

COMMITTEE ON THE PEACEFUL  
USES OF OUTER SPACEREPORT OF THE LEGAL SUB-COMMITTEE ON THE WORK OF ITS SIXTH SESSION

(19 June - 14 July 1967)

TO THE COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

1. At a special meeting held on 19 April 1967 at the United Nations Headquarters, the Legal Sub-Committee elected Mr. Eugeniusz Wyzner (Poland) as Chairman to succeed Mr. Manfred Lachs who had been elected to the International Court of Justice.
2. The Legal Sub-Committee opened its sixth session at the United Nations Office at Geneva on 19 June 1967 under the new Chairmanship of Mr. Wyzner.
3. In his opening statement, the Chairman expressed the hope that the work of the Sub-Committee would proceed in the same spirit of co-operation and understanding as had prevailed at the other sessions. He considered it encouraging to see that the Sub-Committee's deliberations had led to the conclusion of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

Adoption of the Agenda

4. On the suggestion of the Chairman, the Legal Sub-Committee adopted the following agenda for the session (A/AC.105/3.2/L.17 and Corr.1) without prejudice to the order in which the various items would be considered:

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

Organization of work

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

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

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

I. Assistance to and return of astronauts and space vehicles

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

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

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

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

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

(1) Article I - Notification of Accident

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

- (a) shall do its utmost to notify immediately the launching State;\*\*
- (b) shall immediately notify the Secretary-General of the United Nations who should disseminate the information without delay through all appropriate means at his disposal;

...

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

- \*\* (i) The question whether the expression "Launching State" or some other expression, as for example "State of Registry" or "State which announced the launching" should be used has been deferred for further consideration.
- (ii) No agreement was reached on the question of the inclusion of the words "or international organizations" in this provision. This question was deferred for further consideration.

(2) Article 2 - Assistance in the Territory of a Contracting Party

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

(2) .....

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

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

II. Liability for damage caused by the launching of objects into outer space

12. The Sub-Committee had before it three draft Conventions concerning liability for damage caused by the launching of objects into outer space: a revised draft Convention submitted by the delegation of Belgium (A/AC.105/C.2/L.7/Rev.3); a draft Convention submitted by the delegation of the United States (A/AC.105/C.2/L.19) in place of its previous draft Convention (A/AC.105/C.2/L.8/Rev.3); and a draft Convention

submitted to the Sub-Committee at its fourth session (A/AC.105/C.2/L.18/Rev.1), as amended at the present session (A/AC.105/C.2/L.24 and Add.1), by the delegation of Hungary. In the course of the Sub-Committee's discussion on the three texts a proposal with respect to the definition of the term "space vehicle" was made by the delegation of Argentina (A/AC.105/C.2/L.22). A proposal was also made by the delegation of Argentina in regard to the procedures for the settlement of claims for compensation under the Convention (A/AC.105/C.2/L.25). Proposals with respect to the definition of the term "damage" were submitted by the delegation of India (A/AC.105/C.2/L.26) and by the delegation of Canada (A/AC.105/C.2/L.27).

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

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

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

16. These proposals and amendments together with the comparative table and other proposals and documents (WG.II/31 and Corr.1, 32, 33/Rev.1, 34 and Add.1, 35, 36, 40, 41 and Add.1, and 42) are reproduced in Annex II to the present report.

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

Definitions:

Text provisionally agreed upon

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

\* No agreement was reached on the inclusion of indirect damage and delayed damage in the definition.

Points on which agreement was reached

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

In defining the term "Launching State" the following elements should be included:\*

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

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

Field of application:

Points on which agreement was reached

- A. The provisions of this Convention shall not apply to damages sustained by:\*
- (a) Nationals of the Launching State;
  - (b) Foreign nationals in the immediate vicinity of a planned launching or recovery area as the result of an invitation by the Launching State.

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

- (a) Persons who are permanent residents but not nationals of the Applicant (Presenting) State;
  - (b) A spacecraft and its personnel during launching, transit or descent.
- B. The Launching (Respondent) State should be absolutely liable to pay compensation for damage caused on the surface of the Earth and to aircraft in flight.\*

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\* No agreement was reached whether the Launching (Respondent) State should, on proof of fault, be liable to pay compensation for damage caused to space objects which have left the surface of the Earth.

Liability of International Organizations

Points on which provisional agreement was reached

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

\* No agreement was reached on the question whether the liability of the States members of the international organization that are parties to the liability convention:

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

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

#### Time Limits for Presentation of Claims

##### Points on which agreement was reached

1. A claim may be presented not later than one year following the date of the occurrence of the accident or the identification of the party that is liable.
2. If the Applicant (Presenting) (claimant) State does not know of the facts giving rise to the claim within the aforementioned one-year period, it may present a claim within one year following the date on which it learned of the facts; however, this period shall in no event exceed one year following the date on which the Applicant (Presenting) (claimant) State could reasonably be expected to have learned of the facts through the exercise of due diligence.
3. The above-mentioned time limits shall apply even if the full extent of the damage may not be known. In this event, however, the Applicant (Presenting) (claimant) State shall be entitled to revise its claim and submit additional documentation beyond the above-mentioned time limits until one year after the full extent of such damage is known.

#### Presentation of Claims

##### Points on which agreement was reached

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

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

2. In the event the Applicant (Presenting) (claimant) State does not have diplomatic relations with the Launching (Respondent) State, the former may request a third State to present its claim and otherwise represent its interests.

Arbitration in the event of dispute

Points on which agreement was reached

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

III. Questions relative to (a) the definition of outer space and (b) the utilization of outer space and celestial bodies, including the various implications of space communications.

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

QUESTIONNAIRE

The Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space, Desiring to obtain the technical and scientific documentation it needs to undertake the study requested of it concerning questions relative to the definition of outer space and its peaceful uses,

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

Invites the Scientific and Technical Sub-Committee:

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

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

II (a) to consider the summary records of the 80th to 83rd meetings of the Legal Sub-Committee, at which these matters were initially discussed, and to take into account the assumptions, suggestions and questions voiced by the various delegations,

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

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



ANNEX IProposals, amendments and other documents  
relating to assistance to and return of  
astronauts and space vehiclesUSSR: Revised Draft (A/AC.105/C.2/L.18\*)AGREEMENTON THE RESCUE OF ASTRONAUTS IN THE EVENT OF  
ACCIDENT OR EMERGENCY LANDING

The Contracting Parties,

Noting the great importance of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, which enunciated the principle of rendering all possible assistance to astronauts in the event of accident, distress or emergency landing,

Desiring to develop and give concrete expression to that principle,

Prompted by sentiments of humanity,

Have agreed on the following:

Article 1

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

- (a) shall do its utmost to notify without delay the State which announced that it had launched the spacecraft concerned;
- (b) shall immediately notify the Secretary-General of the United Nations;
- (c) shall immediately make a public announcement by radio or through other means of communication at its disposal.

