



**REPORT
OF THE COMMITTEE
ON THE PEACEFUL USES
OF OUTER SPACE**

GENERAL ASSEMBLY

OFFICIAL RECORDS : TWENTY-SIXTH SESSION

SUPPLEMENT No. 20 (A/8420)

UNITED NATIONS

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

ABBREVIATIONS

COSPAR	Committee on Space Research
FAO	Food and Agriculture Organization of the United Nations
IAF	International Astronautical Federation
ICAO	International Civil Aviation Organization
IMCO	Inter-Governmental Maritime Consultative Organization
ITU	International Telecommunication Union
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
WHO	World Health Organization
WMO	World Meteorological Organization

I. INTRODUCTION

1. The Committee on the Peaceful Uses of Outer Space met at United Nations Headquarters, New York, from 1 to 10 September 1971, under the chairmanship of Mr. Kurt Waldheim (Austria). Mr. Gheorghe Diaconescu (Romania) served as Vice-Chairman and Mr. Celso A. de Souza e Silva (Brazil) as Rapporteur. The verbatim records of the Committee's meetings were circulated as documents A/AC.105/PV.98-106.

Meetings of subsidiary bodies

2. The Scientific and Technical Sub-Committee held its eighth session at United Nations Headquarters, New York, from 6 to 15 July 1971 under the chairmanship of Professor J.H. Carver (Australia). The summary records of the Sub-Committee's meetings were circulated as documents A/AC.105/C.1/SR.79-87 and 90-93. The report of the Sub-Committee was circulated as document A/AC.105/95.

3. The Legal Sub-Committee held its tenth session at the United Nations Office at Geneva, from 7 June to 2 July 1971, under the chairmanship of Mr. Eugeniusz Wyzner (Poland). The summary records of the Sub-Committee's meetings were circulated as documents A/AC.105/C.2/SR.152-169. The Sub-Committee's report was circulated as document A/AC.105/94.

Fourteenth session of the Committee

4. The Committee on the Peaceful Uses of Outer Space began its fourteenth session on 22 October 1970, when, at its 96th meeting, it elected Mr. Kurt Waldheim (Austria) as its new chairman to replace Mr. Heinrich Haymerle (Austria), who had been assigned to a new post. It met again on 24 November to consider the organization of its work and that of its subsidiary bodies for 1971. The work programme was contained in a statement by the Chairman at the end of that meeting and reported in the verbatim record of the 97th meeting of the Committee.

5. At its 98th meeting on 1 September 1971, when the Committee resumed its fourteenth session, it adopted the following agenda:

1. Adoption of the agenda.
2. Statement by the Chairman.
3. Consideration of the reports of:
 - (a) The Scientific and Technical Sub-Committee (A/AC.105/95);
 - (b) The Legal Sub-Committee (A/AC.105/94).
4. Report of the Committee to the General Assembly.

6. At the opening meeting on 1 September 1971, the Committee heard a statement by its Chairman, which is reproduced in annex I, and by the Chairman of the Legal Sub-Committee, reproduced in annex II, who introduced the draft Convention on International Liability for Damage Caused by Space Objects. Following these statements, the Committee began its general debate on the items before it, in the course of which statements were made by the representatives of the United States of America, Italy, Canada, Romania, the Union of Soviet Socialist Republics, Sweden, Australia, France, Japan, Austria, India, the United Kingdom of Great Britain and Northern Ireland, Brazil, Mexico, Bulgaria, Argentina, Belgium and Iran. The statements were reproduced in the verbatim records of the 99th to 101st meetings. The representatives of the World Meteorological Organization (WMO) and the International Astronautical Federation also made statements which were reproduced in the verbatim records of the 100th and 104th meetings.

7. During the general debate, the Committee also heard tributes to the memory of the three Soviet cosmonauts - Georgi Timofeyevich Dobrovolsky, Vladislav Nicolayevich Volkov and Victor Ivanovich Patsayev - and congratulatory remarks on the recent feats in space flight accomplished by the Soyuz and Apollo missions.

8. The Committee adopted its report to the General Assembly at its 106th meeting on 10 September 1971, and the Committee's recommendations and decisions are set out below. A list of the representatives of States members of the Committee attending the session, of the observers of the specialized agencies and of the secretariat of the Committee, is annexed (see annex III). The Chairman of the Legal Sub-Committee, Mr. Eugeniusz Wyzner, attended the session in accordance with the decision of the Sub-Committee, set out in paragraph 26 of its report.

II. RECOMMENDATIONS AND DECISIONS

A. Report of the Scientific and Technical Sub-Committee

9. The Committee took note with appreciation of the report of the Scientific and Technical Sub-Committee on the work of its eighth session (A/AC.105/95). In considering the various recommendations contained in that report, the Committee expressed its views as set out in the following paragraphs.

1. Promotion of the application of space technology

Convening of a Working Group on Remote Sensing of the Earth by Satellites

10. The Committee welcomed the decision of the Sub-Committee to establish and convene a Working Group on Remote Sensing of the Earth by Satellites. It noted that the Working Group was established in response to a decision taken by the Committee at its thirteenth session ^{1/} and endorsed by the General Assembly in its resolution 2733 C (XXV). The Committee shared the view expressed by the Sub-Committee in this connexion that the potential benefits from technological developments in remote sensing of the Earth from space platforms could be extremely meaningful to the economic development of all countries, especially the developing countries, and to the preservation of the global environment. The Committee looked forward to the initiation of the substantive work of the Working Group in 1972, and expressed its confidence that, in discharging its responsibility, the Working Group would be capable of realizing the main objective set in paragraph 16 of the report of the Sub-Committee, namely, "to promote the optimum utilization of this space application" including the monitoring of the total earth environment for the benefit of individual States and of the international community, taking into account, as may be relevant, the sovereign rights of States and the 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".

