



Agenda item 32:* International co-operation in the peaceful uses of outer space: report of the Committee on the Peaceful Uses of Outer Space**

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* For the discussion of this item, see *Official Records of the General Assembly, Twenty-second Session, First Committee*, 497th to 1502nd and 1507th meetings; and *ibid., Plenary Meetings*, 1594th and 1640th meetings.

** Since 1961, this question has been discussed by the General Assembly at the following sessions: sixteenth session (agenda item 21), seventeenth session (agenda item 27), eighteenth session (agenda item 28), nineteenth session (annex No. 10), twentieth session (agenda item 31), twenty-first session (agenda item 30).

DOCUMENTS A/6804 AND ADD.1

Report of the Committee on the Peaceful Uses of Outer Space

DOCUMENT A/6804

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I. Introduction

1. The Committee on the Peaceful Uses of Outer Space met at United Nations Headquarters, New York, on 13 February, on 17 and 19 April and from 13 to 15 September 1967 under the chairmanship of Mr. Kurt Waldheim (Austria). Mr. Gheorghe Diaconescu (Romania) served as Vice-Chairman and Mr. Geraldo de Carvalho Silos (Brazil) as Rapporteur. The verbatim records of the Committee's meetings were circulated as documents A/AC.105/PV.46-51.

MEETINGS OF SUBSIDIARY BODIES

2. The sixth session of the Legal Sub-Committee was held at the United Nations Office, Geneva, from

19 June to 14 July 1967 under the chairmanship of Mr. Eugeniusz Wyzner (Poland). At a special meeting held on 19 April 1967 the Sub-Committee had elected Mr. Eugeniusz Wyzner (Poland) as Chairman to succeed Mr. Manfred Lachs, who had been elected to the International Court of Justice. The Sub-Committee's report on the work of its session was circulated as document A/AC.105/37.

3. The fifth session of the Scientific and Technical Sub-Committee was convened at United Nations Headquarters, New York, on 28 August 1967 under the chairmanship of Mr. D. F. Martyn (Australia) and was concluded on 6 September. The Sub-Committee's report on the work of its session was circulated as document A/AC.105/39.

4. A working group established to consider in sequence and make recommendations to the Committee concerning the need, feasibility and implementation of a navigation services satellite system held a series of meetings at United Nations Headquarters from 24 to 28 July 1967 under the chairmanship of Mr. E. V. Chitnis (India). The Working Group's report was circulated as document A/AC.105/38.

NINTH SESSION OF THE COMMITTEE

5. At its 46th meeting on 13 February 1967 the Committee agreed to recommend to the General Assembly that the United Nations Conference on the Exploration and Peaceful Uses of Outer Space should be postponed for approximately one year after the initial date of September 1967 to permit better preparation of the Conference. The Committee's recommendation was accepted by the General Assembly in resolution 2250 (S-V), under the terms of which the Conference is to be held at Vienna from 14 to 27 August 1968.

6. At its 47th and 48th meetings on 17 and 19 April the Committee discussed the organization of its work in 1967, in particular the programmes of work of its subsidiary bodies.

TENTH SESSION OF THE COMMITTEE

7. At its 49th meeting on 13 September 1967, the Committee adopted the following agenda:

1. Opening statement by the Chairman.
2. Report of the Committee to the General Assembly:
 - (a) Report of the Scientific and Technical Sub-Committee (A/AC.105/39);
 - (b) Report of the Legal Sub-Committee (A/AC.105/37);
 - (c) Report of the Working Group on a Navigation Services Satellite System (A/AC.105/38).
8. The opening statement by the Chairman is reproduced in annex I.
9. The Committee adopted its report to the General Assembly at its 51st meeting on 15 September 1967.
10. The Committee's recommendations and decisions are set out below.

II. Recommendations and decisions

REPORT OF THE SCIENTIFIC AND TECHNICAL SUB-COMMITTEE

11. The Committee took note with appreciation of the report of the Sub-Committee on the work of its fifth session and endorsed the agreed findings of the Sub-Committee regarding the exchange of information, the encouragement of international space programmes, international sounding rocket launching facilities, and education and training set out in paragraphs 15 to 35 of the Sub-Committee's report.

12. With regard to the definition of outer space, the Committee noted that there was consensus in the Sub-Committee that it was not possible at the present time to identify scientific or technical criteria permitting a precise and lasting definition of outer space. The Committee noted the Sub-Committee's view that a definition of outer space, on whatever basis recommended, is likely to have important implications for the operational aspects of space research and exploration

and that the Sub-Committee should therefore continue consideration of the matter at future sessions and that Member States should be invited to submit further relevant material for the Sub-Committee's consideration. The Committee noted that the working papers presented by Canada and France, as well as the background paper prepared by the Outer Space Affairs Group of the Secretariat, would be made available to the Legal Sub-Committee.

13. The relevant paragraphs of the Sub-Committee's report are reproduced in annex II of this report.

REPORT OF THE LEGAL SUB-COMMITTEE

14. The Committee took note with appreciation of the report of the Legal Sub-Committee on the work of its sixth session.

15. The Committee expresses the hope that the Sub-Committee will be able to make more progress. The Committee recommends that the Legal Sub-Committee should meet early in 1968.

16. The report of the Legal Sub-Committee reproduced in annex III of this report.

REPORT OF THE WORKING GROUP ON A NAVIGATION SERVICES SATELLITE SYSTEM

17. The Committee took note with appreciation of the report of the Working Group established to consider in sequence and make recommendations regarding the need, feasibility and implementation of a navigation services satellite system.

18. The Committee noted the Working Group's opinion that it will be technically feasible to develop a navigation services satellite system to meet particular needs of civil aviation and sea-borne traffic and to help resolve many basic navigational requirements.

19. The Committee endorsed the Working Group's suggestion that the International Civil Aviation Organization (ICAO) and the International Maritime Consultative Organization (IMCO), as well as other specialized agencies and interested international governmental and non-governmental organizations, should continue to study the requirements for potential applications for navigation services satellite systems in their areas of competence and invites ICAO and IMCO, as well as the other agencies and organizations concerned, to submit reports to the Committee, if possible annually.

20. The Committee hopes that the States active in research and development work in navigation services satellites will continue their work in order to establish a sound technical and economic basis to meet any requirements for such a system and invites all States concerned to keep the Committee informed of the progress of their work.

21. The report of the Working Group is reproduced in annex IV of this report.

UNITED NATIONS CONFERENCE ON THE EXPLORATION AND PEACEFUL USES OF OUTER SPACE

22. The Committee agreed to forward to the General Assembly for its information the attached extract from the statement made by the Austrian representative concerning the United Nations Conference on the Exploration and Peaceful Uses of Outer Space. The extract is reproduced in annex V.

III. Registration

23. In conformity with the provisions of paragraphs 1 and 2 of General Assembly resolution 1721 B (XVI), the Committee has continued to receive information from launching States concerning objects launched into orbit. France, Italy, the Union of Soviet Socialist Republics and the United States of America have furnished information. The information received since the Committee's last report has been placed in the public registry maintained by the Secretary-General and has been circulated in documents A/AC.105/INF.146-171.

ANNEX I

Opening statement by the Chairman at the 49th meeting of the Committee, on 13 September 1967

Since the last session of the Committee on the Peaceful Uses of Outer Space, which was held in April 1967, we have been able to record further progress in the various national and co-operative international space programmes, and new achievements in the exploration and use of outer space, as well as in the practical application of space technology.

The space programmes of the two leading space Powers have moved further ahead. The succession of lunar orbiting vehicles and the successful soft landings on the Moon have already provided answers to many of mankind's questions about our nearest neighbour in space. Only in the last few days we have witnessed another remarkable success in the scientific reconnaissance of the Moon when the American Surveyor 5 spacecraft landed on the Moon and succeeded in analysing the composition of the lunar surface.

Already in June, both the Soviet Union and the United States of America launched scientific spacecraft to the planet Venus, spacecraft which on their flight are expected to come close enough to Venus to detect and measure the planet's magnetic field, ionosphere and magnetosphere and possibly gather other scientific data. France also has established itself as an independent space Power having developed a booster to launch scientific satellites into earth orbit.

However, we have been able to witness scientific achievements not only by the space Powers, but also—if naturally on a more limited scale—by many other countries. The report on national programmes and activities, which is before the Committee in document A/AC.105/L.36 and Add.1-3, shows that the exploration and use of outer space is far from being the prerogative of only a few countries, but that this field is opening rapidly to the ambition and talent of an ever-increasing number of nations: we have witnessed the launching by Italy of a satellite from the San Marco ocean platform in the Indian Ocean; the work being done by the European Space Research Organization, or the growing activity of the many countries participating in space exploration and research by means of sounding rockets, ground-based experiments, satellite tracking and the analysis of results. In this connexion I might cite the example of India in the experimental work being carried out in the peaceful uses of space research referred to in the report of the Scientific and Technical Sub-Committee.

At the same time the application of space technology is playing an increasingly important part in everyday life. Satellite transmission of television and radio has become an accepted part of the telecommunications network. During the recent emergency special session of the General Assembly, for example, television reports on the proceedings of the General Assembly were regularly transmitted via satellite to countries in Europe and elsewhere. Weather satellites are already providing valuable information for forecasters, and, as the World Meteorological Organization's World Weather Watch moves from the planning to the implementation stage, will bring further benefits to countries throughout the world.

In the light of this rapid and continuous scientific and technical progress our Committee will, I am sure, continue to

spare no effort in carrying out the mandate entrusted to it by the General Assembly.

Members of the Committee will recall that at the 48th meeting on 19 April the Committee agreed on the programme of work for the year 1967. We meet now to consider the results of that work and to submit our report and our recommendations to the General Assembly.

The Committee has before it the report of the Legal Sub-Committee (A/AC.105/37), the report of the Scientific and Technical Sub-Committee (A/AC.105/39) and the report of the Working Group on a Navigation Services Satellite System (A/AC.105/38).

The Legal Sub-Committee met in Geneva from 19 June to 14 July under the newly elected Chairman, Mr. Eugeniusz Wyzner, and continued its work on the elaboration of an agreement on liability for damages caused by the launching of objects into outer space, and on an agreement on assistance to and return of astronauts and space vehicles. The progress which the Legal Sub-Committee was able to make on these questions is recorded in the Sub-Committee's report.

The Legal Sub-Committee, at the same time, began the study of questions relating to the definition of outer space.

The Scientific and Technical Sub-Committee met in New York from 28 August to 6 September 1967 under the chairmanship of Mr. D. F. Martyn and submitted to us a number of recommendations on a wide range of subjects, in particular, the exchange of information, the encouragement of international space programmes, international sounding rocket launching facilities and recommendations concerning training in space science and technology.

The Working Group on a Navigation Services Satellite System, which the Committee established at its meeting in April, held a series of meetings in New York between 24 and 28 July under the chairmanship of Mr. E. V. Chitnis. The report of the Working Group shows that the meeting provided a valuable opportunity for discussion by the experts attending the meeting of the need, feasibility and possibility of implementation of a navigation services satellite system. The Working Group reports that from its discussions a consensus emerged that while at present an agreed requirement for a navigation services satellite system does not exist, such a requirement is likely to arise in the relatively near future for certain functions which could be performed by a satellite system.

The Working Group also informs us that in its opinion it would be technically feasible to develop a navigation services satellite system, and that it would be desirable if ICAO and IMCO, representing the potential users of such a system, as well as other specialized agencies and interested organizations, continued to study the question and were invited to submit, annually if possible, pertinent reports to the Committee.

From this short outline members of the Committee will see that the Committee has once again to deal with a considerable number of important questions.

I am convinced that, in spite of the short time available to us, the Committee will, in its traditional spirit of co-operation, make every effort to bring our present session to a successful conclusion.

ANNEX II

Recommendations approved by the Scientific and Technical Sub-Committee at its fifth session

(Excerpts from the report of the Sub-Committee on the work of its fifth session)

A. EXCHANGE OF INFORMATION

15. The Sub-Committee examined two reports, "Review of national and co-operative international space activities" (A/AC.105/L.36 and Add.1-3) and "Review of the activities and resources of the United Nations, of its specialized agencies and of other competent international bodies relating to the peaceful uses of outer space" (A/AC.105/C.1/L.20), prepared by the Secretariat, and commented favourably on their value.

16. With regard to the report on national and co-operative international space programmes, the Sub-Committee recommended that in the future, Member States submitting information for this report should include details such as where and when these programmes were carried out, by whom, and for what purpose, to enhance the value of the report as a source of reference, and that it should be given as wide a distribution as possible.

B. ENCOURAGEMENT OF INTERNATIONAL PROGRAMMES

World Weather Watch

17. The Sub-Committee examined with great interest two documents submitted by the World Meteorological Organization (WMO), "World Weather Watch—The Plan and Implementation Programme" (A/AC.105/L.38) and "The role of meteorological satellites in the World Weather Watch",^a and heard the representative of the WMO outline the essential features of the World Weather Watch adopted by the Fifth World Meteorological Congress in 1967.

18. The Sub-Committee noted the emphasis placed on the role of meteorological satellites as the main hope for ultimately obtaining the world-wide coverage of meteorological observations needed for both operational work and research.

19. The Sub-Committee expressed great appreciation of the World Weather Watch Plan, which it considered to be an excellent demonstration of the practical benefits which could be derived from the peaceful uses of outer space. The Sub-Committee agreed that the plan appeared to be realistic and hoped that Member States would do their utmost to ensure its early implementation. In particular, the Sub-Committee recommended that Member States should give high priority to the space activities included in the World Weather Watch.

Mass communications

20. The Sub-Committee studied with interest the report presented by the Government of India, "Satellite Communications: An Indian Study" (A/AC.105/36), and congratulated the Government of India on its thoroughness in planning and executing this experiment.

21. The Sub-Committee agreed that the results of the Government of India's experiment, as well as the planned UNESCO pilot programme which may follow, could have great importance for many Member States. The Sub-Committee invited the Government of India to continue to inform the Sub-Committee on this matter as it progressed.

International Telecommunication Union

22. The Sub-Committee noted the Sixth Report by the International Telecommunication Union on Telecommunication and the Peaceful Uses of Outer Space (A/AC.105/L.37) and commended that agency for its important work in the peaceful uses of outer space, particularly in the technical assistance rendered during the planning and testing of the Experimental Satellite Communications Earth Station at Ahmedabad, India (see document A/AC.105/C.1/L.19) and in regard to the progress made in planning for orderly use of the radio frequency spectrum during the XIth Plenary Assembly of its International Radio Consultative Committee (CCIR) in Oslo (1966).

Other matters

23. The Sub-Committee took note of proposals submitted by Austria, Iran and the United Arab Republic on the desirability of enlarging the "personnel, budget and power" of the Outer Space Affairs Group of the United Nations Secretariat, and of the proposal by Iran on the desirability of establishing a specialized agency to deal with outer space activities.

24. The Sub-Committee did not reach a consensus on these two proposals, but did agree to keep them under review at future sessions.

25. Arising out of this discussion, the Sub-Committee requested the Outer Space Affairs Group to report to the Sub-

^a World Meteorological Organization, *World Weather Watch Planning Report No. 18*, 1967.

Committee at its next session on the status of implementation of the recommendations and suggestions made by the Committee on the Peaceful Uses of Outer Space and its Scientific and Technical Sub-Committee and by the General Assembly and the problems faced by the Secretariat in this regard.

C. INTERNATIONAL SOUNDING ROCKET LAUNCHING FACILITIES

26. The Sub-Committee noted with appreciation the report of the Advisory Panel on the Thumba Equatorial Rocket Launching Station (TERLS) in India (A/AC.105/L.30) and recommends that the United Nations continue to grant sponsorship to TERLS.

27. The Sub-Committee in further reviewing its work on international sounding rocket launching facilities appreciated the request by the Government of Argentina for United Nations sponsorship of its sounding rocket launching facility at Mar del Plata.

