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COMMITTEE ON THE PEACEFUL USES OF
OUTER SPACE

REPORT OF THE LEGAL SUB-COMMITTEE ON THE WORK OF ITS
FOURTH SESSION (20 September-1 October 1965) TO THE
COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

1. The Legal Sub-Committee opened its fourth session at the United Nations Headquarters on 20 September 1965 under the chairmanship of Mr. Manfred Lachs (Poland).
2. In his opening statement, the Chairman observed that the elaboration of a body of law governing space activities had lagged behind the advances in space technology and science and that it was becoming imperative to narrow the gap. He therefore urged the Sub-Committee to make substantive contributions to that end. He also welcomed the newly elected Chairman of the Main Committee, Mr. Kurt Waldheim (Austria), who made a statement.
3. The Sub-Committee decided to proceed with the consideration of the draft agreements on assistance to and return of astronauts and space vehicles and on liability for damage caused by objects launched into outer space. It held a total of sixteen meetings. The views expressed in the Sub-Committee are summarized in document A/AC.105/C.2/SR.41-56.
4. The Sub-Committee concluded its work on 1 October 1965 by adopting the present report. A list of the representatives of States members of the Sub-Committee attending the session, of the observers for specialized agencies and of the secretariat of the Sub-Committee is appended to the present report as annex III.

I. Assistance to and return of astronauts and space vehicles

5. The Legal Sub-Committee continued the consideration of the draft agreement on assistance to and return of astronauts and space vehicles on the basis of three proposals: a revised draft on the rescue of astronauts and space ships in the event of accident or emergency landing, submitted by the USSR

(A/AC.105/C.2/L.2/Rev.2), a draft international agreement on assistance to and return of astronauts and objects launched into outer space, submitted by the United States (A/AC.105/C.2/L.9) and a proposal (WG.I/17/Rev.1) submitted by Australia and Canada by way of a working paper suggesting a possible compromise text.

6. The following amendments were submitted: an amendment by the United States concerning the text of article 1 (WG.I/33); a joint proposal by Argentina, Lebanon and Mexico containing a draft article 1 (WG.I/36); an amendment by the USSR replacing article 4 of the USSR draft by a new text (WG.I/34); and an amendment by the United States containing a revised text of article 4 (WG.I/35). These proposals and amendments are reproduced in annex I to the present report.

7. The Sub-Committee took note of the preliminary agreement which had been reached on certain provisions of the draft agreement on assistance to and return of personnel and space craft by the informal working party at the second part of the Sub-Committee's third session.

8. It proceeded with the discussion of certain other provisions of the draft agreement and further clarification of positions was made. Although there was rapprochement of views on some points, substantial difference of views remained on other points, and was recorded. In view of this the Sub-Committee did not add any further provisions to those maintained in the preceding paragraph.

9. The Sub-Committee agreed that further consideration of the draft agreement on assistance and return should be continued at its next session.

II. Liability for damage caused by objects launched into outer space

10. The Sub-Committee had before it three drafts concerning liability for damage caused by the launching of objects into outer space: a draft Convention previously submitted by the delegation of Belgium (A/AC.105/C.2/L.7/Rev.2 and Corr.1, 2 and 3); a revised draft Convention submitted by the delegation of the United States (A/AC.105/C.2/L.8/Rev.5); and a revised draft Convention submitted by the delegation of Hungary (A/AC.105/C.2/L.10/Rev.1) the latter two draft Conventions being submitted to the Sub-Committee at its present session. In the course of the Sub-Committee's discussions of the three texts, an amendment to article II (3) of the United States proposal was submitted by Australia (WG.II/30). The two new drafts and the Australian amendment are reproduced in annex II to the present report.

11. At the request of the Chairman, a comparative table (A/AC.105/C.2/W.2/Rev.3) of the provisions contained in the three draft Conventions was prepared by the Secretariat. This table is appended as annex IV to the present report.

A. Field of application of Convention and exclusions from the application of the Convention (Belgian proposal: article 1 (a); United States proposal: article II (1), article V; Hungarian proposal: articles 1 (1) and 2, article VIII)

12. It was agreed that the Convention should apply to damage caused by space objects on earth, in air space and in outer space.

