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COMMITTEE ON THE PEACEFUL
USES OF OUTER SPACE

Legal Sub-Committee

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.

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COMMITTEE ON THE PEACEFUL USES
OF OUTER SPACE

DRAFT TREATY GOVERNING THE EXPLORATION OF
THE MOON AND OTHER CELESTIAL BODIES

Letter dated 16 June 1966 from the Permanent Representative of the
United States of America addressed to the Chairman of the Committee
on the Peaceful Uses of Outer Space

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.

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- "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

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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 herewith 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

16 June 1966

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,

Further 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.

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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 on 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 undertake to refrain from conducting on celestial bodies any activities such as the establishment of military fortifications, the carrying out of military

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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 thereafter upon the deposit of its instrument of ratification, approval, or accession.

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Article 15

A Contracting Party may propose amendments to this Agreement. Amendments shall come into force for each Contracting Party accepting the amendments on acceptance by a majority of the Contracting Parties and thereafter for each remaining Contracting Party on acceptance by it.

Article 16

A Contracting Party may give notice of its withdrawal from this Agreement one year after its entry into force by written notification to the Secretary-General of the United Nations. Such withdrawal shall take effect one year from the date of receipt by the Secretary-General of the notification.

Article 17

The Secretary-General of the United Nations shall inform all States referred to in article 12 of signatures, deposits of instruments of ratification, approval or accession, the date of entry into force of this Agreement, proposals for amendment, notification of acceptances of amendments, and notices of withdrawal.

Article 18

This Agreement shall be registered in accordance with Article 102 of the Charter of the United Nations.

Article 19

The original of this Agreement, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations who shall send certified copies thereof to the States referred to in article 12.

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

DONE at _____, this _____
day of _____, 196__.