as well as in keeping with the relevant recommendations contained in the report submitted by your Committee to the Eighteenth General Assembly (document A/5549). Equally I wish to assure you of the intention of my Government to make available in due course to all Member States through this Committee, as well as through CEGAB, all data and information which will accrue from these exclusively scientific experiments which are to be carried out within the framework of the objectives set forth by the programmes of the International Year of the Quiet Sun and of the International Indian Ocean Expedition.

I should appreciate it if you could arrange for this letter to be circulated as a document of the Committee on the Peaceful Uses of Outer Space.

Accept, Mr. Chairman, the assurances of my highest consideration.

(Signed)  Piero VIDICI
Ambassador, Permanent Representative of Italy to the United Nations

UNITED NATIONS
GENERAL ASSEMBLY

OFFICIAL USES OF OUTER SPACE

REPORT OF THE LEGAL SUB-COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE ON ITS THEN SESSION (9 - 26 MARCH 1964) TO THE COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

1. The Legal Sub-Committee opened its third session at the European Office of the United Nations in Geneva on 9 March and concluded its work on 26 March 1964.

2. A list of the representatives of States members of the Sub-Committee attending the session, of the observers for specialized agencies and of the Secretariat of the Sub-Committee is appended to the present report as Annex III.

3. In his opening statement the Chairman, Mr. Jerzy Cieki (Poland), referred to the Declaration of Legal Principles governing the activities of States in the exploration and use of outer space, adopted by the General Assembly in its resolution 1962 (LVIII) of 1 December 1963, as a noteworthy document which would be of great importance for the future work of the Sub-Committee. He also stressed the part played by the Sub-Committee in the elaboration of the principles concerned at its two previous sessions.

4. Beginning 20 March, because Mr. Lach's had to leave Geneva, Mr. Jerzy Cieki (Poland) took over the chairmanship by general consensus of the Sub-Committee.

5. The Sub-Committee's terms of reference were set forth in resolution 138 (LVIII) adopted by the General Assembly, as follows:

(1) The General Assembly

1. Recommends that consideration should be given in international agreement form, in the future as appropriate, legal principles governing the activities of States in the exploration and use of outer space;

2. Requests the Committee on the Peaceful Uses of Outer Space to continue to study and report on legal problems which may arise in the exploration and use of outer space, and in particular to arrange for the prompt preparation of draft international agreements on liability for damage caused by objects launched into outer space and on assistance to and return of astronauts and space vehicles;

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Organization of work

6. At its first meeting held on 9 March, the Sub-Committee agreed to the following procedure for the organization of work of its present session:

(i) The Sub-Committee's agenda would consist of three items, namely, general debate, draft international agreement on assistance to and return of astronauts and space vehicles and draft international agreement on liability for damage caused by objects launched into outer space.

(ii) During the next two days (10 and 11 March) priority should be given to general debate; at the meetings held on those days, any time left over from general debate would be available to speakers wishing to introduce drafts or to make preliminary statements on the other two items.

(iii) On the following two days (12 and 13 March), the position would be reversed; priority would be given to the draft international agreements on assistance and liability but any time not absorbed by them would be made available to members who had been unable to speak in the general debate on the first two days.

7. At its thirty-fourth meeting held on 13 March, the Sub-Committee agreed to the suggestion by its Chairman that there should be two Working Groups, consisting of the whole membership of the Sub-Committee. Working Group I would deal with the drafts and amendments on assistance and return and Working Group II would deal with drafts and amendments on liability. The two Groups would meet alternately in the mornings and afternoons each day. In accordance with usual practice, no records would be kept of the proceedings of the Working Groups.

General debate

8. During the general debate, which was held from 10 to 13 March, there was an exchange of views on the questions on the agenda of the Sub-Committee. These views are summarized in document A/AC.105/C.2/80.29-35.

Assistance to and return of astronauts and space vehicles

9. The Sub-Committee had before it two draft agreements on assistance to and return of astronauts and space vehicles: a revised draft agreement on the rescue of astronauts and space ships in the event of accident or emergency landing, submitted by the USSR (A/AC.105/C.2/L.2/Rev.1) and a United States proposal for an international agreement on assistance to and return of astronauts and objects launched into outer space (A/AC.105/C.2/L.9). The two texts were referred to Working Group I, which discussed them at seven meetings held between 16 and 25 March, at the request of the Chairman a comparative table (A/AC.105/C.2/W.1) of provisions contained in the two proposals was prepared by the Secretariat to facilitate the Working Group's discussion of the texts before it.

10. In the course of the Working Group's first reading of the texts submitted by the USSR and the United States, amendments to Article 1 of the USSR draft were presented by Australia (WG.1/3), Lebanon (WG.1/7) and Canada (WG.1/8). Amendments to Article 2: para. 1 of the United States text were submitted by Australia (WG.1/1), by the United Kingdom (WG.1/2) and Japan (WG.1/4); to Article 2, para. 2 by Lebanon (WG.1/5) and Austria (WG.1/6); to Article 3 by Japan (WG.1/9) and to Article 4 by the USSR (WG.1/12) and the United Kingdom (WG.1/13). Proposals concerning the notification of distress and landing; the return of space objects and furnishing of identifying data; and disputes in respect of identification were presented by Italy (WG.1/10), Australia (WG.1/11) and Japan (WG.1/14) respectively. At the request of the Chairman, a paper setting out the proposals and amendments before the Working Group was prepared by the Secretariat and circulated as document WG.1/15.

11. On 24 March, Australia and Canada submitted a proposal (WG.1/17) based on discussion in the Working Group of the draft agreements submitted by the USSR and the United States. Amendments to the draft articles proposed were submitted by Italy (WG.1/18 and 19), Sweden (WG.1/20), France (WG.1/21 and 22) and Japan (WG.1/23). A revised text of their proposal (WG.1/17/Rev.1) was submitted by Australia and Canada on the final day of the first part of the session. The sponsors reported that their revision took account of views expressed in subsequent consultations, both formal and informal. The sponsors also stated that, apart from lacking the necessary final clauses, their draft did not imply rejection of amendments not incorporated in it.

* 70.1/14/Rev.1 was withdrawn by Japan
12. The text of the draft agreements submitted by the USSR and the United States, of the revised proposal submitted by Australia and Canada, and of the amendments received by the Working Group are reproduced in Annex I.

Liability for damage caused by objects launched into outer space

13. The Sub-Committee had before it two drafts concerning liability for damage caused by the launching of objects into outer space: a draft Convention proposed by the delegation of the United States (A/AC.105/C.2/65) and a draft agreement proposed by the delegation of Hungary (A/AC.105/C.2/L.10). Also before the Sub-Committee was a Working Paper on the unification of certain rules governing liability for damage caused by space vehicles which had been submitted by the delegation of Belgium (A/AC.105/C.2/L.7) to the Sub-Committee at its second session. The three texts were referred to the Sub-Committee to its Working Group II which discussed them at six meetings held between 17 and 25 March. At the request of the Chairman, a comparative table (A/AC.105/C.2/9.2) of provisions contained in the three proposals was prepared by the Secretariat.