13. An exchange of views took place on the following issues:

(a) The question of whether nuclear damage caused by space objects should or should not be dealt with in the Convention;

(b) Whether the nationals of the launching State, wherever they may be, should be excluded from the benefits of the Convention;

(c) In case of damages on the territory of the launching State, whether (i) its nationals and (ii) permanent residents in its territory should be excluded from the benefits of the Convention.

B. Question of absolute liability and exoneration from liability (Belgian proposal: article 1 (b) and (c); United States proposal: article II (1) and (2); Hungarian proposal: article III, article IV, article V)

14. An exchange of views took place on the following issues:

(a) Whether liability for damage caused by one space object to another space object should be based on fault or should be absolute;

(b) The circumstances in which there might be exoneration from liability:

(1) "Wilful misconduct", or "wilful or reckless act or omission", or "a wilful act or gross negligence" on the part of the claimant State.

(2) "Natural disaster" or "force majeure".

(c) The question whether the Convention should include provisions which would bar a State from any exoneration whatsoever in cases where damage was caused as a result of the exercise of an unlawful activity by that State.

- C. States and international organizations made liable and question of joint liability (Belgian proposal: article 3 /article 2 (4)/, article 6; United States proposal: article II (1) /article I (c)/, article II (3), article III; Hungarian proposal: article VI, article VII)

1. Subject of liability - States liable

15. It was agreed that where only one State was involved in launching, that State should be liable and that the term "launching" included attempted launching.

16. An exchange of views took place concerning cases of joint launching involving two or more States. The following criteria contained in the various drafts were discussed without prejudging the link between those criteria and the nature of liability:

- (a) Providing territory for the launching of a space object;
- (b) Providing facilities for the launching of a space object;
- (c) Exercising control over the orbit or trajectory of a space object;
- (d) Owning or possessing a space object;
- (e) Procuring the launching of a space object;
- (f) Participating in the launching of a space object;
- (g) Registration (international or national) of a space object.

2. International organizations

17. There was general agreement that international organizations engaged in space activities should be liable under the Convention for damages caused by such activities. An exchange of views took place in respect of the relationship of the liability of an international organization to that of its constituent members. Different views were expressed on the relationship between an international organization and the Convention. One view was that the international organizations would become parties by accession; another view was that the appropriate provisions of the Convention should be made to apply to an international organization which undertook by declaration to comply with the Convention; the view was also maintained that the Convention should simply provide for liability of international organizations, but such organizations, not being on the same footing with States, should not become parties to the Convention nor accept it by way of declaration.

D. The sharing of liability where two or more States are involved

18. An exchange of views took place on the issues relating to cases where two or more States would be liable to pay compensation, in particular, whether

(a) the claimant State or States might proceed against any or all such States,

(b) the claim might be presented individually or jointly for the total amount of damage,

(c) once a course of action was taken, individually or jointly, this should preclude modification of the proceedings either by the addition or the withdrawal of proceedings against individual respondent States,

(d) the amount recoverable from any respondent State should be reduced to the extent of any compensation received from any other respondent State,

(e) the aggregate amounts of compensation paid should not exceed the amount which would be payable if only one State were liable,

(f) a general provision should be included in the Convention either indicating that the Convention did not override agreements between States in a joint venture regarding the sharing of liability or to the effect that a State which has paid compensation should have the right to an action for recourse against other States who are co-liable, and in this connexion the specific provisions of Conventions between such States with reference to their joint space activities should be taken into account,

(g) the provisions relating to the foregoing points should be drafted so as not to prejudge the question of the possible limitation or non-limitation of the total amount to be claimed.

19. An exchange of views also took place on the following issues:

(a) The question of joint-plaintiffs and co-defendants;

(b) Establishment of an order of priority as between possible respondents in order to clarify the decisive criteria on the subject.

E. The law applicable to compensation for damage (Belgian proposal: article 2 (1); United States proposal: article II (4); Hungarian proposal: article 2 (2)) and the question of limitation of liability in amount (United States proposal: article IX; Hungarian proposal: article II (1))

20. The discussion on this question led to a clarification of the positions of the members of the Sub-Committee.

21. In the time available the Sub-Committee was unable to discuss other subjects. It agreed to resume consideration of the draft Convention on liability at its next session.

III. International agreement on the legal principles governing activities of States in outer space

22. An opinion was expressed that the Legal Sub-Committee should immediately start working out an international agreement containing legal principles governing activities of States in the exploration and use of outer space.

