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COMMITTEE ON THE PEACEFUL USES
OF OUTER SPACE

REPORT OF THE LEGAL SUB-COMMITTEE ON THE WORK OF ITS
NINTH SESSION (8 JUNE - 3 JULY 1970) TO THE COMMITTEE
ON THE PEACEFUL USES OF OUTER SPACE

1. The Legal Sub-Committee opened its ninth session at the United Nations Office at Geneva on 8 June 1970 under the Chairmanship of Mr. Eugeniusz Wyzner (Poland).
2. The Chairman, in opening the session, stated that it was with great sorrow that he had to inform the members of the Sub-Committee of the death of Professor Cesary Berezowski who had been the representative of Poland at several sessions of the Sub-Committee. A number of delegations made statements in tribute to the memory of Professor Berezowski and the Sub-Committee observed a minute of silence in his memory.
3. The Chairman, continuing his statement, recalled that in its resolution 2601 B (XXIV) the General Assembly had urged that the Draft Convention on Liability for Damage Caused by Objects Launched into Outer Space should be completed in time for final consideration at its 25th session. Both before and after the adoption of that resolution, extensive consultations and negotiations had taken place on the main outstanding issues among members of the Committee on the Peaceful Uses of Outer Space in New York (September-December 1969) and Geneva (April 1970). A resumé of the results of the consultations held in Geneva had been circulated as an official document of the Sub-Committee (A/AC.105/C.2/8). Referring to the urgency of the completion of the draft liability convention, he further stated that the Sub-Committee could make no better contribution to the celebration of the 25th anniversary of the United Nations than a finalized liability convention which the Organization could claim as an additional achievement. Therefore, he felt that the Sub-Committee would no doubt wish to accord the highest priority to the completion of the liability convention.
4. A statement was also made by Mr. Stavropoulos, the Representative of the Secretary-General, who began by associating the secretariat with the tribute paid to Professor Berezowski. The present session of the Sub-Committee, Mr. Stavropoulos observed, was of great importance in view of GA resolution 2601B (XXIV) calling for the urgent completion of a draft liability convention. He recalled, in this connexion, that the General Assembly in another resolution (2499 (XXIV)) on the celebration of the 25th anniversary of the United Nations, had

On the question of measure of compensation and competence of the claims commission, a joint proposal was submitted by Argentina, Canada, Japan and Sweden, with Australia, Belgium, Italy and the United Kingdom joining as co-sponsors (A/AC.105/C.2/L.74 and Add.1 and Add.2).

Two proposals were jointly submitted by Bulgaria, Hungary and the USSR, one on the question of applicable law (A/AC.105/C.2/L.75) and the other on settlement of disputes (A/AC.105/C.2/L.76).

17. On the two main issues of the settlement of claims and the question of applicable law to which the proposals contained in A/AC.105/C.2/L.74, L.75 and L.76 related, the Sub-Committee held an extensive debate.^{1/} No agreement was reached on them, and the solution to these two issues was left outstanding.

18. In the course of the discussions of the Working Group, the following proposals and working papers were submitted:

On the question of the structure of the Convention, working papers were submitted by the USSR (PUOS/C.2/70/WG.1/CRP.5) and by Italy (PUOS/C.2/70/WG.1/CRP.9).

With respect to the definition of "space object", working papers were submitted by Italy (PUOS/C.2/70/WG.1/CRP.10/Rev.1), Mexico (PUOS/C.2/70/WG.1/CRP.14), and a joint working paper was submitted by Argentina, Belgium and France (PUOS/C.2/70/WG.1/CRP.16), and on "damage caused by a space object", a joint working paper by Argentina, Belgium, France, Italy and Mexico (PUOS/C.2/70/WG.1/CRP.18 and Rev.1).

With regard to the field of application, a working paper which proposed the inclusion of certain additional words in the text agreed at the eighth session of the Sub-Committee was proposed by Italy (PUOS/C.2/70/WG.1/CRP.7).

Working papers were also submitted by the United States (PUOS/C.2/70/WG.1/CRP.4/Rev.1), Italy (PUOS/C.2/70/WG.1/CRP.12) and the USSR (PUOS/C.2/70/WG.1/CRP.13).

On the question of joint liability, two working papers, which proposed the inclusion of certain additional words in the text agreed at the eighth session of the Sub-Committee, were submitted by the United States (PUOS/C.2/70/WG.1/CRP.1 and PUOS/C.2/70/WG.1/CRP.4). A working paper was also submitted by Argentina (PUOS/C.2/70/WG.1/CRP.19 and Rev.1). A working paper on the liability of State from whose territory or facility a space object was launched was submitted by the USSR (PUOS/C.2/70/WG.1/CRP.17).

With respect to the question of international inter-governmental organizations, working papers were submitted by Bulgaria (PUOS/C.2/70/WG.1/CRP.2 and Corr.1) and by Mexico (PUOS/C.2/70/WG.1/CRP.8). A joint proposal was also submitted by Belgium, France, Italy, Sweden and the United Kingdom (PUOS/C.2/70/WG.1/CRP.11), certain amendments to which were proposed by India (PUOS/C.2/70/WG.1/CRP.15).

^{1/} See A/AC.105/C.2/SR.133, 134, 146, 147, 148 and 149.

With respect to the question of time limits for presentation of claims, a working paper, which proposed an amendment of certain provisions in the text agreed at the eighth session of the Sub-Committee, was submitted by Japan (PUOS/C.2/70/WG.1/CRP.6).

On the question of the form of compensation, a working paper was submitted by Bulgaria and Hungary (PUOS/C.2/70/WG.1/CRP.3).

