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COMMITTEE ON THE PEACEFUL USES
OF OUTER SPACE

REPORT OF THE LEGAL SUB-COMMITTEE ON THE WORK OF ITS
TENTH SESSION (7 JUNE-2 JULY 1971)

1. The Legal Sub-Committee opened its tenth session at the United Nations Office at Geneva on 7 June 1971 under the chairmanship of Mr. Eugeniusz Wyzner (Poland).

2. The Chairman, in opening the session, expressed the great sadness shared by all the members of the Sub-Committee at the sudden and untimely death of Ambassador Krishna Rao, who had been the representative of India on the Sub-Committee, as well as on the Sixth Committee of the General Assembly and many other United Nations bodies. A number of delegations also made statements paying tribute to the memory of Ambassador Rao, and the Sub-Committee observed a minute of silence in his memory.

3. The Chairman, continuing his statement, noted that the year which had elapsed since the last session of the Sub-Committee had witnessed further important achievements in the exploration of outer space. The Soviet Union had placed in orbit its Soyuz-11 spacecraft with three cosmonauts aboard to continue the scientific experiments of Soyuz-10 and to link up with the Salyut space station. In January 1971 three astronauts of the United States had carried out the Apollo-14 mission, which had scored another success in the exploration of the moon.

4. He recalled that at the previous session of the Sub-Committee a great deal of work had been accomplished resulting in the approval of the title, the preamble and thirteen articles of the draft convention on liability. Although that was no small achievement, he believed that all the members of the Sub-Committee shared a feeling of regret at their inability so far to reach agreement on such issues as the settlement of claims and the question of applicable law. Nor had subsequent efforts in the Committee on the Peaceful Uses of Outer Space and at the twenty-fifth session of the General Assembly been successful in resolving any of the outstanding issues.

5. The Chairman recalled that the General Assembly had, in its resolution 2733 B (XXV), affirmed that the early conclusion of an effective and generally acceptable liability convention should remain the firm priority task of the Committee on the Peaceful Uses of Outer Space. The General Assembly had expressed

L-13740

the view that a condition of a satisfactory liability convention was that it should contain provisions that would ensure the payment of a full measure of compensation to victims and effective procedures that would lead to the prompt and equitable settlement of claims. The Assembly had urged the Committee to make a decisive effort to reach early agreement on texts embodying those two principles with a view to submitting a draft convention on liability to the General Assembly at its twenty-sixth session. The Chairman stated that the mandate from the General Assembly was clear and he had no doubt that the Sub-Committee would wish to make every effort to attain the desired goal.

6. The General Assembly had also, the Chairman stated, requested the continuation of the study of questions relative to the definition and utilization of outer space and celestial bodies, including various implications of space communications. The Assembly, by resolution 2733 A (XXV), had recommended that the Committee should study, through the Legal Sub-Committee, and without affecting the priority to be accorded to the liability convention, the work carried out by the Working Group on Direct Broadcast Satellites.

7. On 9 June 1971, the Chairman informed the Sub-Committee that the Minister for Foreign Affairs of the USSR had, in a letter dated 27 May 1971 addressed to the Secretary-General of the United Nations, requested the inclusion in the provisional agenda of the twenty-sixth session of the General Assembly of an item entitled "Preparation of an international treaty concerning the Moon". In his letter the Minister for Foreign Affairs had also requested that the text of the Soviet draft treaty be brought to the attention of the Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee, which would be holding sessions before the opening of the twenty-sixth session of the General Assembly. The document containing the USSR request and the draft treaty (A/8391 and Corr.1) was communicated to the Sub-Committee on 16 June 1971 for its information.

Tribute to the memory of the three Soviet cosmonauts

8. At the 168th meeting, on 30 June 1971, the Chairman and members of the Sub-Committee expressed the profound grief with which they had learnt early that morning the sad news of the tragic death of cosmonauts Georgi T. Dobrovolski, Viktor L. Patsayev and Vladislav N. Volkov of the Soviet Union, who had given their lives in heroic service as envoys of mankind. The Chairman was requested to convey on behalf of the entire Sub-Committee to the Government and people of the USSR and to the families of the three cosmonauts the deepest and most heartfelt condolences. The Sub-Committee observed a minute of silence in tribute to the memory of the three cosmonauts.

Adoption of the agenda

9. At its opening meeting, the Sub-Committee adopted the following agenda for the session (A/AC.105/C.2/L.78):

1. Statement by the Chairman
2. Draft convention on liability for damage caused by objects launched into outer space

3. 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.

Decision on summary records

10. The Sub-Committee recalled that at its previous session it had decided that summary records of its plenary meetings should be maintained. The Sub-Committee decided to continue that practice.

Organization of work

11. At the opening meeting of the session, the Sub-Committee decided to resume immediately its consideration, both at formal meetings and through informal consultations, of item 2 of its agenda (Draft convention on liability for damage caused by objects launched into outer space) and to accord this item priority throughout the session. At its 159th meeting, on 16 June 1971, the Sub-Committee decided that the Drafting Group established at its ninth session, composed of Belgium, France, Hungary, India, the USSR, the United Kingdom of Great Britain and Northern Ireland and the United States of America, with Argentina and Mexico serving in rotation, should be re-established and presided over by the Chairman of the Sub-Committee on the understanding that all the members of the Sub-Committee could attend the meetings of the Group if they so wished. The Sub-Committee also decided to re-establish the Working Group of the whole to consider proposals on the main outstanding issues of the liability convention.

12. At its 155th meeting, on 10 June 1971, the Sub-Committee decided that consideration of agenda item 3 should start at the beginning of the second week of the session and continue thereafter, with the understanding that the liability convention would continue to be accorded firm priority.

13. The Sub-Committee held a total of eighteen meetings. The views expressed in the Sub-Committee are summarized in documents A/AC.105/C.2/SR.152-169. The Working Group and the Drafting Group each held a series of meetings in the course of the session.

14. The Sub-Committee concluded its work on 2 July 1971 by adopting the present report unanimously. 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 annexed to the present report (annex II).

I. LIABILITY FOR DAMAGE CAUSED BY THE LAUNCHING OF OBJECTS INTO OUTER SPACE (agenda item 2)

15. The Sub-Committee had before it texts approved at its ninth session which comprised the title, the preamble and thirteen articles of the draft convention on liability, as set out in its report on that session (A/AC.105/85, para. 27).

16. In addition, a proposal was submitted by Belgium, Brazil and Hungary in regard to the settlement of claims and measure of compensation (A/AC.105/C.2/L.79).

17. In the course of the discussions in the Working Group the following proposals were submitted:

A proposal by Argentina relating to the settlement of claims (PUOS/C.2/WG(X)/L.1);

A proposal submitted by Australia, as amended by Belgium, concerning the fourth preambular paragraph of the draft convention, together with proposals by India concerning the settlement of claims and the final clauses (PUOS/C.2/WG(X)/L.2/Rev.1);

A proposal by Morocco concerning assistance to States which have suffered damage (PUOS/C.2/WG(X)/L.4/Rev.1).

The Working Group, after considering the joint proposal by Belgium, Brazil and Hungary (A/AC.105/C.2/L.79), approved on 22 and 23 June 1971 articles concerning the settlement of claims (PUOS/C.2/WG(X)/1).

18. The Drafting Group began its work with the consideration of the final clauses of the draft convention on the basis of the final clauses 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. In the course of its meetings two proposals were submitted:

A proposal by Argentina, Austria, Brazil and Mexico to add a final clause on possible review or revision of the convention (PUOS/C.2/DG(X)/WP.1);

A proposal by Belgium and Mexico concerning the entry into force of the convention (PUOS/C.2/DG(X)/WP.2).

The text on final clauses approved by the Drafting Group on 17 June 1971 is contained in document PUOS/C.2/DG(X)/1.