23. The Sub-Committee wishes to note that the foregoing summary of its work is presented for information and that the agreements noted are of a preliminary and provisional character. It is also noted that detailed statements of the members' views may be found in the summary records.

ANNEX I

Proposals and amendments relating to assistance to and return of astronauts and space vehicles

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UNITED STATES: proposal
(WG.I/33)

Article 1

Each Contracting Party undertakes, in accordance with the present Agreement:

(a) to regard astronauts as envoys of mankind in outer space and to render to them all possible assistance in the event of accident, distress, or emergency landing; to this end it shall employ every means at its disposal, including electronic and optical equipment, means of communication, and rescue facilities of various kinds;7

to (b) to foster international co-operation in the conduct of operations to find and salvage space objects launched in accordance with the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space;7

to (b) to return promptly and safely to the launching State astronauts who make such a landing; and

(c) to return to the launching State objects and component parts upon the furnishing of identifying data, if requested, prior to return.7

USSR: proposal
(WG.I/34)

Replace Article 4 of the USSR draft (A/AC.105/C.2/L.2/Rev.2) with the following text:

Article 4

Assistance outside the territory of a Contracting Party

If information is received or it is discovered that astronauts have alighted, owing to accident or distress, on the high seas or in any other place not under the jurisdiction of any State, search and rescue operations shall be conducted by such Contracting Parties as are in a position to carry out these operations. These operations shall be conducted in such a way as to ensure rapid rescue and to this end the State which announced the launching shall undertake general co-ordination of the rescue operations. These operations shall be carried out in accordance with the recommendations and technical advice of the State which announced the launching.

UNITED STATES: proposal
(UG.I/35)

Article 4

Assistance outside the territory of a Contracting Party

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

ARGENTINA, LEBANON and MEXICO: joint proposal
(UG.I/36)

Article 1

General Provisions

General duty
to assist

1. Each Contracting Party shall, in accordance with the provisions of this Agreement, render all possible assistance to the crews of spaceships in the event of accident, distress, or emergency landing; to this end, it shall employ every means at its disposal including the most developed and effective means made available to it by technology and those to be developed in the future.

Return of
personnel and
space objects

2. A Contracting Party shall, in accordance with the provisions set forth in this Agreement the objective of which is to attain the peaceful uses of outer space, do its utmost to ensure the prompt and safe return to their own country of the crew of the spaceship in the event of accident, distress, or emergency landing and shall return to the launching State such spaceship and its component parts upon the furnishing of identifying data if requested prior to return.

ANNEX II

Proposals and amendments relating to liability for damage
caused by objects launched into outer space

Hungary: revised draft Convention concerning
Liability for Damage caused by the Launching
of Objects into Outer Space

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

The Contracting States,

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

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

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

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

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

Have decided to conclude the present Convention:

The scope of liability

Article I

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

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

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

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

Article II

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

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

Article III

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

Article IV

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

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

Article V

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

The subject of liability

Article VI

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

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

Article VII

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

Claims, payment, arbitration

Article VIII

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

Article IX

A claim must be presented within one year of the date of occurrence of the damage, or of the identification of the State that is liable. If the applicant

State could not reasonably be expected to have known of the facts giving rise to the claim, the claim must be presented within one year of the date on which these facts officially became known.

Article X

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

Article XI

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

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

Article XII

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

Final clauses

Article XIII

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

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

Article XIV

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

Article XV

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

Article XVI

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

Article XVII

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

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

Article XVIII

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

United States of America: revised proposal

(A/AC.105/C.2/L.8/Rev.3)

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

(Changes from the revised draft submitted on 20 October 1964 are indicated by underlined words (new language - except in preamble) and deletions by crossing through.)

The Contracting Parties,

Recognizing that activities in the peaceful exploration and use of outer space may on occasion result in damage,

Recalling General Assembly resolution 1962 (XVIII), entitled "Declaration of Legal Principles Governing Activities of States in the Exploration and Use of Outer Space",

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

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

Agree as follows:

ARTICLE I

For the purposes of this Convention

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

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

/...

(c) "Launching State" means a Contracting Party, or an international organization which has transmitted a declaration ~~notification~~ to the Secretary-General under Article III, paragraph 1, of this Convention, which launches or procures the launching of an object into outer space or whose territory or facility is used in such launching, or which exercises control over the orbit or trajectory of an object.