14. In the course of the Working Group's discussions of the texts submitted by the United States, Hungary and Belgium, a number of amendments were submitted. An amendment to Article I, paragraph (e) (ii) of the United States draft was presented by Japan (VG.III/7). Draft articles for inclusion after Article I, and concerning the subject of the liability of international organizations, were submitted by Australia (VG.II/6). An amendment to the draft articles proposed by Australia was presented by Italy (VG.II/12). An amendment, also concerning the subject of the liability of international organizations, was proposed by Sweden (VG.II/13). A proposal of a new article for inclusion possibly after Article I was made by the United Kingdom (VG.II/8). To Article II of the United States draft, amendments were submitted by Canada (VG.II/3) and the United Kingdom (VG.II/2); to Article IV, an amendment by Japan (VG.II/7); an amendment to Article V was submitted by Italy (VG.II/5); to Article VI, paragraph 2, by the United Kingdom (VG.II/15); to Article VII, paragraph 2, by Japan (VG.II/16); and to Article VIII by the United Kingdom (VG.II/14). The following proposals which were not in amendment of any particular one of the three texts were also under proposals by Italy concerning the field of application of the Convention (VG.II/2); and the nature of liability (VG.II/9) and a proposal by Japan concerning use of precautionary measures against damage (VG.II/4).

15. At the request of several representatives for information, a background document was prepared by the Secretariat containing an analytical summary of certain conventions and draft conventions relating to liability for damage (A/AC.105/C.2/4). The Secretariat also prepared a document setting out the proposals and amendments before the Working Group (VG.II/10 and add.1 and 2) as well as a note on the points that had been raised in discussions of the Working Group (VG.II/11 and add. 1-3).

16. The texts of the draft Convention submitted by the United States, the draft agreement submitted by Hungary and the working paper submitted by Belgium, together with the amendments and proposals received by the Working Group are reproduced in Annex II.

**Future work of the Sub-Committee**

17. The Sub-Committee noted that although substantial progress had been made there had been insufficient time to draft the international agreements. It accordingly proposed that the present session be resumed so that the Sub-Committee could proceed with its work and report on it to the nineteenth session of the General Assembly as requested by Assembly resolution 1903 (XVIII). At its thirty-seventh meeting on 26 March the Sub-Committee agreed that the second part of its present session should be held at United Nations Headquarters in New York approximately three weeks before the forthcoming meeting of its parent Committee. In this connexion some delegates urged that consideration should be given to avoiding overlapping with the meeting of the Special Committee on the principles of international law concerning friendly relations among States.

**The Secretariat note on points raised (VG.II/11 and add.1-3), referred to in the preceding paragraph, is not reproduced in Annex II.**
ANNEX I

Proposals and amendments relating to assistance to and return of astronauts and space vehicles
Agreement on the rescue of astronauts and spaceships in the event of accident or emergency landing

The Governments of .......... Considering that all mankind is interested in furthering the peaceful uses of outer space,

Recognizing that it is the duty of all States to assist astronauts and spaceships in the event of accident or emergency landing,

Desiring to develop international co-operation in the conquest of outer space, and

Prompted by sentiments of humanity,

Have decided to conclude this Agreement and for this purpose have appointed their representatives who, having exchanged their full powers, found in good and due form, have agreed on the following provisions:

Article 1 Each of the Contracting States shall render all possible assistance to the crews of spaceships and shall take steps to rescue astronauts and spaceships in the event of accident, distress or emergency landing; to this end it shall employ every means at its disposal, including electronic and optical equipment, means of communication, and rescue facilities of various kinds.

Article 2 The authorities of a Contracting State which discover or in some way receive information that the crew of a spaceship of another State are in distress shall do their utmost to notify the launching State without delay.

Article 3 In the event that astronauts make an emergency landing, owing to accident or distress, in the territory of a Contracting State, that State shall immediately inform the launching State of the occurrence and shall take all possible steps to remove the astronauts and to render them the necessary assistance.

The launching State shall be immediately informed of the successful outcome of the rescue operations or of the failure of attempts to carry out rescue operations.

If the Contracting State in whose territory the astronauts have landed is unable to carry out the necessary rescue operations unaided, it shall request assistance from the launching State.

Article 4 If the astronauts are presumed to have alighted, owing to accident or distress, on the high seas, a search for them shall be made, if necessary, jointly with those Contracting States to which the launching State may make application.

Rescue operations on the high seas shall be directed by the launching State or by such State as the launching State may request to take charge thereof.

Article 5 The launching State may reserve the exclusive right to carry out, by its own means and with its own personnel, operations for the finding and rescue of astronauts and spaceships in some of the high seas designated by itself.

Article 6 Where a spaceship is in distress and the lives of astronauts are in danger, assistance shall first be rendered to the astronauts.

Article 7 The assistance to be furnished when necessary by one Contracting State to astronauts of another State shall in no way differ from the assistance which could be furnished to its own astronauts.

Article 8 Each Contracting State shall do its utmost to facilitate the earliest possible return to their own country of crews of mankind in outer space — astronauts of another State — who meet with an accident, are in distress or make an emergency landing in its territory or who are rescued on the high seas.
Article 9

Foreign spaceships, satellites and capsules found by a Contracting State in its territory or salvaged on the high seas shall be returned without delay, together with the equipment they contain, to the State which launched them for purposes of peaceful exploration and use of outer space, if the launching State has officially announced the launch of these objects and the purposes of launching.

The State which launched the objects into outer space shall, for the purpose of the return of those objects, furnish identifying particulars thereof at the request of the State which has found such objects in its territory or has salvaged them on the high seas.

Article 10

The expenses incurred by a State in fulfilling the obligations prescribed in articles 8 and 9 of this Agreement shall be reimbursed by the launching State.

Article 11

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

Article 12

This Agreement shall be open for accession to all the States of the world. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 13

1. This Agreement shall enter into force on the thirtieth day after the deposit with the Secretary-General of the United Nations of the fifteenth instrument of ratification or accession including the instruments of ratification or accession of the States which launch objects into outer space.

2. With respect to each State which ratifies the Agreement or accedes thereto after the deposit of the fifteenth instrument of ratification or accession, the Agreement shall enter into force on the thirtieth day after the deposit by that State of its instrument of ratification or accession.

Article 14

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

(a) the signature of this Agreement and the deposit of instruments of ratification or accession in accordance with articles 11 and 12;

(b) the date of entry into force of this Agreement in accordance with article 13.

Article 15

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 the States of the world.
International agreement

on

assistance to and return of astronauts

and

objects launched into outer space

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 December 13, 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, notifications of acceptances of amendments, and notices of withdrawal.
Article 3

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

(2) In the event that a Contracting Party is unable to carry out in its own territory the necessary rescue operations, it shall request the State of registry or international organization responsible for the launching to co-operate with it by rendering in its territory assistance to the personnel of the spacecraft.