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\* Reissued for technical reasons.

Article 2

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

Article 3

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

Article 4

If information is received or it is discovered that astronauts have alighted, owing to accident or distress, on the high seas or in any other place not under the jurisdiction of any State, those Contracting Parties which are in a position to do so, shall extend assistance to the State which announced that it had launched the spacecraft concerned, in carrying out search and rescue operations for the astronauts.

Article 5

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

Article 6

1. This Agreement shall be open to all States for signature. Any State which does not sign this Agreement before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.
2. This Agreement shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of . . . . . which are hereby designated the Depositary Governments.

3. This Agreement shall enter into force upon the deposit of instruments of ratification by five Governments including the Governments designated as Depository Governments under this Agreement.
4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Agreement, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
5. The Depository Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Agreement, the date of its entry into force and other notices.
6. This Agreement shall be registered by the Depository Governments pursuant to Article 102 of the Charter of the United Nations.

#### Article 7

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

#### Article 8

This Agreement, of which the Russian, English, French, Spanish and Chinese texts are equally authentic, shall be deposited in the archives of the depository Governments. Duly certified copies of this Agreement shall be transmitted by the Depository Governments to the Governments of the signatory and acceding States. IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Agreement.

DONE in            copies at

UNITED STATES: PROPOSAL (A/AC.105/C.2/L.9)

#### 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 31 December 1963, as resolution 1962 (XVIII),

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

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

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

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

#### Article 1

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

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

#### Article 2

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

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 11

The original of this Agreement, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in Article 7.

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

Done at \_\_\_\_\_ this \_\_\_\_\_  
day of \_\_\_\_\_, 196 \_\_\_\_\_

UNITED STATES: PROPOSAL (WG.I/35)

Article 4

Assistance outside the territory of a Contracting Party

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

\* This text replaces the second sentence of paragraph 1 of Article 2 of the USA draft (A/AC.105/C.2/L.9).

Revised Australian - Canadian proposal on assistance to and return of Astronauts and Space Objects submitted as a Working Paper (A/AC.105/C.2/L.20).

The Contracting Parties,

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

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

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

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

Prompted by sentiments of humanity and having regard for the needs of science, Agree as follows:

[ Definition Article

For the purposes of this Agreement:

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

Article 1

- (1) Each Contracting Party shall, in accordance with the provisions of the present Agreement and using every appropriate means at its disposal, assist the personnel of spacecraft in the event of accident, distress or emergency landing and safely and promptly return them to the Launching State.
- (2) With a view to ensuring the return to the Launching State of a space object discovered beyond the limits of the territory under the sovereignty jurisdiction or control of that State, each Contracting Party shall, in co-operation where appropriate with other States, carry out the duties provided for in the present Agreement.

#### Article 2

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

- (a) shall do its utmost immediately to ascertain and notify the Launching State;
- (b) if it cannot readily ascertain the Launching State, shall forthwith notify the State it presumes to be the Launching State;
- (c) shall immediately notify the Secretary-General of the United Nations.

#### Article 3

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

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

#### Article 4

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

#### Article 5

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



Article 6

- (1) A Contracting Party which receives information or discovers that a space object has returned to Earth:
  - (a) shall do its utmost immediately to ascertain and notify the Launching State;
  - (b) if it cannot readily ascertain the Launching State, shall forthwith notify the State it presumes to be the Launching State;
  - (c) shall immediately notify the Secretary-General of the United Nations.
- (2) A Contracting Party having sovereignty, jurisdiction or control over the territory on which a space object has been discovered shall upon the request of the Launching State take all steps that it finds practicable to recover the object.
- (3) A Contracting Party which has recovered a space object shall upon the request of the Launching State return the object to that State.
- (4) Notwithstanding the provisions of paragraphs (2) and (3) of this Article, a Contracting Party which finds that a space object discovered in territory under its sovereignty, jurisdiction or control or recovered by it elsewhere is of a hazardous or deleterious nature may so notify the Launching State, which shall thereupon take prompt and effective steps, under the direction and control of the Contracting Party, to recover the object and to remove it from territory under the sovereignty, jurisdiction or control of the Contracting Party or otherwise to eliminate danger of harm.
- (5) If in fulfilling its obligations under paragraph (2) or (3) of this Article a Contracting Party considers that assistance from the Launching State would facilitate substantially the recovery or return of a space object, the Contracting Party shall request the Launching State to co-operate with it in recovery or return operations under the direction and control of the Contracting Party.
- (6) A State which requests the return of a space object shall, if requested by the Contracting Party which has discovered the object in territory under its sovereignty, jurisdiction or control or has recovered it elsewhere, furnish to the Contracting Party identifying data prior to the return of the object.
- (7) The expenses incurred by the Contracting Party in fulfilling its obligations under the present Agreement in respect of the recovery or the return of a space object shall be reimbursed by the State to which the object is returned.

Article 7

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

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

PROPOSAL OF THE DELEGATION OF ITALY (A/AC.105/C.2/L.21)

Article 1

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

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

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

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

(a) It introduces a reference to international organizations;

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

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

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

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

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

ARGENTINA: PROPOSAL (A/AC.105/C.2/L.23)

Include the following in the definitions article:

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

Text agreed by Working Group I (WG.I/38)

Article 1

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

...

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

...

Text on which preliminary agreement was reached in Working Group I (WG.I/39)

Article 1

(a) shall do its utmost to notify immediately the launching State;\*

UNITED STATES AND THE UNITED KINGDOM: PROPOSAL (WG.I/40)

Article 1

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

\* (1) The term "launching State" might be subject to definition later.

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

(a) shall do its utmost to notify immediately the launching State;\*

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

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

AUSTRALIA, CANADA AND THE USSR: Assistance in the Territory of a Contracting Party (WG.I/41)

Article

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

(2) . . . . .