19. On 28 June 1971 the Working Group reaffirmed the title, the preamble and the thirteen articles previously approved by the Legal Sub-Committee at its ninth session, with the fourth preambular paragraph amended as proposed in document PUOS/C.2/WG(X)/L.2/Rev.1. The Working Group also approved texts of the final clauses and articles concerning the measure of compensation, settlement of claims and international organizations. These texts were set out in document PUOS/C.2/WG(X)/2.

20. On the same date, the Drafting Group considered the text referred to it by the Working Group in document PUOS/C.2/WG(X)/2 and made certain drafting changes therein. Subject to the approval of the Working Group, the Drafting Group also recommended, on the proposal of the United Arab Republic, the inclusion of a provision in article X concerning transmission of claims through the Secretary-General. The Drafting Group then approved the text of the draft convention on international liability for damage caused by space objects as contained in document PUOS/C.2/DG(X)/2.

21. The text approved by the Drafting Group was thereafter considered by the Working Group on 29 June 1971 and approved, with the inclusion in the text of the draft convention of an article, on the basis of the proposal submitted by the representative of Morocco in document PUOS/C.2/WG(X)/L.4/Rev.1, concerning assistance to States which have suffered damage. 1/

22. At its 166th meeting, on 29 June 1971, the Legal Sub-Committee adopted the text of the Draft Convention on International Liability for Damage Caused by Space Objects which was issued in document A/AC.105/C.2/10 and is reproduced below:

Draft Convention on International Liability
for Damage Caused by Space Objects

The States Parties to this Convention,

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

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,

Taking into consideration that, notwithstanding the precautionary measures to be taken by States and international intergovernmental organizations involved in the launching of space objects, damage may on occasion be caused by such objects,

Recognizing the need to elaborate effective international rules and procedures concerning liability for damage caused by space objects and to ensure, in particular, the prompt payment under the terms of this Convention of a full and equitable measure of compensation to victims of such damage,

Believing that the establishment of such rules and procedures will contribute to the strengthening of international co-operation in the field of the exploration and use of outer space for peaceful purposes,

Have agreed on the following:

1/ The documents mentioned in paragraphs 16 to 21 above are reproduced in annex I to the present report.

Article I

For the purposes of this Convention:

(a) The term "damage" means loss of life, personal injury or other impairment of health; or loss of or damage to property of States or of persons, natural or juridical, or property of international intergovernmental organizations;

(b) The term "launching" includes attempted launching;

(c) The term "launching State" means:

(i) A State which launches or procures the launching of a space object;

(ii) A State from whose territory or facility a space object is launched;

(d) The term "space object" includes component parts of a space object as well as its launch vehicle and parts thereof.

Article II

A launching State shall be absolutely liable to pay compensation for damage caused by its space object on the surface of the earth or to aircraft in flight.

Article III

In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, the latter shall be liable only if the damage is due to its fault or the fault of persons for whom it is responsible.

Article IV

1. In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, and of damage thereby being caused to a third State or to its natural or juridical persons, the first two States shall be jointly and severally liable to the third State, to the extent indicated by the following:

(a) If the damage has been caused to the third State on the surface of the earth or to aircraft in flight, their liability to the third State shall be absolute;

(b) If the damage has been caused to a space object of the third State or to persons or property on board that space object elsewhere than on the surface of the earth, their liability to the third State shall be based on the fault of either of the first two States or on the fault of persons for whom either is responsible.

2. In all cases of joint and several liability referred to in paragraph 1, the burden of compensation for the damage shall be apportioned between the first two States in accordance with the extent to which they were at fault; if the extent of the fault of each of these States cannot be established, the burden of compensation shall be apportioned equally between them. Such apportionment shall be without prejudice to the right of the third State to seek the entire compensation due under this Convention from any or all of the launching States which are jointly and severally liable.

Article V

1. Whenever two or more States jointly launch a space object, they shall be jointly and severally liable for any damage caused.

2. A launching State which has paid compensation for damage shall have the right to present a claim for indemnification to other participants in the joint launching. The participants in a joint launching may conclude agreements regarding the apportioning among themselves of the financial obligation in respect of which they are jointly and severally liable. Such agreements shall be without prejudice to the right of a State sustaining damage to seek the entire compensation due under this Convention from any or all of the launching States which are jointly and severally liable.

3. A State from whose territory or facility a space object is launched shall be regarded as a participant in a joint launching.

Article VI

1. Subject to the provisions of paragraph 2, exoneration from absolute liability shall be granted to the extent that a launching State establishes that the damage has resulted either wholly or partially from gross negligence or from an act or omission done with intent to cause damage on the part of a claimant State or of natural or juridical persons it represents.

2. No exoneration whatever shall be granted in cases where the damage has resulted from activities conducted by a launching State which are not in conformity with international law including, in particular, the Charter of the United Nations and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

Article VII

The provisions of this Convention shall not apply to damage caused by a space object of a launching State to:

(a) Nationals of that launching State;

(b) Foreign nationals during such time as they are participating in the operation of that space object from the time of its launching or at any stage thereafter until its descent, or during such time as they are in the immediate vicinity of a planned launching or recovery area as the result of an invitation by that launching State.

Article VIII

1. A State which suffers damage, or whose natural or juridical persons suffer damage, may present to a launching State a claim for compensation for such damage.

2. If the State of nationality has not presented a claim, another State may, in respect of damage sustained in its territory by any natural or juridical person, present a claim to a launching State.

3. If neither the State of nationality nor the State in whose territory the damage was sustained has presented a claim or notified its intention of presenting a claim, another State may, in respect of damage sustained by its permanent residents, present a claim to a launching State.

Article IX

A claim for compensation for damage shall be presented to a launching State through diplomatic channels. If a State does not maintain diplomatic relations with the launching State concerned, it may request another State to present its claim to that launching State or otherwise represent its interests under this Convention. It may also present its claim through the Secretary-General of the United Nations, provided the claimant State and the launching State are both Members of the United Nations.

Article X

1. A claim for compensation for damage may be presented to a launching State not later than one year following the date of the occurrence of the damage or the identification of the launching State which is liable.

2. If, however, a State does not know of the occurrence of the damage or has not been able to identify the launching State which is liable, it may present a claim within one year following the date on which it learned of the aforementioned facts; however, this period shall in no event exceed one year following the date on which the State could reasonably be expected to have learned of the facts through the exercise of due diligence.

3. The time-limits specified in paragraphs 1 and 2 shall apply even if the full extent of the damage may not be known. In this event, however, the claimant State shall be entitled to revise the claim and submit additional documentation after the expiration of such time-limits until one year after the full extent of the damage is known.

Article XI

1. Presentation of a claim to a launching State for compensation for damage under this Convention shall not require the prior exhaustion of any local remedies which may be available to a claimant State or to natural or juridical persons it represents.

2. Nothing in this Convention shall prevent a State, or natural or juridical persons it might represent, from pursuing a claim in the courts or administrative tribunals or agencies of a launching State. A State shall not,

however, be entitled to present a claim under this Convention in respect of the same damage for which a claim is being pursued in the courts or administrative tribunals or agencies of a launching State or under another international agreement which is binding on the States concerned.

Article XII

The compensation which the launching State shall be liable to pay for damage under this Convention shall be determined in accordance with international law and the principles of justice and equity, in order to provide such reparation in respect of the damage as will restore the person, natural or juridical, State or international organization on whose behalf the claim is presented to the condition which would have existed if the damage had not occurred.

Article XIII

Unless the claimant State and the State from which compensation is due under this Convention agree on another form of compensation, the compensation shall be paid in the currency of the claimant State or, if that State so requests, in the currency of the State from which compensation is due.