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 or control of any State, search and rescue operations shall be conducted by such Contracting Parties as are in a position to carry out those operations. These operations shall be subject to the direction of the State of registry or international organization responsible for the launching.

Article 5

A Contracting Party shall promptly and safely return, to the State of registry or international organization responsible for the launching, the personnel of a spacecraft who have landed in territory under its jurisdiction and control or whom it has rescued elsewhere.

Article 6

(1) A Contracting Party which discovers or receives information that an object launched into outer space or parts thereof have returned to earth shall do its utmost to notify without delay the State of registry or international organization responsible for the
launching, and shall, in any event, immediately notify the Secretary-General of United Nations.

(2) A Contracting Party shall upon request return, to the State of registry or international organization responsible for the launching, an object launched into outer space, or parts of any such object, found by that Party in territory under its jurisdiction or control or recovered by it elsewhere.

(3) A request for the return of such an object shall be supported if required by identifying data.

(4) The expenses incurred by a Contracting Party in pursuance of paragraph (2) of this Article shall be reimbursed by the State of registry or international organization responsible for the launching.

AUSTRALIA: Proposed text to amend Article 2, paragraph 1 of USA draft (56.1/1)

(a) omit the words "unless otherwise requested by the State of registry or international organization responsible for launching";

(b) after each Contracting Party" omit the words "shall take all possible steps" and insert instead the words: "undertakes to take such steps as it may find practicable".

(c) after "who" where first appearing insert the words: "in its territory".

(d) omit "who" where second appearing.

Text would then read as follows:

1. Each Contracting Party undertakes to take such steps as it may find practicable to assist or rescue promptly the personnel of spacecraft who in its territory are the subject of accident or experience conditions of distress or may make emergency landings by reason of accident, distress or mistake.

UNITED KINGDOM: Amendment to Article 2, paragraph 1 of USA draft (56.1/2)

Delete present wording and Substitute the following:

"Each Contracting Party undertakes to take such steps as it may find practicable within its territory 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 in that territory by reason of accident or mistake.

If personnel of a spacecraft are presumed to have made an emergency landing on the high seas, and the State of registry or international organization responsible for launching does not request otherwise, a joint search shall be carried out by those Contracting Parties which are in a position to conduct search and rescue operations in the area of the high seas concerned"

AUSTRALIA: Amendment to Article 1 of USSR draft (56.1/3)

Replace Article 1 by the following text:

Each of the Contracting States shall render all possible assistance to the crews of space ships and shall take all possible steps to rescue astronauts and space ships in the event of accident, distress or emergency landing.

JAPAN: Amendment to Article 2, paragraph 1, second sentence of USA draft (56.1/4)

Add the following sentence at the end:

Any search or rescue operations conducted in Antarctica should not be construed as prejudicing the positions of states concerned with respect to Antarctica.

LIBERIA: Amendment to Article 2, paragraph 2 of USA draft (56.1/5)

Replace this paragraph by the following:

A Contracting State may request the co-operation of the authorities of the State of registry or international organization responsible for the launching in order to carry out effectively rescue and assistance operations on its territory.

AUSTRIA: Amendment to Article 2, paragraph 2 of USA draft (56.1/6)

1. Add the word "full" between "subject to" and "control".

2. Add the following paragraph:

"Each Contracting Party may reserve to its own authorities the sole right to search in certain areas of its territory"

LIBERIA: Amendment to Article 1 of USSR draft (56.1/7)

Replace Article 1 by the following text:

All Contracting States shall render assistance, each within the limits of the means at its disposal, to the crews of space ships and shall take steps to rescue astronauts and space ships in the event of accident, distress or emergency landing.
CANADA: Amendment to Article 1 of USSR draft (96.1/8)

Add the words "using every means at its disposal" after "Each of the Contracting States" at the beginning of the Article and delete all the words after semicolon (;).

JAPAN: Amendment to Article 3 of USA draft (96.1/9)

(add the following new paragraph after paragraph 2 of Article 3 of the United States draft agreement on assistance and return)

3. Each launching of an object into outer space shall be officially announced and registered with the Secretary-General of the United Nations by the State of Registry or international organization responsible for launching. Such official announcement shall be made prior to or immediately after the launching, and such registration shall be made immediately after the object is put on orbit.

In case of an object remaining on orbit for a considerable length of time, such registration shall be made at a regular interval. In any case, the registration of an object launched into outer space to the Secretary-General of the United Nations shall include the specific purpose of the launching as well as other characteristics of the object launched which may be necessary for its identification.

ITALY: Proposal (96.1/10)

Each Contracting State which discovers that a space vehicle is in distress or has landed or has alighted on the high seas shall give such information to the Secretary-General of the United Nations and, if possible, the State of registry of the space vehicle.

AUSTRALIA: Text suggested for consideration (96.1/11)

The obligation of a Contracting Party to return an object that has caused damage to it or to its nationals does not become effective until satisfactory arrangements have been made for compensation in respect of the damage.

USA: Amendment to Article 4 of the USA draft (96.1/12)

Insert between the words "may" and "be" the words: "with the consent of all the parties to the dispute".

UNITED KINGDOM: Amendment to Article 4 of the USA draft (96.1/13)

Delete present text
Substitute the following:

"A dispute between Contracting Parties concerning the application or interpretation of this Agreement which is not previously settled by other peaceful means of their own choice may be referred to the International Court of Justice at the request of either party to the dispute".

JAPAN: Proposal relating to dispute in regard to identification (96.1/14)

In case of a difference between Contracting States as to the identification of an object which has returned to earth after having been launched into outer space, any State concerned may request the Secretary-General of the United Nations to designate an expert or a group of experts to render an advisory opinion on the identification of the object in question with a view to facilitating the peaceful settlement of the difference.
In the event of an accident, the Contracting States shall make all possible efforts to render assistance to the personnel of spacecraft and to persons affected or injured by the accident, and shall take all possible steps to ensure the safety of the spacecraft and the personnel of the spacecraft, and, in case of emergency, shall immediately inform the Launching State of the occurrence and shall make all possible steps to render the assistance and to render them the necessary assistance. The Contracting States shall provide all necessary assistance to the personnel of spacecraft and shall take all necessary steps to ensure the safety of the spacecraft and the personnel of the spacecraft, and, in case of emergency, shall immediately inform the Launching State of the occurrence and shall make all possible steps to render the assistance and to render them the necessary assistance.

