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Chuck:

FYI. ACDA tells me this is the only document on space they have circulated recently.

Spurgeon

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Mr. Keeny

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UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

January 22, 1964

MEMORANDUM FOR

DEPUTIES TO MEMBERS OF THE COMMITTEE OF PRINCIPALS

SUBJECT: Updated US Position Paper for ENDC

I refer to my memorandum of December 19, 1963, concerning "Updated Position Papers for ENDC" and enclose a paper entitled "Outer Space" for your consideration and concurrence.

This paper has been prepared to reflect the US position as developed in the context of the U.S. Treaty Outline of April 18, 1962, and contains no provisions beyond those already authorized. These papers are therefore forwarded to you largely for your information. If you have any comments, however, we would like to have them by February 7, 1964 or as soon as it is practicable.

Adrian S. Fisher

Adrian S. Fisher
Deputy Director

Attachment:

DMP #2/Rev. 3 - "Outer Space"

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GROUP 3

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not automatically declassified

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Authority NJ RAC 030-016-1-1
By JP, NARA, Date 11-1-02

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DRAFT

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

DMP #2/Rev. 3
January 14, 1964

EIGHTEEN NATION DISARMAMENT COMMITTEE
U.S. DISARMAMENT MEASURES PAPER #2/ Rev. 3

OUTER SPACE

The attached paper, which supercedes DMP #2/Rev. 2, dated February 28, 1962, has been up-dated to reflect current U.S. policy on outer space. It includes material on the October 17, 1963 United Nations Resolution on the peaceful uses of outer space.

The action officer on this paper is ACDA/IR - Mr. Kellogg.

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DMP #2/Rev. 3

EIGHTEEN NATION DISARMAMENT COMMITTEE
U.S. DISARMAMENT MEASURES PAPER #2/Rev. 3

OUTER SPACE

I. The Problem

To set forth the U.S. position, as provided in the U.S. proposal on general and complete disarmament of April 18, 1962, on prohibition of the placing into orbit or stationing in outer space of weapons capable of producing mass destruction, on peaceful cooperation in space, on advance notification of launchings of space vehicles and missiles, and on limitations on production of space vehicles and related activities. (The relevant section of the proposal is attached as Annex A.)

II. U.S. Position

A. The United States proposal for general and complete disarmament provides that, beginning with the first stage of disarmament, the Parties to the Treaty will agree to refrain from placing in orbit around the earth any objects carrying weapons capable of producing mass destruction. Thus the disarmament program should not only provide for the reduction and elimination of present types of delivery vehicles, but should also preclude the possibility that at a future time weapons capable of producing mass destruction might be placed in orbit or stationed in outer space.

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B. The U.S. program also provides that the "Parties to the Treaty would agree to support increased international cooperation in peaceful uses of outer space in the United Nations or through other appropriate arrangements." Such cooperation among Parties could be a productive as well as convincing means of obtaining (and providing) assurance to the Parties that each other's space programs are turned toward peaceful purposes. In addition, international cooperation, especially that which would involve certain cooperative or combined uses of the talents and resources which are now being utilized separately in the space programs of the United States and the Soviet Union, would result in obvious scientific, technical and economic benefits.

C. On October 17, 1963 the UN General Assembly adopted by acclamation a resolution on the peaceful uses of outer space. It was co-sponsored by all participants in the Eighteen Nation Disarmament Committee, and explicitly endorsed by the U.S. (Annex C) and the U.S.S.R. (Annex D). It called upon all States:

a. To refrain from placing in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, installing such weapons on celestial bodies, or stationing such weapons in outer space in any other manner;

b. To refrain from causing, encouraging or in any way participating in the conduct of the foregoing activities.*

D. Looking beyond the limited statement of intent which is embodied in the UN resolution to substantial arms reductions, the United States has included in its general and complete disarmament proposal specific provisions dealing with the question of outer space. These would be part of the over-all program we propose.

*The entire resolution is presented as Annex B.

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E. With regard to verification, the U.S. proposal provides for pre-launch inspection and advance notification of the launchings of space vehicles and missiles. The purpose of pre-launch inspection is to verify, through inspection of space vehicle rockets and their payloads as necessary, that weapons capable of producing mass destruction are not aboard such vehicles. In addition, states would give advance notification to other participating states and to the International Disarmament Organization (IDO) of launchings of space vehicles and missiles, together with the track of the vehicles, to facilitate both pre-launch inspection of such vehicles and missiles and the detection of any unreported launchings.

F. In recognition of the integral relationship between space activities and military missile systems, the U.S. proposal calls for agreed limitations on the production, stockpiling and testing of boosters for space vehicles. The IDO would monitor such activities so as to provide assurance that they were not serving as sources of data, components or end items for military missile systems, and that excessive space boosters were not being stockpiled as a basis for rearmament. The agreed limitations on space activity would be such as to provide an appropriate balance between space booster production rates and planned and actual rates of space launchings.

G. The prohibition proposed by the U.S. applies only to space vehicles carrying weapons capable of producing mass destruction.

For the background information of the U.S. delegation, a space vehicle for these purposes can be taken to be one which completes at least one orbit around the earth, or enters outer space for some substantial period of time. That is, the prohibition is not intended to apply to vehicles making a temporary transit through outer space.

III. Discussion

A. At the present time the possibility that weapons capable of producing mass destruction might be placed in orbit or stationed in outer space appears remote. But under a disarmament agreement, where the number of deployed ICBMs would be drastically reduced, the probability of choosing some technique such as a bombardment satellite rather than ICBMs for some form of rearmament might be somewhat higher.

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1. The United States support of the October 17, 1963 UN General Assembly resolution on the peaceful uses of outer space reflected not only our desire to bring the arms race to a halt, to eliminate the threat of war, and to establish the conditions of a secure and peaceful world; it also reflected our previously existing national policy on the use of outer space. This policy, in turn, reflects our recognition that armaments already available to both sides carry the threat of mutual destruction and that a sounder basis must be found for protection of U.S. security interests than is offered by the further multiplication of the techniques of destruction. In this connection Deputy Secretary of Defense Roswell Gilpatric stated in September 1962 that the placing in orbit of weapons of mass destruction would not represent a rational military strategy for either side. The considerations underlying the U.S. policy include the following: (a) It is generally recognized that the "bombardment satellite" would be more costly but less effective than the ballistic missile. This is likely to remain the case for some time to come. (b) Orbiting or stationing nuclear or other weapons of mass destruction in outer space would not at the present time render obsolete the existing types of deterrent capabilities already available. That is, there is no reason to suppose that deterrence has to be "in kind" to be effective: the deterrent effect of the ballistic missile is not limited to other ballistic missiles, and although there would doubtless be considerable psychological impact resulting from a nation's deploying a "bombardment satellite," its military effects would, under present conditions, be marginal. (c) In spite of its potential destructive capability, the ballistic missile can be much more readily kept under control -- and the risk of accidental war accordingly minimized -- than could a space-borne strategic force. The time when the latter can be deployed without risk of accident seems far distant.

2. However remote or irrational the possibilities of orbiting weapons of mass destruction seem in today's environment, it will be essential to ensure against such a possibility in connection with general disarmament. Especially as levels of strategic deterrent capabilities are reduced, safeguards must be introduced to assure Parties to the Treaty that neither side seeks this new type of delivery vehicle in order to gain real or supposed military or psychological

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advantage or to avoid exposing itself to the possibility of technological surprise by the other side. Otherwise there might emerge a new type of delivery vehicle, the presence of which would upset the disarmament program and increase tensions and the risk of war.

B. Peaceful cooperation in space can benefit mankind by permitting joint use of some of the resources and talents of the several national space programs. It can also, through providing the nations with information on the nature of each other's programs, assure the nations that each other's space programs are oriented toward peaceful purposes. Furthermore, in the first phases of disarmament when arms levels are high, such cooperation might lead to the clarification of ambiguous situations which would otherwise increase the risk of war through accident or miscalculation.

1. It is through close international cooperation in the peaceful uses of outer space that Parties to the Treaty ultimately can be assured of the peaceful nature of each other's space programs. This is because technology is basically neutral: Man's peaceful conquest of outer space has been in part a by-product of the ballistic missile, and advances in the technology and techniques of spaceflight can also be basic ingredients of orbital nuclear or other strategic delivery systems. Since at best controls and limitations can only rule out some possibilities -- that is, they can probably not provide absolute certainty that no nation develops a technological surprise which is being turned to destructive ends -- it is felt that ultimately, the greatest amount of assurance, understanding and mutual trust will rest upon the knowledge which would result from cooperation in space research.

2. Peaceful international cooperation in space can be fruitful in exploring space, and in pursuing knowledge in such areas as communication, meteorology, navigation, mapping and geodesy. Pursuing these areas is valuable in its own right. But furthermore, cooperation in such space activities may contribute to the achievement of arms control and disarmament objectives. Acquisition and transmission of data by space vehicles may clarify situations where uncertainty, doubt or misinterpretation might increase the risk of war

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through accident or miscalculation. Limiting this risk is a prime objective of arms control during the early periods of disarmament in which levels of armaments are still high.

C. The October 17, 1963 United Nations Resolution (Annex B) should be welcomed as a statement of peaceful intentions in the uses of outer space, but it does not alter the U.S. position on the verification provisions which are necessary in connection with general and complete disarmament. It should be clear that while the U.N. Resolution applies to mutual restraint in developing and deploying certain weapons, this restraint is still in the context of almost unlimited development of other types of weapons.

(As background information, it should be noted that the 28-Nation UN Committee on the Peaceful Uses of Outer Space* has recently made considerable progress in developing the legal principles governing the uses of outer space. The text of a draft resolution was agreed to by the U.S. and U.S.S.R., and approved by the General Assembly during the eighteenth session. It is noteworthy that this draft resolution reflects concessions by the Soviet Union on a number of its prior positions: on banning observation satellites, on providing that only States could carry on space activities, on providing for a veto over potentially harmful outer space activities or experiments planned by other States, and on having the declaration be a treaty rather than a resolution. In the spring of 1964 the Committee will draft international agreements on liability for space vehicle accidents, and on rescue and return of astronauts and space vehicles. The UN Committee on the Peaceful Uses of Outer Space is not directly concerned with the disarmament aspects of outer space. However, while disarmament negotiations are proceeding the UN Committee is providing a legal framework which is intended to minimize international friction in connection with the uses

* Established by UN doc. A/RES/1472 (XIV), which was unanimously approved by the General Assembly on December 17, 1959.

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of outer space, and this should be a useful context for the disarmament measures which are agreed to in this area.)

D. With regard to the separability of measures relating to outer space:

1. The U.S. has now supported the October 17, 1963 UN General Assembly resolution on the peaceful uses of outer space. We do not now propose to seek any further, separable prohibitive measures in this area, although, as Ambassador Stevenson pointed out before the UN in speaking to the resolution, "if events as yet unforeseen suggest the need for a further look at this matter, ... [the U.S.] would acquaint the United Nations with such events."* The U.S. thus sees no reason why any nation should press for a more binding, separable measure at this time. If another nation should suggest such a further measure, the U.S. case should rest on the U.N. resolution. The U.S. is not, for example, prepared to accept prelaunch inspection of space vehicles in connection with a separate agreement on outer space. While this should not be shared with other delegations, we should understand that a separable measure of this kind also would be viewed by the Soviets as purely an attempt to gain access to militarily sensitive installations and equipment without a significant measure of disarmament. Therefore the further prohibitions on placing weapons of mass destruction in orbit should be pressed only in the context of the U.S. program for general and complete disarmament, and particularly in connection with reductions of strategic delivery vehicles and limitations on testing of missiles.

2. However, separate, initial measures in the area of cooperation in the uses of outer space are of continuing interest to the U.S. The National Aeronautics and Space Administration (NASA) has taken steps toward cooperation in space research with the Soviet Academy of Sciences, and the U.S. would be willing to consider any reasonable initial measures which indicate that these kinds of steps could be successfully pursued and extended. We are interested in measures which will broaden the opportunities

*The full text of this address is attached as Annex C.

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for the U.S., the Soviet Union and other nations to work together in peaceful space activities.

E. The U.S. position on the verification of the peaceful uses of outer space has not been worked out in detail. The considerations are as follows:

1. Advance notification of launchings of space vehicles or missiles would need to be provided to the other Parties to the Treaty and to the IDO in sufficient time to permit pre-launch inspection of the space vehicle or missile. Such notification would be provided with respect to all launchings of space vehicles and all launchings of relevant types of missiles.

a. It should be noted that during the Sixteenth General Assembly all members of the United Nations agreed that states should furnish information to the Secretary General for the purposes of registration of launchings of space vehicles which they have conducted. The disarmament program could build on the experience gained in implementing this arrangement and should provide for advance rather than post-launch notification.

b. As noted under G., below, although there is reason to believe the Soviets will become less firm in this regard, they have in the past insisted on a prohibition on the orbiting of "special devices," including reconnaissance and other types of space vehicles which do not carry weapons capable of producing mass destruction. The U.S. is opposed to any such prohibitions but would consider the launchings of all satellites and space vehicles as subject to announcement and agreed kinds of pre-launch inspection in connection with an agreement on general disarmament, including the peaceful uses of outer space. We maintain that all launchings into outer space shall be for peaceful purposes.

c. The U.S. position is that the IDO would establish and operate any arrangements necessary for detecting unreported launchings. If arrangements such as a network of groundbased or possibly spaceborne instruments were required,

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they might have to be quite extensive to detect and identify submarine and ship-launched suborbital tests. The extent to which such a network might also serve other disarmament verification purposes remains to be determined. However, in view of the already extensive and growing unilateral capabilities which are applicable to this problem, it is not clear that arrangements for detecting unreported launchings, described as a possibility in the U.S. proposal, would be required.

2. The advance notification might be of the 24-hour period within which launching is scheduled to occur, the location of the launch, and the launch azimuth of the missile shot or the inclination of the orbit of the space launch. Notification should also be given of cancellations or postponements of launchings before the expiration of each scheduled 24-hour period.

3. It should be understood that although the U.S. position specifies the announcement of the tracks of missiles and space vehicles prior to launching, no precise meaning has been assigned as yet to the term "track." As a matter of information, track has for some technical specialists a precise astronautic meaning which involves the specification in detail of the intended performance of a vehicle. The U.S. does not necessarily mean to imply this specialized meaning of the term.

4. It should also be noted that the U.S. proposal for general and complete disarmament specifies that in connection with limitations on production of armaments and related activities the flight testing of agreed annual quotas of missiles would be permitted and limited during Stages I and II.* The verification arrangements for such tests should be distinguished from the pre-launch inspection of space vehicles and missiles which are to be launched in connection with a Party's space program.

*Stage I A.3.d., and Stage II A.4.c.

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5. Techniques of pre-launch inspection have not been worked out in detail. The "technological" inspection techniques (e.g., radiography) which have so far been evaluated have been found to be cumbersome, to involve severe risk of damage to the vehicle, and to be less valuable as vehicles become larger, even though they might be effective in certain cases. Consequently it is possible that simple visual inspection may be the only feasible technique during the early periods of disarmament. Visual inspection of the exterior of the vehicle could be expected to provide information about the objectives of the launch, the general appropriateness of the vehicle for its objectives, and the attitudes of the launch team. Additional, confirmatory information could be supplied by inspection teams which, with binoculars and unimpeded line of sight views of each launching, could observe burning times, flame characteristics, and booster separation. Special cameras, infrared equipment or possibly receivers to monitor telemetry might substantially increase the value of the data. For larger vehicles some internal inspection might be necessary, and this might be accomplished by having the inspection teams accompany either assembly or checkout crews. If a violation were detected -- e.g., a bombardment satellite -- the inspection teams should be able to provide persuasive evidence of such a violation.

6. According to the Soviet general and complete disarmament proposal of September 24, 1962,* as a part of Stage I the IDO would establish inspection teams at the sites for peaceful rocket launchings, and these teams would be present at the launchings and thoroughly examine every rocket or satellite before its launching. Some difficulty may present itself in the phrase "sites for peaceful rocket launchings" because some Soviet space launching locations are also used for military missile testing and are also very probably assigned a role on a contingency basis as operational missile launching sites. Thus the U.S. should be clear that space launchings from all sites are subject to pre-launch

*A/C.1/867

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inspection. Furthermore, the "thorough examination" of a rocket or satellite prior to its launching might be variously defined by the Soviets. Presumably the Soviet conception of "thorough" would depend on the nature and extent of reductions of strategic delivery vehicles, the types of inspection, their intentions with regard to compliance, their confidence in Western intentions, and their desire to learn about Western space programs.

7. Whatever techniques of pre-launch inspection are agreed to, the object of the inspection is to provide adequate assurance that no weapons of mass destruction are aboard vehicles to be placed in orbit or stationed in outer space which might constitute a militarily significant weapon system. Nuclear weapons are now of primary concern, and CB weapons are not thought to be much of a problem as far as space delivery is concerned. However, a determination will have to be made of the need for inspection to cover CB and possibly other types of weapons of mass destruction if other types can be identified. Inspection should be carried out in a manner presenting the least impediment to the conduct of launchings and the least disclosure of information not essential for inspection purposes.

8. Because civilian and military space technology are so closely related, they will have to be considered together. That is, the information and assurance obtained through agreed measures of control, cooperation and verification relating to civilian outer space activities cannot be separated from the information and assurance obtained from the agreed measures of verification of a prohibition on orbiting weapons of mass destruction, a limitation on missile tests, and reductions of missiles. To take an extreme example, if a certain verification system were to be put into effect to monitor the production, stockpiling and testing of boosters for space vehicles, and some agreed number of these same boosters were allowed for military purposes during Stages I and II, it would not be necessary to introduce a new verification system for the latter purpose. Similarly, on-pad inspections might serve as a risk of war measure, a measure to prevent technological surprise, a measure for monitoring the testing of boosters for space activities, and a measure

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to verify agreed limitations on testing military boosters. On-pad cooperation might also be a part of a program of international cooperation in peaceful space activities.

F. The exact nature of the limitations the U.S. proposes be placed on the production, stockpiling and testing of boosters for space activities has not been worked out in detail. However, the purpose of such a limitation is to assure the Parties to the Treaty that each nation is maintaining an appropriate balance between the development and production of space boosters and the actual rate of expenditure of such boosters in connection with its space program. It would also be desirable to assure the Parties to the Treaty that space booster programs were not providing data, components or end items for military missile or bombardment satellite systems. However, there are a number of considerations which will make it difficult to provide these kinds of assurances, particularly during the initial periods of disarmament:

1. Some missile boosters are readily convertible to peaceful space uses, and nations may be reluctant to destroy them only to rebuild them at a later time to serve their space programs. Thus certain economic justifications may be argued for retaining initially some military booster stockpiles for later use in space programs. If such stockpiles were agreed to, they would have to be monitored by the IDO.

2. Space booster programs will always be de facto bases for rearmament in the event that the disarmament program breaks down. The disarmament program will involve verification that space boosters and components are not being used in military weapons by monitoring space booster production, stockpiles and testing. There will also be reductions in the number of launch pads for military missiles. But it should be understood that especially during the initial periods of disarmament, when ICBM tests, for example, are still permitted, there is probably no effective way of isolating the results of a nation's space program from its military missile program. Such "feed-through" is perhaps to be expected until such a substantial base of international cooperation, information and trust has developed that the need for military programs is for practical purposes eliminated.

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3. Nonetheless, it is clear that some sort of techniques must be arrived at, particularly as armaments are reduced to relatively low levels, whereby the IDO will provide assurance as to the peaceful nature of space booster programs, and to minimize the feed-through of information to military missile programs.

4. Therefore, in discussing this aspect of the U.S. Treaty Outline the United States should stress the importance of the goal of these space booster limitations, admit the difficulties in achieving it, and invite serious discussion of how the goal might best be accomplished.

G. The Soviet Draft Treaty on General and Complete Disarmament of 15 March 1962 specifies that: "The launching of rockets and space devices shall be carried out exclusively for peaceful purposes."* In the past the Soviets have maintained that such space devices as observation, early warning and other types of military satellites, even though these do not carry weapons capable of producing mass destruction, are not launched for "peaceful purposes." The U.S. is opposed to prohibitions respecting space vehicles other than those carrying weapons capable of producing mass destruction. The U.S. does support advance notification and pre-launch inspection of all suborbital and space launchings during disarmament.

1. In the past the Soviet insistence on prohibiting the orbiting of "special devices" has presumably been directed primarily against observation satellites. The United States regards observation satellites as non-aggressive in character and of positive, peaceful value because the information that may be received in this way might serve to reduce the risk of war through accident or miscalculation. Although the U.S. should not raise this argument on its own initiative at this time, at some time it should be clear that space systems are a possible supplement to ground verification procedures in support of disarmament, and that space vehicles

*A/C.1/867, 24 September 1962. UNGA 17th Session.

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are a legitimate means for clarifying situations where uncertainty, doubt or misinterpretation might increase the risk of war.

2. Recently the Soviets have apparently developed an observation satellite capability.* It is therefore possible that they will not continue to press their opposition to the orbiting of such devices, or that they will reconsider their position altogether. In this connection it may be noteworthy that in negotiating the October 17, 1963 UN Resolution on outer space, the Soviets failed to include such a prohibition in their list of the items they sought to have incorporated in the resolution, and made only brief, passing reference to the subject during the talks. They also dropped their prior proposal, which opposed orbiting such devices, in connection with the drafting of the UN Resolution on the legal principles governing the uses of outer space.**

Annex A - Relevant Provisions of U.S. Program

Annex B - Resolution Adopted by the UN General Assembly on October 17, 1963

Annex C - Statement by the U.S. on the Peaceful Uses of Outer Space, October 16, 1963

Annex D - Statements by the U.S.S.R. on the Peaceful Uses of Outer Space, October 16 and 17, 1963

Annex E - Resolution Adopted by the UN General Assembly on December 20, 1961

*It is reported that on July 8, 1963 Premier Khrushchev told the Belgian Foreign Minister that ground inspectors were like "intruders in a harem," but that inspection could now be done by satellites. He added that perhaps he would let Foreign Minister Spaak see his photographs. On September 2, 1963, Premier Khrushchev's son-in-law said in a speech in Helsinki, Finland: "One Western paper has published a picture taken of Moscow by a satellite from a height of 750 kilometers...in which the Izvestia building is plainly discernible. [So far as the U.S. is aware, there has been no such publication.] We do not publish pictures of this kind, but I believe that we could print a similar picture of New York taken by one of our satellites." Exerpts from Washington Post, December 8, 1963.

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****1662(XVIII). Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space, adopted unanimously by the UN General Assembly on December 13, 1963. Copies of this resolution are to be provided the delegation.**

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ANNEX A

PROVISIONS OF APRIL 18, 1962 U.S. OUTLINE
TREATY RELEVANT TO OUTER SPACE

Stage I:**"D. OUTER SPACE****1. Prohibition of Weapons of Mass Destruction in Orbit**

The Parties to the Treaty would agree not to place in orbit weapons capable of producing mass destruction.

2. Peaceful Cooperation in Space

The Parties to the Treaty would agree to support increased international cooperation in peaceful uses of outer space in the United Nations or through other appropriate arrangements.

3. Notification and Pre-launch Inspection

With respect to the launching of space vehicles and missiles:

a. Those Parties to the Treaty which conducted launchings of space vehicles or missiles would provide advance notification of such launchings to other Parties to the Treaty and to the International Disarmament Organization together with the track of the space vehicle or missile. Such advance notification would be provided on a timely basis to permit pre-launch inspection of the space vehicle or missile to be launched.

b. In accordance with arrangements which would be set forth in the annex on verification, the International Disarmament Organization would conduct pre-launch inspection of space vehicles and missiles and would establish and operate any arrangements necessary for detecting unreported launchings.

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Authority NLT RAC 030-016-1-1By [signature], NARA, Date 11-1-02

4. Limitations on Production and on Related Activities

The production, stockpiling and testing of boosters for space vehicles would be subject to agreed limitations. Such activities would be monitored by the International Disarmament Organization in accordance with arrangements which would be set forth in the annex on verification."

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ANNEX B

RESOLUTION ADOPTED BY THE UNITED NATIONS GENERAL ASSEMBLY
/on the report of the First Committee (A/5571)/ 1884
(XVIII). Question of general and complete disarmament*

The General Assembly,

Recalling its resolution 1921 A (XVI) of 20 December 1961, in which it expressed the belief that the exploration and use of outer space should be only for the betterment of mankind,

Determined to take steps to prevent the spread of the arms race to outer space,

1. Welcomes the expressions by the Union of Soviet Socialist Republics and the United States of America of their intention not to station in outer space any objects carrying nuclear weapons or other kinds of weapons of mass destruction;

2. Solemnly calls upon all States:

(a) To refrain from placing in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, installing such weapons on celestial bodies, or stationing such weapons in outer space in any other manner;

(b) To refrain from causing, encouraging or in any way participating in the conduct of the foregoing activities.

*1244th plenary meeting, October 17, 1963, Eighteenth session, agenda item 26.

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ANNEX C

**STATEMENT BY THE UNITED STATES REPRESENTATIVE
BEFORE THE FIRST COMMITTEE OF THE UNITED NATIONS
ON OCTOBER 16, 1963, ON THE PEACEFUL USES OF
OUTER SPACE**

Statement by Ambassador Adlai E. Stevenson, United States Representative, in Committee I, on the question of general and complete disarmament.

Mr. Chairman and members of the Committee:

May I first echo the words of welcome of our chairman to the two Soviet astronauts who are visiting the General Assembly this morning, and express the welcome of my government and its respect and admiration for their extraordinary achievement in pioneering the exploration of outer space.

Mr. Chairman, it is my agreeable duty to speak to the draft resolution introduced in this committee yesterday by the distinguished representative of Mexico, Ambassador Padilla Nervo, who has spent so many years of devoted effort in the field that probably preoccupies the attention of all of us with a greater universality than anything else, and that is the field of disarmament.

This resolution represents another decisive advance in the disarmament process, one which we believe will prevent the orbiting or the stationing of weapons of mass destruction in outer space. We warmly welcome the cooperation of the Soviet Union in this endeavor. We are particularly pleased that this draft resolution is co-sponsored by all of the participants in the Eighteen National Committee on Disarmament.

While attempting to realize our ultimate objective of general and complete disarmament, we have sought continuously to implement less ambitious measures which could help

to lessen international tensions and to facilitate our larger task. By the adoption of this resolution, members of the United Nations will be taking a positive step toward the goal of disarmament. Hopefully this step could lead us to further measures.

The resolution, as you know, is a simple one. It does not require the cessation by governments of any present activity. To the best of our knowledge, no weapon of mass destruction has ever been placed in orbit around the earth. Rather, this resolution calls for abstention. It would represent international recognition that the arms race in outer space must not be extended into this new environment, that while we are seeking ways of limiting and reducing existing armaments, we undertake to refrain from developing a new potential in the armaments field. Certainly, it would seem easier not to arm an environment that has never been armed than to agree to disarmament areas which have been armed.

The draft resolution on the cable sets forth a policy which has already been adopted by the United States. On September 5, 1962, the Deputy Secretary of Defense, Mr. Gilpatric, made the following statement of United States intentions respecting the placing in orbit of weapons of mass destruction:

"Today there is no doubt that either the United States or the Soviet Union could place thermo-nuclear weapons in orbit, but such an action is just not a rational military strategy for either side for the foreseeable future.

"We have no program to place any weapons of mass destruction into orbit. An arms race in space will not contribute to our security. I can think of no greater stimulus for a Soviet thermo-nuclear arms effort in space than a United States commitment to such a program. This we will not do.

"At the same time we are pursuing cooperative scientific efforts in space through the United Nations and otherwise, we will of course take such steps as are necessary to defend ourselves and our allies, if the Soviet Union forces us to do so. This is in accordance with the inalienable right of self-defense confirmed in the United Nations Charter."

Our policy in this regard was made clear to the United Nations by Senator Gore as United States Representative to the First Committee on December 3, 1962. On September 20, 1963, President Kennedy reaffirmed our intention to keep weapons of mass destruction out of orbit.

Since that time, we have met with the representatives of the Soviet Union on this problem. We are glad that the intentions of the Soviet Union in this regard are the same as our own, and I am happy to report that the resolution which is before the Assembly has the support of both governments.

Speaking on behalf of my government, let me say what has been said many times before: The United States has no intention of placing in orbit around the earth any weapons of mass destruction, of installing such weapons on celestial bodies or of stationing such weapons in outer space in any other manner. The United States intends to refrain from causing, encouraging or in any way participating in the conduct of the foregoing activities by others.

The United States fully intends to pursue this policy.

We recognize that it is not possible to foresee today all events which may at a future time occur in the newly emerging field of space technology and in the exploration and the use of outer space. Nor can we foresee fully the outcome of continuing efforts to achieve disarmament. Naturally, if events as yet unforeseen suggest the need for a further look at this matter, we would acquaint the United Nations with such events.

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Mr. Chairman and members of the committee, I have set forth my government's policy of refraining from orbiting weapons of mass destruction in outer space and have reiterated our firm endorsement of this resolution. I am certain that the members of this committee are fully aware of the value of this resolution and I would, on behalf of my government, strongly recommend it to all of the members of the committee.

My government is gratified at this important step that we are about to take. We believe it should help reduce international tension. The United States hopes that there will be unanimous agreement to this resolution. We believe that by faithfully following the policy expressed in it we will help make the world a safer place in which to live. By avoiding a nuclear arms race in space, we will have taken one further step on the road to disarmament.

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ANNEX D

STATEMENTS BY THE REPRESENTATIVE OF THE UNION OF SOVIET SOCIALIST REPUBLICS BEFORE THE FIRST COMMITTEE OF THE UNITED NATIONS ON OCTOBER 16, 1963, AND BEFORE THE PLENARY MEETING OF THE UNITED NATIONS GENERAL ASSEMBLY ON OCTOBER 17, 1963, ON THE PEACEFUL USES OF OUTER SPACE

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

First Committee -- October 16, 1963

Mr. FEDORENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Mr. Chairman, allow me, first of all, to express the satisfaction of the Soviet delegation at the unanimous election of yourself to such a responsible position, and to express our conviction that you will take every step necessary to ensure the success of the work of our Committee. May I also extend my delegation's congratulations to the Vice-Chairman of our Committee, Mr. Csatorday, and to the Rapporteur, Mr. Volio Jimenez, upon their election. We have no doubt that their experience and eminent qualifications will assist this Committee in successfully conducting our work in the spirit of understanding and co-operation.

May we also thank you, Mr. Chairman, the representative of the United States, Mr. Stevenson, and all those who have welcomed the visit today to the United Nations General Assembly of the Soviet cosmonauts, Valentina Tereshkova and Yuri Gagarin.

As a result of the signing of the Moscow Treaty banning the testing of nuclear weapons, a favorable atmosphere has been created for further steps towards disarmament and towards solving other problems awaiting solution, to develop the success which has been achieved, and to show a reasonable attitude in the search for agreements to strengthen peace.

Today, we are considering a draft resolution calling for a ban on "placing in orbit around the earth... weapons of mass destruction". I should like to voice the hope that this draft resolution will meet with the understanding and support of the members of this Committee. It is beyond doubt that the adoption of this draft resolution will be another step in relaxing

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international tensions and improving relations between peoples.

Plenary Meeting -- October 17, 1963

Mr. FEDORENKO (Union of Soviet Socialist Republics) (interpretation from Russian): The Head of the Soviet Government, Nikita S. Khrushchev, has very often stressed the importance of international co-operation in the field of the exploration and peaceful uses of outer space. Consistent with that policy, the Government of the Soviet Union, on a statement made to the General Assembly by its Foreign Minister, Mr. Gromyko, on 19 September 1963, declared that the Soviet Government was here and now ready to take measures to prohibit the arms race from spreading to outer space. Mr. Gromyko also said that we were desirous of creating the best possible conditions for the exploration and use of outer space for the benefit of all nations. This is why we felt that it was imperative to reach agreement with the Government of the United States on the prohibition of placing into orbit any bodies carrying nuclear or thermonuclear weapons.

The President of the United States of America, Mr. Kennedy, stated on the next day in this hall that he too was ready to undertake negotiations in order to prepare practical and feasible measures toward this end.

These negotiations took place, and the Soviet delegation notes with pleasure that both the Soviet Union and the United States have agreed on this matter. This agreement is embodied in the draft resolution which calls upon all States to refrain from placing in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction.

As the Assembly knows, this agreement was warmly received by the members of the Eighteen-Nation Committee on Disarmament. We express the hope that the draft resolution submitted by the members of that Committee will receive the unanimous approval of the General Assembly. In this way States will be able to

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abide by the decisions of the General Assembly. There is no doubt that the adoption of this draft resolution will be an important further step toward the reduction of international tension and the improvement of relations among States.

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ANNEX E

GENERAL ASSEMBLY RESOLUTION 1721 (XVI): INTERNATIONAL COOPERATION IN THE PEACEFUL USES OF OUTER SPACE, DECEMBER 20, 1961 (PART A)*

A

The General Assembly,

Recognizing the common interest of mankind in furthering the peaceful uses of outer space and the urgent need to strengthen international co-operation in this important field,

Believing that the exploration and use of outer space should be only for the betterment of mankind and to the benefit of States irrespective of the stage of their economic or scientific development,

1. Commends to States for their guidance in the exploration and use of outer space the following principles:

(a) International law, including the Charter of the United Nations, applies to outer space and celestial bodies;

(b) Outer space and celestial bodies are free for exploration and use by all States in conformity with international law and are not subject to national appropriation;

2. Invites the Committee on the Peaceful Uses of Outer Space to study and report on the legal problems which may arise from the exploration and use of outer space.

*A/RES/1721 (XVI), January 3, 1962. The resolution was unanimously approved.

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NATIONAL SECURITY COUNCIL

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Memo for File

at lunch yesterday LBS
app'd the Treaty in principle
and requested matter be
kept completely confidential
until he can use it in a
speech towards end of
month. He's willing to risk
other side moving first.
I told Welsh & Mucken.

by

Charles
Johnson

DEPARTMENT OF STATE
AIRGRAM

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TO : Department of State .SSA. 11 33

ANALYSIS & DISTRIBUTION
BRANCH

Chuck Johnson

FROM : USUN - New York

DATE: March 31, 1966

SUBJECT : The Committee on the Peaceful Uses of Outer Space

REF :

Related to our treaty on celestial bodies.

Set out below is the text of a note of March 30, 1966 from the Chairman of the Committee on the Peaceful Uses of Outer Space:

"Sir,

"As you know, informal consultations have been in progress for some time regarding the convening of the Committee on the Peaceful Uses of Outer Space for the purpose of adopting the report of the Working Group of the Whole.

"On the basis of these consultations with all members of the Committee a meeting of the Committee on the Peaceful Uses of Outer Space will be convened on Tuesday, 12 April 1966 at 10.30 a.m. The purpose of this meeting is the adoption of the report of the Working Group of the Whole contained in document A/AC.105/30.

"Accept, Sir, the assurances of my highest consideration.