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

(e) "Respondent State" means a launching State, or an international organization which has transmitted a declaration ~~notification~~ to the Secretary-General under Article III, paragraph 1 of this Convention, from which compensation is sought by a Presenting State.

ARTICLE II

1. The launching State shall be absolutely liable and undertakes to pay compensation to the Presenting State, in accordance with the provisions of this Convention, for damage on the earth, in air space, or in outer space, which is caused by the launching of an object into outer space, regardless of whether such damage occurs during launching, after the object has gone into orbit, or during the process of re-entry, including damage caused by apparatus or equipment used in such launching.

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

3. If under this Convention more than one launching State would ~~shall~~ be liable ~~to pay compensation for damage in relation to any one incident under this Convention~~, the Presenting State may proceed against any or all such States individually or jointly for the total amount of damages, and once the amount of liability is agreed upon or otherwise established, each such State proceeded against shall be liable to pay the full that amount of such compensation, provided

that, in no event shall the aggregate of the compensation paid exceed the amount which would be payable under this Convention if only one Respondent State were liable.

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

ARTICLE III

1. If an international organization which conducts space activities transmits to the Secretary-General of the United Nations a declaration that it accepts and undertakes to comply with the provisions of the present Convention, all the provisions, except Articles X, XI, paragraph 2, XIII, XIV, and XV, shall apply to the organization as they apply to a State which is a Contracting Party.

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

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

ARTICLE IV

1. A Contracting Party which suffers damage referred to in Article II, paragraph 1, ~~as a result of the launching of an object into outer space~~, or whose natural or juridical persons suffer such damage, may present a claim for compensation to a Respondent State.

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

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

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

ARTICLE V

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

ARTICLE VI

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

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

ARTICLE VII

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

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2. No increase in the membership of the commission shall take place where ~~two or more there-is-more-than-one~~ Presenting States or Respondent States are joined in any one proceeding before the commission. The Presenting States so joined may collectively appoint one person to serve on the commission in the same manner and subject to the same conditions as would be the case for a single Presenting State. Similarly, where two or more Respondent States are so joined, they may collectively appoint one person to serve on the commission in the same way.

3. The commission shall determine its own procedure.

4. The commission shall conduct its business and arrive at its decision by majority vote.

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

6. The expenses incurred in connexion with any proceeding before the commission shall be divided equally between the parties in the proceeding.

ARTICLE VIII

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

ARTICLE IX

The liability of the launching State shall not exceed \$ _____ with respect to each launching.

ARTICLE X

Any dispute arising from the interpretation or application of this Convention, which is not previously settled by other peaceful means of their own choice, may be referred by any Contracting Party thereto to the International Court of Justice for decision.

ARTICLE XI

1. A Contracting Party may propose amendments to this Convention. An amendment shall come into force for each Contracting Party accepting the amendment

on acceptance by a majority of the Contracting Parties, and thereafter for each remaining Contracting Party on acceptance by it.

2. After this Convention has been in force five years a revision conference may be called upon the request of a majority of Contracting Parties.

ARTICLE XII

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

ARTICLE XIII

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

ARTICLE XIV

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

ARTICLE XV

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

ARTICLE XVI

The Secretary-General of the United Nations shall inform all States referred to in Article XIII of signatures, deposits of instruments of ratification, approval, or accession, declarations referred to in Article III, paragraph 1, the date of entry into force of this Convention, proposals for amendments, notifications of acceptances of amendments, the date of entry into force of each amendment, requests for the convening of a revision conference, and notices of withdrawal, and shall transmit to those States certified copies of each amendment proposed.

ARTICLE XVII

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

AUSTRALIA: Draft amendment to Article II (3) of the United States proposal
(A/AC.105/C.2/L.8/Rev.3)
(WG.II/30)

Replace the paragraph with the following text (which, as will be seen, incorporates virtually the whole of the American text, with only one substantial addition, which is underlined. The proposed text is set out below in a form which incorporates all the suggested alterations so as to make it easier to consider the effect of the revised paragraph as a whole.):

3. If under this Convention two or more launching States would be liable to pay compensation, the Presenting State may proceed against any or all of such States individually or jointly for the total amount of damages. Once the amount of that liability is agreed upon or otherwise established, each such State proceeded against shall be liable to pay that amount, subject, however, to the condition that the amount recoverable by the Presenting State from any Respondent State shall be reduced to the extent of any compensation received in respect of that claim by the Presenting State from any other Respondent State, to the intent that in no case shall the aggregate of the compensation paid in respect of any one injury exceed the amount which would be payable under this Convention if only one Respondent State were liable.