Article XIV

If no settlement of a claim is arrived at through diplomatic negotiations as provided for in article IX, within one year from the date on which the claimant State notifies the launching State that it has submitted the documentation of its claim, the parties concerned shall establish a Claims Commission at the request of either party.

Article XV

1. The Claims Commission shall be composed of three members: one appointed by the claimant State, one appointed by the launching State and the third member, the Chairman, to be chosen by both parties jointly. Each party shall make its appointment within two months of the request for the establishment of the Claims Commission.

2. If no agreement is reached on the choice of the Chairman within four months of the request for the establishment of the Claims Commission, either party may request the Secretary-General of the United Nations to appoint the Chairman within a further period of two months.

Article XVI

1. If one of the parties does not make its appointment within the stipulated period, the Chairman shall, at the request of the other party, constitute a single-member Claims Commission.

2. Any vacancy which may arise in the Claims Commission for whatever reason shall be filled by the same procedure adopted for the original appointment.

3. The Claims Commission shall determine its own procedure.

4. The Claims Commission shall determine the place or places where it shall sit and all other administrative matters.

5. Except in the case of decisions and awards by a single-member Commission, all decisions and awards of the Claims Commission shall be by majority vote.

Article XVII

No increase in the membership of the Claims Commission shall take place by reason of two or more claimant States or launching States being joined in any one proceeding before the Commission. The claimant States so joined shall collectively appoint one member of the Commission in the same manner and subject to the same conditions as would be the case for a single claimant State. When two or more launching States are so joined, they shall collectively appoint one member of the Commission in the same way. If the claimant States or the launching States do not make the appointment within the stipulated period, the Chairman shall constitute a single-member Commission.

Article XVIII

The Claims Commission shall decide the merits of the claim for compensation and determine the amount of compensation payable, if any,

Article XIX

1. The Commission shall act in accordance with the provisions of article XII.

2. The decision of the Commission shall be final and binding if the parties have so agreed; otherwise the Commission shall render a final and recommendatory award, which the parties shall consider in good faith. The Commission shall state the reasons for its decision or award.

3. The Commission shall give its decision or award as promptly as possible and no later than one year from the date of its establishment unless an extension of this period is found necessary by the Commission.

4. The Commission shall make its decision or award public. It shall deliver a certified copy of its decision or award to each of the parties and to the Secretary-General of the United Nations.

Article XX

The expenses in regard to the Claims Commission shall be borne equally by the parties, unless otherwise decided by the Commission.

Article XXI

If the damage caused by a space object presents a large-scale danger to human life or seriously interferes with the living conditions of the population or the functioning of vital centres, the States Parties, and in

particular the launching State, shall examine the possibility of rendering appropriate and rapid assistance to the State which has suffered the damage, when it so requests. However, nothing in this article shall affect the rights or obligations of the States Parties under this Convention.

Article XXII

1. In this Convention, with the exception of articles XXIV to XXVII, references to States shall be deemed to apply to any international intergovernmental organization which conducts space activities if the organization declares its acceptance of the rights and obligations provided for in this Convention and if a majority of the States members of the organization are States Parties to this Convention and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies.

2. States members of any such organization which are States Parties to this Convention shall take all appropriate steps to ensure that the organization makes a declaration in accordance with the preceding paragraph.

3. If an international intergovernmental organization is liable for damage by virtue of the provisions of this Convention, that organization and those of its members which are States Parties to this Convention shall be jointly and severally liable; provided, however, that:

(a) Any claim for compensation in respect of such damage shall be first presented to the organization;

(b) Only where the organization has not paid, within a period of six months, any sum agreed or determined to be due as compensation for such damage, may the claimant State invoke the liability of the members which are States Parties to this Convention for the payment of that sum.

4. Any claim, pursuant to the provisions of this Convention, for compensation in respect of damage caused to an organization which has made a declaration in accordance with paragraph 1 of this article shall be presented by a State member of the organization which is a State Party to this Convention.

Article XXIII

1. The provisions of this Convention shall not affect other international agreements in force in so far as relations between the States parties to such agreements are concerned.

2. No provision of this Convention shall prevent States from concluding international agreements reaffirming, supplementing or extending its provisions.

Article XXIV

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

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.

3. This Convention shall enter into force on the deposit of the fifth instrument of ratification.

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

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

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

Article XXV

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

Article XXVI

Ten years after the entry into force of this Convention, the question of the review of this Convention shall be included in the provisional agenda of the United Nations General Assembly in order to consider, in the light of past application of the Convention, whether it requires revision. However, at any time after the Convention has been in force for five years, and at the request of one-third of the States Parties to the Convention, and with the concurrence of the majority of the States Parties, a conference of the States Parties shall be convened to review this Convention.

Article XXVII

Any State Party to this Convention may give notice of its withdrawal from the Convention one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article XXVIII

This Convention, of which the English, Russian, French, Spanish and Chinese texts are equally authentic, shall be deposited in the archives of

the Depositary Governments. Duly certified copies of this Convention 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 Convention.

DONE in, at the cities of London, Moscow and Washington, theday of one thousand nine hundred and

23. With regard to paragraph 2 of article XXIV, some delegations expressed the view that it would be preferable to continue the practice of the United Nations to the effect that the Secretary-General should be the single depositary of treaties concluded under the auspices of the United Nations.

24. When the Sub-Committee adopted the text of the proposed liability convention at the 166th plenary meeting, on 29 June, the delegations of Canada, Japan and Sweden did not object to having the Sub-Committee forward the text to the Committee on the Peaceful Uses of Outer Space for its consideration. They themselves, however, were unable to support it in the Sub-Committee because they believed it would have been preferable to have had incorporated in the text provisions on measure of compensation and especially on the settlement of claims more in accordance with those that they had earlier proposed together with other delegations in document A/AC.105/C.2/L.74. All three delegations therefore reserved their positions on the substance of the text of the convention.

25. Some delegations accepted the provisions on measure of compensation (article XII) particularly in view of paragraph 4 of the preamble and of the various statements of clarification made. With regard to the provisions on the settlement of claims, these delegations maintained their dissatisfaction with the failure to adopt, without qualification in all cases, the rule that awards are binding, which would be the most effective guarantee for the benefit of the victim that proper compensation would be paid.

Presentation of the draft convention to the Committee

26. At its 167th meeting, on 29 June, the Sub-Committee decided to request its Chairman to attend the forthcoming session of the Committee on the Peaceful Uses of Outer Space in order to present the draft convention to the Committee and to provide such information relating to the draft convention as might be required.

II. 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 (agenda item 3)

27. The Sub-Committee gave consideration to item 3 of its agenda at its 157th to 161st, 163rd, 167th and 168th meetings. The Chairman, at the 157th meeting of the Sub-Committee, briefly reviewed the previous consideration of this item in the Sub-Committee, including the various proposals submitted under the item.

28. However, because of the priority it accorded the completion of the draft convention on liability, the Sub-Committee was unable to examine agenda item 3 in any detail.

29. On 28 June Argentina and France submitted a draft recommendation on item 3 (A/AC.105/C.2/L.80), which was later revised by the sponsors to incorporate suggestions by other delegations (A/AC.105/C.2/L.80/Rev.2). At its 168th meeting, on 30 June, the Sub-Committee adopted the revised text, which reads as follows:

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

Bearing in mind the completion of the preparation of the draft Convention on International Liability for Damage Caused by Space Objects,

Recalling General Assembly resolutions 2733 A and C (XXV),

Desiring to continue its work of preparing this new chapter of international law - the law of outer space,

Affirming the need to define clearly the scope of the law of outer space,

Aware of the need to specify by appropriate regulations the different provisions 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,

Noting that when the Sub-Committee discussed agenda item 3, a number of differing views were expressed concerning which subjects should be accorded priority at the next session,

1. Recommends that the Committee on the Peaceful Uses of Outer Space consider including in the agenda as important subjects for the next (eleventh) session of the Legal Sub-Committee:

The various implications of space communications in the light of the reports of the Working Group on Direct Broadcast Satellites and the work undertaken in that field, in particular, by the International Telecommunication Union, the United Nations Educational, Scientific and Cultural Organization and the World Intellectual Property Organization;

Matters relating to the definition and/or delimitation of outer space and outer space activities;

Matters relating to the registration of objects launched into space for the exploration or use of outer space;

The rules which should govern man's activities on the moon;

Matters relating to the legal régime governing substances coming from the moon and from other celestial bodies, including the principles governing activities in the use of the natural resources of the moon and other celestial bodies;

Matters relating to activities carried out through remote-sensing satellite surveys of earth resources.