11. The Committee endorsed the request of the Sub-Committee that Member States submit information on their national and co-operative activities in the field of remote sensing of the Earth by satellites, as well as comments and working papers to the Working Group for its information.

12. In the course of the resumed fourteenth session of the Committee, the Working Group on Remote Sensing of the Earth by Satellites held its organizational meeting. The Committee welcomed in this connexion the election of Mr. Franco Florio (Italy) as Chairman of the Working Group.

Assessment of the needs of developing countries and the ability of the United Nations to meet those needs, especially in the field of space applications

13. The Committee recognized the importance of the programme of applications of space technology undertaken by the United Nations in accordance with the decisions

^{1/} Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 20 (A/5020), para. 20.

of the Committee on the Peaceful Uses of Outer Space and the relevant resolutions of the General Assembly. It noted in this connexion the valuable work carried out by the Expert on Applications of Space Technology in the implementation of these resolutions and decisions.

14. The Committee took note of the request made by the Sub-Committee to the Secretary-General to report to it, at its ninth session, on the working of the arrangements deriving from the Sub-Committee's recommendations and to provide information on the relationship of those arrangements to the effectiveness of the Outer Space Affairs Division of the United Nations Secretariat and on whether the effectiveness of the Division could be improved.

15. The Committee noted the programme on applications of space technology envisaged for 1972 as outlined in paragraph 24 of the Sub-Committee's report. In considering the specific recommendations of the Sub-Committee on the question of expenditures for this programme, the Committee had before it a draft resolution submitted by the Union of Soviet Socialist Republics. Having deliberated on the question, the Committee unanimously adopted the following resolution:

The Committee on the Peaceful Uses of Outer Space,

Recognizing the importance of the programme on the promotion of applications of space technology, and desiring to ensure the continuation and success of this programme in accordance with the relevant resolutions and decisions of the United Nations,

Taking note of the Secretary-General's report on the assessment of needs of developing countries and the ability of the United Nations to meet those needs, especially in the field of space applications, 2/

Requests the Secretary-General to take all appropriate steps in order to allocate to the budget of the Outer Space Affairs Division of the United Nations Secretariat for 1972 an additional sum not exceeding \$70,000 for the implementation of the programme of promotion of the applications of space technology as contained in paragraph 24 of the report of the Scientific and Technical Sub-Committee 3/ regarding the programme of panel meetings for 1972, meetings of "points of contact" to be held at appropriate intervals and the visits to developing countries to explain the potentialities of the practical applications of space technology in various fields.

Use of satellite broadcasting for the advancement of education and training

16. The Committee took note of the opinion expressed by the Sub-Committee in paragraphs 29 and 30 of its report on the work programme currently undertaken by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Telecommunication Union (ITU), which the Sub-Committee considered to be most vital to the development of satellite broadcasting for advancement of education and training and appealed to Member States to keep the Sub-Committee informed of progress made by Member States and international organizations in the field of satellite broadcasting for the advancement of education and training.

2/ A/AC.105/C.1/L.37.

3/ A/AC.105/95.

Some delegations noted their view that activities in this field should be carried out taking into account the sovereign rights of receiving States.

Use of meteorological satellites and sounding rockets for improved weather forecasting

17. The Committee shared the appreciation expressed by the Sub-Committee to the World Meteorological Organization (WMO) for the various measures taken in implementation of General Assembly resolution 2733 D (XXV), requesting WMO to take action to mobilize technical resources to discover ways and means to mitigate the harmful effects of tropical storms and to remove or minimize their destructive potential.

2. Consideration of the scientific and technical aspects of international co-operation

18. The Committee, having reviewed the report of the Sub-Committee on (a) exchange of information, (b) education and training, and (c) international sounding rocket facilities, concluded as follows.

Exchange of information

19. In regard to exchange of information, the Committee renewed its appreciation to Member States which have continued to supply information to the United Nations on their national and co-operative international space activities. At the same time, the Committee appealed to those Member States who had not done so to supply the United Nations with such information in order to enhance the usefulness of the "Review of national and co-operative international space activities", which is being issued regularly as a source of information for Member States. The Committee also welcomed the arrangements made by the Secretary-General to issue the "Review of activities and resources of the United Nations, of its specialized agencies and of other competent international bodies relative to the peaceful uses of outer space" in printed form for wider circulation with annual supplements to be issued thereafter.

20. It also welcomed the compilation by UNESCO of bibliographies relating to space communication, the compilation of a pamphlet written by WMO in non-technical language on weather prediction, based in part on data derived from satellites, and the work undertaken by UNESCO, in collaboration with ITU, on a brochure on the characteristics, uses and approximate cost of communication satellites.

Education and training

21. The Committee reviewed the progress achieved in the field of international co-operation in education and training in the peaceful uses of outer space, as indicated in paragraphs 36 to 39 of the report of the Sub-Committee.

22. It welcomed in this connexion the decision of the Government of France to extend invitations to technical panels to observe a number of programmes on space technology applications being carried out by the National Space Research Centre (CNES) and the statement by the representative of Japan expressing his Government's intention to issue an invitation to a panel on satellite broadcasting for education.

It noted with pleasure in this connexion the statement by the representative of Japan at the present session of the Committee that the panel was likely to be held in 1973. It also welcomed the statement by the representative of Argentina at the present session that his Government had decided to call for a meeting of experts on the application of remote sensing for the discovery, assessment, utilization and administration of material resources to be held either at the end of 1972 or the beginning of 1973.