/s/

"Dr. Kurt Waldheim
Chairman
Committee on the Peaceful Uses
of Outer Space"

FORM 4-62 DS-323

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☐ In ☐ Out

Drafted by: ADMIN:DADarrer:dad

Contents and Classification Approved by:

Clearances: *POC*
Counselor *PSA*

ADMIN:EJGaumont

1966 APR 1 PM 12 22

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April 5, 1966

MEMORANDUM FOR MR. WALT W. ROSTOW

Walt --

This item is urgent only because there are indications that the State Department believes point to an early initiative by the Soviets to preempt the subject. Last Friday the Soviet Delegation at the United Nations indicated their interest in an early meeting of the Legal Subcommittee of the United Nations Committee on Outer Space. Sisco and Goldberg suspected that they may have a treaty of their own to introduce.

I have discussed the treaty and tactics with Len Meeker and Ed Welsh. Meeker says that State sees no possible disadvantages in going ahead immediately and can see only gains for us. Welsh participated in drafting the treaty and cleared the final text. He feels that we should go ahead. He will show the draft treaty to the Vice President.

I have prepared a short note to the President for your signature. The Meeker-Sisco memorandum to the Secretary that is in the file is a good briefing statement and I saw no purpose to be served by repeating the content thereof. I think it would be a good idea to let their memorandum go on to the President.

Charles E. Johnson

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E.O. 12958 Sec. 3.5
NLJ-S-98001
By gldw NARA, Date 11/1/02

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April 5, 1966

MEMORANDUM FOR THE PRESIDENT

Secretary Rusk, with the strong endorsement of Secretary McNamara, Ambassador Goldberg and Administrator Webb, has submitted for your approval a request that he be authorized to proceed with an approach to the Soviet Union on a Celestial Bodies Treaty.

The Secretary's recommendation has become urgent because there are signs that the Soviet Union may be planning to introduce its own treaty at an early date in order to preempt this subject. It would be to our advantage to act before they do.

It is recommended that you approve the three specific courses of action contained in the Secretary's memorandum and instruct the Secretary to proceed with immediate implementation thereof.

/s/

Walt W. Rostow

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E.O. 12958 Sec. 3.5
NLJ-S-98001
By gldw NARA, Date 11/1/02

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ENCLOSURE 1.

DRAFT STATEMENT FOR THE PRESIDENT

THE UNITED STATES MOVES AHEAD ON A
TREATY GOVERNING ACTIVITIES ON THE MOON AND
OTHER CELESTIAL BODIES

Just as the United States is striving to help achieve peace on this Earth, we want to do what we can to ensure that explorations of the moon and other celestial bodies will be for peaceful purposes only. We want to be sure that our astronauts and those of other nations can freely conduct scientific investigations of the moon. We want the results of these activities to be available for all mankind.

We want to take action now to attain these goals. In my view, we need a treaty laying down rules and procedures for the exploration of celestial bodies. The essential elements of such a treaty would be as follows:

- The moon and other celestial bodies should be free for exploration and use by all countries.
- No country should be permitted to advance a claim of sovereignty.
- There should be freedom of scientific investigation, and all countries should cooperate in scientific activities relating to celestial bodies.
- Studies should be made to avoid harmful contamination.

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EO. 12958 Sec. 3.5
NLJ-S-pp-01
By *gdlw* NAF *14/02*

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-2-

- Astronauts of one country should give any necessary help to astronauts of another country.
- No country should be permitted to station weapons of mass destruction on a celestial body. Weapons tests and military maneuvers should be forbidden.

I am convinced that we should do what we can -- not only for our generation but for future generations -- to see to it that serious political conflicts do not arise as a result of space activities. I believe that the time is ripe for action. We should not lose time.

I am asking Ambassador Goldberg in New York to seek early discussions on such a treaty in the appropriate United Nations body.

~~CONFIDENTIAL~~

DEPARTMENT OF STATE

THE LEGAL ADVISER

~~CONFIDENTIAL~~

February 24, 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
cooperation 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:

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E.O. 12958 Sec. 3.5
NLJ-S-98001
By *gfdw*, NARA, Date *11/10/02*

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Article 1

No
claims

Celestial bodies are free for 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 of sovereignty, by means of use or occupation, or by other means.

Article 2

Scientific
inquiry

There shall be freedom of scientific investigation on celestial bodies.

Article 3

Inter-
national
cooperation;
advance
notifica-
tion

States shall facilitate and encourage international cooperation in scientific investigations concerning celestial bodies. A State conducting or planning to conduct activities on a celestial body shall provide reasonably in advance of each mission, notification to the Secretary-General of the United Nations.

Article 4

Avail-
ability
of
results

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

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Article 5

Assistance

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

Access

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

Juris-
diction

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

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Article 8

No
weapons
of mass
destruction

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

Article 9

No military
fortifications,
maneuvers or
weapons
tests

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 maneuvers, 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

Studies
to avoid
contamina-
tion

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

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Article 11

Settlement
of
disputes

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

Parties to
Agreement,
signature
and
accession

This Agreement shall be open for signature by States members of the United Nations or of any of the specialized agencies or 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

Ratification
and
deposit

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

Entry
into
force

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.

/Article 15

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Article 15

Amendments

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

Withdrawal

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

Notification

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

Registration

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

/Article 19

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Article 19

Authentic
texts

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 _____.

L/EUR:HReis:eg

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OUTGOING TELEGRAM Department of State

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REF: DEPTTEL 2621 to New York, 2116 to Geneva, 5867 to Paris,
2594 to Moscow.

Text of Presidential announcement on need for treaty
governing exploration of the moon and other celestial bodies
is as follows:

QUOTE Just as the United States is striving to help
achieve peace on this Earth, we want to do what we can to
ensure that explorations of the moon and other celestial
bodies will be for peaceful purposes only. We want to be
sure that our astronauts and those of other nations can freely
conduct scientific investigations of the moon. We want the
results of these activities to be available for all mankind.

We want to take action now to attain these goals. In
my view, we need a treaty laying down rules and ~~XXXX~~ procedures

Drafted by:

L/EUR:HReis:hr

Tel. Ext.

8866

Telegraphic transmission and

classification approved by:

L/EUR - Herbert Reis

Clearances:

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for the exploration of celestial bodies. The essential elements of such a treaty would be as follows:

- The moon and other celestial bodies should be free for exploration and use by all countries.
- No country should be permitted to advance a claim of sovereignty.
- There should be freedom of scientific investigation, and all countries should cooperate in scientific activities relating to celestial bodies.
- Studies should be made to avoid harmful contamination. Astronauts
- ~~/XXXXXXXXXX~~ of one country should give any necessary help to astronauts of another country.
- No country should be permitted to station weapons of mass destruction on a celestial body. Weapons tests and military maneuvers should be forbidden.

I am convinced that we should do what we can -- not only but to for our generation ~~but~~/for future generations -- ~~to~~/see to it that serious political conflicts do not arise as a result of space activities. I believe that the time is ripe for action. We should not lose time.

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I am asking Ambassador Goldberg in New York to seek early discussions on such a treaty in the appropriate United Nations body. END QUOTE

RUSK

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C. Johnson

THIS COPY FOR _____

NEWS CONFERENCE #436-A

AT SAN ANTONIO, TEXAS

WITH ROBERT FLEMING

11:00 A.M. CST

MAY 7, 1966

SATURDAY

MR. FLEMING: I have a statement from the President, for Sunday AM release. For your information, it is concerning a proposed treaty on the moon and celestial bodies.

Q Is this the first word on this proposal, Bob?

MR. FLEMING: That is correct.

"Just as the United States is striving to help achieve peace on earth, we want to do what we can to insure that explorations of the moon and other celestial bodies will be for peaceful purposes only. We want to be sure that our Astronauts and those of other nations can freely conduct scientific investigations of the moon. We want the results of these activities to be available for all mankind.

"We want to take action now to attain these goals. In my view, we need a treaty laying down rules and procedures for the exploration of celestial bodies. The essential elements of such a treaty would be as follows:

"The moon and other celestial bodies should be free for exploration and use by all countries. No country should be permitted to advance a claim of sovereignty.

"There should be freedom of scientific investigation, and all countries should cooperate in scientific activities relating to celestial bodies.

"Studies should be made to avoid harmful contamination.

"Astronauts of one country should give any necessary help to Astronauts of another country.

"No country should be permitted to station weapons of mass destruction on a celestial body. Weapons tests and military maneuvers should be forbidden.

"I am convinced that we should do what we can -- not only for our generation, but for future generations -- to see to it that serious political conflicts do not arise as a result of space activities. I believe that the time is ripe for action. We should not lose time.

"I am asking Ambassador Goldberg, in New York, to seek early discussions of such a treaty in the appropriate United Nations body."

MORE

Q Bob, can you specify the appropriate UN body? Would it be the Security Council or what?

MR. FLEMING: We have a State Department expert on the telephone. We will pass your questions along.

Q What is the genesis of this? Has this been under discussion in any way?

MR. FLEMING: For BACKGROUND it has been under discussion for some time. It is not considered very much different from the Antarctica proposals that were achieved.

Q Is this the first time the President has publicly mentioned this?

MR. FLEMING: I don't know if it is the first time he mentioned it, Helen. This is the go ahead on the development of the treaty plan. It will probably go to the Outer Space Committee of the United Nations.

Q Bob, why was it brought up right now? Any particular reason for it?

MR. FLEMING: No.

Q Have there been discussions between the United States and the Soviet Union prior to this point on this?

MR. FLEMING: The answer is, essentially no.

Q Have there been any consultations with our Allies or other foreign countries?

MR. FLEMING: Notice was given to the Allies in two speeches last year at the United Nations by Ambassador Goldberg who said the United States would come up with such a proposal.

Q Bob, are we still shooting for 1970 to land a man on the moon?

MR. FLEMING: That is still Mr. Webb of NASA's target. Before, in the 1960's.

Q When you said "under discussion" you mean within the Administration?

MR. FLEMING: That is correct.

Q Bob, you were asked a minute ago whether there was any particular reason for the issuance of this statement at this time and you said, as I got it, no. Let me ask you specifically if this statement reflects any new concern by the President that the Russians are going to beat us to the moon?

MR. FLEMING: I don't see that conclusion out of it at all.

Q That, specifically, you are saying is not the motivation for this statement?

MR. FLEMING: That is correct. As I said, this has been under discussion for some time. The Ambassador has talked of it at the United Nations.

Q Bob, do we already have some sort of agreement on the stationing of weapons in outer space, not celestial bodies, or did we call for that at one time?

MR. FLEMING: Continuing to relay the information I am getting, I am told there is a United Nations resolution adopted in October of 1963 establishing the policy that United Nations members will not station any nuclear weapons or weapons of mass destruction in outer space.

Q Did both the United States and the Soviet Union vote for that resolution?

MR. FLEMING: It was a unanimous vote.

Q In what; the Security Council or the General Assembly?

MR. FLEMING: The General Assembly.

Q Bob, you spoke a while ago of this being, I think you said, not dissimilar from a treaty dealing with Antarctica.

MR. FLEMING: There is a similar treaty for Antarctica use as a weapons base.

Q Is that a United Nations treaty, also?

Q No. It was a 12-nation treaty that was signed.

MR. FLEMING: There were 12 signers in the Antarctica Treaty.

Q Including the United States and Russia; right?

MR. FLEMING: Yes.

Q Bob, is the draft treaty already in existence and, if so, could you tell us the length of time we are proposing for this treaty?

MR. FLEMING: The President's listing of the essential elements which he proposed is the thinking of this Government as we propose that treaty discussions begin.

Q Have the Russians ever shown any interest in this kind of treaty?

Q While you are getting the answer to that one, could I ask another one? Was Russia a signer of the Antarctica Treaty?

MR. FLEMING: Yes.

Q Has it been ratified by the Senate?

MR. FLEMING: Yes. It has been the attitude of the Soviet Union, in the mass media and in other methods of analyzing their views, that they are interested in this treaty.

Q Bob, you say that in his statement, "No country should be permitted to advance a claim of sovereignty". What, then, is the United States' idea about who should own the moon? Once people get up there, should this be a United Nations protectorate, or whose territory will it be? It just can't sit there.

MR. FLEMING: Our answer, I think, is contained in the statement you quote, that no country should be permitted to have sovereignty.

Q Who should be permitted to have sovereignty there, an international organization?

MR. FLEMING: If no one has sovereignty there is no determination needed, we believe, for sovereignty.

Q Bob, I wonder if I could go back to a question I asked earlier with respect to whether or not this proposal reflected any concern that the Russians were ahead of us in the race to the moon. Is the Administration --

MR. FLEMING: I don't think that was your question before.

Q I will repeat it in case you misunderstood. Does this proposal reflect any concern on the part of the President that the Russians are ahead of us in the race to the moon?

MR. FLEMING: I haven't talked to him about that.

Q Bob, is there any dispute in Antarctica now about national control of certain areas? I seem to recall the Russians said, "This is our piece of property," and we said, "No, it isn't."

MR. FLEMING: We will relay that question, too.

The United States position is the same there in Antarctica as the Soviet Union that there is no sovereignty in the area at all.

Q Argentina and several other South American countries have claimed it, have they not?

MR. FLEMING: The United States has not accepted any of these. Beyond that I lack details.

Q Bob, is it the State Department's view, on the other end, that the present resolution in the UN banning mass destruction weapons in outer space will apply to the moon and other celestial bodies and if so why the need for additional statements?

MR. FLEMING: The United Nation's resolution does cover the moon and other celestial bodies but, as I suggested, the resolution was limited to weapons of mass destruction. The President's proposal listed a number of other suggestions of what he believes ought to be covered in a treaty.

Q Bob, that resolution doesn't have the same force as a treaty such as proposed here, does it?

Q What's the difference? . s.

MR. FLEMING: You are correct. The resolution does not have the same force as a treaty. So in seeking a treaty the President is proposing that the weapons area be covered by a treaty plus the additional limits which he suggested.

Q What force does the resolution have?

MR. FLEMING: The resolution is a unanimous expression of those members voting for it.

Q What do we propose to be the result of somebody violating such a treaty? Would it go to the Hague or where?

MR. FLEMING: Studies have not progressed to the point of there being any answer to the question at this time.

MORE

Q Bob, is the Antarctica Treaty a multilateral agreement between nations?

MR. FLEMING: There are 12 signatories to the treaty.

Q In other words, it was ratified by the United States Senate?

MR. FLEMING: It was

Q And this wouldn't be?

MR. FLEMING: Yes. Any treaty would be.

Q When was it ratified by the Senate?

MR. FLEMING: This treaty was ratified by the signing nations in 1959 and 1960.

Q Do the signers include all of those who really have an interest in Antarctica?

MR. FLEMING: There are 12 powers.

Q Who proposed the first outer space resolution? Was the President the first to propose the outer space resolution that went before the UN? Wasn't the resolution Johnson's idea?

MR. FLEMING: We don't know the answer.

Q Bob, coming back to the question of the urgency, the President says the time is ripe for action now and we should lose no time. What is the reason for the movement at this particular point?

MR. FLEMING: Because the studies have been completed and the President is ready to add his endorsement.

Q The United States' study, not the United Nations'?

MR. FLEMING: That is right.

Q Which powers will we want to sign this treaty; everybody in the United Nations or a limited number?

MR. FLEMING: When the draft treaty is completed, it will state then how many nations are needed as signatories to make it effective.

Q Will Goldberg present the draft treaty to the UN?

MR. FLEMING: As the President's statement said, Ambassador Goldberg will seek the initiation of the discussions. After those discussions are advanced, it will, then, become a matter between nations and it may also be presented by the Ambassador to the United Nations, but it is proposed to be a treaty between nations.

Q The Russians did not claim any sovereignty, did they, when they put the flag on the moon?

MR. FLEMING: I am told that when the Russians planted the flag they said they were not claiming sovereignty and made such a statement at the United Nations.

Q When was that flag planted?

MR. FLEMING: We lack a definite date.

Q I have one more question, Bob. In view of the confusion or the difference of opinion between yourself and me as to what my question was, let me ask you then specifically whether the United States now has any new evidence that the Russians have made a further advance in putting a man on the moon and whether this prompted this statement?

MR. FLEMING: I don't know.

Q Bob, do you know whether we will make any kind of proposals to bring Red China into these discussions in any manner such as we did at Geneva with the disarmament talks?

MR. FLEMING: Present plans are for discussions at this stage with the UN Outer Space Committee and 28 member nations which will have their representatives there.

Q I have one question. Are you then striking from the record when you say that you don't see what conclusion out of this at all?

MR. FLEMING: I said the impetus for this came because the work had been completed and the President accepted the reports made to him.

Q You said, "I don't see that that conclusion can come out of this at all," and then you said, "I haven't talked to him about it," and then, "I don't know."

MR. FLEMING: A simple answer is: I don't know.

Q What was the question?

MR. FLEMING: The question was -- I believe Jim will correct me if I am wrong -- or the thrust of his question was: Has there been some gain or new concern over the Russians getting to the moon first that motivates this announcement at this time?

Is this a reasonable summary? My answer was that I know of nothing of that sort that has had any effect. This announcement is made today because work has been completed on it and the President has given his approval and issued these instructions.

You also have a statement by the President on creation of a National Advisory Commission on Health Manpower with the names of those leaders from the health professions, the university and other sectors of public and private life. What the President is asking to be done for those who are especially interested we can supplement with the material in the letters which went to Secretary McNamara, Secretary Gardner, Chairman Macy, and Administrator Driver or, if you prefer, I can give you a brief summary of what the involvement of each of those is in this national proposal.

MORE

Q Bob, I have a question on one sentence in this thing, in the next to the last paragraph, where he says, "I have also requested Secretary Wirtz, in consultation with others, to explore the feasibility of establishing a national roster of draft-eligible doctors."

Can you elaborate on that or give us any idea of what he is talking about?

MR. FLEMING: The President has advised the Secretary of Labor of his desire to have this commission evaluate the current policies on calling health personnel to active military duty. Until the commission report has been received, he has asked Mr. Wirtz to participate in expediting action on interim steps.

He believes that he should explore the feasibility of developing such a roster of draft eligible doctors. He has asked that this be done promptly and suggested that the Bureau of the Budget could provide expert advice on using automatic data processing equipment to speed information storage and analysis.

Q What is the purpose of the roster? In other words, this will be a roster of those doctors who are now possibly going to be drafted? Is that right?

MR. FLEMING: I suggest that the President's statement points out that we are expecting a heavy drain on the medical services. Additional manpower will be needed. There will be additional health services needed, but also he has the feeling that the military situation, the call of military men, has been a factor of whether or not there were enough doctors in the military and at home.

Q Do you believe this direction to Wirtz is directed to the possibility of possibly deferring some of the medical doctors?

Q If they participate in these domestic health services?

MR. FLEMING: The Executive Order which accompanies this proposal asks re-examination of the problems of health care for the civilian population and the Armed Forces, to determine the best utilization of manpower.

Q Bob, does this include the possibility of drafting women doctors?

MR. FLEMING: I cannot answer that.

Q After the list is prepared, what will it be used for, Bob?

MR. FLEMING: I think this commission will then be able to give some advice on it, when it is available. This is a matter of gathering facts for them.

Q Bob, this is is no way intended to upset local control of inducting doctors into the service, is it?

MR. FLEMING: I don't find that that is proposed in this at all. Again, this is an announcement of a proposed study and the President has outlined the areas in which he believes the information should be gathered.

Q But the Wirtz thing is separate?

MR. FLEMING: I suggest to you in the next to the last paragraph it cites what he is asking Secretary Wirtz to do.

Q What is left unanswered is the question I just proposed: After the roster is prepared what do they then do with it?

MR. FLEMING: As it says here he is asking the Government to gather information for the Commission's use and the Government's use.

Q Bob, we may be misunderstanding something you said earlier that is not in the statement where you said that the President directed Wirtz, until the report was received, to participate in expediting action on interim steps which indicated something might be done before.

MR. FLEMING: The interim steps suggested in the President's statement are that he asked Secretary Wirtz in consultation with others to establish a national roster of eligible doctors. The directive does not go into how the roster is to be used. It says, "Such a study would be helpful to the Commission in making recommendations to me." He is suggesting this is information for their consideration and he would like for them to offer suggestions on how it should be used.

Q What would this roster list; just their names or other information about them? Do you have any idea?

MR. FLEMING: I do not.

Q Bob, do you know what shape the current Government information on draft eligible doctors is?

MR. FLEMING: I do not.

Q Somewhere this information exists now because from time to time there are orders involving medical personnel as they relate to the Selective Services. There must be a list somewhere.

MR. FLEMING: It is not suggested in this material that there is.

Q Is the interpretation correct in this that you at this time do not know whether you should either draft more doctors or whether you should exempt doctors for the civil medical program?

MR. FLEMING: I think the answer is: Yes, that is correct.

Q Bob, the whole brunt of the statement and the answer is that some doctors might be deferred?

MR. FLEMING: Additional manpower will be needed for maternal and child health care, for mental patients, Medicare, migratory workers -- there is a long list -- and the President is asking for an examination of military and civil needs.

Q Do you have anything else, Mr. Fleming?

MR. FLEMING: That is all I have.

Q Bob, I have a question to ask you on statistics here. When you say this space story is for release for Sunday AM's, what time are you saying it for release for radio and television today?

MR. FLEMING: 5:30 Eastern Daylight Time.

Q What is the President going to spend his day today doing?

MR. FLEMING: The President has been working at his desk this morning. He had telephone conversations on departmental matters with Secretary Rusk, Secretary McNamara, and Secretary Fowler. He has talked on staff problems with Assistants Watson, Moyers, and Califano, reviewed the morning situation reports that had come in, discussed a number of legislative matters.

Q Situation reports that came in from where?

MR. FLEMING: Situation reports that had come in overnight.

Q What legislative matters?

MR. FLEMING: There are no details provided on this.

He signed about 75 or 80 letters which he has dictated in the past two days. He has additional material coming in on the courier today due in at 11:00 o'clock.

Q Will any officials be aboard that courier?

MR. FLEMING: There are no plans for any official visitors.

Q Is there a chance Lodge will be down here while the President is?

MR. FLEMING: I know of no such plans.

Q Do you know, yet, when he is going to meet with Lodge?

MR. FLEMING: I do not.

Q Does the White House have any reaction to Premier Ky's statement that he expects to remain in power one more year, at least?

MR. FLEMING: We do not.

Q Can you confirm the report that the President has handwritten a letter to U Thant asking that he stay on another five years?

MR. FLEMING: I know nothing of it.

MORE

Q Do you know anything about the plans for the rest of the day?

MR. FLEMING: He is proposing to catch up with and finish the work he had on hand and a bundle of considerably more will be coming in. He said he had no plans to leave the ranch.

Q Are there any church plans for tomorrow?

MR. FLEMING: I don't know yet. When we get church plans, we will post them.

Q Is this the only briefing today?

MR. FLEMING: Yes.

Q Is he planning any sort of entertainment activity or party or gathering out at the ranch tonight?

MR. FLEMING: I know of none.

Q Specifically, do you know, if for some reason or other, if the Tiajuana Brass are to be at the ranch tonight or tomorrow night?

MR. FLEMING: I do not.

Q Do you know, at this time, when or if you might brief tomorrow?

MR. FLEMING: Suppose we simply plan to be available at mid-day, depending on the church schedule.

Q Does the President have any plans in connection with the Texas election returns tonight?

MR. FLEMING: No.

Q Does he plan to go to Austin to take part in any occasions when the returns come in, or does he plan to have a party at the ranch when he returns?

MR. FLEMING: I said he had nothing today. I have no indication that he has any such plans at all.

Q Is there anything on Mother's Day? Are the daughters going to be there?

MR. FLEMING: He does not expect that Luci will come. He does not know whether Lynda will come over from school or not.

Q Is there any possibility that he will go to Independence for the Truman birthday party Monday?

MR. FLEMING: I do not believe so.

THE PRESS: Thank you.

END

OUTGOING TELEGRAM Department of State 05051

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EO. 12958 Sec. 3.5

NLJ-S-98001

By *[Signature]* NARA, Date 11/1/02

☒ BOWMAN
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☒ ROWEN
☒ SAUNDERS
☒ TAYLOR
☒ THOMSON

CELESTIAL BODIES TREATY

REF Deptels 2621, 2624 to New York

Department has received inquiries re text Celestial Bodies Treaty which President in statement May 7 announced we would be working for. Our approach has been that we, of course, have studied question in some detail, but we have no treaty in final form. If you have similar inquiries, whether public or private, you should take same position. You might point out that announcement was designed to catalyze thinking and activity on question and we not only welcome but solicit suggestions for treaty provisions. We hope President's announcement will generate interest and thought necessary for a productive meeting of Legal Subcommittee.

We look forward to early consultations in New York with

~~summary~~

Drafted by: L:LCMeeker:lsf	Tel. Ext.	Telegraphic transmission and classification approved by:
IO:UNP:GBHelman 5/9/66		IO - Mr. Popper

UNP - Mr. Dean
IO - Mr. Seidner

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members of Outer Space Committee, perhaps beginning with UK,
Canada, and Australia next week, following soon with other Western
dels and then non-aligned.

RUSK

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INCOMING TELEGRAM *Department of State*

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~~CONFIDENTIAL~~ MAY 11

NATUS INFO

CELESTIAL BODIES, DEPTTEL 2639

1. GOLDBERG WAS GIVEN SYMPATHETIC BUT NONCOMMITTAL RECEPTION IN COURSE OF PRESENTATION PER REFTEL TO SOV AMBS FEDORENKO AND MOROZOV 11 MAY.
2. GOLDBERG STRESSED PRES JOHNSON'S INTENTION IS TO MOVE FORWARD IN THIS AREA OF PRIMARY CONCERN TO US AND USSR, TO WORK COOPERATIVELY AND IN CONSULTATION WITH ALL INTERESTED MEMBERS TO ACTIVATE LEGAL SUBCOMITE AT EARLY TIME AFTER WHATEVER FURTHER CONVERSATION PROVES NECESSARY. HE GAVE CONTENTS PARA C IN WRITING WITH SUITABLE EXPLANATION.

PAGE TWO RUEHDT 784 ~~CONFIDENTIAL~~

3. FEDORENKO WONDERED WHAT WAS MEANT BY "MILITARY MANEUVERS" IN POINT 6. AFTER NOTING THIS COULD BE EXAMINED GOLDBERG STRESSED EARLIER THOUGHT THAT CELESTIAL BODIES BE USED FOR PEACEFUL PURPOSES ONLY.

4. MOROZOV NOTED SOME OF OUR POINTS WERE PREVIOUSLY COVERED BY GA RES 1962 AND RECALLING PAST SOV DESIRE PUT THESE GENERAL PRINCIPLES INTO CONVENTION FORM WONDERED IF US PREPARED NOW MOVE FORWARD MORE GENERALLY TO BROAD CONVENTION. GOLDBERG RESPONDED WE PREPARED MOVE FORWARD AS FAR AS MUTUALLY AGREEABLE ALONG LINES SUGGESTED BY PRES.

5. MOROZOV AND ALDOSHIN ASKED IF PAST EFFORTS ON ASSISTANCE AND RETURN, AND ON LIABILITY SHOULD NOW BE PUT ASIDE AND NOTED CONTINUING CONCERN FOR WELL-BEING OF ASTRONAUTS AS WELL AS

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E.O. 12958 Sec. 3.5

NLJ-S-98001

By *gph* NARA, Date *11/1/02*

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-2- 4852, May 11, From USUN NEW YORK

SPECIFIC MANDATE TO CONTINUE IN THESE AREAS CONTAINED GA
RES 2130. GOLDBERG SAID WE DO NOT INTEND EXCLUDE ANYTHING,
TIME SEEMS RIPE FOR PROGRESS ON CELESTIAL BODIES BUT UN CON-
SIDERATION NEED NOT BE LIMITED TO ONLY ONE TOPIC, AND SIMUL-
TANEOUS DISCUSSION SEVERAL TOPICS ALWAYS POSSIBLE.

6. GOLDBERG ASKED FEDORENKO STUDY OUR PAPER, NOTED MEEKER AVAILABLE EARLY NEXT WEEK FOR CONSULTATION WITH SOVS AS WELL AS OTHER MEMBERS AND SUGGESTED SUBSEQUENT EXCHANGE VIEWS RE EARLY SESSION, LEGAL SUBCOMITE AFTER CONSIDERING VIEWS OTHER MEMBERS. HE INDICATED HIS INTENTION TAKE PERSONAL INTEREST IN THIS MATTER AND STATED PREFERENCE FOR LEGAL SESSION AT UN HEADQUARTERS BUT STATED THAT PLACE IS SECONDARY TO TIMING. PRESSED ON LATTER POINT GOLDBERG SUGGESTED SOMETIME IN JUNE.

PAGE THREE RUEHDT 784 ~~CONFIDENTIAL~~

7. COMMENT: FEDORENKO'S RECEPTION WAS DEFINITELY FRIENDLY, MOROZOV DISPLAYED CUSTOMARY SUSPICION AND SOUGHT SCORE POINTS ALLEGING LACK OF US FORTHCOMINGNESS AT LAST LEGAL SUBCOMITE SESSION SEPT 1965. FEDORENKO'S QUERY RE MILITARY MANEUVERS SEEMED CONFIRM EARLIER REPORTS INDICATING THAT SOV OFFICER HAD CRITICIZED THIS INITIATIVE FOR APPARENTLY OVERLAPPING ENDC. ALTHOUGH POINT DID NOT COME UP THIS MEETING WE HAVE RESPONDED TO OTHER QUERIES BY SAYING WE ASSUME "CELESTIAL BODIES" IS LIMITED TO NATURAL, NOT MAN-MADE BODIES.

8. OTHER REACTIONS REPORTED SEPTTEL TO DEPT.

CP-3.
GOLDBERG

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-2- 4861, MAY 12, FROM NEW YORK

SYG'S TERM--

SOVIETS DID NOT KNOW SYG'S INTENTIONS ON NEW TERM AND IN ABSENCE INFO COULD NOT TAKE POSITION, FEDORENKO (USSR) REPLIED AFTER GOLDBERG RAISED QUESTION. MOROZOV (USSR) ASKED IF US HAD ANY OTHER POSSIBLE CANDIDATES IN MIND, AND WHEN GOLDBERG REPLIED IN NEGATIVE, FEDORENKO SAID SOVIETS HAD NONE EITHER.

SOUTHERN RHODESIA--

SIERRA LEONE REP COLLIER STRESSED TO GOLDBERG AFRICAN DOUBTS ABOUT WILSON'S INTENTIONS AND CONVICTION FULL SCALE ART 41 ACTION SHOULD BE BACKED UP BY "BRITISH BLOCKADE" OF SOUTHERN RHODESIA.

IDZUMBUIR (CONGO L) OPENED AFRICAN CONSULTATIONS FOR MAY 17 SC MEETING WITH CALL ON COUNCIL PRES DURING WHICH HE DESCRIBED ESSENTIAL OBJECTIVES OF HIS GROUP IN CALLING FOR MEETING AS: PARTICIPATION BY GENUINE AFRICAN REPS IN CURRENT LONDON TALKS; MANDATORY ECONOMIC SANCTIONS; AND CITATION OF ROLE OF SO. AFRICA AND PORTUGAL IN CONNECTION WITH IMPLEMENTATION PRESENT PROGRAM OF ECONOMIC AND POLITICAL CONTROLS.

CURRENT INDICATIONS ARE UK BE UNSUCCESSFUL IN HEADING OFF RES.

ACCORDING TO JAPANESE MISSION, TOKYO REPLIED TO SAG'S AIDE MEMOIRE BY STATING JAPAN UNABLE COMMIT SELF IN ADVANCE RE SC VOTE ON SR AND IF SAG ANXIOUS AVOID UNFAVORABLE COUNCIL ACTION, IT SHOULD FURNISH OVERT EVIDENCE INTENTION COMPLY WITH SR OIL EMBARGO. SAG REPORTEDLY REPLIED ALONG LINES IT HAD NO INTENTION INTERVENING ASSIST SMITH REGIME OR DEPARTING FROM TRADITIONAL POLICY AGAINST EMBARGOES. UNDER SECRETARY STAVROPOULOS TOLD MISOFF HE WAS NOW CONVINCED SYG SHOULD ANSWER PORTUGAL'S LETTER ON SC RHODESIAN SANCTIONS RES. HE ENVISAGED LETTER AS POINTING OUT IT NOT SYG'S DUTY COMMENT ON SC OR GA ACTS WHERE SECRETARIAT HAD NO EXECUTIVE ABILITY BUT BECAUSE OF IMPORTANCE OF QUESTION AND POSSIBILITY FAILURE ANSWER BE MISUNDERSTOOD SYG RESPONDING IN THIS EXCEPTIONAL CASE. REPLY, HE FEELS, SHOULD DEAL WITH ABSTENTION QUESTION AND NATURE RES 221, AND STATE RES MANDATORY AND INCLUDES CHARTER ARTICLES 39 AND 41.

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-3- 4861, MAY 12, FROM NEW YORK

KASHMIR--

SOV REP FEDORENKO SAID THERE HAD BEEN CONSIDERABLE PROGRESS SINCE TASHKENT BUT NOT ENOUGH, HE HAD HAD NO APPROACHES FROM INDIAN OR PAKISTANI REPS, AND AGREED WITH GOLDBERG THERE WAS NEED CREATE ATMOSPHERE OF BETTER UNDERSTANDING.

CYPRUS--

TURKISH REP ERALP SPECULATED SYG'S PROMOTION OF GUARANTEED INDEPENDENCE FOR CYPRUS (AS REPORTED IN NY TIMES) MIGHT BE TIMED AT CYPRIOT INSTIGATION TO OBSTRUCT GREEK-TURKISH TALKS. HE APPEARED SHARE US VIEW THERE NO REASON WHY SC COULD NOT "TAKE NOTE OF" NEW AGREEMENT--WHICH GOLDBERG SAID MUST BE REACHED-- AND THAT IT NOT ADVISABLE HAVE SC GUARANTEE WHICH FORMALLY INVOLVE SOVIETS. AFTER GOLDBERG EMPHASIZED DIFFICULTIES CONTINUING UNFICYP AND NECESSITY FOR PROGRESS TOWARD NEGOTIATED SOLUTION, ERALP STRESSED IMPORTANCE OF KEEPING UNFICYP IN CYPRUS UNTIL SOLUTION REACHED.

WORLD DISARMAMENT CONFERENCE--

CHICOM NUCLEAR EXPLOSION DEMONSTRATED ABSOLUTE NECESSITY BRING PRC INTO DISARMAMENT TALKS, GASPARI (YUGOSLAVIA) STATED. WHEN MISOFF

SUGGESTED YUGOSLAVS MIGHT NOT WANT PROCEED WITH WDC IF CHICOMS UNWILLING ATTEND, HE RETREATED QUICKLY.

NON-ALIGNED SUPPORTERS OF WDC NOT DISCOURAGED BY PEKING'S PUBLIC STATEMENTS, GASPARI SAID. IN REPLY TO QUESTION WHETHER PEKING'S PRIVATE SENTIMENTS FAVOR WDC, HE COMMENTED NECESSARY APPROACH UNLIKELY BE MADE UNTIL NON-ALIGNEDS AGREED ON TIMING WHICH MAXIMIZE CHANCES OF FAVORABLE REPLY.

AFTER MISOFF SUGGESTED IT UNLIKELY WDC COULD BE HELD IN 1967, GASPARI EXPRESSED VIEW TEMPO MIGHT PICK UP, THERE NOTHING SACRED ABOUT 1967, IMPORTANT THING WAS AIM FOR MOST PROPITIOUS TIME, AND INTERNATIONAL ATMOSPHERE GETTING WORSE BECAUSE OF VIET-NAM SITUATION. HE THOUGHT FURTHER CONSIDERATION OF WDC AT 21ST GA WOULD ENHANCE CHICOM PARTICIPATION IN CONFERENCE.