28. The Sub-Committee took note of the manual entitled "Chemical Rocket Range and Summary Information on the Atlantic Range" submitted by the Government of Argentina and commended this report of activities.

29. The Sub-Committee took note of statements made by various representatives concerning their Governments' complete satisfaction with the co-operative programmes involving the utilization of the sounding rocket launching facilities provided by the Government of Argentina in the peaceful exploration of outer space. It noted also that these Governments intend to continue such co-operative programmes with the Government of Argentina.

30. The Sub-Committee took note of statements made by various representatives supporting the Government of Argentina's initiative and commending the work already accomplished by the Government of Argentina in using its facilities for international co-operation and training in the peaceful scientific exploration of outer space.

31. Arising out of its discussions of this matter, and following the request of the Government of Argentina, the Sub-Committee recommends that the Committee on the Peaceful Uses of Outer Space approve that a small group of scientists drawn from States members of the Committee and familiar with space research and facilities, visit the station near Mar del Plata when it is operative to advise the Committee on the eligibility for United Nations sponsorship in accordance with the basic principles approved by the Committee in 1962.^b

32. The Sub-Committee decided to consider, at its next session, the question of criteria which should be satisfied prior to recommending sponsorship of international sounding rocket launching ranges.

D. EDUCATION AND TRAINING

33. The Sub-Committee noted with satisfaction and appreciation that the Experimental Satellite Communications Earth Station at Ahmedabad, India (see document A/AC.105/C.1/L.19), was operational and would be utilized for training and research by both Indian and other nationals.

34. The Sub-Committee also expressed its appreciation of the report of the Secretary-General entitled "International Directory of Facilities for Education and Training in Basic Subjects Related to the Peaceful Uses of Outer Space", and felt it would be an extremely helpful guide.

35. The Sub-Committee recommended that the printed International Directory be given as wide a distribution as possible, and that UNESCO be requested to refer to this directory in the UNESCO publication *Study Abroad*. The Sub-Committee further recommended that the printed International Directory should be updated biannually.

E. DEFINITION OF OUTER SPACE

36. The Sub-Committee in considering the request made by the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space (A/AC.105/C.1/L.22) agreed as follows:

^b See *Official Records of the General Assembly, Seventeenth Session, Annexes*, agenda item 27, document A/5181.

(a) That there was consensus in the Scientific and Technical Sub-Committee that it is not possible at the present time to identify scientific or technical criteria which would permit a precise and lasting definition of outer space;

(b) That the working papers prepared by the delegations of Canada and France, as well as the background paper prepared by the Outer Space Affairs Group of the United Nations Secretariat, and the relevant summary records of the Scientific and Technical Sub-Committee's meetings would be made available to the Legal Sub-Committee to assist it in its deliberations;

(c) That a definition of outer space, on whatever basis recommended, is likely to have important implications for the operational aspects of space research and exploration, and that it is therefore appropriate that the Scientific and Technical Sub-Committee continue its consideration of this matter at future sessions; and that Member States be invited to submit further relevant material for the study of the Sub-Committee.

ANNEX III

Report of the Legal Sub-Committee on the work of its sixth session

1. At a special meeting held on 19 April 1967 at the United Nations Headquarters, the Legal Sub-Committee elected Mr. Eugeniusz Wyzner (Poland) as Chairman to succeed Mr. Manfred Lachs, who had been elected to the International Court of Justice.

2. The Legal Sub-Committee opened its sixth session at the United Nations Office at Geneva on 19 June 1967 under the new chairmanship of Mr. Wyzner.

3. In his opening statement, the Chairman expressed the hope that the work of the Sub-Committee would proceed in the same spirit of co-operation and understanding as had prevailed at the other sessions. He considered it encouraging to see that the Sub-Committee's deliberations had led to the conclusion 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.

Adoption of the agenda

4. On the suggestion of the Chairman, the Legal Sub-Committee adopted the following agenda for the session (A/AC.105/C.2/L.17 and Corr.1) without prejudice to the order in which the various items would be considered:

1. Statement by the Chairman.
2. Draft agreement on liability for damages caused by the launching of objects into outer space.
3. Draft agreement on assistance to and return of astronauts and space vehicles.
4. Study of questions relative to:
 - (a) The definition of outer space;
 - (b) The utilization of outer space and celestial bodies, including the various implications of space communications.

Organization of work

5. The Sub-Committee decided to organize its work in the following manner:

Items 2 and 3 would first be discussed by the Sub-Committee in plenary session. Two working groups of the whole—Working Group I and Working Group II—would then be established, one for the draft agreement on assistance and return and the other for the draft agreement on liability for damage. The first three meetings thereafter would be devoted to the draft agreement on assistance and return and thereafter there would be three meetings on liability for damage. This pattern would be followed for a further six meetings. After this there would be a general debate in plenary session on item 4, during which delegates would bear in mind that certain matters might have to be referred to the Scientific and Technical Sub-Committee. After the consideration of agenda item 4, the Sub-Committee

would revert to agenda items 2 and 3 alternatively in the Working Groups.

6. The Sub-Committee concluded its work on 14 July 1967 by adopting the present report.

I. ASSISTANCE TO AND RETURN OF ASTRONAUTS AND SPACE VEHICLES

7. The Sub-Committee had before it three proposals under this item: a revised draft agreement on the rescue of astronauts in the event of accident or emergency landing, submitted by the USSR (A/AC.105/C.2/L.18), a draft international agreement on assistance to and return of astronauts and objects launched into outer space, submitted by the United States (A/AC.105/C.2/L.9 and Corr.1), and a revised proposal on assistance to and return of astronauts and space objects, submitted jointly by Australia and Canada (A/AC.105/C.2/L.20). The proposals submitted by the USSR (and by Australia and Canada replaced respectively their previous proposals submitted at the Sub-Committee's third session in 1964. The United States, while maintaining the proposal it submitted at the Sub-Committee's third session in 1964, replaced the second sentence of article 2, paragraph 1, with the text submitted by it in 1965 (WG.I/35) concerning assistance outside the territory of any State.

8. The texts of the three proposals were referred to the Sub-Committee's Working Group I, which discussed the scope of the draft agreement and considered the questions of general duty under the agreement on assistance to and return of astronauts and space vehicles, notification of accident, assistance in the territory of a contracting party, assistance outside the territory of any State, duty to return the personnel of spacecraft, return of space objects and reimbursement of expenses. At the request of the Chairman, a comparative table of provisions contained in the three proposals was prepared by the Secretariat to facilitate the Working Group's discussion of the texts before it (A/AC.105/C.2/W.1/Rev.3).

9. In the course of the Working Group's discussions of the three texts the following amendments were submitted: a draft text of article 1 of the agreement, concerning notification of accident, was submitted by Italy (A/AC.105/C.2/L.21); a definition of the term "astronaut" to be included in the definitions article was submitted by Argentina (A/AC.105/C.2/L.23); a draft text of article 1 concerning notification of accident was submitted jointly by the United States and the United Kingdom (WG.I/40); a draft text of paragraph 1 of an article concerning assistance in the territory of a contracting party was submitted jointly by Australia, Canada and the USSR (WG.I/41); a redraft of article 4 of the USSR draft agreement, concerning assistance outside the territory of any State, was submitted by the United Kingdom (WG.I/42); a draft text of a new article on the exchange of information and international co-operation relating to the rescue of astronauts was submitted by Canada for future consideration (WG.I/43); and draft texts of two articles concerning respectively the duty to return the personnel of a spacecraft (WG.I/44) and to return space objects (WG.I/45) were submitted jointly by Australia, Canada and the United States.

10. These proposals and amendments, together with the comparative table and other documents (WG.I/38 and WG.I/39), are reproduced in appendix I to the present report.

11. As a result of the consideration of the three proposals and the amendments submitted, the Sub-Committee reached agreement on the following articles:

Article 1. Notification of accident

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

^a The possibility of including "or by mistake", after the word "emergency", has been deferred for further consideration.

(a) Shall do its utmost to notify immediately the launching State;^b

(b) Shall immediately notify the Secretary-General of the United Nations, who should disseminate the information without delay through all appropriate means at his disposal;

...

Article 2. Assistance in the territory of a contracting party

1. If personnel of a spacecraft, who have suffered accident or are experiencing conditions of distress or have made a landing in an emergency [or by mistake],^c are in territory under the jurisdiction of a Contracting Party, that Contracting Party shall immediately take all possible steps to rescue the personnel and to render to them all necessary assistance. It shall keep the launching State^d and the Secretary-General of the United Nations informed of the steps it is taking and of their result.

2. ...

II. LIABILITY FOR DAMAGE CAUSED BY THE LAUNCHING OF OBJECTS INTO OUTER SPACE

12. The Sub-Committee had before it three draft conventions concerning liability for damage caused by the launching of objects into outer space: a revised draft convention submitted by Belgium (A/AC.105/C.2/L.7/Rev.3); a draft convention submitted by the United States (A/AC.105/C.2/L.19) in place of its previous draft convention (A/AC.105/C.2/L.8/Rev.3); and a draft convention submitted to the Sub-Committee at its fourth session (A/AC.105/C.2/L.10/Rev.1), as amended at the present session (A/AC.105/C.2/L.24 and Add.1) by Hungary. In the course of the Sub-Committee's discussion of the three texts a proposal with respect to the definition of the term "space vehicle" was made by Argentina (A/AC.105/C.2/L.22). A proposal was also made by Argentina in regard to the procedures for the settlement of claims for compensation under the convention (A/AC.105/C.2/L.25). Proposals with respect to the definition of the term "damage" were submitted by India (A/AC.105/C.2/L.26) and by Canada (A/AC.105/C.2/L.27).

13. At the request of the Sub-Committee, a comparative table (A/AC.105/C.2/W.2/Rev.4) of the provisions contained in the three draft conventions was prepared by the Secretariat.

14. The three draft conventions were considered in Working Group II of the Sub-Committee.

15. In the course of the discussion of the three texts in the Working Group certain further proposals were made. Poland proposed the inclusion, in article VII of the Hungarian draft, of provisions concerning the application of the convention to international organizations which engage in activities in outer space (WG.II/37). The United Kingdom proposed an amendment to paragraph 3 of article V of the United States draft, concerning the liability of States which are members of international organizations and also contracting parties to the convention (WG.II/38). On the question of the liability of States and/or international organizations participating in joint space activities, proposals were made by Argentina and Italy (WG.II/39) and by France (WG.II/43). Italy submitted certain proposals on the question of definitions, field of application, and the nature of liability (WG.II/44).

16. These proposals and amendments, together with the comparative table and other proposals and documents (WG.II/31

^b (1) The question whether the expression "launching State" or some other expression, as for example "State of registry" or "State which announced the launching", should be used has been deferred for further consideration.

(2) No agreement was reached on the question of the inclusion of the words "or international organizations" in this provision. This question was deferred for further consideration.

^c The possibility of including "or by mistake", after the word "emergency", has been deferred for further consideration.

^d The question whether the expression "launching State" or some other expression, as for example "State of registry" or "State which announced the launching", should be used has been deferred for further consideration. The question whether the expression to be used should also include international organizations has been deferred likewise.

and Corr.1, 32, 33/Rev.1, 34 and Add.1, 35, 36, 40, 41 and Add.1, and 42), are reproduced in appendix II to the present report.

17. The Sub-Committee registered agreement on the points set out below:

Definitions

Text provisionally agreed upon

"Damage" means loss of life, personal injury or other impairment of health, or damage to property of States or of their persons, natural or juridical, or of international organizations.

Points on which agreement was reached

The term "launching" should include "attempted launching". In defining the term "launching State" the following elements should be included:^f

1. The State which launches or attempts to launch the space object or the space device,
2. The State from whose territory the space object or the space device was launched,
3. The State from whose facility the space object or space device was launched.

Field of application

Points on which agreement was reached

1. The provisions of this convention shall not apply to damages sustained by:^g

- (a) Nationals of the launching State;
- (b) Foreign nationals in the immediate vicinity of a planned launching or recovery area as the result of an invitation by the launching State.

2. The launching (respondent) State should be absolutely liable to pay compensation for damage caused on the surface of the Earth and to aircraft in flight.^h

Liability of international organizations

Points on which provisional agreement was reached

International organizations that launch objects into outer space should be liable under the Convention for damage caused by such activities.ⁱ

Time limits for presentation of claims

Points on which agreement was reached

1. A claim may be presented not later than one year following the date of the occurrence of the accident or the identification of the party that is liable.

^e No agreement was reached on the inclusion of indirect damage and delayed damage in the definition.

^f The question whether the State referred to in 2 and 3 should be liable primarily, or only secondarily (if the State referred to in 1 above cannot be identified), was left for further consideration.

^g No agreement was reached on whether the Convention should apply to damages sustained by:

- (1) Persons who are permanent residents but not nationals of the applicant (presenting) State;
- (2) A spacecraft and its personnel during launching, transit or descent.

^h No agreement was reached whether the launching (respondent) State should, on proof of fault, be liable to pay compensation for damage caused to space objects which have left the surface of the Earth.

ⁱ No agreement was reached on the question whether the liability of the States members of the international organizations that are parties to the liability convention:

- (1) Should be residual and arise only in the event of default by the international organization, or
- (2) Should arise at the same time as the liability of the international organization.

Nor was agreement reached on the question of the rights of international organizations under the Convention. This problem requires further consideration.

2. If the applicant (presenting) (claimant) State does not know of the facts giving rise to the claim within the aforementioned one-year period, it may present a claim within one year following the date on which it learned of the facts; however, this period shall in no event exceed one year following the date on which the applicant (presenting) (claimant) State could reasonably be expected to have learned of the facts through the exercise of due diligence.

3. The above-mentioned time limits shall apply even if the full extent of the damage may not be known. In this event, however, the applicant (presenting) (claimant) State shall be entitled to revise its claim and submit additional documentation beyond the above-mentioned time limits until one year after the full extent of such damage is known.

Presentation of claims

Points on which agreement was reached

1. A claim may be presented by the applicant (presenting) (claimant) State through the diplomatic channel.

Presentation of a claim under the Convention shall not require the prior exhaustion of any local remedies that may be available in the launching (respondent) State.

2. In the event the applicant (presenting) (claimant) State does not have diplomatic relations with the launching (respondent) State, the former may request a third State to present its claim and otherwise represent its interests.

Arbitration in the event of dispute

Points on which agreement was reached

If a claim presented under the Convention is not settled within six months from the date on which the applicant (presenting) (claimant) State completes its documentation, the applicant (presenting) (claimant) State may refer the matter to an arbitral commission.

III. QUESTIONS RELATIVE TO (a) THE DEFINITION OF OUTER SPACE AND (b) THE UTILIZATION OF OUTER SPACE AND CELESTIAL BODIES, INCLUDING THE VARIOUS IMPLICATIONS OF SPACE COMMUNICATIONS

18. During the general discussion of agenda item 4, the representative of France submitted a proposal which is reproduced in appendix III to the present report. After this discussion, the Legal Sub-Committee adopted the following questionnaire and requested the Chairman to transmit it to the Scientific and Technical Sub-Committee:

QUESTIONNAIRE

The Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space,

Desiring to obtain the technical and scientific documentation it needs to undertake the study requested of it concerning questions relative to the definition of outer space and its peaceful uses,

Referring to the programme of work of the Committee on Outer Space [A/AC.105/CRP.1(IX)] adopted by the Committee at its meeting of 17 April 1967, and in particular to paragraph III (V) thereof relating to the study of the technical aspects of the legal subjects referred to in resolution 2222 (XXI),

Invites the Scientific and Technical Sub-Committee:

I. (a) To draw up a list of scientific criteria that could be helpful to the Legal Sub-Committee in its study relative to a definition of outer space,

(b) To give its views on the selection of scientific and technical criteria that might be adopted by the Legal Sub-Committee, and to indicate, on scientific and technical grounds, the advantages and disadvantages of each of them in relation to the possibility of a definition which would be valid for the long-term future,

II. (a) To consider the summary records of the 80th to 83rd meetings of the Legal Sub-Committee, at which these matters

were initially discussed, and to take into account the assumptions, suggestions and questions voiced by the various delegations,

(b) To examine the above matters during its 1967 session so as to enable the Legal Sub-Committee to continue its work at its next session.