19. The Working Group, at its meetings from 10 June to 1 July 1970, reaffirmed with certain modifications the texts on which agreement was reached at the eighth session of the Sub-Committee pertaining to the following questions: definitions (A/AC.105/C.2/WG(IX)/L.2); the presentation of claims (A/AC.105/C.2/WG(IX)/L.4); and pursuit of remedies available in the launching State or under other international agreements (A/AC.105/C.2/WG(IX)/L.5). The Working Group also reaffirmed the decision of the Sub-Committee at its eighth session to the effect that there would be no general provision in the text of the convention relating to joinder of claims.

20. The Working Group also examined other texts approved at the eighth session of the Sub-Committee and all relevant new proposals made at the present session. After substantive reformulation of the provisions, further agreement was reached and the Working Group approved the texts of articles on the following questions: field of application of the Convention (A/AC.105/C.2/WG(IX)/L.1 and A/AC.105/C.2/WG(IX)/L.8); the question of joint liability (A/AC.105/C.2/WG(IX)/L.6/Rev.1); form of compensation (A/AC.105/C.2/WG(IX)/L.7/Rev.1); and time-limits for presentation of claims (A/AC.105/C.2/WG(IX)/L.9). The decision on the proposals concerning the question of international intergovernmental organizations was postponed and will be examined again when the two main issues referred to in paragraph 17 above have been solved.

21. The texts approved by the Working Group were referred, thereafter, to the Drafting Group for consideration. The Drafting Group, in the first instance, reached agreement on the subdivision of certain provisions into separate Articles and on the order in which the texts should be arranged in a draft Convention. At the request of the Drafting Group a working paper setting out the texts in such order was prepared by the Secretariat (PUOS/C.2/DG(IX)/1). It was understood in the Drafting Group that this order would be provisional pending agreement on the placing of eventual articles on issues not yet settled.

22. The texts of the draft articles were examined by the Drafting Group in the course of two readings. The provisions of the texts as modified by the Drafting Group on its first reading are set out in documents PUOS/C.2/DG(IX)/R.1 to R.5. The texts as approved by the Drafting Group on its second reading are set out in document A/AC.105/C.2/WG(IX)/L.10.

23. The Drafting Group also had before it two Working Papers on the preamble to the draft Convention, one submitted by Hungary (PUOS/C.2/DG(IX)/WP.1) and one by the United Kingdom (PUOS/C.2/DG(IX)/WP.2). The text of the preamble and the wording of the title of the draft Convention as approved by the Drafting Group are set out in document A/AC.105/C.2/WG(IX)/L.10.2/

^{2/} The documents mentioned in paragraphs 15 to 23 above are reproduced in Annex I to the present report.

24. It was the view of the Drafting Group that there should be no titles for individual articles of the Convention, nor was it necessary to take up the final clauses.

25. A number of the texts referred to the Drafting Group were subject to extensive drafting changes, for the purpose of ensuring precision in wording and consistency in the use of terminology throughout the articles of the Convention. It was the view of the Drafting Group that

- (a) in view of the fact that the term "State" used in the draft Convention necessarily means a State Party to the Convention, it would be sufficient to use the term "State" in substitution for the terms "State Party to the Convention" and "Contracting Party";
- (b) whenever a term used in the draft Convention is identical with that in the Outer Space Treaty, the latter should be followed in all languages;
- (c) throughout the draft Convention the term "State presenting a claim" should be used in substitution for the terms "claimant State", "claimant" or "presenting State", and the term "launching State" in substitution for the term "respondent" or "respondent State".

26. The texts approved by the Drafting Group, which comprised the title of the draft Convention, the preamble and twelve Articles, were considered by the Working Group at its meeting on 1 July 1970. After certain changes had been made, the Working Group approved these texts. A proposal by Belgium contained in document A/AC.105/C.2/L.72 on the relation between the Convention and other international agreements was also approved by the Working Group as an additional Article. The Working Group thereafter submitted the texts to the Sub-Committee in document A/AC.105/C.2/L.77.

27. The Sub-Committee, at its 150th meeting on 1 July 1970, approved all the texts which are set out below. However, certain delegations approved these texts subject to conditions or reservations.^{3/}

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,

^{3/} See A/AC.105/C.2/SR.150 and 151.

Recognizing the need to elaborate international rules and procedures concerning liability for damage caused by space objects and to ensure, in particular, prompt and equitable compensation for 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:
 - 1) a State which launches or procures the launching of a space object;
 - 2) a State from whose territory or facility a space object is launched;
- (d) the term "space object" includes component parts of a space object as well as its launch vehicle and parts thereof.

Article II

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

Article III

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

Article IV

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

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

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

Article V

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

2. A launching State which 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 that are jointly and severally liable.

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

Article VI

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

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

Article VII

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

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

Article VIII

Unless the State presenting the claim 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 State presenting the claim or, if that State so requests, in the currency of the State from which compensation is due.

Article IX

- 1. A State which suffers damage, or whose natural or juridical persons suffer damage, may present to a launching State a claim for compensation for such damage.
- 2. If the State of nationality has not presented a claim, another State may, in respect of damage sustained in its territory by any natural or juridical person, present a claim to a launching State.
- 3. If neither the State of nationality nor the State in whose territory the damage was sustained has presented a claim or notified its intention of presenting a claim, another State may, in respect of damage sustained by its permanent residents, present a claim to a launching State.
- 4. No claim may be presented under this Convention to a launching State in respect of nationals of that State.

Article X

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

Article XI

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

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

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

Article XII

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

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

Article XIII

1. The provisions of this Convention shall not affect other international agreements in force insofar 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.