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-4- 4861, MAY 12, FROM NEW YORK

OUTER SPACE CONFERENCE--

SOVIETS UNINSTRUCTED ON TIMING AND PROCEDURE FOR NEXT WORKING GROUP MEETING ON 1967 OUTER SPACE SPACE CONFERENCE, SCHMID (AUSTRIA) SAID ALDOSHIN (USSR) TOLD HIM. ALDOSHIN INDICATED USSR NOT AGREE TO CONFERENCE IN NEW YORK, APPARENTLY AWARE GENEVA UNAVAILABLE, AND ASKED ABOUT AVAILABILITY VIENNA.

NESTERENKO (SECRETARIAT) GAVE STRONG IMPRESSION SOVIETS INSIST ON FIRST DISCUSSING PLACE OF CONFERENCE, COMMENTING IT DO NO GOOD DISCUSS AGENDA UNTIL SITE KNOW, SCHMIDT SAID. (UK EARLIER TOLD USUN IT UNDERSTOOD SOVIETS INSIST ON SETTLING CONFERENCE SITE, TIMING AND FINANCIAL IMPLICATIONS AT OUTSET.)

UK REPORTED FRG CONCERNED PARTICIPATION AT CONFERENCE BY ESRO AND ELDO LEAD TO PARTICIPATION EQUIVALENT EE ORGANIZATIONS AND OPEN DOOR TO EAST GERMANS.

BITS AND PIECES--

THOUGH NON-COMMITTAL, FEDORENKO (USSR) APPEARED AGREE WITH US-SUGGESTED APPROACH ON MINI-STATE PROBLEM.

LIBYAN TA PROGRAM--

UNDP AGREED IN PRINCIPLE WITH RECOMMENDATION OF EVALUATION TEAM THAT SINGLE FUND-IN-TRUST, ADMINISTERED BY UNDP, BE SET UP FOR FUTURE TA TO LIBYA, OWEN (UNDP) REVEALED. THIS WOULD CHANGE PRESENT SYSTEM UNDER WHICH SEPARATE TRUST FUNDS ESTABLISHED WITH INDIVIDUAL SAS.

GP-3.

GOLDBERG

Note: Paunched by oc/r

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MEMORANDUM

THE WHITE HOUSE
WASHINGTON

May 5, 1966

MEMORANDUM FOR MR. HAYES REDMON

Hayes --

Hayes
Walt talked to the President about this at one of the Tuesday Rusk-McNamara-Rostow luncheons with the President. At that time the President said that he favored the idea but wanted to hold up the announcement until he could use it in a speech "around the end of the month." There has been no opportunity for the President to use it and Hardesty, who had the action, has looked over the calendar of upcoming speeches and there is no appropriate occasion within the next month or so on which the President could use this material.

We now have to decide whether we can make any White House use of the idea or if we should turn it loose and let Secretary Rusk and Ambassador Goldberg take the initiative.

Could you check out ASAP the desirability of making a White House announcement of the approval of the initiative. This is recommendation one in the Rusk memorandum attached herewith. In this case, we should see if we could get the announcement made from the Ranch possibly during this weekend. Please let me or Bromley Smith know as soon as you can.

Unruh
Charles E. Johnson

10
To: BDM
FLS.
Tip the papers for the file & close it out.
cy

100

~~CONFIDENTIAL~~

April 5, 1966

MEMORANDUM FOR THE PRESIDENT

Secretary Rusk, with the strong endorsement of Secretary McNamara, Ambassador Goldberg and Administrator Webb, has submitted for your approval a request that he be authorized to proceed with an approach to the Soviet Union on a Celestial Bodies Treaty.

The Secretary's recommendation has become urgent because there are signs that the Soviet Union may be planning to introduce its own treaty at an early date in order to preempt this subject. It would be to our advantage to act before they do.

It is recommended that you approve the three specific courses of action contained in the Secretary's memorandum and instruct the Secretary to proceed with immediate implementation thereof.

Walt W. Rostow

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DECLASSIFIED
Authority NLT 86-252
By grip, NARA, Date 10/9/02

THE SECRETARY OF STATE
WASHINGTON

~~CONFIDENTIAL~~

MEMORANDUM FOR THE PRESIDENT

Subject: An approach to the Soviet Union
on a Celestial Bodies Treaty

Recommendations

1. That you announce, as a U. S. initiative, proposals for a treaty to govern activities on the moon and other celestial bodies. A suggested statement is contained in Enclosure 1.

Approve _____

Disapprove _____

2. That Ambassador Goldberg (a) circulate the announcement to U.N. Members in New York, and (b) propose a meeting of the appropriate United Nations committee to take up our proposals.

Approve _____

Disapprove _____

3. That Ambassador Thompson inform Soviet Ambassador Dobrynin a day or so in advance of the U.S. announcement and urge an affirmative Soviet response. He will give Dobrynin a brief paper outlining the basic elements for a treaty to be covered in the U. S. announcement.

Approve _____

Disapprove _____

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NLJ-S-98001
By *[Signature]* NARA, Date *11/1/02*

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-2-

Discussion

Ambassador Goldberg told the U. N. General Assembly on December 18 that the U. S. would make a definite proposal for a treaty governing activities on celestial bodies. We are now ready to put forward such a proposal. I believe doing so would constitute a constructive U. S. initiative. It would emphasize once again our interest in international cooperation in outer space, and it would signal the progress of this country in moving toward a manned lunar landing.

We have cleared with other Executive Branch agencies the text of a draft Treaty Governing the Exploration of the Moon and Other Celestial Bodies (Enclosure 2). This treaty would bar claims of sovereignty to the moon and other celestial bodies, guarantee freedom of scientific investigation and free access, and call for international cooperation in studies relating to celestial bodies. The treaty would prohibit military fortifications, military maneuvers, weapons tests, and stationing nuclear weapons on a celestial body.

I think the best way to move ahead is to make an announcement publicizing the principal elements of the proposed treaty. Later, when negotiations are begun, we will be ready to discuss with other governments the text of treaty provisions.

Enclosures:

Dean Rusk

1. Proposed Presidential Statement.
2. Celestial Bodies Treaty.

Concurrences include NASA, Defense and Goldberg.

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DEPARTMENT OF STATE
THE LEGAL ADVISER

~~CONFIDENTIAL~~

MEMORANDUM FOR THE SECRETARY

April 1, 1966.

THROUGH : S/S

FROM : L - Leonard C. Meeker
IO - Joseph J. Sisco

SUBJECT : A UNITED STATES INITIATIVE FOR A TREATY GOVERNING
ACTIVITIES ON CELESTIAL BODIES -- Action Memorandum

Discussion

In September and December 1965 Ambassador Goldberg said in speeches at the U. N. that the United States would be presenting proposals for a treaty to govern activities on celestial bodies.

We have prepared, and cleared throughout the Government, a draft treaty on this subject, and are ready to move forward.

The draft treaty would establish a legal regime for celestial bodies similar in many respects to the Antarctic Treaty. The new treaty would bar claims of sovereignty to celestial bodies, and guarantee freedom of scientific investigation and free access for nationals of contracting parties. It would expressly prohibit military fortifications, military maneuvers and weapons tests. The treaty would also forbid stationing nuclear weapons on or near a celestial body, thus codifying the declarations contained in General Assembly Resolution 1884 (XVIII).

We have considered whether we should seek first to hold bilateral discussions with the Soviets on this treaty, and have concluded that this would not be the optimum course. Instead, we believe there should be a high level U. S. announcement sketching the general outlines of our proposals, circulation

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NLJ-S-98001
By *pljdw*, NARA, Date *11/2/02*

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of an appropriate memorandum to U. N. Delegations in New York, and a request for a meeting of the U. N. Outer Space Legal Subcommittee some time in the near future. The announcement is one that would be appropriate for the President to make if he should choose to launch this U. S. initiative. Alternatively, you might make the announcement. We would contemplate a contemporaneous or slightly earlier notification to the Soviets, which might be carried out by Ambassador Thompson in Washington.

We believe U. S. and Soviet interests in creating an open legal regime for celestial bodies are likely to be similar. The long-range prospects for successful negotiation of a treaty establishing such a regime should be good. There have been some recent indications of Soviet interest in the subject and of a possible Soviet intention to put forward a celestial bodies treaty of their own. We recognize that issues in the international political atmosphere, particularly Viet Nam, complicate the prospects of any early success, but we feel that it would be advisable to move ahead at this time nevertheless. This is a view in which Ambassador Thompson concurs.

Recommendations

1. That you send the President a memorandum (Tab A) suggesting he may wish to announce a U. S. initiative looking toward the conclusion of a treaty governing activities on celestial bodies.

Approve _____

Disapprove _____

2. That you authorize Ambassador Thompson to discuss the matter with Dobrynin a day or two earlier. Ambassador Thompson would give Dobrynin an aide-memoire outlining the principal elements of our proposal.

Approve _____

Disapprove _____

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-3-

Concurrences:

G	-	Mr. Johnson <i>by HR</i>	G/PM	-	Mr. Garthoff <i>by HR</i>
S/AL	-	Ambassador Thompson <i>by HR</i>	ACDA	-	Mr. de Palma <i>by</i>
IO	-	Mr. Sisco	SCI	-	Mr. Nesbitt <i>in draft</i>
EUR	-	Mr. Leddy <i>by VJS</i>	S/P	-	Mr. Gathright <i>in subsec</i>

Attachments:

Tab A - Memorandum to the President
with enclosures:

Enclosures: 1 - Proposed Presidential Statement.
2 - Celestial Bodies Treaty.

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L:LCMeeker/L:EUR:HReis:lr 4/1/66

May 5, 1966

MEMORANDUM FOR MR. HAYES REDMON

Hayes --

Wait talked to the President about this at one of the Tuesday Rusk-McNamara-Rostow luncheons with the President. At that time the President said that he favored the idea but wanted to hold up the announcement until he could use it in a speech "around the end of the month." There has been no opportunity for the President to use it and Hardesty, who had the action, has looked over the calendar of upcoming speeches and there is no appropriate occasion within the next month or so on which the President could use this material.

We now have to decide whether we can make any White House use of the idea or if we should turn it loose and let Secretary Rusk and Ambassador Goldberg take the initiative.

Could you check out ASAP the desirability of making a White House announcement of the approval of the initiative. This is recommendation one in the Rusk memorandum attached herewith. In this case, we should see if we could get the announcement made from the Ranch possibly during this weekend. Please let me or Bromley Smith know as soon as you can.

Charles E. Johnson

*Entire file to
Mr. Redmon
on 5/5/66*

OUTGOING
MESSAGE

VIA Wireless File

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SENT TO: Potomac Cable No. 301 -- TOWARD PEACE IN SPACE
AND ON EARTH

(Sent 5/12/66 via Wireless File)

Origin
IOP/G-7
Info:

President Johnson's historic May 7 proposal for a treaty governing exploration of celestial bodies merits widespread recognition as another in the sequence of United States initiatives to (1) extend the rule of law into outer space, and (2) keep the danger of war from spreading to new arenas.

FORMULA
"PG"

The U. S. is committed to a manned lunar landing by 1970, and the Soviet Union has also said it will send men to the moon. With lunar landings in prospect, President Johnson has asked for action now to set international rules and procedures for the exploration of celestial bodies. The President said:

"Just as the United States is striving to help achieve peace on this earth, we want to do what we can to ensure that explorations of the moon and other celestial bodies will be for peaceful purposes only. We want to be sure that our astronauts and those of other nations can freely conduct scientific investigations of the moon. We want the results of these activities to be available for all mankind."

The President's pioneering proposal calls for a comprehensive treaty to

(1) keep

Drafted by: IOP:JOHanson;SBourgin:fls 5/12/66

TRANSMISSION AND
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APPROVED BY:

Burnett Anderson

Clearances

State:P/PG - Mr. Dillon (substance)
IO - Mr. Blachly
ACDA - Mr. Nordness

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- (1) keep celestial bodies free for exploration and use by all countries;
(2) guarantee freedom of scientific investigation, and urge international cooperation in activities relating to celestial bodies; (3) seek to avoid their harmful contamination; (4) ban their use as sites for mass-destruction weapons, weapons tests, and military maneuvers; and (5) assure assistance by astronauts of one country to other astronauts.

Mr. Johnson's new proposal encompasses and builds on earlier steps. These include the 1963 treaty outlawing nuclear weapons tests in the atmosphere, under water, and outer space; and U. N. General Assembly resolutions of 1963 setting forth legal principles for space exploration and calling on nations to refrain from stationing mass-destruction weapons in space. But the pattern of the President's proposal also harks back to the treaty that resulted from the conference on Antarctica which the U. S. called in 1959. That treaty pledges the 12 countries conducting Antarctic research to use the continent for peaceful purposes only, and to cooperate in scientific exploration there; it bans the use of Antarctica for military bases and maneuvers, for testing and storage of weapons, and it provides for unlimited inspection of activities on that continent.

From the beginning of the space age, the U. S. has worked in the United Nations for the extension of the rule of law into outer space. American spokesmen were instrumental in the creation of (1) the U. N. Committee on the Peaceful Uses of Outer Space, and (2) its two subcommittees, one of which will now be responsible for negotiations

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for negotiations on President Johnson's proposal. The United States cosponsored and urged approval of previous U. N. resolutions on the topic. Mr. Johnson's new proposal for a treaty governing all aspects of the exploration of celestial bodies is thus a major step forward in a field of long-standing American interest.

There have also been many other forward-looking U. S. initiatives in the cause of global peace. Twenty years ago -- when the problem of nuclear weapons was new, and only the U. S. possessed nuclear weapons -- the United States put forward the Baruch Plan, under which all nuclear weapons and nuclear knowledge would have been surrendered to an international authority. In 1958 the U. S. called for a nuclear test ban treaty, and for scientific talks to affirm its feasibility--an initiative which came to fruition with the signing of a limited test ban treaty in 1963. In 1965, at the Eighteen-Nation Disarmament Conference in Geneva, the U. S. submitted the first draft treaty to check the spread of nuclear weapons.

During the most recent session of the Geneva disarmament conference -- which is now in recess, from May 10 to June 14 -- the U. S. delegation pressed vigorously for accomplishments in keeping with its January 27 mandate from President Johnson, who said:

"The avoidance of war, and particularly nuclear war, is the central common concern of all mankind.

"My country

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"My country is dedicated to this end. The effort to control, and reduce -- and ultimately eliminate -- modern engines of nuclear destruction is fundamental to our policy. We have, with all mankind, a common interest in acting now to prevent nuclear spread, to halt the nuclear arms race, and to reduce nuclear stocks. For this reason, we must press on with our work in Geneva."

The U. S. delegation thereupon took these major, realistic initiatives:

April 4 -- Presented new specifics for inspection procedures to verify a comprehensive nuclear test ban treaty, which the U. S. favors.

April 14 -- Described simplified checks which could ensure the shutdown of nuclear weapons plants closed by agreement -- an agreement which the U. S. suggested and works to achieve.

April 19 -- Hailed the Latin American initiative for a nuclear-free zone, and outlined possible approaches to a new system of regional arms control which could, in President Johnson's words, divert resources now spent on arms to "feeding the hungry, healing the sick and teaching the uneducated."

April 28 -- Offered to let the International Atomic Energy Agency inspect the first and only nuclear fuel reprocessing plant in the U. S., to ensure that it diverted no nuclear material from peaceful to military purposes.

Americans have learned that the road to disarmament is complex, and that
perseverance is

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perseverance is as essential as the contribution of new ideas. The U. S. will continue to persevere in constructive, creative approaches to peace on earth and in outer space.

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USUN 4991

OUTER SPACE, CELESTIAL BODY TREATY

1. IN SERIES OF MEETINGS PLUS LUNCH WITH WALDHEIM (CHAIRMAN, OUTER SPACE COMITE), MEEKER, SOHIER (NASA) AND OTHER OFFICERS SAW ALL MEMBERS OUTER SPACE COMITE MAY 23 EXCEPT BLOC (DID SEE USSR, SEE USUN'S 4991), ARGENTINA, CHAD, LEBANON, IRAN. ALL DELEGATIONS EXPRESSED INTEREST IN US EFFORT. FEW DELEGATIONS HAD RECEIVED DETAILED INSTRUCTIONS. QUESTIONS MAINLY CENTERED ON TIMING OF TREATY, FOR WHICH URGENCY NOT UNDERSTOOD: RELATION AND PRIORITY OF TREATY ON CELESTIAL BODIES TO TREATIES ON ASSISTANCE AND RETURN, AND LIABILITY; AND RELATION OF CELESTIAL BODIES TREATY TO PREVIOUS UNGA RESES 1962, 1884.

2. MEEKER RESPONDED TO THIS LINE OF QUESTIONING AS FOLLOWS:

A. TIMING- OUR BELIEF SOVIETS MIGHT BE INTERESTED AT THIS POINT DUE TO SUCH STREWS IN WIND AS TARAPKIN STATEMENT AT ENDC, AND ARTICLE REPRINTED IN SOV MAGAZINE FROM LONDON TIMES ARTICLE COMMENTING ON DESIRABILITY SETTLE PRINCIPLES COVERING EXPLORATION OUTER SPACE. WE FEEL CELESTIAL BODIES TREATY IMPORTANT NOW BECAUSE WE WISH CONCLUDE AGREEMENT BEFORE MEN REACH MOON.

B. RELATIONSHIP TO OTHER TREATIES BEING NEGOTIATED IN SUB-COMITE WORK COULD GO ON ON ALL THREE SIMULTANEOUSLY. WE HOPE TREATY ON CELESTIAL BODIES WOULD HAVE PRIORITY, BUT WORK ON LIABILITY SHOULD ALSO GO FORWARD. HOPE THAT IF AGREEMENT REACHED ON CELESTIAL BODIES, PERHAPS MOOD BE SET FOR AGREEMENT ON OTHER TWO.

C. COMPREHENSIVE CODIFICATION-WE FEEL SOVIET WISH CODIFY LAW COVERING ALL OUTER SPACE ACTIVITIES AT ONE UNREALISTIC. AREAS SHOULD BE TAKEN UP AS POSSIBILITY FOR REACHING AGREEMENT ARRIVES AND NEED ARISES. TAKING UP EVERYTHING AT ONCE UNNECESSARILY DIFFICULT IF NOT IMPOSSIBLE.

3. IN ADDITION TO QUESTIONS OUTLINED ABOVE, FOLLOWING DECLASSIFIED POINTS EMERGED:

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E.O. 12958 Sec. 3.5

NLJ-S-98001

By *gldw* NARA, Date *11/2/02*

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-2- 5009, May 24, From USUN New York
A. OLD COMMONWEALTH

CANADA ASKED IF OUR LONG TERM AIM WAS TO HAVE COMPLETE DEMILITARIZATION ALL CELESTIAL BODIES. AUSTRALIA WONDERED WHY ARTIFICIAL SATELLITES EXCLUDED AND THOUGHT THIS MIGHT BE PICKED UP BY MANY DELS. IN REPLY, MEEKER SAID THAT WE SHOULD ATTEMPT TAKE ADVANTAGE OF FACT THAT CELESTIAL BODIES LESS USABLE FOR MILITARY PURPOSES AT PRESENT THAN EARTH. IF NON-ALIGNED ANXIOUS CONVERT RES 1884 INTO INTERNATIONAL AGREEMENT, THIS MIGHT BE EXPLORED IN CONTEXT OF DISARMAMENT.

CANADA ALSO WAS DOUBTFUL WHETHER AN OUTER SPACE COMITE SESSION DESIRABLE UNLESS USSR DISPLAYED SOME INTEREST.

RE RESPONSE TO WALDHEIM'S LETTER CONCERNING CONVENING LEGAL SUB-COMITE, IT WAS AGREED THAT FORTHCOMING RESPONSE BE BEST, WELCOMING EARLY MEETING.

MEEKER ALSO SUGGESTED THAT FULL COMITE MIGHT MEET TO DISCUSS TREATY AND GIVE DIRECTIVES TO SUB-COMITE UK FELT FULL COMITE MIGHT GET BOGGED DOWN IN DISCUSSION 1967 CONFERENCE. SUBSEQUENTLY MEMBER UK DEL TOLD US MANY DELS WONDER WHY THERE DIFFERENCE BETWEEN PRESIDENT'S SORMAULATION THAT CELESTIAL BODIES SHOULD BE FREE FOR "EXPLORATION AND USE" BY ALL, AND POINT I, WHICH CALLS FOR FREE "EXPLORATION".

B. FRIENDLY FIFTEEN

JAPAN EMPHASIZED HER DESIRE HAVE RES 1962 CODIFIED INTO INTERNATIONAL AGREEMENT. SWEDEN WOULD PREFER CONTINUE WORK ON LIABILITY AND NOT RPT NOT INTRODUCE NEW QUESTION WHICH ALREADY COVERED BY PREVIOUS GA RESES. AUSTRIA DESIRED SEE RES 1962 IN INTERNATIONAL AGREEMENT, BUT FELT THAT WE MUST MAKE PROGRESS WHEN AND WHERE WE CAN. SEPARATELY, DELA COSTE (FRANCE) SAID HIS DEL HAD NO RESPONSE FROM PARIS. HIS REACTION WAS THAT THERE CLEAR NEED FOR PRIOR CONSULTATIONS BEFORE ANY MEETING OUTER SPACE COMITE OR SUB-COMITE. EVEN WITH PRIOR CONSULTATIONS, WOULD PROBABLY TAKE AT LEAST THREE WEEKS HARD WORK IN COMITE AGREE ON TREATY. EARLIEST REALISTIC DATE CONSULTATIONS COULD BE CONCLUDED WOULD BE JULY. BUENO (BRAZIL) INFORMED US HIS DEL UNDER INSTRUCTION REPLY TO WALDHEIM LETTER, SUPPORTING EARLY MEETING LEGAL SUB-COMITE CONSIDER TREATY ON CELESTIAL BODIES.

C. NON-ALIGNED

AT MEETING WITH MOROCCO, INDIA, AND SIERRA LEONE, MOROCCO SHOWED STRONG INTEREST IN FACT THAT US STATEMENT CALLS FOR CELESTIAL BODIES TO BE USE FOR PEACEFUL PURPOSES ONLY. NOTED PAST NON-ALIGNED INTEREST IN THIS PRINCIPLE AS APPLIED TO OUTER SPACE. SEPARATELY, UAR ASID NO RESPONSE FROM CAIRO YET RECEIVED.

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-3- 5009, May 24, From USUN New York

BUT DEL WELCOMED PROSPECT OF FORWARD MOTION.

D. WALDHEIM TOLD MEEKER AND SOHIER HE EXPECTS IT BE SOME TIME BEFORE DELS RESPOND TO HIS LETTER ASKING FOR VIEWS ON DESIRABILITY OF EARLY MEETING OF LEGAL SUB-COMITE TAKE UP CELESTIAL BODIES TREATY.

E. SOVS

CONVERSATION WITH MOROZOV REPORTED. USUN'S 4991. WE WILL INFORM UK, CANADA AND AUSTRALIA IN DETAIL BUT TO OTHERS INDICATE ONLY THAT MEEKER FOUND MOROZOV FRIENDLY BUT NON-COMMITAL IN ABSENCE REACTION FROM MOSCOW.

GP-4

GOLDBERG

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INCOMING TELEGRAM Department of State

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OUTER SPACE

MEEKER AND THACHER MET WITH MOROZOV AFTER SC MTG TODAY TO DISCUSS US PROPOSAL FOR CELESTIAL BODIES TREATY. MOROZOV WAS IN UNUSUALLY RELAXED AND FRIENDLY MOOD. HIS BASIC RESPONSE WAS THAT HE LACKED INSTRUCTIONS AND WAS THEREFORE NOT IN POSITION TO DISCUSS US INITIATIVE OR OTHER ASPECTS UN WORK ON LAW OF OUTER SPACE. WHEN ASKED IF HE THOUGHT UN OUTER SPACE MEETINGS COULD ARRANGED IN NEAR FUTURE, HE SAID THIS ONLY A TECHNICALITY ONCE QUESTIONS OF PRINCIPLE RESOLVED.

MOROZOV REVERTED TO SOV PROPOSAL FOR TREATY EMBODYING GENERAL PRINCIPLES OF OUTER SPACE LAW, AND ASKED WHETHER US COULD SUPPORT SUCH TREATY. WE ASKED IN TURN WHETHER HE THOUGHT NEGOTIATION OF CELESTIAL BODIES TREATY WOULD BE FACILITATED BY CASTING GA'S 1963 DECLARATION OF PRINCIPLES IN TREATY FORM. HE WAS NON-COMMITTAL BUT APPEARED INTERESTED.

WE EMPHASIZED WE HOPED FOR PROGRESS ON ASSISTANCE AND RETURN AND LIABILITY AS WELL AS ON CELESTIAL BODIES. IN DISCUSSING A AND R, MOROZOV DENIED USSR HAD FAILED TO RESPOND TO US SUGGESTIONS OR HAD REJECTED THEM IN SUB-COMITE MTG LAST SEPT. HE SAID SUGGESTIONS SHOWED PROGRESS BUT USSR HAD FELT UNABLE AT THAT TIME TO PARTICIPATE IN DISCUSSIONS WITH US OUTSIDE OFFICIAL FORUM.

WE EXPRESSED INTEREST IN BILATERAL TALKS WITH SOVS ON ANY AND ALL ASPECTS OUTER SPACE LEGAL PROBLEMS WHENEVER THEY READY TO DISCUSS. MOROZOV EXPRESSED APPRECIATION, DID NOT RULE OUT POSSIBILITY SUCH TALKS, BUT MADE CLEAR SOV POSITION IN ALL RESPECTS WOULD DEPEND ON INSTRUCTIONS NOT YET RECEIVED.

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E.O. 13292, Sec. 3.4
By ebm, NARA, Date 5-14-04

~~CONFIDENTIAL~~

June 1, 1966

EVENING READING FOR THE PRESIDENT

The USSR proposal for a celestial bodies treaty, which was made public yesterday, bears strong resemblance to the points covered in your statement of May 7 and in the paper Ambassador Goldberg handed to Federenko a few days later:

1. All countries are entitled to conduct explorations.

Both our proposal and that of the Soviets state that the moon and other celestial bodies should be free for exploration and use by all countries in accordance with international law.

2. No claims of sovereignty. Both the U.S. and Soviet proposals exclude claims to territorial sovereignty:

3. Military activities. Both the U.S. and the Soviet proposals draw upon the Antarctic Treaty in this important aspect. The texts read:

United States

"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 maneuvers should be forbidden.

USSR

"The Moon and other celestial bodies should be used by all States for peaceful purposes only. No military bases and installations including installations of nuclear and other weapons of mass destruction should be stationed on the Moon and other celestial bodies."

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NWJ-S-98001
By *[signature]* NARA, Date 11/1/02

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*Copies to
J. Bates
J. Keen*

~~CONFIDENTIAL~~

- 2 -

The Soviet language, prohibiting "military bases", may be a little broader than the U.S. reference to "fortifications".

4. International Cooperation. The United States has proposed (a) freedom of scientific investigation, (b) cooperation among all countries in scientific activities relating to celestial bodies, (c) studies and appropriate steps to avoid harmful contamination, and (d) mutual assistance among astronauts as necessary. The Soviet proposal, paralleling our own, says that "all States enjoy freedom of scientific exploration of the moon and other celestial bodies ...". The Soviet proposal concludes by stating very generally:

"In the course of the exploration of the Moon and other celestial bodies the States proceed from principles of cooperation and mutual assistance and carry on their activities with due account of the respect¹/interests of other States for the purpose of maintaining international peace and security."

The USSR proposal contains the statement that "the exploration and use of the moon and other celestial bodies should be carried out for the benefit and in the interests of all mankind ...". This statement is not included among the U.S. points; its origin lies in UN General Assembly Resolution 1962 (XVIII) which contains the Declaration of Legal Principles to Govern² the Exploration and Use of Outer Space.

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5. Comment. There is thus an extensive parallelism between the points in the U.S. and Soviet proposals. There do not appear to be significant divergences in substance so as to make negotiation of a treaty intrinsically difficult. Whether agreement can be reached with the Soviets in the next few months will depend essentially on whether they are prepared politically to enter into any new agreement with the United States during this time period.

The immediate question is one of timing and forum. We have called for an early meeting of the UN Outer Space Legal Subcommittee; the Soviets seek General Assembly discussion in the autumn.

L:LCMeeker:jsf
L/EUR:HKReis

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2. Celestial Bodies Treaty - There is an essential parallel between the U.S. and Soviet proposals for a Celestial Bodies Treaty. Furthermore, there do not appear to be substantive divergences which would make the negotiation of a treaty intrinsically difficult. However, the prospects of reaching agreement with the Soviets in the next few months would depend essentially on whether they are politically prepared to enter into any new agreement with us during this time period. The immediate question is one of timing and forum. We have called for an early meeting of the UN Outer Space Legal Subcommittee; the Soviets seek General Assembly discussion in the autumn. A more detailed analysis of this question is attached.

Excluded from
the President's
Agenda
Meeting
of
the
Security
Council

INCOMING TELEGRAM *Department of State*

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AF TREATY ON CELESTIAL BODIES.
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NEA REACTIONS JUNE 1 TO SOV LTR TO SYG SIMILAR TO THOSE REPORTED
P REFTEL. DORUM (NORWAY), ROMARE (SWEDEN) AND KATO (JAPAN)
USIA ALL SAID THAT SOVS APPEAR NOT TO WANT MTG OF OUTER SPACE
NSC COMITE PRIOR TO 21ST GA. BOTH DORUM AND ROMARE SAW ADVANTAGES
INR HAVING OUTER SPACE COMITE OR LEGAL SUBCOMITE MEET TO INITIATE
CIA WORK ON TREATY. KATO, HOWEVER, FORESAW NO DIFFICULTY IN
NSA 21ST GA COMPLETING WORK ON TREATY EVEN WITHOUT PRIOR WORK
DOD IN OUTER SPACE COMITE.

SCI BUENO (BRAZIL) UNDERSTOOD THAT SOVS WOULD TABLE TREATY
E AT 21ST GA. WONDERED WHAT US REACTION WOULD BE. MISOFF
NASA REPLIED US HAD NO TREATY AT PRESENT AND HOPED ONE BE WORKED
WHB OUT IN COURSE OF MTGS OF OUTER SPACE COMITE.

RSR TURNER (CANADA) REPORTED JUNE 2 HIS DEL INSTRUCTED REPLY
TO WALDHEIM LETTER RE MEETING LEGAL SUB-COMITE INDICATING
THAT CANADIANS PREPARED PARTICIPATE FULLY AT TIME ACCEPTABLE TO
MAJORITY MEMBERS.

DECONTROL AFTER 3 YEARS.

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EUR OUTER SPACE

USIA BUENO (BRAZIL) BELIEVES SOVS USING STALLING TACTICS ON TREATY
NSC CONCERNING CELESTIAL BODIES. HE THINKS THEY ARE AWARE 21ST
INR GA WILL NOT BE ABLE TO COMPLETE WORK ON TREATY AND WILL HAVE TO
CIA REFER MATTER TO OUTER SPACE COMITE.

NSA AS FOR US-PROPOSED TREATY, HE RECALLED BRAZIL HAD PROMPTLY
DOD COMMUNICATED TO CHAIRMAN BRAZIL'S WILLINGNESS TO HAVE EARLY MTG
SCI OF LEGAL SUBCOMMITTEE. HE ADDED BRAZIL WLD ALSO BE QUITE PREPARED
NASA TO CONSIDER US PROPOSAL IN OUTER SPACE COMITE ITSELF.

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RSR GOLDBERG

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E.O. 12958 Sec. 3.5

NLJ-S-98001

By *gljdw*, NARA, Date *11/2/02*

~~CONFIDENTIAL~~

14b

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TREATY ON CELESTIAL BODIES

NOT MANY REPLIES RECEIVED TO WALDHEIM (CHAIRMAN OUTER SPACE COMITE) LETTER RE EARLY MTG LEGAL SUB-COMITE CONSIDER 'TREATY ON CELESTIAL BODIES, ACCORDING SCHMID (AUSTRIA). *Saunders*

REPLIES ARE AS FOLLOWS:

AUSTRALIA AND LEBANON - FOR EARLY MTG

BRAZIL - FOR MTG AT EARLIEST POSSIBLE DATE

CANADA AND SIERRA LEONE - FOR MTG AT TIME ACCEPTABLE TO MAJORITY

POLAND - ACKNOWLEDGED RECEIPT OF LETTER, WILL REPLY LATER.

HUNGARY - SAID PROPOSAL FOR CONVENING LEGAL SUB-COMITE WOULD
BE TAKEN UNDER SERIOUS CONSIDERATION AND RETURNED TO AFTER

HUNGARY HAD EXAMINED ALL RELEVANT PROBLEMS AND DOCS
"INCLUDING OUR OWN PROPOSALS". (HUNGARIAN REPLY RECEIVED
BEGIN UNDERLINE BEFORE END UNDERLINE SOV REQUEST FOR AGENDA
ITEM RE RPT RE CELESTIAL BODIES.)

NO REPLY YET RECEIVED FROM SOVS.

DECLASSIFIED AFTER THREE YEARS. GOLDBERG
BT

LIMITED OFFICIAL USE



8330

DEPARTMENT OF STATE
WASHINGTON

June 6, 1966

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Rec'd
Orig

MEMORANDUM FOR MR. WALT W. ROSTOW
THE WHITE HOUSE

Subject: Letter of May 16 from Mr. Charles W. Davis
to the President re Celestial-Bodies Treaty

6/7

As requested by Mr. Popple's referral slip of May 18
a copy of the Department's reply to Mr. Charles W. Davis is
enclosed.

/s/ Alexander Rattray

for Benjamin H. Read
Executive Secretary

Enclosures:

1. Letter to Mr. Davis
2. Letter to the President from
Mr. Davis

150

ASSISTANT SECRETARY OF STATE
WASHINGTON

June 6, 1966

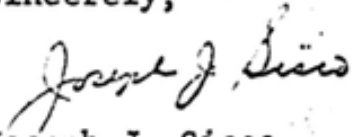
Mr. Charles W. Davis
One North LaSalle Street
Chicago 2, Illinois

Dear Mr. Davis:

President Johnson has asked me to reply to your letter of May 16 on his proposed celestial-bodies treaty and to thank you for your interest. As you know, the President said on May 7 that he was asking Ambassador Goldberg to seek early discussions on this proposal in the appropriate UN body. On May 9, Ambassador Goldberg requested a session of the UN Committee on the Peaceful Uses of Outer Space to negotiate the treaty. We hope to move ahead as fast as feasible.

Thank you for your suggestions.

Sincerely,


Joseph J. Sisco

THE WHITE HOUSE OFFICE

REFERRAL

8330

156

To: The Honorable
The Secretary of State

Date: May 18, 1966

ACTION REQUESTED

- ☐ Draft reply for:
☐ President's signature.
☐ Undersigned's signature.

☐ Memorandum for use as enclosure to reply.

☒ Direct reply.
☒ Furnish information copy.

☐ Suitable acknowledgment or other appropriate handling.
☐ Furnish copy of reply, if any.

☐ For your information.

☐ For comment.

NOTE

Prompt action is essential.

If more than 48 hours' delay is encountered, please telephone the undersigned immediately, Code 1450.