UNITED KINGDOM: Proposed Redraft of Article 4 (WG.I/42)

If information is received or it is discovered that astronauts have alighted, owing to accident or distress, on the high seas or in any other place not under the jurisdiction of any State, those Contracting Parties which are in a position to do so shall carry out search and rescue operations for the astronauts in close and continuing co-operation with the Launching State.

\* (1) The term "launching State" might be subject to definition later.

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

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

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

CANADA: PROPOSAL (WG.I/43)

Article .....

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

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

AUSTRALIA, CANADA AND UNITED STATES: PROPOSAL (WG.I/44)

Article

Duty to Return  
Personnel

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

AUSTRALIA, CANADA AND UNITED STATES: PROPOSAL (WG.I/45)

Article

Return of Space  
Objects

1. Each Contracting Party which receives information or discovers that a space object has returned to Earth:
  - (a) shall do its utmost to notify immediately the Launching State or international organization responsible for the launching; and
  - (b) shall immediately notify the Secretary-General of the United Nations.
2. Each Contracting Party having jurisdiction over the territory on which a space object has been discovered shall upon the request of the Launching State or international organization responsible for the launching take such steps as it finds practicable to recover the object.
3. When a space object has been recovered by a Contracting Party, that object shall, upon the request of the Launching State or international organization responsible for the launching, be returned to the authorities of the Launching State or of the international organization responsible for the launching.

4. Notwithstanding paragraphs 2 and 3 of this Article, a Contracting Party which finds that a space object discovered in territory under its jurisdiction or recovered by it elsewhere is of a hazardous or deleterious nature may so notify the Launching State or international organization responsible for the launching, which shall immediately take effective steps, under the direction and control of the Contracting Party, to eliminate all danger of harm.
5. If, in fulfilling its obligations under paragraph 2 or 3 of this Article, a Contracting Party considers that assistance from the Launching State or international organization responsible for the launching would facilitate substantially the recovery or return of a space object, the Contracting Party shall request the Launching State or international organization responsible for the launching to co-operate with it in recovery or return operations under the direction and control of the Contracting Party.
6. A State or international organization which asks a Contracting Party for the return of a space object shall, upon request, furnish to the Contracting Party identifying data prior to the return of the object.

Comparative table (A/AC.105/C.2/W.1/Rev.3) of provisions contained in the proposals submitted by the Union of Soviet Socialist Republics (A/AC.105/C.2/L.18), the United States of America (A/AC.105/C.2/L.9 and WG.I/35) and Australia and Canada (A/AC.105/C.2/L.20)

AGREEMENT  
ON THE RESCUE OF ASTRONAUTS IN THE EVENT OF  
ACCIDENT OR EMERGENCY LANDING

Preamble

The Contracting Parties,

Noting the great importance of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies, which enunciated the principle of rendering all possible assistance to astronauts in the event of accident, distress or emergency landing,

Desiring to develop and give concrete expression to that principle,

Prompted by sentiments of humanity,

Have agreed on the following:

Definitions

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 13 December 1963, as resolution 1962 (XVIII),

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

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

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

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

Agree as follows:

The Contracting Parties,

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

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

Recalling Resolution 1962 (XVIII) entitled "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space," which was adopted unanimously by the United Nations General Assembly on 13 December 1964,

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

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

Agree as follows:

┌ Definitions Article

For the purposes of this Agreement:

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

A/AC.105/23  
Annex I  
Page 15



General duty

See first sentence of Article 3

Notification  
of accident

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

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

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

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

Article 2

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

Article 1

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

Article 1

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

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

Article 2

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

- (a) shall do its utmost immediately to ascertain and notify the Launching State;
- (b) if it cannot readily ascertain the Launching State, shall forthwith notify the State it presumes to be the Launching State;
- (c) shall immediately notify the Secretary-General of the United Nations.

Assistance in  
territory of  
Contracting  
Party

Article 2

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

Article 2

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

Article 3

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

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

Article 3

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

Assistance  
outside  
territory of  
Contracting  
Party

Article 4

If information is received or it is discovered that astronauts have alighted, owing to accident or distress, on the high seas or in any other place not under the jurisdiction of any State, those Contracting Parties which are in a position to do so, shall extend assistance to the State which announced that it had launched the spacecraft concerned, in carrying out search and rescue operations for the astronauts.

Article 4

If information is received or it is discovered that personnel of a spacecraft have suffered accident, are in distress, or have made an emergency landing, on the high seas or in any other place not under the jurisdiction of any State, and the Launching State is not in a position immediately to undertake effective search and rescue operations, such operations shall be conducted, in close and continuing co-operation with the Launching State, by those Contracting Parties which are in a position to do so. The operations shall be conducted in a manner designed to assure speedy rescue and taking account of requests and technical advice from the State which announced the launching. [WG.I/35]

Article 4

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

Duty to  
return  
personnel

Article 3

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

Article 5

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

Return of  
space  
objects

Article 1

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

Article 3

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

Article 6

- (1) A Contracting Party which receives information or discovers that a space object has returned to Earth:
  - (a) shall do its utmost immediately to ascertain and notify the Launching State;
  - (b) if it cannot readily ascertain the Launching State, shall forthwith notify the State it presumes to be the Launching State;
  - (c) shall immediately notify the Secretary-General of the United Nations.
- (2) A Contracting Party having sovereignty, jurisdiction or control over the territory on which a space object has been discovered shall upon the request of the Launching State take all steps that it finds practicable to recover the object.
- (3) A Contracting Party which has recovered a space object shall, upon the request of the Launching State, return the object to that State.
- (4) Notwithstanding the provisions of paragraphs (2) and (3) of this Article, a Contracting Party which finds that a space object discovered in territory under its sovereignty, jurisdiction or control or recovered by it elsewhere is of a hazardous or deleterious nature may so notify the Launching State, which shall thereupon take prompt and effective steps, under the direction and control of the Contracting Party, to recover the object and to remove it from territory under the sovereignty, jurisdiction or control of the Contracting Party or otherwise to eliminate danger of harm.
- (5) If in fulfilling its obligations under paragraph (2) or (3) of this Article a Contracting Party considers that assistance from the Launching State would facilitate substantially the recovery or return of a space object, the Contracting Party shall request the Launching State to co-operate with it in recovery or return operations under the direction and control of the Contracting Party.
- (6) A State which requests the return of a space object shall, if requested by the Contracting Party which has discovered the object in territory under its sovereignty, jurisdiction or control or has recovered it elsewhere, furnish to the Contracting Party identifying data prior to the return of the object.