ANNEX III

Legal Sub-Committee of the Committee on the
Peaceful Uses of Outer SpaceList of Delegations

Albania	Mr. Rako Naço First Secretary Permanent Mission	Representative
Argentina	H.E. Dr. D. Aldo Armando Cocca Envoy Extraordinary and Minister Plenipotentiary	Representative
Australia	Sir Kenneth Bailey Australian High Commissioner to Canada Mr. M.J. McKeown	Representative Alternate Representative
Austria	Dr. Karl Zemanek Professor, Vienna University Dr. Franz Schmid Secretary of the Permanent Mission to the United Nations	Representative Alternate Representative
Belgium	Prof. Max Litvine M. Erik Bal Secrétaire d'Ambassade à la Mission permanente	Representative Adviser
Brazil	Mr. Geraldo de Carvalho Silos Deputy Permanent Representative to the United Nations Mr. Paulo Pires do Rio Second Secretary of Embassy Permanent Mission Mr. João Augusto de Médicis Second Secretary of Embassy Permanent Mission	Representative Adviser Adviser

Bulgaria	Dr. Alexander Yankov Counsellor Permanent Mission Mr. Boyko Dimitrov Attaché Permanent Mission	Representative
Canada	Mr. H. Courtney Kingstone Mr. V.G. Turner	Representative Representative
Chad	S.E.M. Boukar Abdoul Ambassadeur Extraordinaire et Plénipotentiaire Représentant Permanent M. Doubangar Jerome Directeur des Affaires Etrangères M. Jacques Golsala Premier Conseiller Mission Permanente	Member of the Delegation Member of the Delegation Member of the Delegation
Czechoslovakia	H.E. Prof. Jiří Hájek Permanent Representative to the United Nations Dr. Vladimír Pruša First Secretary Permanent Mission Mr. Vladimír Gotmanov Second Secretary Permanent Mission	Head of the Delegation Delegate Delegate
France	M. Olivier Deleau Conseiller d'Ambassade M. Robert Lemaître Conseiller juridique au Ministère des Affaires Etrangères M. Jean-Noël de Bouillane de Lacoste Secrétaire d'Ambassade	Representative Alternate Representative Adviser

/...

Hungary	Dr. Endre Ustor Ambassador Head of the International Law Department Ministry for Foreign Affairs	Representative
	Dr. Árpád Prandler Counsellor Deputy Permanent Representative to the United Nations	Member of the Delegation
	Mr. István Varga Third Secretary Permanent Mission	Member of the Delegation
India	H.E. Mr. G. Parthasarathi Permanent Representative of India to the United Nations	Representative
	Mr. Brajesh C. Mishra Counsellor Deputy Permanent Representative	Representative
	Dr. I.A. Sajjad Attaché Permanent Mission of India	Adviser
	Mr. J.J. Therattil Permanent Mission of India	Adviser
Iran	H.E. Dr. Mehdi Vakil Dr. Houshang Amirmokri	Representative Alternate Representative
Italy	Mr. Carlo M. Rossi Arnaud Counsellor Permanent Mission	Representative
Japan	Mr. Toshio Yamazaki First Secretary Permanent Mission of Japan to the United Nations	Representative
	Mr. Yoshiya Kato First Secretary Permanent Mission of Japan to the United Nations	Alternate Representative
	Mr. Tatsubumi Tsuboi Secretary	Adviser

/...

Lebanon	Mr. Souheil Chammas Chargé d'Affaires a.i. Permanent Mission	Representative
Mexico	Sr. Licenciado Antonio Francoz Rigalt Representante de México en el Consejo de la Organización de la Aviación Civil Internacional	Representative
	Srta. Elisa Aguirre Primer Secretario Misión Permanente	Alternate Representative
Mongolia	Mr. Zagariin Erendo Third Secretary Permanent Mission	Representative
Morocco	H.E. Mr. Dey Culd Sidi Baba Ambassador Extraordinary and Plenipotentiary Permanent Representative to the United Nations	Representative
	Mr. Mohamed Tabiti First Secretary Permanent Mission	
Poland	H.E. Prof. Manfred Lachs Ambassador Adviser to the Minister of Foreign Affairs	Representative
	Mr. Eugeniusz Wyzner Deputy Permanent Representative Permanent Mission	Alternate Representative
Romania	Prof. Edwin Glaser Chief Legal Adviser Ministry of Foreign Affairs	Representative
	Mr. Liviu Bota Attaché Permanent Mission	