Basic correspondence should be returned when draft reply, memorandum, or comment is requested.

REMARKS:

Description:

☒ Letter: ☐ Telegram: ☐ Other:

To: The President
 From: Charles W. Davis, 1 North La Salle Street, Chicago, Illinois 60602
 Date: May 16, 1966
 Subject: Administration of International treaty for exploration of Outer Space by UN specialized agency.

By direction of the President:

Paul M. Popple

Paul M. Popple
Assistant to the President.

aer

(Copy to remain with correspondence)

John Johnson from Mr. Keany 6/20
16
file
Universal Bodies Treaty

SOVIET SPACE DRAFT

MOSCOW TASS INTERNATIONAL SERVICE IN ENGLISH 0755Z 17 JUN 66 L.

(TEXT) NEW YORK, 17 JUNE--THE ACTING SOVIET PERMANENT REPRESENTATIVE AT THE UNITED NATIONS, P.D. MOROZOV, YESTERDAY SENT TO SECRETARY GENERAL U THANT A DRAFT OF A TREATY ON THE PRINCIPLES OF THE ACTIVITIES OF STATES IN THE EXPLORATION OF OUTER SPACE, THE MOON, AND OTHER CELESTIAL BODIES AND SUBMITTED IT FOR CONSIDERATION.

THE SOVIET GOVERNMENT IS SUBMITTING THIS DRAFT TO THE CONSIDERATION OF THE 21ST SESSION OF THE GENERAL ASSEMBLY IN CONNECTION WITH THE INCLUSION BY THE SOVIET UNION OF AN APPROPRIATE ITEM IN THE AGENDA OF THE COMING SESSION.

P.D. MOROZOV ASKED THE U.N. SECRETARY GENERAL TO CIRCULATE THE DRAFT AS AN OFFICIAL U.N. DOCUMENT. FOLLOWS THE FULL TEXT OF THE DRAFT, AN UNOFFICIAL TRANSLATION:

THE GOVERNMENTS HEREINAFTER CALLED THE PARTIES TO THE TREATY, INSPIRED BY THE GREAT PROSPECTS OPENING UP BEFORE MANKIND AS A RESULT OF MAN'S PENETRATION INTO SPACE,

RECOGNIZING THE COMMON INTEREST OF ALL MANKIND IN THE PROGRESS OF EXPLORATION AND UTILIZATION OF OUTER SPACE FOR PEACEFUL PURPOSES,

HOLDING THAT EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE AIMED AT BENEFITTING ALL PEOPLES, IRRESPECTIVE OF THE LEVEL OF THEIR ECONOMIC AND SCIENTIFIC DEVELOPMENT,

SIRIOUS OF CONTRIBUTING TO THE DEVELOPMENT OF EXTENSIVE COOPERATION IN BOTH SCIENTIFIC AND LEGAL ASPECTS OF THE EXPLORATION AND PEACEFUL UTILIZATION OF OUTER SPACE;



BELIEVING THAT SUCH COOPERATION WILL HELP DEVELOP MUTUAL UNDERSTANDING AND STRENGTHEN FRIENDLY RELATIONS AMONG STATES AND PEOPLES, 2

TAKING INTO CONSIDERATION GENERAL ASSEMBLY RESOLUTION NO. 110/11 OF 3 NOVEMBER 1947, WHICH CONDEMNES PROPAGANDA PURPORTING TO CREATE OR CAPABLE OF CREATING OR INCREASING DANGER TO PEACE, TO DISTURB PEACE, OR COMMIT ACTS OF AGGRESSION AND BELIEVING THAT THE ABOVE SAID RESOLUTION IS APPLICABLE TO OUTER SPACE, HAVE AGREED ON THE FOLLOWING:

ARTICLE I: THE EXPLORATION AND USE OF OUTER SPACE IS CARRIED OUT TO THE BENEFIT AND IN THE INTERESTS OF ALL COUNTRIES AND IS A POSSESSION OF ALL MANKIND. PARTIES TO THIS TREATY UNDERTAKE TO GRANT EQUAL TERMS TO STATES ENGAGED IN SPACE EXPLORATION.

OUTER SPACE, INCLUDING THE MOON AND OTHER CELESTIAL BODIES, IS OPEN TO RESEARCH AND USE BY ALL STATES WITHOUT ANY DISCRIMINATION, ON THE BASIS OF EQUALITY AND IN CONFORMITY WITH INTERNATIONAL LAW, WITH FREE ACCESS ASSURED TO ALL REGIONS OF CELESTIAL BODIES.

ARTICLE II: THE OUTER SPACE AND THE CELESTIAL BODIES ARE NOT SUBJECT TO NATIONAL APPROPRIATION EITHER THROUGH PROCLAMATION OF SOVEREIGNTY OVER THEM OR THROUGH THEIR UTILIZATION OR OCCUPATION OR BY ANY OTHER MEANS.

ARTICLE III: IN EXPLORING AND UTILIZING OUTER SPACE, INCLUDING THE MOON AND OTHER CELESTIAL BODIES, THE PARTIES TO THE TREATY SHALL BE GUIDED BY INTERNATIONAL LAW, INCLUDING THE CHARTER OF THE UNITED NATIONS ORGANIZATION, IN THE INTEREST OF MAINTAINING INTERNATIONAL PEACE AND SECURITY AND DEVELOPMENT OF INTERNATIONAL COOPERATION AND MUTUAL UNDERSTANDING.

ARTICLE IV: THE PARTIES TO THE TREATY UNDERTAKE NOT TO PUT IN ORBIT AROUND THE EARTH ANY VEHICLES WITH NUCLEAR WEAPONS OR OTHER MASS DESTRUCTION WEAPONS, ON BOARD, NOT TO STATION SUCH WEAPONS ON CELESTIAL BODIES, OR, BY WHATEVER MEANS, IN OUTER SPACE. THE MOON AND THE OTHER CELESTIAL BODIES SHALL BE USED BY ALL THE PARTIES TO THE TREATY FOR PEACEFUL PURPOSES EXCLUSIVELY. IT IS PROHIBITED TO ESTABLISH MILITARY BASES AND INSTALLATIONS, TO TEST WEAPONS OR HOLD MILITARY EXERCISES ON CELESTIAL BODIES.

(MORE)

17 JUN 1040Z CF/EG

(TEXT) ARTICLE V: A PARTY TO THE TREATY WHICH HAS IN ITS REGISTER A VEHICLE SENT INTO OUTER SPACE, RETAINS ITS JURISDICTION AND CONTROL OVER THIS VEHICLE AND ITS CREW WHILE THEY ARE IN SPACE OR ON A CELESTIAL BODY. ITS RIGHT OF PROPERTY TO SPACE VEHICLES SENT INTO OUTER SPACE, INCLUDING INSTALLATIONS TAKEN TO OR BUILT ON A CELESTIAL BODY, AND ITS RIGHT OF PROPERTY TO THEIR COMPONENT PARTS REMAIN INTACT WHILE THEY ARE IN SPACE, OR ON A CELESTIAL BODY AND ON THEIR RETURN TO THE EARTH. SUCH VEHICLES AND INSTALLATIONS OR THEIR COMPONENT PARTS, IF DISCOVERED BEYOND THE BOUNDARIES OF A STATE PARTY TO THE TREATY, WHICH HAS THEM IN ITS REGISTER, SHALL BE RETURNED TO THIS STATE, PARTY TO THE TREATY, WHICH SHALL SUPPLY ON DEMAND ITS IDENTIFICATION DATA BEFORE THE COME-BACK.

ARTICLE VI: THE PARTIES TO THE TREATY BEAR AN INTERNATIONAL RESPONSIBILITY FOR THE NATIONAL ACTIVITIES IN OUTER SPACE AND/OR ON CELESTIAL BODIES, WHETHER THEY ARE EFFECTED BY GOVERNMENT AGENCIES OR NONGOVERNMENTAL JURIDICAL PERSONS. NONGOVERNMENTAL JURIDICAL PERSONS SHALL OPERATE IN OUTER SPACE WITH THE PERMISSION OF AND UNDER CONSTANT SUPERVISION BY THE APPROPRIATE STATE PARTY TO THE TREATY. IN THE EVENT OF SPACE ACTIVITIES BY AN INTERNATIONAL ORGANIZATION, THE RESPONSIBILITY FOR THE FULFILLMENT OF THIS TREATY SHALL BE BORNE, ALONG WITH THE INTERNATIONAL ORGANIZATION, BY THE STATES PARTIES TO THE TREATY PARTICIPATING IN IT.

ARTICLE VII: EACH STATE PARTY TO THE TREATY WHICH EFFECTS OR ORGANIZES THE LAUNCHING OF A VEHICLE INTO OUTER SPACE OR TO CELESTIAL BODIES, AND EACH STATE FROM WHOSE TERRITORY OR INSTALLATIONS THE VEHICLE IS LAUNCHED, BEARS AN INTERNATIONAL RESPONSIBILITY FOR THE DAMAGE WHICH MAY BE CAUSED BY THIS VEHICLE OR COMPONENT PARTS, ON THE GROUND, IN THE AIR, IN OUTER SPACE, OR ON A CELESTIAL BODY, TO ANOTHER STATE PARTY TO THE TREATY, TO ITS PHYSICAL OR JURIDICAL PERSONS.

ARTICLE VIII: IN EXPLORING AND USING OUTER SPACE, STATES PARTIES TO THIS TREATY SHALL BE GUIDED BY THE PRINCIPLE OF COOPERATION AND MUTUAL ASSISTANCE AND SHALL CONDUCT THEIR ACTIVITIES IN OUTER SPACE, INCLUDING ACTIVITIES ON CELESTIAL BODIES, WITH DUE ACCOUNT TAKEN OF THE INTERESTS OF OTHER STATES. IN CARRYING OUT THEIR RESEARCH ON CELESTIAL BODIES STATES PARTIES TO THE TREATY SHALL AVOID ANY DANGEROUS POLLUTION. IF ANY STATE PARTY TO THE TREATY HAS THE GROUND TO BELIEVE THAT SPACE ACTIVITIES OR A SPACE EXPERIMENT PLANNED BY THIS STATE PARTY TO THE TREATY, OR ITS CITIZENS, MAY PRODUCE POTENTIALLY DANGEROUS HANDICAPS TO THE ACTIVITIES OF OTHER STATES PARTIES TO THE TREATY IN THE PEACEFUL EXPLORATION AND USES OF OUTER SPACE, INCLUDING THEIR ACTIVITIES ON CELESTIAL BODIES, IT SHALL HOLD APPROPRIATE INTERNATIONAL CONSULTATIONS BEFORE STARTING ON SUCH ACTIVITY OR AN EXPERIMENT. ANY STATE PARTY TO THE TREATY WHICH HAS GROUNDS TO BELIEVE THAT SPACE ACTIVITIES OR A SPACE EXPERIMENT, PLANNED BY ANOTHER STATE PARTY TO THE TREATY, WOULD CREATE POTENTIALLY DANGEROUS HANDICAPS TO ACTIVITIES IN THE PEACEFUL EXPLORATION AND USES OF OUTER SPACE, INCLUDING ACTIVITIES ON CELESTIAL BODIES, MAY ASK FOR CONSULTATIONS CONCERNING SUCH ACTIVITIES OR AN EXPERIMENT.

(MORE)

X X X OR AN EXPERIMENT

(TEXT) ARTICLE IX: THE STATES PARTIES TO THE TREATY SHALL REGARD COSMONAUTS AS MANKIND'S ENVOYS IN SPACE AND RENDER THEM EVERY ASSISTANCE IN THE EVENT OF A CRASH, ACCIDENT, OR FORCED LANDING ON THE TERRITORY OF ANOTHER STATE PARTY TO THE TREATY OR ON THE HIGH SEAS. THE COSMONAUTS MAKING SUCH A FORCED LANDING MUST BE INSURED SAFETY AND IMMEDIATELY GIVEN AN OPPORTUNITY TO RETURN TO THE TERRITORY OF THE STATE PARTY TO THE TREATY IN WHOSE REGISTER THE SPACESHIP IS INCLUDED.

IN EFFECTING ACTIVITIES IN OUTER SPACE, INCLUDING CELESTIAL BODIES, THE COSMONAUTS OF ONE STATE PARTY TO THE TREATY SHALL RENDER THE UTMOST ASSISTANCE TO THE COSMONAUTS OF OTHER STATES PARTIES TO THE TREATY.

ARTICLE X: IN THE EVENT OF DISPUTES ARISING OUT OF THE APPLICATION OR INTERPRETATION OF THE TREATY, THE STATES PARTIES TO THE TREATY CONCERNED SHALL IMMEDIATELY HOLD CONSULTATIONS FOR THE PURPOSE OF THEIR ADJUSTMENT.

ARTICLE XI: 1--THIS TREATY IS OPEN TO ALL STATES. ANY STATE WHICH FAILS TO SIGN THIS TREATY BEFORE IT COMES INTO FORCE UNDER PARAGRAPH 3 OF THIS ARTICLE, MAY ACCEDE TO IT AT ANY TIME.

2--THIS TREATY IS SUBJECT TO RATIFICATION BY ALL ITS SIGNATORIES. INSTRUCTIONS OF RATIFICATION AND DOCUMENTS OF ACCESSION SHALL BE DEPOSITED WITH GOVERNMENTS WHICH ARE APPOINTED HEREBY AS DEPOSITORY GOVERNMENTS.

3--THIS TREATY COMES INTO FORCE FOLLOWING ITS RATIFICATION.

4--FOR STATES WHOSE INSTRUMENTS OF RATIFICATION OR DOCUMENTS OF ACCESSION ARE DEPOSITED AFTER THIS TREATY BECOMES EFFECTIVE, IT WILL COME INTO FORCE ON THE DAY OF DEPOSITION OF THEIR RATIFICATION INSTRUMENTS OR DOCUMENTS OF ACCESSION.

5--THE DEPOSITORY GOVERNMENTS SHALL IMMEDIATELY NOTIFY ALL STATES WHICH HAVE SIGNED OR ACCEDED TO THE PRESENT TREATY OF THE DATE OF EACH SIGNATURE, THE DATE OF THE DEPOSIT OF EACH INSTRUMENT OF RATIFICATION OR DOCUMENT OF ACCESSION, THE DATE OF THE COMING OF THE PRESENT TREATY INTO EFFECT, AND OTHER PARTICULARS.

6--THE PRESENT TREATY SHALL BE REGISTERED BY THE DEPOSITORY COUNTRIES IN ACCORDANCE WITH ARTICLE 102 OF THE UNITED NATIONS CHARTER.

ARTICLE XII: THE PRESENT TREATY, OF WHICH THE RUSSIAN, ENGLISH, FRENCH, SPANISH, AND CHINESE TEXTS ARE EQUALLY AUTHENTIC, SHALL BE DEPOSITED FOR SAFE-KEEPING IN THE ARCHIVES OF THE DEPOSITORY GOVERNMENTS. DULY CERTIFIED COPIES THEREOF SHALL BE COMMUNICATED BY THE DEPOSITORY GOVERNMENTS TO THE GOVERNMENTS OF THE STATES WHICH HAVE SIGNED THE TREATY OR ACCEDED TO IT.

(ENDALL)

17 JUN 1116Z CF/EG

~~CONFIDENTIAL~~

DEPARTMENT OF STATE

Approved in S 5/28/66 Memorandum of Conversation
Part IV of VI

1960
17
8820

DATE: May 28, 1966
Place: Secretary's office
Time: 5:00 p.m.

SUBJECT: Outer Space

PARTICIPANTS: Ambassador Anatoliy F. Dobrynin, USSR
The Secretary
Llewellyn E. Thompson, Ambassador-at-Large
Department of State

COPIES TO: S INR Amembassy Moscow
U CIA
G SecDef
S/AH W.H.
EUR ACDA

S/AL (3)

The Secretary said that before the Ambassador's departure for Moscow, they had discussed several questions and he wondered if he had received any reaction about them while he was in Moscow. He mentioned, as an example, the outer space treaty.

Dobrynin replied that the general reaction in Moscow had been favorable but this was, of course, unofficial as the matter was still under consideration.

The Secretary said we did not have a definitive text, but thought it might be possible for the two of us to draft a joint text. He thought that the Antarctic treaty had been useful and it worked well and that the proposed outer space treaty might be equally advantageous.

~~CONFIDENTIAL~~

~~file~~ Universal
Business Treaty.

June 29, 1966

17a

14.treaty. In this regard DEL should seek balanced
preamble that draws substantially on language of UN resolutions.

delete
"not any"

Third sentence remains the same.

New 15.

15. The DEL is requested to maintain liaison with US DEL to
ENDC on matters of common concern.

close and continuing

and 3
words

after talking to S.K.
Changed text of
negotiations with
changes noted.
dy

3:15 PM
6/29/66

June 29, 1966

14.treaty. In this regard DEL should seek balanced preamble that draws substantially on language of UN resolutions .

Third sentence remains the same.

New 15.

15. The DEL is requested to maintain liaison with US DEL to ENDC on matters of common concern.

FLS file

~~CONFIDENTIAL~~

June 24, 1966

MEMORANDUM FOR MR. ROSTOW

Subject: Celestial Bodies Treaty

Chuck and I thought that you might like to see the attached draft negotiating instructions for Ambassador Goldberg on the Celestial Bodies Treaty while the document is still in an early stage and can be easily modified. Also attached for your information are the draft U. S. and Soviet texts for the Treaty.

Although the substance of this Treaty is somewhat remote to our current problems, it has special significance in that it may well be the only agreement the President can hope to get with the Soviets in the near future. However, we are concerned that, even though the U. S. and Soviet positions do not appear to be very far apart, the question could easily get tied up in the prolonged negotiations over the details of the wording.

I found the attached instructions much too concerned with the question of pride of authorship. If the President wants a quick agreement, we cannot insist that every word have a U. S. stamp on it, particularly when there is no substantive objection to some of the Soviet language. In any event, the impact will come from the fact of agreement and very few people will read the text carefully enough to have any idea as to the nationality of the drafters. I have discussed this point with Len Meeker and he has agreed to soften the language in the instructions.

I also think we have unnecessarily introduced the inspection issue in a meaningless manner by insisting in Article VI that we have a Treaty right to access to all installations and vehicles on celestial bodies. At the same time, the U. S. delegation is empowered to agree to inclusion in the Treaty of the substance of the "no bombs in orbit" U. N. Resolution without provision for inspection. Since some people consider "bombs in orbit" a real threat, I would not advise opening up

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NLJ-S-98001
By gldw, NARA, Date 4/1/02

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- 2 -

this can of worms before the Senate by focusing attention on it through its specific exclusion from the inspection provisions of the Treaty. If we simply ignore the inspection issue in the Treaty, we can easily take the position that we will unilaterally take whatever actions we choose both in space and on celestial bodies to verify the peaceful nature of foreign activities. Len Meeker has agreed to explore this problem further with State and DOD with the thought of dropping the Article entirely. I have also asked him to make sure that the negotiations both here and in Geneva are properly coordinated with ACDA which has not really been involved in the problem to date.

The State Department is talking about negotiating all summer on this with the thought that the Soviets want to refer it to the General Assembly this fall. If the President would like to see a quick agreement on this subject, we would recommend that, in addition to the formal instructions to the delegation, the President make this wish clear to Rusk and Goldberg prior to Goldberg's departure for the negotiations so that he will be in a position to move for a quick deal if this is possible.

Spurgeon Keeny

Attachments:

1. Draft cable - negotiating instructions
2. U. S. draft text for treaty
3. Soviet draft text for treaty

cc: CEJohnson ✓

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INDICATE: ☐ COLLECT
☐ CHARGE TO

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JUL 6 4 50 PM '66

Origin ACTION: US Mission GENEVA PRIORITY

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Info: INFO : USUN NEW YORK

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STATE : 2080

G

SP SUBJECT: NEGOTIATIONS ON CELESTIAL BODIES - OUTER SPACE TREATY

H

EUR

TO

FOR AMR GOLDBERG

P

1. THIS THE COMBINED INSTRUCTIONS FOR US ARE IN SUBJECT NEGOTIATIONS

U.S.I.A.

NSC during Outer Space Legal SUBCOMITE session BEG July 12 Geneva and in

IN

antecedent bilateral talks with the USSR if these take place.

CI

NSA As you well aware
2. ~~NSA should be aware that~~ entire exercise results from

DO

ACDA initiative by President Johnson. US goal is to have substantively

SC

acceptable treaty emerge from these negotiations.

AE

NASA 3. US DEL should seek treaty including both principles relating to

OS

the exploration of celestial bodies (CB) and activities in outer space

generally. US DEL should be guided on CB aspects by US treaty text

circulated to Outer Space COMITE by ~~AME Goldstone~~ June 17. With regard

to outer space. DEL should bear in mind Declaration of Legal Principles

Governing Exploration and Use of Outer Space (GA RES 1962 (XVIII)) of

December 13, 1963) which was adopted unanimously by GA as result of US-

USSR negotiation, and concerning which ANB Stevenson stated on behalf

of USG that QUOTE These legal principles reflect international law as it

Drafted by:	7/4/66	Tel. Ext.	Telegraphic transmission and	William B. Buffum
Lt L Meeker & L/EUR EReisinger/	3605	classification approved by:	IO -	Jessie M. Brown
White House	- Mr. Johnson	DOB - Mr. Barber	NASA - Mr. Frutkin	
G	- Asst. Johnson	SOV - Mr. MacCracken	ACTA - Mr. De Palma (para. 5)	
SCI	- Mr. Packard	CER - Mr. Fuhon	AEC - Mr. Falfrey	
UNP	- Miss Brown	(para. 12)		

~~CONFIDENTIAL~~

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E.O. 12958 Sec. 3.5
NLJ-S-92001
By SPJW, NARA, Date 11/1/02

~~CONFIDENTIAL~~

is accepted by the Members of the United Nations UNQUOTE. (December 2, 1963 statement before GA ~~as~~ COMITE ONE).

4. As to outer space generally, any principle contained in Declaration of Legal Principles may be included in treaty. When a subject matter is raised which is contained in the Declaration, DEL should not depart in any substantive aspect from Declaration and ~~as far as practical adhere to similar~~ as far as practical adhere to similar wording.

5. DEL may agree to inclusion in treaty of substance of QUOTE no bombs in orbit RES UNQUOTE (GA RES 1884 (XVIII)). It should ensure that wording of this provision follows text of that RES, which was adopted as result of US initiative.

6. Inclusion of assistance and return (A and R) principle (PARA 9 of Declaration of Legal Principles) will very likely make negotiation of separate A and R treaty unnecessary. Text of ~~RE~~ PARA 9 of Declaration of Legal Principles should be followed carefully since it contains unconditional obligation to return astronauts. DEL should not agree to any proposal which might require launching State to repatriate fragments which may come to earth on territory of another State.

7. Inclusion of liability principle per PARA 8 of Declaration of Legal Principles will not affect desirability having Legal Subcomite continue work on separate treaty this subject containing detailed rules and procedure. US initiative in calling for detailed liability agreement should be maintained.

8. DEL should make clear that CB aspects of treaty relate only to natural CBs, and not to man-made vehicles.

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9. US CB treaty draft contains reporting requirements (ART 4). US DEL has discretion suggest alternative proposal which (a) explicitly relates reporting requirements to concern for ~~af~~ safety of astronauts, and (b) calls for notification at any time a State discovers existence of conditions which may affect astronaut's safety. Suggested alternative proposal would be QUOTE In order to facilitate the exchange of scientific information and, in particular, to reduce the hazards to human life which may be encountered in the exploration of celestial bodies, a State conducting activities on or with respect to a celestial body shall provide on a timely basis notification to the Secretary-General of the United Nations of (a) any information regarding space activities pertinent to the safety of explorations and landing operations, and (b) a descriptive report of the nature, conduct and locations of activities on a celestial body. It shall further make the findings of activities on a celestial body freely and promptly available to the public and the international scientific community. END QUOTE.

10. DEL should make clear that access provision of US CB proposal, which is based on Antarctic parallel, relates to inspection and verification on CBs.

11. USSR text follows language of Antarctic Treaty in prohibiting establishment of QUOTE military bases and installations UNQUOTE (Antarctic Treaty prohibits QUOTE military bases and fortifications UNQUOTE). In ~~the~~ developing our treaty language, it had seemed to us that language of Antarctic Treaty in this respect was not particularly meaningful since we

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and others maintain facilities in Antarctica which could be called QUOTE military bases UNQUOTE; our treaty text therefore limited its prohibition to QUOTE military fortifications UNQUOTE. In view of fact that no party to Antarctic Treaty has ever charged another party with violation of Treaty by reason of latter's establishment of a QUOTE military base UNQUOTE, Antarctic-type installations can be considered as not RPT not falling within term QUOTE military bases UNQUOTE, and DEL may accept Antarctic Treaty language on this point.

12. On accession, DEL should at this juncture stick to QUOTE States Members UNQUOTE formula as opposed to QUOTE All States UNQUOTE formula. If substantively acceptable treaty emerges, USG will want to consider consultation with German GOVT in light of our earlier discussions with them in A&R context. DEL should at this early stage endeavor concentrate on substantive aspects of treaty, leaving accession and depositary clauses for later resolution.

13. It seems likely that, on pattern of 1959 Antarctic Conference, subject of ownership of possible recoverable lunar resources having commercial value will not be seriously pressed. As in all other aspects, DEL should report any proposal on this subject.

14. USSR may seek take credit for negotiations and for authorship of treaty. In this regard, DEL should seek balanced preamble that draws substantially on language of U.N. resolutions. Other members Legal SUBCOMITE might wish make contributions to preamble which would be helpful.

~~CONFIDENTIAL~~

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15. DEL should maintain close and continuing liaison with US DEL to
ENDC on matters of common concern.

16. Reporting TELS should be slugged QUOTE Pass NASA and DOD UNQUOTE
in order to ensure appropriate consideration of progress of negotiations. END.

BALL.

~~CONFIDENTIAL~~

Celestial Bodies
— Space Treaty
Negotiations

See
Document
Kenya is
working
on.

200

July 29, 1966

NOTE FOR

Mr. Spurgeon Keeny
Mr. Nathaniel Davis

FYI. Memorandum of conversation
between John Dean and Charles E. Johnson
on July 29, 1966.

"Told John Dean, UN political officer that
I supported their view that they concurred
with Amb. Goldberg on military equipment
and reporting but that on access I felt as
did State Department that the Ambassador
should not be quite as free at this stage of
the negotiations. However, I urged State
to be sure that the Ambassador reserved
for the President the decision as to whether
or not the negotiations would back off on
the access issue."

Charles E. Johnson

Cy to Brom Smith

INCOMING TELEGRAM *Department of State*

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Action

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DEPT PASS NASA AND DOD

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SUBJ: OUTER SPACE LEGAL

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OST

DEL HAS HAD DISCUSSIONS WITH LITVINE OF BELGIUM WITH VIEW TO REACH-
ING AD REFERENDUM CONSENSUS ON TEXT OF AGREEMENT ON LIABILITY FOR
DAMAGE CAUSED BY LAUNCHING OF OBJECTS INTO OUTER SPACE. AT THESE
CONVERSATIONS WE DISCUSSED TABLING A JOINT US-BELGIAN TEXT AT NEXT
SESSION OF LEGAL SUBCOMITE. DEL HAS ALSO DRAWN UP SYNTHESIS OF US
AND BELGIAN PROPOSALS WHICH WE ARE CIRCULATING TO UK, AUSTRIA
AND CANADA. TEXT READS AS FOLLOWS:

CONVENTION CONCERNING LIABILITY FOR DAMAGE CAUSED BY THE LAUNCHING

RSR

PAGE 2 RUFHGV 520/1 ~~CONFIDENTIAL~~
OF OBJECTS INTO OUTER SPACE

THE CONTRACTING PARTIES,

RECOGNIZING THAT ACTIVITIES IN THE PEACEFUL EXPLORATION AND USE OF
OUTER SPACE MAY ON OCCASION RESULT IN DAMAGE,

RECALLING GENERAL ASSEMBLY RESOLUTION 1962 (XVIII), ENTITLED
"DECLARATION OF LEGAL PRINCIPLES GOVERNING ACTIVITIES OF STATES IN
THE EXPLORATION AND USE OF OUTER SPACE" ADOPTED 13 DECEMBER 1963,

SEEKING TO ESTABLISH A UNIFORM RULE OF LIABILITY AND A SIMPLE AND
EXPEDITIOUS PROCEDURE GOVERNING FINANCIAL COMPENSATION FOR DAMAGE,

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E.O. 12958 Sec. 3.5
NLJ-S-98001
By *glidw* NARA, Date *11/1/02*

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BELIEVING THAT THE ESTABLISHMENT OF SUCH A PROCEDURE WILL CONTRIBUTE TO THE GROWTH OF FRIENDLY RELATIONS AND CO-OPERATION AMONG NATIONS,

AGREE AS FOLLOWS:

ARTICLE I

FOR THE PURPOSES OF THIS CONVENTION

(A) "DAMAGE" MEANS LOSS OF LIFE, PERSONAL INJURY, OR DESTRUCTION OR LOSS OF, OR DAMAGE TO, PROPERTY.

(B) THE TERM "LAUNCHING" INCLUDES ATTEMPTED LAUNCHINGS.

(C) "LAUNCHING STATE" MEANS A CONTRACTING PARTY, OR AN INTERNATIONAL ORGANIZATION WHICH HAS TRANSMITTED A DECLARATION TO THE

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SECRETARY-GENERAL UNDER ARTICLE V, PARAGRAPH 1, OF THIS CONVENTION, WHICH LAUNCHES OR PARTICIPATES (BY FURNISHING FUNDS, SERVICES OR EQUIPMENT) IN THE LAUNCHING OF AN OBJECT INTO OUTER SPACE OR WHOSE TERRITORY OR FACILITY IS USED IN SUCH LAUNCHING, OR WHICH EXERCISES CONTROL OVER THE ORBIT OR TRAJECTORY OF AN OBJECT.

(D) "PRESENTING STATE" MEANS A STATE WHICH IS A CONTRACTING PARTY, OR AN INTERNATIONAL ORGANIZATION WHICH HAS TRANSMITTED A DECLARATION TO THE SECY-GEN UNDER ARTICLE V, PARAGRAPH 1 OF THIS CONVENTION, WHICH PRESENTS A CLAIM FOR COMPENSATION TO A RESPONDENT STATE.

(E) "RESPONDENT STATE" MEANS A LAUNCHING STATE, OR AN INTERNATIONAL ORGANIZATION WHICH HAS TRANSMITTED A DECLARATION TO THE SECRETARY-GENERAL UNDER ARTICLE V, PARAGRAPH 1 OF THIS CONVENTION, FROM WHICH COMPENSATION IS SOUGHT BY A PRESENTING STATE.

ARTICLE II

1. THE LAUNCHING STATE SHALL BE ABSOLUTELY LIABLE AND UNDERTAKES TO PAY COMPENSATION THE PRESENTING STATE, IN ACCORDANCE WITH THE PROVISIONS OF THIS CONVENTION, FOR DAMAGE ON THE EARTH, IN AIR SPACE, OR IN OUTER SPACE (BUT NOT INCLUDING DAMAGE TO ANOTHER SPACE OBJECT), ONCE PROOF HAS BEEN GIVEN THAT THERE IS A RELATIONSHIP OF CAUSE AND EFFECT BETWEEN THE DAMAGE, ON THE ONE HAND, AND THE LAUNCHING, MOTION

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OR DESCENT OF ALL OR PART OF AN OBJECT LAUNCHED INTO OUTER SPACE BY THE LAUNCHING STATE, ON THE OTHER HAND, REGARDLESS OF WHETHER SUCH DAMAGE OCCURS DURING LAUNCHING, AFTER THE OBJECT HAS GONE INTO ORBIT, OR DURING THE PROCESS OF RE-ENTRY, INCLUDING DAMAGE CAUSED BY APPARATUS OR EQUIPMENT USED IN SUCH LAUNCHING.

2. IF THE DAMAGE SUFFERED RESULTS EITHER WHOLLY OR PARTIALLY FROM A WILFUL OR RECKLESS ACT OR OMISSION ON THE PART OF THE PRESENTING STATE, OR OF NATURAL OR JURIDICAL PERSONS THAT IT REPRESENTS, THE LIABILITY OF THE LAUNCHING STATE TO PAY COMPENSATION UNDER PARAGRAPH 1 OF THIS ARTICLE SHALL, TO THAT EXTENT, BE WHOLLY OR PARTIALLY EXTINGUISHED.

ARTICLE III (FORMERLY ARTICLE II 3)

1. IF UNDER PARAGRAPH 1 OF ARTICLE II TWO OR MORE LAUNCHING STATES WOULD BE LIABLE TO PAY COMPENSATION, THE PRESENTING STATE MAY PROCEED AGAINST ANY OR ALL SUCH STATES INDIVIDUALLY OR JOINTLY FOR THE TOTAL AMOUNT OF DAMAGES. (SEE 5. BELOW FOR CONTINUATION OF PRIORITIES)

2. WHEN THE PRESENTING STATE PROCEEDS AGAINST LESS THAN THE TOTAL NUMBER OF SUCH POSSIBLE RESPONDENT STATES, THE STATES PROCEEDED AGAINST MAY WITHIN THREE MONTHS GIVE FORMAL NOTICE TO ANY OTHER AFFECTED LAUNCHING STATES, AND THE STATES SO NOTIFIED SHALL ALSO BECOME RESPONDENT STATES AND HAVE THE RIGHT TO PARTICIPATE IN THE SETTLEMENT OR OTHER DISPOSITION OF THE CLAIM.

3. IF A RESPONDENT STATE DOES NOT EXERCISE ITS RIGHT TO NOTIFY AND JOIN OTHER AFFECTED LAUNCHING STATES UNDER PARAGRAPH TWO OF THIS ARTICLE, IT SHALL PAY THAT COMPENSATION FOR WHICH IT AGREES TO BE LIABLE OR WHICH IS OTHERWISE FOUND TO BE DUE. IF ALL LAUNCHING STATES ARE ORIGINALLY JOINED, OR IF A RESPONDENT STATE NOTIFIES AND JOINS THE OTHER LAUNCHING STATES, ANY SETTLEMENT, AGREEMENT OR JUDGMENT SHALL SPECIFY THE APPORTIONMENT OF LIABILITY AMONG THE SEVERAL RESPONDENT STATES.

4. TWO OR MORE LAUNCHING STATES PARTICIPATING IN A LAUNCHING MAY AT ANY TIME BEFORE OR AFTER SUCH LAUNCHING AGREE BETWEEN THEMSELVES ON THE APPORTIONMENT OF THE OVERALL LIABILITY TO A PRESENTING STATE OR STATES, WHICH MAY BE CAUSED BY THE LAUNCHING. IF SUCH LAUNCHING STATES ARE SUBSEQUENTLY MADE JOINT RESPONDENT STATES UNDER THIS CONVENTION FOR DAMAGE ACTUALLY CAUSED, THEIR AGREEMENT, IF REGISTERED WITH THE UNITED NATIONS AS PROVIDED IN ARTICLE VI, SHALL DETERMINE THEIR RESPECTIVE LIABILITIES FOR PORTIONS OF THE TOTAL LIABILITY.