II. STUDY OF QUESTIONS RELATIVE TO (a) THE DEFINITION OF OUTER SPACE, (b) THE UTILIZATION OF OUTER SPACE AND CELESTIAL BODIES, INCLUDING THE VARIOUS IMPLICATIONS OF SPACE COMMUNICATIONS (agenda item 3)

28. The Sub-Committee had before it a background paper on the questions of the definition and/or delimitation of outer space prepared by the Secretariat at the request of the Sub-Committee at its eighth session (A/AC.105/C.2/7) as well as the report of the Working Group on Direct Broadcast Satellites on its third session (A/AC.105/83). There were also two proposals submitted by Argentina at the present session, namely, a draft agreement on the principles governing activities in the use of the natural resources of the Moon and other celestial bodies (A/AC.105/C.2/L.71 and Corr.1) and a draft international agreement on activities carried out through remote-sensing satellite surveys on earth resources (A/AC.105/C.2/L.73).^{4/}

^{4/} These two proposals are reproduced in Annex II to the present report.

29. As stated in paragraph 9 above, the Sub-Committee devoted the whole session to the draft Convention on liability. Consequently neither the question relative to the definition of outer space nor the question relative to the utilization of outer space, including the report of the third session of the Working Group on Direct Broadcast Satellites, which two questions figured as item 3 of the agenda, were considered by the Sub-Committee at the present session.

30. At its 151st meeting held on 3 July, the Sub-Committee expressed the wish to have the questions under this item of the agenda appear as priority questions on the agenda of its next session to the extent that agreement may have been reached in the meantime on the draft Convention on international liability for damage caused by space objects.

ANNEX I

PROPOSALS AND OTHER DOCUMENTS RELATING TO LIABILITY FOR
DAMAGE CAUSED BY THE LAUNCHING OF OBJECTS INTO OUTER SPACE
(Agenda item 2)

LETTER DATED 27 APRIL 1970 FROM THE CHAIRMAN OF THE COMMITTEE
ON THE PEACEFUL USES OF OUTER SPACE ADDRESSED TO
THE CHAIRMAN OF THE LEGAL SUB-COMMITTEE (A/AC.105/C.2/8)

I have the honour to transmit for your convenience a resumé of the results of the consultations and negotiations which took place in Geneva in April 1970 on the question of a draft Convention on Liability for Damage Caused by Objects Launched into Outer Space.

As you are aware, this resumé, which I read out to all participating members of the Committee on the last day of our informal discussions, met with no objections.

You may wish to consider the possibility of circulating this letter and the resumé as an official document to the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space at its next session.

(Signed) Heinrich HAYMERLE
Chairman
Committee on the Peaceful Uses of Outer Space

Resumé

At the twelfth session of the Committee on the Peaceful Uses of Outer Space, which concluded on 5 December 1969, delegations reached agreement that "consultations and negotiations should be resumed early in 1970 to prepare the next session of the Legal Sub-Committee with a view to arriving as soon as possible at an agreement on a draft convention on liability for damage and that a special effort should be made by the Committee to complete the draft convention in time for submission to the General Assembly at its twenty-fifth session" (A/7621/Add.1, para. 8 (i)). At the 84th meeting of the Committee held on 23 January 1970, delegations agreed to undertake consultations and negotiations in the framework of the Committee in Geneva on 1 April 1970. These lasted until 10 April.

In convening the consultations and negotiations, the Chairman of the Committee drew the attention of delegations to the insistent wish of the General Assembly, recorded as recently as 16 December 1969 in operative paragraph 4 of Part B of resolution 2601 (XXIV), that the Committee should "complete the draft convention on liability in time for final consideration by the General Assembly during its twenty-fifth session". The Chairman strongly expressed the hope, in which all delegations joined him, that each participant would bend every effort to realize this goal.

An intensive exchange of views took place on the twin outstanding issues, settlement of claims and applicable law. A number of textual suggestions were put forward and discussed, some of which might be introduced at the session of the Legal Sub-Committee which is to meet from 8 June until 3 July.

No agreement on texts was reached. In concluding the consultations, the Chairman expressed the hope that every Government would give the most careful consideration to the various opinions and suggestions advanced during the past ten days, and that Governments would seek to issue instructions to their delegations to the forthcoming session of the Legal Sub-Committee that would make possible completion of the liability convention during the course of that session. If this were to result, the current round of consultations and negotiations would have proved their worth.

Belgium: Proposal (A/AC.105/C.2/L.72)

Relation between this Convention and other
international agreements

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.

Argentina, Australia, Belgium, Canada, Italy, Japan, Sweden,
United Kingdom: Proposal (A/AC.105/C.2/L.74 and Add. 1 and 2)

Measure of Compensation and Competence of the Claims Commission

Article : Measure of Compensation

The compensation which a launching State shall be liable to pay for damage under this Convention shall be based on the rule that each person, natural or juridical, State or international organization on whose behalf a claim is presented be restored in full to the condition equivalent to that which would have existed if the damage had not occurred. In giving effect to this rule account shall be taken of the law of the place where the damage occurred and of relevant principles of international law.

Article : Competence of the Claims Commission*

The Claims Commission shall set forth, in writing, its decision and reasons therefor and shall deliver a copy of its decision to each of the parties. It shall concurrently transmit a certified copy thereof to the Secretary-General of the United Nations for publication. The decisions of the Claims Commission shall be final and binding.

* Explanatory Note:

This text presupposes that there will be other provisions in the Convention which will provide:

- (i) that a Claims Commission shall be established at the request of any State party to a dispute;
- (ii) that each party must nominate one representative to the Claims Commission;
- (iii) that if the parties or their representatives cannot agree on a third member who shall be the chairman of the Claims Commission, that third member shall be appointed by an independent third party such as the Secretary-General of the United Nations;
- (iv) that the Claims Commission shall apply the provisions of this Convention and shall decide on the merits of the claim and any compensation due;
- (v) that all decisions of the Claims Commission shall be by majority vote.