PROTOCOLS AND AGREEMENTS BEFORE WORKING GROUP

1. Each Contracting Party shall render all possible assistance to the personnel of spacecraft and shall take all possible steps to ensure the safety of the spacecraft and the personnel of the spacecraft, and, in case of emergency, shall immediately inform the Launching State of the occurrence and shall make all

2. Each Contracting Party shall render all possible assistance to the personnel of spacecraft and shall take all possible steps to ensure the safety of the spacecraft and the personnel of the spacecraft, and, in case of emergency, shall immediately inform the Launching State of the occurrence and shall make all

ARTICLE 4

A Contracting Party may request the cooperation of the authorities of the Launching State in the event of an accident. The authorities of the Launching State shall cooperate with the Contracting Party and shall take all necessary steps to ensure the safety of the spacecraft and the personnel of the spacecraft, and, in case of emergency, shall immediately inform the Contracting Party of the occurrence and shall make all possible steps to render the assistance and to render them the necessary assistance.

ARTICLE 5

If the Contracting Party is unable to render the necessary assistance, the Launching State may request the cooperation of the authorities of the Launching State in the event of an accident. The authorities of the Launching State shall cooperate with the Contracting Party and shall take all necessary steps to ensure the safety of the spacecraft and the personnel of the spacecraft, and, in case of emergency, shall immediately inform the Contracting Party of the occurrence and shall make all possible steps to render the assistance and to render them the necessary assistance.

ARTICLE 6

If the Contracting Party is unable to render the necessary assistance, the Launching State may request the cooperation of the authorities of the Launching State in the event of an accident. The authorities of the Launching State shall cooperate with the Contracting Party and shall take all necessary steps to ensure the safety of the spacecraft and the personnel of the spacecraft, and, in case of emergency, shall immediately inform the Contracting Party of the occurrence and shall make all possible steps to render the assistance and to render them the necessary assistance.

ARTICLE 7

If the Contracting Party is unable to render the necessary assistance, the Launching State may request the cooperation of the authorities of the Launching State in the event of an accident. The authorities of the Launching State shall cooperate with the Contracting Party and shall take all necessary steps to ensure the safety of the spacecraft and the personnel of the spacecraft, and, in case of emergency, shall immediately inform the Contracting Party of the occurrence and shall make all possible steps to render the assistance and to render them the necessary assistance.

ARTICLE 8

If the Contracting Party is unable to render the necessary assistance, the Launching State may request the cooperation of the authorities of the Launching State in the event of an accident. The authorities of the Launching State shall cooperate with the Contracting Party and shall take all necessary steps to ensure the safety of the spacecraft and the personnel of the spacecraft, and, in case of emergency, shall immediately inform the Contracting Party of the occurrence and shall make all possible steps to render the assistance and to render them the necessary assistance.

ARTICLE 9

If the Contracting Party is unable to render the necessary assistance, the Launching State may request the cooperation of the authorities of the Launching State in the event of an accident. The authorities of the Launching State shall cooperate with the Contracting Party and shall take all necessary steps to ensure the safety of the spacecraft and the personnel of the spacecraft, and, in case of emergency, shall immediately inform the Contracting Party of the occurrence and shall make all possible steps to render the assistance and to render them the necessary assistance.
Search and Rescue on the High Seas

**USSR - Article 2**

If the astronauts are presumed to have alighted, owing to accident or distress, on the high seas, a search for them shall be made, if necessary, jointly with those Contracting States to which the launching State may make application.

Rescue operations on the high seas shall be directed by the launching State or by such State as the launching State may request to take charge thereof. (A/AC.105/0.2/L.2/Rev.1)

**USA - Article 2 (1)**

1. Such steps to assist or rescue promptly the personnel of spacecraft 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. (A/AC.105/0.2/L.9)

**UNITED KINGDOM**

If personnel of a spacecraft are presumed to have made an emergency landing on the high seas, and the State of registry or international organization responsible for launching does not request otherwise, a joint search shall be carried out by those Contracting Parties which are in a position to conduct search and rescue operations in the area of the high seas concerned. (WG.1/2)

**AUSTRALIA - Oral**

Omit proposal to paragraph 1 of Article 2 of the USA proposal; omit the words "on the high seas or Antarctica" and insert instead the words "outside the territory of the launching State".

**USSR - Article 5**

The launching State may reserve the exclusive right to carry out, by its own means and with its own personnel, operations for the finding and rescue of astronauts and spacecraft in a zone of the high seas designated by itself. (A/AC.105/0.2/L.2/Rev.1)

**ANTARCTICA**

1. Several delegations requested deletion of the word "Antarctica" in Article 2 of the USA proposal.

2. **JAPAN**

Add at end of Article 2, paragraph 1, USA draft

Any search or rescue operations conducted in Antarctica should not be construed as prejudicing the positions of states concerned with respect to Antarctica. (G.81/4)

**USA - 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. (A/AC.105/0.2/L.9)

**USSR - Article 2**

The authorities of a Contracting State which discover or in some way receive information that the crew of a spacecraft of another State are in distress shall do their utmost to notify the launching State without delay. (A/AC.105/0.2/L.2/Rev.1)

**USSR - Article 3**

In the event that astronauts make an emergency landing, owing to accident or distress, in the territory of a Contracting State, that State shall immediately inform the launching State of the occurrence ... (A/AC.105/0.2/L.2/Rev.1)

**ITALY - Proposal**

Each Contracting State which discovers that a space vehicle is in distress or has landed or has alighted on the high seas shall give such information to the Secretary-General of the United Nations and, if possible, the State of registry of the space vehicle. (WG.1/10)
Registration of advance notification

JAPAN - addition to Article 3 of USA draft

3. Such launching of an object into outer space shall be officially announced and registered with the Secretary-General of the United Nations by the State of registry or international organization responsible for launching. Such official announcement shall be made prior to or immediately after the launching, and such registration shall be made immediately after the object is put on orbit.

In case of an object remaining on orbit for a considerable length of time, such registration shall be made at a regular interval. In any case, the registration of an object launched into outer space to the Secretary-General of the United Nations shall include the specific purposes of the launching as well as other characteristics of the object launched which may be necessary for its identification. (UN/1/9)

LEBANON - proposal (oral)

Require notification in advance of launching.

Bulgaria - proposal

Priority of rescuing astronauts

USSR - Article 6

Where a spaceship is in distress and the lives of astronauts are in danger, assistance shall first be rendered to the astronauts. (A/AC.105/6/L.2/Rev.1)

FRANCE - oral suggestion

Provision that assistance shall first be rendered to any lives in danger.

Standard of assistance

USSR - Article 7

The assistance to be furnished when necessary by one Contracting State to astronauts of another State shall in no way differ from the assistance which could be furnished to its own astronauts. (A/AC.105/6/L.2/Rev.1)

Return of Astronauts

USSR - Article 8

Each Contracting State shall do its utmost to facilitate the earliest possible return to their own country of convoys of mankind in outer space - astronauts of another State - who meet with an accident, are in distress or make an emergency landing in its territory or who are rescued on the high seas. (A/AC.105/6/L.2/Rev.1)

USA - Article 1

1. Each 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. (A/AC.105/6/L.9)

FRANCE - oral suggestion

Provision for cases where astronauts have committed offence.