Reviewed NASA and DOD 7/29/66

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5. ONCE THE AMOUNT OF THAT LIABILITY IS AGREED UPON BY ANY OF THE MEANS PROVIDED BY THIS ARTICLE OR IS OTHERWISE ESTABLISHED IN ACCORDANCE WITH THIS CONVENTION, EACH RESPONDENT STATE SHALL BE LIABLE TO PAY THAT AMOUNT, SUBJECT, HOWEVER, TO THE CONDITION THAT THE AMOUNT RECOVERABLE BY THE PRESENTING STATE FROM ANY ONE RESPONDENT STATE SHALL BE REDUCED TO THE EXTENT OF ANY COMPENSATION RECEIVED IN RESPECT OF THAT CLAIM BY THE PRESENTING STATE FROM ANY OTHER RESPONDENT STATE, TO THE INTENT THAT IN NO CASE SHALL THE AGGREGATE OF THE COMPENSATION PAID IN RESPECT OF ANY ONE INJURY EXCEED THE AMOUNT WHICH WOULD BE PAYABLE UNDER THIS CONVENTION IF ONLY ONE RESPONDENT STATE WERE LIABLE.

6. IF ANY ONE OF SEVERAL RESPONDENT STATES FAILS TO PAY ITS PROPORTIONATE SHARE OF THE OVERALL LIABILITY WITHIN SIX MONTHS OF THE DATE OF THE ASCERTAINMENT OF THE AMOUNT DUE, THE PRESENTING STATE MAY DEMAND PAYMENT FROM ANY OR ALL OF THE OTHER RESPONDENT STATES.

7. IT IS THE RESPONSIBILITY OF ANY RESPONDENT STATE, WHICH HAS PAID MORE THAN ITS PROPORTIONATE SHARE OF THE OVERALL LIABILITY, TO SEEK REIMBURSEMENT TO THE EXTENT OF SUCH OVER-PAYMENT FROM ANY RESPONDENT STATE WHICH HAS PAID LESS THAN ITS PROPORTIONATE SHARE.

8. THE PERIODS SPECIFIED IN THIS ARTICLE SHALL NOT BE SUBJECT TO INTERRUPTION OR SUSPENSION.

ARTICLE IV (FORMERLY ARTICLE II 4)

1. COMPENSATION FOR DAMAGE UNDER THIS CONVENTION SHALL BE BASED ON THE PRINCIPLE OF RESTORING THE PERSON SUSTAINING DAMAGE TO A

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POSITION AS NEARLY AS POSSIBLE EQUIVALENT TO THAT PERTAINING PRIOR TO THE DAMAGE. SUCH COMPENSATION SHALL BE THAT AMOUNT OF MONEY WHICH THE EVIDENCE SUPPORTS AS BEING A JUST AND REASONABLE INDEMNITY FOR THE DAMAGE CAUSED BY THE LAUNCHING OF AN OBJECT INTO OUTER SPACE. THE COMPENSATION SHALL NOT INCLUDE ANY AMOUNT TO COMPENSATE FOR MORAL DAMAGE OR TO PUNISH THE LAUNCHING STATE FOR ITS ACTIONS. THE QUANTUM OF THE JUST AND REASONABLE INDEMNITY SHALL BE:

(1) CLAIMS INVOLVING LOSS OF LIFE:

THE LOSS SUSTAINED BY THE CLAIMANT HEIRS OF THE DECEASED, COMPUTED BY ESTIMATING THE AMOUNTS (A) WHICH THE DECEDENT, HAD HE NOT BEEN KILLED, WOULD PROBABLY HAVE CONTRIBUTED TO THE CLAIMANT HEIRS, ADD THERETO (B) THE PECUNIARY VALUE TO SUCH CLAIMANT HEIRS OF THE DECEASED'S PERSONAL SERVICES IN THE CLAIMANT HEIRS' CARE, EDUCATION, OR SUPERVISION, AND ALSO ADD THERETO (C) REASONABLE COMPENSATION FOR SUCH MENTAL SUFFERING OR SHOCK, IF ANY, AS THE CLAIMANT HEIRS MAY ACTUALLY HAVE SUSTAINED BY REASON OF SUCH DEATH.

(2) CLAIMS INVOLVING PERSONAL INJURY: (4)

HEALTH AND EARNING CAPACITY (AS MEASURED BY CLAIMANT'S NORMAL LIFE EXPECTANCY VERSUS PRESENT STATION IN LIFE AND REASONABLE EXPECTATION OF FUTURE ADVANCEMENT, IF ANY).

(3) CLAIMS INVOLVING LOSS OF, OR DAMAGE TO PROPERTY:

THE ACTUAL FAIR MARKET VALUE OF THE PROPERTY AT TIME OF LOSS OR THE ACTUAL COST OF RESTORING THE DAMAGED PROPERTY TO ITS PRE-EXISTING CONDITION, TOGETHER WITH PECUNIARY DAMAGES FOR LOSS OF USE AND OCCUPATION AND/OR SUCH PROFITS AS CAN BE PROVED TO HAVE BEEN LOST AS A PROXIMATE RESULT OF THE LOSS OR DAMAGE.

2. THE METHOD OF COMPUTATION AND ANY UNCERTAINTY IN THE FOREGOING SHALL BE ASCERTAINED OR RESOLVED BY DRAWING UPON THE LAW PERTAINING BETWEEN PRIVATE LITIGANTS IN THE STATE IN WHICH THE DAMAGE OCCURRED, OR IN WHICH THE AIRCRAFT OR SHIP, DAMAGED OR DESTROYED, WAS REGISTERED. JUST AND REASONABLE INDEMNITY SHALL EXCLUDE THE COSTS OF PROSECUTING THE CLAIM AND SHALL CARRY SIMPLE INTEREST AT 6 PER CENTUM PER ANNUM UNTIL PAID COMMENCING ON THE DAY THE EXACT QUANTUM THEREOF IS ASCERTAINED.

ARTICLE V (FORMERLY ARTICLE III)

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1. IF AN INTERNATIONAL ORGANIZATION WHICH CONDUCTS SPACE ACTIVITIES TRANSMITS TO THE SECRETARY-GENERAL OF THE UNITED NATIONS A DECLARATION THAT IT ACCEPTS AND UNDERTAKES TO COMPLY WITH THE PROVISIONS OF THE PRESENT CONVENTION, ALL THE PROVISIONS, EXCEPT ARTICLES XIII, XIV, PARAGRAPH 2, XVI, XVII, AND XVIII, SHALL APPLY TO THE ORGANIZATION AS THEY APPLY TO A STATE WHICH IS A CONTRACTING PARTY.
2. THE CONTRACTING PARTIES TO THE PRESENT CONVENTION UNDERTAKE TO USE THEIR BEST ENDEAVOURS TO ENSURE THAT ANY INTERNATIONAL ORGANIZATION WHICH CONDUCTS SPACE ACTIVITIES AND OF WHICH THEY ARE CONSTITUENT MEMBERS IS AUTHORIZED TO MAKE AND WILL MAKE THE DECLARATION REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE.
3. IF WITHIN ONE YEAR OF THE DATE ON WHICH COMPENSATION HAS BEEN AGREED UPON OR OTHERWISE ESTABLISHED PURSUANT TO ARTICLE XI, AN INTERNATIONAL ORGANIZATION FAILS TO PAY SUCH COMPENSATION, EACH MEMBER OF THE ORGANIZATION WHICH IS A CONTRACTING PARTY SHALL, UPON SERVICE OF NOTICE OF SUCH DEFAULT BY THE PRESENTING STATE WITHIN THREE MONTHS OF SUCH DEFAULT, BE LIABLE FOR SUCH COMPENSATION IN THE MANNER AND TO THE EXTENT SET FORTH IN ARTICLE III.

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(#) OMISSION. CORRECTION TO FOLLOW

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FE SUBJ: OUTER SPACE, LEGAL

NEA
P ARTICLE VI

USIA ANY NUMBER OF CONTRACTING STATES MAY COOPERATE IN A LAUNCHING.
NSC IF SUCH STATES REDUCE THE TERMS OF THEIR COOPERATION TO WRITING
INR AND FILE A COPY THEREOF WITH THE SECRETARY-GENERAL OF THE UNITED
CIA NATIONS, PRESENTING STATES WILL BE ON NOTICE AS TO THOSE TERMS
NSA AND SHALL BE BOUND TO OBSERVE THE PROPORTIONATE SHARES OF LIABILITY
ACDA ASSUMED BY THE SEVERAL CONTRACTING STATES UNTIL SIX MONTHS AFTER
SCI THE AMOUNT OF OVERALL LIABILITY HAS BEEN ASCERTAINED AND PAYMENT
OST OF THE SPECIFIED PROPORTIONATE SHARE HAS NOT BEEN MADE BY ONE

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OR MORE RESPONDENT STATES.
AT THAT TIME, THE PRESENTING STATE MAY DEMAND PAYMENT FROM ANY
OTHER RESPONDENT STATE AS PROVIDED IN ARTICLE III, PARAGRAPH 6.

ARTICLE VII (FORMERLY ARTICLE IV)

1. A CONTRACTING PARTY WHICH SUFFERS DAMAGE REFERRED TO IN
ARTICLE II, PARAGRAPH 1, OR WHOSE NATURAL OR JURIDICAL PERSONS
SUFFER SUCH DAMAGE, MAY PRESENT A CLAIM FOR COMPENSATION TO
A RESPONDENT STATE.

2. A CONTRACTING PARTY MAY ALSO PRESENT TO A RESPONDENT STATE A
CLAIM OF ANY NATURAL PERSON, OTHER THAN A PERSON HAVING THE NATIONAL-
ITY OF THE RESPONDENT STATE, RESIDING IN ITS TERRITORY. HOWEVER,
A CLAIM OF ANY INDIVIDUAL CLAIMANT MAY BE PRESENTED BY ONLY
ONE CONTRACTING PARTY.

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3. A CLAIM SHALL BE PRESENTED THROUGH THE DIPLOMATIC CHANNEL. A CONTRACTING PARTY MAY REQUEST ANOTHER STATE TO PRESENT ITS CLAIM AND OTHERWISE REPRESENT ITS INTEREST IN THE EVENT THAT IT DOES NOT MAINTAIN DIPLOMATIC RELATIONS WITH THE RESPONDENT STATE.

4. NOTICE OF A CLAIM MUST BE PRESENTED WITHIN ONE YEAR OF THE DATE ON WHICH THE ACCIDENT OCCURRED OR, IF THE PRESENTING STATE COULD NOT REASONABLY BE EXPECTED TO HAVE KNOWN OF THE FACTS GIVING RISE TO THE CLAIM, WITHIN ONE YEAR OF THE DATE ON WHICH THESE FACTS BECAME KNOWN TO THE PRESENTING STATE.

ARTICLE VIII (FORMERLY ARTICLE V)

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A STATE SHALL NOT BE LIABLE UNDER THIS CONVENTION FOR DAMAGE SUFFERED BY ITS OWN NATIONALS.

ARTICLE IX

1. THE LIABILITY OF THE LAUNCHING STATE OR STATES SHALL NOT EXCEED \$----- WITH RESPECT TO EACH LAUNCHING.

2. IF THE TOTAL AMOUNT OF THE CLAIMS PRESENTED EXCEEDS THE LIMIT OF LIABILITY PROVIDED BY THIS ARTICLE, THE FOLLOWING RULES SHALL APPLY:

(A) IF THE CLAIMS ARE EXCLUSIVELY IN RESPECT OF LOSS OF LIFE OR PERSONAL INJURY, OR EXCLUSIVELY IN RESPECT OF DAMAGE TO PROPERTY, SUCH CLAIMS SHALL BE REDUCED IN PROPORTION TO THEIR RESPECTIVE AMOUNTS.

(B) IF THE CLAIMS ARE BOTH IN RESPECT OF LOSS OF LIFE OR PERSONAL INJURY AND IN RESPECT OF DAMAGE TO PROPERTY, ONE-HALF OF THE TOTAL SUM DISTRIBUTABLE SHALL BE APPORTIONED PREFERENTIALLY TO MEET CLAIMS IN RESPECT OF LOSS OF LIFE AND PERSONAL INJURY AND, IF INSUFFICIENT, SHALL BE DISTRIBUTED PROPORTIONATELY BETWEEN THE CLAIMS CONCERNED. THE REMAINDER OF THE TOTAL SUM DISTRIBUTABLE SHALL BE DISTRIBUTED PROPORTIONATELY AMONG THE CLAIMS IN RESPECT OF DAMAGE TO PROPERTY AND THE PORTION NOT ALREADY COVERED OF THE CLAIMS IN RESPECT OF LOSS OF LIFE AND PERSONAL INJURY.

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ARTICLE X (FORMERLY ARTICLE VI)

1. THE PRESENTATION OF A CLAIM UNDER THIS CONVENTION SHALL NOT

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REQUIRE EXHAUSTION OF ANY REMEDIES IN THE RESPONDENT STATE WHICH MIGHT OTHERWISE EXIST.

2. IF, HOWEVER, THE PRESENTING STATE, OR ANY NATURAL OR JURIDICAL PERSON WHOM IT MIGHT REPRESENT, ELECTS TO PURSUE A CLAIM IN THE ADMINISTRATIVE AGENCIES OR COURTS OF THE RESPONDENT STATE OR PURSUE INTERNATIONAL REMEDIES OUTSIDE THIS CONVENTION, THE PRESENTING STATE SHALL NOT BE ENTITLED TO PURSUE SUCH CLAIM UNDER THIS CONVENTION.

ARTICLE XI (FORMERLY ARTICLE VII)

1. IF A CLAIM PRESENTED UNDER THIS CONVENTION IS NOT SETTLED WITHIN ONE YEAR FROM THE DATE ON WHICH DOCUMENTATION IS COMPLETED, THE PRESENTING STATE MAY REQUEST THE ESTABLISHMENT OF A COMMISSION TO DECIDE THE CLAIM. IN SUCH EVENT, THE RESPONDENT STATE AND THE PRESENTING STATE SHALL EACH PROMPTLY APPOINT ONE PERSON TO SERVE ON THE COMMISSION, AND A THIRD PERSON, WHO SHALL ACT AS A CHAIRMAN, SHALL BE APPOINTED BY THE PRESIDENT OF THE INTERNATIONAL COURT OF JUSTICE. IF THE RESPONDENT STATE FAILS TO APPOINT ITS MEMBER WITHIN THREE MONTHS, THE PERSON APPOINTED BY THE PRESIDENT OF THE INTERNATIONAL COURT OF JUSTICE SHALL CONSTITUTE THE SOLE MEMBER OF THE COMMISSION.

2. NO INCREASE IN THE MEMBERSHIP OF THE COMMISSION SHALL

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TAKE PLACE WHERE TWO OR MORE PRESENTING STATES OR RESPONDENT STATES ARE JOINED IN ANY ONE PROCEEDING BEFORE THE COMMISSION. THE PRESENTING STATES SO JOINED MAY COLLECTIVELY APPOINT ONE PERSON TO SERVE ON THE COMMISSION IN THE SAME MANNER AND SUBJECT TO THE SAME CONDITIONS AS WOULD BE THE CASE FOR A SINGLE PRESENTING STATE. SIMILARLY, WHERE TWO OR MORE RESPONDENT STATES ARE SO JOINED, THEY MAY COLLECTIVELY APPOINT ONE PERSON TO SERVE ON THE COMMISSION IN THE SAME WAY.

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3. THE COMMISSION SHALL DETERMINE ITS OWN PROCEDURE.

4. THE COMMISSION SHALL CONDUCT ITS BUSINESS AND ARRIVE AT ITS DECISION BY MAJORITY VOTE.

5. THE DECISION OF THE COMMISSION SHALL BE RENDERED EXPEDITIOUSLY AND SHALL BE BINDING UPON THE PARTIES.

6. THE EXPENSES INCURRED IN CONNECTION WITH ANY PROCEEDING BEFORE THE COMMISSION SHALL BE DIVIDED EQUALLY BETWEEN THE PARTIES IN THE PROCEEDING.

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NOTE: PASSED NASA, DOD, AT 10:20 P.M. JULY 29

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JULY 29

SUBJ: OUTER SPACE LEGAL

ARTICLE XII (FORMERLY ARTICLE VIII)

PAYMENT OF COMPENSATION SHALL BE MADE IN A CURRENCY CONVERTIBLE READILY AND WITHOUT LOSS OF VALUE INTO THE CURRENCY OF OR USED BY THE PRESENTING STATE.

ARTICLE XIII (FORMERLY ARTICLE X)

ANY DISPUTE ARISING FROM THE INTERPRETATION OR APPLICATION OF THIS CONVENTION, WHICH IS NOT PREVIOUSLY SETTLED BY OTHER PEACEFUL MEANS OF THEIR OWN CHOICE, MAY BE REFERRED BY ANY CONTRACTING PARTY THERETO TO THE INTERNATIONAL COURT OF JUSTICE FOR DECISION.

ARTICLE XIV (FORMERLY ARTICLE XI)

A CONTRACTING PARTY MAY PROPOSE AMENDMENTS TO THIS CONVENTION. AN AMENDMENT SHALL COME INTO FORCE FOR EACH CONTRACTING PARTY ACCEPTING THE AMENDMENT ON ACCEPTANCE BY A MAJORITY OF THE CONTRACTING PARTIES, AND THEREAFTER FOR EACH REMAINING CONTRACTING PARTY ON ACCEPTANCE BY IT.

ARTICLE XV (FORMERLY ARTICLE XII)

A CONTRACTING PARTY MAY GIVE NOTICE OF WITHDRAWAL FROM THIS CONVENTION FIVE YEARS 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 OF THE NOTIFICATION BY THE SECRETARY-GENERAL. A STATE WITHDRAWING FROM THIS CONVENTION SHALL NOT

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THEREBY BE RELIEVED OF ANY OBLIGATION OR LIABILITY WITH RESPECT TO DAMAGES ARISING BEFORE WITHDRAWAL BECOMES EFFECTIVE.

ARTICLE XVI (FORMERLY ARTICLE XIII)

THE CONVENTION SHALL BE OPEN FOR SIGNATURE BY STATES MEMBERS OF THE UNITED NATIONS OR OF ANY OF THE SPECIALIZED AGENCIES, OR PARTIES TO THE STATUTE OF THE INTERNATIONAL COURT

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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 CONVENTION MAY ACCEDE TO IT AT ANY TIME.

ARTICLE XVII (FORMERLY ARTICLE XIV)

THIS CONVENTION 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 XVIII (FORMERLY ARTICLE XV)

THIS CONVENTION SHALL ENTER INTO FORCE THIRTY DAYS FOLLOWING THE DEPOSIT OF THE FIFTH INSTRUMENT OF RATIFICATION, APPROVAL OR ACCESSION. IT SHALL ENTER INTO FORCE AS TO A STATE RATIFYING, APPROVING, OR ACCEDING THEREAFTER UPON DEPOSIT OF ITS INSTRUMENT OF RATIFICATION, APPROVAL OR ACCESSION.

ARTICLE XIX (FORMERLY ARTICLE XVI)

THE SECRETARY-GENERAL OF THE UNITED NATIONS SHALL INFORM ALL STATES REFERRED TO IN ARTICLE XIII OF SIGNATURES, DEPOSITS OF INSTRUMENTS OF RATIFICATION, APPROVAL, OR ACCESSION, DECLARATIONS REFERRED TO IN ARTICLE III, PARAGRAPH 1, THE

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DATE OF ENTRY INTO FORCE OF THIS CONVENTION, PROPOSALS FOR AMENDMENTS, NOTIFICATIONS OF ACCEPTANCES OF AMENDMENTS, THE DATE OF ENTRY INTO FORCE OF EACH AMENDMENT, REQUESTS FOR THE CONVENING OF A REVISION CONFERENCE, AND NOTICES OF WITHDRAWAL, AND SHALL TRANSMIT TO THOSE STATES CERTIFIED COPIES OF EACH AMENDMENT PROPOSED.

ARTICLE XX (FORMERLY ARTICLE XVII)

THIS CONVENTION, 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 OF EACH TO THE STATES MENTIONED IN ARTICLE XIII.

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JULY 29

SUBJ: ACCESSION CLAUSE TO OUTER SPACE AGREEMENT

REF: BONN'S 1204

1. TREND CELESTIAL BODIES NEGOTIATIONS MAKES UNLIKELY PRESENT AGREEMENT ON SUBSTANTIVE CLAUSES. ACCORDINGLY, ACCESSION CLAUSE NOT LIKELY BE CURRENT ISSUE WHICH NEEDS BE DISCUSSED WITH FRG.

2. IT OUR VIEW THAT WHEN IT APPEARS WE ARE ACTUALLY APPROACHING NEGOTIATIONS ON ACCESSION CLAUSE, WE OF COURSE WILL WISH TO TALK WITH FRG AND GIVE FURTHER THOUGHT AS TO WHERE THIS MIGHT BEST BE DONE. AT THAT TIME WE WOULD ASSURE FRG THAT WE ARE PREPARED MAKE DECLARATION FOR RECORD IN LIEU DISCLAIMER CLAUSE. TUBBY

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E.O. 12958 Sec. 3.5

NLJ-S-90001

By *JLJ*, NARA, Date *11/1/02*

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JULY 29

SUBJECT: OUTER SPACE LEGAL

1. AT MTG OF "THE FIFTEEN" THIS MORNING GOLDBERG SUMMARIZED OUR LAST DISCUSSION WITH USSR AND POINTED TO INTRANSIGENT CHARACTER SOV ATTITUDE ON REPORTING, AGREEMENT AS TO TIMING OF VISITS, MILITARY EQUIPMENT, AND "EQUAL CONDITIONS". HE ASKED FOR VIEWS ON HOW WE SHOULD WIND UP SUBCOMITE SESSION ASSUMING SOVS CONTINUE BE UNWILLING MAKE PROGRESS.

2. ITALY (AMB VINCI) SAID WE SHOULD NOT OPT FOR A

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SUBCOMITE REPORT WHICH LOOKS LIKE FAILURE; MUCH PROGRESS HAS BEEN MADE. GOLDBERG SAID THERE WAS NO RPT NO NEED TO CONFESS FAILURE BUT WE HAD TO BE FRANK WITH US PUBLIC. US HAS KEY PROPOSALS ON WHICH WE ARE WILLING TO NEGOTIATE BUT CANNOT SIMPLY GIVE UP.

3. SWEDEN (BLIX AGREED WITH VINCI, NOTING CONSENSUS ON ARMS CONTROL MEASURES AS AN IMPORTANT CONTRIBUTION WHICH SHOULD BE FIRMLY RECORDED. AUSTRALIA (BAILEY) EXPRESSED APPRECIATION FOR GOLDBERG'S ROLE AND SAID THAT WHATEVER PROGRESS HAD BEEN MADE AND WHATEVER MODERATION HAD PREVAILED IN GENEVA WAS DUE IN LARGE MEASURE TO HIS PARTICIPATION.

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NLJ-S-99001
By *gldw*, NARA, Date *4/10*

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-2- Geneva 531 July 29

4. LEBANON (CHAMMAS) PROPOSED THAT SUBCOMITE NOT REPORT NOW BUT RESUME IN NEW YORK AT BEG OF SEPT. BLIX AND BAILEY THOUGHT IT UNLIKELY THAT IN SHORT TIME BEFORE GA SOVS WOULD MOVE OFF ANY OF POINTS ON WHICH THEY ARE CURRENTLY STICKING.

5. ON ACCESS, LEBANON REPORTED EASTERN EUROPEANS AS SUGGESTING A US-SOV "COMPROMISE" UNDER WHICH THERE WOULD BE A SIMPLY-EXPRESSED RIGHT OF "ACCESS" (NOT SPECIFYING "AT ALL TIMES") PLUS A PROTOCOL ANNEXED TO THE TREATY ATTACHING

PAGE 3 RUFHGV 531 ~~CONFIDENTIAL~~
RENEWABLE SCHEDULES OF CB VISITS FOLLOWING ADVANCE NOTIFICATION. GOLDBERG DOUBTED WHETHER SOVS WOULD BE WILLING REACH PROMPT AGREEMENT ON SUCH PROTOCOL.

6. ON MILITARY EQUIPMENT, FRANCE (LE MAITRE) SUGGESTED SOVS MIGHT BE WILLING TO ACCEPT OUR RESERVATION AS TO PERMISSIBILITY OF USE MILITARY EQUIPMENT FOR PEACEFUL PURPOSES IF TREATY MADE CLEAR THAT NO "ARMS" COULD BE PLACED ON A CB.

7. ON INTERNATIONAL ORGANIZATIONS, UK (DARWIN) SAID THAT UK, FOR ITS PART, WOULD BE WILLING TO NEGOTIATE (WITH SOVS) SOME COMPROMISE FORMULA ON INTERNATIONAL ORGANIZATIONS WHICH WOULD FALL SHORT OF OPTIMUM TEXT ADVANCED BY UK AND SUPPORTED BY ESRO AND ELDO MEMBERS. UK DID NOT, RPT NOT, HOWEVER, BELIEVE THAT USEFUL PURPOSE WOULD BE SERVED BY COMPROMISE ON THIS ISSUE AT THIS JUNCTURE. TIME FOR SUCH EFFORTS WOULD BE RIPE WHEN AGREEMENT ON OTHER SUBSTANTIVE PROBLEMS WAS REACHED. BLIX AND LE MAITRE CONCURRED.

8. AFTER MTG, DARWIN SUGGESTED US MIGHT AT LATER STAGE SUGGEST TO SOVS WAY OUT OF PROBLEM POSED BY THEIR REFUSAL TO ACCEPT COMPULSORY REPORTING OBLIGATION VIS-A-VIS UN

PAGE 4 RUFHGV 531 ~~CONFIDENTIAL~~
SECRETARY GENERAL; REPORTING CLAUSES MIGHT READ "THROUGH THE SYG OR DIRECTLY TO STATES PARTIES". HE POINTED OUT SMALLER COUNTRIES WOULD SUPPORT REPORTING THROUGH THE SYG SINCE ANY DISCOVERY OF CONDITIONS AFFECTING ASTRONAUT SAFETY WHICH THEY MIGHT MAKE WOULD BE FAR MORE ECONOMICALLY REPORTED TO SYG RATHER THAN TO ONE HUNDRED INDIVIDUAL PARTIES.

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JULY 29

SUBJECT: OUTER SPACE LEGAL--THIRD WORKING GROUP MEETING--JULY 29

1. SUMMARY: WORKING GROUP REACHED AGREEMENT ON THREE SENTENCES DEALING WITH PURPOSES, FREEDOM EXPLORATION AND FREEDOM SCIENTIFIC ACTIVITY. MOROZOV WITHDREW "EQUAL CONDITIONS" LANGUAGE, RE-FORMULATING SAME THOUGHT AS SEPARATE ARTICLE. AGREEMENT REACHED ON FIRST SENTENCE MILITARY CLAUSE DEALING WITH BOMBS IN ORBIT. SECOND AND THIRD SENTENCES RECORDED WITH BRACKETS AROUND "INSTALLATIONS" AND "EQUIPMENT." INDIA, BRAZIL AND IRAN RECORDED THEIR VIEW THAT OUTER SPACE AS WELL AS CB'S SHOULD BE RESERVED

FOR PEACEFUL PURPOSES ONLY.

2. LACHS ANNOUNCED INTENTION TAKE UP VARIOUS ELEMENTS TREATY PARAS ON PURPOSES AND MILITARY ACTIVITIES. HE PROCEEDED SENTENCE-BY-SENTENCE, RECORDING AGREEMENT OR EXCEPTIONS BY DELS.

3. PURPOSES--MOROZOV EXPLAINED NEW VERSION USSR ART I AS INTENDED CLARIFY QUESTION AND RESPOND VIEWS OTHER DELS. HE PROPOSED DROPPING OFF "EQUAL CONDITIONS" PROVISION, WHICH WOULD BE REPHRASED ELSEWHERE IN TREATY AS:

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-2-Geneva 533, July 29.

"STATES PARTIES TO THE TREATY WILL ACCORD OTHER STATES PARTIES TO THE TREATY CONDUCTING ACTIVITIES RELATING TO THE EXPLORATION AND USE OF OUTER SPACE EQUAL CONDITIONS FOR OBSERVING THE FLIGHT OF SPACE OBJECTS LAUNCHED BY THOSE STATES."

THERE WAS GENERAL AGREEMENT USSR FIRST SENTENCE, AS REVISED, WITH ADDITION PHRASE PROPOSED BY BRAZIL (SILOS) ON ECONOMIC AND SCIENTIFIC DEVELOPMENT. SILOS EXPLAINED PHRASE AS HELPING EQUALIZE RIGHTS AND OBLIGATIONS BETWEEN SPACE AND NON-SPACE POWERS. UAR DROPPED ITS REVISION ART 1 (PARA 16 GENEVA'S 433). GENERAL AGREEMENT AS WELL ON SECOND AND THIRD SENTENCES, ALTHOUGH SOME RESERVATION EXPRESSED BY AUSTRALIA (BAILEY AND UK (DARWIN) RE "WITHOUT DISCRIMINATION", SAYING THEY UNDERSTOOD THIS AS COMPLETING IDEA OF FREEDOM OF EXPLORATION AND NOT

AS ADDING NEW LEGAL OBLIGATION. LACHS READ FOLLOWING AS AGREED THREE SENTENCES:

"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 COUNTRIES IRRESPECTIVE OF THEIR DEGREE OF ECONOMIC AND 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 STATES 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 STATES SHALL FACILITATE AND ENCOURAGE INTERNATIONAL CO-OPERATION IN SUCH INVESTIGATION."

5. NO BOMBS IN ORBIT--GOLDBERG SAID WE COULD ACCEPT NO-BOMBS-IN-ORBIT SENTENCE AS CONTAINED GA RES 1884, MODIFIED FOR TREATY PURPOSE. MOROZOV AGREED. RAO AGREED DROP PROPOSAL ADD WORDS "IT IS CONFIRMED" (PARA 3, GENEVA'S 433). LACHS READ FOLLOWING AS AGREED BY WORKING GROUP.

"THE 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."

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-3-Geneva 533, July 29.

5. PEACEFUL PURPOSES--DISCUSSION NARROWED DIFFERENCES TO FOLLOWING:

USSR INSISTED ON RETAINING "INSTALLATIONS"; US REQUIRED RETENTION "AND EQUIPMENT"; INDIA WOULD NOT AGREE DROPPING FORMULATION BEGINNING "IT IS CONFIRMED" AND INSISTED ON RESERVING OUTER SPACE AS WELL AS CBS TO PEACEFUL PURPOSES (PARA 3, GENEVA'S 433); BRAZIL AND IRAN ALSO WISHED RECORD THEIR CONVICTION THAT PEACEFUL USES SHOULD BE EXTENDED TO OUTER SPACE. GOLDBERG EXPLAINED THAT US POSITION ON "INSTALLATIONS" AND "EQUIPMENT" NOT INTENDED TO DEROGATE FROM REQUIREMENT THAT CBS RESTRICTED TO PEACEFUL PURPOSES.

QUESTION BY TELLO MACIS (MEXICO) ELICITED REVEALING RESPONSE FROM MOROZOV. TELLO ASKED WHETHER STATIONS ON MOON, BUILT AND OCCUPIED BY USSR MILITARY FOR PEACEFUL PURPOSES, WOULD NOT BE PROHIBITED BY TREATY BANNING "INSTALLATIONS". MOROZO REPLIED THAT BY "INSTALLATIONS" HE DID NOT MEAN BARRACKS--THAT BARRACKS DO NOT AMOUNT TO "BUNKERS" OR "DUGOUTS."

AT CLOSE, LACHS READ FOLLOWING AS STATUS PEACEFUL USE CLAUSE, RECORDING SEPARATELY OBJECTIONS BY INDIA, BRAZIL AND IRAN:

"THE MOON AND OTHER CELESTIAL BODIES SHALL BE USED 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 (AND EQUIPMENT) FOR SCIENTIFIC RESEARCH OR ANY OTHER PEACEFUL PURPOSE SHALL NOT BE PROHIBITED." TUBBY
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AUGUST 01

SUBJECT: OUTER SPACE LEGAL - FOURTH WORKING GROUP MEETING
- AUGUST 01.

1. SUMMARY. WORKING GROUP (WG) REACHED AGREEMENT ON ASSISTANCE AND RETURN. USSR AGREED TO ACCEPT UNCONDITIONAL RETURN OBLIGATION CONTAINED DECLARATION AND COMPULSORY OBLIGATION, AS PROPOSED BY GOLDBERG, TO PROVIDE INFORMATION ON SAFETY OF ASTRONAUTS "TO STATES PARTIES OR UNSYG". WG AGREED AS WELL ON ARTICLE DEALING WITH RESPONSIBILITY FOR PRIVATE AND INTERNATIONAL ORGANIZATIONS ACTIVITY.

2. ASSISTANCE AND RETURN. MOROZOV OPENED BY ACCEPTING VARIOUS US AMENDMENTS DESIGNED TO BRING PROVISION IN LINE WITH DECLARATION

AND AGREEING TO INCLUDE PROVISION ON COMPULSORY REPORTING ON SAFETY FACTORS TO "STATES PARTIES". AFTER DISCUSSION REPORTING PROVISION, IN WHICH INDIA AND CANADA SUPPORTED GOLDBERG PROPOSAL THAT REPORTINGAE TO "STATES PARTIES OR UNSYG", MOROZOV ACQUIESCED AND CHAIRMAN ANNOUNCED AGREEMENT ON FOLLOWING TEXT:

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-2- GENEVA 562, August 1

" STATES 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 THE TERRITORY OF ANOTHER STATE PARTY OR ON THE HIGH SEAS. WHERE ASTRONAUTS MAKE SUCH A LANDING, THEY SHALL BE SAFELY AND PROMPTLY RETURNED TO THE STATE OF REGISTRY OF THEIR SPACE VEHICLE.

" STATES PARTIES TO THE TREATY SHALL PROMPTLY NOTIFY OTHER STATES PARTIES OR THE SECRETARY GENERAL OF THE UN, 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.

"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."

3. INDIA (KRISHNA RAO) PRESSED HIS AMENDMENT WHICH WOULD MAKE THE PROVISION ON ASSISTANCE AND RETURN "SUBJECT TO THE PROVISIONS"

OF A SEPARATE AGREEMENT ON THE SUBJECT. AUSTRALIA, ROMANIA, IRAN, ITALY, BELGIUM AND SWEDEN ARGUED FOR UMBRELLA PROVISION RELATED TO ENTIRE TREATY WHICH WOULD STATE ALL PROVISIONS ARE "WITHOUT PREJUDICE" FUTURE AGREEMENTS. BAILEY (AUSTRALIA) SAID HE DID NOT LIKE INDIAN FORMULATION "SUBJECT TO PROVISIONS" BECAUSE IT COULD BE TAKEN TO CAST DOUBTS ON OUTER SPACE TREATY BEING DRAFTED. INDIA RESPONDED BY STATING DOES NOT WANT PREVENT COMPROMISE AND HAS NO OBJECTION TO ASSISTANCE AND RETURN PROVISION AS IS, BUT THAT HE FEELS SOMETHING HAS TO BE DONE TO PROTECT STATES' LIABILITY. AGAIN, HE OFFERED SUBSTITUTION

"ABSOLUTELY" FOR "INTERNATIONALLY" IN ~~PARTY~~ PROVISION (SEE GENEVA'S 489). THERE WAS NO OBJECTION TO CHAIRMAN'S STATEMENT THAT COMITE WOULD RETURN LATER TO PROBLEM OF RESERVATIONS.