23. The Committee noted with pleasure the success of the first United Nations Panel Meeting on Remote Sensing Systems for Earth Resources Surveys, held at the invitation of the United States in May 1971, and expressed the hope that the United Nations Panel on the Establishment and Implementation of Research Programme in Remote Sensing, to be held at the invitation of the Government of Brazil in November and December of this year, would be equally successful. Similarly, the Committee looked forward to a fruitful review of the applicability of space and other remote sensing techniques to the management of food resources and related fields, to be undertaken at a panel being organized by the Food and Agriculture Organization of the United Nations (FAO), in co-operation with the Outer Space Affairs Division of the United Nations Secretariat, in September 1971, at the headquarters of FAO in Rome.

24. The Committee also welcomed the decisions of the Governments of the United Kingdom of Great Britain and Northern Ireland and France to provide fellowships for training in space technology in accordance with specified procedures, as set out in paragraph 23 of the report of the Sub-Committee. It also welcomed the training facilities being provided by the Government of India in satellite communication technology at the Experimental Satellite Communication Earth Station (ESCES) in India.

25. The Committee, realizing the importance of broad international participation in internationally-sponsored education and training programmes, appealed to Member States who are in a position to do so to similarly extend invitations for the holding of technical panels or the awarding of scholarships for technical training in the field.

International sounding rocket facilities

26. The Committee took note of the views expressed by the Sub-Committee on the progress reported in regard to the work of the Thumba Equatorial Rocket Launching Station (TERLS) in India and the CELPA Mar del Plata Rocket Launching Station in Argentina and shared the Sub-Committee's satisfaction at the work being carried out at those ranges in relation to the use of sounding rocket facilities for international co-operation and training in the peaceful and scientific exploration of outer space. The Committee accordingly recommended that the General Assembly continue to grant sponsorship of the two ranges.

27. The Committee also welcomed the statements referred to in paragraph 42 of the report of the Scientific and Technical Sub-Committee to the effect that the Italian San Marco Mobile Range and the French Space Centre at Kourou in French Guiana would continue to be available for international co-operative projects.

United Nations registry of launchings of space objects

28. In conformity with the provisions of paragraphs 1 and 2 of General Assembly resolution 1721 B (XVI), the Committee has continued to receive information from launching States concerning objects launched into orbit. Information has been furnished by Japan, the Union of Soviet Socialist Republics and the United States of America. The information received since the Committee's last report has been placed in the public registry maintained by the Secretary-General and has been circulated in Documents A/AC.105/INF.223-235.

Observer status for the International Astronautical Federation

29. The Committee considered the recommendation adopted by the Sub-Committee on the question of the possibility of granting an observer status to the International Astronautical Federation at future meetings of the Sub-Committee. It had before it a draft resolution submitted by Italy. Taking into account the activities of the IAF as indicated in the recommendation of the Sub-Committee as well as the opinion expressed by the Sub-Committee on the contribution that IAF could make to the Sub-Committee for the dissemination of information on space technology, the Committee adopted the following resolution:

The Committee on the Peaceful Uses of Outer Space,

Having considered the willingness of the International Astronautical Federation to make itself available to the Scientific and Technical Sub-Committee for the dissemination of information on space technology through the preparation of manuals and pamphlets and the organization of conferences and symposia,

Having noted that the activities of the International Astronautical Federation are listed among those relating to the peaceful uses of outer space by competent international bodies in the "Review of the activities and resources of the United Nations, of its specialized agencies and of other competent international bodies relating to the peaceful uses of outer space", 4/

Having taken into account the fact that the Economic and Social Council at its forty-sixth session granted category II consultative status to the International Astronautical Federation,

Decides to grant observer status to the International Astronautical Federation for the future meetings of the Scientific and Technical Sub-Committee.

B. Report of the Legal Sub-Committee

30. The Committee took note of the report of the Legal Sub-Committee on the work of its tenth session, held from 7 June to 2 July 1971 (A/AC.105/94).

31. The Committee noted with gratification that the Legal Sub-Committee had adopted a Draft Convention on International Liability for Damage Caused by Space Objects the text of which was reproduced in the Sub-Committee's report. The

4/ A/AC.105/C.1/L.34.

Committee acknowledged the outstanding work done by the Legal Sub-Committee in successfully completing the task entrusted to it as requested by the General Assembly.

32. At its 106th meeting, on 10 September 1971, the Committee adopted and decided to submit to the General Assembly for consideration and final adoption the following 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:

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 Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland 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 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 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 Chinese, English, French, Russian and Spanish 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

33. During the consideration of the draft Convention in the Committee, many delegations gave full endorsement to the draft Convention as formulated by the Legal Sub-Committee.

34. In giving their support to the text of the draft Convention, some delegations stated that they accepted the provisions on measure of compensation (article XII) particularly in view of paragraph 4 of the preamble, article II and of the various statements of clarification made in the Legal Sub-Committee and in the Committee. With regard to the provisions on the settlement of claims, these delegations expressed their continued preference for the unqualified adoption, for all cases, of 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.

35. The delegations of Canada, Iran, Japan and Sweden did not object to having the Committee forward the text to the General Assembly for its consideration. These delegations, however, were unable to support it in the Committee because they believed it would have been preferable to have had incorporated in the text provisions on measures of compensation and especially on the settlement of claims more in accordance with those that they had earlier proposed in the Legal Sub-Committee. The delegations of Canada, Iran, Japan and Sweden therefore reserved their positions on the substance of the text of the convention.

36. With regard to the questions relative to the definition of outer space and to the utilization of outer space and celestial bodies, including the various implications of space communications, the Committee noted that the Sub-Committee was unable to give detailed consideration to these subjects because of the priority it accorded the completion of the draft convention on liability.

37. The Committee took note of the recommendation of the Legal Sub-Committee that the Committee consider the inclusion of the following subjects in the agenda as important subjects for the next 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.

The Committee also took note of the request of the Legal Sub-Committee to consider the desirability of establishing a priority order for the different questions to be included in the agenda of the Legal Sub-Committee at its future sessions.