19. A proposal submitted by the representative of Italy under agenda item 4 is also reproduced in appendix III to the present report.

Appendix I

Proposals, amendments and other documents relating to assistance to and return of astronauts and space vehicles

A. UNION OF SOVIET SOCIALIST REPUBLICS: REVISED DRAFT AGREEMENT ON THE RESCUE OF ASTRONAUTS IN THE EVENT OF ACCIDENT OR EMERGENCY LANDING

(A/AC.105/C.2/L.18)

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 enunciated the principle of rendering all possible assistance to astronauts in the event of accident, distress or emergency landing,

Desiring to develop and give concrete expression to that principle,

Prompted by sentiments of humanity,

Have agreed on the following:

Article 1

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

(a) Shall do its utmost to notify without delay the State which announced that it had launched the spacecraft concerned;

(b) Shall immediately notify the Secretary-General of the United Nations;

(c) Shall immediately make a public announcement by radio or through other means of communication at its disposal.

Article 2

If, owing to accident, distress or emergency landing, astronauts have appeared in territory under the jurisdiction of one of the Contracting Parties, this Contracting Party shall immediately take all possible steps to rescue the astronauts and to render them the necessary aid. It shall inform the State which announced that it had launched the spacecraft concerned, and also the Secretary-General of the United Nations, of the steps it is taking and of their result.

Article 3

Each Contracting Party shall extend every assistance to another Party to this Agreement which has requested its aid for the purpose of ensuring the speediest possible discovery and rescue of astronauts in the event of accident, distress or emergency landing. Such assistance may include permission to the State which announced the launching of the spacecraft to carry out with the use of the necessary means and the personnel to operate them, the search for and rescue of the astronauts who have landed in the territory of that Contracting Party.

Article 4

If information is received or it is discovered that astronauts have alighted, owing to accident or distress, 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 extend assistance to the State which announced that it had launched the space-craft concerned, in carrying out search and rescue operations for the astronauts.

Article 5

The expenses incurred by a Contracting Party in meeting the requests for assistance made by the State which announced that it had launched the spacecraft concerned, shall be reimbursed by that State.

Article 6

1. This Agreement shall be open to all States for signature. Any State which does not sign this Agreement before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Agreement shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of... which are hereby designated the Depositary Governments.

3. This Agreement shall enter into force upon the deposit of instruments of ratification by five Governments including the Governments designated as Depositary Governments under this Agreement.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Agreement, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Agreement, the date of its entry into force and other notices.

6. This Agreement shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article 7

Any State Party to the Agreement may propose amendments to this Agreement. Amendments shall enter into force for each State Party to the Agreement accepting the amendments upon their acceptance by a majority of the States Parties to the Agreement and thereafter for each remaining State Party to the Agreement on the date of acceptance by it.

Article 8

This Agreement, of which the Russian, English, French, Spanish and Chinese texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Agreement shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

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

DONE in ... copies at ...

B. UNITED STATES OF AMERICA: DRAFT INTERNATIONAL AGREEMENT ON ASSISTANCE TO AND RETURN OF ASTRONAUTS AND OBJECTS LAUNCHED INTO OUTER SPACE

(A/AC.105/C.2/L.9 and Corr.1)

The Contracting Parties,

Recognizing the common interest of mankind in furthering the peaceful uses of outer space,

Recalling the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space, adopted by the General Assembly on 31 December 1963 as resolution 1962 (XVIII),

Considering that the personnel of spacecraft may from time to time be the subject of accident or experience conditions of distress,

Considering that there may occur landings of objects launched into outer space, and their personnel in the case of manned spacecraft, by reason of accident, distress or mistake,

Wishing to do their utmost to assist the personnel of spacecraft in such cases and to provide for the return of objects launched into outer space, and

Believing that in such circumstances the action of States should be governed by common humanitarian concern and with due regard for scientific needs,

Agree as follows:

Article 1

1. A Contracting Party which discovers that the personnel of a spacecraft have met with accident or are experiencing conditions of distress, or have made an emergency landing, shall notify without delay the State of registry or international organization responsible for launching, or the Secretary-General of the United Nations.

2. A Contracting Party which discovers that an object launched into outer space or parts thereof have returned to Earth shall notify without delay the State of registry or international organization responsible for launching, or the Secretary-General of the United Nations.

Article 2

1. Unless otherwise requested by the State of registry or international organization responsible for launching, each Contracting Party shall take all possible steps to assist or rescue promptly the personnel of spacecraft who are the subject of accident or experience conditions of distress or who may make emergency landings by reason of accident, distress, or mistake. Such steps shall include a joint search by those Contracting Parties which may be in a position to conduct search and rescue operations in the event personnel of a spacecraft are presumed to have made an emergency landing on the high seas or Antarctica.

2. Each Contracting Party shall permit, subject to control by its own authorities, the authorities of the State of registry, or international organization responsible for launching to provide measures of assistance as may be necessitated by the circumstances.

Article 3

1. A Contracting Party shall return the personnel of a spacecraft who have made an emergency landing by reason of accident, distress or mistake promptly and safely to the State of registry or international organization responsible for launching.

2. Upon request by the State of registry or international organization responsible for launching, a Contracting Party shall return to that State or international organization an object launched into outer space or parts thereof that have returned to Earth. Such State or international organization shall, upon request, furnish identifying data.

Article 4

Any dispute 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 5

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 6

Any Contracting Party may give notice of its withdrawal from this Agreement two 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 by the Secretary-General of the notification.

Article 7

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 8

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 9

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 deposit of its instrument of ratification, approval, or accession.

Article 10

The Secretary-General of the United Nations shall inform all States referred to in article 7 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 11

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 all States referred to in article 7.

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

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

C. UNITED STATES OF AMERICA: DRAFT TEXT OF ARTICLE 4 (WG.I/35)

Assistance outside the territory of a Contracting Party

If a spacecraft is received or it is discovered that personnel of a spacecraft have suffered accident, are in distress, or have made an emergency landing, on the high seas or in any other place not under the jurisdiction of any State, and the launching State is not in a position immediately to undertake effective search and rescue operations, such operations shall be conducted, in close and continuing co-operation with the launching State, by those Contracting Parties which are in a position to do so. The operations shall be conducted in a manner designed to assure speedy rescue and taking account of requests and technical advice from the State which announced the launching.^a

D. AUSTRALIA AND CANADA: REVISED PROPOSAL ON ASSISTANCE TO AND RETURN OF ASTRONAUTS AND SPACE OBJECTS (A/AC.105/C.2/L.20)

The Contracting Parties,

Recognizing the common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes,

Desiring to promote the further development of international co-operation in the exploration and use of outer space,

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

Noting the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies, signed on 27th January 1967, and in particular articles V and VIII of that Treaty,

^a This text replaces the second sentence of paragraph 1 of article 2 of the United States draft (A/AC.105/C.2/L.9).

Prompted by sentiments of humanity and having regard for the needs of science,

Agree as follows:

Definitions Article

For the purposes of this Agreement:

(a) "Launching State"...

(b) "Space object" means an object or any of its component parts which a launching State has launched or attempted to launch into outer space.]

Article 1

1. Each Contracting Party shall, in accordance with the provisions of the present Agreement and using every appropriate means at its disposal, assist the personnel of spacecraft in the event of accident, distress or emergency landing and safely and promptly return them to the launching State.

2. With a view to ensuring the return to the launching State of a space object discovered beyond the limits of the territory under the sovereignty, jurisdiction or control of that State, each Contracting Party shall, in co-operation where appropriate with other States, carry out the duties provided for in the present Agreement.

Article 2

A Contracting Party which receives information or discovers that personnel of a spacecraft have suffered accident or are experiencing conditions of distress or have made an emergency landing:

(a) Shall do its utmost immediately to ascertain and notify the launching State;

(b) If it cannot readily ascertain the launching State, shall forthwith notify the State it presumes to be the launching State;

(c) Shall immediately notify the Secretary-General of the United Nations.

Article 3

1. If, as a result of accident, distress or emergency landing, personnel of a spacecraft are in a territory under the sovereignty, jurisdiction or control of a Contracting Party, such Contracting Party shall promptly take all steps that it finds practicable to locate, rescue and assist the personnel. It shall keep the launching State, and the Secretary-General of the United Nations, informed of the steps so taken and of their result.

2. If the Contracting Party considers that assistance from the launching State would contribute substantially to the effectiveness of search and rescue operations, it shall request the launching State to co-operate with it in such operations, under the direction and control of the Contracting Party.

Article 4

If information is received or it is discovered that personnel of a spacecraft have suffered accident, are in distress or have made an emergency landing, on the high seas or in any other place not under the sovereignty, jurisdiction or control of any State, and the launching State is not in a position immediately to undertake effective search and rescue operations, such operations shall be conducted, in close and continuing co-operation with the launching State, by those Contracting Parties which are in a position to do so.

Article 5

A Contracting Party shall safely and promptly return to the launching State, the personnel of a spacecraft who as a result of accident, distress or emergency have landed in a territory under the sovereignty, jurisdiction or control of that Contracting Party, or whom it has rescued elsewhere.

Article 6

1. A Contracting Party which receives information or discovers that a space object has returned to Earth:

(a) Shall do its utmost immediately to ascertain and notify the launching State;

(b) If it cannot readily ascertain the launching State, shall forthwith notify the State it presumes to be the launching State;

(c) Shall immediately notify the Secretary-General of the United Nations.

2. A Contracting Party having sovereignty, jurisdiction or control over the territory on which a space object has been discovered shall upon the request of the launching State take all steps that it finds practicable to recover the object.

3. A Contracting Party which has recovered a space object shall upon the request of the launching State return the object to that State.

4. Notwithstanding the provisions of paragraphs 2 and 3 of this article, a Contracting Party which finds that a space object discovered in territory under its sovereignty, jurisdiction or control or recovered by it elsewhere is of a hazardous or deleterious nature may so notify the launching State, which shall thereupon take prompt and effective steps, under the direction and control of the Contracting Party, to recover the object and to remove it from territory under the sovereignty, jurisdiction or control of the Contracting Party or otherwise to eliminate danger of harm.

5. If in fulfilling its obligations under paragraph 2 or 3 of this article a Contracting Party considers that assistance from the launching State would facilitate substantially the recovery or return of a space object, the Contracting Party shall request the launching State to co-operate with it in recovery or return operations under the direction and control of the Contracting Party.

6. A State which requests the return of a space object shall, if requested by the Contracting Party which has discovered the object in territory under its sovereignty, jurisdiction or control or has recovered it elsewhere, furnish to the Contracting Party identifying data prior to the return of the object.

7. The expenses incurred by the Contracting Party in fulfilling its obligations under the present Agreement in respect of the recovery or the return of a space object shall be reimbursed by the State to which the object is returned.

Article 7

1. If an intergovernmental organization which conducts or is preparing to conduct activities in outer space deposits with the Secretary-General of the United Nations a declaration that it accepts and undertakes to comply with the provisions of the present Agreement, those provisions shall apply to that organization in like manner as they apply to a State, and references to a State, or to a launching State, shall be read and construed accordingly.

2. Each Contracting Party to the present Agreement undertakes to use its best endeavours to ensure that any intergovernmental organization which conducts space activities, and of which it is a constituent member, is authorized to make, and will make, the declaration referred to in the preceding paragraph.

E. ITALY: DRAFT TEXT OF ARTICLE 1

(A/AC.105/C.2/L.21)

Any Contracting State, or any international organization, which knows that personnel of a spacecraft have suffered accident, or are in distress, or have made an emergency landing shall

(a) Immediately notify the State in which the spacecraft is registered and the Secretary-General of the United Nations;

(b) Immediately make a public announcement by radio or through any other means of communication at its disposal.

Note. This text takes into account the texts submitted by the United States and the USSR.

(a) It introduces a reference to international organizations;

(b) For humanitarian reasons it refers to spacecraft in general, and not to "a spacecraft of another State" as in the USSR draft;

(c) It refers to personnel (or crew) and not specifically to astronauts, since everyone on board has a right to assistance for humanitarian reasons;

(d) The notification is to be made either to the State of registry or to the Secretary-General of the United Nations;

(e) The text should say "knows", and not "discovers";

(f) Like the Treaty of January 1967, the text should refer to the State of registry, and not the State which announced the launching.

F. ARGENTINA: PROPOSAL

(A/AC.105/C.2/L.23)

Include the following in the definitions article:

An "astronaut" is a civilian explorer, exclusively for peaceful purposes, who is carrying out his duties as a representative of mankind in outer space, including the Moon and other celestial bodies.

G. TEXT AGREED BY WORKING GROUP I

(WG.I/38)

Article 1

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

(b) shall immediately notify the Secretary-General of the United Nations who should disseminate the information without delay through all appropriate means at his disposal;

H. TEXT ON WHICH PRELIMINARY AGREEMENT WAS REACHED IN WORKING GROUP I

(WG.I/39)

Article 1

(a) shall do its utmost to notify immediately the launching State;^b

I. UNITED STATES AND UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND: DRAFT TEXT OF ARTICLE 1

(WG.I/40)

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

(a) Shall do its utmost to notify immediately the launching State;^c

(b) Shall immediately notify the Secretary-General of the United Nations who should disseminate the information without delay through all appropriate means at his disposal;

^b(1) The term "launching State" might be subject to definition later.

(2) No agreement was reached on the question of the inclusion of the words "or international organizations" in the provision. This question was deferred for further consideration.

^c(1) The term "launching State" might be subject to definition later.

(2) No agreement was reached on the question of the inclusion of the words "or international organizations" in the provision. This question was deferred for further consideration.

(c) Shall, if it cannot readily identify the launching State, immediately make a public announcement by any appropriate means at its disposal.

J. AUSTRALIA, CANADA, AND UNION OF SOVIET SOCIALIST REPUBLICS: DRAFT TEXT OF ARTICLE ON ASSISTANCE IN THE TERRITORY OF A CONTRACTING PARTY

(WG.I/41)

1. If personnel of a spacecraft, who have suffered accident or are experiencing conditions of distress or have made a landing in an emergency,^d are in territory under the jurisdiction of a Contracting Party, that Contracting Party shall immediately take all possible steps to rescue the personnel and to render to them all necessary assistance. It shall keep the launching State^e and the Secretary-General of the United Nations informed of the steps it is taking and of their result.

2. ...

K. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND: PROPOSED REDRAFT OF ARTICLE 4 OF THE USSR DRAFT

(WG.I/42)

If information is received or it is discovered that astronauts have alighted, owing to accident or distress, 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 carry out search and rescue operations for the astronauts in close and continuing co-operation with the launching State.

L. CANADA: DRAFT TEXT OF ARTICLE

(WG.I/43)

1. The Contracting Parties, and in particular launching States, shall exchange, on a basis of equality, technical and scientific information relevant to the promotion and development of methods and procedures for rescuing the personnel of spacecraft who have suffered accident, are in distress or have made an emergency landing.

2. The Contracting Parties agree to co-operate with a view to the establishment of an international service for the search and rescue of such personnel.

^dThe possibility of including "or by mistake", after the word "emergency", has been deferred for further consideration.

^eThe question whether the expression "launching State" or some other expression, as for example "State of registry" or "State which announced the launching" should be used has been deferred for further consideration. The question whether the expression to be used should also include international organizations has been likewise deferred.

