treaty"

"1. The Moon and other celestial bodies should be free for exploration by all in accordance with international law.

"2. Celestial bodies should not be subject to any claim of sovereignty.

"3. There should be freedom of scientific investigation, and all countries should co-operate in scientific activities relating to celestial bodies."
"4. A State conducting explorations on a celestial body should report on the results of a mission.

5. Open access to all areas of celestial bodies should be assured.

6. Celestial bodies should be used for peaceful purposes only. No country should be permitted to station weapons of mass destruction on a celestial body. Military fortifications, weapons tests, and military manoeuvres should be forbidden.

7. A launching State should be entitled to exercise authority over its facilities on a celestial body and persons participating in its activities there.

8. Ownership of objects landed, constructed or used on a celestial body should be retained by the launching State.

9. Astronauts of one country should render assistance to other astronauts as may be required by circumstances.

10. States should pursue studies and take appropriate steps to avoid harmful contamination.

11. Consideration should be given to a provision for the settlement of any disputes that might arise.

12. Final clauses - there should be appropriate provisions on signature, ratification, depositary, entry into force, amendment, duration, and registration with the United Nations.

In the course of our consultations with the Committee's membership, we made clear our desire to make early progress on this subject as well as on the other international agreements which the General Assembly asked the Committee to prepare in resolution 2130 (XX).

In response to the United States request, you were good enough, on 18 May, to consult the Committee's membership with regard to an early meeting. I understood that thus far none of those who have replied have opposed an early session; in fact there is, I believe, considerable support for the idea of using the time between now and the General Assembly to prepare a draft treaty which could be presented to the Assembly this fall.

We have been encouraged by the substantial area of apparent agreement between the points we had proposed for inclusion in a treaty, and the letter of the Minister for Foreign Affairs of the USSR which was circulated as a United Nations document.

On 30 May, My Government then made known its welcome of what appeared to be an affirmative interest in President Johnson’s proposal and again expressed the wish that maximum progress be made without further delay in the hope that the Assembly could give its approval to a completed text at its twenty-first session.

In order to take advantage of the favourable response to President Johnson’s proposal, I have the honour here with to present the attached draft "Treaty Governing the Exploration of the Moon and Other Celestial Bodies" and request that it be circulated as a United Nations document.

Further, I have the honour to propose that the Outer Space Legal Sub-Committee be convened on 12 July so that work on this important subject be gotten under way at the earliest time.

The speed with which men's actual progress in outer space is being recorded requires that we allow no delay in assuring the prompt extension of international law and the United Nations Charter.

(Signed) Arthur J. Goldberg
TREATY GOVERNING THE EXPLORATION OF THE MOON
AND OTHER CELESTIAL BODIES

The Contracting Parties,

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

Furthe recalling General Assembly resolution 1884 (XVIII), concerning weapons of mass destruction, adopted by acclamation on 17 October 1963,

Recognizing that it is in the interest of all mankind that celestial bodies should be used for peaceful purposes only,

Anticipating the substantial contributions to scientific knowledge which will flow from international co-operation in the scientific investigation of celestial bodies,

Convinced that a treaty on the use of celestial bodies will further the Purposes and Principles of the Charter of the United Nations,

Agree that:

Article 1

Celestial bodies are free from exploration and use by all States on a basis of equality and in accordance with international law. They are not subject to national appropriation by claim or sovereignty, by means of use or occupation, or by other means.

Article 2

There shall be freedom of scientific investigation on celestial bodies.

Article 3

States shall facilitate and encourage international co-operation in scientific investigations concerning celestial bodies.

Article 4

A State conducting activities on a celestial body shall (a) promptly provide the Secretary-General of the United Nations with a descriptive report of the nature, conduct, and locations of such activities and (b) make the findings of such activities freely available to the public and the international scientific community.

Article 5

States in a position to do so shall, where requested or required by the circumstances, render assistance to nationals of other States engaged in activities on celestial bodies.

Article 6

All areas of celestial bodies, including all stations, installations, equipment, and space vehicles on celestial bodies, shall be open at all times to representatives of other States conducting activities on celestial bodies.

Article 7

A State may exercise authority over its facilities and persons participating in its activities on a celestial body. Ownership of objects shall not be affected by their being landed, constructed or used on a celestial body.

Article 8

In accordance with the sense of General Assembly resolution 1884 (XVIII), adopted by acclamation on 17 October 1963, no State shall station or near a celestial body any nuclear weapons or other weapons of mass destruction.

Article 9

Celestial bodies shall be used for peaceful purposes only. All States shall undertake to refrain from conducting on celestial bodies any activities such as the establishment of military fortifications, the carrying out of military
manoeuvres, or the testing of any type of weapons. The use of military personnel, facilities or equipment for scientific research or for any other peaceful purpose shall not be prohibited.

**Article 10**
States shall pursue studies of and, as appropriate, take steps to avoid harmful contamination of celestial bodies and adverse changes in the environment of the Earth resulting from the return of extraterrestrial matter.

**Article 11**
Any disputes arising from the interpretation or application of this Agreement may be referred by any Contracting Party thereto to the International Court of Justice for decision.

**Article 12**
This Agreement shall be open for signature by States Members of the United Nations or of any of the specialized agencies of Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party. Any such State which does not sign this Agreement may accede to it at any time.

**Article 13**
This Agreement shall be subject to ratification or approval by signatory States. Instruments of ratification or approval and instruments of accession shall be deposited with the Secretary-General of the United Nations.

**Article 14**
This Agreement shall enter into force upon the deposit of the second instrument of ratification, approval, or accession. It shall enter into force as to a State ratifying, approving, or acceding thereto upon the deposit of its instrument of ratification, approval, or accession.