38. The Committee recognized that it was within the competence of the Legal Sub-Committee to assign priorities to the various subjects on its agenda. Nevertheless, in response to the request of the Sub-Committee, and on the basis of the suggestions made by many delegations, the Committee recommended, at its 106th meeting, on 10 September 1971, that priorities be given to matters relating to the registration of objects launched into space for the exploration or use of outer space, and to questions relating to the Moon. At the same time, the Committee took note of the preference expressed by several delegations that

priority be also given to: 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; and matters relating to activities carried out through remote sensing satellite surveys of earth resources. The Committee also recommended that the Legal Sub-Committee take these views into consideration in the programming of its future work. It further recommended that any decision taken by the Legal Sub-Committee to accord priority to one item should not preclude the consideration of any other item on the agenda during any future session of the Sub-Committee if the Sub-Committee so decides.

39. The Committee noted that the Union of Soviet Socialist Republics had submitted to the General Assembly at its twenty-sixth session a draft Treaty concerning the Moon (A/6391 and Corr.1, annex), on which some members made observations.

40. The Committee also noted the announcement made by Canada that it intended to submit a draft convention on the registration of objects launched into outer space for consideration by the Legal Sub-Committee at its next session.

C. Future work of the Committee on the Peaceful Uses of Outer Space

41. At the 106th meeting, on 10 September 1971, the Committee agreed to the suggestion of the Chairman that the part of the report of the Committee relating to its schedule of work was to be left open and that informal consultations with members of the Committee would be conducted by the Chairman with a view to an agreement on that question.

ANNEX I

Opening statement by the Chairman at the 98th meeting of the
Committee on 1 September 1971

It is indeed a great pleasure for me to welcome all the members of the Committee -- I am glad to see so many old friends here -- to this year's session. I am sure that, following an old and well-established tradition, we will again be able this time to conduct our deliberations in the spirit of co-operation which has enabled us in the past years to reach a consensus on such a great number of questions.

The year under review has been one of renewed progress in international co-operation in the peaceful uses of outer space. Achievements of primary importance in 1971 have been the Apollo 14 mission to the Moon in January and February, and, recently, the successful completion of the most significant mission so far to explore the Moon surface, Apollo 15. Mankind has witnessed another brilliant example of what science and technology, accompanied by human courage and ingenuity, can accomplish. The excellent teamwork which made that mission possible and such an outstanding success is a credit to each and every one who participated in its realization.

The establishment in June 1971 of the first manned scientific station in earth orbit by the Soviet Union was an event of equal importance. The cosmonauts not only became record-holders for human endurance in space, through their scientific work aboard their orbital laboratory Salyut, but made a decisive contribution to the development of orbital manned flights. The successful experiment culminated in the tragic death of the three cosmonauts during their return voyage to Earth. I should like to take this opportunity to express, on behalf of all members of this Committee, my sincere condolences to the representative of the USSR on the death of Colonels Dobrovolsky, Volkov and Patsayev. Their death is a tragic loss for the whole world.

Whenever man reaches the limits of his capabilities, triumph and tragedy lie next to each other. I deeply admire all those who have become envoys of mankind in space and have thus enabled man to gain new insights in the secrets of the universe.

Turning now to the work before us, we can note with satisfaction that our Committee, and in particular its Sub-Committees, have this year again proved to be the most important and valuable organs within the United Nations system for both making decisive steps in the establishment of a legal order for the exploration and use of outer space and in acting as focal point, co-ordinator, and also initiator in the broad field of the practical applications of space technology. The increasing co-operation, especially between the major space Powers, on a bilateral basis, is a long expected and most welcome development. I think, however, that this cannot and should not replace multilateral arrangements, but should rather be aimed at complementing them. Multilateral co-operation in space is today undoubtedly the best and only possibility for all non-space Powers, and in particular for the developing countries, to share the benefits from this new field of man's activity.

The basis for our discussions will again be the reports of our Legal as well as Scientific and Technical Sub-Committees, which have been issued as documents A/AC.105/94 and A/AC.105/95, respectively. In accordance with our decision on 24 November 1970, the Legal Sub-Committee held its session from 7 June to 2 July in Geneva and the Scientific and Technical Sub-Committee held its session from 6 to 15 July in New York. As we all know, the twenty-fifth session of the General Assembly, in resolution 2733 B (XXV), again urged our Committee to make a decisive effort to complete a draft convention on liability for damage caused by objects launched into outer space. I note with great satisfaction that, after so many years of detailed study and extensive negotiations on the many complicated problems involved, the Legal Sub-Committee was able this year to agree upon a draft convention and to submit it to the main Committee. I hope, therefore, that we shall be able now to fulfil the mandate entrusted to us by the General Assembly. I think that we all anticipate this convention taking its place alongside the outer space treaty and the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space as a major contribution to the progressive development of the law of outer space. I am particularly pleased that the Legal Sub-Committee has requested its Chairman to present the draft convention to this Committee and to provide such information relating to the draft convention as might be required. I welcome Mr. Wyzner in our midst, the Chairman of the Legal Sub-Committee, and I shall invite him to introduce the draft following my introductory remarks.

Besides completing the draft convention on liability, the Legal Sub-Committee also dealt, although not in any detail, with numerous other questions. As we can see from paragraph 29 of its report, our Committee is not only called upon to include in the agenda of the next session of the Sub-Committee the items specified in subparagraph 1 of paragraph 29 as important subjects, but also to consider the desirability of establishing a priority order for these items, some of them already having been on the agenda of the Sub-Committee for quite some time.