2. Requests the Committee on the Peaceful Uses of Outer Space to consider the desirability of establishing a priority order for the different questions mentioned above and of keeping this under review together with the possibility of including other subjects in the light of developments.

Annex I

PROPOSALS AND OTHER DOCUMENTS RELATING TO AGENDA
ITEM 2 (DRAFT CONVENTION ON LIABILITY FOR DAMAGE
CAUSED BY OBJECTS LAUNCHED INTO OUTER SPACE)

Document A/AC.105/C.2/L.79

Belgium, Brazil and Hungary: proposal

/21 June 1971/

Article XIV

1. If no settlement of the claim is arrived at through diplomatic negotiations, the claimant and the launching States shall establish an Inquiry Commission on the basis of parity within one month of a request by either party for its establishment.

2. The Inquiry Commission shall make recommendations with regard to the settlement of the claim within six months of its establishment.

3. The Inquiry Commission shall determine its procedure.

Article XV

A Claims Commission shall be established upon request of either party if:

(i) The Inquiry Commission is not established as provided in article XIV, paragraph 1; or

(ii) The Inquiry Commission is unable to arrive at recommendations within six months of its establishment or its recommendations are not accepted by both parties within two months from the date on which they are made.

Article XVI

1. The Claims Commission shall be composed of one nominee each of the claimant and the launching States and a third member, the Chairman, to be chosen by the two parties jointly. The nominees of each party shall respectively be designated within two months of the request for the establishment of the Claims Commission.

2. If no agreement is reached on the choice of the Chairman within four months of the request for the establishment of the Claims Commission, the Secretary-General of the United Nations may be requested by either party to appoint the Chairman within a period of two months.

Article XVII

1. If one of the parties fails to designate its nominee within the stipulated period, the Chairman shall, at the request of the other party, constitute a single-member Claims Commission.

2. Any vacancy which may arise in the Claims Commission for whatever reason shall be filled by the same procedure adopted for the original nomination or appointment.

3. The Claims Commission shall determine its procedure.

4. The Claims Commission shall determine the place or places where it shall sit and all administrative matters connected therewith.

5. Except in the case of decisions and awards by a single-member Commission, all decisions and awards of the Claims Commission shall be by majority vote.

Article XVIII

No increase in the membership of the Claims Commission shall take place by reason of two or more claimant States or launching States being joined in any one proceeding before the Commission. The claimant States so joined shall collectively nominate one member of the Commission in the same manner and subject to the same conditions as would be the case for a single claimant State. When two or more launching States are so joined, they shall collectively nominate one member of the Commission in the same way. If the claimant States or the launching States fail to nominate their member within the stipulated period, the Chairman shall constitute a single-member Commission.

Article XIX

The Claims Commission's function shall be to decide on the merits of the claim for compensation and to determine the amount of compensation payable, if any.

Article XX

1. The Commission shall act in accordance with the provisions of article XXII.

2. The Commission shall state the reasons for its decision, which shall be final and binding if the parties have so agreed; otherwise the Commission shall render a final and recommendatory award.

3. The Commission shall make its decisions or award public.

Article XXI

The expenses in regard to the Claims Commission shall be borne equally by the parties.

Article XXII

The compensation which the launching State shall be liable to pay for damage under this Convention shall be determined in accordance with international law and the principles of justice and equity, in order to provide such reparation in respect of the damage as will restore the person, natural or juridical, State or international organization on whose behalf the claim is presented to the condition which would have existed had the damage not occurred.

Document PUOS/C.2/WG(X)/L.1

Argentina: amendment to document A/AC.105/C.2/L.79

/23 June 1971/

Article XX

2. The Commission shall state the reasons for its decision, which shall be final and binding; otherwise, if the parties have so agreed, the Commission shall render a final and recommendatory award.

Add the following new paragraph:

4. The parties shall comply in good faith with any decision or award of the Commission.

Document PUOS/C.2/WG(X)/L.2/Rev.1

Australia: proposal; India: proposal

/24 June 1971/

I. Proposal submitted by Australia as amended by Belgium (amendment underlined)

Recognizing the need to elaborate effective international rules and procedures concerning liability for damage caused by space objects and to ensure, in particular, the prompt payment under the terms of this Convention of a full and equitable measure of compensation to victims of such damage.

II. India: proposal

1. Amend article XIX, paragraph 2, contained in document PUOS/C.2/WG(X)/1 to read as follows (amendment underlined):

"The decision of the Commission shall be final and binding if the parties have so agreed; otherwise the Commission shall render a final and recommendatory award, which the parties shall consider in good faith. The Commission shall state the reasons for its decision or award."

2. Amend article B bis contained in document PUOS/C.2/DG(X)/WP.1 to read as follows (amendment underlined):

"Ten years after the entry into force of the present Convention, the question of the review of this Convention shall be included in the provisional agenda of the United Nations General Assembly in order to consider, in the light of past application of the Convention, whether it requires revision. However, at any time before this date but not earlier than five years after the entry into force of the Convention, and at the request of one third of the Contracting Parties, and with the concurrence of the majority of the Contracting Parties, a conference of the Contracting Parties shall be convened with a view to the review of this Convention."

3. Amend article A, paragraph 3, contained in document PUOS/C.2/DG(X)/WP.2 to read as follows (amendment underlined):

"This Convention shall enter into force on the date of the deposit of the fifth instrument of ratification."

Document PUOS/C.2/WG(X)/L.4/Rev.1

Morocco: proposal

/25 June 1971/

Add the following article after article XXII in document A/AC.105/C.2/L.79:

If the damage caused by a space object presents or is likely to present a serious large-scale danger to human life or seriously interferes with the living conditions of the population and the functioning of vital centres, the States Parties, and in particular the launching State, shall examine the possibility of rendering appropriate and rapid assistance to the State which has suffered the damage, if it so requests. However, nothing in this provision shall affect the rights or obligations of the Parties under this Convention.

Document PUOS/C.2/WG(X)/1

Draft Convention on International Liability for Damage
Caused by Space Objects: texts approved by the Working
Group at its meetings on 22 and 23 June 1971

/23 June 1971/

Article XIV

If no settlement of the claim is arrived at through diplomatic negotiations as provided for in article X within one year from the date on which the State presenting a claim notifies the launching State that it has submitted the documentation of its claim, the parties concerned shall establish a Claims Commission at the request of either party for its establishment.

Article XV

1. The Claims Commission shall be composed of one nominee each of the claimant and the launching States and a third member, the Chairman, to be chosen by the two parties jointly. The nominees of each party shall respectively be designated within two months of the request for the establishment of the Claims Commission.

2. If no agreement is reached on the choice of the Chairman within four months of the request for the establishment of the Claims Commission, the Secretary-General of the United Nations may be requested by either party to appoint the Chairman within a further period of two months.

Article XVI

1. If one of the parties fails to designate its nominee within the stipulated period, the Chairman shall, at the request of the other party, constitute a single-member Claims Commission.

2. Any vacancy which may arise in the Claims Commission for whatever reason shall be filled by the same procedure adopted for the original nomination or appointment.