Reimbursement  
of expenses

Article 5

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

Article 6

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

International  
organizations

Article 7

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

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

Settlement  
of disputes

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.

Parties to  
agreement,  
signature and  
accession

Article 6

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

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.

Ratification  
and depositary

Article 6

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

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.

Entry into  
force

Article 6

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

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.

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

Notification  
by depositary

Article 6

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

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.

Registration

Article 6

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

Amendments

Article 7

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

Article 5

A Contracting Party may propose amendments to this Agreement. Amendments shall come into force for each Contracting Party accepting the amendments on acceptance by a majority of the Contracting Parties and thereafter for each remaining Contracting Party on acceptance by it.

Withdrawal  
from  
agreement

Article 6

Any Contracting Party may give notice of its withdrawal from this Agreement two years after its entry into force by written notification to the Secretary-General of the United Nations. Such withdrawal shall take effect one year from the date of receipt by the Secretary-General of the notification.

Authentic texts  
and deposit of  
agreement

Article 8

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

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

DONE in \_\_\_\_\_ copies at \_\_\_\_\_

Article 11

The original of this Agreement, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in Article 7.

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

Done at \_\_\_\_\_ this \_\_\_\_\_  
day of \_\_\_\_\_, 196\_\_\_\_\_



ANNEX II

Proposals, amendments and other documents relating  
to liability for damage caused by the launching of  
objects into outer space

BELGIUM: PROPOSAL FOR A CONVENTION ON THE UNIFICATION OF CERTAIN RULES  
GOVERNING LIABILITY FOR DAMAGE CAUSED BY SPACE DEVICES TO THIRD PARTIES  
ON THE SURFACE OF THE EARTH AND TO AIRCRAFT IN FLIGHT (A/AC.105/C.2/L.7/Rev.3)

The Contracting Parties,

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

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

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

Have agreed as follows:

Article 1

- (a) The provisions of this Convention shall apply to compensation for damage caused to persons or property by a space device or space devices. They shall not apply to compensation for damage caused in the territory of the Launching State or suffered by its nationals or permanent residents, or for damage caused by a space device to another space device.
- (b) The occurrence of the event causing the damage shall create a liability for compensation once proof has been given that there is a relationship of cause and effect between the damage, on the one hand, and the launching, motion or descent of all or part of the space device, on the other hand.
- (c) If the damage suffered results either wholly or partially from an act or omission on the part of the Applicant State or of natural or juridical persons that it represents and such act or omission has been committed, either with intent to cause damage or rashly and in full knowledge that damage will probably result, the liability of the Launching State to pay compensation under this Convention shall, to that extent, be wholly or partially extinguished.

Article 2

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

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

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

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

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

Article 3\*

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

Article 4

(a) Within two years after the occurrence of the damage, or after the identification of the State liable under article 1, the applicant State shall present through the diplomatic channel, to the State which it holds liable, all claims for compensation concerning itself and its nationals and residents. A Contracting Party may request another State to present its claim and otherwise represent its interest in the event that it does not maintain diplomatic relations with the Launching State.

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

or  
of  
to  
Co

\*/

- (b) If the applicant State or a person represented by it brings an action for compensation before the Courts or administrative organs of the State receiving the claim, it shall no longer be able to present a claim for compensation for the same damage under the provisions of this Convention. The said provisions shall not be considered to require, by implication, the prior exhaustion of such remedies as may exist under the rules of ordinary law in the State receiving the claim.
- (c) If the State receiving the claim has not taken, within six months after being approached, a decision considered satisfactory by the applicant State, the latter may have recourse to arbitration.

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

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

- (d) Sums due in compensation for damage shall be fixed and payable either in the currency of the applicant State or in a freely transferable currency.
- (e) The periods specified in this article shall not be subject to interruption or suspension.
- (f) There shall be joinder of claims where there is more than one applicant in respect of damage due to the same event or where more than one State is liable and the damage was caused by more than one space device.

#### Article 5

This Convention shall be open for signature by States Members of the United Nations or any of the specialized agencies or parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention. Any such State which does not sign this Convention may accede to it at any time.

<sup>\*/</sup> An alternative might be "take its decisions ex aequo et bono"

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

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

#### Article 6

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

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

#### Article 7

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

#### Article 8

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

Article 9

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

Article 10

This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified true copies to all signatory States and to any State Member of the United Nations which so requests.

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

Done at

on

United States of America: Proposal (A/AC.105/C.2/L.19)

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 on occasion result in damage,

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

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

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

Agree as follows:

ARTICLE I - Definitions

For the purposes of this Convention

- (a) "Damage" means loss of life, personal injury, or damage to property whether partial or total.
- (b) The term "launching" includes attempted launchings.
- (c) "Launching State" means a Contracting Party, or an international organization that has transmitted a declaration to the Secretary-General under Article V, paragraph 1, of this Convention, that launches or actively and substantially participates in the launching of an object into outer space, or from whose territory or facility an object is launched into outer space, or that exercises control over the orbit or trajectory of such an object.
- (d) "Presenting State" means a Contracting Party, or an international organization that has transmitted a declaration to the Secretary-General under Article V, paragraph 1 of this Convention, that presents a claim for compensation to a Respondent State.
- (e) "Respondent State" means a Launching State from which compensation is sought under this Convention.

ARTICLE II - Liability

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

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

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

ARTICLE III - Multiple Respondent States

1. If under paragraph 1 of Article II or paragraph 3 of Article V two or more Launching States would be liable to pay compensation, the Presenting State may proceed against any or all such States individually or jointly for the total amount of damages.

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

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

4. If a number of Contracting States co-operate in a launching, and if they reduce the terms of their co-operation to writing and file a copy thereof with the Secretary-General of the United Nations, Presenting States shall be on notice as to those terms and shall be bound to observe the proportionate shares of liability assumed by the several Contracting States. If payment of the specified proportionate share has not been made by one or more Respondent States six months after the amount of overall liability has been ascertained, a Presenting State may demand payment from any other Respondent State as provided in Article III, paragraph 6.