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Sierra Leone	H.E. Mr. Gershon B.O. Collier Ambassador Extraordinary and Plenipotentiary Permanent Representative to the United Nations	Representative
	Mr. Gustavus E.O. Williams Second Secretary Permanent Mission	Alternate Representative
	Mr. David A.O. Williams First Secretary Permanent Mission	Adviser
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	Dr. A.S. Piradov Professor of International Law Academy of Science of the USSR	Adviser
	Mr. I.I. Andreev	Adviser
	Mr. V.V. Aldoshin	Adviser
	Mr. Y.M. Rybakov	Adviser
	Mr. E.E. Elshin	Adviser
United Arab Republic	H.E. Mr. Amin Hilmy II Deputy Permanent Representative to the United Nations	Representative
	Mr. Salah Ibrahim First Secretary Permanent Mission	Representative
United Kingdom	Mr. I.M. Sinclair Counsellor and Legal Adviser to the United Kingdom Mission to the United Nations	Representative
	Mr. H.G. Darwin Assistant Legal Adviser in the Foreign Office	Alternate Representative

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Hon. Leonard C. Meeker
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New York

Adviser

Mr. Peter Thacher
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/...

Observers

International Atomic Energy
Agency (IAEA)

Mr. Evgueni Piskarev

International Civil Aviation
Organization (ICAO)

Mr. Gerald Fitzgerald

World Health Organization (WHO)

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Mr. G. Kalinkin)
Mr. J. de Saram)

Legal Officers

Mr. L. Gonzalez Administrative Assistant

ANNEX IV

LIABILITY FOR DAMAGE CAUSED BY OBJECTS
LAUNCHED INTO OUTER SPACE

Comparative table of provisions contained in the proposals submitted
by Belgium (A/AC.105/C.2/L.7/Rev.2 and Corr.1, 2 and 3; and WG.II/27),
the United States of America (A/AC.105/C.2/L.8/Rev.3) and Hungary
(A/AC.105/C.2/L.10/Rev.1)

BELGIUM: PROPOSAL (A/AC.105/C.2/L.7/Rev.2
and Corr.1, 2 and 3; and WG.II/27)

CONVENTION ON THE UNIFICATION OF CERTAIN
RULES GOVERNING LIABILITY FOR DAMAGE
CAUSED BY SPACE DEVICES

Preamble

The Contracting Parties,

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

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

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

Have agreed as follows:

Definitions

Article 2

"Damage" shall be understood to mean any loss for which compensation may be claimed under the law of the place where the loss is caused. Any damage suffered by a ship, aircraft or space device and by the persons and property carried therein shall be deemed to have been caused in the territory of the flag State or, in the case of a space device and the persons and property carried therein, in the territory of the launching State.

"Launching" shall be understood to mean an attempted launching or a launching operation

UNITED STATES: PROPOSAL
(A/AC.105/C.2/L.8/Rev.3)

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

The Contracting Parties,

Recognizing that activities in the peaceful exploration and use of outer space may on occasion result in damage,

Recalling General Assembly resolution 1962 (XVIII), entitled "Declaration of Legal Principles Governing Activities of States in the Exploration and Use of Outer Space",

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

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

Agree as follows:

Article I

For the purposes of this Convention

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

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

(c) "Launching State" means a Contracting Party, or an international organization which has transmitted a declaration to the Secretary-General under Article III, paragraph 1, of this Convention, which launches or procures the launching of an object into outer space or whose

HUNGARY: PROPOSAL
(A/AC.105/C.2/L.10/Rev.1)

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

The Contracting States,

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

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

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

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

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

Have decided to conclude the present Convention:

Article I

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

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

attempted launching or a launching operation

launching of an object into outer space or whose

Definitions (cont'd)

Article 2 (cont'd)

proper, whether or not it fulfils expectations of those responsible therefor.

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

"Launching State" shall be understood to mean the State or States which carry out the launching of a space device or whose territory is used for such launching.