3. The Claims Commission shall determine its procedure.

4. The Claims Commission shall determine the place or places where it shall sit and all other administrative matters.

5. Except in the case of decisions and awards by a single-member Commission, all decisions and awards of the Claims Commission shall be by majority vote.

Article XVII

No increase in the membership of the Claims Commission shall take place by reason of two or more claimant States or launching States being joined in any one proceeding before the Commission. The claimant States so joined shall collectively nominate one member of the Commission in the same manner and subject to the same conditions as would be the case for a single claimant State. When two or more launching States are so joined, they shall collectively nominate one member of the Commission in the same way. If the claimant States or the launching States fail to nominate their member within the stipulated period, the Chairman shall constitute a single-member Commission.

Article XVIII

The Claims Commission's function shall be to decide on the merits of the claim for compensation and to determine the amount of compensation payable, if any.

Article XIX

1. The Commission shall act in accordance with the provisions of article XXI.

2. The decision of the Commission shall be final and binding if the parties have so agreed; otherwise the Commission shall render a final and recommendatory award. The Commission shall state the reasons for its decision or award.*

3. The Commission shall give its decision or award as promptly as possible and no later than one year from the date of its establishment unless an extension of this period is found necessary by the Commission.

4. The Commission shall make its decision or award public and deliver a certified copy of its decision or award to each of the parties as well as to the Secretary-General of the United Nations.

Article XX

The expenses in regard to the Claims Commission shall be borne equally by the parties, unless otherwise decided by the Commission.

Document PUOS/C.2/WG(X)/2

Draft Convention on International Liability for Damage
Caused by Space Objects: text approved by the Working
Group on 28 June 1971

/28 June 1971/

The States Parties to this Convention,

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

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,

Taking into consideration that, notwithstanding the precautionary measures to be taken by States and international intergovernmental organizations involved in the launching of space objects, damage may on occasion be caused by such objects,

Recognizing the need to elaborate effective international rules and procedures concerning liability for damage caused by space objects and to ensure, in particular, the prompt payment under the terms of this Convention of a full and equitable measure of compensation to victims of such damage,

Believing that the establishment of such rules and procedures will contribute to the strengthening of international co-operation in the field of the exploration and use of outer space for peaceful purposes,

Have agreed on the following:

* Subject to possible review.

Article 1

For the purpose of this Convention:

(a) The term "damage" means loss of life, personal injury or other impairment of health; or loss of or damage to property of States or of persons, natural or juridical, or property of international intergovernmental organizations;

(b) The term "launching" includes attempted launching;

(c) The term "launching State" means:

(i) A State which launches or procures the launching of a space object;

(ii) A State from whose territory or facility a space object is launched;

(d) The term "space object" includes component parts of a space object as well as its launch vehicle and parts thereof.

Article II

A launching State shall be absolutely liable to pay compensation for damage caused by its space object on the surface of the earth or to aircraft in flight.

Article III

In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, the latter shall be liable only if the damage is due to its fault or the fault of persons for whom it is responsible.

Article IV

1. In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, and of damage thereby being caused to a third State or to its natural or juridical persons, the first two States shall be jointly and severally liable to the third State, to the extent indicated by the following:

(a) If the damage has been caused to the third State on the surface of the earth or to aircraft in flight, their liability to the third State shall be absolute;

(b) If the damage has been caused to a space object of the third State or to persons or property on board that space object elsewhere than on the surface of the earth, their liability to the third State shall be based on the fault of either of the first two States or on the fault of persons for whom either is responsible.

2. In all cases of joint and several liability referred to in paragraph 1, the burden of compensation for the damage shall be apportioned between the first two States in accordance with the extent to which they were at fault; if the extent

of the fault of each of these States cannot be established, the burden of compensation shall be apportioned equally between them. Such apportionment shall be without prejudice to the right of the third State to seek the entire compensation due under this Convention from any or all of the launching States that are jointly and severally liable.

Article V

1. Whenever two or more States jointly launch a space object, they shall be jointly and severally liable for any damage caused.

2. A launching State which was paid compensation for damage shall have the right to present a claim for indemnification to other participants in the joint launching. The participants in a joint launching may conclude agreements regarding the apportioning among themselves of the financial obligation in respect of which they are jointly and severally liable. Such agreements shall be without prejudice to the right of a State sustaining damage to seek the entire compensation due under this Convention from any or all of the launching States that are jointly and severally liable.

3. A State from whose territory or facility a space object is launched shall be regarded as a participant in a joint launching.

Article VI

1. Subject to the provisions of paragraph 2, exoneration from absolute liability shall be granted to the extent that a launching State establishes that the damage has resulted either wholly or partially from gross negligence or from an act or omission done with intent to cause damage on the part of a claimant State or of natural or juridical persons it represents.

2. No exoneration whatever shall be granted in cases where the damage has resulted from activities conducted by a launching State which are not in conformity with international law including, in particular, the Charter of the United Nations and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

Article VII

The provisions of this Convention shall not apply to damage caused by a space object of a launching State to:

(a) Nationals of that launching State;

(b) Foreign nationals during such time as they are participating in the operation of that space object from the time of its launching or at any stage thereafter until its descent, or during such time as they are in the immediate vicinity of a planned launching or recovery area as the result of an invitation by that launching State.

Article VIII

Unless the claimant State and the State from which compensation is due under this Convention agree on another form of compensation, the compensation shall be paid in the currency of the claimant State or, if that State so requests, in the currency of the State from which compensation is due.

Article IX

1. A State which suffers damage, or whose natural or juridical persons suffer damage, may present to a launching State a claim for compensation for such damage.

2. If the State of nationality has not presented a claim, another State may, in respect of damage sustained in its territory by any natural or juridical person, present a claim to a launching State.

3. If neither the State of nationality nor the State in whose territory the damage was sustained has presented a claim or notified its intention of presenting a claim, another State may, in respect of damage sustained by its permanent residents, present a claim to a launching State.

4. No claim may be presented under this Convention to a launching State in respect of nationals of that State.

Article X

A claim for compensation for damage shall be presented to a launching State through diplomatic channels. If a State does not maintain diplomatic relations with the launching State concerned, it may request another State to present its claim to that launching State or otherwise represent its interests under this Convention.

Article XI

1. A claim for compensation for damage may be presented to a launching State not later than one year following the date of the occurrence of the damage or the identification of the launching State that is liable.

2. If, however, a State does not know of the occurrence of the damage or has not been able to identify the launching State that is liable, it may present a claim within one year following the date on which it learned of the aforementioned facts; however, this period shall in no event exceed one year following the date on which the State could reasonably be expected to have learned of the facts through the exercise of due diligence.

3. The time-limits specified in paragraphs 1 and 2 shall apply even if the full extent of the damage may not be known. In this event, however, the claimant State shall be entitled to revise the claim and submit additional documentation after the expiration of such time-limits until one year after the full extent of the damage is known.

Article XII

1. Presentation of a claim to a launching State for compensation for damage under this Convention shall not require the prior exhaustion of any local remedies that may be available to a claimant State or to natural or juridical persons it represents.

2. Nothing in this Convention shall prevent a State, or natural or juridical persons it might represent, from pursuing a claim in the courts or administrative tribunals or agencies of a launching State. A State shall not, however, be entitled to present a claim under this Convention in respect of the same damage for which a claim is being pursued in the courts or administrative tribunals or agencies of a launching State or under another international agreement which is binding on the States concerned.

Article XIII

The compensation which the launching State shall be liable to pay for damage under this Convention shall be determined in accordance with international law, and the principles of justice and equity, in order to provide such reparation in respect of the damage as will restore the person, natural or juridical, State or international organization on whose behalf the claim is presented to the condition which would have existed if the damage had not occurred.

