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

HUNGARY: PROPOSED DRAFT AGREEMENT

A G R E E M E N T

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 December 13, 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 insure 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 Agreement :

GE.64-3207

Article I

1. The provisions of this Agreement shall apply to compensation for loss of life, personal injury 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.

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

3. For the purposes of this Agreement "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 launching of such objects.

Article II

1. Liability of the State 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 such damage.

Article III

Whenever damage is done to a space vehicle or object or its crew in outer space, the launching State will have no claim except in cases provided for in Articles IV and V below.

Article IV

The State shall assume full liability for damage caused directly or indirectly on the ground, in the atmosphere or in outer space, if the State is exercising an unlawful activity in outer space or the space vehicle or object has been launched for unlawful purposes.

Article V

If the damaged State produces evidence that damage has been caused in outer space because of the fault of another State, the latter shall be liable for this damage.

Article VI

If the damage has occurred on the ground or in the atmosphere, exemption from liability may be granted only insofar as the State liable produces evidence that the damage has resulted from the natural disaster or from a wilful act or from gross negligence of the State suffering the damage.

Article VII

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. In case of joint launching or joint possession or ownership or co-operation, liability may be laid upon more than one State or international organization; their liability towards the damaged State shall be joint.

Article VIII

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.

Article IX

1. 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.

2. No claim shall be presented by virtue of this Agreement by any State not covered by the provisions of paragraph 1 of this Article.

3. The provisions of this Agreement shall not apply to damage caused on the territory of the State liable or in respect of damage suffered by its citizens or legal entities whether in the territory of that State or abroad.

Article X

A claim must be presented within one year of the date of occurrence of the damage.

Article XI

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

Article XII

1. In case the State liable does not satisfy the claim of the damaged 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 XIII

This Agreement 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 Agreement enters into force it shall be open for accession to all States. Instruments of accession shall be deposited with the Secretary General of the United Nations.

Article XV

1. This Agreement shall enter into force thirty days after the date of deposit with the Secretary General of the United Nations of the twenty-second instrument of ratification or accession.

2. With respect to each State which ratifies the Agreement or accedes thereto after the deposit of the twenty-second instrument of ratification or accession, the Agreement shall enter into force thirty days after the date of deposit by that State of its instrument of ratification or accession.

Article XVI

Any Contracting State may denounce this Agreement 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 Agreement and the deposit of instruments of ratification or accession in accordance with Articles XIV and XV;
- (b) the date of entry into force of this Agreement in accordance with Article XV;
- (c) denunciations received in accordance with Article XVI.

Article XVIII

The original of this Agreement, of which the texts in 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.