Return of space objects and Furnishing of identifying data

USSR - Article 2 of USA draft

Foreign spacecraft, satellites and capsules found by a Contracting State in its territory or salvaged on the high seas shall be returned without delay, together with the equipment they contain, to the State which launched them for purposes of peaceful exploration and use of outer space, if the launching State has officially announced the launch of these objects and the purposes of launching.

The State which launched the objects into outer space shall, for the purpose of the return of these objects, furnish identifying particulars thereof at the request of the State which has found such objects in its territory or has salvaged them on the high seas. (A/AC.105/6/L.2/Rev.1)

USA - Article 1

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/AC.105/C.2/L.9)
AUSTRALIA - Text suggested for consideration

The obligation of a Contracting Party to return an object that has caused
damage to it or to its nationals does not become effective until satisfactory
arrangements have been made for compensation in respect of the damage. (WQ.I/11)

LIECHTENSTEIN - oral

Clarification of the meaning of the word "return" - whether an obligation
of transportation is involved.

Reimbursement of expenses

USSR - Article 10

The expenses incurred by a State in fulfilling the obligations prescribed
in articles 8 and 9 of this Agreement shall be reimbursed by the launching
State. (A/AC.105/C.2/L.2/Rev.1)

ITALY - oral proposal

(a) No compensation for expenses incurred in rescuing astronauts.
(b) In case of salvage of objects, there should be remuneration in
addition to reimbursement.

Settlement of disputes

USA - Article 4

Any dispute arising from the interpretation or application of this Agreement
may be referred to by any Contracting Party thereto to the International Court
of Justice for decision. (A/AC.105/C.2/L.9)

USSR

Insert between the words "may" and "be" the words: "with the consent of
all the parties to the dispute". (WQ.I/12)

UNITED KINGDOM

A dispute between Contracting Parties concerning the application or inter-
pretation of this Agreement which is not previously settled by other peaceful
means of their own choice may be referred to the International Court of Justice
at the request of either party to the dispute. (WQ.I/13)

Disputes in respect of identification

JAPAN - proposal relating to dispute in regard to identification

In case of a difference between Contracting States as to the identification
of an object which has returned to earth after having been launched into outer
space, any State concerned may request the Secretary-General of the United
Nations to designate an expert or a group of experts to render an advisory
opinion on the identification of the object in question with a view to facili-
tating the peaceful settlement of the difference. (WQ.I/14)

ITALY - Amendment to Article 1 of the proposal of Australia and Canada
(WQ.I/17) (WQ.I/18)

Delete the words: "by reason of accident, distress or mistake".

ITALY - Amendment to Article 2 of the proposal of Australia and Canada
(WQ.I/17) (WQ.I/19)

Delete the words "of registry" after the word "State".

SWEDEN - Amendments to Article 3 of the proposal of Australia and Canada
(WQ.I/17) (WQ.I/20)

1. Add at the end of the first sentence in paragraph 1 the following words:
   "to protect and safeguard the craft".
2. Add at the end of paragraph 2 the following: "and to examine an object
   launched into outer space or parts of any such object found by a Contracting
   Party in its territory or recovered by it elsewhere".
3. Replace paragraph 3 by the following text:
   "Upon the request of a Contracting Party in the territory of which the
   personnel of a spacecraft are located, the State of registry or internation-
   al organization responsible for the launching shall co-operate with that Party
   by rendering in its territory assistance to the personnel of the spacecraft".
4. Add the following new paragraph after paragraph 3:
   "Upon the request of a Contracting Party, in the territory of which an
   object launched into space or parts of any such objects are found, the State
   of registry or international organization responsible for the launching shall
co-operate with that Party by rendering assistance with a view to the recovery and return of the object or parts of it.

FRANCE - Amendment to Article 5 of the proposal by Australia and Canada

Replace Article 5 by the following text:

"A Contracting Party shall not oppose the departure from the territory of persons on board a spacecraft which has made an emergency landing and shall do its utmost to assist them in making travel arrangements.

The present article shall not be construed as preventing juridical or administrative proceedings, or the enforcement of measures resulting from such proceedings, instituted by reason of the deeds or words of such persons after the completion of operations relating to the emergency landing.

FRANCE - Amendment to Article 6 of the proposal by Australia and Canada

In paragraph (2), after the words "return to", insert the words "or retain at the disposal of,"

JAPAN - Amendment to Article 6 of the proposal of Australia and Canada

Add the following new paragraph after paragraph 4:

"The obligation of a Contracting Party under this Agreement to return an object that has caused damage to it or to its nationals shall not become effective in relation to a State of registry or an international organization responsible for the launching which has not accepted the obligation specified in the Convention on liability for damage caused by objects launched into outer space."

Annex II

Proposals and amendments relating to liability for damage caused by objects launched into outer space
Convention concerning liability for damage caused by the launching of objects into outer space.

The Contracting Parties,

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

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

Seeking to establish a simple and expeditious procedure to provide financial protection against damage,

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

Agree as follows:

Article I

For the purposes of this Convention:

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

b. The words "launching", "launches", "launch", etc., shall include attempted launchings.

c. "Presenting State" means a State which is a Contracting Party to this Convention, or an international organization of which at least one member is a Contracting Party, and which presents a claim for compensation to a receiving State.

d. "Receiving State" means a State of registry from which compensation is sought by a presenting State.

e. "State of registry" means:

(1) a Contracting Party which, in accordance with procedures determined by it, has registered an object for launching into outer space; or

(2) a Contracting Party which launches or participates in launching, or whose natural or juridical persons launch or participate in launching, or whose facility or territory is used for launching into outer space an object that is not registered with another Contracting Party.

Subject to the provisions of Article III, the State of registry shall be liable and undertakes to pay compensation for damage on the earth, in air space, or in outer space caused by the launching of an object into outer space, including any damage caused by apparatus or equipment used in such launching.

Article III

1. The liability referred to in Article II shall be absolute; however, gross negligence on the part of the presenting State or persons whom it represents shall, as appropriate, diminish or expunge any obligation to pay compensation.

2. If objects launched into outer space collide, there shall be no liability as between States of registry or international organizations involved in the launching of such objects.

Article IV

1. A Contracting Party, or an international organization of which at least one Contracting Party is a member, which suffers damage as the 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 the receiving State. A Contracting Party may also present the claims of dual nationals or stateless persons permanently residing in its territory. However, a claim of any individual claimant may not be presented by more than one Contracting Party.

2. The claim shall be presented through the diplomatic channel. A State may request a third State to present its claim and otherwise to represent its interests in the event that it does not maintain diplomatic relations with the receiving State.

3. A claim must be presented within one year of the date on which the accident occurred.

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 shall not require exhaustion of any remedies in the receiving State which may otherwise exist.