Article XIV

If no settlement of a claim is arrived at through diplomatic negotiations as provided for in article X, within one year from the date on which the claimant State notifies the launching State that it has submitted the documentation of its claim, the parties concerned shall establish a Claims Commission at the request of either party.

Article XV

1. The Claims Commission shall be composed of three members: one appointed by the claimant State, one appointed by the launching State and the third member, the Chairman, to be chosen by both parties jointly. Each party shall make its appointment within two months of the request for the establishment of the Claims Commission.

2. If no agreement is reached on the choice of the Chairman within four months of the request for the establishment of the Claims Commission, either party may request the Secretary-General of the United Nations to appoint the Chairman within a further period of two months.

Article XVI

1. If one of the parties does not make its appointment within the stipulated period, the Chairman shall, at the request of the other party, constitute a single-member Claims Commission.

2. Any vacancy which may arise in the Claims Commission for whatever reason shall be filled by the same procedure adopted for the original appointment.

3. The Claims Commission shall determine its own procedure.

4. The Claims Commission shall determine the place or places where it shall sit and all other administrative matters.

5. Except in the case of decisions and awards by a single-member Commission, all decisions and awards of the Claims Commission shall be by majority vote.

Article XVII

No increase in the membership of the Claims Commission shall take place by reason of two or more claimant States or launching States being joined in any one proceeding before the Commission. The claimant States so joined shall collectively appoint one member of the Commission in the same manner and subject to the same conditions as would be the case for a single claimant State. When two or more launching States are so joined, they shall collectively appoint one member of the Commission in the same way. If the claimant States or the launching States do not make the appointment within the stipulated period, the Chairman shall constitute a single-member Commission.

Article XVIII

The Claims Commission shall decide the merits of the claim for compensation and determine the amount of compensation payable, if any.

Article XIX

1. The Commission shall act in accordance with the provisions of article XIII.

2. The decision of the Commission shall be final and binding if the parties have so agreed; otherwise the Commission shall render a final and recommendatory award, which the parties shall consider in good faith. The Commission shall state the reasons for its decision or award.

3. The Commission shall give its decision or award as promptly as possible and no later than one year from the date of its establishment unless an extension of this period is found necessary by the Commission.

4. The Commission shall make its decision or award public. It shall deliver a certified copy of its decision or award to each of the parties and to the Secretary-General of the United Nations.

Article XX

The expenses in regard to the Claims Commissions shall be borne equally by the parties, unless otherwise decided by the Commission.

Article XXI

1. In the present Convention, with the exception of articles ... to ..., references to States shall be deemed to extend to any international intergovernmental organization which conducts space activities if the organization

declares its acceptance of the rights and obligations provided for in this Convention and if a majority of the States members of the organization are Contracting Parties to this Convention and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

2. States members of any such organization which are Contracting Parties to this Convention shall take all appropriate steps to ensure that the organization makes a declaration in accordance with the preceding paragraph.

3. If an international intergovernmental organization is liable for damage by virtue of the provisions of this Convention, that organization and those of its members which are Contracting Parties to this Convention shall be jointly and severally liable; provided, however, that:

(a) Any claim for compensation in respect of such damage shall be first presented to the organization;

(b) Only where the organization has not paid, within a period of six months, any sum agreed or determined to be due as compensation for such damage, may the claimant invoke the liability of the members which are Contracting Parties to this Convention for the payment of that sum.

4. Any claim, pursuant to the provisions of this Convention, for compensation in respect of damage caused to an organization which has made a declaration in accordance with paragraph 1 of this article shall be presented by a State member of the organization which is a Contracting Party to this Convention.

Article XXII

1. The provisions of this Convention shall not affect other international agreements in force in so far as relations between the States parties to such agreements are concerned.

2. No provision of this Convention shall prevent States from concluding international agreements reaffirming, supplementing or extending its provisions.

Article XXIII

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

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.*

* The following sentence is to be included in the report of the Legal Sub-Committee:

"Some delegations expressed the view that it would be preferable to continue the practice of the United Nations to the effect that the Secretary-General should be the single depositary of treaties concluded under the auspices of the United Nations."

3. This Convention shall enter into force on the deposit of the fifth instrument of ratification.

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

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

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

Article XXIV

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

Article XXV

Ten years after the entry into force of the present Convention, the question of the review of this Convention shall be included in the provisional agenda of the United Nations General Assembly in order to consider, in the light of past application of the Convention, whether it requires revision. However, at any time after the Convention has been in force for five years, and at the request of one-third of the Contracting Parties, and with the concurrence of the majority of the Contracting Parties, a conference of the Contracting Parties shall be convened with a view to the review of this Convention.

Article XXVI

Any State Party to the Convention may give notice of its withdrawal from the Convention one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article XXVII

This Convention, of which the English, Russian, French, Spanish and Chinese texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Convention 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 Convention.

DONE in, at the cities of London, Moscow and Washington, the day of one thousand nine hundred and

Final clauses - Argentina, Austria, Brazil, and Mexico: proposal

/18 June 1971/

Article B bis

Ten years after the entry into force of the present Convention, the question of the review of this Convention shall be included in the provisional agenda of the United Nations General Assembly in order to determine, in the light of its past application, whether it requires revision. However, at any time before this date and at the request of one third of the Contracting Parties, and with the concurrence of the majority of the Contracting Parties, a conference of the Contracting Parties shall be convened with a view to the review of this Convention.

Document PUOS/C.2/DG(X)/WP.2

Final clauses - Belgium and Mexico: proposal

/18 June 1971/

Article A, paragraph 3

3. This Convention shall enter into force on the date of the deposit of the ...th instrument of ratification.

Document PUOS/C.2/DG(X)/1

Final clauses - text approved by the Drafting Group
on 17 June 1971

/17 June 1971/

Article A

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

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.*

* The following sentence is to be included in the report of the Legal Sub-Committee:

"Some delegations expressed the view that it would be preferable to continue the practice of the United Nations to the effect that the Secretary-General should be the single depositary of treaties concluded under the auspices of the United Nations."

3. ...

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

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

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

Article B

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

Article C

Any State Party to the Convention may give notice of its withdrawal from the Convention one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article D

This Convention, of which the English, Russian, French, Spanish and Chinese texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Convention 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 Convention.

DONE in, at the cities of London, Moscow and Washington, the day of one thousand nine hundred and

Document PUOS/C.2/DG(X)/2

Draft Convention on International Liability for Damage Caused by Space Objects: text approved by the Drafting Group on
28 June 1971

/28 June 1971/

The States Parties to this Convention,

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

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,

Taking into consideration that, notwithstanding the precautionary measures to be taken by States and international intergovernmental organizations involved in the launching of space objects, damage may on occasion be caused by such objects,

Recognizing the need to elaborate effective international rules and procedures concerning liability for damage caused by space objects and to ensure, in particular, the prompt payment under the terms of this Convention of a full and equitable measure of compensation to victims of such damage,

Believing that the establishment of such rules and procedures will contribute to the strengthening of international co-operation in the field of the exploration and use of outer space for peaceful purposes,

Have agreed on the following:

Article I

For the purposes of this Convention:

(a) The term "damage" means loss of life, personal injury or other impairment of health; or loss of or damage to property of States or of persons, natural or juridical, or property of international intergovernmental organizations;

(b) The term "launching" includes attempted launching;

(c) The term "launching State" means:

(i) A State which launches or procures the launching of a space object;

(ii) A State from whose territory or facility a space object is launched;

(d) The term "space object" includes component parts of a space object as well as its launch vehicle and parts thereof.

Article II

A launching State shall be absolutely liable to pay compensation for damage caused by its space object on the surface of the earth or to aircraft in flight.

Article III

In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, the latter shall be liable only if the damage is due to its fault or the fault of persons for whom it is responsible.