Turning to the report of the Scientific and Technical Sub-Committee on the work of its eighth session, we can note first of all that the Sub-Committee, as authorized by this Committee last year and subsequently by the General Assembly under resolution 2733 C (XXV), has decided to establish and convene a Working Group on Remote Sensing of the Earth by Satellites, that is, to consider whether there are operational system capabilities which might be of special value to meet international, regional and global requirements and make recommendations for possible developments, provision and operation of data collection and utilization system in the United Nations or other international framework. It was decided that an organizational meeting of the Working Group will take place during the course of our session. The topics on the agenda of that meeting will be the election of the chairman and the consideration of the programme of work of the group. If it meets with the approval of the Committee, I intend to reserve one of our meetings next week for this purpose. In this connexion, I wish to draw the attention of the Committee to paragraph 18 of the report of the Scientific and Technical Sub-Committee stating that participation in the Working Group will be open to members of this Committee and to authorized observers.

In the framework of the promotion of the application of space technology, the Sub-Committee has made a number of recommendations on specific topics. Most prominently amongst them are the question of the assessment of the needs of the developing countries in this field and the ability of the United Nations to meet

those needs. The respective recommendations are contained in paragraphs 23 to 25 of the report. They are based on the activity of the expert on space applications, Professor Humberto Ricciardi. While the Sub-Committee agreed on the continuation of the work of the expert as well as on the programme of panel meetings in 1971 and the meetings of "points of contact", there was, however, as indicated in paragraph 24, no agreement in the Sub-Committee as to the expenditures for the aforementioned activities and possible ways of financing these expenditures and this problem has therefore been referred to our Committee for consideration. I hope that we shall find ourselves in a position to reach an agreement on that important point during the course of our session.

In connexion with space applications, I want to pay tribute not only to the contribution of Member States in inviting panels and granting fellowships for candidates from developing countries, but also to the valuable activities in this respect of the specialized agencies, in particular UNESCO, WMO and ITU.

There can be little doubt that, when fully developed, the applications of space technology will prove to be a most effective tool in controlling and utilizing man's environment and his resources to alleviate problems such as the shortage of food, widespread ignorance, communication and understanding among people and the quality of the environment.

In concluding my remarks about the report of the Scientific and Technical Sub-Committee, I want to draw the attention of the members of the Committee to paragraph 44 of the report concerning the question of awarding observer status to the International Astronautical Federation. From my information about the debate on this point in the Sub-Committee, I feel certain that we shall be able to agree on that matter.

In concluding my brief introductory remarks, I should like to take this opportunity to thank the Sub-Committees and their excellent Chairmen, Mr. Wyzner of Poland and Professor Carver of Australia, for the outstanding work they have done during the past year. At the same time, I should like to express my appreciation to the Under-Secretary-General, Mr. Kutakov, who is with us today, as well as to the Secretary of the Committee, Mr. Abdel-Ghani, the Vice-Chairman, the Rapporteur, the members of Mr. Abdel-Ghani's Division, and Professor Ricciardi for the dedication, ability and competence with which they have been serving this Committee.

ANNEX II

Statement by the Chairman of the Legal Sub-Committee at the 98th meeting of the Committee on 1 September 1971

I am privileged to be present today, on behalf of the Legal Sub-Committee, for the purpose of submitting to the Committee on the Peaceful Uses of Outer Space the draft convention on international liability for damage caused by space objects, which was adopted by the Legal Sub-Committee at its tenth session in June and July this year in Geneva. I am particularly pleased that the Committee has again been convened under your skilful and trusted guidance, Mr. Chairman. This is the second time that I am honoured to report to you, Sir, the successful completion of a draft treaty prepared by the Legal Sub-Committee. Four years ago, the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space was submitted to this Committee. As in the case of the previous Treaty, I wish to express to you, Mr. Chairman, the deep appreciation of the Legal Sub-Committee for the vivid interest you have shown in our work as well as for your guidance and valuable assistance in the consultations which preceded the convening of the Sub-Committee's last session.

For the Legal Sub-Committee the completion of the draft convention is, in a sense, the end of a long journey - one which, members will recall, began in 1963 at the eighteenth session of the General Assembly. For it was in 1963 that the General Assembly adopted, at its eighteenth session, the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space and embodied in the Declaration as its eighth principle the basic concept of liability for damage caused by space objects. This principle was later incorporated in the outer space treaty as article VII.

It was also at its eighteenth session that the General Assembly requested the Committee on the Peaceful Uses of Outer Space to arrange for the preparation of a draft international convention on liability for such damage. Accordingly, at its third session in 1964, the Legal Sub-Committee - then under the illustrious chairmanship of Judge Manfred Lachs - inscribed on its agenda for the first time the question of the preparation of the draft convention on liability for damage caused by objects launched into outer space.

Three draft conventions were submitted to the Sub-Committee in 1964: one proposed by the delegation of Belgium; one proposed by the delegation of Hungary; and one proposed by the delegation of the United States of America. They formed an invaluable basis for the Sub-Committee's work on a complex subject in a difficult field.

Against the background of the three proposed draft conventions and the numerous specific proposals and suggestions that were made by other delegations, the provisions of the draft convention gradually began to evolve. At its sixth session, in 1967, the Sub-Committee was able to report to this Committee its agreement on a number of particular points. At its seventh session, in 1968, two further draft conventions were submitted: one by the delegation of India

and the other by the delegation of Italy. Thus the Sub-Committee had before it five proposed conventions, which provided a broad, useful and productive foundation for the comparison of particular articles; the identification of similarities and differences; and the formulation of provisions on agreed points.

The seventh session of the Sub-Committee recorded a substantial measure of progress in the formulation of several texts and principles. It then became apparent, however, that there were still a number of important questions which would need to be resolved before the draft convention on liability would be complete.