5. The amount recoverable by the Presenting State from any one Respondent State shall be reduced to the extent of any compensation received in respect of that claim by the Presenting State from any other Respondent State, so that in no case shall the aggregate of the compensation paid in respect of any one claim exceed the amount which would be payable under this Convention if only one Respondent State were liable.

6. If any one of several Respondent States fails to pay its proportionate share of the overall liability within six months of the date of the ascertainment of the amount due, the Presenting State may demand payment from any or all of the other Respondent States.

7. A Respondent State which has not paid its proportionate share of the overall liability to the Presenting State shall be obligated to reimburse the other Respondent States for their payments in excess of their proportionate shares.

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

#### ARTICLE IV - Measure of Damages

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

#### ARTICLE V - International Organizations

1. If an international organization which conducts space activities transmits to the Secretary-General of the United Nations a declaration that it accepts and undertakes to comply with the provisions of the present Convention, all the provisions, except Articles XII, XV, XVI, and XVII, shall apply to the organization as they apply to a State which is a Contracting Party.



2. The Contracting Parties to the present Convention undertake to use their best endeavours to ensure that any international organization which conducts space activities and of which they are constituent members is authorized to make and will make the declaration referred to in paragraph 1 of this Article.

3. If within one year of the date on which compensation has been agreed upon or otherwise established pursuant to Article X, an international organization fails to pay such compensation, each member of the organization which is a Contracting Party shall, upon service of notice of such default by the Presenting State within three months of such default, be liable for such compensation in the manner and to the extent set forth in Article III.

#### ARTICLE VI - Presenting a Claim

1. A Contracting Party which suffers damage referred to in Article II, paragraph 1, or whose natural or juridical persons suffer such damage, may present a claim for compensation to a Respondent State or States.

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

3. A claim shall be presented through the diplomatic channel. A Contracting Party may request another State to present its claim and otherwise represent its interest in the event that it does not maintain diplomatic relations with a Respondent State.

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

#### ARTICLE VII - Nationals

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

ARTICLE VIII - Limitation of Liability;  
Apportionment

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

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

- (a) If the allowable claims are exclusively in respect of loss of life or personal injury, or exclusively in respect of damage to property, such claims shall be reduced proportionately.
- (b) If the allowable claims are both in respect of loss of life or personal injury and in respect of damage to property, three fourths of the total sum distributable shall be appropriated preferentially to meet claims in respect of loss of life and personal injury and, if insufficient, shall be distributed proportionately between the claims concerned. The remainder of the total sum distributable shall be distributed proportionately among the claims in respect of damage to property and the portion not already covered of the claims in respect of loss of life and personal injury.

ARTICLE IX - Exhaustion of Remedies

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

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

ARTICLE X - Claims Commissions

1. If a claim presented under this Convention is not settled within one year from the date on which documentation is completed, the Presenting State may request the establishment of a commission to decide the claim. The competence of such commission shall extend to any dispute arising from the interpretation or application of this Convention. The Respondent State and the Presenting State shall each promptly

appoint one person to serve on the commission and a third person, who shall act as a chairman, shall be appointed by the President of the International Court of Justice. If the Respondent State fails to appoint its member within three months, the person appointed by the President of the International Court of Justice shall constitute the sole member of the commission.

2. No increase in the membership of the commission shall take place where two or more Presenting States or Respondent States are joined in any one proceeding before the commission. The Presenting States so joined shall collectively appoint one person to serve on the commission in the same manner and subject to the same conditions as would be the case for a single Presenting State. Similarly, where two or more Respondent States are so joined, they shall collectively appoint one person to serve on the commission in the same way. If the Presenting or Respondent States fail to appoint their member within three months, the person appointed by the President of the International Court of Justice shall constitute the sole member of the commission.

3. The commission shall determine its own procedure.

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

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

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

#### ARTICLE XI - Currency

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

#### ARTICLE XII - Settlement of Disputes

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

#### ARTICLE XIII - Amendments

A Contracting Party may propose amendments to this Convention. An amendment shall come into force for each Contracting Party accepting the amendment on acceptance by a majority of the Contracting Parties, and thereafter for each remaining Contracting Party on acceptance by it.

ARTICLE XIV - Withdrawal

A Contracting Party may give notice of withdrawal from this Convention five years after its entry into force by written notification to the Secretary-General of the United Nations. Such withdrawal shall take effect one year from the date of receipt of the notification by the Secretary-General. A State withdrawing from this Convention shall not thereby be relieved of any obligation or liability with respect to damages arising before withdrawal becomes effective.

ARTICLE XV - Signature and Accession

The Convention shall be open for signature by States Members of the United Nations or of any of the specialized agencies or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a party. Any such State which does not sign this Convention may accede to it at any time.

ARTICLE XVI - Ratification: Depository

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

ARTICLE XVII - Entry Into Force

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

ARTICLE XVIII - Depository's Duties

The Secretary-General of the United Nations shall inform all States referred to in Article XV and all organizations which have made declarations under Article V, paragraph 1 of signatures, deposits of instruments of ratification or accession, declarations referred to in Article V, paragraph 1, the date of entry into force of this Convention, proposals for amendments, notifications of acceptances of amendments, the date of entry into force of each amendment, and notices of withdrawal, and shall transmit to those States and organizations certified copies of each amendment proposed.

ARTICLE XIX

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

Hungary: revised draft Convention concerning  
Liability for Damage caused by the Launching  
Of Objects into Outer Space (A/AC.105/C.2/L.10/Rev.1)

The Contracting States

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

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

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

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

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

Have decided to conclude the present Convention:

The scope of liability

Article I

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

(a) Caused by an object launched into outer space; or

(b) Caused in outer space, in the atmosphere or on the ground by any manned or unmanned space vehicle or any object after being launched, or conveyed into outer space in any other way,

but they shall not apply to nuclear damage resulting from the nuclear reactor of space objects.

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

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

#### Article II

1. Liability under this Convention shall not exceed ...

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

#### Article III

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

#### Article IV

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

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

#### Article V

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

The subject of liability

Article VI

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

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

Article VII

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

Claims, payment, arbitration

Article VIII

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

Article IX

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

Article X

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

Article XI

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

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

Article XII

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

Final clauses

Article XIII

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

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

Article XIV

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

Article XV

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

Article XVI

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

Article XVII

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

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

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

(c) Denunciations received in accordance with article XVI.