Article IV

1. In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, and of damage thereby being caused to a third State or to its natural or juridical persons, the first two States shall be jointly and severally liable to the third State, to the extent indicated by the following:

(a) If the damage has been caused to the third State on the surface of the earth or to aircraft in flight, their liability to the third State shall be absolute;

(b) If the damage has been caused to a space object of the third State or to persons or property on board that space object elsewhere than on the surface of the earth, their liability to the third State shall be based on the fault of either of the first two States or on the fault of persons for whom either is responsible.

2. In all cases of joint and several liability referred to in paragraph 1, the burden of compensation for the damage shall be apportioned between the first two States in accordance with the extent to which they were at fault; if the extent of the fault of these States cannot be established, the burden of compensation shall be apportioned equally between them. Such apportionment shall be without prejudice to the right of the third State to seek the entire compensation due under this Convention from any or all of the launching States which are jointly and severally liable.

Article V

1. Whenever two or more States jointly launch a space object, they shall be jointly and severally liable for any damage caused.

2. A launching State which has paid compensation for damage shall have the right to present a claim for indemnification to other participants in the joint launching. The participants in a joint launching may conclude agreements regarding the apportioning among themselves of the financial obligation in respect of which they are jointly and severally liable. Such agreements shall be without prejudice to the right of a State sustaining damage to seek the entire compensation due under this Convention from any or all of the launching States which are jointly and severally liable.

3. A State from whose territory or facility a space object is launched shall be regarded as a participant in a joint launching.

Article VI

1. Subject to the provisions of paragraph 2, exoneration from absolute liability shall be granted to the extent that a launching State establishes that the damage has resulted either wholly or partially from gross negligence or from an act or omission done with intent to cause damage on the part of a claimant State or of natural or juridical persons it represents.

2. No exoneration whatever shall be granted in cases where the damage has resulted from activities conducted by a launching State which are not in conformity with international law including, in particular, the Charter of the United Nations and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

Article VII

The provisions of this Convention shall not apply to damage caused by a space object of a launching State to:

(a) Nationals of that launching State;

(b) Foreign nationals during such time as they are participating in the operation of that space object from the time of its launching or at any stage thereafter until its descent, or during such time as they are in the immediate vicinity of a planned launching or recovery area as the result of an invitation by that launching State.

Article VIII

1. A State which suffers damage, or whose natural or juridical persons suffer damage, may present to a launching State a claim for compensation for such damage.

2. If the State of nationality has not presented a claim, another State may, in respect of damage sustained in its territory by any natural or juridical person, present a claim to a launching State.

3. If neither the State of nationality nor the State in whose territory the damage was sustained has presented a claim or notified its intention of presenting a claim, another State may, in respect of damage sustained by its permanent residents, present a claim to a launching State.

Article IX

A claim for compensation for damage shall be presented to a launching State through diplomatic channels. If a State does not maintain diplomatic relations with the launching State concerned, it may request another State to present its claim to that launching State or otherwise represent its interests under this Convention. It may also present its claim through the Secretary-General of the United Nations, provided the claimant State and the launching State are both Members of the United Nations.

Article X

1. A claim for compensation for damage may be presented to a launching State not later than one year following the date of the occurrence of the damage or the identification of the launching State which is liable.

2. If, however, a State does not know of the occurrence of the damage or has not been able to identify the launching State which is liable, it may present a claim within one year following the date on which it learned of the aforementioned facts; however, this period shall in no event exceed one year

following the date on which the State could reasonably be expected to have learned of the facts through the exercise of due diligence.

3. The time-limits specified in paragraphs 1 and 2 shall apply even if the full extent of the damage may not be known. In this event, however, the claimant State shall be entitled to revise the claim and submit additional documentation after the expiration of such time-limits until one year after the full extent of the damage is known.

Article XI

1. Presentation of a claim to a launching State for compensation for damage under this Convention shall not require the prior exhaustion of any local remedies which may be available to a claimant State or to natural or juridical persons it represents.

2. Nothing in this Convention shall prevent a State, or natural or juridical persons it might represent, from pursuing a claim in the courts or administrative tribunals or agencies of a launching State. A State shall not, however, be entitled to present a claim under this Convention in respect of the same damage for which a claim is being pursued in the courts or administrative tribunals or agencies of a launching State or under another international agreement which is binding on the States concerned.

Article XII

The compensation which the launching State shall be liable to pay for damage under this Convention shall be determined in accordance with international law, and the principles of justice and equity, in order to provide such reparation in respect of the damage as will restore the person, natural or juridical, State or international organization on whose behalf the claim is presented to the condition which would have existed if the damage had not occurred.

Article XIII

Unless the claimant State and the State from which compensation is due under this Convention agree on another form of compensation, the compensation shall be paid in the currency of the claimant State or, if that State so requests, in the currency of the State from which compensation is due.

Article XIV

If no settlement of a claim is arrived at through diplomatic negotiations as provided for in article IX, within one year from the date on which the claimant State notifies the launching State that it has submitted the documentation of its claim, the parties concerned shall establish a Claims Commission at the request of either party.

Article XV

1. The Claims Commission shall be composed of three members: one appointed by the claimant State, one appointed by the launching State and the third member, the Chairman, to be chosen by both parties jointly. Each party shall make its appointment within two months of the request for the establishment of the Claims Commission.

2. If no agreement is reached on the choice of the Chairman within four months of the request for the establishment of the Claims Commission, either party may request the Secretary-General of the United Nations to appoint the Chairman within a further period of two months.

Article XVI

1. If one of the parties does not make its appointment within the stipulated period, the Chairman shall, at the request of the other party, constitute a single-member Claims Commission.

2. Any vacancy which may arise in the Claims Commission for whatever reason shall be filled by the same procedure adopted for the original appointment.

3. The Claims Commission shall determine its own procedure.

4. The Claims Commission shall determine the place or places where it shall sit and all other administrative matters.

5. Except in the case of decisions and awards by a single-member Commission, all decisions and awards of the Claims Commission shall be by majority vote.

Article XVII

No increase in the membership of the Claims Commission shall take place by reason of two or more claimant States or launching States being joined in any one proceeding before the Commission. The claimant States so joined shall collectively appoint one member of the Commission in the same manner and subject to the same conditions as would be the case for a single claimant State. When two or more launching States are so joined, they shall collectively appoint one member of the Commission in the same way. If the claimant States or the launching States do not make the appointment within the stipulated period, the Chairman shall constitute a single-member Commission.

Article XVIII

The Claims Commission shall decide the merits of the claim for compensation and determine the amount of compensation payable, if any.

Article XIX

1. The Commission shall act in accordance with the provisions of article XII.

2. The decision of the Commission shall be final and binding if the parties have so agreed; otherwise the Commission shall render a final and recommendatory award, which the parties shall consider in good faith. The Commission shall state the reasons for its decision or award.

3. The Commission shall give its decision or award as promptly as possible and no later than one year from the date of its establishment unless an extension of this period is found necessary by the Commission.

4. The Commission shall make its decision or award public. It shall deliver a certified copy of its decision or award to each of the parties and to the Secretary-General of the United Nations.

Article XX

The expenses in regard to the Claims Commission shall be borne equally by the parties, unless otherwise decided by the Commission.

Article XXI

Article XXII

1. In this Convention, with the exception of articles XXIV to XXVII, references to States shall be deemed to apply to any international intergovernmental organization which conducts space activities if the organization declares its acceptance of the rights and obligations provided for in this Convention and if a majority of the States members of the organization are States Parties to this Convention and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

2. States members of any such organization which are States Parties to this Convention shall take all appropriate steps to ensure that the organization makes a declaration in accordance with the preceding paragraph.