As members will recall, these difficult problems - which were frequently referred to as "the main outstanding issues" and to which I shall draw special attention later in my remarks - were, in 1968, 1969 and 1970, the subject of close examination at extensive informal and formal consultations and negotiations among the members of the Legal Sub-Committee and among the members of this Committee as well. I would recall in particular the numerous informal consultations which took place in New York in November and December 1968 during the twenty-third session of the General Assembly; the consultations in New Delhi in March 1969 initiated by our unforgettable friend and brilliant colleague of India, the late Ambassador Krishna Rao; and finally, the consultations under the chairmanship of Ambassador Haymerle from September to December 1969 in New York and in April 1970 at Geneva.

The consultations under the chairmanship of Ambassador Haymerle in 1969 in New York led, it will be recalled, to his statement to this Committee on 12 November 1969 on the main outstanding issues in the elaboration of the convention. There was, he stated, agreement that the main outstanding issues were, first, the settlement of claims; second, the question of the applicable law; third, the question of a ceiling on liability; and, fourth, the problem of liability in connexion with activities of international organisations in the exploration and use of outer space. The consultations, Mr. Haymerle informed the Committee, dealt with those four outstanding issues and focused particularly on the problem of the settlement of claims and on the question of the applicable law. Though definite agreement was not reached, the consultations, he stated, were frank, open and conducted in a constructive atmosphere and they made the positions of delegations clearer. The consultations were resumed in Geneva in April 1970, shortly before the ninth session of our Sub-Committee. The Legal Sub-Committee is very grateful to Mr. Haymerle for his unfailing and most helpful contribution in this matter.

Yet, notwithstanding these considerable efforts and notwithstanding the very substantial progress that was in fact made by the Legal Sub-Committee at its ninth session, in June and July of 1970, in the preparation of the texts of the preamble and 13 articles of the draft convention, the major questions still outstanding remained unresolved, to the deep disappointment of all. On 16 December 1970, a further and urgent request for the completion of the draft Convention was addressed to this Committee by the General Assembly.

The fact that the draft convention on liability is before this Committee today is a tribute to all the members of the Sub-Committee; to their tireless and unending search for solutions; to their juridical expertise, called for especially in tackling the many intricate problems of civil, international and space law.

to their ability to formulate in a spirit of compromise those provisions on which many different points of view and schools of legal thought might finally meet in agreement. It is, therefore, with deep appreciation for the hard work of this group of outstanding jurists and their spirit of co-operation and also with a sense of achievement that I am now presenting the draft convention to the Committee. At this juncture, one cannot remain silent about the significant role played in the process of creating the whole corpus juris spatialis and in particular the liability convention, by the devoted and most competent members of the Secretariat, to whom I express my warm gratitude.

I should like, Mr. Chairman, to turn now to the text of the draft convention itself, which is set out in the report of the Legal Sub-Committee (A/AC.105/94), to which you referred in your opening statement, and I shall endeavour to outline its provisions to the Committee. In doing so, I fully realize that it is impossible to give a complete account of the substance of the draft convention in a rather brief introductory statement. I shall be at your disposal, therefore, to provide any information relating to the work of the Sub-Committee that might be called for by the members of the Committee.

The purpose of the draft convention may be said to be twofold: to prescribe rules of international liability for damage caused by space objects; and to provide a procedure for the prompt payment of a full and equitable measure of compensation to victims of such damage.

The rules of liability prescribed in the draft convention are contained in articles I to VIII. They provide for two different systems of liability: for a system of absolute liability, namely, liability for damage irrespective of whether in a particular case there is or is not fault; and for a system of liability based on fault.

The system of absolute liability would apply where damage is caused by a space object on the surface of the earth or to aircraft in flight, that is to say, the great majority of cases that might be covered by the convention. Article II of the draft convention provides that in such cases the launching State shall be absolutely liable for damage.

The system of absolute liability would also apply, under paragraph 1 (a) of article IV, where, for example, as a result of the space object of one launching State damaging the space object of another launching State, damage is caused to a third State on the surface of the earth or to its aircraft in flight. The draft convention provides that, in such circumstances, the liability of the two launching States towards the third State, which has suffered damage, shall be absolute.

There are, however, certain circumstances in which either total or partial exoneration from absolute liability would be granted under the convention. These circumstances are defined in article VI.

The system of liability based on fault would apply when damage is caused elsewhere than on the surface of the earth, by a space object of one launching State to a space object of another launching State. Article III provides that, in that event, liability shall be based on fault.

Where damage is caused by an object launched jointly by two or more States, the launching States would, under article V of the convention, be jointly and severally liable for such damage. The State sustaining damage might, accordingly, seek the entire compensation due under the convention from any or all of the launching States which are jointly and severally liable. A State from whose territory or facility a space object is launched shall be regarded, under paragraph 3 of article V, as a participant in a joint launching. Paragraph 2 of article V recognizes that 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; and that participants in a joint launching may conclude agreements regarding the apportionment among themselves of financial obligations in respect of which they are jointly and severally liable.

Article VIII expressly states the rule that a State which suffers damage, or whose natural or juridical persons suffer damage, shall have the right to present to a launching State a claim for compensation for such damage.

You will have noted that the term "damage" and the term "launching State" are both defined in article I: the term "damage" is defined as "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". The term "launching State" is defined as (1) "A State which launches or procures the launching of a space object" and (2) "A State from whose territory or facility a space object is launched".

The two definitions cover a wide scope of situations and are clearly meant, like other provisions of this part of the draft, to make the legal position of the party sustaining damage as favourable as possible.

The convention, in articles IX to XX, deals with several matters pertaining to the presentation and settlement of claims: the presentation of claims for compensation to a launching State through diplomatic channels (article IX); the time-limits for the presentation of claims (article X); the presentation of claims under the convention without requiring prior exhaustion of any local remedies which may be available (article XI); the measure of damages or, as it has also come to be known in discussions, the question of the applicable law (article XII); and the form of compensation, in particular the currency in which compensation shall be paid (article XIII).