Bulgaria, Hungary, USSR: Proposal (A/AC.105/C.2/L.75)

Article ...

Applicable Law

The compensation which the respondent State shall be required to pay should be determined in accordance with international law having in view the aim to compensate according to the Convention the entire damage caused to a contracting party or to natural or juridical persons in respect of which this contracting party may present a claim.

If there is agreement on any other applicable law between the claimant and the respondent, then that law should be applied.

Bulgaria, Hungary, USSR: Proposal (A/AC.105/C.2/L.76)

Article ...

Settlement of Disputes

1. In case the State liable does not satisfy the claim of the claimant State, the claim for compensation shall be presented to a Conciliation Commission set up by the two States on a basis of parity. This Commission will determine its own procedure.
2. The Commission shall end the proceedings by stating its conclusions. The Commission shall also state the reasons for its conclusions.
3. If the Parties to the dispute have so decided the conclusions of the Commission shall be final and binding upon them.

Text approved by the Working Group
on 1 July 1970 (A/AC.105/C.2/L.77)

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 international rules and procedures concerning liability for damage caused by space objects and to ensure, in particular, prompt and equitable compensation for 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:
 - (1) a State which launches or procures the launching of a space object;
 - (2) a State from whose territory or facility a space object is launched;
- (d) the term "space object" includes component parts of a space object as well as its launch vehicle and parts thereof.

Article II

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

Article III

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

Article IV

1. In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, and of damage thereby

being caused to a third State or to its natural or juridical persons, the first two States shall be jointly and severally liable to the third State, to the extent indicated by the following:

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

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

Article V

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

2. A launching State which 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 apportionment among themselves of the financial obligation in respect of which they are jointly and severally liable. Such agreements shall be without prejudice to the right of a State sustaining damage to seek the entire compensation due under this Convention from any or all of the launching States that are jointly and severally liable.

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

Article VI

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

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

Article VII

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

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

Article VIII

Unless the State presenting the claim 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 State presenting the claim or, if that State so requests, in the currency of the State from which compensation is due.

Article IX

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

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

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

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

Article X

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

Article XI

1. A claim for compensation for damage may be presented to a launching State not later than one year following the date of the occurrence of the damage or the identification of the launching State that is liable.
2. If, however, a State does not know of the occurrence of the damage or has not been able to identify the launching State that is liable, it may present a claim within one year following the date on which it learned of the aforementioned facts; however, this period shall in no event exceed one year following the date on which the State could reasonably be expected to have learned of the facts through the exercise of due diligence.
3. The time-limits specified in paragraphs 1 and 2 shall apply even if the full extent of the damage may not be known. In this event, however, the State presenting the claim shall be entitled to revise the claim and submit additional documentation after the expiration of such time-limits until one year after the full extent of the damage is known.

Article XII

1. Presentation of a claim to a launching State for compensation for damage under this Convention shall not require the prior exhaustion of any local remedies that may be available to a State presenting a claim or to natural or juridical persons it represents.
2. Nothing in this Convention shall prevent a State, or natural or juridical persons it might represent, from pursuing a claim in the courts or administrative tribunals or agencies of a launching State. A State shall not, however, be entitled to present a claim under this Convention in respect of the same damage for which a claim is being pursued in the courts or administrative tribunals or agencies of a launching State or under another international agreement which is binding on the States concerned.

Article XIII

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.

United States: Working Paper (PUOS/C.2/70/WG.1/CRP.1)

In the second paragraph on page 19 of the English text of A/AC.105/C.2/W.2/Rev.5, under "Texts Agreed", replace the sentence which reads:

"Such agreements shall be without prejudice to the rights of the State sustaining damage caused by the space object."

by the following sentence:

"Such agreement shall be without prejudice to the right of the State sustaining damage to seek full compensation from any or all of the States that are jointly and severally liable."

Bulgaria: Working Paper (PUOS/C.2/70/WG.1/CRP.2 and Corr.1)

The provisions of this Convention will be applicable to any international intergovernmental organization which launches a space object, provided that it declares its recognition of the rights and obligations laid down in this Convention and provided that a majority of its members are 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.

The States members of such an organization parties to this Convention will take all the necessary steps to enable the organization to declare its acceptance of the rights and obligations laid down in this Convention.

If an object launched into outer space by the intergovernmental organization causes damage, the claim for compensation may be addressed to the organization itself or to one or more of its member States.

If a space object causes damage to property of the international intergovernmental organization, the claim for compensation shall be presented by one of the organization's member States parties to this Convention.

Bulgaria and Hungary: Working Paper (PUOS/C.2/70/WG.1/CRP.3)

Currency

Unless the parties otherwise agree, compensation shall be paid in the currency of the Presenting State or if the Presenting State so requests, in the currency of the Respondent State.

United States: Working Paper (PUOS/C.2/70/WG.1/CRP.4/Rev.1)

Field of Application of the Convention

The following text is proposed for insertion immediately after paragraph 1 in document A/AC.105/C.2/WG(IX)/L.1 as new paragraph 2, and present paragraphs 2, 3 and 4 would be renumbered paragraphs 3, 4 and 5, respectively:

"2. If damage on the surface of the earth or to aircraft in flight (by one or more space objects) is the result of damage to the space object of one launching State by the space object of another, the launching States shall be absolutely liable to pay compensation, jointly and severally. As between launching States, the burden of compensation for such damage shall be apportioned in accordance with the extent to which they were at fault. If the extent of the fault of each launching State cannot be established, the burden of compensation shall be apportioned equally. Such apportionment shall be without prejudice to the right of the State sustaining damage on the surface of the earth or to aircraft in flight to seek the entire compensation due under the Convention from any or all of the launching States that are jointly and severally liable."