Comparative table of provisions contained in the proposals submitted by the Union of Soviet Socialist Republics (A/AC.105/C.2/L.18), the United States of America (A/AC.105/C.2/L.9 and WG.I/35) and Australia and Canada (A/AC.105/C.2/L.20)

(A/AC.105/C.2/W.I/Rev.3)

USSR: REVISED DRAFT AGREEMENT ON THE RESCUE OF ASTRONAUTS IN THE EVENT OF ACCIDENT OR EMERGENCY LANDING

UNITED STATES OF AMERICA: DRAFT INTERNATIONAL AGREEMENT ON ASSISTANCE TO AND RETURN OF ASTRONAUTS AND OBJECTS LAUNCHED INTO OUTER SPACE

AUSTRALIA AND CANADA: REVISED PROPOSAL ON ASSISTANCE TO AND RETURN OF ASTRONAUTS AND SPACE OBJECTS

PREAMBLE

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

The Contracting Parties,

Recognizing the common interest of mankind in furthering the peaceful uses of outer space,

The Contracting Parties,

Recognizing the common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes,

M. AUSTRALIA, CANADA AND UNITED STATES OF AMERICA: DRAFT TEXT OF ARTICLE ON THE DUTY TO RETURN PERSONNEL

(WG.I/44)

When the personnel of a spacecraft have made a landing by reason of accident, distress, emergency or mistake, they shall be safely and promptly returned to the authorities of the launching State or the international organization responsible for the launching.

N. AUSTRALIA, CANADA AND UNITED STATES OF AMERICA: DRAFT TEXT OF ARTICLE ON THE RETURN OF SPACE OBJECTS

(WG.I/45)

1. Each Contracting Party which receives information or discovers that a space object has returned to Earth:

(a) Shall do its utmost to notify immediately the State or international organization responsible for the launching; and

(b) Shall immediately notify the Secretary-General of the United Nations.

2. Each Contracting Party having jurisdiction over the territory on which a space object has been discovered shall upon the request of the launching State or international organization responsible for the launching take such steps as it finds practicable to recover the object.

3. When a space object has been recovered by a Contracting Party, that object shall, upon the request of the launching State or international organization responsible for the launching, be returned to the authorities of the launching State or of the international organization responsible for the launching.

4. Notwithstanding paragraphs 2 and 3 of this article, a Contracting Party which finds that a space object discovered in territory under its jurisdiction or recovered by it elsewhere is of a hazardous or deleterious nature may so notify the launching State or international organization responsible for the launching, which shall immediately take effective steps, under the direction and control of the Contracting Party, to eliminate all danger of harm.

5. If, in fulfilling its obligations under paragraph 2 or 3 of this article, a Contracting Party considers that assistance from the launching State or international organization responsible for the launching would facilitate substantially the recovery or return of a space object, the Contracting Party shall request the launching State or international organization responsible for the launching to co-operate with it in recovery or return operations under the direction and control of the Contracting Party.

6. A State or international organization which asks a Contracting Party for the return of a space object shall, upon request, furnish to the Contracting Party identifying data prior to the return of the object.

Comparative table (continued)

and other Celestial Bodies, which enunciated the principle of rendering all possible assistance to astronauts in the event of accident, distress or emergency landing,

Desiring to develop and give concrete expression to that principle,

Prompted by sentiments of humanity,
Have agreed on the following:

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

Considering that the personnel of spacecraft may from time to time be the subject of accident or experience conditions of distress,

Considering that there may occur landings of objects launched into outer space, and their personnel in the case of manned spacecraft, by reason of accident, distress or mistake,

Wishing to do their utmost to assist the personnel of spacecraft in such cases and to provide for the return of objects launched into outer space, and

Believing that in such circumstances the action of States should be governed by common humanitarian concern and with due regard for scientific needs,

Agree as follows:

DEFINITIONS

[Definitions Article

For the purposes of this Agreement:

(a) "Launching State"...

(b) "Space object" means an object or any of its component parts which a launching State has launched or attempted to launch into outer space.]

GENERAL DUTY

[See first sentence of Article 3]

Article 2

1. Unless otherwise requested by the State of registry or international organization responsible for launching, each Contracting Party shall take all possible steps to assist or rescue promptly the personnel of spacecraft who are the subject of accident or experience conditions of distress or who may make emergency landings by reason of accident, distress, or mistake.

Article 1

1. Each Contracting Party shall, in accordance with the provisions of the present Agreement and using every appropriate means at its disposal, assist the personnel of spacecraft in the event of accident, distress or emergency landing and safely and promptly return them to the launching State.

2. With a view to ensuring the return to the launching State of a space object discovered beyond the limits of the territory under the sovereignty, jurisdiction or control of that State, each Contracting Party shall, in co-operation where appropriate with other States, carry out the duties provided for in the present Agreement.

NOTIFICATION OF ACCIDENT

Article 1

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

(a) shall do its utmost to notify without delay the State which announced that it had launched the spacecraft concerned;

(b) shall immediately notify the Secretary-General of the United Nations;

(c) shall immediately make a public announcement by radio or through other means of communication at its disposal.

1. A Contracting Party which discovers that the personnel of a spacecraft have met with accident or are experiencing conditions of distress, or have made an emergency landing, shall notify without delay the State of registry or international organization responsible for launching, or the Secretary-General of the United Nations.

Article 2

A Contracting Party which receives information or discovers that personnel of a spacecraft have suffered accident or are experiencing conditions of distress or have made an emergency landing:

(a) Shall do its utmost immediately to ascertain and notify the launching State;

(b) If it cannot readily ascertain the launching State, shall forthwith notify the State it presumes to be the launching State;

(c) Shall immediately notify the Secretary-General of the United Nations.

Comparative table (continued)

ASSISTANCE IN TERRITORY OF CONTRACTING PARTY

Article 2

If, owing to accident, distress or emergency landing, astronauts have appeared in territory under the jurisdiction of one of the Contracting Parties, this Contracting Party shall immediately take all possible steps to rescue the astronauts and to render them the necessary aid. It shall inform the State which announced that it had launched the spacecraft concerned, and also the Secretary-General of the United Nations, of the steps it is taking and of their result.

Article 3

Each Contracting Party shall extend every assistance to another Party to this Agreement which has requested its aid for the purpose of ensuring the speediest possible discovery and rescue of astronauts in the event of accident, distress or emergency landing. Such assistance may include permission to the State which announced the launching of the spacecraft to carry out with the use of the necessary means and the personnel to operate them, the search for and rescue of the astronauts who have landed in the territory of that Contracting Party.

ASSISTANCE OUTSIDE TERRITORY OF CONTRACTING PARTY

Article 4

If information is received or it is discovered that astronauts have alighted, owing to accident or distress, 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 extend assistance to the State which announced that it had launched the spacecraft concerned, in carrying out search and rescue operations for the astronauts.

DUTY TO RETURN PERSONNEL

Article 2

2. Each Contracting Party shall permit, subject to control by its own authorities, the authorities of the State of registry or international organization responsible for launching to provide measures of assistance as may be necessitated by the circumstances.

Article 3

1. If, as a result of accident, distress or emergency landing, personnel of a spacecraft are in territory under the sovereignty, jurisdiction or control of a Contracting Party, such Contracting Party shall promptly take all steps that it finds practicable to locate, rescue and assist the personnel. It shall keep the launching State, and the Secretary-General of the United Nations, informed of the steps so taken and of their result.

2. If the Contracting Party considers that assistance from the launching State would contribute substantially to the effectiveness of search and rescue operations, it shall request the launching State to co-operate with it in such operations, under the direction and control of the Contracting Party.

Article 4

If information is received or it is discovered that personnel of a spacecraft have suffered accident, are in distress, or have made an emergency landing, on the high seas or in any other place not under the jurisdiction of any State, and the launching State is not in a position immediately to undertake effective search and rescue operations, such operations shall be conducted, in close and continuing co-operation with the launching State, by those Contracting Parties which are in a position to do so. The operations shall be conducted in a manner designed to assure speedy rescue and taking account of requests and technical advice from the State which announced the launching.

Article 4

If information is received or it is discovered that personnel of a spacecraft have suffered accident, are in distress or have made an emergency landing, on the high seas or in any other place not under the sovereignty, jurisdiction or control of any State, and the launching State is not in a position immediately to undertake effective search and rescue operations, such operations shall be conducted, in close and continuing co-operation with the launching State, by those Contracting Parties which are in a position to do so.

Article 3

1. A Contracting Party shall return the personnel of a spacecraft who have made an emergency landing by reason of accident, distress or mistake promptly and safely to the State of registry or international organization responsible for launching.

Article 5

A Contracting Party shall safely and promptly return to the launching State, the personnel of a spacecraft who as a result of accident, distress or emergency have landed in territory under the sovereignty, jurisdiction or control of that Contracting Party, or whom it has rescued elsewhere.

RETURN OF SPACE OBJECTS

Article 1

2. A Contracting Party which discovers that an object launched into outer space or parts thereof have returned to

Article 6

1. A Contracting Party which receives information or discovers that a space object has returned to Earth:

Comparative table (continued)

Earth shall notify without delay the State of registry or international organization responsible for launching, or the Secretary-General of the United Nations.

Article 3

2. Upon request by the State of registry or international organization responsible for launching, a Contracting Party shall return to that State or international organization an object launched into outer space or parts thereof that have returned to Earth. Such State or international organization shall, upon request, furnish identifying data.

(a) Shall do its utmost immediately to ascertain and notify the launching State;

(b) If it cannot readily ascertain the launching State, shall forthwith notify the State it presumes to be the launching State;

(c) Shall immediately notify the Secretary-General of the United Nations.

2. A Contracting Party having sovereignty, jurisdiction or control over the territory on which a space object has been discovered shall upon the request of the launching State take all steps that it finds practicable to recover the object.

3. A Contracting Party which has recovered a space object shall, upon the request of the launching State, return the object to that State.

4. Notwithstanding the provisions of paragraphs 2 and 3 of this article, a Contracting Party which finds that a space object discovered in territory under its sovereignty, jurisdiction or control or recovered by it elsewhere is of a hazardous or deleterious nature may so notify the launching State, which shall thereupon take prompt and effective steps, under the direction and control of the Contracting Party, to recover the object and to remove it from territory under the sovereignty, jurisdiction or control of the Contracting Party or otherwise to eliminate danger of harm.

5. If in fulfilling its obligations under paragraph 2 or 3 of this article a Contracting Party considers that assistance from the launching State would facilitate substantially the recovery or return of a space object, the Contracting Party shall request the launching State to co-operate with it in recovery or return operations under the direction and control of the Contracting Party.

6. A State which requests the return of a space object shall, if requested by the Contracting Party which has discovered the object in territory under its sovereignty, jurisdiction or control or has recovered it elsewhere, furnish to the Contracting Party identifying data prior to the return of the object.

Article 6

7. The expenses incurred by the Contracting Party in fulfilling its obligations under the present Agreement in respect of the recovery or the return of a space object shall be reimbursed by the State to which the object is returned.

Article 7

1. If an intergovernmental organization which conducts or is preparing to conduct activities in outer space deposits with the Secretary-General of the United Nations a declaration that it accepts and undertakes to comply with the provisions of the present Agreement, those provisions shall apply to that organization in like manner as they apply to a State,

REIMBURSEMENT OF EXPENSES

Article 5

The expenses incurred by a Contracting Party in meeting the requests for assistance made by the State which announced that it had launched the spacecraft concerned, shall be reimbursed by that State.

INTERNATIONAL ORGANIZATIONS

Comparative table (continued)

and references to a State, or to a launching State, shall be read and construed accordingly.

2. Each Contracting Party to the present Agreement undertakes to use its best endeavours to ensure that any inter-governmental organization which conducts space activities, and of which it is a constituent member, is authorized to make, and will make, the declaration referred to in the preceding paragraph.

Article 4

Any dispute 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.

SETTLEMENT OF DISPUTES

PARTIES TO AGREEMENT, SIGNATURE AND ACCESSION

Article 6

1. This Agreement shall be open to all States for signature. Any State which does not sign this Agreement before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

RATIFICATION AND DEPOSITARY

Article 6

2. This Agreement shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of... which are hereby designated the Depositary Governments.

ENTRY INTO FORCE

Article 6

3. This Agreement shall enter into force upon the deposit of instruments of ratification by five Governments including the Governments designated as Depositary Governments under this Agreement.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Agreement, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

NOTIFICATION BY DEPOSITARY

Article 6

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession to this Agreement, the date of its entry into force and other notices.

Article 7

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 8

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 9

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 deposit of its instrument of ratification, approval, or accession.

Article 10

The Secretary-General of the United Nations shall inform all States referred to in article 7 of signatures, deposits of instruments of ratification, approval, or accession, the date of entry into force of this Agreement, proposals for amendment, notifications of acceptances of amendments, and notices of withdrawal.

Comparative table (continued)

REGISTRATION

Article 6

6. This Agreement shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

AMENDMENTS

Article 7

Any State Party to the Agreement may propose amendments to this Agreement. Amendments shall enter into force for each State Party to the Agreement accepting the amendments upon their acceptance by a majority of the States Parties to the Agreement and thereafter for each remaining State Party to the Agreement on the date of acceptance by it.

Article 5

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.

WITHDRAWAL FROM AGREEMENT

Article 6

Any Contracting Party may give notice of its withdrawal from this Agreement two 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 by the Secretary-General of the notification.

AUTHENTIC TEXTS AND DEPOSIT OF AGREEMENT

Article 8

This Agreement, of which the Russian, English, French, Spanish and Chinese texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Agreement shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

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

DONE in ... copies at ...

Article 11

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 all States referred to in article 7.

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

DONE at ... this ...
day of ... 196...

Have agreed as follows:

Article 1

(a) The provisions of this Convention shall apply to compensation for damage caused to persons or property by a space device or space devices. They shall not apply to compensation for damage caused in the territory of the launching State or suffered by its nationals or permanent residents, or for damage caused by a space device to another space device.

(b) The occurrence of the event causing the damage shall create a liability for compensation 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 or descent of all or part of the space device, on the other hand.

(c) If the damage suffered results either wholly or partially from an act or omission on the part of the applicant State or of natural or juridical persons that it represents and such act or omission has been committed, either with intent to cause damage or rashly and in full knowledge that damage will probably result, the liability of the launching State to pay compensation under this Convention shall, to that extent, be wholly or partially extinguished.

Article 2

"Damage" shall be understood to mean loss of life, bodily injury or damage to property for which compensation may be claimed and assessed under the national law of the person injured, or if not, under applicable principles of international law.

"Launching" shall be understood to mean an attempted launching or a launching operation proper, whether or not it fulfils the expectations of those responsible therefor.

"Space device" shall be understood to mean any device intended to move in space and sustained there by means other than the reaction of air, as well as any constituent element of such device or of the equipment used for its launching or propulsion.

"Launching State" shall be understood to mean the State or States which carry out the launching of a space device or, when the applicant State is not able to determine the said State or States, the State whose territory is used for such launching.

"Applicant State" shall be understood to mean the State which has been injured, or whose nationals, whether natural or juridical persons, or whose permanent residents have been injured, and which presents a claim for compensation.

Article 3a

The launching State shall be held liable for compensation for damage caused in the circumstances stated in article 1 and defined in article 2. If several States participate in the launching of a space device, they shall be held jointly and severally liable.

Article 4

(a) Within two years after the occurrence of the damage, or after the identification of the State liable under article 1, the applicant State shall present through the diplomatic channel, to the State which it holds liable, all claims for compensation concerning itself and its nationals and residents. 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 launching State.

(b) If the applicant State or a person represented by it brings an action for compensation before the Courts or administrative organs of the State receiving the claim, it shall no longer be able to present a claim for compensation for the same damage under the provisions of this Convention. The provisions shall not be considered to require, by implication, the prior exhaustion of such remedies as may exist under the rules of ordinary law in the State receiving the claim.

(c) If the State receiving the claim has not taken, within six months after being approached, a decision considered satisfactory by the applicant State, the latter may have recourse to arbitration.