2. Any claim presented in conformity with the provisions of this Convention shall exclude pursuit by the presenting State or any natural or juridical persons whom it represents of any remedies which might otherwise be available in the receiving State or under the terms of any other international agreement.

Article VII

1. If a claim is not settled within one year from the date of presentation, the presenting State may request the establishment of a commission to decide the claim. In such event the receiving State shall promptly appoint one person to serve on the commission, the presenting State shall do likewise, and a third member shall be appointed by the President of the International Court of Justice. If the receiving State fails to appoint its member within three months, the individual appointed by the President of the International Court of Justice shall constitute the sole member of the commission.

2. The commission shall determine its own procedure.

3. The commission shall arrive at its decisions by majority vote.

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

Article VIII

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

Article IX

The liability of the State of registry shall not exceed $ ______ with respect to each launching.

Article X

Any dispute arising from the interpretation or application of this Convention may be referred by any Contracting Party thereto to the International Court of Justice for decision.

Article XI

A Contracting Party may propose amendments to this Convention. 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 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 by the Secretary-General of the notification. It is understood that such withdrawal shall not relieve a State of any obligation or liability arising from damage occurring before withdrawal.

Article XIII

This 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 upon the deposit of the seventh 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, the entry into force of this Convention, proposals for amendments, notifications of acceptance of amendments, and notices of withdrawal.
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 to any of the States mentioned in Article XIII.

In witness whereof the undersigned, being duly authorized have signed this Convention.

Done at ____________________________, this __________________________, 1962.

day of ____________________________, 1962.
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 delivery of such subjects.

**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 collision set off from causes not due to 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 of 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 XVII
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 XVIII
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 XXI
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 therto 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 XV 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.

FIELD OF APPLICABILITY

Art. 1. (a) The following provisions shall apply to compensation for damage caused to persons or property by one or more space devices except where such damage is caused on the territory of the State where the launching of the device or devices takes place, the State whose flag the device or devices flies or the State or States claiming ownership or co-ownership of the device or devices.

(b) By "damage" shall be understood any loss for which compensation may be claimed under the national law of the injured person, including judicial and legal costs and interest.

By "person" shall be understood any natural or legal person in public or private law.

By "property" shall be understood any movable or immovable property.

By "territory of a State" shall be understood its land areas, its territorial and adjacent waters, ships flying its flag and aircraft registered by it.

By "space device" shall be understood any device which is intended to move in space, remaining there by means other than the reaction of the air.

STATES WHICH ARE LIABLE

Art. 2. The following shall be held liable for damage within the meaning of article 1 at the choice of the plaintiff, there being no joint liability or solidarity:

the State on whose territory the space device was launched, or

the State whose flag the space device flies, or

the State or States claiming ownership or co-ownership of the space device.

By "plaintiff" shall be understood the State which has been injured or whose nationals or residents have been injured.
Nature of the liability

Art. 1. The occurrence of the event causing the damage shall entail an obligation to give 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.

The presence or absence of a relationship of cause and effect shall be determined in accordance with the national law of the person injured.

Extent of liability

Art. 4. The extent of the obligation to give compensation shall be determined in accordance with the provisions of the ordinary law of the country of the person injured.

Procedure for bringing action for liability

Art. 5. (a) Within twelve months of the occurrence of the damage, the plaintiff State shall submit, through the diplomatic channel, to the State considered liable under article 1 all claims for compensation relating to the State itself or to its nationals or residents.

If the State which is liable does not take a decision considered satisfactory by the plaintiff State within six months, the latter shall be entitled to take the claims for compensation before the International Court of Justice. The plaintiff State must act within six months of being notified of the decision in question.

The States ratifying or acceding to these articles undertake to comply with the judgement given by the International Court of Justice within three months of being notified thereof.

(b) There may be no interruption or suspension of the periods specified in paragraph (a) above.

(c) There shall be joinder of actions when there is more than one plaintiff in respect of damage due to one and the same event or when more than one State is liable if more than one space device was responsible for the damage.

Art. 6. These articles shall enter into force between the Contracting States on the date of the deposit of the instruments of ratification or accession at United Nations Headquarters, irrespective of the number of States which have ratified them or acceded to them.
1. If an international organization which conducts space activities and of which one or more of the contracting parties to the present Convention are constituent members, deposits with the Secretary-General of the United Nations a declaration that it accepts and undertakes to comply with the provisions of the present Convention, those provisions shall apply to that organization in all respects in like manner as they apply to a State, and a reference to a State shall be read and construed accordingly.

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 Article 1A.

3. Where an international organization has made the declaration referred to in Article 1A, each contracting party to the present convention which is a constituent member of that organization undertakes the same liability as attaches under the present convention to that international organization in respect of any damage for which the organization is itself liable.

JAPAN: Amendment to Article 1A (ii) of US draft (A/AC.105/4.2/L.8)

Insert the following between the word "launching" and the words "or whose facility or territory" -

"with the permission of the State to which they belong".

- \*\* UNITED KINGDOM: New Article (A/AC.105/4.2/L.8) -

In the event that a claim is presented, in accordance with Article 1A (ii) of this Convention, to more than one receiving State, the amount of compensation recovered by the receiving State shall not in the aggregate exceed the amount recoverable in respect of the same damage from any one of the receiving States.

ITALY: Proposal (A/AC.105/4.2/L.9)

1. In the case of damage occurring in the air (atmosphere of the planet Earth) the principle of ordinary law shall apply that there is no liability without fault; there shall however be a rebuttable presumption of fault (because of the greater risk involved in space activities as compared with conventional aviation);

2. The same principle of fault should apply to damage caused by one space object to another - in particular by collision. There should however be a rebuttable presumption of common fault, (because of the difficulty of proving which party is at fault).

Proposals and amendments before working group

FINLAND: Article 1(a)

The following provisions shall apply to compensation for damage caused to persons or property by one or more space devices ...

UNITED STATES: Article II

Subject to the provisions of Article III, the State of registry shall be liable and undertake to pay compensation for damage on the earth, in air space, or in outer space caused by the launching of an object into outer space, including any damage caused by apparatus or equipment used in such launching.

MEXICO: Article I

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

   (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.
UNITED KINGDOM: Amendment to Article 2 of USA draft

Delete present text and
Substitute the following:

"The State of registry shall be liable and undertakes to pay full compensation, in accordance with 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, including any damage caused by apparatus or equipment used in such launching, or which is caused by any object which has been launched into outer space".

(WG.II/1)

ITALY:

The provisions of this Convention shall apply to any damage caused on the earth, in the atmosphere or in outer space by a cosmic (space) vehicle (device) or by component parts of such vehicle or by objects detached from or launched from such vehicle.

(WG.II/2)

CANADA: Amendment to Article 2 of the USA draft

Insert in the third line the word "all" before the word "damage".

(WG.II/3)

INDIA: oral

The application of the Convention to the entire surface of the earth, including the oceans, should be clarified.