Article XVIII

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



Article XI

HUNGARY: PROPOSAL (A/AC.105/C.2/L.24)

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

- (1) replace sub-paragraph 1 (a) of article I by the following text:  
"(a) caused by an object during its launching into outer space; or"
- (2) replace paragraph 1 of article VI by the following text:  
"1. Liability for damage shall rest with the State or international organization which has launched or attempted to launch the space vehicle or object or has procured the launching, or with the State from whose territory or facility the launching was made."

HUNGARY: PROPOSAL (A/AC.105/C.2/L.24/Add.1)

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

Proposal by ARGENTINA (A/AC.105/C.2/L.22)

Definition to be included in the definitions section or article:

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

Argentina: Proposal (A/AC.105/C.2/L.25)

Amendment to articles X and XII of the proposal of the United States of America (A/AC.105/C.2/L.19), to article 4 of the proposal of Belgium (A/AC.105/C.2/L.7/Rev.3), and to article XI of the proposal of Hungary (A/AC.105/C.2/L.10/Rev.1):

Arbitration commission

1. If a claim presented under this Convention is not settled within one year from the date on which documentation is completed, the Presenting State may request the establishment of a commission to decide the claim. The competence of such commission shall extend to any dispute arising from the interpretation or application of this Convention. The Presenting State and the Respondent State shall each promptly appoint one person to serve on the commission, and the Secretary-General of the United Nations shall appoint a third person, who shall act as chairman, from a list of legal experts which he shall draw up as soon as this Convention enters into force and in which all geographical areas and legal systems shall be represented. If the Respondent State fails to appoint its member within three months, the expert appointed by the Secretary-General of the United Nations shall be the sole arbitrator.
2. No increase in the membership of the commission shall take place where two or more Presenting States or Respondent States are joined in any one proceeding before the commission, the respective members in such cases being appointed collectively.
3. The commission shall establish its own procedure.
4. The commission shall conduct its business and arrive at its decision by majority vote. Such decision shall state the views of each member of the commission, which shall be published.
5. The decision of the commission shall be rendered within six months and shall be binding upon the parties.
6. The expenses incurred in connexion with any proceeding before the commission shall be divided equally between Presenting and Respondent States.

INDIA: PROPOSAL (A/AC.105/C.2/L.26)

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

CANADA: PROPOSAL (A/AC.105/C.2/L.27)

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

Definitions

Text provisionally agreed upon by Working Group II (WG.II/31 and Corr.1)

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

Definitions

Points on which agreement was reached (WG.II/32)

- A. The term "launching" should include "attempted launching".
- B. In defining the term "Launching State" the following elements should be included<sup>\*/</sup>:
1. the State which launches or attempts to launch the space object or the space device,
  2. the State from whose territory the space object or the space device was launched,
  3. the State from whose facility the space object or space device was launched.

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

Field of application

Points on which preliminary agreement was reached  
in Working Group II (WG.II/33/Rev.1)

Extent of Agreement on Exemptions

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

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

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

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

Belgium, Hungary and the United States:

Extent of Agreement on Presentation of a Claim (WG.II/34)

1. A claim may be presented by the Applicant (Presenting) (claimant) State through the diplomatic channel.
2. In the event the Applicant (Presenting) (claimant) State does not have diplomatic relations with the Launching (Respondent) State, the former may request a third State to present its claim and otherwise represent its interests.

Belgium, Hungary and the United States:

Extent of Agreement on Presentation of a Claim

Addendum (WG.II/34/Add.1)

Add as a second sentence to paragraph 1 of WG.II/34:

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

Belgium, Hungary and the United States:

Extent of Agreement on Arbitration in the Event of Dispute (WG.II/35)

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

Field of application

Belgium, Hungary and United States (WG.II/36)

Extent of Agreement on Exemptions

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

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

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

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

Polish delegation: Proposal (WP.II/37)

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

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

United Kingdom: Proposed amendment to Art. V (3) of the United States draft (p.7 of A/AC.105/C.2/W.2/Rev.4) (WG.II/38)

Insert "individually or jointly" before the word "liable" (3rd line from bottom).

Argentina and Italy: joint proposal (WG.II/39)

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

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

Belgium, Hungary and the United States:  
Extent of Agreement on Field of Application (WG.II/40)

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

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

Belgium, Hungary and the United States:  
Extent of Agreement on Liability of International Organizations (WG.II/41)

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

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

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

Belgium, Hungary and the United States:  
Extent of Agreement on Liability of International Organizations (WG.II/41/Add.1)

Addendum

Add to the Note a second paragraph reading as follows:

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

Belgium, Hungary and the United States:  
Extent of Agreement on Time Limits for Presentation of Claims (WG.II/42)

1. A claim may be presented not later than one year following the date of the occurrence of the accident or the identification of the party that is liable.
2. If the Applicant (Presenting) (claimant) State does not know of the facts giving rise to the claim within the aforementioned one-year period, it may present a claim

within one year following the date on which it learned of the facts; however, this period shall in no event exceed one year following the date on which the Applicant (Presenting) (claimant) State could reasonably be expected to have learned of the facts through the exercise of due diligence.

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

French delegation: Proposal (WG.II/43)

Article ...

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

Italian delegation: Proposal (WG.II/44)

Definitions

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

The international organizations referred to in article ..... shall be treated for the purpose in the same way as States.<sup>1/</sup>

<sup>1/</sup> Note: This provision will greatly help the victims of the damage and will prompt States participating in a launching to make arrangements among themselves in advance.

Field of application of the Convention on Liability

"This Convention shall apply to any damage caused on land, in the air and in outer space, with the sole exception of such damage as may be caused during the launching of a space object, at the launching-site."<sup>2/</sup>

Nature of liability

Working Paper submitted by the Italian delegation

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

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

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

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

- (a) in the case of damage caused on the surface of the earth, it is right to apply the principle of absolute liability, the sole exception being that of fault on the part of the victim;
- (b) in the case of damage occurring in the air, i.e. mainly in the case of collision between a space object and an aircraft, the principle to be applied is, on the contrary, that of ordinary-law liability based on fault, there being a presumption juris tantum of fault against the space object;
- (c) the same principle of liability because of fault is also to be applied in the case of damage occurring in outer space (mainly in the case of collisions between space objects) but with a presumption juris tantum of fault on both sides, so that the two last cases ((b) and (c)) would be open to proof of the contrary.