If no settlement of a claim is arrived at through diplomatic negotiations within one year, article XIV would require the parties to establish a Claims Commission at the request of either party. The Claims Commission thus established would act as provided for in articles XV to XX.

The provisions of article XXI refer to a special and, we hope, quite exceptional category of situations, and thus differ somewhat in nature from the other provisions of the draft convention. They provide that, 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 to the convention, and in particular the launching State, shall examine the possibility of rendering appropriate and rapid assistance to the State which has suffered damage, when the latter State so requests. However, nothing in article XXI shall affect the rights or obligations of the States parties under the convention.

Article XXII concerns the subject of international intergovernmental organizations to which I shall return later.

Article XXIII deals with the relationship of the provisions of the convention to other international agreements to which the States parties to the convention are also parties.

The final clauses of the convention are to be found in articles XXIV to XXVIII. They were prepared on the basis of the final clauses of the outer space treaty of 1967 and provide for the right of participation in the convention by all States. The new article XXVI deals with review of the convention after a certain period of time; it includes the requirement that 10 years after the entry into force of the convention, the question of the review of the convention shall be included in the provisional agenda of the General Assembly of the United Nations in order to consider, in the light of past application of the convention, whether it requires revision. The insertion of this article is motivated by the rapid advancement of technology in outer space, as well as by consideration of other political, technical and legal factors that might evolve in the future and require revision of the convention.

I should like now to draw the attention of the Committee to the manner in which the main outstanding issues have been resolved. These issues, if I may repeat, were the following: the settlement of claims; the question of the applicable law; the question of a ceiling on liability; and the problem of liability in connexion with activities of international organizations in the exploration and use of outer space.

As regards the question of a ceiling on liability, it was agreed at an early stage of the negotiations that the draft convention would not contain a provision on this subject. The absence of any limit on the amount to be paid to those who suffer damage will, no doubt, satisfy a great majority of the members of the world community.

The three other main issues are dealt with in article XII (the question of the applicable law or the question of the measure of damages), articles XIV to XX (the settlement of claims) and article XXII (the question of international intergovernmental organizations).

May I refer first to the provisions of article XXII concerning the question of international intergovernmental organizations.

You will see that paragraphs 1 and 2 of article XXII concern the question of the application of the convention, with the exception of articles XXIV to XXVII, to international intergovernmental organizations. Paragraph 1 states that the convention, with the exception of articles XXIV to XXVII, shall be deemed to apply to any international intergovernmental organization which conducts space activities: (a) if the organization declares its acceptance of the rights and obligations provided for in the convention; and (b) if a majority of the States members of the organization are States Parties to the convention and to the outer space treaty. Paragraph 2 requires that States members of any such organization which are States Parties to the convention shall take all appropriate steps to ensure that the organization makes a declaration in accordance with the provisions of paragraph 1 of article XXII.

Paragraph 3 of article XXII deals with the liability of an international intergovernmental organization for damage. It states that:

"If an international intergovernmental organization is liable for damage... /under the/ 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... due as compensation... may the claimant State invoke the liability of the members /of the organization/ which are States Parties to this Convention...."

Paragraph 4 of article XXII provides for the presentation of a claim for compensation with respect to damage caused to an international intergovernmental organization to which the convention is deemed to apply.

The above-mentioned provisions concerning international organizations reflect the increasing role of those organizations' activities in outer space. An article along those lines is therefore necessary, for a victim must be assured of suitable compensation regardless of the legal status or character of the launching authority.

I turn, finally, to the provisions concerning the question of the applicable law - or the question of the measure of compensation - and to the question of the settlement of claims. Those were in fact the two subjects among the four main outstanding issues on which there were closest consultations at the tenth session of the Sub-Committee. The manner in which those issues were resolved was not, it is to be noted, entirely to the satisfaction of a few delegations. Their reservations are expressed in paragraphs 24 and 25 of the report of the Legal Sub-Committee (A/AC.105/94). Those delegations, in a spirit of co-operation, nevertheless agreed to have the draft convention completed and presented to the Committee.

The provisions on the applicable law are contained in article XII. That article provides that:

"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."

It is also pertinent to note in this connexion the fourth preambular paragraph of the draft convention, which expresses the recognition of the parties to the convention of

"... 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".

Article XII is truly the heart of the convention. It introduces into the convention well-known juridical notions of both civil and international law and, in my opinion, provides viable guidelines for the parties to a dispute and the Claims Commission in their search for a just settlement of claims for compensation. Naturally, one might point out that the present wording of article XII is not as detailed as the civil codes at present in force in certain countries of the world and does not face all possible problems nor solve all disputes in advance. Indeed, the Sub-Committee has scrupulously examined the idea of the national law of a single State being applicable under the convention. That idea had to be abandoned when no agreement was reached on any single law that could be applied in case of a dispute between the claimant and launching States. Thus, as a result of long and painstaking negotiations, a general principle was formulated which gives clear and, no doubt, victim-oriented directives to those who will consider in the future what compensation should be given to victims of space activities.

With reference to the settlement of claims, we have already noted that under article IX a claim for compensation is required to be presented to a launching State through diplomatic channels. If no settlement of the claim is arrived at through diplomatic negotiations within one year, there is provision in article XIV for the establishment of a Claims Commission at the request of either party.

Articles XV to XVII deal with the composition and the procedure of the Claims Commission. It will be noted that article XV provides, in paragraph 2, that:

"If no agreement is reached on the choice of the Chairman ^{of} the Commission/ 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...."

The purpose of the Claims Commission is set forth in article XVIII, which states:

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

As regards the decision of the Commission on a claim, it will be noted that paragraph 2 of article XIX provides as follows:

"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."

Paragraph 4 of the same article provides that:

"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."

Thus articles XIV to XX provide for both the procedure and the mechanism for a prompt settlement of claims. Short of obligatory arbitration in every case, the provisions in question contain legal, political and moral guarantees to the victim that his case will not be forgotten or mishandled.