Alternatively, the first part of the new paragraph 2 could read:

"2. If damage to the space object of one launching State by the space object of another launching State results in damage on the surface of the earth or to aircraft (by one or more space objects) in flight, the launching States".

Union of Soviet Socialist Republics: Working Paper (PUOS/C.2/70/WG.1/CRP.5)

Structure of the Convention

Preamble	
Article I	Definitions
Article II	Nature of liability and exoneration from liability
Article III	State liable for damage
Article IV	State which has the right to claim compensation
Article V	Measure of compensation
Article VI	Presentation of claims
Article VII	Time-limits for presentation of claims
Article VIII	Form of compensation
Article IX	Settlement of disputes
Article X	International intergovernmental organizations
Final clauses	

Japan: Working Paper (PUOS/C.2/70/WG.1/CRP.6)

In the second paragraph on page 37 of the English text of A/AC.105/C.2/W.2/Rev.5, under "Texts Agreed":

Replace the sentence which reads:

"If the claimant State does not know of the facts giving rise to the claim within the afore-mentioned one year period, it may present a claim within one year following the date on which it learned of the facts";

by the following sentence:

"If the claimant State does not know of the facts giving rise to the claim at the time of the occurrence of the accident or the identification of the party that is liable, it may present a claim within one year following the date on which it learned of the facts";

Italy: Working Paper (PUOS/C.2/70/WG.1/CRP.7)

In the agreed text on the field of application of the Convention (A/AC.105/C.2/W.2/Rev.5, page 11), add the following words after the words "Nationals of that launching State" in paragraph 4(a):

"unless they reside permanently in another State and have their principal domicile in that State".

Grounds: Italy, like other States, has a large number, in fact some millions, of its nationals in various foreign countries, often far from their native land. In these countries they have lived for a long time, raised families, become property-owners and established their businesses. Their only remaining connexion with their native country is a conceptual one.

In that situation, it seems neither equitable nor practical to deny these nationals the right to avail themselves of the benefits of the operation of the Convention in cases in which they have suffered damage owing to an accident resulting from a rocket launched by Italy; for they would have to incur considerable expense and overcome substantial difficulties to be able to take proceedings in the Italian courts.

It therefore seems more reasonable to allow them the benefits of the Convention and to have them represented by the State in which they are habitually resident, particularly where the damage has been caused in the territory of that State.

Mexico: Working Paper (PUOS/C.2/70/WG.1/CRP.8)

International organizations

1. Any international organization that conducts space activities shall be liable under the Convention for damage caused by such activities if it declares that it accepts the rights and obligations provided for in the present Convention and if a majority of the States members of the organization are Contracting Parties to the present 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. Those States members of the said organization which are Contracting Parties to the present Convention shall take the necessary steps to ensure that the organization makes the declaration referred to in the previous paragraph.

3. If an international organization is liable for damage by virtue of the Convention, any claims for compensation shall be presented first to the organization.

4. Only when the organization has failed, within six months, to pay compensation for damage, may the Presenting State present a claim to one or more States members of the organization which are Contracting Parties to the Convention.

5. Where a space object causes damage to an international organization, the claim shall be presented by the competent organ of the international organization or by a State member of the organization which is a party to the present Convention.

Italy: Working Paper (PUOS/C.2/70/WG.1/CRP.9)

Structure: Giving effect to the USSR proposal

The Italian delegation considers that the structure of the Convention on the international liability of States and international organizations might be roughly as follows:

- Preamble
- Purpose of the Convention
- Definitions
- Field of application of the Convention
- Nature and grounds for liability in the various cases of damage to the surface of the earth (and of other celestial bodies), in the earth's atmosphere and in outer space
- Liability for damage:
 - (a) States
 - (b) International organizations
- Extinction of or reduction of liability in the event of an illegal act or omission on the part of the victim
- Applicable law for determining compensation
- Settlement of disputes; rules of procedure:
 - (a) Claim for compensation through the diplomatic channel
 - (b) Advisory committee
 - (c) Arbitral Commission
- Rules of procedure in the case of international organizations
- Reservation and effect of procedures under the ordinary law
- Final clauses

Italy: Working Paper (PUOS/C.2/70/WG.1/CRP.10/Rev.1)

Space object

The Italian delegation proposes the following definition:

"Space object means any object which is designed to reach outer space and move there.

"For the purposes of this Convention, not only the launching device and the capsule, but also their component parts which become detached or are torn off during transit, and objects which have fallen or are launched from space objects, shall be deemed to be space objects."

The Italian delegation considers it necessary to have a general definition of a space object, which should be a man-made object with a specific destination. This is for various reasons: applicability of the Convention, delimitation of outer space and the very concept of the space activity, on which the Convention is based. Moreover, it is necessary to assimilate to the space object its component parts and objects on board which detach themselves or are jettisoned in transit; this is for purposes of liability in the event that they cause damage. Consequently, they must be identifiable.

Belgium, France, Italy, Sweden and United Kingdom
proposal: (PUOS/C.2/70/WG.1/CRP.11)

International Organizations

Article ...

1. The provisions of the present Convention, with the exception of Articles -- to --, shall apply, in the same manner as they apply to a State, to any international inter-governmental organization which conducts space activities if the organization declares its acceptance of the rights and obligations provided for in this Convention and if a majority of the States members of the organization are Contracting Parties to this Convention and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.
2. States members of any such organization which are Contracting Parties to this Convention shall support in the organization the making of a declaration in accordance with the preceding paragraph.
3. If an international intergovernmental organization is liable for damage by virtue of the provisions of this Convention, that organization and those of its members which are Contracting Parties to this Convention shall be jointly and severally liable; provided, however, that:
 - (a) any claim for compensation in respect of such damage shall be first presented to the organization; and
 - (b) only where the organization has not paid, within a period of six months, any sum agreed or determined to be due as compensation for such damage,

may the claimant invoke the liability of the members which are Contracting Parties to this Convention for the payment of that sum.