<sup>2/</sup> Note: The last-mentioned category of damage may be considered to be the domestic affair of the State in whose territory the launching is carried out. All other damage should come within the scope of the Convention for the very good reason that, during flight, orbit or re-entry, the activity concerns the international community. What is more, it would be inadvisable to make too many exceptions to the best uniform international rule from the technical and practical point of view.



Comparative table (A/AC.105/C.2/W.2/Rev.4) of provisions contained in the proposals submitted by Belgium (A/AC.105/C.2/L.7/Rev.3), the United States of America (A/AC.105/C.2/L.19) and Hungary (A/AC.105/C.2/L.10/Rev.1 and A/AC.105/C.2/L.24 and Add.1)

Belgium: Proposal  
(A/AC.105/C.2/L.7/Rev.3)

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

Preamble

The Contracting Parties,

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

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

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

Have agreed as follows:

United States of America: Proposal  
(A/AC.105/C.2/L.19)

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 on occasion result in damage,

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

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

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

Agree as follows:

Hungary: Proposal

(A/AC.105/C.2/L.10/Rev.1 and A/AC.105/C.2/L.24  
and Add.1)

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

The Contracting States,

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

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

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

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

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

Have decided to conclude the present  
Convention:

Definitions

Article 2

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

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

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

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

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

ARTICLE I

For the purposes of this Convention

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

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

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

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

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

Article I

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

Article 11

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

Article I

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

Field of application  
and exemptions from  
provisions of  
agreement

Article 1

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

State or inter-  
national organization  
liable

Article 3\*

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

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

ARTICLE II

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

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

ARTICLE VII

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

ARTICLE II

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

Article I

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

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

or

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

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

Article VI

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

Article 2

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

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

Article 1

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

Question of joint liability

Article 3\*

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

ARTICLE III

1. If under paragraph 1 of Article II or paragraph 3 of Article V two or more Launching States would be liable to pay compensation, the Presenting State may proceed against any or all such States individually or jointly for the total amount of damages.

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

Article VI

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

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

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

4. If a number of Contracting States co-operate in a launching, and if they reduce the terms of their co-operation to writing and file a copy thereof with the Secretary-General of the United Nations, Presenting States shall be on notice as to those terms and shall be bound to observe the proportionate shares of liability assumed by the several Contracting States. If payment of the specified proportionate share has not been made by one or more Respondent States six months after the amount of overall liability has been ascertained, a Presenting State may demand payment from any other Respondent State as provided in Article III, paragraph 6.

5. The amount recoverable by the Presenting State from any one Respondent State shall be reduced to the extent of any compensation received in respect of that claim by the Presenting State from any other Respondent State, so that in no case shall the aggregate of the compensation paid in respect of any one claim exceed the amount which would be payable under this Convention if only one Respondent State were liable.

6. If any one of several Respondent States fails to pay its proportionate share of the overall liability within six months of the date of the ascertainment of the amount due, the Presenting State may demand payment from any or all of the other Respondent States.

7. A Respondent State which has not paid its proportionate share of the overall liability to the Presenting State shall be obligated to reimburse the other Respondent States for their payments in excess of their proportionate shares.

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

Article 6

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

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

ARTICLE V

1. If an international organization which conducts space activities transmits to the Secretary-General of the United Nations a declaration that it accepts and undertakes to comply with the provisions of the present Convention, all the provisions, except Articles XII, XV, XVI, and XVII, shall apply to the organization as they apply to a State which is a Contracting Party.

2. The Contracting Parties to the present Convention undertake to use their best endeavours to ensure that any international organization which conducts space activities and of which they are constituent members is authorized to make and will make the declaration referred to in paragraph 1 of this Article.

3. If within one year of the date on which compensation has been agreed upon or otherwise established pursuant to Article X, an international organization fails to pay such compensation, each member of the organization which is a Contracting Party shall, upon service of notice of such default by the Presenting State within three months of such default, be liable for such compensation in the manner and to the extent set forth in Article III.

Article VII

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

Question of  
absolute  
liability and  
exoneration  
from  
liability

#### Article I

- (b) The occurrence of the event causing the damage shall create a liability for compensation once proof has been given that there is a relationship of cause and effect between the damage, on the one hand, and the launching, motion or descent of all or part of the space device, on the other hand.
- (c) If the damage suffered results either wholly or partially from an act or omission on the part of the Applicant State or of natural or juridical persons that it represents and such act or omission has been committed, either with intent to cause damage or rashly and in full knowledge that damage will probably result, the liability of the Launching State to pay compensation under this Convention shall, to that extent, be wholly or partially extinguished.

#### ARTICLE II

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

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

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

#### Article III

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

#### Article IV

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

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

#### Article V

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

Measure of damages

Article 2

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

Limitation of Liability in amount

ARTICLE IV

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

Article II

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

ARTICLE VIII

1. The liability of the Launching State or States shall not exceed \_\_\_\_\_ with respect to each launching.
2. If the total amount otherwise payable with respect to the claims presented exceeds the limit of liability provided by this Article, the following rules shall apply:
  - (a) If the allowable claims are exclusively in respect of loss or life or personal injury, or exclusively in respect of damage to property, such claims shall be reduced proportionately.
  - (b) If the allowable claims are both in respect of loss of life or personal injury and in respect of damage to property, three fourths of the total sum distributable shall be appropriated preferentially to meet claims in respect of loss of life and personal injury and, if insufficient, shall be distributed proportionately between the claims concerned. The remainder of the total sum distributable shall be distributed proportionately among the claims in respect of damage to property and the portion not already covered of the claims in respect of loss of life and personal injury.

Payment of compensation in convertible currency

Article 4

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

ARTICLE XI

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

Presentation of claims by States or international organizations and on behalf of natural or juridical persons

Article 2

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

ARTICLE VI

1. A Contracting Party which suffers damage referred to in Article II, paragraph 1, or whose natural or juridical persons suffer such damage, may present a claim for compensation to a Respondent State or States.
2. A Contracting Party may also present to a Respondent State a claim of any natural person, other than a person having the nationality of a Respondent State, permanently residing in its territory. However, a claim of any individual claimant may be presented by only one Contracting Party.

Article VIII

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

Article 6

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

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

ARTICLE V

1. If an international organization which conducts space activities transmits to the Secretary-General of the United Nations a declaration that it accepts and undertakes to comply with the provisions of the present Convention, all the provisions, except Articles XII, XV, XVI, and XVII, shall apply to the organization as they apply to a State which is a Contracting Party.