More than once during the debates in the Sub-Committee the term "victim-oriented" was used to describe the draft convention. I believe that this term is a correct description of the text which is now before the Committee. Whether or not that is true only the future will tell, though we all hope that the mechanism of the convention will never be applied, that no one will suffer death, injury or loss of property as a result of the activities of States in space.

The primary goal of the international law of outer space - of which a new and significant element will, I hope, be the liability convention - is to further the cause of peaceful co-operation in outer space and to ensure that the competition in space will be peaceful only and that the frightening potentialities for war will never be used. Yet, even the peaceful exploration of space is not free from dangers to active participants in space ventures and to others who might happen to be at a place where an object returning to earth falls.

The members of the Legal Sub-Committee earnestly hope that the convention which they submit for the approval of their parent Committee will help to bring cohesion and wider application to existing treaty rules relating to outer space, in particular the outer space treaty of 1967 and the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space of 1968. We do believe that, with the completion of the liability convention and its entry into force, many non-space Powers, which until now have refrained from becoming parties to the existing treaties, will hesitate no longer in their accession, thus making the rules of outer space law truly universal and effective. For, whatever the future course may be, outer space will never again become res nullius, and therefore must remain res communis omnium, and the benefits of its exploration must be shared by all.

I would, in conclusion, now wish to commend the draft convention to the Committee. I do so warmly. The draft convention is a carefully thought out and carefully formulated instrument on a difficult subject. It was brought into being through many long hours of meticulous consultations and negotiations between delegations holding different points of view and representing different schools of thought, yet endeavouring to define the widest possible area of agreement. The draft convention is not an instrument, of course, that could be said to reflect in each of its provisions all that each delegation would have wished to have seen included in the convention; in that sense, it may not be a perfect instrument. Yet its provisions do achieve a most useful and important elaboration of international law in the area of liability for damage caused by space objects. It is, as such, an impressive and viable instrument in the development of the law of outer space.

ANNEX III

LIST OF PARTICIPANTS

Chairman: H.E. Mr. Kurt Waldheim (Austria)

A. States Members of the United Nations

ARGENTINA

Representative

Mr. Gastón de Prat Gay, Counsellor, Permanent Mission

Alternate Representative

Mr. Orlando Rubén Rebagliati, Secretary of Embassy, Permanent Mission

AUSTRALIA

Representative

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Mrs. Catherine Boivineau, Secretary of Embassy, Permanent Mission

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Mr. Gyula Budai, First Secretary, Permanent Mission

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Mr. Massimo Trella, Consultant, Ministry of Science

Mr. Franco Sollazzo

Mr. Cesare Verdacchi, legal expert with regard to outer space

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Mr. T. Narkhuu, Second Secretary, Permanent Mission

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Mr. Moureddine Sefiani, Third Secretary, Permanent Mission

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Mr. Henryk Mikucki, First Secretary, Permanent Mission

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Head of Delegation

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Deputy Head of Delegation

U.M. Rybakov, Counsellor, Permanent Mission

Members

Mr. E.G. Vasilevskaya, USSR Academy of Sciences
Mr. B.G. Majorsky, Ministry for Foreign Affairs

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Mr. Nigel C.R. Williams, First Secretary, Permanent Mission

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Mr. Herbert K. Reis, Legal Adviser, Permanent Mission

Congressional Advisers

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Mr. George P. Miller, House of Representatives

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Department of Defense
Mr. Oscar E. Anderson, Jr., Director, International Program Policy Office,
Office of International Affairs, National Aeronautics and Space
Administration

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Advisers (continued)

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Mr. Donald P. Black, Bureau of International Organization Affairs, Department of State

Mr. William E. Chapin, Bureau of International Scientific and Technological Affairs, Department of State

Mr. A. Reynolds Smith, Adviser, Political and Security Affairs, United States Mission

B. United Nations Secretariat

Under-Secretary-General for Political and Security Council Affairs:

Mr. L.M. Butakov

Secretary of the Committee: Mr. A.M. Abdel-Ghani
Chief, Outer Space Affairs Division

Expert on Space Applications: Mr. Humberto Ricciardi

Outer Space Affairs Division: Mr. Marvin Robinson
Mr. Achmad Padang
Miss Elisabeth Prat
Mr. Nandasiri Jasentuliyana
Mr. Vladimir Azarencov

Office of Legal Affairs: Miss Ewen Chen

Resources and Transport Division: Mr. Karl-Erik Hansson

Office for Science and Technology: Mr. P.H. Menon

C. United Nations Development Programme

Mr. Hernan Buzeta, External Relations Office

D. Specialized Agencies

International Labour Organisation (ILO)

Mr. V. Chivers, ILO Liaison Office

Food and Agriculture Organization (FAO)

Mr. Morris A. Greene, Assistant Director, FAO Liaison Office

Mr. M. Carvey Laurent, Liaison Officer, FAO Liaison Office

World Health Organization (WHO)

Mr. R.M. Sloan, Medical Liaison Officer

United Nations Educational, Scientific and Cultural Organization (UNESCO)

Mr. Alfonso de Silva, Director, UNESCO Bureau of Relations with the United Nations

Mrs. Sally Swing Shelley, UNESCO Bureau of Relations with the United Nations

Mr. E. Lloyd Sommerlad, Office of Free Flow of Information and International Exchange, Paris

World Meteorological Organization (WMO)

Mr. Arthur Johnson

E. Non-governmental organizations

Committee on Space Research (COSPAR)

Mr. Morris Tepper, Director, Meteorology, National Aeronautics and Space Administration, Washington, D.C.

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International Astronautical Federation (IAF)

Mr. James Harford, Executive Secretary, American Institute of Aeronautics and Astronautics