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

Italy: Working Paper (PUOS/C.2/70/WG.1/CRP.12)

Field of application of the Convention

The Italian delegation proposes that, in paragraph 1 on page 11 of document A/AC.105/C.2/W.2/Rev.5, the words "or of celestial bodies" should be added after the words "on the surface of the earth".

* * * *

The Italian delegation is in agreement with the substance of the article relating to the field of application of the Convention (see page 11 of the table).

It considers, however, that it should be formulated in a clearer and more comprehensive fashion.

1. In the first place, the Italian delegation wonders whether paragraph 1 should not refer, in addition to damage caused on the surface of the earth, to damage which might be caused on the surface of other celestial bodies, such as the moon, where man has already trod and where there might be space objects not in transit or persons.

The question has not so far been raised, but the Italian delegation believes that the time has come to take it into consideration.

2. Paragraph 3 refers to the damage caused by the space object of one State to a space object of another State. Except for the case where the innocent space object suffering the damage is stationary on the surface of a celestial body (the moon), to which the question raised in paragraph 1 above would apply, it is obvious that the two space objects can cause damage to each other only by collision. It is difficult, if not impossible, to conceive of another cause.

3. Consequently, the Italian delegation wonders whether in this case there should not be specific mention of collision (needless to say, either in the air or in outer space) as there was in a proposal by the United States delegation at the Sub-Committee's last session. This would make paragraph 3 clearer, with all the attendant consequences. It is well known that collision is the most complex case of liability, since account must be taken not only of the negligence of one of the space objects involved in the collision, but also of joint negligence and of the fact that the cause of the collision might remain unknown, other than a case of the accident or force majeure. And specific provisions should be laid down for these cases, as general law, and time-honoured maritime law in particular, teaches us; and as the eminent American jurist, Professor P.G. Dembling, quite rightly points out in the study he presented to the United Nations Conference on Outer Space at Vienna ("Inter-liability for damage

caused by the launching of objects into outer space - Theory and applications"), and as we ourselves have tried to do in our draft (document A/AC.105/C.2/W.2/Rev.5, p. 19, article 4).

In submitting this working paper, the Italian delegation's only concern is to help a drafting group, which it believes should be appointed in due course, to put the last touches to the text of the draft Convention, which it would be desirable to complete at this session of the Sub-Committee.

Union of Soviet Socialist Republics:
Working Paper (PUOS/C.2/70/WG.1/CRP.13)

Field of application of the Convention

In the event of damage being caused elsewhere than on the surface of the earth to a space object of one State or to persons or property on board such a space object by the space object of another State, and of damage being caused to a third State Party to this Convention or to its natural or juridical persons, the first two States shall be jointly and severally liable. The burden of compensation for such 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 the Convention from any or all of the States that are jointly and severally liable.

Mexico: Working Paper (PUOS/C.2/70/WG.1/CRP.14)

Definition of space object

The term "space object" means any physical body, manufactured or natural, including the launch vehicle, its components and accessories, which man may launch or attempt to launch into outer space.

India: Amendments (PUOS/C.2/70/WG.1/CRP.15) to the proposal by
Belgium, France, Italy, Sweden and United Kingdom on International
Organizations (PUOS/C.2/70/WG.1/CRP.11)

1. In paragraph 1, 3rd line: Replace the words "conducts space activities" by the words "engages in the launching of space objects".

2. In paragraph 2, 2nd line: Replace the words "support in the organization the making of" by the words "take all appropriate steps to ensure that the organization makes".

3. Replace paragraph 3(b) by the following text:

(b) only where the organization has failed to settle the claim, within a period of six months, may the claimant present the claim to one or more States Members of the organization which are Contracting Parties to this Convention.

Argentina, Belgium, France: Working Paper (PUOS/C.2/70/WG.1/CRP.16)

Definition of "Space object"

"Space object" means any object made and intended for space activities.

For the purposes of this Convention, the term "space object" also includes a launch vehicle and parts thereof, as well as all component parts on board, detached from or torn from the space object.

Union of Soviet Socialist Republics: Working Paper (PUOS/C.2/70/WG.1/CRP.17)

The Liability of the State from whose territory or facility the space object was launched

The State from whose territory or facility the space object was launched and the other participants in a joint launching shall be jointly and severally liable. If it has paid compensation for damage, that State shall have the right to present a claim for indemnification to other participants in the joint launching. The State from whose territory or facility the space object was launched may conclude, with the other participants in the joint launching, agreements regarding the apportioning of the financial obligation in respect of which they are jointly and severally liable. Such agreements shall be without prejudice to the rights of the State sustaining damage caused by the space object.

Argentina, Belgium, France, Italy, Mexico:
Working Paper (PUOS/C.2/70/WG.1/CRP.18/Rev.1)

Scope of the expression "damage caused by a space object"

The expression "damage caused by a space object" means damage caused:

- (a) by any space object;
- (b) by any person on board a space object;
- (c) by any component part of a space object, parts on board, detached or torn from the space object, or the launch vehicle or parts thereof.

Argentina: Working Paper (PUOS/C.2/70/WG.1/CRP.19/Rev.1)

Question of joint liability

Add the following to the text approved by the Working Group at its meeting on 12 June 1970 (A/AC.105/C.2/WG(IX)/L.6):

"Agreements regarding the apportioning of the burden of compensation among States which are jointly and severally liable shall be communicated to the Secretary-General of United Nations for publication and to the States depositaries of the Convention for the information of the States Parties thereto".

