



THE JOINT CHIEFS OF STAFF  
WASHINGTON, D. C. 20301

11 December 1967

MEMORANDUM FOR THE SPECIAL ASSISTANT FOR ARMS CONTROL

Subject: Agreement on Assistance and Return of  
Astronauts and Space Vehicles (A&R  
Agreement)

1. Background. In response to a General Assembly Resolution (2222 XXI), the "Un Legal-Subcommittee on Outer Space" began its sixth session in Geneva during July 1967 to work on the formulation of an A&R Agreement and on a Liability Convention. The US and its allies were primarily interested in Liability, the USSR in A&R. Some progress was made on Liability, but none was made on A&R. The Outer Space Treaty contains broad language on A&R in Articles V and VIII:

ARTICLE V: Astronauts shall be rendered "all possible assistance in the event of accident, distress or emergency landing . . . they shall be safely and promptly returned . . ."

ARTICLE VIII: Space objects or component parts "shall be returned . . ."

2. The US position at Geneva was to pursue the negotiation of a new A&R Treaty provided it would reenforce the broad Assistance and Return obligations of the Space Treaty and would avoid a text that might limit the Outer Space Treaty benefits to NASA type programs only. Of particular interest to the US was the topic of assistance to astronauts who might be forced to land in the territory of another State. In such event the US would desire to send its rescue parties into the foreign territory and directly participate in the search and rescue operations.

3. Geneva Outcome: The USSR position at Geneva was to discuss only the "rescue of astronauts." They refused to discuss the return of astronauts or space vehicles. The position of the Western European Countries was similar to that of the United States (see above) except they rejected the US text on "foreign territory search and rescue" and wanted "International Organizations" to be given the same treaty status as "Contracting States." The Geneva conference ended with discord. The US delegation was unwilling to discuss "rescue" without discussion of "return." The European delegations were unwilling to compromise on the status of "International Organizations" while the USSR was unwilling to place international organizations on the same par with "States". No support could be found for the US position on foreign territorial rescue.

4. Post Geneva: Because of the truculence of the USSR delegation in their refusal to discuss anything but "rescue," the US delegation at Geneva refused to hold bilaterals with the USSR on this or any other item. After Geneva, however, the USSR reversed its position and indicated its willingness to consider all aspects of "return". As a result, the US agreed to pursue bilateral discussions with the USSR on A&R and a special Soviet delegation was sent from Moscow to the UN for this purpose. Secret US-USSR bilaterals began in September and are continuing. The OJCS had a seat in the UN delegation at Geneva and has had a seat during the UN bilaterals.

5. Bilateral Agreement: With the exception of the status of "International Organizations", a consensus has been reached in the US-USSR bilaterals on an A&R text. The USSR has agreed to accept each US demand concerning a treaty text and has agreed to expanding its<sup>3</sup> (OJCS language has been incorporated in each US proposal.) There appears to be no military objection to the resulting agreed text. Attached is the agreed text with comments.

6. Recommendations: The Western Europeans are still asking for an equal status for "International Organizations." The USSR has indicated it will not accept this principle, but appears to be willing to make substantive concessions of this issue. Because of the current Western-European-USSR

impasse, a UN subcommittee meeting has been scheduled for Thursday, 14 December 1967. If a compromise formula concerning "International Organizations" can be found, the Outer Space Committee will be convened shortly thereafter (possibly Friday or Saturday) to draw up an agreed resolution for presentation to the GA this session. It is recommended that SAAC consider taking the OJCS seat in the Outer Space Committee if and when that Committee is convened.

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Attachment  
A&R Agreement

5 December 1967  
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AGREEMENT ON THE RESCUE OF ASTRONAUTS, THE RETURN  
OF ASTRONAUTS, AND THE RETURN OF OBJECTS  
LAUNCHED INTO OUTER SPACE

*States Parties to this Agreement*  
The ~~Contracting~~ Parties,

Noting the great importance of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, which calls for rendering all possible assistance to astronauts in the event of accident, distress, emergency [or unintended landing,] the prompt and safe return of astronauts, and the return of objects launched into outer space,

Desiring to develop and give concrete expression to these duties,

Wishing to promote international cooperation in the peaceful exploration and use of outer space,

Prompted by sentiments of humanity,

Have agreed on the following:

COMMENT: The preambular dispute at Geneva concerned the issue of Treaty "scope." The US desired to have astronauts and space vehicles returned regardless of their mission or reason for landing. The USSR desired to limit the "scope" of agreement to "rescue" and indicated it was unwilling to "return" if the landing was not an "accident" or if the purpose of the flight was not "peaceful." The above text is a US text. It also broadens the Outer Space language to include "unintended landings." It preserves the principle that the Outer Space Treaty is self-executing. Some countries are more interested in Liability than A&R and may demand the Preamble make reference to the need for a "Liability Convention."

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Article 1

NOTIFICATION

Each Contracting Party which receives information or discovers that the personnel of a spacecraft have suffered accident or are experiencing conditions of distress or have made an emergency or unintended landing in territory under its jurisdiction or on the high seas or in any other place not under the jurisdiction of any State, shall immediately:

(a) notify the launching authority, or, if it cannot identify and immediately communicate with the launching authority, immediately make a public announcement by all appropriate means of communication at its disposal; and

(b) notify the Secretary-General of the United Nations who should disseminate the information without delay by all appropriate means of communication at his disposal.