Within ninety days of the date of the request addressed to it by the applicant State, the State receiving the claim shall appoint one arbitrator, the applicant State shall appoint a second and the President of the International Court of Justice a third. If the States receiving the claim fails to appoint its arbitrator within the prescribed period, the person appointed by the President of the International Court of Justice shall be the sole arbitrator.

The Arbitration Commission shall take its decisions according to law^b and by majority vote. It shall make an award within six months after the date of its establishment and its decisions shall be binding.

(d) Sums due in compensation for damage shall be fixed and payable either in the currency of the applicant State or in a freely transferable currency.

(e) The periods specified in this article shall not be subject to interruption or suspension.

^a The Belgian delegation reserves the right to submit an amendment dealing with the principle enunciated in this article.

^b An alternative might be "take its decisions *ex aequo et bono*".

(f) There shall be joinder of claims where there is more than one applicant in respect of damage due to the same event or where more than one State is liable and the damage was caused by more than one space device.

Article 5

This Convention shall be open for signature by States Members of the United Nations or 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 to the Convention. Any such State which does not sign this Convention may accede to it at any time.

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.

This Convention shall enter into force thirty days after the date of the deposit of three instruments of ratification, approval or accession. For each State which deposits its instrument of ratification, approval or accession after the entry into force provided for in the preceding paragraph, this Convention shall enter into force on the date of deposit of such instrument.

Article 6

International organizations which undertake to comply with this Convention shall have the same rights and obligations as States. The States members of the said international organizations shall be held jointly and severally liable for the obligations of the latter, whether or not such States are parties to the Convention. The accession of an international organization shall be accompanied by a notification of the joint and several obligations so assumed by the States members of the organization concerned.

The claims referred to in article 4 (a) may, in the case of the international organization, be presented through the Secretary-General of the United Nations.

Article 7

Each Contracting Party may notify the Secretary-General of the United Nations of its withdrawal from this Convention not less than five years after its entry into force. Such withdrawal shall take effect one year after receipt of the notice, which must be in writing. Such withdrawal shall not relieve the Contracting Party concerned of any obligation or liability arising from damage inflicted before its withdrawal takes effect.

Article 8

This Convention may be amended or supplemented at the proposal of one or more Contracting Parties. Such amendments shall take the form of additional protocols which shall be binding on such Contracting Parties as ratify, approve or accede to them. Such protocols shall enter into force when the majority of the Contracting Parties to this Convention have thus accepted them.

Article 9

The Secretary-General of the United Nations shall inform signatory States, and those which ratify, approve or accede to this Convention, of signatures, the deposit of instruments of ratification, approval or accession, the entry into force of this Convention, proposals for amendments, notifications of acceptance of additional protocols, and notices of withdrawal.

Article 10

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 true copies to all signatory States and to any State Member of the United Nations which so requests.

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

DONE at ... on ...

UNITED STATES OF AMERICA: DRAFT CONVENTION CONCERNING LIABILITY FOR DAMAGE CAUSED BY THE LAUNCHING OF OBJECTS INTO OUTER SPACE

(A/AC.105/C.2/L.19)

The Contracting Parties,

Recognizing that activities in the peaceful exploration and use of outer space may on occasion result in damage,

Recalling the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, signed on January 27, 1967,

Seeking to establish a uniform rule of liability and a simple and expeditious procedure governing financial compensation for damage,

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. Definitions

For the purpose of this Convention

(a) "Damage" means loss of life, personal injury, or damage to property whether partial or total.

(b) The term "launching" includes attempted launchings.

(c) "Launching State" means a Contracting Party, or an international organization that has transmitted a declaration to the Secretary-General under article V, paragraph 1, of this Convention, that launches or actively and substantially participates in the launching of an object into outer space, or from whose territory or facility an object is launched into outer space, or that exercises control over the orbit or trajectory of such an object.

(d) "Presenting State" means a Contracting Party, or an international organization that has transmitted a declaration to the Secretary-General under article V, paragraph 1, of this Convention, that presents a claim for compensation to a respondent State.

(e) "Respondent State" means a launching State from which compensation is sought under this Convention.

Article II. Liability

1. The launching State shall be absolutely liable to pay compensation to the presenting State, in accordance with the provisions of this Convention, for damage shown to have been caused by the launching, transit or descent of all or part of a space object.

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.

3. There shall be no liability under this Convention for damage caused to persons and property within a launch facility or immediate recovery area for participation in or observation of the launch or recovery, or to space objects and their personnel during launching, transit or descent.

Article III. Multiple respondent States

1. If under paragraph 1 of article II or paragraph 3 of article V 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.

2. When the presenting State proceeds against less than all possible respondent States, the State or States proceeded against shall within three months give formal notice to any other launching States which may be involved, and the States so notified shall also become respondent States and shall participate in the settlement or other disposition of the claim.

3. When a claim has been presented to only one launching State and it does not notify and join other launching States

under paragraph 2 of this article, it shall pay the entire compensation which is found to be due. If any launching State 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. If a number of Contracting States co-operate in a launching, and if they reduce the terms of their co-operation to writing and file a copy thereof with the Secretary-General of the United Nations, presenting States shall be on notice as to those terms and shall be bound to observe the proportionate shares of liability assumed by the several Contracting States. If payment of the specified proportionate share has not been made by one or more respondent States six months after the amount of over-all liability has been ascertained, a presenting State may demand payment from any other respondent State as provided in article III, paragraph 3.

5. 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, so that in no case shall the aggregate of the compensation paid in respect of any one claim 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 over-all 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. A respondent State which has not paid its proportionate share of the over-all liability to the presenting State shall be obligated to reimburse the other respondent States for their payments in excess of their proportionate shares.

8. The periods specified in this article shall not be subject to interruption or suspension.

Article IV. Measure of damages

The compensation which a State shall be liable to pay for damage under this Convention shall be determined in accordance with applicable principles of international law, justice and equity.

Article V. International organizations

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 XII, XV, XVI, and XVII, 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 X, 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.

Article VI. Presenting a claim

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 or States.

2. A Contracting Party may also present to a respondent State a claim of any natural person, other than a person having the nationality of a respondent State, permanently residing in its territory. However, a claim of any individual claimant may be presented by only one Contracting Party.

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 a 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 even if the nature or extent of the damages may not be known to the presenting State.

Article VII. Nationals

A State shall not be liable under this Convention for damage suffered by its own nationals or nationals of other respondent States or by juridical persons beneficially owned by such nationals, to the extent of such ownership.

Article VIII. Limitation of liability; apportionment

1. The liability of the launching State or States shall not exceed... with respect to each launching.

2. If the total amount otherwise payable with respect to the claims presented exceeds the limit of liability provided by this article, the following rules shall apply:

(a) If the allowable 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 proportionately.

(b) If the allowable claims are both in respect of loss of life or personal injury and in respect of damage to property, three fourths of the total sum distributable shall be appropriated 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.

Article IX. Exhaustion of remedies

1. The presentation of a claim under this Convention shall not require exhaustion of any remedies which might otherwise exist in a respondent State.

2. If, however, the presenting State, or a natural or juridical person whom it might represent, elects to pursue a claim in the administrative agencies or courts of a respondent State or pursue international remedies outside this Convention, the presenting State shall not be entitled to pursue such claim under this Convention against such respondent State.

Article X. Claims commissions

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. The competence of such commission shall extend to any dispute arising from the interpretation or application of this Convention. 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 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 shall 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 shall collectively appoint one person to serve on the commission in the same way. If the presenting or respondent States fail to appoint their member within three months, the person appointed by the President of the

International Court of Justice shall constitute the sole member of the commission.

3. The commission shall determine its own procedure.

4. The commission shall conduct its business and arrive at its decision by majority vote. Such decision shall state the views of the members of the commission.

5. The decision of the commission shall be rendered expeditiously and shall be binding upon the parties.

6. The expenses incurred in connexion with any proceeding before the commission shall be divided equally between presenting and respondent States.

Article XI. Currency

Payment of compensation shall be made in the currency of the presenting State or a currency convertible readily and without loss of value into the currency of or used by the presenting State.

Article XII. Settlement of disputes

Subject to prior recourse to proceedings under article X, any dispute arising from the interpretation or application of this Convention, which is not previously settled by other peaceful means, may be referred by any Contracting Party thereto to the International Court of Justice for decision.

Article XIII. Amendments

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 XIV. Withdrawal

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 thereby be relieved of any obligation or liability with respect to damages arising before withdrawal becomes effective.

Article XV. Signature and accession

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 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 XVI. Ratification; depositary

This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article XVII. Entry into force

This Convention shall enter into force thirty days following the deposit of the fifth instrument of ratification or accession. It shall enter into force as to a State ratifying or acceding thereafter upon deposit of its instrument of ratification or accession.

Article XVIII. Depositary's duties

The Secretary-General of the United Nations shall inform all States referred to in article XV and all organizations which have made declarations under article V, paragraph 1, of signatures, deposits of instruments of ratification or accession, declarations referred to in article V, paragraph 1, the 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, and notices of withdrawal, and shall transmit to those States and organizations certified copies of each amendment proposed.

Article XIX

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 XV.

HUNGARY: REVISED DRAFT CONVENTION CONCERNING LIABILITY FOR DAMAGE CAUSED BY THE LAUNCHING OF OBJECTS INTO OUTER SPACE

(A/AC.105/C.2/L.10/Rev.1)

The Contracting States,

Recognizing the common interest of mankind in furthering the peaceful exploration and use of outer space,

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

Considering that the States and international organizations involved in the launching of objects into outer space should be internationally liable for damage caused by these objects,

Recognizing the need for establishing international rules and procedures concerning such liability to ensure protection against damage caused by objects launched into outer space,

Believing that the establishment of such rules and procedures would facilitate the taking of the greatest possible precautionary measures by States and international organizations involved in the launching of objects into outer space to protect against damage inflicted by objects launched into outer space,

Have decided to conclude the present Convention:

THE SCOPE OF LIABILITY

Article I

1. The provisions of this Convention shall apply to compensation for loss of life, personal injury or other impairment of health, and damage to property (hereinafter called "damage"):

(a) Caused by an object launched into outer space; or
(b) Caused in outer space, in the atmosphere or on the ground by any manned or unmanned space vehicle or any object after being launched, or conveyed into outer space in any other way, but they shall not apply to nuclear damage resulting from the nuclear reactor of space objects.

2. Liability is also incurred even if, for any reason, the space vehicle or other object has not reached outer space.

3. For the purpose of this Convention "space object" means space ships, satellites, orbital laboratories, outer spaces and any other devices designed for laboration in container and sustained there otherwise than by the reaction of air, as well as the means of delivery of such objects and any parts thereof.

Article II

1. Liability under this Convention shall not exceed . . .
2. A claim for damage may be advanced on the ground of loss of profits and moral damage whenever compensation for such damage is provided for by the law of the State liable for damage in general.

Article III

Unless otherwise provided in articles IV and V, exemption from liability may be granted only in so far as the State liable produces evidence that the damage has resulted from natural disaster or from a wilful act or from gross negligence of the party suffering the damage.

Article IV

1. Whenever damage is done to a space object or to persons and property on board by another space object, no claim shall arise between each other, except in so far as the claimant State produces evidence that the damage has been caused because of the fault of the other State or of a person on behalf of whom the latter State might present a claim (article VIII).

2. If in the case mentioned in paragraph 1, a claim arises on the part of a third State, liability of the States liable for the space objects shall be joint and several.

Article V

The State shall assume liability for damage caused on the ground, in the atmosphere or in outer space, if the damage occurred while exercising an unlawful activity in outer space or the space vehicle or object was launched for unlawful purposes, or if the damage has otherwise resulted from an unlawful activity. In such cases, the State liable shall be barred from any exoneration whatsoever.

THE SUBJECT OF LIABILITY

Article VI

1. Liability for damage shall rest with the State or international organization which has launched or attempted to launch the space vehicle or object, or in the case of a common undertaking, with all the States participating in the undertaking or with the State from whose territory or from whose facilities the launching was made, or with the State which owns or possesses the space vehicle or object causing the damage.

2. Where liability may be laid upon more than one State or international organization, their liability towards the claimant shall be joint and several.

Article VII

If liability for damage rests with an international organization, the financial obligations towards States suffering damage shall be met by the international organization and by its member States jointly and severally.

CLAIMS, PAYMENT, ARBITRATION

Article VIII

A claim for damage may be made by a State in whose territory damage has occurred or in respect of damage suffered by its citizens or legal entities whether in the territory of that State or abroad.

Article IX

A claim must be presented within one year of the date of occurrence of the damage, or of the identification of the State that is liable. If the applicant State could not reasonably be expected to have known of the facts giving rise to the claim, the claim must be presented within one year of the date on which these facts officially became known.

Article X

The claim shall be presented through diplomatic channels. The claimant State may request a third State to represent its interests in the event it has no diplomatic relations with the State liable.

Article XI

1. In case the State liable does not satisfy the claim of the claimant State, the claim for compensation shall be presented to a committee of arbitration set up by the two States on a basis of parity. This committee will determine its own procedure.

2. Should the committee mentioned in paragraph 1 not arrive at a decision, the States may agree upon an international arbitration procedure or any other method of settlement acceptable to both States.

Article XII

Claim for compensation for damage caused by a space ship of a foreign State shall not constitute ground for sequestration or for the application of enforcement measures to such space ship.

FINAL CLAUSES

Article XIII

1. This Convention shall be open for signature to all States. It shall be subject to ratification. Instruments of ratification

shall be deposited with the Secretary-General of the United Nations.

2. It shall enter into force thirty days after the deposit with the Secretary-General of the United Nations of the fifth instrument of ratification.

Article XIV

After the Convention enters into force it shall be open for accession to other States. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article XV

With respect to each State which ratifies the Convention or accedes thereto after the deposit of the fifth instrument of ratification, the Convention shall enter into force thirty days after the date of deposit by the State of its instrument of ratification or accession.

Article XVI

Any Contracting State may denounce this Convention by notification to the Secretary-General of the United Nations. The denunciation shall take effect one year after the date on which the notification has been received by the Secretary-General of the United Nations.

Article XVII

The Secretary-General of the United Nations shall notify all States concerning:

(a) The signature of this Convention and the deposit of instruments of ratification or accession in accordance with articles XIII and XIV;

(b) The date of entry into force of this Convention in accordance with articles XIII and XV;

(c) Denunciations received in accordance with article XVI.

Article XVIII

The original of this Convention, of which the texts in the Chinese, English, French, Russian and Spanish languages are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall transmit certified copies thereof to all States.

HUNGARY: PROPOSAL

(A/AC.105/C.2/L.24 and Add.1)

In the revised draft convention concerning liability for damage caused by the launching of objects into outer space (A/AC.105/C.2/L.10/Rev.1) submitted by Hungary:

(1) Replace sub-paragraph 1 (a) of article I by the following text:

"(a) caused by an object during its launching into outer space; or";

(2) Replace paragraph 1 of article VI by the following text:

"1. Liability for damage shall rest with the State or international organization which has launched or attempted to launch the space vehicle or object or has procured the launching, or with the State from whose territory or facility the launching was made";

(3) Delete paragraph 1 of article II.

ARGENTINA: PROPOSAL

(A/AC.105/C.2/L.22)

Definition to be included in the definitions section or article:

"For the purposes of this Agreement, the term 'space vehicle' means any device launched by man, exclusively for peaceful purposes, for the exploration or use of outer space, including the Moon and other celestial bodies, as well as the equipment used for launching and propulsion and any parts detached therefrom."

ARGENTINA: AMENDMENT TO ARTICLES X AND XII OF THE UNITED STATES DRAFT, TO ARTICLE 4 OF THE BELGIAN DRAFT, AND TO ARTICLE XI OF THE HUNGARIAN DRAFT

(A/AC.105/C.2/L.25)

Arbitration commission

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. The competence of such commission shall extend to any dispute arising from the interpretation or application of this Convention. The presenting State and the respondent State shall each promptly appoint one person to serve on the commission, and the Secretary-General of the United Nations shall appoint a third person, who shall act as chairman, from a list of legal experts which he shall draw up as soon as this Convention enters into force and in which all geographical areas and legal systems shall be represented. If the respondent State fails to appoint its member within three months, the expert appointed by the Secretary-General of the United Nations shall be the sole arbitrator.