Joinder of claims

Article 4

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

ARTICLE X

2. No increase in the membership of the commission shall take place where two or more Presenting States or Respondent States are joined in any one proceeding before the commission. The Presenting States so joined shall collectively appoint one person to serve on the commission in the same manner and subject to the same conditions as would be the case for a single Presenting State. Similarly, where two or more Respondent States are so joined, they shall collectively appoint one person to serve on the commission in the same way. If the Presenting or Respondent States fail to appoint their member within three months, the person appointed by the President of the International Court of Justice shall constitute the sole member of the commission.



Presentation of claims for compensation through diplomatic channel

Article 4

- (a) Within two years after the occurrence of the damage, or after the identification of the State liable under article 1, the applicant State shall present through the diplomatic channel, to the State which it holds liable, all claims for compensation concerning itself and its nationals and residents. A Contracting Party may request another State to present its claim and otherwise represent its interest in the event that it does not maintain diplomatic relations with the Launching State.

Time limits for presentation of claims

Article 4

- (a) Within two years after the occurrence of the damage, or after the identification of the State liable under article 1, the applicant State shall present through the diplomatic channel, to the State which it holds liable, all claims for compensation concerning itself and its nationals and residents. A Contracting Party may request another State to present its claim and otherwise represent its interest in the event that it does not maintain diplomatic relations with the Launching State.
- (e) The periods specified in this article shall not be subject to interruption or suspension.

Pursuit of remedies available in Respondent State or under other international agreements

Article 4

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

ARTICLE VI

3. A claim shall be presented through the diplomatic channel. A Contracting Party may request another State to present its claim and otherwise represent its interest in the event that it does not maintain diplomatic relations with a Respondent State.

ARTICLE VI

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

ARTICLE IX

1. The presentation of a claim under this Convention shall not require exhaustion of any remedies which might otherwise exist in a Respondent State.
2. If, however, the Presenting State, or a natural or juridical person whom it might represent, elects to pursue a claim in the administrative agencies or courts of a Respondent State or pursue international remedies outside this Convention, the Presenting State shall not be entitled to pursue such claim under this Convention against such Respondent State.

Article X

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

Article IX

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

Procedures  
for  
settlement  
of claims  
for  
compensation

Article 4

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

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

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

- (d) Sums due in compensation for damage shall be fixed and payable either in the currency of the applicant State or in a freely transferable currency.
- (e) The periods specified in this article shall not be subject to interruption or suspension.
- (f) There shall be joinder of claims where there is more than one applicant in respect of damage due to the same event or where more than one State is liable and the damage was caused by more than one space device.

<sup>\*/</sup> An alternative might be "take its decisions ex aequo et bono"

ARTICLE X

1. If a claim presented under this Convention is not settled within one year from the date on which documentation is completed, the Presenting State may request the establishment of a commission to decide the claim. The competence of such commission shall extend to any dispute arising from the interpretation or application of this Convention. The Respondent State and the Presenting State shall each promptly appoint one person to serve on the commission, and a third person, who shall act as a chairman, shall be appointed by the President of the International Court of Justice. If the Respondent State fails to appoint its member within three months, the person appointed by the President of the International Court of Justice shall constitute the sole member of the commission.

2. No increase in the membership of the commission shall take place where two or more Presenting States or Respondent States are joined in any one proceeding before the commission. The Presenting States so joined shall collectively appoint one person to serve on the commission in the same manner and subject to the same conditions as would be the case for a single Presenting State. Similarly, where two or more Respondent States are so joined, they shall collectively appoint one person to serve on the commission in the same way. If the Presenting or Respondent States fail to appoint their member within three months, the person appointed by the President of the International Court of Justice shall constitute the sole member of the commission.

3. The commission shall determine its own procedure.

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

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

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

Article XI

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

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

Space object  
not to be  
subject to  
sequestration  
or enforcement  
measures

Jurisdiction of  
International  
Court of  
Justice

Parties to  
agreements,  
signature,  
accession and  
ratification

Article 5

This Convention shall be open for signature by States Members of the United Nations or any of the specialized agencies or parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention. Any such State which does not sign this Convention may accede to it at any time.

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

ARTICLE XII

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

ARTICLE XV

The Convention shall be open for signature by States Members of the United Nations or of any of the specialized agencies or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a party. Any such State which does not sign this Convention may accede to it at any time.

ARTICLE XVI

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

Article XII

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

Article XIII

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

Article XIV

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

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Entry into  
force

Article 5

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

ARTICLE XVII

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

Article XIII

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

Article XV

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

Amendments

Article 8

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

ARTICLE XIII

A Contracting Party may propose amendments to this Convention. An amendment shall come into force for each Contracting Party accepting the amendment on acceptance by a majority of the Con- tracting Parties, and thereafter for each remaining Contracting Party on acceptance by it.

Withdrawal  
from and  
denunciation  
of  
agreement

Article 7

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

ARTICLE XIV

A Contracting Party may give notice of with- drawal from this Convention five years after its entry into force by written notification to the Secretary-General of the United Nations. Such withdrawal shall take effect one year from the date of receipt of the notification by the Secretary-General. A State withdrawing from this Convention shall not thereby be relieved of any obligation or liability with respect to damages arising before withdrawal becomes effective.

Article XVI

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

Notifications  
by Secretary-  
General

Article 9

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

Authentic  
text and  
deposit of  
agreement

Article 10

This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified true copies to all signatory States and to any State Member of the United Nations which so requests.

ARTICLE XVIII

The Secretary-General of the United Nations shall inform all States referred to in Article XV and all organizations which have made declarations under Article V, paragraph 1 of signatures, deposits of instruments of ratification or accession, declarations referred to in Article V, paragraph 1, the date of entry into force of this Convention, proposals for amendments, notifications of acceptances of amendments, the date of entry into force of each amendment, and notices of withdrawal, and shall transmit to those States and organizations certified copies of each amendment proposed.

ARTICLE XIX

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

Article XVII

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

- (a) The signature of this Convention and the deposit of instruments of ratification or accession in accordance with articles XIII and XIV;
- (b) The date of entry into force of this Convention in accordance with articles XIII and XV;
- (c) Denunciations received in accordance with article XVI.

Article XVIII

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