COMMENT: The USSR desired to have public announcements of accidents a mandatory duty irrespective of other notification. The Air Force was unwilling to accept this obligation unless other means of notification had failed. The USSR finally agreed to the US formula. Notification of the Secretary-General was an attempt to avoid the International Organization dispute in this notification article. No problem anticipated.

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Article 2

TERRITORIAL ASSISTANCE

If, owing to accident, distress, emergency or unintended landing, the personnel of a spacecraft land in territory under the jurisdiction of a Contracting Party, it shall immediately take all possible steps to rescue them and render them all necessary assistance. It shall inform the launching authority and also the Secretary-General of the United Nations of the steps it is taking and of their progress. If assistance by the launching authority would help to effect a prompt rescue or would contribute substantially to the effectiveness of search and rescue operations, the Contracting Party shall cooperate with the launching authority with a view to the effective conduct of search and rescue operations. Such operations shall be subject to the direction and control of the Contracting Party, which shall act in close and continuing consultation with the launching authority.

} FRENCH  
PROBLEM

STATEMENT  
TO RECOMMEND  
TEXT -  
FINAL  
SAY  
UP TO  
TERR. STATE

COMMENT: Since the US position was rejected by the Western European countries, compromise language was drafted which would give "direction and control" of operations to the territorial sovereign. The US desires to have the burden of "denying US rescue efforts" fall upon the territorial sovereign. US rescue efforts are considered important in those instances where the astronaut lands in a country that does not possess adequate rescue facilities. The formula (above) was agreed to by the USSR. Others are still reluctant. This will be a matter for the subcommittee to address and could present a problem in the Outer Space Committee. It is the most important article for the US.

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Article 3

NON-TERRITORIAL ASSISTANCE

If information is received or it is discovered that the personnel of a spacecraft have alighted on the high seas or in any other place not under the jurisdiction of any State, those Contracting Parties which are in a position to do so shall, if necessary, extend assistance in search and rescue operations for such personnel to assure their speedy rescue. They shall inform the launching authority and the Secretary-General of the United Nations of the steps they are taking and of their progress.

COMMENT: This is the US draft language. The Soviet position would have required a duty to run to the "launching state" - and control of rescue operations would go to the "launching state." The US wished to have the duty run to the astronaut and control remain within the providing State. The USSR agreed to accept the US formula. To avoid demands for rescue assistance that might interfere with fleet operations, the US changed the "all possible assistance" formula of the Outer Space Treaty to an "in a position to do so" formula. No problem anticipated.

Article 4

RETURN OF ASTRONAUTS

If owing to accident, distress, or emergency, the personnel of a spacecraft have made an unintended landing in territory under the jurisdiction of a Contracting Party,

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Article 4 (continued)

or have been found on the high seas, or in any other place not under the jurisdiction of any State, they shall be safely and promptly returned to representatives of the launching authority.

COMMENT: Note that the astronaut return obligation runs to "an unintended landing" situation. "Safe and prompt" return is to be made to launching authority representatives (i.e. embassy personnel, etc.). This would avoid diplomatic delays. The paragraph is a US formula. No problem anticipated.

Article 5

RETURN OF OBJECTS

1. Each Contracting Party which receives information or discovers that a space object or its component parts has returned to Earth in territory under its jurisdiction or on the high seas or in any other place not under the jurisdiction of any State, shall notify the launching authority and the Secretary-General of the United Nations.

2. Each Contracting Party having jurisdiction over the territory on which a space object, or its component parts has been discovered shall, upon the request of the launching authority, take such steps as it finds practicable to recover the object.

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Article 5 (continued)

3. Upon request of the launching authority objects launched into outer space or their component parts found beyond the territorial limits of the launching authority shall be returned <sup>OR held at the disposal of</sup> to the representatives of the launching authority which shall, upon request, furnish identifying data prior to their return.

4. Notwithstanding paragraphs 2 and 3 of this Article, a Contracting Party which finds that a space object or its component parts discovered in territory under its jurisdiction, or recovered by it elsewhere, is of a hazardous or deleterious nature may so notify the launching authority which shall immediately take effective steps, under the direction and control of the said Contracting Party to eliminate possible danger of harm.

5. Expenses incurred in fulfilling obligations to recover and return a space object under paragraphs 2 and 3 of this Article [shall be reimbursed.] <sup>will be borne by the launching authority.</sup>

COMMENT: This Article is of major interest to our Allies. US interest is to have the astronaut and the records of the flight returned. The Allies desire to have all objects in which they are interested returned. Underdeveloped countries desired to have all expenses for their return efforts reimbursed. The language is an attempt to compromise. No problem for the US or the USSR anticipated.

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Article 6

For the purposes of this Agreement, the term "launching authority" shall refer to the State or international intergovernmental organization responsible for launching, [which carries on activities in the exploration and use of outer space in conformity with the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other celestial bodies, provided <sup>a major number of the</sup> [all] member States of such an organization [are Contracting Parties to this Agreement.] *STATE PARTIES TO THIS AGREEMENT AND THE OUTER SPACE TREATY*

COMMENT: This is an attempt to find a compromise for the international organization dispute. It will be a major item for the subcommittee and may cause a "non-agreement" on the entire text. US objects to underlined wording. "Use" should not be tied to Outer Space "peaceful uses."

ALSO: *INT'L organ. makes a declaration that it will accept the obligations of the OST.*

*Launch AUTH = STATE OR IO responsible for launching!*

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