2. No increase in the membership of the commission shall take place where two or more presenting States or respondent States are joined in any one proceeding before the commission, the respective members in such cases being appointed collectively.

3. The commission shall establish its own procedure.

4. The commission shall conduct its business and arrive at its decision by majority vote. Such decision shall state the views of each member of the commission, which shall be published.

5. The decision of the commission shall be rendered within six months and shall be binding upon the parties.

6. The expenses incurred in connexion with any proceeding before the commission shall be divided equally between presenting and respondent States.

INDIA: PROPOSAL

(A/AC.105/C.2/L.26)

"Damage" means loss of or injury to life and destruction or damage of or damage to property of persons, natural or juridical, caused on the earth, in the air or in outer space by the launching of a space object or in the course of its journey and will include damage caused by persons or things carried by it. Damage may be instant or delayed, direct or indirect.

CANADA: PROPOSAL

(A/AC.105/C.2/L.27)

"Damage" means loss of life, personal injury or other impairment of health, or damage to property of States or of persons, natural or juridical.

TEXT PROVISIONALLY AGREED UPON BY WORKING GROUP II

(WG.II/31 and Corr.1)

"Damage" means loss of life, personal injury or other impairment of health, or damage to property of States or of their persons, natural or juridical, or of international organizations.

POINTS ON WHICH AGREEMENT WAS REACHED IN WORKING GROUP II

(WG.II/32)

A. The term "launching" should include "attempted launching".

B. In defining the term "launching State" the following elements should be included:

c The question whether the States referred to in 2 and 3 should be liable primarily, or only secondarily (if the State referred to in 1 above cannot be identified), was left for further consideration.

1. The State which launches or attempts to launch the space object or the space device;
2. The State from whose territory the space object or the space device was launched;
3. The State from whose facility the space object or space device was launched.

EXTENT OF PRELIMINARY AGREEMENT REACHED OF EXEMPTIONS
IN WORKING GROUP II

(WG.II/33/Rev.1)

The provisions of this Convention shall not apply to damages sustained by:

- (a) Nationals of the launching State;
- (b) Foreign nationals in the immediate vicinity of a planned launching or recovery area as the result of an invitation by the launching State.

No agreement was reached on whether the Convention should apply to damages sustained by:

- (a) Persons who are permanent residents but not nationals of the applicant (presenting) State;
- (b) A spacecraft and its personnel during launching, transit or descent.

BELGIUM, HUNGARY AND UNITED STATES: EXTENT OF AGREEMENT ON PRESENTATION OF A CLAIM

(WG.II/34 and Add.1)

1. A claim may be presented by the applicant (presenting) (claimant) State through the diplomatic channel. Presentation of a claim under the Convention shall not require the prior exhaustion of any local remedies that may be available in the launching (respondent) State.

2. In the event the applicant (presenting) (claimant) State does not have diplomatic relations with the launching (respondent) State, the former may request a third State to present its claim and otherwise represent its interests.

BELGIUM, HUNGARY AND UNITED STATES: EXTENT OF AGREEMENT ON ARBITRATION IN THE EVENT OF DISPUTE

(WG.II/35)

If a claim presented under the Convention is not settled within six months from the date on which the applicant (presenting) (claimant) State completes its documentation, the applicant (presenting) (claimant) State may refer the matter to an arbitral commission.

BELGIUM, HUNGARY AND UNITED STATES: EXTENT OF AGREEMENT ON EXEMPTIONS

(WG.II/36)

The provisions of this Convention shall not apply to damages sustained by:

- (a) Nationals of the launching State;
- (b) Foreign nationals in the immediate vicinity of a planned launching or recovery area as the result of an invitation by the launching State.

No agreement was reached on whether the Convention should apply to damages sustained by:

- (a) Persons who are permanent residents but not nationals of the applicant (presenting) State;
- (b) A spacecraft and its personnel during launching, transit or descent.

POLAND: PROPOSAL

(WG.II/37)

Insert at the beginning of article VII of the Hungarian draft:

"The provisions of this agreement shall apply *mutatis mutandis* to international organizations which engage in activities in outer space."

UNITED KINGDOM: AMENDMENT TO THE UNITED STATES DRAFT

(WG.II/38)

Insert "individually or jointly" before the word "liable" in paragraph 3 of article V.

ARGENTINA AND ITALY: PROPOSAL

(WG.II/39)

Add the following after article 3 of the Belgian proposal, article III, paragraph 1, of the United States proposal or article VI, paragraph 2, of the Hungarian proposal, whichever is adopted as the final text on joint liability:

"The apportionment, among the States or international organizations liable, of the total amount of compensation jointly owed to the victim may be determined by prior agreements."

BELGIUM, HUNGARY AND UNITED STATES: EXTENT OF AGREEMENT ON FIELD OF APPLICATION

(WG.II/40)

The launching (respondent) State should be absolutely liable to pay compensation for damage caused on the surface of the Earth and to aircraft in flight.

Note: No agreement was reached whether the launching (respondent) State should, on proof of fault, be liable to pay compensation for damage caused to space objects which have left the surface of the Earth.

BELGIUM, HUNGARY AND UNITED STATES: EXTENT OF AGREEMENT ON LIABILITY OF INTERNATIONAL ORGANIZATIONS

(WG.II/41 and Add.1)

International organizations that launch objects into outer space should be liable under the convention for damage caused by such activities.

Note: No agreement was reached on the question whether the individual and joint liability of the States members of the international organization that are parties to the liability convention:

- (a) Should be residual and arise only in the event of default by the international organization, or
- (b) Should arise at the same time as the liability of the international organization.

Nor was agreement reached on the question of the rights of international organizations under the Convention. This problem requires further consideration.

BELGIUM, HUNGARY AND UNITED STATES: EXTENT OF AGREEMENT ON TIME LIMITS FOR PRESENTATION OF CLAIMS

(WG.II/42)

1. A claim may be presented not later than one year following the date of the occurrence of the accident or the identification of the party that is liable.

2. If the applicant (presenting) (claimant) State does not know of the facts giving rise to the claim within the aforementioned one-year period, it may present a claim within one year following the date on which it learned of the facts; however, this period shall in no event exceed one year following the date on which the applicant (presenting) (claimant) State could reasonably be expected to have learned of the facts through the exercise of due diligence.

3. The above-mentioned time-limits shall apply even if the full extent of the damage may not be known. In this event, however, the applicant (presenting) (claimant) State shall be entitled to revise its claim and submit additional documentation beyond the above-mentioned time-limits until one year after the full extent of such damage is known.

FRANCE: DRAFT TEXT OF ARTICLE

(WG.II/43)

When a space activity is undertaken by more than one State, the State which procures the launching shall be held liable for compensation for damage caused in the circumstances stated in articles... (Any arrangements for the apportionment of the amount of compensation payable will be a matter for the States participating in the activity in question to agree on among themselves.)

ITALY: PROPOSALS

(WG.II/44)

Definitions

"Launching State" means a State which launches or procures the launching of a space object registered in its name.

The international organizations referred to in article... shall be treated for the purpose in the same way as States.^d

Field of application

This Convention shall apply to any damage caused on land, in the air and in outer space, with the sole exception of such damage as may be caused during the launching of a space object, at the launching-site.^e

^dThis provision will greatly help the victims of the damage and will prompt States participating in a launching to make arrangements among themselves in advance.

^eThe last-mentioned category of damage may be considered to be the domestic affair of the State in whose territory the launching is carried out. All other damage should come within the scope of the Convention for the very good reason that, during flight, orbit or re-entry, the activity concerns the international community. What is more, it would be inadvisable to make too many exceptions to the best uniform international rule from the technical and practical point of view.

Comparative table of provisions contained in the proposals submitted by Belgium (A/AC.105/C.2/L.7/Rev.3), the United States of America (A/AC.105/C.2/L.19) and Hungary (A/AC.105/C.2/L.10/Rev.1 and A/AC.105/C.2/L.24 and Add.1)

(A/AC.105/C.2/W.2/Rev.4)

BELGIUM: DRAFT CONVENTION ON THE UNIFICATION OF CERTAIN RULES GOVERNING LIABILITY FOR DAMAGE CAUSED BY SPACE DEVICES TO THIRD PARTIES ON THE SURFACE OF THE EARTH AND TO AIRCRAFT IN FLIGHT

PREAMBLE

The Contracting Parties,

Recalling the terms of the Treaty, signed on 27 January 1967, on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies,

Recognizing that activities in the exploration and peaceful uses of outer space may from time to time result in damage,

Recognizing the need to establish rules governing liability with a view to ensuring that compensation is paid for damage thus caused,

Have agreed as follows:

UNITED STATES OF AMERICA: DRAFT CONVENTION CONCERNING LIABILITY FOR DAMAGE CAUSED BY THE LAUNCHING OF OBJECTS INTO OUTER SPACE

The Contracting States,

Recognizing that activities in the peaceful exploration and use of outer space may on occasion result in damage,

Recalling the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, signed on January 27, 1967,

Seeking to establish a uniform rule of liability and a simple and expeditious procedure governing financial compensation for damage,

Believing that the establishment of such a procedure will contribute to the growth of friendly relations and cooperation among nations,

Agree as follows:

Nature of liability

The Italian delegation is reproducing, as a Working Paper and as a general guide on the question of liability, the text of the articles concerning liability contained in a preliminary draft convention on the peaceful uses of outer space submitted to the President of the United Nations General Assembly in 1959.

The Italian delegation has already stated that, in its view, liability for damage caused by outer space activity cannot be equal (of the same nature) in all cases of damage, whether occurring on the surface of the earth, in the air, or in outer space.

The Italian delegation is aware that these articles (whose scope is very general and, so to speak, in the sphere of ordinary law) cannot be reproduced in the draft instrument on liability which the Sub-Committee is at present discussing, inasmuch as the draft in question is rightly concerned only with the international responsibility of States and international organizations.

The Italian delegation thinks, however, that the basic idea embodied in the articles should be accepted, namely, that:

(a) In the case of damage caused on the surface of the earth, it is right to apply the principle of absolute liability, the sole exception being that of fault on the part of the victim;

(b) In the case of damage occurring in the air, i.e. mainly in the case of collision between a space object and an aircraft, the principle to be applied is, on the contrary, that of ordinary-law liability based on fault, there being a presumption *juris tantum* of fault against the space object;

(c) The same principle of liability because of fault is also to be applied in the case of damage occurring in outer space (mainly in the case of collisions between space objects) but with a presumption *juris tantum* of fault on both sides so that the two last cases ((b) and (c)) would be open to proof of the contrary.

HUNGARY: DRAFT CONVENTION CONCERNING LIABILITY FOR DAMAGE CAUSED BY THE LAUNCHING OF OBJECTS INTO OUTER SPACE

The Contracting States,

Recognizing the common interest of mankind in furthering the peaceful exploration and use of outer space,

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

Considering that the States and international organizations involved in the launching of objects into outer space should be internationally liable for damage caused by these objects,

Recognizing the need for establishing international rules and procedures concerning such liability to ensure protection against damage caused by objects launched into outer space,

Believing that the establishment of such rules and procedures would facilitate

Comparative table (continued)

the taking of the greatest possible precautionary measures by States and international organizations involved in the launching of objects into outer space to protect against damage inflicted by objects launched into outer space,

Have decided to conclude the present Convention:

DEFINITIONS

Article 2

"Damage" shall be understood to mean loss of life, bodily injury or damage to property for which compensation may be claimed and assessed under the national law of the person injured, or if not, under applicable principles of international law.

"Launching" shall be understood to mean an attempted launching or a launching operation proper, whether or not it fulfils the expectations of those responsible therefor.

"Space device" shall be understood to mean any device intended to move in space and sustained there by means other than the reaction of air, as well as any constituent element of such device or of the equipment used for its launching or propulsion.

"Launching State" shall be understood to mean the State or States which carry out the launching of a space device or, when the applicant State is not able to determine the said State or States, the State whose territory is used for such launching.

"Applicant State" shall be understood to mean the State which has been injured, or whose nationals, whether natural or juridical persons, or whose permanent residents have been injured, and which presents a claim for compensation.

Article I

For the purposes of this Convention

(a) "Damage" means loss of life, personal injury, or damage to property whether partial or total.

(b) The term "launching" includes attempted launchings.

(c) "Launching State" means a Contracting Party, or an international organization that has transmitted a declaration to the Secretary-General under article V, paragraph 1, of this Convention, that launches or actively and substantially participates in the launching of an object into outer space, or from whose territory or facility an object is launched into outer space, or that exercises control over the orbit or trajectory of such an object.

(d) "Presenting State" means a Contracting Party, or an international organization that has transmitted a declaration to the Secretary-General under article V, paragraph 1, of this Convention, that presents a claim for compensation to a respondent State.

(e) "Respondent State" means a launching State from which compensation is sought under this Convention.

Article I

1. The provisions of this Convention shall apply to compensation for loss of life, personal injury or other impairment of health, and damage to property (hereinafter called "damage"):

Article II

2. A claim for damage may be advanced on the ground of loss of profits and moral damage whenever compensation for such damage is provided for by the law of the State liable for damage in general.

Article I

3. For the purpose of this Convention "space object" means space ships, satellites, orbital laboratories, containers and any other devices designed for movement in outer space and sustained there otherwise than by the reaction of air, as well as the means of delivery of such objects and any parts thereof.

Article II

1. The launching State shall be absolutely liable to pay compensation to the presenting State, in accordance with the provisions of this Convention, for damage shown to have been caused by the launching, transit or descent of all or part of a space object.

3. There shall be no liability under this Convention for damage caused to persons and property within a launch facility or immediate recovery area for participation in or observation of the launch or recovery, or to space objects and their personnel during launching, transit or descent.

Article VII

A State shall not be liable under this Convention for damage suffered by its own nationals or nationals of other respondent States or by juridical persons beneficially owned by such nationals, to the extent of such ownership.

Comparative table (continued)

STATE OR INTERNATIONAL ORGANIZATION LIABLE

Article 3*

The launching State shall be held liable for compensation for damage caused in the circumstances stated in article 1 and defined in article 2. If several States participate in the launching of a space device, they shall be held jointly and severally liable.

[Article 2

"Launching" shall be understood to mean an attempted launching or a launching operation proper, whether or not it fulfils the expectations of those responsible therefor.

"Launching State" shall be understood to mean the State or States which carry out the launching of a space device or, when the applicant State is not able to determine the said State or States, the State whose territory is used for such launching.]

QUESTION OF JOINT LIABILITY

Article 3*

The launching State shall be held liable for compensation for damage caused in the circumstances stated in article 1 and defined in article 2. If several States participate in the launching of a space device, they shall be held jointly and severally liable.

Article II

1. The launching State shall be absolutely liable to pay compensation to the presenting State, in accordance with the provisions of this Convention, for damage shown to have been caused by the launching, transit or descent of all or part of a space object.

[Article I

(c) "Launching State" means a Contracting Party, or an international organization that has transmitted a declaration to the Secretary-General under article V, paragraph 1, of this Convention, that launches or actively and substantially participates in the launching of an object into outer space, or from whose territory or facility an object is launched into outer space, or that exercises control over the orbit or trajectory of such an object.]

Article VI

1. Liability for damage shall rest with the State or international organization which has launched or attempted to launch the space vehicle or object or has procured the launching, or with the State from whose territory or facility the launching was made.

Article VI

2. Where liability may be laid upon more than one State or international organization, their liability towards the claimant shall be joint and several.