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AUGUST 01

SUBJECT: OUTER SPACE LEGAL - FIFTH WORKING GROUP SESSION
1 AUGUST P.M.

1. SUMMARY. WORKING GROUP SESSION THIS AFTERNOON WAS MARKED BY TEDIOUS PROCEDURAL WRANGLE BETWEEN ESRU MEMBERS AND BLOC CONCERNING UK WORKING PAPER ON INTERNATIONAL ORGANIZATIONS. IN IMPETUOUS OUTBURST MOROZOV DENOUNCED SWEDEN AND AUSTRALIA FOR TRYING TO "FOIST" THEIR VIEWS ON SOV GOVT WHOSE OPPOSITION

TO UK WORKING PAPER WAS, HE SAID, ABSOLUTE. GOLDBERG INTRODUCED REVISION OF US PROVISION CONCERNING USE OF MILITARY PERSONNEL AND EQUIPMENT.

2. INTERNATIONAL ORGANIZATIONS. USSR (MOROZOV) SAID THAT SOV GOVT WAS NOT PREPARED IN THIS OR ANY OTHER TREATY TO ACCEPT NOTION THAT INTERNATIONAL ORGANIZATIONS (IO) CAN BE SUBJECTS OF INTERNATIONAL LAW. SOV GOVT WAS ABSOLUTELY FIRM ON THIS. IT HAD MADE AN ENORMOUS COMPROMISE BY RECOGNIZING THAT ACTIVITIES IN SPACE MIGHT BE CARRIED ON BY AN IO WHEN IN 1963 IT AGREED TO DECLARATION OF LEGAL PRINCIPLES LANGUAGE (LAST SENTENCE, PARA 5) TO EFFECT THAT RESPONSIBILITY FOR COMPLIANCE WITH DECLARATION SHOULD BE BORNE BY THE IO AND ITS STATES MEMBERS. WOULD WORKING GROUP MEMBERS LIKE SOVS TO RETURN TO THEIR ORIGINAL POSITION THAT ONLY STATES MAY CONDUCT SPACE ACTIVITIES, HE ASKED? ROMANIA, BULGARIA AND HUNGARY ECHOED USSR.

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-2- GENEVA 571, Aug 1

2. AUSTRALIA, SWEDEN, ITALY, AUSTRAL, FRANCE AND UK DEFENDED UK WORKING PAPER. CANADA THANKED UK AND OTHER ESRO MEMBERS FOR BRINGING PROBLEMS OF IOS TO THE ATTENTION OF SUBCOMITE AND SAID THAT THESE PROBLEMS SHOULD BE DEALT WITH BY ALL IN EFFORT REACH SOLUTION AGREEABLE TO ALL.

3. EXTREMELY LENGTHY PROCEDURAL DISCUSSION FOLLOWED UPON INDIAN SUGGESTION FOR MANNER IN WHICH WORKING GROUP WOULD REPORT DISAGREEMENT TO LEGAL SUBCOMITE. SWEDEN, AUSTRALIA AND OTHER

ESRO MEMBERS MADE CLEAR THAT THEY HAD NOT RPT NOT EARLIER AGREED TO INCORPORATE IN TREATY LAST SENTENCE OF ART 5 OF DECLARATION OF LEGAL PRINCIPLES; THIS QUESTION WAS LINKED TO THE TREATMENT OF THE UK PROPOSAL. WHEN SWEDEN PROPOSED THAT THE DECLARATION SENTENCE BE PUT IN BRACKETS, MOROZOV DENOUNCED SWEDEN AND AUSTRALIA FOR ATTEMPTING TO UNDO THE PROGRESS OF THE WORKING GROUP, DISTORTING THE FACTS, AND ENGAGING IN FANTASY. HE WOULD LEAVE IF THEY CONTINUED IN THIS MANNER.

4. GOLDBERG SOUGHT MODERATE ATMOSPHERE, AND CHAIRMAN (LACHS) SAID THAT DECLARATION SENTENCE WOULD BE REPORTED BY THE WORKING GROUP TO THE SUBCOMITE AS AGREED SUBJECT TO THE LINKAGE WHICH A NUMBER OF MEMBERS SAW TO THE UNAGREED UK PROPOSAL.

5. USE OF MILITARY PERSONNEL AND EQUIPMENT FOR PEACEFUL PURPOSES. GOLDBERG DREW ATTENTION TO EARLIER US WORKING PAPER ON THIS SUBJECT (GENEVA 409, PARA 7) AND SAID OFFERED REVISION WHICH SOUGHT TO TAKE INTO ACCOUNT DIFFICULTIES OF NUMBER OF DEFS. LAST SENTENCE OF ART CONTAINING MILITARY CLAUSES WOULD READ:

"THE PRESENT TREATY DOES NOT PROHIBIT THE USE OF ANY TYPES OF PERSONNEL OR EQUIPMENT FOR SCIENTIFIC RESEARCH OR ANY OTHER PEACEFUL PURPOSE". HE EXPLAINED WE WISH TO ENSURE THAT NO ONE WILL CHARGE ANY COUNTRY WITH VIOLATION OF THE TREATY IF, FOR EXAMPLE, IT USES ROCKETS IN ITS MANNED LUNAR PROGRAM WHICH HAVE BEEN DEVELOPED THROUGH MILITARY RESEARCH AND DEVELOPMENT; OUR REVISED TEXT MAKES CLEAR SUCH USE WOULD BE ENTIRELY LEGITIMATE SINCE IT WOULD, OBVIOUSLY, BE "FOR SCIENTIFIC RESEARCH" OR "OTHER PEACEFUL PURPOSE".

6. WORKING GROUP CONTINUES TUES AFT.
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L I M D I S

AUGUST 01

FROM GOLDBERG

SUBJECT: OUTER SPACE LEGAL

1. THIS MORNING I DISCUSSED WITH CHAIRMAN LACHS OUR VIEWS
 ON BALANCE OF ISSUES REMAINING. I DESCRIBED OUR POSITION
 ON EACH ISSUE AS FOLLOWS:

(A) ACCESS -- WE CAN ACCEPT JAPANESE SUGGESTION THAT MAXIMUM
 CONSIDERATION SHOULD BE GIVEN TO SAFETY FACTORS. WE ALSO WILLING
 CONSIDER ADVANCE NOTIFICATION PROVISION.

PAGE 2 RUFHGV 572 ~~CONFIDENTIAL~~

(B) REPORTING -- WE CAN MODIFY PROPOSAL BY PROVIDING FOR REPORTS
 TO "STATES PARTIES OR UNSYG".

(C) USE OF MILITARY -- WE DO NOT THINK OUR DIFFERENCES HERE ARE
 SUBSTANTIVE, AND AGREEMENT POSSIBLE.

(D) EQUAL CONDITIONS -- DO NOT FEEL SOVS CAN BE SERIOUS ABOUT
 THIS.

2. LACHS AGREED PUT MATTER TO MOROZOV, WHO, LACHS FELT,
 MIGHT NOT YET HAVE RECEIVED HIS INSTRUCTIONS FROM MOSCOW.
 LACHS LATER REPORTED BACK THAT MOROZOV WAS NOT INTERESTED
 DEALING ANY FURTHER WITH SUBSTANTIVE QUESTIONS AND WANTED WIND
 UP SESSION BY FRIDAY.

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-2- GENEVA 572, AUGUST 1

3. I TOLD LACHS THAT IN THOSE CIRCUMSTANCES, WE WOULD AGREE TO RECESSING SUBCOMMITTEE WITHOUT A REPORT AND ITS RECONVENING BEFORE NEXT GENERAL ASSEMBLY TO SEE IF ANY FURTHER PROGRESS MIGHT BE MADE.

4. LACHS LATER REPORTED TO ME THAT MOROZOV BASICALLY AGREES WITH OUR SUGGESTION. HE WOULD LIKE TO RECESS BY FRIDAY. HE TOLD LACHS THAT HE WANTS SUB-COMMITTEE AGREE RECONVENE DURING NEXT GA. I SAID THAT AGREEMENT SHOULD BE TO RECONVENE BEFORE OR DURING NEXT GA, AT CALL OF CHAIRMAN AFTER CONSULTATION WITH MEMBER. MOROZOV BOUGHT THIS.

PAGE 3 RUFHGV 572 ~~CONFIDENTIAL~~

5. MY IMPRESSION IS THAT MOROZOV'S POSITION COULD BE RESULT OF EITHER (A) REPORTED TROUBLES IN MOSCOW OR (B) GENUINE WILLINGNESS ARRIVE AT TREATY, BUT NOT JUST NOW.

6. I WOULD ESTIMATE THAT SUB-COMITE WILL RECESS BY FRIDAY WITH AGREEMENT RESUME DISCUSSIONS IN NEW YORK. THERE WILL BE NO SUB-COMITE REPORT AS YET BUT SIMPLY RECORD OF AGREEMENTS AND DISAGREEMENTS.

7. I PLAN TO GIVE CLOSING STATEMENT WHICH WILL BE FAIRLY CONCILIATORY IN TONE. IT WILL POINT UP BUSINESSLIKE ATMOSPHERE IN WHICH NEGOTIATIONS HAVE PROCEEDED AND EXTENSIVE PROGRESS MADE TOWARD TREATY. I ALSO PLAN DESCRIBE OUTSTANDING PROBLEMS REMAINING AND RESTATING US POSITION ON COMPULSORY NOTIFICATION, UNCONDITIONAL ACCESS, AND NECESSITY PERMITTING USE MILITARY PERSONNEL AND EQUIPMENT. I ALSO PLAN BACKGROUNDER IN COURSE OF WHICH I WILL POINT OUT SERIOUS EFFORTS WE HAVE MADE TO BE FORTH-COMING AND OUR DISAPPOINTMENT THAT SOVS HAVE NOT YET BEEN ABLE AGREE TO REASONABLE PROVISIONS ON ACCESS, REPORTING, AND USE OF MILITARY IN OUTER SPACE. WE HOPE, HOWEVER, SOVS WILL RECONSIDER QUESTION AND BE PREPARED CONTINUE NEGOTIATIONS BEFORE NEXT GA. I PLAN DEVELOP ARGUMENT THAT SOVS HAVE AGREED IN ANTARCTIC TREATY TO COMPARABLE PROVISIONS AND THAT THESE PROVISIONS HAVE WORKED WELL.

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USIA SUBJECT: OUTER SPACE LEGAL - 6TH WORKING GROUP SESSION
NSC (AUG 2)

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CIS 1. SUMMARY. WORKING GROUP FIRST AGREED ON ART ON CONTAMINATION
NSA AND INTERFERENCE. NEXT TOOK UP REPORTING REQUIREMENT. MOROZOV
ACDA INSISTED ON VOLUNTARY REPORTING, WHILE US AND MEMBERS OF
SCI "FIFTEEN" SUPPORTED US OBLIGATORY REQUIREMENT. NO AGREEMENT
OIC REACHED. AT WED MORNING MTG WORKING GROUP WILL TAKE UP EQUAL
OST CONDITIONS, ACCESS AND SATELLITE DIRECT BROADCASTING.
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2. CONTAMINATION AND INTERFERENCE PROVISION. JAPAN (YAMAZAKI)
AGREED NOT TO INSIST ON ITS PROPOSAL CALLING FOR CONSERVATION
OF CB NATURAL RESOURCES. UK (DARWIN) POINTED OUT THAT AGREED
LANGUAGE REQUIRING SPACE ACTIVITIES TO BE CARRIED OUT WITH DUE
REGARD TO INTERESTS OF OTHER STATES. "WOULD PRECLUDE GROSSLY
WASTEFUL EXPLOITATION OF RESOURCES ON CBS".

3. YAMAZAKI THEN TURNED TO JAPANESE PROPOSAL REQUIRING
NOTIFICATION TO THE SYG WHEN A STATE ENTERS INTO INTERNATIONAL
CONSULTATIONS WITH REGARD TO ONE OF ITS PLANNED EXPERIMENTS
WHICH MAY BE POTENTIALLY HARMFUL. IN VIEW OF SOV OPPOSITION,
JAPAN WAS WILLING TO PROPOSE COMPROMISE UNDER WHICH A STATE
COULD INFORM OTHER STATES PARTIES OR SYG. USSR (MOROZOV)
REFUSED, SAYING THAT OBLIGATION TO CONDUCT INTERNATIONAL CONSULTATIONS
WAS SUFFICIENT. YAMAZAKI SAID SOV STATEMENT WAS UNSATISFACTORY
BUT JAPAN WOULD NOT INSIST ON ITS PROPOSAL.

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-2- Geneva 603, August 2

4. UAR (OSMAN) CALLED FOR INCLUSION OF "ALL" IN OBLIGATION THAT STATES CONDUCT THEIR ACTIVITIES "WITH DUE REGARD TO THE CORRESPONDING INTERESTS OF ALL OTHER STATES." WORKING GROUP AGREED.

5. CONTAMINATION AND INTERFERENCE AGREED ART TO BY WORKING GROUP READS AS FOLLOWS:

"IN THE EXPLORATION AND USE OF OUTER SPACE, INCLUDING THE MOON AND OTHER CELESTIAL BODIES, STATES PARTIES TO THE TREATY SHALL BE GUIDED 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 INTERESTS OF ALL OTHER STATES. STATES PARTIES TO THE TREATY SHALL PURSUE STUDIES AND CONDUCT EXPLORATION OF OUTER SPACE, INCLUDING THE MOON AND OTHER CELESTIAL BODIES, SO AS TO AVOID THEIR HARMFUL CONTAMINATION AND ALSO ADVERSE CHANGES IN THE ENVIRONMENT OF THE EARTH RESULTING FROM THE INTRODUCTION OF EXTRATERRESTRIAL MATTER, AND WHERE NECESSARY SHALL ADOPT APPROPRIATE MEASURES FOR THIS PURPOSE. IF A STATE 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 OTHER STATES 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. A STATE PARTY TO THE TREATY WHICH HAS REASON TO BELIEVE THAT AN ACTIVITY OR EXPERIMENT

PLANNED BY ANOTHER STATE PARTY 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."

6. REPORTING REQUIREMENT. WORKING GROUP NEXT TURNED TO REPORTING REQUIREMENT (US ART 4). MOROZOV URGED VOLUNTARY REPORTING REQUIREMENT. IN DISPLAY OF "REASONABLENESS", HE ACCEPTED THAT PART UAR WORKING PAPER WHICH READS "THE UN SHOULD BE PREPARED TO DISSEMINATE THIS INFORMATION IMMEDIATELY AND EFFECTIVELY AFTER RECEIVING THE SAID INFORMATION" (BUT WOULD NOT ACCEPT THE REMAINDER OF THE UAR SENTENCE READING "WHICH HAS TO BE AMPLE AND IN DETAIL".)

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-3- Geneva 603, August 2,

7. GOLDBERG MADE STRONG STATEMENT POINTING TO REPORTING REQUIREMENT AS KEY PROVISION OF TREATY. HE SAID EARLIER-AGREED PROVISION, TO EFFECT SPACE ACTIVITIES SHOULD BE CARRIED OUT IN INTERESTS OF ALL COUNTRIES, NECESSITATED A MANDATORY REPORTING OBLIGATION. WITHOUT IT, THAT AGREED STATEMENT OF PURPOSE WOULD BE MEANINGLESS. CANADA, BELGIUM, BRAZIL, ITALY,

AUSTRIA, AND AUSTRALIA SUPPORTED US VIEW. ROMANIA SUPPORTED SOV POSITION AS "ALL THAT IS POSSIBLE". CANADA (GOTTLIEB) HOPED THAT COMPROMISE MIGHT BE WORKED OUT ALONG LINES OF REPORTING IN ASTRONAUT SAFETY CONTEXT (OBLIGATORY REPORTING BUT WITH OPTION TO REPORT EITHER TO OTHER STATES PARTIES OR TO SYG). INDIA, UAR AND MEXICO INSISTED ON REPORTING RE ACTIVITIES IN OUTER SPACE AS WELL AS ON CBS. MOROZOV SAID THIS WAS UNACCEPTABLE. AT END OF MTG MOROZOV SAID ERIDBS* WERE MISINFORMED IF THEY THOUGHT SOV POSITION COULD BE CHANGED NOW OR LATER.

8. CHAIR CONCLUDED DISCUSSION BY SAYING THAT REPORTING ART WOULD BE REPORTED TO SUBCOMITE AS NOT RPT NOT AGREED.

9. AUSTRALIA CIRCULATED PROPOSED NEW "NO-PREJUDICE" ART READING AS FOLLOWS : "THE PROVISIONS OF THIS TREATY ARE ADOPTED WITHOUT PREJUDICE TO THE NEGOTIATION OF FUTURE SPECIFIC AGREEMENTS ON THE PEACEFUL USE OF OUTER SPACE, INCLUDING THE MOON AND OTHER CELESTIAL BODIES."

TUBBY
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*As received. Correction to follow.

NOTE: Passed to OD & NASA, Aug. 2, 1966

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UNCLAS GENEVA

AUGUST 04.

FOR SISCO FROM GOLDBERG

FOL IS UPI TICKER YOU REQUESTED:

"NIGHT LEAD SPACE

GENEVA AUG 04 (UPI) --NEGOTIATION ON RULES TO GOVERN MAN'S CONQUEST AND PEACEFUL USE OF OUTER SPACE RECESSED TODAY WITH SOVIET RESISTANCE ON TWO MAJOR ISSUES HOLDING UP FINAL AGREEMENT.

THE MONTH OF TALKS, HELD IN THE FRAMEWORK OF THE LEGAL SUB-COMMITTEE OF THE UNITED NATIONS COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE, WILL RESUME IN SEPTEMBER.

UNITED STATES DELEGATION LEADER ARTHUR GOLDBERG, AMERICAN AMBASSADOR TO THE UNITED NATIONS, SAID TODAY HE IS OPTIMISTIC ABOUT THE FINAL OUTCOME.

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-2-Unnumbered USUN, August 5.

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"I BELIEVE WE ARE WELL ON THE WAY TO CONCLUDING A TREATY. GREAT PROGRESS HAS BEEN MADE," HE TOLD A PRESS CONFERENCE.

GOLDBERG SAID NEGOTIATIONS WILL RESUME EITHER SHORTLY BEFORE THE U.N. GENERAL ASSEMBLY SEPT. 21 OR JUST AFTER.

"I HOPE THAT ANY REMAINING ISSUES CAN BE SETTLED AT THE NEXT SESSION", HE SAID.

GOLDBERG SAID THE CONFERENCE HAS ALREADY AGREED ON 13 VITAL POINTS THROUGH AMERICAN READINESS TO ACCEPT RUSSIA'S KEY PROVISIONS. HE CALLED ON MOSCOW TO AGREE TO THE 51 (AS RECD) MAJOR PROVISIONS IN THE U.S. DRAFT AND THUS PERMIT CONCLUSION OF A FINAL TREATY.

GOLDBERG SAID THERE ARE ALSO FOUR OTHER MINOR ISSUES OUTSTANDING BUT THAT NONE OF THESE SHOULD PRESENT UNDUE DIFFICULTIES. AGREEMENT ON THE 13 PROVISIONS WAS EASED BY AMERICAN ACCEPTANCE OF RUSSIA'S DESIRE THAT:

1. NO WEAPONS OF MASS DESTRUCTION BE PLACED IN OUTER SPACE,
2. FREEDOM OF EXPLORATION BE ENSURED, AND,
3. EXPLORATION OF THE MOON AND OTHER CELESTIAL BODIES BE FOR THE GOOD OF ALL.

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IT IS NOW UP TO RUSSIA TO ACCEPT AMERICA'S KEY PROVISIONS ---THAT REPORTING OF EXPLORATION ACTIVITIES TO THE U.N. BE COMPULSORY AND THERE THAT THERE BE OPEN ACCESS TO ALL PLANET, STATIONS, FACILITIES AND VEHICLES ON CELESTIAL BODIES.

ON THE FIRST POINT, RUSSIA ARGUES THAT REPORTING SHOULD BE VOLUNTARY. ON THE SECOND, IT SAYS ACCESS SHOULD BE ON THE BASIS OF RECIPROCITY.

GOLDBERG SAID HE DOES NOT KNOW WHY RUSSIA IS PREVENTING AGREEMENT ON THESE TWO POINTS BUT THAT ALL STATES SHOULD HAVE TO REPORT ON THEIR ACTIVITIES, NOT ONLY WHEN THEY WANT TO, AND THAT OPEN ACCESS WOULD BE RECIPROCAL IN ANY CASE.

GOLDBERG SAID MINOR DIFFERENCES EXIST ON TWO OTHER POINTS --- THE USE OF MILITARY, OR DUAL-PURPOSE, EQUIPMENT FOR PEACEFUL PURPOSES AND THE BANNING OF MILITARY INSTALLATIONS IN OUTER SPACE. HE SAID THERE IS AGREEMENT IN PRINCIPLE ON THESE POINTS AND IT REALLY REMAINS ONLY TO WORK OUT WORDING ACCEPTABLE TO BOTH SIDES. CONCERNING ACCESS TO TRACKING STATIONS AND INTERNATIONAL ORGANIZATIONS.

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THE 13 SUBSTANTIVE PROVISIONS AGREED UPON DURING THE PAST FOUR WEEKS ARE:

1. THE EXPLORATION AND USE OF OUTER SPACE SHALL BE FOR THE BENEFIT OF ALL MANKIND.

2. THERE SHALL BE FREEDOM OF EXPLORATION AND USE OF OUTER SPACE FOR ALL STATES ON A BASIS OF EQUALITY.

3. THERE SHALL BE FREE ACCESS TO ALL AREAS OF CELESTIAL BODIES.

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4. FREEDOM OF SCIENTIFIC RESEARCH IN OUTER SPACE AND INTERNATIONAL COOPERATION TO THAT END SHOULD BE ASSURED.

5. CLAIMS OF SOVEREIGNTY AND NATIONAL APPROPRIATION ARE BARRED.

6. THE MOON AND OTHER CELESTIAL BODIES SHALL BE USED EXCLUSIVELY FOR PACEFUL PURPOSES.

7. THE ROLE OF INTERNATIONAL LAW AND THE U.N. CHARTER IN MAN'S FUTURE ACTIVITIES IN OUTER SPACE SHOULD BE ESTABLISHED.

8. THERE SHALL BE AN UNCONDITIONAL OBLIGATION TO HELP AND TO RETURN ASTRONAUTS IN DISTRESS AND TO EXCHANGE INFORMATION RELATING TO ASTRONAUT SAFETY.

9. LAUNCHING STATES ARE LIABLE FOR ANY DAMAGES.

10. THERE SHALL BE NO CONTAMINATION OR HARMFUL INTERFERENCE IN SPACE ACTIVITIES.

11. LAUNCHING NATIONS SHALL RETAIN OWNERSHIP OVER THE OBJECTS SENT INTO OUTER SPACE AND OTHER STATES SHOULD RETURN THESE OBJECTS.

12. PARTIES TO THE TREATY SHALL BEAR INTERNATIONAL RESPONSIBILITY FOR NATIONAL ACTIVITIES IN OUTER SPACE.

13. NO WEAPONS OF MASS DESTRUCTION SHALL BE PLACED IN OUTER SPACE OR ON CELESTIAL BODIES."

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SUMMARY

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~~CONFIDENTIAL~~ GENEVA 676

AUGUST 05.

FOR PRESIDENT JOHNSON AND SECRETARY RUSK FROM GOLDBERG

AS YOU KNOW, THE OUTER SPACE COMMITTEE HAS RECESSED SPACE TREATY NEGOTIATIONS WHICH WILL BE RECONVENED IN NY BEFORE OR EARLY DURING FORTHCOMING GA. IN ADDITION TO DETAILED REPORTS WHICH DEL HAS MADE CONCERNING THE NEGOTIATIONS, I WISH TO MAKE THE FOLLOWING COMMENTS:

ON THE WHOLE, WE CAN REGARD THE NEGOTIATIONS TO DATE AS REFLECTING GREAT CREDIT UPON THE UNITED STATES, FOR THE FOLLOWING REASONS:

POWELL
BOWMAN
BINGET
HAYES
JACOBSON
KATZ
KORNER
LAWSON
WILCOX
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Davis
Hirsch

RSR PAGE 2 RUFHGV 676 ~~CONFIDENTIAL~~

1. NEGOTIATIONS CAME ABOUT AS RESULT OF INITIATIVE TAKEN BY THE PRESIDENT ON MAY 7, IN CALLING FOR NEGOTIATIONS LOOKING TO A TREATY. THIS WAS INITIALLY RESISTED BY SOVIETS WHO FINALLY HAD TO GO ALONG UNDER PRESSURE OF WORLD OPINION. THIS FACT RECOGNIZED AND EMPHASIZED DURING COURSE OF NEGOTIATIONS HERE IN GENEVA.
2. THE ATTITUDE OF US DEL IN ACCORDANCE WITH DEPT INSTRUCTIONS HAS BEEN FORTHCOMING AND THIS TOO HAS RESULTED IN VERY FAVORABLE CLAIM ON WORLD OPINION BOTH DIPLOMATICALLY AND IN THE WORLD PRESS. INTELLIGENCE REPORTS CONFIRMED THAT IT IS THE SHARED OPINION AMONG THE DELEGATIONS IRRESPECTIVE OF IDEOLOGY THAT SOVIETS HAVE BEEN PLACED AT A DISADVANTAGE BY REASON OF FORTHCOMING AND CONCILIATORY ATTITUDE OF US DEL.
3. IN FINAL STATEMENTS BY DELS WINDING UP THIS PHASE OF DELIBERATIONS, ONLY HUNGARY AND BULGARIA FULLY SUPPORTED SOVIET RESERVATIONS WHICH FOR TIME BEING BLOCKED A TREATY. IT IS IN-

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-2- GENEVA 676, AUGUST 5

INTERESTING THAT STATEMENTS BY POLAND AND ROMANIA DID NOT EXPRESSLY SUPPORT KEY SOVIET RESERVATION ON EQUAL ACCESS AND REPORTING. UNLESS SOVIETS REMAIN UNWILLING BECAUSE OF VIETNAM TO CONCLUDE AN AGREEMENT IN GA, I SEE NO REASON WHY A FINAL TREATY TEXT CANNOT BE SPEEDILY CONCLUDED ONCE THE COMMITTEE RECONVENES IN NY.

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MY OWN ANALYSIS OF SOVIET ACTIONS HERE IS THAT MOROZOV, THE SOVIET REP WAS ACTING UNDER INSTRUCTIONS NOT TO MAKE FINAL AGREEMENT IN GENEVA BUT TO RESERVE FEW POINTS AS A DELAYING MANUEVER. IT IS MY IMPRESSION THAT SOVIETS WERE UNWILLING BECAUSE OF CONCERN ABOUT CHINESE CRITICISM TO MAKE IT APPEAR THAT THEY WERE AGREEING WITH US TOO READILY ON AN INTERNATIONAL TREATY OF THIS IMPORTANCE. AN ALTERNATIVE EXPLANATION IS THAT SOVIET DEL AT GENEVA WAS CONCERNED ABOUT POSSIBILITY OF GOVERNMENT SHAKE-UP AND DESIRED TO CONFIRM THEIR INSTRUCTIONS IN MOSCOW PERSONALLY BEFORE MAKING FINAL AGREEMENT. ALTHOUGH PRESENT GOVT WAS CONFIRMED BY SUPREME SOVIET DURING LAST STAGES OF OUR NEGOTIATIONS IN GENEVA, MOROZOV IN PRIVATE CONVERSATION WITH ME SEVERAL TIMES REFERRED TO NECESSITY OF CONSULTING WITH "NEW" GOVT.

WHATEVER THE CAUSE, IT WILL BE VERY DIFFICULT FOR SOVIETS IN LIGHT OF GREAT SUPPORT US RECEIVED IN COMMITTEE AMONG OTHER DELS INCLUDING ALL NON-ALIGNED COUNTRIES TO BLOC AN ACCEPTABLE TREATY DRAFT AT GA.

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FINALLY I WANT TO CONVEY TO DEPT THE EXCELLENT COOPERATION I RECEIVED FROM ALL MEMBERS OF US DEL, PARTICULARLY MEEKER, REIS, HELMAN (STATE DEPT); THACHER (USUN); SOHIER (NASA, GRAYBEAL (ACTA, MORONCEW (ACTA, AND CAPTAIN COLE (DOD).

THEY WERE A SUPERB AND HARDWORKING TEAM AND CONTRIBUTED GREATLY TO PROGRESS WE MADE IN GENEVA. GP-3. TUBBY
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EXDIS

FOR SECRETARY AND PRESIDENT FROM GOLDBERG

JULY 28

SUBJECT: OUTER SPACE LEGAL

1. YOU WILL HAVE SEEN FROM REPORT OF MY DISCUSSION WITH SOVS THIS MORNING THAT THEY ARE HOLDING FIRMLY TO THEIR POSITIONS ON (1) ACCESS, (2) REPORTING, (3) MILITARY EQUIPMENT, AND (4) EQUAL CONDITIONS. OUR ASSESSMENT IS THEY DO NOT ELECT TO COMPLETE OUTER SPACE TREATY AT THIS TIME IN GENEVA, BUT PREFER TO RESERVE IT FOR DISCUSSION AT 21ST GA.

2. FOLLOWING QUESTIONS ARISE: (A) TO WHAT EXTENT DO WE WISH TO ADVANCE MODIFIED US POSITIONS IN GENEVA TO MAXIMIZE SUPPORT FROM OTHER UN MEMBERS? (B) IS US INTEREST IN AGREEMENT AT THIS TIME SUFFICIENT SO THAT WE SHOULD BE PREPARED TO ACCEPT SOVIET POSITIONS ON

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By *[signature]* NARA, Date *11/1/02*

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SOME UNAGREED ISSUES WHILE MAKING STRONG EFFORT WITH SOV DEL TO SECURE REASONABLE COMPROMISE ON ACCESS? THESE TWO QUESTIONS ARE CLEARLY INTER-RELATED.

3. WE COULD, FOR EXAMPLE, RECEDE ON OBLIGATORY NATURE OF REPORTING REQUIREMENT, SINCE US REPORTING AND SOV REPORTING RE ACTIVITIES ON CELESTIAL BODIES WILL IN ANY EVENT BE ABOUT WHAT EACH GOVERNMENT WISHES IT TO BE. WE COULD SEEK TO NEGOTIATE AN ACCESS PROVISION CALLING FOR ADVANCE NOTIFICATION TOGETHER WITH COMMITMENT TO TAKE MAXIMUM SAFETY PRECAUTIONS IN CONSULTATION WITH OTHER STATES PARTIES CONCERNED. WE COULD DROP SENTENCE ON MILITARY PERSONNEL AND EQUIPMENT, WITH APPROPRIATE STATEMENTS FOR RECORD. WE MIGHT EXPECT EQUAL CONDITIONS PROVISION TO FALL BY THE WAYSIDE. FOLLOWING SUCH A COURSE WOULD IMPROVE US POSITION WITH MAJORITY OTHER MEMBERS OF SUBCOMITE. IT WOULD LEAVE US WITH REDUCED NEGOTIATING ROOM IN EVENT SUBJECT TAKEN UP AT ASSEMBLY LATER. WHILE NOT GUARANTEEING SOV AGREEMENT, COURSE WOULD EXERT STRONG POLITICAL PRESSURE ON USSR TO COMPLETE AGREEMENT NOW RATHER THAN BEAR ONUS FOR STANDING RIGID ON ONE OR TWO FEATURES THAT ARE MINOR IN RELATION TO WHOLE OF TREATY. FROM US POINT OF VIEW, CONCESSION ON REPORTING AND OMISSION OF SENTENCE ON MILITARY EQUIPMENT WOULD BE SMALL WHEN CONSIDERED IN PERSPECTIVE OF SIGNIFICANT US-USSR AGREEMENT

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AT THIS TIME ON OUTER SPACE--INCLUDING PROVISIONS ON DEMILITARIZATION WHICH ARE MOST IMPORTANT SINCE 1963 CONCLUSION OF NUCLEAR TEST BAN TREATY.

4. I WOULD APPRECIATE YOUR EARLY DECISION ON THIS IN CONTEXT OF OVER-ALL POLITICAL CONSIDERATIONS. IF DECISION SHOULD BE TO MAKE MAXIMUM REASONABLE EFFORT FOR TREATY IN GENEVA, I WOULD PLAN TO WAIT A FEW DAYS AND LET USSR FEEL PRESSURE OF DISCUSSION BY OTHER UN MEMBERS BEFORE GOING BACK TO SOVDEL IN EFFORT TO BUTTON UP AGREEMENT; MOROZOV MAY BE SIMPLY PURSUING HARD NEGOTIATING TACTICS, WITHHOLDING HIS CONCESSIONS TO THE LAST MOMENT.

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AUGUST 3

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FROM GOLDBERG

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SUBJECT: OUTER SPACE

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USIA

1. NOW THAT SESSION OF OUTER SPACE LEGAL SUBCOMMITTEE IN GENEVA IS WINDING UP, BELIEVE EMBASSY MOSCOW'S ASSESSMENT WLD BE MOST VALUABLE. DEL'S REPORTING TELS HAVE BEEN REPEATED MOSCOW. FROM VANTAGE POINT OF GENEVA, FOLLOWING SEEM TO BE POSSIBILITIES:

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NSA

DOD

NIC

ACDA

SCI

OIC

NASA

OST

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TREATY TEXT THEREAFTER.

RSR

(C) USSR IS AWARE OF COMPLICATIONS LIKELY TO BE CREATED BY NON-ALIGNED IF TREATY DEBATED IN GA (E.G., ASIAN AND AFRICAN PRESSURE TO RESTRICT ALL OUTER SPACE, AND NOT ONLY CELESTIAL BODIES, TO PEACEFUL USES), BUT SOV PROBABLY THINK THEY CAN KEEP SUCH PRESSURES UNDER CONTROL, AND LATER COMPLETE TREATY BY AGREEMENT WITH US WHEN SOVS ARE READY.

(D) MOROZOV HAS MADE IT CLEAR ENOUGH HIS INSTRUCTIONS DO NOT PERMIT COMPLETION OF TREATY-DRAFTING NOW. HE HAS REFERRED TO NEED FOR FURTHER CONSIDERATION BY AND INSTRUCTIONS FROM QTE NEW RPT NEW GOVT UNQTE. EXTENT TO WHICH THIS STATEMENT REAL, OR JUST A SMOKE SCREEN FOR SOV POLICY OF DELAY, IS UN-LEAR.

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By *[Signature]* NARA, Date *11/10/02*

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-2- GENEVA 614, AUGUST 3

(E) SO FAR, SOVS IN GENEVA HAVE NOT INTIMATED VIET NAM BEARS DIRECTLY ON OUTER SPACE TREATY OR THAT RELATIONS WITH PEKING PRECLUDE AGREEMENT WITH US ON TREATY. WE REMAIN UNCLEAR, HOWEVER, AS TO EXTENT TO WHICH CHINESE PROBLEM, AND USSR POSITION AS ONE OF TWO GREAT PROTAGONISTS IN COMMUNIST WORLD, INFLUENCE CURRENT SOV POLICY OF DELAY.

2. WLD APPRECIATE EMB MOSCOW VIEWS ON THESE POSSIBILITIES,

PAGE 3 RUFHGV 614 ~~CONFIDENTIAL~~
AND ALSO ANY COMMENTS ON SOV POSITIONS RE TREATY PROVISIONS WHERE USSR HAS SO FAR SHOWN RIGIDITY.