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

Article 1

(c) ... "Wilful misconduct" shall be understood to mean any act or omission perpetrated either with intent to cause damage or rashly and in full knowledge that damage will probably result.

Article 1

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

Field of application
and exemptions from
provisions of
agreement

Article I (cont'd)

territory or facility is used in such launching, or which exercises control over the orbit or trajectory of an object.

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

(e) "Respondent State" means a launching State, or an international organization which has transmitted a declaration to the Secretary-General under Article III, paragraph 1 of this Convention, from which compensation is sought by a Presenting State.

Article II

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

Article II

1. The launching State shall be absolutely liable and undertakes to pay compensation to the Presenting State, in accordance with the provisions of this Convention, for damage on the earth, in air space, or in outer space, which is caused by the launching of an object into outer space, regardless of whether such damage occurs during launching, after the object has gone into orbit, or during the process of re-entry, including damage caused by apparatus or equipment used in such launching.

Article V

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

Article II

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

Article I

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

(a) caused by an object launched into outer space, or

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

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

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

State and international organizations made liable and question of joint liability

Article 3

The launching State shall be held liable for compensation for damage caused in the circumstances stated in article 1, as defined in article 2. If several States participate in the launching of a space device, each of them shall be liable for compensation for the whole of the damage, and a claim for compensation may validly be addressed to any one of them.

Article 2

"Launching State" shall be understood to mean the State or States which carry out the launching of a space device or whose territory is used for such launching.]

Article 6

International organizations acceding to this Convention in accordance with the provisions of article 5 shall have the same rights and obligations as States. The States members of the said international organization shall be held jointly liable for the obligations of the latter, in the same manner as provided for in article 3, whether or not such States are parties to the Convention. The accession of an international organization shall be accompanied by a notification of the acceptance by the States members of the organization concerned of the joint obligations so assumed.

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

Article II

1. The launching State shall be absolutely liable

Article I

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

Article II

3. If under this Convention more than one launching State would be liable the Presenting State may proceed against any or all such States individually or jointly for the total amount of damages, and once the amount of liability is agreed upon or otherwise established, each such State proceeded against shall be liable to pay that amount provided that, in no event shall the aggregate of the compensation paid exceed the amount which would be payable under this Convention if only one Respondent State were liable.

Article III

1. If an international organization which conducts space activities transmits to the Secretary-General of the United Nations a declaration that it accepts and undertakes to comply with the provisions of the present Convention, all the provisions, except Articles X, XI, paragraph 2, XIII, XIV, and XV, shall apply to the organization as they apply to a State which is a Contracting Party.

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

Article VI

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

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

Article VII

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

State and international
organizations made
liable and question of
joint liability (cont'd)

Question of absolute
liability and
exoneration from
liability

Article I

(b) The occurrence of the event causing the damage shall create a liability for compensation once proof has been given that there is a relationship of cause and effect between the damage, on the one hand, and the launching, motion or descent of all or part of the space device, on the other hand.

(c) Liability for compensation shall cease to exist in the event of wilful misconduct on the part of the applicant State. "Wilful misconduct" shall be understood to mean any act or omission perpetrated either with intent to cause damage or rashly and in full knowledge that damage will probably result.

are constituent members is authorized to make and will make the declaration referred to in paragraph 1 of this Article.

Article III (cont'd)

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

Article II

1. The launching State shall be absolutely liable and undertakes to pay compensation to the Presenting State, in accordance with the provisions of this Convention, for damage on the earth, in air space, or in outer space, which is caused by the launching of an object into outer space, regardless of whether such damage occurs during launching, after the object has gone into orbit, or during the process of re-entry, including damage caused by apparatus or equipment used in such launching.

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

Article III

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

Article IV

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

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

Article V

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

Question of absolute
liability and
exoneration from
liability (cont'd)

Limitation of
liability in amount

Payment of compensation
in convertible currency

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

Φ

Article III

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

Article II

1. Liability under this Convention shall not exceed

Article IX

The liability of the launching State shall not exceed \$ _____ with respect to each launching.

Article VIII

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

Article 4

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

Article 2

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

Article IV

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

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

Article VIII

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

Article III

1. If an international organization which conducts space activities transmits to the Secretary-General of the United Nations a declaration that it accepts and undertakes to comply with the provisions of the present Convention, all the provisions, except Articles X, XI, paragraph 2, XIII, XIV and XV, shall apply to the organization as they apply to a State which is a Contracting Party.