LEBANON: oral

1. The application of the Convention to damage which might not be caused directly by the space-craft itself. In other words, "indirect damage", for example through radioactive contamination of the air by nuclear propelled space-craft, should be clarified.

2. The provisions similar to those in Article III of the draft of Belgium should be included so that there is a link of causation between such damage and "the launching motion or descent of all or part of the space device" the Convention would apply.

3. The presence or absence of a relationship of cause and effect shall be determined in accordance with the national law of the person injured.

ARGENTINA, AUSTRIA AND CANADA - oral

Where damage is caused in a launching State to foreign nationals it should not be a condition that local remedies should be exhausted before a claim might be presented under the Convention.

SOUTH AFRICA - oral

The Convention should not deal with the presentation of claims on behalf of dual nationals.

BELGIUM - Article 1(c)

...except where such damage is caused on the territory of the State where the launching of the device or devices takes place, the State whose flag the device or devices fly or the State or States claiming ownership or co-ownership of the device or devices.

(AC.105/C.2/L.7)

USA - Article V

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

(AC.105/C.2/L.8)

HUNGARY - Article IX

1. 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.

(AC.105/C.2/L.10)

ITALY - Amendment to article V of USA draft

1. The present Convention does not apply to damages caused on the territory of the State which has launched an outer space device or by the installations for the launching of such device. (In this case, the legislation of the said State is applicable).

2. The present Convention is applicable when damage has been caused on the territory of a State other than the State which has launched the outer space device.

(WG.II/5)
Article on Parties Liable

BELGIUM – Article II

The following shall be held liable for damage within the meaning of article 1
at the choice of the plaintiff, there being no joint liability or solidarity:
the State on whose territory the space device was launched, or
the State whose flag the space device flies, or
the State or States claiming ownership or co-ownership of the space device.

(A/AC.105/C.2/L.7)

USA – Article II

Subject to the provisions of Article III, the State of registry shall be liable ...

art. I

e. "State of registry" means:
(i) a Contracting Party which, in accordance with procedures
determined by it, has registered an object for launching
into outer space; or
(ii) a Contracting Party which launches or participates in
launching, or whose natural or juridical persons launch or
participate in launching, or whose facility or territory
is used for launching into outer space an object that is
not registered with another Contracting Party.

(A/AC.105/C.2/L.8)

HUNGARY – 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 of co-operation,
liability may be laid upon more than one State or international organization;
their liability towards the damaged State shall be joint. (A/AC.105/C.2/L.10)

UNIFIED KINGDOM – Amendment to article 2 of USA draft

Delete present text and substitute the following –

"The State of registry shall be liable and undertakes to pay full compensation,
in accordance with 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,
including any damage caused by apparatus or equipment used in such launching,
or which is caused by any object which has been launched into outer space." (WG.II/1)

AUSTRALIA – Draft new article to be inserted after Article 1 of USA text

1a. If an international organization which conducts space activities and of which
one or more of the contracting parties to the present Convention are constituent
members, deposits with the Secretary-General of the United Nations a declaration
that it accepts and undertakes to comply with the provisions of the present
Convention, those provisions shall apply to that organization in all respects in
like manner as they apply to a State, and a reference to a State shall be read and
construed accordingly.

1b. The contracting parties to the present Convention undertake to use their best
efforts 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 Article 1a.

1c. Where an international organization has made the declaration referred to in
Article 1b, each contracting party to the present convention in which is a constituent
member of that organization undertakes the same liability as attaches under the
present convention to that international organization in respect of any damage for
which the organization is itself liable. (WG.II/6)

JAPAN – Amendment to article 1e.(ii) of USA draft

Insert the following between the word "launching" and the words "or whose
facility or territory" — with the permission of the State to which they belong".

(WG.II/7)

FOREIGN – Addition of new article to USA draft

In the event that a claim is presented, in accordance with Article 1e.(ii) of
this Convention, to more than one receiving State, the amount of compensation
recovered by the presenting State shall not in the aggregate exceed the amount
recoverable in respect of the same damage from any one of the receiving States.

(WG.II/8)
PROPOSED NEW ARTICLE ON PRECAUTIONARY MEASURES

JAPAN

In order to minimize damage on land or sea, the State of registry or international organization responsible for launching should make every effort to ensure:

(a) that the objects launched, other than manned space vehicles, be equipped with such devices as to enable those objects to make a soft landing, or
(b) that those objects be made of such materials as those which could be burnt up completely before their landing on earth or water.

(WG.II/4)

USA - Article II

Subject to the provisions of article III, the State of registry shall be liable

... (for the definition of "the State of registry", see para. "a" of Article I)

USA - Article III (1) and (2)

1. The liability referred to in Article II shall be absolute; however, gross negligence on the part of the presenting State or persons whom it represents shall, as appropriate, diminish or expunge any obligation to pay compensation.
2. If objects launched into outer space collide, there shall be no liability as between States of registry or international organizations involved in the launching of such objects.

Hungary - 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 joint 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.
HUNGARY - 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, exception 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.

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

ITALY

1. In the case of damage caused on the surface of the planet Earth, the principle of absolute liability shall apply, even in the case of force majeure; (because of the unequal positions of the victims of the damage, who have no possibility of protecting themselves against risks resulting from space activities, and of those launching space devices); 2. In the case of damage occurring in the air (atmosphere of the planet Earth), the principle of ordinary law shall apply, that is, there is no liability without fault; there shall however be a rebuttable presumption of fault (because of the greater risk involved in space activities as compared with conventional aviation).

3. The same principle of fault shall apply to damage caused by one space object to another - in particular by collision. There should however be a rebuttable presumption of common fault, (because of the difficulty of proving which party is at fault). (A/III/19)

CANADA - oral

1. The Convention should provide for exonerations from liability only where an injured party had wilfully and recklessly exposed himself to dangers of which he was warned and which he could have avoided.

2. As regards collisions between space objects, wherever such a collision might occur, there should be no liability as between the launching States. This rule should however only apply where there is an absence of reckless or wilful conduct on the part of the launching States involved.

3. The Convention should provide that where a launching State seeks to rely on an exonerations from liability, then the burden of proof in such regard should rest upon the launching State.

INDIA and VIET - oral

There should be no exceptions to the principle of absolute liability for damage caused by space objects.

Article on law to determine the relationship of cause and effect between damage and outer space activities

BELGIUM - Article III

The occurrence of the event causing the damage shall entail an obligation to give 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, action or omission of all or part of the space device, on the other hand.

The presence or absence of a relationship of cause and effect shall be determined in accordance with the national law of the person injured.

(A/AC.105/C.2/L.7)

ARGENTINA and PERU - oral

The law which should govern the question should be the law of the place where the accident occurred.

Article on limitation of liability

BELGIUM - Article IV

The extent of the obligation to give compensation shall be determined in accordance with the provisions of the ordinary law of the country of the person injured.

(A/AC.105/C.2/L.7)
UNITED STATES — Article IX

The liability of the State of registry shall not exceed ¥ ________ with respect to each launching.