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AUGUST 03

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1. WORKING GROUP OF LEGAL SUB-COMITE COMPLETED ITS WORK THIS AFTERNOON WITH NO NEW IMPORTANT SUBSTANTIVE DEVELOPMENTS. CHAIRMAN (LACHS) THEN RE-INSTITUTED BODY AS LEGAL SUB-COMITE PLENARY, AND REFERRED TO ARTICLES WHICH HAD BEEN AGREED TO IN WORKING GROUP AND TO OUTSTANDING DIFFERENCES.

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2. USSR (MOROZOV) POINTED TO RATHER QUICK PROGRESS IN WORKING GROUP AND HOPED SUB-COMITE WOULD CONFIRM AGREED PROVISIONS. MOROZOV THEN REITERATED SOVIET (A) INSISTENCE ON EQUAL TRACKING FACILITIES PROVISION, (B) INSISTENCE THAT VISIT TO FACILITIES OF ANOTHER STATE ON A CB MUST BE AGREED IN ADVANCE, (C) SHIPMENT OF MILITARY EQUIPMENT TO THE MOON WAS INTOLERABLE "EVEN UNDER PRETEXT" THAT SUCH EQUIPMENT WOULD BE USED FOR SCIENTIFIC RESEARCH OR OTHER PEACEFUL PURPOSE, AND (D) REFUSAL TO ACCEPT UK PROPOSAL ON INTERNATIONAL ORGANIZATIONS. HE HOPED SUB-COMITE WOULD SUPPORT USSR VIEWS.

3. IN MAJOR STATEMENT GOLDBERG EXPRESSED SATISFACTION WITH PROGRESS MADE TO DATE EVEN THOUGH NO TREATY HAD BEEN COMPLETED. HE HOPED SUB-COMITE WOULD RECONVENE IN ORDER TO PRESENT FORTHCOMING GA WITH A FINISHED PRODUCT. AGREEMENT ON A TREATY WAS URGENT. HE STRESSED AGREEMENT REACHED ON NINE IMPORTANT POINTS BUT POINTED OUT THAT THE TREATY MUST BE REGARDED AS A WHOLE AND THAT, WITHOUT AGREEMENT ON KEY POINTS, MUCH REMAINS TO BE DONE.

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-2- Geneva 624, August 3

4. GOLDBERG THEN REVIEWED US READINESS TO AGREE TO EXPAND TREATY TO COVER OUTER SPACE AS WELL AS CBS. HE REGRETTED THAT USSR HAD NOT REPEAT NOT, RECIPROCALLY, AGREED TO OUR KEY PROVISIONS ON REPORTING, ACCESS AND PEACEFUL USES.

5. TAKING THESE KEY US ELEMENTS UP ONE BY ONE, GOLDBERG POINTED TO OBLIGATORY REPORTING REQUIREMENT AS THE VERY ESSENCE OF THE TREATY, AND NOTED THAT VERY MANY DELS AGREED. HE GLADLY ACCEPTED UAR PROPOSAL THAT UN SYG SHOULD DISSEMINATE INFO REPORTED BY A STATE AS TO ITS CB ACTIVITIES. SIMILARLY, AN UNEQUIVOCAL PROVISION ON OPEN ACCESS IS ESSENTIAL TO A TREATY PROCLAIMING THAT CBS SHOULD BE USED EXCLUSIVELY FOR PEACEFUL PURPOSES; INDEED, UNCONDITIONAL OPEN ACCESS PROVISION WAS THE ONE SURE GUARANTEE THAT PARTIES ARE LIVING UP TO THEIR OBLIGATION TO USE CBS FOR PEACEFUL PURPOSES ONLY. CONTRARY (SOV) ARGUMENT ON "NECESSITY" FOR AGREEMENT ON TIMING OF VISITS SIMPLY DID NOT WASH.

6. TURNING TO QUESTION OF MILITARY EQUIPMENT, GOLDBERG SAID WE FAILED TO UNDERSTAND WHY SOME DELS OBJECTED TO NOTION OF LEGITIMACY OF USE OF MILITARY EQUIPMENT ON CRS FOR SCIENTIFIC RESEARCH OR OTHER PEACEFUL PURPOSE. AN UNCONDITIONAL ACCESS CLAUSE WOULD MAKE SURE THAT THE WORLD COULD BE SATISFIED THAT NO RPT NO ELICIT USE WAS BEING MADE OF SUCH EQUIPMENT. IN SAME CONTEXT, HE OPPOSED SOV ATTEMPT TO PROHIBIT "MILITARY INSTALLATIONS", BUT THAT THEY MEANT TO RULE OUT DUGOUTS AND FORTIFICATIONS. BUT SUCH FACILITIES WERE ALREADY EXCLUDED BY THE AGREED BAN ON "MILITARY BASES AND FORTIFICATIONS".

7. TAKING UP A FINAL SUBSTANTIVE POINT OF DIFFERENCE, GOLDBERG EXPOSED WEAKNESSES OF SOV INSISTENCE THAT RIGHTS OF ACCESS MUST BE CONDITIONED BY "RECIPROCITY". IF NOTION OF RECIPROCITY MEANT A VETO, IT WAS OBVIOUSLY UNACCEPTABLE. ON OTHER HAND, US WOULD HAVE NO RPT NO OBJECTIONS TO RECIPROCITY NOTION IF, AS SOV DEL HAD SUGGESTED IN WORKING GROUP, THIS CONCEPT MERELY MEANT THAT (A) A STATE MAY CLAIM A RIGHT OF VISITATION REGARDLESS OF WHETHER THE STATE OWNING THE FACILITY BEING VISITED HAD CLAIMED SUCH A RIGHT, AND (B) IF A PARTY DENIED SUCH A RIGHT TO ANOTHER PARTY, THE LATTER WOULD HAVE NO RPT NO OBLIGATION TO PERMIT VISITS TO ITS INSTALLATIONS BY THE FORMER. IN THIS CASE, NOTION OF RECIPROCITY WAS MERELY REDUNDANT AND WE COULD ACCEPT IT IF USSR WOULD CONFIRM WHAT IT HAD EARLIER SUGGESTED.

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-3- Geneva 624, August 3

8. FINALLY, GOLDBERG SUGGESTED THAT KEY TO RESOLUTION OF REMAINING DIFFERENCES LIES IN BUILDING UPON SHARED CONCEPTS OF (A) OPENESS AND (B) NOTION THAT OUTER SPACE AND CBS ARE THE PROBLEMS OF ALL MANKIND.

9. EXERCISING A RIGHT OF REPLY, MOROZOV SAID US DEL HAD OVERSTEPPED HIS BOUNDS IN CHARGING USSR FAILED TO AGREE TO REASONABLE PROPOSITIONS. HE PROTESTED THE "ATTEMPT TO FOIST UPON THE SOVIET UNION BLAME FOR FAILURE TO REACH AGREEMENT". MOROZOV DISPLAYED A TABULAR CHART IN RUSSIAN PURPORTING TO SHOW THAT SO-CALLED COMPREHENSIVE SOV PROPOSALS HAD BEEN ACCEPTED

BY THE WORKING GROUP, AND NARROW US PROPOSALS PUT ASIDE. MOROZOV ESPECIALLY ATTACKED US DEL'S OPPOSITION TO MILITARY EQUIPMENT CLAUSE AS BEING UNJUSTIFIED. MOROZOV SAID THAT A MISSILE WHICH CARRIES A MAN TO THE MOON CANNOT BE CALLED MILITARY; IF A WEAPON IS NOT CONNECTED TO A ROCKET, THE ROCKET IS NOT MILITARY. ON OTHER HAND, EQUIPMENT WHICH CAN BE USED EXCLUSIVELY FOR MILITARY PURPOSES WOULD BE ILLEGITIMATE ON A CELESTIAL BODY. IN CONCLUSION, MOROZOV REJECTED "UNILATERAL US APPEAL THAT THE SOVIET UNION SHOULD PONDER AMERICAN PROPOSALS". THE SOV GOVT AND PEOPLE HAD GONE VERY FAR IN ACCEPTING US PROPOSALS. MOROZOV HOPED FOR THE RESUMPTION OF MORE "BUSINESSLIKE APPROACH" IN THE FUTURE.

10. COMMENT. THIS TEL BEING TRANSMITTED EVEN THOUGH IT IS COMPLETE ONLY THROUGH SOV REPLY (IMMEDIATELY PRECEDING PARA) BECAUSE OF POSSIBLE NEWS AND OTHER INTEREST. GOLDBERG'S STATEMENT BEING SENT USIA WIRE.

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NSA

NSC SUBJECT: OUTER SPACE LEGAL

1. THIS TELEGRAM CONTINUES ACCOUNT LEGAL SUBCOMMITTEE MEETING CONTAINED SEPTEL.

2. ITALY (VINCI) EXPRESSED HIS SATISFACTION THAT AGREEMENT WAS REACHED ON PROVISIONS OF TREATY DEALING WITH EXTENSION INTERNATIONAL LAW TO OUTER SPACE, FREE ACCESS ALL AREAS CELESTIAL BODIES, AND ESTABLISHMENT SCIENTIFIC INVESTIGATION. HE STRESSED THAT IN ORDER TO IMPLEMENT PEACEFUL USES PROVISION THERE MUST BE ARTICLES ON COMPULSORY NOTIFICATION AND OPEN ACCESS. HE OBJECTED TO "EQUAL CONDITIONS" PROPOSAL AND SUPPORTED UK PROVISION. ITALY PROPOSED REVISIONS US ARTICLE ON ACCESS AND UK ARTICLE ON INTERNATIONAL ORGANIZATIONS, EXPRESSING HOPE THAT THE SUGGESTIONS WOULD BE CONSIDERED AND TAKEN UP AT FUTURE MEETING LEGAL SUBCOMMITTEE. TEXTS FOLLOW:

ACCESS

"ALL STATES ENGAGED ON A NATIONAL OR MULTILATERAL BASIS IN ACTIVITIES IN OUTER SPACE, THE MOON AND OTHER CELESTIAL BODIES, SHALL GRANT FREE IMMEDIATE ACCESS TO REPRESENTATIVES OF ALL PARTIES TO THE TREATY THEIR STATIONS, INSTALLATIONS, EQUIPMENT AND SPACE VESSELS, ON THE UNDERSTANDING THAT THE TIME OF THE VISIT SHOULD NOT IMPERIL THE LIFE OF THE PERSONNEL AND THE FUNCTIONING OF THE INSTALLATIONS INVOLVED."

INTERNATIONAL ORGANIZATIONS

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"THE STATES PARTIES, WHICH CONDUCT SPACE ACTIVITIES THROUGH INTERNATIONAL ORGANIZATIONS, UNDERTAKE THAT THOSE ACTIVITIES WILL FULLY COMPLY WITH THE PROVISIONS OF THE TREATY.

A DECLARATION TO THIS EFFECT MAY BE TRANSMITTED BY SUCH AN ORGANIZATION TO (THE DEPOSITARY AUTHORITY)."

3. UAR TABLED A DRAFT RESOLUTION ON ESTABLISHMENT OF MACHINERY DEALING WITH PEACEFUL EXPLORATION AND USE OF OUTER SPACE. UAR REPRESENTATIVE INDICATED HIS DELEGATION DID NOT INTEND PRESSING FOR RES IN LEGAL SUBCOMMITTED BUT INDICATED MIGHT WELL DO SO IN GA. OPERATIVE PARAS UAR RES FOLLOW:

" RECOMMENDS TO THE COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

(I) TO INITIATE A STUDY OF THE POSSIBILITIES OF ESTABLISHING WITHIN THE UNITED NATIONS OF A MACHINERY WHICH COULD PROMOTE INTERNATIONAL CO-OPERATION, IN BOTH THE LEGAL AND THE SCIENTIFIC AND TECHNICAL FIELDS OF THE PEACEFUL EXPLORATION AND USE OF OUTER SPACE.

(II) TO ASCERTAIN THE VIEWPOINTS OF MEMBER STATES REGARDING THE DESIRABILITY AND ORGANIZATION OF SUCH INTERNATIONAL MACHINERY.

(III) TO FORWARD THE VIEW POINTS OF MEMBER STATES IN THIS REGARD TO THE LEGAL SUB-COMMITTEE AND THE SCIENTIFIC AND TECHNICAL SUB-COMMITTEE, AS WELL AS TO THE PROPOSED OUTER SPACE CONFERENCE IN 1967, FOR CONSIDERATION IN THEIR RESPECTIVE FIELDS."

RE OUTER SPACE TREATY, UAR REGRETTED THAT OUTER SPACE AS WELL AS CELESTIAL BODIES COULD NOT BE PRESERVED FOR PEACEFUL PURPOSES ONLY.

4. SWEDEN (BLIX) EXPRESSED SATISFACTION AT CONSIDERABLE PROGRESS MADE BY COMMITTEE. SUPPORTED COMPULSORY REPORTING PROVISION AND EXPRESSED RESERVATIONS ON ARTICLES DEALING WITH RESPONSIBILITY INTERNATIONAL ORGANIZATIONS.

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-3- GENEVA 627, AUGUST 3

5. CANADA (GOTTLIEB) ALSO EXPRESSED SATISFACTION WITH PROGRESS POINTING OUT THAT COMMITTEE HAD REACHED AGREEMENT ON NINE SUBSTANTIVE ARTICLES. HE ATTACHED PARTICULAR IMPORTANCE TO PROVISION CONCERNING CLAIMS OF SOVEREIGNTY AND NATIONAL APPROPRIATION. BEARING IN MIND FRENCH RESERVATIONS, GOTTLIEB SAID HE TOOK THIS PROVISION TO MEAN THAT PRIVATE, AS WELL AS PUBLIC APPROPRIATION, WAS CONTRARY TO TREATY. GOTTLIEB STRESSED IMPORTANCE OF NO BOMBS IN ORBIT PROVISION IN CONTEXT DISARMAMENT. HE SUPPORTED US POSITION ON ACCESS. OPPOSED SOVIET "EQUAL CONDITIONS" PROVISION AND STATED RESERVATIONS ON ARTICLE DEALING WITH RESPONSIBILITY INTERNATIONAL ORGANIZATIONS.

6. FRANCE (LE MAITRE) RESERVEDLY EXPRESSED SATISFACTION WITH WORK COMMITTEE AND STATED RESERVATION ON A LARGE SERIES OF ISSUES INCLUDING SOVEREIGNTY, "USE" OF SPACE AND CELESTIAL BODIES AND EXTENSION INTERNATIONAL LAW AND CHARTER TO OUTER SPACE ACTIVITIES. HE STATED THAT WHILE SOME AGREEMENT WAS REACHED IN PRINCIPLE ON IMPORTANT ISSUES, THERE REMAINS JOB OF REVIEWING TERMINOLOGY AND SIMPLIFYING TEXTS. THEN, IT MUST BE DECIDED WHICH PROVISIONS ARE WISE TO ACCEPT AND WHICH SHOULD BE REJECTED.

7. CHAIRMAN URGED DELEGATES MAKE CONCLUDING STATEMENTS AFTERNOON AUGUST 4 IN ANTICIPATION THAT WOULD BE LAST MEETING.
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AUGUST 03

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SUBJECT: OUTER SPACE LEGAL - 6TH WORKING GROUP SESSION (AUG 3)

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1. SUMMARY -- USSR'S "EQUAL CONDITIONS" PROVISION WAS DISCUSSED AND WILL BE REPORTED AS DISAGREED. US ACCESS PROVISION INTRODUCED BY GOLDBERG AS ONE OF KEY ARTICLES. PROVISION REPORTED AS DISAGREED WHEN USSR INSISTED RETAINING ITS AMENDMENTS ON RECIPROCITY AND AGREEMENT ON TIMING OF VISIT. WORKING GROUP BEGAN DISCUSSIONS ITS PROPOSALS ON COMMUNICATIONS -- DIRECT BROADCAST PROBLEMS. UAR MODIFIED ITS PROVISION WHICH WAS IN TURN AMENDED BY MEXICO AND ITALY.

2. EQUAL CONDITIONS -- MOROZOV INTRODUCED SOV PROPOSAL (STATES PARTIES TO THE TREATY WILL ACCORD OTHER STATES PARTIES TO THE TREATY CONDUCTING ACTIVITIES RELATING TO THE EXPLORATION AND USE OF OUTER SPACE EQUAL CONDITIONS FOR OBSERVING THE FLIGHT OF SPACE OBJECTS LAUNCHED BY THOSE STATES) BY ASSERTING THAT IT WAS DERIVED FROM THE PRINCIPLES OF "VOLUNTARINESS" AND INTERNATIONAL COOPERATION ON WHICH THE TREATY WAS BASED. HE ALSO SAID THAT SUCH A "MOST FAVORED NATION" PROVISION WAS NECESSARY TO ENSURE ASTRONAUT SAFETY.

HE FURTHER EXPLAINED THAT MOST FAVORED NATION PROVISION WOULD BECOME OPERATIVE ONLY WHEN STATE A GAVE B TRACKING STATION RIGHTS. AT THAT POINT IT MUST GIVE SAME TO STATE C ON "EQUAL CONDITIONS". EXACT PROVISIONS GOVERNING STATE A-C RELATIONSHIPS WOULD BE SUBJECT BILATERALS.

3. JAPAN, UK, MEXICO, CANADA, AUSTRALIA AND ITALY OPPOSED ON GROUNDS THAT THERE WAS AN IMBALANCE OF RIGHTS AND OBLIGATIONS: MOST STATES REQUIRED GIVE FACILITIES WITH NOTHING OFFERED IN RETURN.

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-2- GENEVA 629, AUG UST 3

4. GOLDBERG STATED US COULD NOT SUPPORT PROPOSAL. TRACKING FACILITIES CLOSELY ENGAGED SOVEREIGNTY HOST COUNTRIES AND BEST LEFT TO BILATERAL NEGOTIATIONS.
CHAIRMAN LACHS NOTED DIFFERENCES EXISTED AND PROPOSAL -
WOULD BE REPORTED AS DISAGREED.

5. ACCESS -- GOLDBERG DESCRIBED PROPOSAL AS ONE OF KEY PROVISIONS WHICH NECESSARY FULFILL CONCEPT OF OPENNESS WHICH BASIC PART TREATY. PROVISION WAS NECESSARY COROLLARY TO THE PROVIDING FOR PEACEFUL USES CELESTIAL BODIES.

GOLDBERG DREW UPON ANTARCTIC TREATY EXPERIENCE TO DEMONSTRATE THAT FREE ACCESS COULD FUNCTION EFFECTIVELY. HE ALSO INDICATED WILLINGNESS CONSIDER PROVISION ON HEALTH AND SAFETY ALONG LINES JAPANESE PROPOSAL ("SUCH REPRESENTATIVES SHALL TAKE MAXIMUM PRECAUTIONS NOT TO INTERFERE WITH SAFETY AND NORMAL FUNCTIONING OF ACTIVITIES THEREIN.")

MOROZOV AGREED THAT ACCESS WAS KEY PROVISION AND WAS REASON USSR ACCEPTED CONCEPT OPENNESS, WITH PROVISIONS ON RECIPROCITY AND TIMING OF VISIT. SAID THESE CONDITIONS WERE NECESSARY FOR SAFETY AND DESIGNED BRING PROVISION IN LINE WITH REALITY.

LACHS SAID PROPOSAL WOULD BE REPORTED AS DISAGREED.

6. CONTAMINATION -- AFTER BRIEF DISCUSSION, FIRST TWO SENTENCES OF AGREED PROVISION ON CONTAMINATION REVISED TO READ:

"IN THE EXPLORATION AND USE OF OUTER SPACE, INCLUDING THE MOON AND OTHER CELESTIAL BODIES, STATES PARTIES TO THE TREATY SHALL BE GUIDED 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 INTERESTS OF ALL OTHER STATES PARTIES TO THE TREATY. STATES 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 CONTAMINATION, ETC. (AS PER PARA 2, GENEVA'S 603).

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-3- GENEVA 629, AUGUST 3

7. COMMUNICATIONS AND BROADCAST SATELLITES -- DISCUSSION BEGAN OF UAR PROPOSAL. UAR SAID AFTER CONSULTATION OTHER DELS, WAS WILLING DROP SECOND SENTENCE ITS ARTICLE (PAPA 6, GENEVA'S 465). MEXICO FURTHER REDUCED SCOPE ARTICLE BY SUGGESTING REVISION REPORTED PARA 2, GENEVA'S 555. MOROZOV SAID HE COULD SUPPORT EITHER REVISED UAR OR MEXICAN VERSION.

GOLDBERG REITERATED US POSITION THAT ISSUE IMPORTANT BUT REMOTE AND COMITE HAD INSUFFICIENT INFO ON WHICH TO ACT. SAID PROPOSAL PRESENTS SERIOUS CONSTITUTIONAL ISSUES FOR US. SUGGESTED PRACTICAL PROBLEMS OF DIRECT BROADCAST SATELLITES BE GIVEN DETAILED CONSIDERATION ELSEWHERE. UK SUPPORTED US APPROACH.

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AUGUST 03

FOLLOWING IS TEXT AMB GOLDBERG STATEMENT WEDNESDAY TO UN LEGAL
SUB-COMMITTEE ON PEACEFUL USES OF OUTER SPACE:

QUOTE

MR. CHAIRMAN:

WE ARE ABOUT TO END THIS PHASE OF NEGOTIATIONS ON A TREATY
DEALING WITH THE PEACEFUL USES OF OUTER SPACE, INCLUDING THE
MOON AND OTHER CELESTIAL BODIES. IF I WERE TO CHARACTERIZE
THE RESULTS OF OUR WORK TO DATE ON THIS TREATY, I WOULD HAVE
TO EXPRESS SATISFACTION WITH THE PROGRESS MADE TO DATE, EVEN
THOUGH IT DID NOT FULFILL OUR HIGHEST EXPECTATIONS OF
COMPLETING A TREATY HERE IN GENEVA.

PAGE 2 RUFJBT 631 UNCLAS

I HOPE SINCERELY THAT DURING THE COMING RECESS -- WHICH
MUST NECESSARILY BE SHORT IF WE ARE TO GET BACK TO WORK AND PRESENT
THE GENERAL ASSEMBLY WITH A FINISHED PRODUCT -- WE WILL CONSIDER
THE ISSUES WE HAVE DEBATED THEN RECONVENE, AND COMPLETE A
TREATY ACCEPTABLE TO ALL MEMBER STATES.

TO COMPLETION OF THIS TREATY IS IN LARGE MEASURE A QUESTION OF
APPLYING THE PRINCIPLES WE HAVE ALREADY AGREED UPON TO THOSE
REMAINING.

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-2- GENEVA 631, SECTION 1 of 3, August 3

ONE OF THE CHARACTERISTICS OF THIS SUBCOMMITTEE THAT HAS MOST IMPRESSED ME, MR. CHAIRMAN, HAS BEEN ITS BUSINESSLIKE APPROACH TO THE TASK BEFORE US. WE WERE IMMENSELY AIDED BY THE EFFORTS AND SKILLS OF OUR CHAIRMAN, PROFESSOR LACHS, WHO GAVE OF HIMSELF UNSTINTINGLY. THE OUTSTANDING JOB PERFORMED BY THE U.N. SECRETARIAT ALSO CONTRIBUTED GREATLY TO OUR WORK.

WE ARE GRATIFIED BY THE GENERALLY POSITIVE ATTITUDE, BECAUSE AS I MADE CLEAR AT THE BEGINNING OF THIS SESSION, MY DELEGATION CAME TO GENEVA WITH THE CONVICTION THAT THE PROBLEM OF EXTENDING THE RULE OF LAW TO OUTER SPACE IS A HIGHLY CURRENT ONE. WE ALL KNOW THAT THE ADVANCES OF TECHNOLOGY MAKE IT A MATTER OF URGENCY THAT WE AGREE ON A TREATY. MAN IS IN OUTER SPACE NOW AND WILL BE ON THE MOON WITHIN A SHORT PERIOD.

PAGE 3 RUFJBT 631 UNCLAS

WITH THIS SENSE OF URGENCY, WHICH I NOTE WAS SHARED BY MANY OTHER DELEGATIONS, MY DELEGATION CAME TO GENEVA PREPARED TO GET DOWN TO WORK. I AM IMPRESSED, MR. CHAIRMAN, BY THE FACT THAT THE PROGRESS WE HAVE MADE HAS TRULY BEEN UNITED NATIONS PROGRESS -- NOT THE PROGRESS OF ANY INDIVIDUAL COUNTRY OR COUNTRIES. IT IS TO THE GREAT CREDIT OF THIS SUBCOMMITTEE THAT WE WERE ABLE IN A SHORT TIME TO RECORD CONSIDERABLE PROGRESS.

LET ME SURVEY THE IMPORTANT PROPOSITIONS WE HAVE AGREED TO EMBODY IN THE TREATY:

- (1) THE EXPLORATION AND USE OF OUTER SPACE SHALL BE FOR THE BENEFIT OF ALL MANKIND.
- (2) THERE SHALL BE FREEDOM OF EXPLORATION AND USE OF OUTER SPACE FOR ALL STATES ON A BASIS OF EQUALITY, AS WELL AS FREE ACCESS TO ALL AREAS OF CELESTIAL BODIES.
- (3) FREEDOM OF SCIENTIFIC RESEARCH IN OUTER SPACE AND INTERNATIONAL CO OPERATION TO THE END SHOULD BE ASSURED.
- (4) CLAIMS OF SOVEREIGNTY AND NATIONAL APPROPRIATION ARE BARRED.
- (5) THE MOON AND OTHER CELESTIAL BODIES SHALL BE USED EXCLUSIVELY FOR PEACEFUL PURPOSES.

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-3- GENEVA 631, SECTION 1 of 3, August 3

(6) THE ROLE OF INTERNATIONAL LAW AND THE U.N. CHARTER IN MAN'S FUTURE ACTIVITIES IN OUTER SPACE SHOULD BE ESTABLISHED.

(7) THERE SHALL BE AN UNCONDITIONAL OBLIGATION TO HELP AND TO RETURN ASTRONAUTS IN DISTRESS AND TO EXCHANGE INFORMATION RELATING TO ASTRONAUT SAFETY.

(8) IMPORTANT PROVISIONS ON LIABILITY AND ON JURISDICTION,

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ON CONTAMINATION AND POTENTIALLY HARMFUL INTERFERENCE, ON OWNERSHIP AND RETURN OF SPACE OBJECTS, AND ON RESPONSIBILITY FOR THE ACTIVITIES OF PERSONS AND INTERNATIONAL ORGANIZATIONS HAVE BEEN AGREED UPON.

(9) MOST IMPORTANTLY AND MOST DRAMATICALLY, THE SUBCOMMITTEE HAS AGREED TO INCORPORATE IN A TREATY OBLIGATION THE PROVISIONS OF GENERAL ASSEMBLY RESOLUTION 1884. THIS DECISION BY THE MEMBERS OF THE SUBCOMMITTEE TO AGREE TO CONTRACT THAT THEY WILL PLACE NO WEAPONS OF MASS DESTRUCTION IN OUTER SPACE OR ON CELESTIAL BODIES IS INDEED A STEP OF HISTORIC SIGNIFICANCE IN AVOIDING ANY EXTENSION OF THE ARMS RACE INTO THE NEW ENVIRONMENT OF OUTER SPACE.

BUT WILL ALL OF THIS TO OUR CREDIT, MR. CHAIRMAN, THE HARD FACT REMAINS THAT WE DO NOT YET HAVE A COMPLETED TREATY. WE HAVE AGREED UPON MANY IMPORTANT PROVISIONS, BUT A TREATY IS AN INTEGRATED DOCUMENT THAT DOES NOT EXIST UNTIL WE HAVE AGREEMENT ON THE WHOLE. AND WE HAVE, MR. CHAIRMAN, SIGNIFICANT AREAS OF DIFFERENCES YET TO BE RESOLVED ON SOME IMPORTANT PROVISIONS OF THE TREATY.

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AS I HAVE SAID, MR. CHAIRMAN, MY DELEGATION CAME TO GENEVA PREPARED TO NEGOTIATE IN GOOD FAITH AND I BELIEVE THE DELEGATION OF THE UNITED STATES HAS AMPLY DEMONSTRATED ITS GOOD FAITH DURING THE COURSE OF THESE NEGOTIATIONS. WE HAD NO PRIDE OF AUTHORSHIP. WE SIMPLY WANTED -- AND CONTINUE TO WANT --

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-4- GENEVA 631, SECTION 1 of 3, August 3

A TREATY WHICH WILL SET THE RULES BY WHICH MAN WILL OPERATE BEYOND THE EARTH. WE RECOGNIZE THAT THERE WAS AN OPPORTUNITY, HERE AND NOW, TO DECIDE THAT CELESTIAL BODIES SHALL BE USED FOR PEACEFUL PURPOSES ONLY. THUS, EARLY IN THE SESSION, UPON A FULL APPRAISAL AND IN CONSIDERATION OF THE VIEWS OF OTHER DELEGATIONS, WE TOOK THE MAJOR STEP OF AGREEING THAT THE SCOPE OF THE PROPOSED TREATY SHOULD BE ENLARGED TO INCLUDE OUTER SPACE GENERALLY, INCLUDING THE MOON AND OTHER CELESTIAL BODIES. IN THIS SPIRIT OF COMPROMISE, WE EMBRACED ALL OF THE KEY POINTS IN THE SOVIET UNION'S DRAFT. IT IS TO MY REGRET THAT THE SOVIET UNION HAS NOT AGREED TO ALL OF THE KEY POINTS IN THE UNITED STATES DRAFT. AS A RESULT, THERE ARE SEVERAL CRUCIAL ISSUES WHICH MUST BE SOLVED BEFORE THERE IS A TREATY.

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WE HAVE TO REACH AGREEMENT ON A FIRM REPORTING AND NOTIFICATION REQUIREMENT. MR. CHAIRMAN, MY DELEGATION CONSIDERS THIS TO BE A KEY PROVISION IN THE TREATY. AS I SAID EARLIER, WE HAVE DECLARED THAT ACTIVITIES IN OUTER SPACE AND ON CELESTIAL BODIES SHALL BE FOR THE BENEFIT OF ALL MANKIND, AND THAT THERE SHALL BE FREEDOM OF SCIENTIFIC EXPLORATION AND OPEN ACCESS TO ALL AREAS OF CELESTIAL BODIES. IN THE OPINION OF MY DELEGATION, AN ESSENTIAL COROLLARY TO THESE PRINCIPLES IS ONE THAT REQUIRES STATES CONDUCTING ACTIVITIES ON CELESTIAL BODIES TO INFORM OTHERS OF THEIR ACTIVITIES AND TO MAKE THEIR FINDINGS AVAILABLE

PAGE 2 RUFJBT 631/2 UNCLAS

TO THE PUBLIC AND THE INTERNATIONAL SCIENTIFIC COMMUNITY. TO PROVIDE OTHER WISE WOULD BE TO CONTRADICT THE PURPOSES OF THE TREATY WE ARE WORKING ON AND TO DENY TO THE NON-SPACE POWERS THE FRUITS OF RESEARCH ON CELESTIAL BODIES. ONLY BY A CLEAR AND OBLIGATORY REQUIREMENT TO SUPPLY INFORMATION, AND COMPLIANCE WITH THE FULL SPIRIT OF SUCH AN OBLIGATIONS, CAN THE NATIONS OF THE WORLD HAVE ACCESS TO WHAT WE DECLARE TO BE THE PROVINCE OF ALL MANKIND. ONLY THROUGH SUCH AN OBLIGATION CAN SCIENCE BE FOSTERED AND THE EFFORTS OF MAN IN OUTER SPACE BE PROMOTED. ONLY THROUGH FULL AND COMPULSORY REPORTING CAN A STATE DEMONSTRATE TO OTHERS THAT THE ACTIVITIES ARE FOR PEACEFUL PURPOSES ONLY.

THE USSR HAS SUGGESTED A TREATY PROVISION UNDER WHICH A PARTY TO THE TREATY WOULD REPORT "ON A VOLUNTARY BASIS"; THE SOVIET PROPOSAL WOULD READ THAT "A STATE SHALL, ON A VOLUNTARY BASIS, REPORT". SUCH A PROVISION IS NOT AN OBLIGATION AT ALL. IT BINDS A STATE TO DO ONLY WHAT IT WANTS TO DO -- AND WHEN IT WANTS TO DO IT. THIS IS, AFTER ALL, A TREATY WE ARE DEVELOPING; HORTATORY "OBLIGATION", WHICH BINDS NO ONE TO DO ANYTHING, IS OF NO USE.

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- 2 - GENEVA 631, AUGUST 3 (SECTION TWO OF THREE)

I HAVE STRESSED MANY TIMES THAT ONE OF THE FUNDAMENTAL PRINCIPLES GUIDING THE APPROACH OF MY DELEGATION TOWARD THIS TREATY IS THE CONCEPT OF OPENNESS. BY THIS CONCEPT, WE MEAN TO ENCOMPASS FREEDOM OF EXPLORATION, PUBLICATION OF INFORMATION, AND THE USE OF THE FRUITS OF ACTIVITIES IN OUTER SPACE FOR THE BENEFIT OF ALL MANKIND.

IT IS, IN OUR VIEW, CRITICAL TO THE CONCEPT OF OPENNESS THAT THE TREATY WE ARE DEVELOPING CONTAIN A PROVISION REGARDING FREE AND OPEN ACCESS TO ALL AREAS, STATIONS, INSTALLATIONS, EQUIPMENT AND SPACE VEHICLES ON CELESTIAL BODIES. SUCH A PROVISION IS A VALUABLE COROLLARY TO THE AGREED ARTICLE ON INTERNATIONAL COOPERATION. IT IS ALSO ESSENTIAL TO THE IMPLEMENTATION OF THE FAR-REACHING AND SIGNIFICANT AGREEMENT REACHED HERE REGARDING THE EXCLUSIVELY PEACEFUL USES OF CELESTIAL BODIES. IN THE VIEW OF MY DELEGATION, THE ONE CERTAIN WAY IN WHICH THE WORLD CAN BE ASSURED THAT THE MOON INDEED IS BEING USED FOR PEACEFUL PURPOSES ONLY IS TO PROVIDE IN THIS TREATY -- UNEQUIVOCALLY AND CLEARLY -- THAT STATIONS AND INSTALLATIONS AND EQUIPMENT OF ONE STATE SHALL ALWAYS BE OPEN.

WE HAVE NOT BEEN CONVINCED THAT THE CONCERN, PUT FORWARD BY SOME, WITH ASTRONAUT SAFETY IS GENUINE. IT HAS BEEN URGED THAT PRIOR AGREEMENT ON THE TIMING OF VISITS IS ESSENTIAL. BUT THIS PROBLEM, INsofar AS IT EXISTS, CAN EASILY BE TAKEN

PAGE 4 RUFJBT 361/2 UNCLAS

CARE OF BY THE PROPOSAL OF THE DISTINGUISHED REPRESENTATIVE OF JAPAN, THAT ASTRONAUTS MAKING VISITS SHALL TAKE MAXIMUM PRECAUTIONS TO AVOID INTERFERING WITH THE SAFETY OF THE INSTALLATION BEING VISITED. WE HOPE THAT OTHER MEMBERS OF THE SUBCOMMITTEE WILL GIVE SERIOUS CONSIDERATION TO THIS PROPOSAL.