Article III

1. If under paragraph 1 of article II or paragraph 3 of article V 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.

2. When the presenting State proceeds against less than all possible respondent States, the State or States proceeded against shall within three months give formal notice to any other launching States which may be involved, and the States so notified shall also become respondent States and shall participate in the settlement or other disposition of the claim.

3. When a claim has been presented to only one launching State and it does not notify and join other launching States under paragraph 2 of this article, it shall pay the entire compensation which is found to be due. If any launching States are originally joined, or if a respondent State notifies and joins the other launching States, any settlement, agreement or judgement shall specify the apportionment of liability among the several respondent States.

4. If a number of Contracting States co-operate in a launching, and if they reduce the terms of their co-operation to writing and file a copy thereof with the Secretary-General of the United Nations, presenting States shall be on notice as to those terms and shall be bound to observe the proportionate shares of liability assumed by the several Contracting States. If payment of the specified proportionate share has not been made by one or more respondent States six months after the

*The Belgian delegation reserves the right to submit an amendment dealing with the principle enunciated in this article.

Comparative table (continued)

amount of over-all liability has been ascertained, a presenting State may demand payment from any other respondent State as provided in article III, paragraph 6.

5. The amount recoverable by the presenting State from any 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, so that in no case shall the aggregate of the compensation paid in respect of any one claim 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 over-all 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. A respondent State which has not paid its proportionate share of the over-all liability to the presenting State shall be obligated to reimburse the other respondent States for their payments in excess of their proportionate shares.

8. The periods specified in this article shall not be subject to interruption or suspension.

INTERNATIONAL ORGANIZATIONS AND THE AGREEMENT

Article 6

International organizations which undertake to comply with this Convention shall have the same rights and obligations as States. The States members of the said international organizations shall be held jointly and severally liable for the obligations of the latter, whether or not such States are parties to the Convention. The accession of an international organization shall be accompanied by a notification of the joint and several obligations so assumed by the States members of the organization concerned.

The claims referred to in article 4 (a) may, in the case of the international organization, be presented through the Secretary-General of the United Nations.

Article 5

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 XII, XV, XVI, and XVII, 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 X, 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.

QUESTION OF ABSOLUTE LIABILITY AND EXONERATION FROM LIABILITY

Article 1

(b) The occurrence of the event causing the damage shall create a liability for compensation once proof has been given that there is a relationship of cause

Article 2

1. The launching State shall be absolutely liable to pay compensation to the presenting State, in accordance with the provisions of this Convention, for

Article 7

If liability for damage rests with an international organization, the financial obligations towards States suffering damage shall be met by the international organization and by its member States jointly and severally.

Article 3

Unless otherwise provided in article IV and V, exemption from liability may be granted only in so far as the State liable produces evidence that the damage

Comparative table (continued)

and effect between the damage, on the one hand, and the launching, motion or descent of all or part of the space device, on the other hand.

(c) If the damage suffered results either wholly or partially from an act or omission on the part of the applicant State or of natural or juridical persons that it represents and such act or omission has been committed, either with intent to cause damage or rashly and in full knowledge that damage will probably result, the liability of the launching State to pay compensation under this Convention shall, to that extent, be wholly or partially extinguished.

damage shown to have been caused by the launching, transit or descent of all or part of a space object.

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.

3. There shall be no liability under this Convention for damage caused to persons and property within a launch facility or immediate recovery area for participation in or observation of the launch or recovery, or to space objects and their personnel during launching, transit or descent.

has resulted from natural disaster or from a wilful act or from gross negligence of the party suffering the damage.

Article 4

1. Whenever damage is done to a space object or to persons and property on board by another space object, no claim shall arise between each other, except in so far as the claimant State produces evidence that the damage has been caused because of the fault of the other State or of a person on behalf of whom the latter State might present a claim (article VIII).

2. If in the case mentioned in paragraph 1, a claim arises on the part of a third State, liability of the States liable for the space objects shall be joint and several.

Article 5

The State shall assume liability for damage caused on the ground, in the atmosphere or in outer space, if the damage occurred while exercising an unlawful activity in outer space or the space vehicle or object was launched for unlawful purposes, or if the damage has otherwise resulted from an unlawful activity. In such cases, the State liable shall be barred from any exoneration whatsoever.

Article 2

A claim for damage may be advanced on the ground of loss of profits and moral damage whenever compensation for such damage is provided for by the law of the State liable for damage in general.

MEASURE OF DAMAGES

Article 2

"Damage" shall be understood to mean loss of life, bodily injury or damage to property for which compensation may be claimed and assessed under the national law of the person injured, or if not, under applicable principles of international law.

Article 4

The compensation which a State shall be liable to pay for damage under this Convention shall be determined in accordance with applicable principles of international law, justice and equity.

LIMITATION OF LIABILITY IN AMOUNT

Article VIII

1. The liability of the launching State or States shall not exceed . . . with respect to each launching.

2. If the total amount otherwise payable with respect to the claims presented exceeds the limit of liability provided by this article, the following rules shall apply:

(a) If the allowable 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 proportionately.

(b) If the allowable claims are both in respect of loss of life or personal injury and in respect of damage to property, three fourths of the total sum distributable shall be appropriated 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.

Comparative table (continued)

PAYMENT OF COMPENSATION IN CONVERTIBLE CURRENCY

Article 4

(d) Sums due in compensation for damage shall be fixed and payable either in the currency of the applicant State or in a freely transferable currency.

Article XI

Payment of compensation shall be made in the currency of the presenting State or a currency convertible readily and without loss of value into the currency of or used by the presenting State.

PRESENTATION OF CLAIMS BY STATES OR INTERNATIONAL ORGANIZATIONS AND ON BEHALF OF NATURAL OR JURIDICAL PERSONS

Article 2

"Applicant State" shall be understood to mean the State which has been injured, or whose nationals, whether natural or juridical persons, or whose permanent residents have been injured, and which presents a claim for compensation.

Article 6

International organizations which undertake to comply with this Convention shall have the same rights and obligations as States. . . .

The claims referred to in article 4 (a) may, in the case of the international organization, be presented through the Secretary-General of the United Nations.

Article VI

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 or States.

2. A Contracting Party may also present to respondent State a claim of any natural person, other than a person having the nationality of a respondent State, permanently residing in its territory. However, a claim of any individual claimant may be presented by only one Contracting Party.

Article V

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 XII, XV, XVI, and XVII, shall apply to the organization as they apply to a State which is a Contracting Party.

Article VIII

A claim for damage may be made by a State in whose territory damage has occurred or in respect of damage suffered by its citizens or legal entities whether in the territory of that State or abroad.

JOINDER OF CLAIMS

Article 4

(f) There shall be joinder of claims where there is more than one applicant in respect of damage due to the same event or where more than one State is liable and the damage was caused by more than one space device.

Article X

2. No increase in the membership of the commission shall 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 shall 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 shall collectively appoint one person to serve on the commission in the same way. If the presenting or respondent States fail to appoint their member within three months, the person appointed by the President of the International Court of Justice shall constitute the sole member of the commission.

PRESENTATION OF CLAIMS FOR COMPENSATION THROUGH DIPLOMATIC CHANNEL

Article 4

(a) Within two years after the occurrence of the damage, or after the identification of the State liable under article I, the applicant State shall present through the diplomatic channel, to the State which it holds liable, all claims for compensation concerning itself and its nationals and residents. A Contract-

Article VI

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 a respondent State.

Article X

The claim shall be presented through diplomatic channels. The claimant State may request a third State to represent its interests in the event it has no diplomatic relations with the State liable.

Comparative table (continued)

ing 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 launching State.

TIME LIMITS FOR PRESENTATION OF CLAIMS

Article 4

(a) Within two years after the occurrence of the damage, or after the identification of the State liable under article I, the applicant State shall present through the diplomatic channel, to the State which it holds liable, all claims for compensation concerning itself and its nationals and residents. 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 launching State.

(e) The periods specified in this article shall not be subject to interruption or suspension.

Article VI

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 those facts became known to the presenting State even if the nature or extent of the damages may not be known to the presenting State.

Article IX

A claim must be presented within one year of the date of occurrence of the damage, or of the identification of the State that is liable. If the applicant State could not reasonably be expected to have known of the facts giving rise to the claim, the claim must be presented within one year of the date on which these facts officially became known.

PURSUIT OF REMEDIES AVAILABLE IN RESPONDENT STATE OR UNDER OTHER INTERNATIONAL AGREEMENTS

Article 4

(b) If the applicant State or a person represented by it brings an action for compensation before the Courts or administrative organs of the State receiving the claim, it shall no longer be able to present a claim for compensation for the same damage under the provisions of this Convention. The said provisions shall not be considered to require, by implication, the prior exhaustion of such remedies as may exist under the rules of ordinary law in the State receiving the claim.

Article IX

1. The presentation of a claim under this Convention shall not require exhaustion of any remedies which might otherwise exist in a respondent State.

2. If, however, the presenting State, or a natural or juridical person whom it might represent, elects to pursue a claim in the administrative agencies or courts of a respondent State or pursue international remedies outside this Convention, the presenting State shall not be entitled to pursue such claim under this Convention against such respondent State.

PROCEDURES FOR SETTLEMENT OF CLAIMS FOR COMPENSATION

Article 4

(c) If the State receiving the claim has not taken, within six months after being approached, a decision considered satisfactory by the applicant State, the latter may have recourse to arbitration.

Within ninety days of the date of the request addressed to it by the applicant State, the State receiving the claim shall appoint one arbitrator, the applicant State shall appoint a second and the President of the International Court of Justice a third. If the State receiving the claim fails to appoint its arbitrator within the prescribed period, the person appointed by the President of the International Court of Justice shall be the sole arbitrator.

The Arbitration Commission shall take its decisions according to law* and by majority vote. It shall make an award within six months after the date of its establishment and its decisions shall be binding.

(d) Sums due in compensation for damage shall be fixed and payable either

* An alternative might be "take its decisions *ex aequo et bono*".

Article X

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. The competence of such commission shall extend to any dispute arising from the interpretation or application of this Convention. 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 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 shall collectively appoint one person to serve

Article XI

1. In case the State liable does not satisfy the claim of the claimant State, the claim for compensation shall be presented to a committee of arbitration set up by the two States on a basis of parity. This committee will determine its own procedure.

2. Should the committee mentioned in paragraph 1 not arrive at a decision, the States may agree upon an international arbitration procedure or any other method of settlement acceptable to both States.

Comparative table (continued)

in the currency of the applicant State or in a freely transferable currency.

(e) The periods specified in this article shall not be subject to interruption or suspension.

(f) There shall be joinder of claims where there is more than one applicant in respect of damage due to the same event or where more than one State is liable and the damage was caused by more than one space device.

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 shall collectively appoint one person to serve on the commission in the same way. If the presenting or respondent States fail to appoint their member within three months, the person appointed by the President of the International Court of Justice shall constitute the sole member of the commission.

3. The commission shall determine its own procedure.

4. The commission shall conduct its business and arrive at its decision by majority vote. Such decision shall state the view of the members of the commission.

5. The decision of the commission shall be rendered expeditiously and shall be binding upon the parties.

6. The expenses incurred in connexion with any proceeding before the commission shall be divided equally between presenting and respondent States.

SPACE OBJECT NOT TO BE SUBJECT TO SEQUESTRATION OR ENFORCEMENT MEASURES

Article XII

Claim for compensation for damage caused by a space ship of a foreign State shall not constitute ground for sequestration or for the application of enforcement measures to such space ship.

JURISDICTION OF INTERNATIONAL COURT OF JUSTICE

Article XII

Subject to prior recourse to proceedings under Article X, any dispute arising from the interpretation or application of this Convention, which is not previously settled by other peaceful means, may be referred by any Contracting Party thereto to the International Court of Justice for decision.

PARTIES TO AGREEMENTS, SIGNATURE, ACCESSION AND RATIFICATION

Article 5

This Convention shall be open for signature by States Members of the United Nations or 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 to the Convention. Any such State which does not sign this Convention may accede to it at any time.

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.

ENTRY INTO FORCE

Article 5

This Convention shall enter into force thirty days after the date of the deposit

Article XV

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 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 XVI

This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article XVII

This Convention shall enter into force thirty days following the deposit of the

Article XIII

1. This Convention shall be open for signature to all States. It shall be subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article XIV

After the Convention enters into force it shall be open for accession to other States. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article XIII

2. If [the Convention] shall enter into force thirty days after the deposit

Comparative table (continued)

of three instruments of ratification, approval or accession. For each State which deposits its instrument of ratification, approval or accession after the entry into force provided for in the preceding paragraph, this Convention shall enter into force on the date of deposit of such instrument.

fifth instrument of ratification or accession. It shall enter into force as to a State ratifying or acceding thereafter upon deposit of its instrument of ratification or accession.

with the Secretary-General of the United Nations of the fifth instrument of ratification.

Article XV

With respect to each State which ratifies the Convention or accedes thereto after the deposit of the fifth instrument of ratification, the Convention shall enter into force thirty days after the date of deposit by the State of its instrument of ratification or accession.

AMENDMENTS

Article 8

This Convention may be amended or supplemented at the proposal of one or more Contracting Parties. Such amendments shall take the form of additional protocols which shall be binding on such Contracting Parties as ratify, approve or accede to them. Such protocols shall enter into force when the majority of the Contracting Parties to this Convention have thus accepted them.

Article XIII

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.

WITHDRAWAL FROM AND DENUNCIATION OF AGREEMENT

Article 7

Each Contracting Party may notify the Secretary-General of the United Nations of its withdrawal from this Convention not less than five years after its entry into force. Such withdrawal shall take effect one year after receipt of the notice, which must be in writing. Such withdrawal shall not relieve the Contracting Party concerned of any obligation or liability arising from damage inflicted before its withdrawal takes effect.

Article XIV

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 thereby be relieved of any obligation or liability with respect to damages arising before withdrawal becomes effective.

Article XVI

Any Contracting State may denounce this Convention by notification to the Secretary-General of the United Nations. The denunciation shall take effect one year after the date on which the notification has been received by the Secretary-General of the United Nations.

NOTIFICATIONS BY SECRETARY-GENERAL

Article 9

The Secretary-General of the United Nations shall inform signatory States, and those which ratify, approve or accede to this Convention, of signatures, the deposit of instruments of ratification, approval or accession, the entry into force of this Convention, proposals for amendments, notifications of acceptance of additional protocols, and notices of withdrawal.

Article XVIII

The Secretary-General of the United Nations shall inform all States referred to in article XV and all organizations which have made declarations under article V, paragraph 1, of signatures, deposits of instruments of ratification or accession, declarations referred to in article V, paragraph 1, the 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, and notices of withdrawal, and shall transmit to those States and organizations certified copies of each amendment proposed.

Article XVII

The Secretary-General of the United Nations shall notify all States concerning;

(a) The signature of this Convention and the deposit of instruments of ratification or accession in accordance with articles XIII and XIV;

(b) The date of entry into force of this Convention in accordance with articles XIII and XV;

(c) Denunciations received in accordance with article XVI.

AUTHENTIC TEXT AND DEPOSIT OF AGREEMENT

Article 10

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 true copies to all signatory States and to any State Member of the United Nations which so requests.

Article XIX

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 XV.

Article XVIII

The original of this Convention, of which the texts in the Chinese, English, French, Russian and Spanish languages are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall transmit certified copies thereof to all States.