Article 4

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

Presentation of claims for compensation through diplomatic channel

Article 4

(a) Within two years after the occurrence of the damage, or after the identification of the State liable under article 2, the applicant State shall present through the diplomatic channel, to the State which it holds liable, all claims for compensation concerning itself and its nationals and residents.

Time-limits for presentation of claims

Article 4

(a) Within two years after the occurrence of the damage, or after the identification of the State liable under article 2, the applicant State shall present through the diplomatic channel, to the State which it holds liable, all claims for compensation concerning itself and its nationals and residents.

(e) The periods specified in this article shall not be subject to interruption or suspension.

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

Article 4

(b) If the applicant State or a person represented by it brings an action for compensation before the Courts or administrative organs of the State receiving the claim, it shall not at the same time present a claim for compensation for the same damage under the provisions of this Convention. The said provisions shall not be considered to require, by implication, the prior exhaustion of such remedies as may exist under the rules of ordinary law in the State receiving the claim.

Article VII

2. No increase in the membership of the commission shall take place where two or more Presenting States or Respondent States are joined in any one proceeding before the commission. the Presenting States so joined may collectively appoint one person to serve on the commission in the same manner and subject to the same conditions as would be the case for a single Presenting State. Similarly, where two or more Respondent States are so joined, they may collectively appoint one person to serve on the commission in the same way.

Article IV

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

Article X

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

Article IV

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

Article IX

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

Article VI

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

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

Procedures of
settlement of claims
for compensation:

Article 4

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

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

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

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

(e) The periods specified in this article shall not be subject to interruption or suspension.

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

Space object not to
be subject to
sequestration or
enforcement measures

Article VII

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

2. No increase in the membership of the commission shall take place where two or more Presenting States or Respondent States are joined in any one proceeding before the commission. The Presenting States so joined may collectively appoint one person to serve on the commission in the same manner and subject to the same conditions as would be the case for a single Presenting State. Similarly, where two or more Respondent States are so joined, they may collectively appoint one person to serve on the commission in the same way.

3. The commission shall determine its own procedure.

4. The commission shall conduct its business and arrive at its decision by majority vote.

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

6. The expenses incurred in connexion with any proceeding before the commission shall be divided equally between the parties in the proceeding.

Article XI

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

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

Article XII

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

Article X

Jurisdiction of
International Court
of Justice

Parties to agreement,
signature, accession
and ratification

Article 5

1. This Convention shall be open for signature by States Members of the United Nations or any of the specialized agencies or parties to the Statute of the International Court of Justice, and by any other State or international organization invited by the General Assembly of the United Nations to become a Party to the Convention. Any State or international organization which is invited to do so but does not sign this Convention may accede to it at any time.
2. This Convention shall be subject to ratification or approval by signatory States. Instruments of ratification or approval and instruments of accession shall be deposited with the Secretary-General of the United Nations.

Entry into force

Article 5

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

Amendments

Article 8

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

Article X

Any dispute arising from the interpretation or application of this Convention, which is not previously settled by other peaceful means of their own choice, may be referred by any Contracting Party thereto to the International Court of Justice for decision.

Article XIII

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

Article XIV

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

Article XV

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

Article XI

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

Article XIII

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

Article XIV

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

Article XIII

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

Article XV

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

Amendments (cont'd)

Article 8 (cont'd)

Contracting Parties to this Convention have thus accepted them.

Withdrawal from and
denunciation of
agreement

Article 7

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

Notifications by
Secretary-General

Article 9

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

Authentic text and
deposit of agreement

Article 10

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

Article XI (cont'd)

2. After this Convention has been in force five years a revision conference may be called upon the request of a majority of Contracting Parties.

Article XII

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

Article XVI

The Secretary-General of the United Nations shall inform all States referred to in Article XIII of signatures, deposits of instruments of ratification, approval, or accession, declarations referred to in Article III, paragraph 1, the date of entry into force of this Convention, proposals for amendments, notifications of acceptances of amendments, the date of entry into force of each amendment, requests for the convening of a revision conference, and notices of withdrawal, and shall transmit to those States certified copies of each amendment proposed.

Article XVII

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

Article XVI

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

Article XVII

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

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

Article XVIII

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