

UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
LIMITED

A/AC.105/C.2/L.3/Rev.3
24 September 1965

ORIGINAL: ENGLISH

COMMITTEE ON THE PEACEFUL USES
OF OUTER SPACE
Legal Sub-Committee

United States of America: revised proposal

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

(Changes from the revised draft submitted on 20 October 1964 are indicated by underlined words (new language - except in preamble) and deletions by crossing through.)

The Contracting Parties,

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

Recalling General Assembly resolution 1962 (XVIII), entitled "Declaration of Legal Principles Governing Activities of States in the Exploration and Use of Outer Space",

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

For the purposes of this Convention

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

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

(c) "Launching State" means a Contracting Party, or an international organization which has transmitted a declaration notification to the Secretary-General under Article III, paragraph 1, of this Convention, which launches or procures the launching of an object into outer space or whose territory or facility is used in such launching, or which exercises control over the orbit or trajectory of an object.

(d) "Presenting State" means a State which is a Contracting Party, or an international organization which has transmitted a declaration notification to the Secretary-General under Article III, paragraph 1 of this Convention, which presents a claim for compensation to a Respondent State.

(e) "Respondent State" means a launching State, or an international organization which has transmitted a declaration notification to the Secretary-General under Article III, paragraph 1 of this Convention, from which compensation is sought by a Presenting State.

ARTICLE II

1. The launching State shall be absolutely liable and undertakes to pay compensation to the Presenting State, in accordance with the provisions of this Convention, for damage on the earth, in air space, or in outer space, which is caused by the launching of an object into outer space, regardless of whether such damage occurs during launching, after the object has gone into orbit, or during the process of re-entry, including damage caused by apparatus or equipment used in such launching.

2. If the damage suffered results either wholly or partially from a wilful or reckless act or omission on the part of the Presenting State, or of natural or juridical persons that it represents, the liability of the launching State to pay compensation under paragraph 1 of this Article shall, to that extent, be wholly or partially extinguished.

3. If under this Convention more than one launching State would shall be liable to pay compensation for damage in relation to any one incident under this Convention, the Presenting State may proceed against any or all such States individually or jointly for the total amount of damages, and once the amount of liability is agreed upon or otherwise established, each such State proceeded against shall be liable to pay the full that amount of such compensation, provided

that, in no event shall the aggregate of the compensation paid exceed the amount which would be payable under this Convention if only one Respondent State were liable.

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.

ARTICLE III

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 X, XI, paragraph 2, XIII, XIV, and XV, shall apply to the organization as they apply to a State which is a Contracting Party.

3. 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.

4. ~~In the event that an international organization fails to pay~~ If within one year of the date on which compensation has been agreed upon or otherwise established pursuant to Article VII, 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 II, paragraph 3.

ARTICLE IV

1. A Contracting Party which suffers damage referred to in Article II, paragraph 1, ~~as a result of the launching of an object into outer space~~, or whose natural or juridical persons suffer such damage, may present a claim for compensation to a Respondent State.

2. A Contracting Party may also present to a Respondent State a claim of any natural person, other than a person having the nationality of the 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 the Respondent State.

4. Notice of a claim must be presented within one year of the date on which the accident occurred or, if the Presenting State could not reasonably be expected to have known of the facts giving rise to the claim, within one year of the date on which these facts became known to the Presenting State.

ARTICLE V

A State shall not be liable under this Convention for damage suffered by its own nationals.

ARTICLE VI

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

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

ARTICLE VII

1. If a claim presented under this Convention is not settled within one year from the date on which documentation is completed, the Presenting State may request the establishment of a commission to decide the claim. In such event, the Respondent State and the Presenting State shall each promptly appoint one person to serve on the commission, and a third person, who shall act as 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 individual 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 there-is-more-than-one Presenting States or Respondent States are joined in any one proceeding before the commission. The Presenting States so joined may collectively appoint one person to serve on the commission in the same manner and subject to the same conditions as would be the case for a single Presenting State. Similarly, where two or more Respondent States are so joined, they may collectively appoint one person to serve on the commission in the same way.

3. The commission shall determine its own procedure.

4. The commission shall conduct its business and arrive at its decision by majority vote.

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

6. The expenses incurred in connexion with any proceeding before the commission shall be divided equally between the parties in the proceeding.

ARTICLE VIII

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

ARTICLE IX

The liability of the launching State shall not exceed \$_____ with respect to each launching.

ARTICLE X

Any dispute arising from the interpretation or application of this Convention, which is not previously settled by other peaceful means of their own choice, may be referred by any Contracting Party thereto to the International Court of Justice for decision.

ARTICLE XI

1. 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.

2. After this Convention has been in force five years a revision conference may be called upon the request of a majority of Contracting Parties.

ARTICLE XII

A Contracting Party may give notice of withdrawal from this Convention five years after its entry into force by written notification to the Secretary-General of the United Nations. Such withdrawal shall take effect one year from the date of receipt of the notification by the Secretary-General. ~~Such withdrawal shall not~~ relieve a State 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 XIII

The Convention shall be open for signature by States Members of the United Nations or of any of the specialized agencies or Parties to the Statute of the International Court 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 XIV

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

ARTICLE XV

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

/...

ARTICLE XVI

The Secretary-General of the United Nations shall inform all States referred to in Article XIII of signatures, deposits of instruments of ratification, approval, or accession, declarations referred to in Article III, paragraph 1, the date of entry into force of this Convention, proposals for amendments, notifications of acceptances of amendments, the date of entry into force of each amendment, requests for the convening of a revision conference, and notices of withdrawal, and shall transmit to those States certified copies of each amendment proposed.

ARTICLE XVII

This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies of each to the States mentioned in Article XIII.