Text approved by the Working Group at its meeting
on 10 June 1970 (A/AC.105/C.2/WG(IX)/L.1)

A/AC.105/85
Annex I
page 17

Article

Field of application of the Convention

1. The launching State shall be absolutely liable to pay compensation for damage caused by its space object on the surface on the earth and to aircraft in flight.
2. Unless otherwise provided in the Convention, exoneration from absolute liability shall be granted to the extent that the respondent 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 the claimant or of natural or juridical persons it represents. No exoneration whatever shall be granted in cases where the damage results from activities conducted by the respondent which are not in conformity with international law, in particular, the Charter of the United Nations and the Treaty on the principles governing the activities of States in the exploration and use of outer space, including the moon and other celestial bodies.
3. In the event of damage being caused elsewhere than on the surface of the earth to a space object of one State or to persons or property on board such a space object by the space object of another 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.
4. The provisions of this Convention shall not apply to damage caused by the 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.

Text approved by the Working Group at its meeting
on 11 June 1970 (A/AC.105/C.2/WG(IX)/L.2)

Article

Definitions

For the purpose of this Convention,

- (a) the term "damage" means loss of life, personal injury or other impairment of health; or loss of or damage to property of States or of persons, natural or juridical, or property of international organizations;
- (b) the term "launching" includes attempted launching;
- (c) the term "launching State" means:
 1. The State which launches or procures the launching of the space object;
 2. the State from whose territory or facility the space object was launched;
- (d) the term "space object" includes component parts of the space object as well as its launch vehicle and parts thereof.

Text approved by the Working Group at its meeting
on 11 June 1970 (A/AC.105/C.2/WG(IX)/L.3)

Article

Presentation of claims

1. A Contracting Party which suffers damage, or whose natural or juridical persons suffer damage, may present a claim for compensation to a respondent.
2. Subject to the provision of paragraph 1, a Contracting Party may also present to a respondent a claim in respect of damage sustained by any natural or juridical person in its territory.
3. A Contracting Party may also present a claim for damage sustained by its permanent residents in respect of whom neither the State of nationality nor the State in which the damage was sustained has presented a claim or notified its intention of presenting a claim.
4. No claim may be presented under this Convention in respect of the nationals of the respondent.

Text approved by the Working Group at its meeting
on 11 June 1970 (A/AC.105/C.2/WG(IX)/L.4)

Article

Presentation of claims through diplomatic channel

A claim shall be presented through diplomatic channels. A claimant may request another State to present its claim and otherwise represent its interests in the event that it does not maintain diplomatic relations with a respondent.

Text approved by the Working Group at its meeting
on 10 June 1970 (A/AC.105/C.2/WG(IX)/L.5)

Article

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

Presentation of a claim under the Convention shall not require the prior exhaustion of any local remedies that may be available to the claimant or to those whom the claimant represents.

Nothing in this Convention shall prevent a claimant or any natural or juridical person that it might represent from pursuing a claim in the courts or administrative tribunals or agencies of a respondent. A claimant shall not however be entitled to pursue claims 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 respondent, or under another international agreement which is binding on the claimant and the respondent.

Text approved by the Working Group at its meetings
on 12 and 22 June 1970 (A/AC.105/C.2/WG(IX)/L.6/Rev.1)

Article

Question of joint liability

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

The 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 the State sustaining damage to seek the entire compensation due under the Convention from any or all of the States that are jointly and severally liable.

For the purposes of this Article, a State from whose territory or facility the space object is launched shall be regarded as a participant in a joint launching.

Text approved by the Working Group at its meeting
on 12 and 15 June 1970 (A/AC.105/C.2/WG(IX)/L.7/Rev.1)

Article

Form of Compensation

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

Text approved by the Working Group at its meeting
on 17 June 1970 (A/AC.105/C.2/WG(IX)/L.8)

Article

Field of application of the Convention

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

2. If the damage for which the first two States are jointly and severally liable has occurred on the surface of the earth or to aircraft in flight, their liability

shall be absolute as provided in paragraph 1 of Article*/ If the damage has occurred elsewhere their liability shall be determined as provided in paragraph 3 of Article ...*/

3. In all cases the burden of compensation for such 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 the Convention from any or all of the States that are jointly and severally liable.

Text approved by the Working Group at its meeting
on 18 June 1970 (A/AC.105/C.2/WG(IX)/L.9)

Article ...

Time-limits for presentation of claims

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

Text approved by the Drafting Group (A/AC.105/C.2/WG(IX)/L.10)

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, signed on 27 January 1967,

*/ See text of Article in A/AC.105/C.2/WG(IX)/L.1.

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 international rules and procedures concerning liability for damage caused by space objects and to ensure, in particular, prompt and equitable compensation for victims of such damage,

Believing that the establishment of such rules and procedures would 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 organizations;
- (b) the term "launching" includes attempted launching;
- (c) the term "launching State" means:
 - (1) a State which launches or procures the launching of a space object;
 - (2) a State from whose territory or facility a space object is launched;
- (d) the term "space object" includes component parts of a space object as well as its launch vehicle and parts thereof.

Article II

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

Article III

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

Article IV

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

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

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

Article V

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

2. A launching State which 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 that are jointly and severally liable.

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

Article VI

1. Unless otherwise provided in this Convention, 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 State presenting a claim or of natural or juridical persons it represents.

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

Article VII

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

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

Article VIII

Unless the State presenting the claim 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 State presenting the claim or, if that State so requests, in the currency of the State from which compensation is due.