ANOTHER ISSUE RELATED TO OPEN ACCESS HAS BEEN RAISED BY A CONDITION CONTAINED IN A WORKING PAPER INTRODUCED BY THE SOVIET UNION TO THE EFFECT THAT ACCESS SHALL BE "ON A BASIS OF RECIPROCITY". THIS PROPOSAL WOULD INCORPORATE A FURTHER VETO INTO THE ACCESS PROVISION.

A VETO IS NOT COMPATIBLE WITH THE IDEA OF RECIPROCITY AND RECIPROCAL RIGHTS. IF THERE IS A VETO, THERE ARE NO MEANINGFUL RIGHTS; WITHOUT THE EXISTENCE OF RIGHTS THERE CAN BE NO RECIPROCITY.

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- 3 - GENEVA 631, AUGUST 3 (SECTION TWO OF THREE)

FROM EARLIER DISCUSSIONS IN THE SUBCOMMITTEE, I HAVE UNDERSTOOD THAT THE DISTINGUISHED REPRESENTATIVE OF THE SOVIET UNION HAD THE SAME COMMON UNDERSTANDING OF THE WORDS "ON A BASIS OF RECIPROCITY" THAT I HAVE, THAT IS SHARED BY THE OTHER MEMBERS OF THE SUBCOMMITTEE, AND THAT IS THE NORMAL AND USUAL SENSE OF THE TERM. THE UNDERSTANDING IS THIS: REPRESENTATIVES OF A STATE PARTY TO THE TREATY CONDUCTING ACTIVITIES ON CELESTIAL BODIES WILL HAVE A RIGHT OF ACCESS TO THE STATIONS, INSTALLATIONS,

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EQUIPMENT, AND SPACE VEHICLES OF ANOTHER STATE PARTY ON A CELESTIAL BODY, REGARDLESS OF WHETHER THE SECOND STATE HAS EVER CLAIMED, OR HAS EVER EXERCISED, A RIGHT OF ACCESS ITSELF. THE FACT THAT THE SECOND STATE MAY NOT HAVE ASSERTED SUCH A RIGHT, OR MAY NOT HAVE EXERCISED IT, IN NO WAY IMPAIRS THE FIRST STATE'S RIGHT OF ACCESS. HOWEVER, IF THE FIRST STATE HAS DENIED ACCESS TO REPRESENTATIVES OF THE SECOND STATE, THEN THE LATTER IS NOT REQUIRED, ON THE PRINCIPLE OF RECIPROCITY, TO GRANT ACCESS TO REPRESENTATIVES OF THE FIRST STATE. THIS IS ENTIRELY CLEAR, AND THE SAME LOGICAL RESULT WOULD FLOW WHETHER OR NOT THE TREATY CONTAINED ANY EXPRESS MENTION OF RECIPROCITY. FOR THIS REASON, WE THINK NO MENTION OF RECIPROCITY IS NEEDED.

HOWEVER, THE UNITED STATES DELEGATION IS PREPARED TO AGREE TO INCLUSION OF THE WORDS "ON A BASIS OF RECIPROCITY" IF THE UNDERSTANDING I HAVE OUTLINE ABOVE IS GENERALLY SHARED - AND, IN PARTICULAR, IS SHARED BY THE SOVIET DELEGATION - AND IF ANY REMAINING PROVISIONS IN THE ARTICLE ARE CONSISTENT WITH THE IDEA OF RECIPROCITY AND MEANINGFUL TREATY RIGHTS. THE VETO CLAUSE IS NOT CONSISTENT AND IS NOT ACCEPTABLE.

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SECTION 3 OF 3 GENEVA 631

AUGUST 3

AS I HAVE SAID EARLIER, WE BELIEVE THE SUGGESTION ADVANCED BY THE DISTINGUISHED REPRESENTATIVE OF JAPAN CONCERNING SAFETY IS A CONSTRUCTIVE PROPOSAL, AND WE ARE HAPPY TO SUPPORT IT.

MR. CHAIRMAN, IN ADDITION TO AGREEING TO INCORPORATE IN TREATY FORM AN OBLIGATION NOT TO PLACE WEAPONS OF MASS DESTRUCTION IN ORBIT OR ON CELESTIAL BODIES, WE HAVE AGREED TO RESERVE CELESTIAL BODIES FOR PEACEFUL PURPOSES ONLY, AND TO FORBID MILITARY BASES AND FORTIFICATIONS, THE TESTING OF WEAPONS, AND MILITARY MANEUVERS ON CELESTIAL BODIES. MY DELEGATION CONSIDERS THAT THESE PROGRESSIVE PROVISIONS MUST BE ACCOMPANIED BY A SENTENCE TO MAKE IT CLEAR THEY AS WELL AS CIVILIAN IN ITS PROGRAMS ON CELESTIAL BODIES, PROVIDING THAT SUCH CIVILIAN - IN ITS PROGRAMS ON CELESTIAL BODIES, PROVIDING

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THAT SUCH PROGRAMS ARE FOR PEACEFUL PURPOSES. WE BELIEVE THAT THE CONCEPT OF OPENNESS, WHICH MAKES THE APPROACH OF THIS SUBCOMMITTEE TO THE TREATY, REQUIRES A STATEMENT REGARDING PARTICIPATION BY MILITARY PERSONNEL AND EQUIPMENT. AFTER ALL, IT IS WELL KNOWN THAT MILITARY PERSONNEL AND EQUIPMENT HAVE PLAYED A VITAL ROLE, IN MY COUNTRY AND ELSEWHERE, IN THE DEVELOPMENT OF OUTER SPACE ACTIVITIES. VIEWS WERE EXPRESSED REGARDING THE WORDING OF OUR PROVISION WHICH INDICATED TO US THAT THE PROBLEM WAS ONE MORE OF LANGUAGE THAN SUBSTANCE. CONSEQUENTLY, WE HAVE SUBMITTED AN AMENDMENT TO OUR ORIGINAL PROPOSAL STATING THAT THE TREATY DOES NOT PROHIBIT THE USE OF ANY TYPES OF PERSONNEL OR EQUIPMENT FOR SCIENTIFIC RESEARCH OR ANY OTHER PEACEFUL PURPOSE.

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-2- Geneva 631, August 3, (Section 3 of 3)

OUR NEW PROPOSAL SEEKS SINCERELY TO STATE THAT SO LONG AS ANY PERSONNEL OR EQUIPMENT -- OF WHATEVER CHARACTER -- "IS USED IN PURSUING SCIENTIFIC RESEARCH OR ANY OTHER PEACEFUL PURPOSE", ITS USE IS OF COURSE LEGITIMATE. LET ME GIVE BUT ONE EXAMPLE: THE USE OF ROCKETS TO TRANSPORT ASTRONAUTS TO THE MOON -- AND TO RETURN THEM TO THE EARTH -- WILL BE PERMISSIBLE UNDER

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OUR TEXT SINCE THAT USE WILL BE /FOR SCIENTIFIC RESEARCH/ AND OTHER "PEACEFUL PURPOSE(S)". WITHOUT THE FINAL SENTENCE WE NOW PROPOSE -- STRANGE AS IT MAY SEEM -- A PARTY COULD BE OPEN TO THE CHARGE THAT IT HAD USED A "MILITARY" BOOSTER TO GET TO THE MOON, AND THAT THE TREATY NOWHERE PERMITTED SUCH AN ACTIVITY.

ON THE OTHER HAND, I WANT TO MAKE IT CLEAR THAT OUR PROPOSAL WOULD NOT PERMIT PLACING A ROCKET ARMED WITH A NUCLEAR WARHEAD ON THE MOON. THAT WOULD BE THE USE OF EQUIPMENT NOT "FOR SCIENTIFIC RESEARCH OR ANY OTHER PEACEFUL PURPOSE." MOREOVER, IT IS EXPRESSLY PROHIBITED BY THE FIRST AND SECOND SENTENCES OF THE ARTICLE ON MILITARY CLAUSES. SO OUR NEW PROPOSAL WOULD NOT IMPAIR THE ARMS CONTROL MEASURES ON WHICH WE ARE ALL AGREED.

MR. CHAIRMAN, I HOPE OUR NEW PROPOSAL WILL COMMEND ITSELF TO ALL MEMBERS OF THE SUBCOMMITTEE.

ONE ADDITIONAL PROBLEM REMAINS IN THE WORDING OF THIS ARTICLE. THIS RELATES TO THE PROHIBITION ON MILITARY "INSTALLATIONS" PROPOSED BY THE SOVIET UNION. I BELIEVE THAT DIFFERENCES HERE, AGAIN, ARE MORE APPARENT THAN REAL. IN OUR VIEW, THE TYPES OF MILITARY STRUCTURES THAT THIS TREATY SHOULD BAN ARE PROPERLY ENCOMPASSED BY THE TERM "MILITARY BASES AND FORTIFICATIONS". I HAVE HEARD NO ONE SUGGEST AN UNDESIRABLE MILITARY STRUCTURE WHICH DOES NOT FALL WITHIN THAT TERM. TO ADD THE WORD "INSTALLATION" MIGHT BRING WITHIN THE SCOPE OF THE BAN MANY USEFUL STRUCTURES. FOR EXAMPLE, A STRUCTURE BUILT BY MILITARY PERSONNEL -- WHO, WE ARE AGREED, MAY PARTICIPATE IN PEACEFUL ACTIVITIES ON

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CELESTIAL BODIES -- TO ASSIST THEM IN SCIENTIFIC RESEARCH COULD BE UNLAWFUL ON THE GROUND IT WAS A MILITARY INSTALLATION. CLEARLY, WE DO NOT INTEND THIS.

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-3- Geneva 631, August 3, (Section 3 of 3)

I WOULD LIKE TO POINT OUT THAT, DURING THE DELIBERATIONS OF THE WORKING GROUP, THE DISTINGUISHED REPRESENTATIVE OF THE SOVIET UNION ADMITTED READILY THAT A BARRACKS WAS NOT THE KIND OF "MILITARY INSTALLATION" WHICH THE USSR SEEKS TO PROHIBIT. I HOPE THAT HE WILL REPEAT HIS STATEMENT IN THE SUBCOMMITTEE WHERE FORMAL RECORDS ARE MAINTAINED.

I WOULD NOTE ALSO THAT THE SOVIET UNION HAS NOT GIVEN ANY CONCRETE EXAMPLE OF THE KIND OF FACILITY THEY SEEK TO PROHIBIT BY A BAN ON "MILITARY INSTALLATIONS" WHICH IS NOT ALREADY -- AND UN-AMBIGUOUSLY -- FORBIDDEN BY THE AGREED BAN ON "MILITARY BASES AND FORTIFICATIONS". FOR THESE REASONS, MR. CHAIRMAN, I URGE THAT THE SUBCOMMITTEE AND ITS MEMBERS CONSIDER THE COMPROMISE PROPOSAL ADVANCED BY MY DELEGATION, AND ADD A MOST IMPORTANT PROVISION TO THE LIST OF AGREED ARTICLES.

MR. CHAIRMAN, THE CRUCIAL QUESTION IS: HOW ARE WE TO RESOLVE THE ISSUES REMAINING? IT IS MY CONVICTION THAT THE PHILOSOPHY THAT OUGHT TO GUIDE US IS AT HAND. IT IS REFLECTED IN THE VERY BASIC PRINCIPLES WE HAVE ALREADY AGREED SHOULD BE EXPRESSED IN THE TREATY. OUR PHILOSOPHY HAD BEEN ONE OF OPENNESS AND THAT ACTIVITY IN OUTER SPACE AND CELESTIAL BODIES IS AN EXPRESSION OF MANKIND, NOT OF ANY SINGLE STATE. WE HAVE, THEREFORE, AGREED THAT THERE SHOULD BE FREE ACCESS TO ALL AREAS OF CELESTIAL

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BODIES AND FREEDOM OF SCIENTIFIC EXPLORATION. WE HAVE CONCLUDED THAT OUTER SPACE ACTIVITY SHOULD BE FOR THE BENEFIT AND IN THE INTEREST OF ALL MANKIND.

IF WE APPLY THESE AGREED BASIC PROPOSITIONS LOGICALLY AND FULLY, THEN WE WILL SOLVE THE PROBLEMS THAT NOW STAND BETWEEN US AND THE CONCLUSION OF A TREATY.

IF OUTER SPACE EXPLORATIONS ARE IN FACT TO BENEFIT ALL MANKIND, AND IF WE ARE NOT TO CONTRADICT WHAT WE HAVE ALREADY AGREED ARE OUR PURPOSES UNDER THIS TREATY, THEN THERE SHOULD BE NO SUBSTANTIVE QUALIFICATION WHATSOEVER ON THE OBLIGATION OF STATES TO INFORM THE WORLD OF WHAT THEY ARE DOING ON CELESTIAL BODIES.

WE HAVE ALSO AGREED THAT THERE SHALL BE FREE ACCESS TO ALL AREAS OF CELESTIAL BODIES, THAT THERE SHALL BE INTERNATIONAL CO-OPERATION IN OUTER SPACE, AND THAT CELESTIAL BODIES SHALL BE

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-4- Geneva 631, August 3, (Section 3 of 3)

USED FOR PEACEFUL PURPOSES ONLY. IF WE MEAN WHAT WE SAY IN THIS ARTICLE, THEN WE CAN PLACE NO SUBSTANTIVE QUALIFICATION ON THE OBLIGATION OF STATES TO PERMIT FREE ACCESS TO THEIR INSTALLATIONS AND EQUIPMENT ON CELESTIAL BODIES.

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I AM GRATEFUL, MR. CHAIRMAN, THAT SO MANY DELEGATIONS HAVE SUPPORTED OUR VIEWS ON THESE ISSUES. I URGE ALL OF THE OTHER DELEGATIONS WHICH HAVE NOT YET AGREED TO THESE PROPOSALS TO REFLECT ON THESE PROBLEMS, MR. CHAIRMAN, AND TO ENLARGE AND COMPLETE CONSISTENTLY AND REALISTICALLY, THE ELEMENTS OF THE TREATY TO WHICH WE HAVE ALREADY AGREED. WITH GOOD WILL, HARD WORK, AND THE SERIOUS APPROACH THAT HAS MARKED THE SUBCOMMITTEE'S EFFORTS, I AM CONVINCED THAT WE CAN REACH FULL AGREEMENT. WE CAN YET, MR. CHAIRMAN, CONCLUDE A TREATY AND PRESENT IT TO THE NEXT GENERAL ASSEMBLY. I PLEDGE MY COOPERATION IN THIS TASK.
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AUGUST 04

SUBJECT: FINAL MTD OF OUTER SPACE LEGAL SUBCOMITE

1. SUMMARY: COMITE CONCLUDED THSI STAGE NEGOTIATIONS SPACE TREATY WITH SERIES FINAL STATEMENTS BY DELS. CHAIRMAN SUMMARIZED RESULTS OF DISCUSSIONS BY SAYING SUBCOMITE WILL SUSPEND ITS 5TH SESSION AND WILL RESUME AFTER CONSULTATIONS, PRIOR TO OR DURING THE 21ST GA.

2. UK (DARWIN), BELGIUM (BAL), AUSTRIA (HAENDEL) AND AUSTRALIA (BAILEY) STRESSED IMPORTANCE OF ASSURING THAT INTERNATIONAL ORGANIZATIONS CONDUCTING SPACE ACTIVITIES BE ASSURED OF PROPER PARTICIPATION IN TREATY.

3. UK AND JAPAN STRESSED IMPORTANCE OF US OPEN ACCESS PROVISION. JAPAN TABLED WORKING PAPER CALLING FOR TAKING OF PRECAUTIONS FOR SAFETY OF ASTRONAUTS DURING VISITS TO CB INSTALLATIONS OF ANOTHER PARTY. BELGIUM HOPED SOME COMPROMISE SOLUTION COULD BE WORKED OUT QUESTION OF MILITARY EQUIPMENT. JAPAN ALSO ATTACHED GREATEST IMPORTANCE TO OBLIGATORY REPORTING REQUIREMENT.

4. JAPAN EMPHASIZED ITS REGRET THAT USSR HAD NOT ACCEPTED JAPANESE PROPOSAL THAT SYG BE INFORMED OF POTENTIALLY HARMFUL SPACE EXPERIMENTS AND RELATED INTERNATIONAL CONSULTATIONS.

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5. JAPAN, INDIA, BELGIUM AND AUSTRALIA REPEATED THAT SOV "EQUAL CONDITIONS" PROPOSAL WAS UNACCEPTABLE, JAPAN SAYING THAT COOPERATIVE ARRANGEMENTS FOR SPACE TRACKING FACILITIES SHOULD BE LEFT TO BILATERAL NEGOTIATIONS.

6. INDIA (RAO) WAS NOT SATISFIED WITH PROGRESS ACHIEVED IN LAST FOUR WEEKS. MUCH OF WHAT HAD BEEN ACCOMPLISHED WAS MERE COPYING OF DECLARATION OF LEGAL PRINCIPLES. RAO SAID IT WAS DISASTROUS THAT SPACE POWERS HAD REFUSED TO AGREE THAT OUTER SPACE SHOULD BE USED FOR PEACEFUL PURPOSES ONLY;

TREATY COULD WELL BE NUGATORY WITHOUT AGREEMENT ON THIS PRINCIPLE. INDIA ALSO WANTED A PROHIBITION ON ORBITING MILITARY BASES, WEAPONS TESTING AND MILITARY MANOEUVRES SIMILAR TO THAT ON WHICH AGREEMENT HAD BEEN REACHED IN CB CONTEXT. ~~INDIA~~ INDIA COULD NOT ACCEPT LIABILITY PROVISION UNTIL SUCH TIME AS SPACE POWERS WOULD CONFIRM THAT "INTERNATIONALLY LIABLE" MEANT "ABSOLUTELY LIABLE", NOR WAS AUSTRALIAN "NO PREJUDICE" CLAUSE ACCEPTABLE WITHOUT SUCH CONFIRMATION. FINALLY, RAO CALLED ON SCIENTIFIC AND TECHNICAL SUBCOMITE TO GET DOWN TO WORK ON (A) CONTAMINATION, (B) COOPERATIVE SOUND ROCKET FACILITIES, AND (C) DIRECT RADIO BROADCASTING. RE (C) RAO SAID THAT OSLO MTG OF CCIR HAD NOT MADE PRACTICAL PROGRESS.

7. MONGOLIA (DASHTSEREN) SAID THAT MUCH PROGRESS HAD BEEN MADE. HE SUPPORTED SOV VOLUNTARY REPORTING PROVISION BUT NOTED THAT LESS-DEVELOPED STATES HAVE AN INTEREST IN RECEIVING AS MUCH INFORMATION AS POSSIBLE FROM SPACE POWERS. HE THOUGHT INCLUSION IN TREATY OF PROVISION LEGITIMIZING USE OF MILITARY EQUIPMENT MIGHT CREATE THE IMPRESSION THAT A LOOPHOLE HAD BEEN CREATED.

8. BRAZIL (SILOS) CITED NON-DISCRIMINATION AND NON-APPROPRIATION PROVISIONS AS PARTICULARLY IMPORTANT AND EXPRESSED HOPE THAT SEPARATE CONVENTIONS WOULD SOON BE CONCLUDED ON LIABILITY AND ASSISTANCE AND RETURN. EXPRESSED DISAPPOINTMENT THAT PEACEFUL USE NOT EXTENDED TO OUTER SPACE AS WELL AS CB'S. HE OPPOSED SOV "EQUAL CONDITIONS" PROPOSAL AND ENTERED RESERVATION ON AUTOMATIC APPLICATION INTERNATIONAL LAW AND CHARTER TO OUTER SPACE.

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-3- Geneva 657 August 4

9. RUMANIA (GLASER) SAID COMITE WAS FAMILIAR WITH HIS VIEWS ON OUTSTANDING ISSUES AND HE WOULD STRESS ONLY TWO OF THEM: IMPORTANCE "ALL STATES" ACCESSION PROVISION; AND UNACCEPTABILITY UK'S PROPOSAL ON ADHERENCE INTERNATIONAL ORGANIZATIONS.

10 MEXICO (TELLO) STRESSED IMPORTANCE NO-BOMBS-IN-ORBIT AGREEMENT AND CONGRATULATED "FOUR NUCLEAR POWERS" --US, UK, USSR AND FRANCE -- ON AGREEING TO THIS SIGNIFICANT DISARMAMENT PROVISION. HE SUPPORTED US FREE ACCESS PROVISION, WITH SUGGESTION THAT JAPANESE AMENDMENT ON SAFETY BE ADDED. POSSIBLE ADDITIONAL COMPROMISE, HE FELT, MIGHT BE FOUND THROUGH ADDITIONAL ADVANCE NOTIFICATION REQUIREMENT.

11. HUNGARY AND BULGARIA EXPRESSED SATISFACTION WITH COMITE'S PROGRESS AND CAREFULLY DUPLICATED SOVIET POSITION.

12. POLAND VERY BRIEFLY SAID WAS HAPPY WITH WORK COMMITTEE, PARTICULARLY NO-BOMBS-IN-ORBIT PROVISION. OPPOSED UK PROPOSAL ON INTERNATIONAL ORGANIZATIONS.

13. IRAN (AZIZI) SAID WAS DISAPPOINTED THAT PEACEFUL USES ONLY CONCEPT WAS NOT APPLIED TO OUTER SPACE AS WELL AS CB'S. SUPPORTED UK PROPOSAL ON INTERNATIONAL ORGANIZATIONS.

14. CHAIRMAN LACHS CLOSED BY READING AGREED STATEMENT AS COMITE'S INTERIM REPORT WHICH STATED:

A. COMITE MET, ESTABLISHED WORKING GROUP AND EXAMINED PROPOSALS BEFORE IT.

B. AGREEMENT WAS REACHED ON SERIES OF ARTICLES, TEXT ATTACHED, AND NO AGREEMENT REACHED ON OTHERS, TEXT ATTACHED.

C. COMITE DECIDED RECESS AND RECONVENE AT CALL OF CHAIRMAN, UPON CONSULTATION WITH MEMBERS, BEFORE OR DURING NEXT GA.
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By *g/jad* NARA, Date *11/1/02*

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-2- GENEVA 555 AUGUST 1.

REACTIONS AMONG SOME DELS HERE IS THAT SUCH VERSION HARMLESS.

3. UNLESS DEPT HAS CONTRARY VIEWS, DEL WILL MAINTAIN ITS POSITION THAT CURRENT TREATY SHOULD NOT BE COMPLICATED AND SIDETRACKED BY ARTICLE ON COMMUNICATIONS SATELLITES; THAT DIRECT BROADCAST SATELLITES NOT IMMINENT PROSPECT; AND THAT WE WOULD HAVE NO OBJECTION IF AT SOME TIME COMITE BEGAIN CONSIDERATION DIRECT BROADCAST SATELLITES. STATEMENT WE HAVE IN MIND WHICH WE HOPE COMITE COULD AGREE UPON IN DISPOSING UAR INITIATIVE WOULD READ:

"IT WAS NOTED BY THE DELEGATES OF THE UNITED ARAB REPUBLIC, MEXICO AND BRAZIL, AND SUPPORTED BY A NUMBER OF OTHER DELEGATIONS, THAT ADVANCES IN THE STATE OF SATELLITE COMMUNICATIONS TECHNOLOGY HAVE MADE IT A MATTER OF PRIORITY TO CONSIDER THE ADOPTION OF TREATY PROVISIONS

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REGULATING THE USE OF SATELLITE COMMUNICATIONS AND, IN PARTICULAR, DIRECT BROADCASTING FROM SATELLITES TO HOME RECEIVERS. IT WAS ALSO NOTED THAT ALTHOUGH GREAT ADVANCES IN THIS AREA OF TECHNOLOGY HAVE BEEN MADE, THE PROSPECT OF OPERATIONAL DIRECT BROADCAST SATELLITES LIES SOME YEARS IN THE FUTURE AND THAT MANY OF THE TECHNICAL ASPECTS REQUIRE FURTHER STUDY BEFORE RULES OF LAW CAN BE DRAWN UP. ACCORDINGLY, IN VIEW OF THE IMPORTANCE OF THIS QUESTION, THE SUBCOMMITTEE RECOMMENDS THAT THE OUTER SPACE COMMITTEE CONSIDER THIS QUESTION AND UNDERTAKE TO HAVE IT STUDIED FURTHER WITH REGARD TO ITS TECHNICAL RAMIFICATIONS IN ORDER THAT THE SUBCOMMITTEE MAY MORE INTELLIGENTLY CONSIDER THIS SUBJECT."

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 MOULTON
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 NEA AUGUST 1

P SUBJECT: OUTER SPACE LEGAL - COMMUNICATIONS SATELLITES
 USIA
 NSC REF: DEPTTEL 18283

INR 1. DEL SHARES DEPT'S CONCERN WITH UAR TABLING OF NEW TREATY
 CIA ARTICLE ON INTERNATIONAL CONTROL DIRECT BROADCAST SATELLITES. IT WAS
 NSA THIS CONCERN WHICH LED US INDICATE FROM START THAT WE FEEL OUTER SPACE
 DOD TREATY NOW UNDER NEGOTIATION SHOULD NOT CONTAIN ANY SUCH ARTICLE.
 E
 ACDA 2. IT OUR PRESENT ESTIMATE THAT UAR MOTIVE WAS TO CATALYZE
 SCI COMITE INTO ACKNOWLEDGING PROBLEM AND GAINING AGREEMENT FUTURE
 NASA DISCUSSION IN BOTH TECHNICAL AND LEGAL SUB-COMMITTEES. ALTHOUGH UAR
 OST MOVE APPEARS NOT TO HAVE BEEN COORDINATED WITH OTHER DELS, IT AP EARS
 TO HAVE STRUCK SYMPATHETIC NOTE WITH MANY OTHER MEMBERS COMITE SUCH

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PAGE 2 RUFHGV 555 ~~CONFIDENTIAL~~
 AS BRAZIL WHO, AS DEPT IS AWARE, HAVE EXPRESSED CONCERN IN THIS AREA
 FOR MANY YEARS. DO NOT THINK HOWEVER UAR WILL PRESS FOR ITS POSITION
 IN CURRENT TREATY, ALTHOUGH IT ALWAYS POSSIBLE MEXICAN FORMULA WILL GAIN
 SUPPORT. TEXT SOME HAVE BEEN CONSIDERING WOULD READ:
 "THE PARTIES TO THE TREATY, RECOGNIZING THE ENORMOUS
 POTENTIALITIES OF SPACE APPLICATIONS FOR COMMUNICATION PURPOSES AND MORE
 SPECIFICALLY FOR SOUND AND TELEVISION BROADCASTING, UNDERTAKE TO UTILIZE
 THEM FOR PROMOTING FRIENDLY RELATIONS AMONG NATIONS, BASED UPON THE
 PURPOSES AND PRINCIPLES OF THE CHARTER."

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-2- GENEVA 555 AUGUST 1.

REACTIONS AMONG SOME DELS HERE IS THAT SUCH VERSION HARMLESS.

3. UNLESS DEPT HAS CONTRARY VIEWS, DEL WILL MAINTAIN ITS POSITION THAT CURRENT TREATY SHOULD NOT BE COMPLICATED AND SIDETRACKED BY ARTICLE ON COMMUNICATIONS SATELLITES; THAT DIRECT BROADCAST SATELLITES NOT IMMINENT PROSPECT; AND THAT WE WOULD HAVE NO OBJECTION IF AT SOME TIME COMITE REGAIN CONSIDERATION DIRECT BROADCAST SATELLITES. STATEMENT WE HAVE IN MIND WHICH WE HOPE COMITE COULD AGREE UPON IN DISPOSING UAR INITIATIVE WOULD READ:

"IT WAS NOTED BY THE DELEGATES OF THE UNITED ARAB REPUBLIC, MEXICO AND BRAZIL, AND SUPPORTED BY A NUMBER OF OTHER DELEGATIONS, THAT ADVANCES IN THE STATE OF SATELLITE COMMUNICATIONS TECHNOLOGY HAVE MADE IT A MATTER OF PRIORITY TO CONSIDER THE ADOPTION OF TREATY PROVISIONS

PAGE 3 RUFHGV 555 ~~CONFIDENTIAL~~
REGULATING THE USE OF SATELLITE COMMUNICATIONS AND, IN PARTICULAR, DIRECT BROADCASTING FROM SATELLITES TO HOME RECEIVERS. IT WAS ALSO NOTED THAT ALTHOUGH GREAT ADVANCES IN THIS AREA OF TECHNOLOGY HAVE BEEN MADE, THE PROSPECT OF OPERATIONAL DIRECT BROADCAST SATELLITES LIES SOME YEARS IN THE FUTURE AND THAT MANY OF THE TECHNICAL ASPECTS REQUIRE FURTHER STUDY BEFORE RULES OF LAW CAN BE DRAWN UP. ACCORDINGLY, IN VIEW OF THE IMPORTANCE OF THIS QUESTION, THE SUBCOMMITTEE RECOMMENDS THAT THE OUTER SPACE COMMITTEE CONSIDER THIS QUESTION AND UNDERTAKE TO HAVE IT STUDIED FURTHER WITH REGARD TO ITS TECHNICAL RAMIFICATIONS IN ORDER THAT THE SUBCOMMITTEE MAY MORE INTELLIGENTLY CONSIDER THIS SUBJECT."

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Outer Space Legal -- Communications satellites

Concur your suggested handling communications/broadcast satellite issue. If you find useful in connection with possible proposals for further UN study of this issue, might point out that an organ of the ITU (International Consultative Committee for Radio - CCIR) is already studying both communications ~~satel~~ satellites and satellites for direct radio ~~XXXX~~ ^{/TV} broadcasting. As a result of recent CCIR plenary at Oslo and previous ~~mtgs~~ mtgs, ~~XXXX~~ CCIR study groups are examining several technical issues, including feasibility direct TV broadcast from satellites, worldwide standards for TV broadcast from satellites, ~~and~~ and others.

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By *gjh* NARA, Date *11/1/02*

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IO/UNP:DCProper:pf 8/1/66

classification approved by:

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INCOMING TELEGRAM *Department of State*

Space Treaty
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204

Action

EUR RR RUEHCR RUEHDT RUFHGV
DE RUEHCR 60FD 2190730
Info ZNY CCCCC
R 070716Z
SS FM AMEMBASSY **MOSCOW**
TO RUEHCR/SECSTATE WASHDC
G INFO RUEHDT/ USUN NY
SAH RUFHGV/USMISSION GENEVA
L STATE GRNC
BT

6684
August 7, 1966
7:32 AM

~~CONFIDENTIAL~~ **MOSCOW 650**

AUGUST 6

REF GENEVA'S 614

1. WE HAVE NO REASON CHANGE OUR EARLIER ASSESSMENT THAT SOVIETS DESIRE CONCLUDE SPACE TREATY EXPEDITIOUSLY. GIVEN HIGH COSTS OF SPACE PROGRAMS AND CONTINUING SQUEEZE WITHIN SOVIET ECONOMY, WE DO NOT BELIEVE SOVIETS INTERESTED IN ENGAGING ARMS RACE IN SPACE AND WOULD WELCOME LIMITATIONS ON OUR POSSIBLE MILITARY ACTIVITIES IN THAT ARE.
2. WHILE SOVIETS PROBABLY WILL ATTEMPT AVOID UNNECESSARY DELAYS IN NEGOTIATIONS WHICH MIGHT JEOPARDIZE REACHING AGREEMENT, THEY WILL UNDOUBTEDLY TAKE NECESSARY TIME GAIN OUR ACQUIESCENCE ON AS MANY POINTS AS POSSIBLE, AT SAME TIME ATTEMPTING MAXIMIZE POLITICAL MILEAGE DURING NEGOTIATIONS.
3. GIVEN SOVIET PROPOSAL IN GROMYKO - U THANT LETTER TO AIR TREATY INITIALLY IN GA, WE SUSPECT SOVIETS ARE STILL ANXIOUS HAVE ITEM DISCUSSED IN G, PRESUMABLY WITH HOPE OF FURTHERING THEIR CLAIM FOR TREATY INITIATIVE. THEY PRESUMABLY BELIEVE SPACE COMMUNICATIONS AND OTHER COMPLICATING TOPICS WHICH MIGHT BE INTERJECTED AT GA WILL NOT BE MAJOR ISSUES WHEN SERIOUS NEGOTIATIONS RESUME AFTER GA DEBATE.
4. WE DO NOT BELIEVE SOVIET-CHINESE RELATIONS OR VIETNAM HAVE HAD MAJOR INFLUENCE ON SOVIET POSITION. SOVIETS HAVE RATIONALIZED NEGOTIATIONS AS INTERNATIONAL AND NOT BILATERAL AND PRESUMABLY FEEL LONG RUN BENEFITS FROM TREATY MORE THAN COMPENSATE FOR ANY CRITICISM OF BIPOLAR ASPECTS OF NEGOTIATIONS. FURTHERMORE, SOVIETS SEEM TO HAVE ADOPTED LINE THAT MAJOR GOAL OF NEGOTIATIONS IS TO PREVENT U.S. "AGGRESSIVE ACTIVITIES" IN STILL ANOTHER ARENA.
5. MOROZOV'S COMMENT RE "NEW GOVERNMENT" CLEARLY SPURIOUS.

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EO 12958 Sec. 3.5
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By *[Signature]* NARA, Date *11/1/02*

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6. SOVIETS WILL OBVIOUSLY TRY TAKE CREDIT FOR TREATY IF AGREEMENT REACHED. IF AGREEMENT NOT REACHED, THEY WILL ATTEMPT SINGLE OUT U.S. AS SCAPEGOAT.

7. CONCERNING UNRESOLVED ISSUES: H(A) WE CONSIDER CONCEPT OF UNINHIBITED ACCESS OF KEY IMPORTANCE, BOTH FROM POINT OF VIEW OF PRECEDENT AND OF HAVING MEANINGFUL TREATY WHICH WILL NOT BE PLAGUED

BY ACCUSATIONS OF SOVIET NON-COMPLIANCE. ABSENCE OF MISUNDERSTANDINGS IN ANTARCTICA WHERE SUCH CONCEPT PREVAILS AND GENERAL THEME THAT EXPLORATION OF CELESTIAL BODIES SHOULD BENEFIT ALL WOULD SEEM PROVIDE US WITH POWERFUL ARGUMENTS AGAINST WATERED-DOWN VERSION OF ACCESS ADVOCATED BY SOVIETS. (B) WE INCLINED AGREE WITH GENEVA THAT SOVIETS DO NOT EXPECT HAVE EQUAL CONDITIONS CLAUSE ACCEPTED; HOWEVER, THEY MAY BELIEVE THAT AIRING SUBJECT DURING NEGOTIATIONS WILL ENHANCE FUTURE EFFORTS OBTAIN TRACTING STATION RIGHTS ABROAD. (C) REPORTING REQUIREMENT CLASHES WITH SECRECY ASPECTS SOVIET SPACE PROGRAM. NEVERTHELESS, WE AGREE WITH GENEVA THAT SOME TYPE MANDATORY REPORTING REQUIREMENT ESSENTIAL.

8. BELIEVE WE MIGHT MAKE CONSIDERABLE MILEAGE DURING NEGOTIATIONS AND PARTICULARLY DURING GA DEBATE BY HITTING HARDER ON SECRECY ASPECTS SOVIET PROGRAM.

GP-3. KOHLER
BT

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