Appendix III

Proposals concerning questions relative to the definition of outer space and the utilization of outer space and celestial bodies, including the various implications of space communications

FRANCE: PROPOSAL

Questionnaire

The Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space,

Desiring to obtain the technical and scientific documentation it needs to undertake the study requested of it concerning questions relative to the definition of outer space and its peaceful uses,

Referring to the programme of work of the Committee on the Peaceful Uses of Outer Space [document A/AC.105/CRP.1(IX)] adopted by the Committee at its meeting of 17 April 1967, and in particular to paragraph III (V) thereof relating to the study of the technical aspects of the legal subjects referred to in resolution 2222 (XXI),

Invites the Scientific and Technical Sub-Committee:

I. (a) To draw up a list of scientific criteria that could be helpful to the Legal Sub-Committee in its study relative to a definition of outer space,

(b) To give its views on the selection of scientific and technical criteria that might be adopted by the Legal Sub-Committee, on the advantages and disadvantages of each of them and on the advisability of giving consideration to one or the other of those criteria or to a combination of some of them,

II. (a) To draw up a list of outer space activities which, from the scientific and technical point of view, would appear to be in need of regulation, bearing in mind the specific requirements of the activities and their effects both on land and in air space, and in outer space, including the Moon and other celestial bodies,

(b) To suggest the order of priority for the study of such activities and their regulation which would seem to it desirable in the light of technical or scientific considerations,

III. (a) To consider the summary records of the...to... meetings of the Legal Sub-Committee, at which these matters were initially discussed, and to take into account the assumptions, suggestions and questions voiced by the various delegations,

(b) To examine the above matters during its 1967 session so as to enable the Legal Sub-Committee to continue its work at its next session.

ITALY: DRAFT RECOMMENDATION

The Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space,

Recalling that the General Assembly unanimously adopted resolution 2222 (XXI), to which is annexed the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies,

Recalling that under that resolution the General Assembly reaffirmed "the importance of developing the rule of law in this new area of human endeavour", and requested the Committee on the Peaceful Uses of Outer Space to begin "the study of questions relative to the definition of outer space and the utilization of outer space and celestial bodies, including the various implications of space communications",

Considering that the said Treaty sanctions the principle that outer space is *res communis*, open to exploration and use by all the States of the terrestrial planet for peaceful purposes to the benefit of all mankind and that the same Treaty demilitarizes the said space by prohibiting all military activity therein,

Considering that the legal status of outer space is thereby totally different from, and even opposed to, that of air space which, by virtue of a principle universally recognized and sanc-

tioned by all municipal law and international conventions, is subject to the sovereignty of the subjacent States,

Considering therefore that it is necessary, and indeed urgent, in order to obviate all uncertainty and possible friction and quarrels between States, to determine how far air space extends and where outer space begins,

Decides to request the Scientific and Technical Sub-Committee to consider the following questions:

(a) Whether it is scientifically possible to determine accurately the line or zone of demarcation between the two types of space, and

(b) If so, to state at what altitude above sea-level that line or zone of demarcation may be placed,

(c) Or should it seem scientifically impossible or difficult, owing to the present state of scientific knowledge and differences of opinion among scientists, to determine accurately such line or zone of demarcation, whether it would not be preferable to establish it arbitrarily and, in that case, at what altitude, having regard both to such physical data and practical considerations as may promote the development of activities in outer space and broader co-operation in this field among the States of the earth, without jeopardizing their right to freedom and their territorial security.

With that in view, the Legal Sub-Committee asks its Chairman to be good enough to bring this recommendation to the attention of the Chairman of the Scientific and Technical Sub-Committee, and to request him to ensure that his Sub-Committee gives its views as soon as possible so as to enable the Legal Sub-Committee to continue its study of the question at its next session.

ANNEX IV

Report of the Working Group on a Navigation Services Satellite System

CHAPTER A

Definition

In considering the task of the Working Group, a navigation services satellite system is understood to be one which includes facilities for the provision of some or all of the services, as exemplified below, necessary for an aircraft, ship, etc. to operate in a safe and economical manner.

Present concepts of potentials of a navigation services satellite system

Navigation services which may be provided by satellites can include:

A. Position determination service for:

1. On board self-determination by mobile vehicles.
2. Independent or remote determination of all mobile vehicles of a given type (ships, aircraft, etc.) for traffic control purposes (assurance of safe separation).
3. Independent or remote determination of all mobile vehicles that can assist in search and rescue operations.

B. Communications service for:

1. Traffic control and operational control.
2. Relay of independently determined position information to mobile vehicles or other ground-based traffic control centres.
3. Relay of search and rescue instructions.
4. Relay of environmental data and their forecast to and from mobile vehicles, i.e.:
 - Weather (including clear air turbulence)
 - Ice
 - Sea state
 - Solar radiation
 - Obstructions (free floating balloons or buoys, etc.).

C. Telemetry service for:

1. Monitoring of certain mobile vehicle sub-systems to provide automatically data for independent warning and ground recording of performance for vehicle maintenance and/or accident analysis.
2. Automatic monitoring and reporting of the environment encountered by mobile vehicles en route to provide information automatically to an environment survey and forecasting system.

CHAPTER B

Consideration of the need of a navigation services satellite system

The Working Group, in order to assess the need for a navigation services satellite system, based its discussions on the views expressed on the subject by ICAO and IMCO, two of the United Nations agencies representing potential users of such a system.

In this respect the Working Group noted with appreciation that the matter has been studied by IMCO and ICAO and the related opinions have been expressed in documents A/AC.105/WG.2/L.2, A/AC.105/WG.2/L.3.

In the course of discussion and comment on these two documents by the Working Group, a consensus emerged that although it appears that there does not at present exist an agreed requirement for a navigation services satellite system, a requirement is likely to arise for certain functions which could be performed by such a system (initially to serve aeronautical purposes), in the relatively near future.

The possibilities revealed with regard to aeronautical service, as quoted from document A/AC.105/WG.2/L.3 are:

1. That in the future a need may arise for a world standard station reference aid (including possibly a navigation services satellite system), but this is by no means certain. Research and development should, however, continue to carry out feasibility studies to ascertain the possible future need for such an aid and the means of fulfilment.

2. An area where the application of space techniques could readily introduce marked improvements in the future was agreed to be the aeronautical mobile communication service, especially in those parts of the world where conventional aeronautical stations employing HF and VHF channels would be unable to provide the required coverage and level of communication assurance at all times.

3. A significant potential improvement through the use of space techniques was considered to be the control and surveillance of air traffic where the use of conventional ground radar was not feasible. For both the cases of aeromobile communication and air traffic control surveillance it was agreed that the problems were not currently acute but were so clearly predictable for the future that it was highly desirable that the first steps be taken now in the hope of having solutions available in good time.

Document A/AC.105/WG.2/L.2, extracts from which are quoted below, furthermore indicated that if such a system were available in the future for other uses and at low cost for ship-borne equipment, the marine services could also benefit from it. The possibilities are:

1. One sector of the shipping industry which is not at present fully serviced by electronic aids to navigation is open sea fishing, which is extending gradually its operations to all parts of the oceans. The expansion of such operations in the future might increase the need for world-wide coverage (including possibly a navigation services satellite system).

2. Research vessels engaged in specialized activities may require a higher degree of accuracy in position determination, which, in many cases, is not provided today by existing systems and could be provided by navigation satellites.

3. In certain congested areas, vessels are recommended to follow predetermined lanes and a separation of traffic is encouraged, in order to reduce the number of vessels meeting on opposite or nearly opposite courses, as a supplementary means of reducing the risk of collisions. If such a system of pre-

determined lanes were to be widely used, a navigation satellite system could play a more substantial role in collision avoidance by providing more accurate all-weather, twenty-four hours per day coverage.

4. A satellite system could improve the means of operating an expanded position-reporting scheme, thus increasing the knowledge of the resources which may be able to assist in search and rescue operations.

While IMCO has not indicated any date by which specific navigational requirements may be met by a satellite system, ICAO has pointed out that problems which might be solved by satellite techniques might arise in the North Atlantic region around 1973-1975, and that if this was in fact the case little time would be left for development and implementation.

It was thus the consensus of the Working Group that it would be desirable if ICAO and IMCO, as well as other specialized agencies and interested international governmental and non-governmental organizations, continue to study the requirements for potential applications for navigation services satellite systems in their area of competence, updating their considerations with the new data obtained by States carrying out navigational satellite development and evaluation programmes. ICAO and IMCO, as well as other specialized agencies and interested international governmental and non-governmental organizations, should be invited to submit annually, if possible, a report on this subject to the Committee on the Peaceful Uses of Outer Space.

CHAPTER C

Technical feasibility of a navigational services satellite system

Having considered the problem of the technical feasibility of a world navigation services satellite system, the Group has reached the following general conclusions:

1. The members of the Working Group, from their knowledge of the work so far conducted, are firmly of the opinion that it will be technically feasible to develop a navigation services satellite system both to meet particular needs of civil aviation and seaborne traffic and generally to help resolve many basic navigational requirements. Definite conclusions as to the function and technical characteristics of a world navigation services satellite system will, however, require detailed and careful appraisal of the needs of such a system on a world-wide scale. They will also depend on the solution of a number of technical problems, further experiments and research, as well as demonstration that such a system would be economically sound.

2. The Working Group noted with appreciation that several States are active in research and development work in navigation services satellites and hopes that these activities will be continued in order to establish a sound technical and economic basis to meet any requirements for such a system.

CHAPTER D

Implementation

After having discussed the need and feasibility of a navigation services satellite system and having reached the conclusions stated in chapters B and C, the Working Group agreed that questions relating to the implementation of a navigation services satellite system can be addressed realistically only after firm requirements have been identified and the system or systems which may offer feasible ways of satisfying these requirements have been defined. The Working Group noted that ICAO, in planning toward the implementation of a fully operational satellite system, had determined that it was necessary to give consideration to at least the following matters:

1. The detailed operational functions to be performed by the satellite system;
2. The essential system characteristics appropriate to 1;
3. The radio frequencies to be used and the provisions which would have to be observed in the use of these frequencies;
4. Methods of financing the provision of satellites and associated earth stations;

5. Rules governing the use of the satellite service;
6. Reliability of the satellite system and the need for back-up systems;
7. Definition of a desirable time-scale related to the various functions of the system;
8. Definition of a table of relative priorities in terms of geographical areas to be served.

CONCLUSION

The Working Group did not recognize the need of presenting specific recommendations other than the suggestions and considerations contained in chapters A, B, C and D of the present report.

ANNEX V

United Nations Conference on the Exploration and Peaceful Uses of Outer Space: extract from the statement made by the representative of Austria at the 51st meeting of the Committee on 15 September 1967

Finally, I wish to turn to the question of the United Nations Conference on the Exploration and Peaceful Uses of Outer Space. We have noted with great satisfaction the statements made by almost every speaker in this present debate stressing the importance of the Vienna Conference, and we wish to assure the Committee that the Austrian Government, as the host Government to the Conference, will do everything in its power to contribute to the full success of the Conference. It is in this wish to see the Conference become a true and lasting success that my delegation would like to avail itself of this opportunity to remind the members of the Committee that while the preparation for the Conference has begun, a great deal indeed remains still to be done.

Above all, as several speakers in the debate have already pointed out, the Conference will be a true success only if it is attended not only by representatives of the space Powers, but also by a significant number of participants from non-space nations and, in particular, the developing countries, for whose benefit, after all, the Conference is in the first place intended. No time, therefore, should be lost in making the necessary arrangements to publicize the Conference and its objectives on as wide a basis as possible. This will require the co-operation of Member States, as well as the collaboration of the Secretary-General, whose assistance will be valuable not only in the early preparation of information material, and we could think, for instance, of the preparation of an information pamphlet setting forth the idea and the objectives of the Conference, but also in the efforts to give this information material as wide a publicity as possible.

At the same time, practical preparations for the Conference will have to move speedily ahead. We know that the work of the Panel of Experts has begun and is proceeding, and we hope that the Panel will be able to meet soon to continue its efforts in this respect.

We also trust that the Secretary-General will take in good time all necessary steps in preparation for the technical and administrative arrangements needed for the Conference. In this connexion, my Government would welcome it if, in the near future, the representative of the Secretariat entrusted with the administrative preparation for the Conference could come to Vienna in order to discuss with the Austrian authorities the questions arising in connexion with the practical administrative arrangements for the Conference.

In conclusion, we should like sincerely to associate ourselves with the wish expressed by so many of the speakers in this debate to see the Conference, the first United Nations Conference on the Exploration and Peaceful Uses of Outer Space, become a true success and a milestone in the development of international co-operation in outer space.

DOCUMENT A/6804/ADD.1

[Original text: English]
[16 December 1967]

1. A special session of the Committee on the Peaceful Uses of Outer Space was convened at United Nations Headquarters, New York, on 16 December 1967 under the chairmanship of Mr. Kurt Waldheim (Austria). Mr. Gheorge Diaconescu (Romania) and Mr. Geraldo de Carvalho Silos served as Vice-Chairman and Rapporteur respectively.

2. The Committee held one meeting, the record of which was circulated as document A/AC.105/PV.52.

3. The Committee adopted the following agenda:

1. Statement by the Chairman.
2. Report of the Legal Sub-Committee on the work of its special session on draft agreement on assistance to and return of astronauts and space vehicles.
3. Adoption of the report of the Committee to the General Assembly.

4. The Chairman noted that the special meeting of the Committee had been convened to consider the report of the Legal Sub-Committee on the work of its recent special session. He stated that, following a series of informal discussions in which substantial progress had been made on the subject of assistance to, and return of, astronauts and space objects, the Legal Sub-Committee had met in special session under the chairmanship of Mr. Wyzner (Poland) on 14 and 15 December and had received the text of a draft agreement on the rescue of astronauts, the return of astronauts and the return of objects launched into outer space. The text of the draft agreement, as amended in the course of the special session, was transmitted to the Committee by the Legal Sub-Committee in its report (A/AC.105/43).

5. Mr. Wyzner (Poland), Chairman of the Legal Sub-Committee, introduced the Sub-Committee's report.

6. In the course of the general debate statements were made by the representatives of the United States, the USSR, the United Kingdom, Sierra Leone, France, India, Italy, Australia, Canada, Japan, Belgium, Austria, Brazil, Iran and the United Arab Republic.

7. The importance of the relationship between an agreement on assistance to and return of astronauts and space vehicles and an agreement on liability for damage caused by the launching of objects into outer space was recognized by the Committee. The Committee was of the view that, as its work on the preparation of a draft agreement on assistance to and return of astronauts and space vehicles had now been concluded, it should expedite its work on the equally important and urgent matter of the preparation of a draft agreement on liability for damage caused by the launching of objects into outer space, so as to conclude its preparation not later than the beginning of the twenty-third session of the General Assembly and to submit it to that session.

8. At its fifty-second meeting, on 16 December 1967, the Committee unanimously decided to submit to the General Assembly for consideration the following draft agreement on the rescue of astronauts, the return of astronauts, and the return of objects launched into outer space:

DRAFT AGREEMENT ON THE RESCUE OF ASTRONAUTS, THE RETURN OF ASTRONAUTS AND THE RETURN OF OBJECTS LAUNCHED INTO OUTER SPACE

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 the rendering of all possible assistance to astronauts in the event of accident, distress or emergency landing, the prompt and safe return of astronauts, and the return of objects launched into outer space,

Desiring to develop and give further concrete expression to these duties,

Wishing to promote international co-operation in the peaceful exploration and use of outer space,

Prompted by sentiments of humanity,

Have agreed on the following:

Article 1

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.

Article 2

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 launching authority shall co-operate with the Contracting Party 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.

Article 3

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.

Article 4

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

Article 5

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 and with assistance from that authority if requested, take such steps as it finds practicable to recover the object or component parts.

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 to or held at the disposal of 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 has reason to believe 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 or harm.

5. Expenses incurred in fulfilling obligations to recover and return a space object or its component parts under paragraphs 2 and 3 of this article shall be borne by the launching authority.

Article 6

For the purposes of this Agreement, the term "launching authority" shall refer to the State responsible for launching, or, where an international inter-governmental organization is responsible for launching, that organization provided that that organization declares its acceptance of the rights and obligations provided for in this Agreement and a majority of the States members of that organization are Contracting Parties to this Agreement and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

Article 7

1. This Agreement shall be open to all States for signature. Any State which does not sign this Agreement before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Agreement shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, the