3. If an international intergovernmental organization is liable for damage by virtue of the provisions of this Convention, that organization and those of its members which are States Parties to this Convention shall be jointly and severally liable; provided, however, that:

(a) Any claim for compensation in respect of such damage shall be first presented to the organization; and

(b) Only where the organization has not paid, within a period of six months, any sum agreed or determined to be due as compensation for such damage, may the claimant State invoke the liability of the members which are States Parties to this Convention for the payment of that sum.

4. Any claim, pursuant to the provisions of this Convention, for compensation in respect of damage caused to an organization which has made a declaration in accordance with paragraph 1 of this article shall be presented by a State member of the organization which is a State Party to this Convention.

Article XXIII

1. The provisions of this Convention shall not affect other international agreements in force in so far as relations between the States parties to such agreements are concerned.

2. No provision of this Convention shall prevent States from concluding international agreements reaffirming, supplementing or extending its provisions.

Article XXIV

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

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.

3. This Convention shall enter into force on the deposit of the fifth instrument of ratification.

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

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

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

Article XXV

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

Article XXVI

Ten years after the entry into force of this Convention, the question of the review of this Convention shall be included in the provisional agenda of the United Nations General Assembly in order to consider, in the light of past application of the Convention, whether it requires revision. However, at any time after the Convention has been in force for five years, and at the request of one third of the States Parties to the Convention, and with the concurrence of the majority of the States Parties, a conference of the States Parties shall be convened to review this Convention.

Article XXVII

Any State Party to this Convention may give notice of its withdrawal from the Convention one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article XXVIII

This Convention, of which the English, Russian, French, Spanish and Chinese texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Convention 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 Convention.

DONE in, at the cities of London, Moscow and Washington, the day of one thousand nine hundred and

Annex II

LIST OF DELEGATIONS AND OBSERVERS

Chairman: Mr. Eugeniusz Wyzner (Poland)

Delegations

ARGENTINA

Representative: Sr. Aldo Armado Cocca
Presidente del Comité de Ciencias jurídicas,
políticas y sociales de la Comisión
Nacional de Investigaciones Espaciales

AUSTRALIA

Representative Mr. Andrew Menzies
Senior Assistant Secretary
Attorney General's Department, Canberra

Alternate: Mr. Hamilton Charles Mott
First Secretary
Australian Mission to the United Nations,
New York

AUSTRIA

Representatives: Mr. Karl Zemanek (7 to 18 June)
Professor of International Law
University of Vienna

Mr. Erich Nettel (21 June to 2 July)
Envoy Extraordinary and Minister
Plenipotentiary
Head of Legal Department
Austrian Foreign Ministry

BELGIUM

Representative: M. André J. Vranken
Inspecteur général
Ministère des Affaires étrangères,
Bruxelles

BRAZIL

Representative: Mr. Celso Antonio de Souza e Silva
Deputy Permanent Representative of Brazil
to the United Nations, New York

Alternate: Mr. João Gualberto Marques Pôrto, Jr.
Secretary of Embassy
Permanent Mission of Brazil to the United
Nations Office, Geneva

BULGARIA

Representative: M. Matey Karassimeonov
Conseiller, Chef-adjoint de département au
Ministère des Affaires étrangères

Alternate: M. Illia Koltchakov
Deuxième secrétaire auprès du Ministère des
Affaires étrangères

CANADA

Representative: Mr. Angus W.J. Robertson
Counsellor, Embassy of Canada, The Hague

Alternate: Mr. Charles Dalfen
Legal Adviser, Department of Communications

Advisers: Mr. R.D. Auger
Third Secretary, Permanent Mission of Canada
to the Office of the United Nations,
Geneva

Miss C. Verdon
Executive Assistant to the Deputy Minister
Department of Communications

CZECHOSLOVAKIA

Representative: Mr. Zdeněk Pisk
Counsellor, Ministry of Foreign Affairs

Alternate: Mr. Ján Strucka
First Secretary, Permanent Mission of
Czechoslovakia to the United Nations
Office at Geneva

FRANCE

Representative: M. Jean-Felix Charvet
Conseiller, Direction des Affaires
juridiques du Ministère des Affaires
étrangères

Alternates: M. Gabriel Lafferranderie
Conseiller juridique, Division des Affaires
internationales, Centre national d'études
spatiales

M. Jean Louis Vencatassin,
Directeur Adjoint, Direction des Relations
extérieures du Centre national d'études
spatiales

HUNGARY

Representative: Mr. György Haraszti
Professor of International Law
University Loránd Eötvös, Budapest

Alternate: Mr. Tamás Horváth
Official of the Ministry of Foreign Affairs

INDIA

Representative: Mr. N. Krishnan
Permanent Representative of India to the
United Nations Office at Geneva

Alternate: Mr. P.C. Rao
Assistant Legal Adviser
Ministry of External Affairs

IRAN

Representative: M. Sadegh Azimi
Ministre conseiller
Délégation permanente de l'Iran auprès de
l'Office des Nations Unies à Genève

Alternate: M. Ebrahim Djahannema
Premier Secrétaire
Délégation permanente de l'Iran auprès de
l'Office des Nations Unies à Genève

ITALY

Representative: M. Francesco Capotorti
Professeur à l'Université de Naples

Alternates: M. Antonio Cassese
Professeur à l'Université de Pisa

M. Vincenzo Starace
Professeur à l'Université de Bari

Advisers M. Alberto Schepisi
Deuxième Secrétaire à la Mission permanente
d'Italie auprès des Organisations
internationales

M. Enzo Castelli
Engineer, Co-director of "Centro Tecnico
RAI-TV"

JAPAN Mr. Yoshio Okawa
Minister, Permanent Delegation of Japan to
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Head, Scientific Affairs Division
United Nations Bureau
Ministry of Foreign Affairs, Tokyo

Senior Adviser: Mr. Sougi Yamamoto
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Second Secretary
Permanent Mission of Japan to the United
Nations, New York

Mr. Kojiro Takano
Second Secretary, Permanent Delegation of
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Mr. Hisashi Ezaki
Space Planning Section
Research Coordination
Science and Technology Agency, Tokyo

Mr. Magane Shimizu
National Space Development Agency, Tokyo

LEBANON

Representative: Mr. Souheil Chamas
Head of United Nations Affairs and
International Organizations,
Ministry of Foreign Affairs

MEXICO

Representative: Sr. Sergio González Galvez
Ministro Consejero
Subdirector General de Organismos
Internacionales de la Secretaría de
Relaciones Exteriores

Alternate: Sr. Miguel Marin Bosch
Secretario del Servicio Exterior Mexicano

MONGOLIA

Representative: M. Zagaryn Erendo
Chargé d'affaires a.i.
Mission de Mongolie auprès de l'Office
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Office at Geneva

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Genève

POLAND

Representative: Mr. Jerzy Osiecki
First Secretary of the Permanent Mission
of the Polish People's Republic in Geneva

ROMANIA

Representative: M. Paul Gogeanu
Professeur à l'Université de Bucarest

Mme. Florica Dinu
Troisième Secrétaire
Mission permanente de la République
Socialiste de Roumanie auprès de
l'Office des Nations Unies à Genève

SWEDEN

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UNION OF SOVIET SOCIALIST
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First Secretary
Ministry of Foreign Affairs
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UNITED ARAB REPUBLIC

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Permanent Mission of the United Arab
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Permanent Mission of the United Arab
Republic to the United Nations Office
at Geneva

UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND

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Foreign and Commonwealth Office

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Associate Chief
Legal Office

WORLD METEOROLOGICAL ORGANIZATION (WMO)

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Mr. S. Chetverikov
Deputy Secretary of the Sub-Committee

Mr. J.H. de Saram
Deputy Secretary of the Sub-Committee

Mr. N. Jasentuliyana
Liaison between the Scientific and Technical Sub-Committee and the Legal
Sub-Committee