A/AC.105/C.2/L.8

HUNGARY — Article II (1)
1. Liability of the State shall not exceed ____________

A/AC.105/C.2/L.10

Article on payment of compensation in convertible currency

UNITED STATES — Article VIII

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

A/AC.105/C.2/L.8

UNITED KINGDOM: Amendment to Article VIII USA draft Convention

A/AC.105/C.2/L.8

Delete the present text and substitute the following:

"Payment of compensation shall be made in the currency of the Presenting State or in a currency acceptable to the presenting international organization."

A/AC.105/C.2/L.8

HUNGARY — Article IV (1)
1. A Contracting Party, or an international organization of which at least one Contracting Party is a member, which suffers damage as the result of the launching of an object into outer space, or whose natural or juridical persons suffer damage, may present a claim for compensation to the Receiving State. A Contracting Party may also present the claim of dual nationals or stateless persons permanently residing in its territory. However, a claim of an individual claimant may not be presented by more than one Contracting Party.

A/AC.105/C.2/L.8

SWEDEN: oral

Amendment to United States Draft — Article IV (1)

There was a Swedish proposal: (i) to delete the words "of which at least one Contracting Party is a member" and to substitute therefor the words "to which the Convention is applicable"; (ii) to include in the case of an international organization, a reference to its employees, and (iii) to delete the reference to "dual nationals".

BELGIUM — Article V (1)

Article on joinder of actions

There shall be joinder of actions when there is more than one plaintiff in respect of damage due to one and the same event or when more than one State is liable if more than one space device was responsible for the damage.

A/AC.105/C.2/L.7
Article on presentation of claims for compensation through
the diplomatic channel

BELGIUM - Article V
(a) Within twelve months of the occurrence of the damage, the plaintiff State
shall submit, through the diplomatic channel, to the State considered liable
under Article I all claims for compensation relating to the State itself or
its nationals or residents.
(A/AC.105/6/2/L.7)

UNITED STATES - Article IV
2. The claim shall be presented through the diplomatic channel. A State
may request a third State to present its claims and otherwise to repre-
sent its interests in the event that it does not maintain diplomatic re-
lations with the receiving State.
(A/AC.105/6/2/L.8)

HUNGARY - 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.
(A/AC.105/6/2/L.10)

Article on time-limits for presentation
of claims

BELGIUM - Article V
(a) Within twelve months of the occurrence of the damage, the plaintiff State
shall submit ... all claims for compensation...
(A/AC.105/6/2/L.7)

UNITED STATES - Article IV
3. A claim must be presented within one year of the date on which the
accident occurred.
(A/AC.105/6/2/L.8)

HUNGARY - Article X
A claim must be presented within one year of the date of occurrence of
the damage.
(A/AC.105/6/2/L.10)

JAPAN: No.11/17
Replace para. 3, Article IV of the USA draft by the following:
"3. A claim must be presented within ... year (years) of the date
on which the State of registry or the international organization
responsible for the launching has been identified and the State
which suffered damage or juridical persons suffer damage has
knowledge or ought reasonably to have knowledge of such damage."

Article on pursuit of remedies available
in State liable or under other
international agreements

UNITED STATES - Article VI
1. The presentation of a claim shall not require exhaustion of any
remedies in the receiving State which may otherwise exist.
2. Any claim presented in conformity with the provisions of this
Convention shall exclude pursuit by the presenting State or any natural
or juridical persons whom it represents of any remedies which might other-
wise be available in the receiving State or under the terms of any other
international agreement.
(A/AC.105/6/2/L.8)

UNITED KINGDOM: Amendment to Article VI, para. 2, of USA Draft
(A/AC.105/6/2/L.8)

Delete present text and
Substitute the following
"If, however, the presenting State, or any natural or juridical
person whom it represents, elects to pursue a claim in the
administrative agencies or the Courts of the receiving State,
it shall not at the same time present under this Convention a
claim arising out of the same damage."
ITALY: amendment to Australian proposal (W5.II/6)
(W5.II/12)
Replace the text of L. by the following text:
L. If an international organization which conducts space activities deposits with the Secretary-General of the United Nations a declaration that it accepts and undertakes to comply with the obligations of the present Convention, the provisions relating to those obligations shall apply to that organization in all respects in like manner as they apply to a State.
SUBST: Working draft on the liability of international organizations to be added into the UBA text.
(W6.II/15)
1. If an international organization transmits to the Secretary-General of the United Nations a declaration that it accepts the provisions of the present Convention, all the provisions, except articles X, XIII, XIV and XV shall apply to the organization as they apply to a Contracting Party.

Article V shall be taken to mean that an international organization shall not be liable under this Convention for damage suffered by its own employees. Disputes arising from the interpretation or application of this Convention, and in which an international organization is involved, shall be settled, at the request of any party to the dispute, by the procedure prescribed in Article VII. The application of the Convention to an international organization is conditional upon the entry into force of the Convention in accordance with Article XV.
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 Article I. If provision for subsidiary liability of members of international organizations is deemed indispensable with regard to space activities, a clause along the following lines is submitted:
3. The declaration referred to in Article I shall contain a statement that the constituent members of the international organization have undertaken to be jointly responsible for the payment of any compensation due from the organization under the present Convention, should the organization itself have failed to pay that compensation within X months from the date on which the amount of such compensation was agreed upon or otherwise established. The declaration shall also indicate in which proportion the liability thus undertaken by each of the constituent members of the organization will be borne by them.

UNITED KINGDOM: amendment to article VIII UBA draft Convention (a/C.105/C.2/L.8)
(W9.II/14)
Delete present text and
Substitute the following:
"Payment of compensation shall be made in the currency of the Presenting State or in a currency acceptable to the presenting international organization."
UNITED KINGDOM: amendment to article VI, paragraph 2, of UBA draft (a/C.105/C.2/L.8)
(W9.II/15)
Delete present text and
Substitute the following:
"If, however, the presenting State, or any natural or juridical person whom it represents, elects to pursue a claim in the administrative agencies or the Courts of the receiving State, it shall not at the same time present under this Convention a claim arising out of the same damage."
JEP: Proposal
(W6.II/16)
Add the following after paragraph 2, article VII of UBA draft (a/C.105/C.2/L.8)
"It shall also determine how the costs and expenses shall be divided between the parties to the dispute, failing agreement by the parties on this matter."
JEP: amendment to paragraph 3 of article IV of UBA draft (a/C.105/C.2/L.8)
(W9.II/17)
Replace paragraph 3 of article IV by the following:
"3. A claim must be presented within .......... year (years) of the date on which the State of registry or the international organization responsible for the launching has been identified and the State which suffers damage or jurisdictional persons suffer damage has knowledge or ought reasonably to have knowledge of such damage."
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Représentation Permanente de la République Populaire de Bulgarie auprès de l'Office européen des Nations Unies
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