Article IX

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

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

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

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

Article X

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

Article XI

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

2. If, however, a State does not know of the occurrence of the damage or the identity of the launching State, 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 State presenting the claim shall be entitled to revise the claim and submit additional documentation after the expiration of such time-limits until one year after the full extent of the damage is known.

Article XII

1. Presentation of a claim to a launching State for compensation for damage under this Convention shall not require the prior exhaustion of any local remedies that may be available to a State presenting a claim 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.

Working Paper (PUOS/C.2/DG(IX)/1)

(prepared by the Secretariat in accordance with the tentative agreement reached by the Drafting Group on 23 June 1970)

Article 1

Definitions

For the purpose of this Convention,

- (a) the term "damage" means loss of life, personal injury or other impairment of health; or loss of or damage to property of States or of persons, natural or juridical, or property of international organizations;
- (b) the term "launching" includes attempted launching;

(c) the term "launching State" means:

- 1. The State which launches or procures the launching of the space object;
- 2. the State from whose territory or facility the space object was launched;

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

Article II

Absolute Liability

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

Article III

Fault Liability

In the event of damage being caused elsewhere than on the surface of the earth to a space object of one State or to persons or property on board such a space object by the space object of another 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

Third Party Damage

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

2. If the damage for which the first two States are jointly and severally liable has occurred on the surface of the earth or to aircraft in flight, their liability shall be absolute as provided in Article II. If the damage has occurred elsewhere their liability shall be determined as provided in Article III.

3. In all cases the burden of compensation for such 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 the Convention from any or all of the States that are jointly and severally liable.

Article V

Joint Launch

1. Whenever two or more States jointly launch a space object, they shall be jointly and severally liable for any damage caused.
2. The 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 the State sustaining damage to seek the entire compensation due under the Convention from any or all of the States that are jointly and severally liable.
3. For the purposes of this Article, a State from whose territory or facility the space object is launched shall be regarded as a participant in a joint launching.

Article VI

Exoneration

1. Unless otherwise provided in the Convention, exoneration from absolute liability shall be granted to the extent that the respondent 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 the claimant or of natural or juridical persons it represents.
2. No exoneration whatever shall be granted in cases where the damage results from activities conducted by the respondent which are not in conformity with international law, 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

Exclusions

The provisions of this Convention shall not apply to damage caused by the 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

Form of Compensation

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

Article IX

Presentation of claims

1. A Contracting Party which suffers damage, or whose natural or juridical persons suffer damage, may present a claim for compensation to a respondent.
2. Subject to the provision of paragraph 1, a Contracting Party may also present to a respondent a claim in respect of damage sustained by any natural or juridical person in its territory.
3. A Contracting Party may also present a claim for damage sustained by its permanent residents in respect of whom neither the State of nationality nor the State in which the damage was sustained has presented a claim or notified its intention of presenting a claim.
4. No claim may be presented under this Convention in respect of the nationals of the respondent.

Article X

Presentation of claims through diplomatic channel

A claim shall be presented through diplomatic channels. A claimant may request another State to present its claim and otherwise represent its interests in the event that it does not maintain diplomatic relations with a respondent.

Article XI

Time-limits for presentation of claims

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

Article XII

Exhaustion of Local Remedies

Presentation of a claim under the Convention shall not require the prior exhaustion of any local remedies that may be available to the claimant or to those whom the claimant represents.

Nothing in this Convention shall prevent a claimant or any natural or juridical person that it might represent from pursuing a claim in the courts or administrative tribunals or agencies of a respondent. A claimant shall not however be entitled to pursue claims 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 respondent, or under another international agreement which is binding on the claimant and the respondent.

Text approved by the Drafting Group (PUOS/C.2/DG(IX)/2)

Article I

Definitions

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 organizations;
- (b) the term "launching" includes attempted launching;
- (c) the term "launching State" means:
 - (1) The State which launches or procures the launching of a space object;
 - (2) the 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.

Text as modified by the Drafting Group (PUOS/C.2/DG(IX)/R.1)

Article II

Absolute liability

The 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

Fault liability

In the event of damage being caused elsewhere than on the surface of the earth to a space object of one State or to persons or property on board such a space object by the space object of another 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.

Text as modified by the Drafting Group (PUOS/C.2/DG(IX)/R.2)

Article I

Definitions

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 organizations;
- (b) the term "launching" includes attempted launching;
- (c) the term "launching State" means:
 - (1) a State which launches or procures the launching of a space object;
 - (2) 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

Absolute liability

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

Fault liability

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.

Text as modified by the Drafting Group (PUOS/C.2/DG(IX)/R.3)

Article V

Joint Launch

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 that are jointly and severally liable.

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

Article VI

Exoneration

1. Unless otherwise provided in this Convention, 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 State presenting a claim 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 the 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

Exclusions

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

Form of compensation

Unless the State presenting the claim 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 State presenting the claim or, if that State so requests, in the currency of the State from which compensation is due under this Convention.

Article IX

Presentation of claims

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 or notified its intention of presenting a claim, a State may also present a claim to a launching State in respect of damage sustained in the territory of the State presenting the claim by any natural or juridical person.
3. A State may also present a claim in respect of damage sustained by its permanent residents in respect of whom neither the State of nationality nor the State in which the damage was sustained has presented a claim or notified its intention of presenting a claim.
4. No claim may be presented under this Convention to a launching State in respect of nationals of that State.

Text as modified by the Drafting Group (PUOS/C.2/DG(IX)/R.4)

Article IV

Third Party Damage

1. In the event of damage being caused elsewhere than on the surface of the earth to a space object of one State or to persons or property on board such a space object, by the space object of another 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 that 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 shall be absolute.
 - (b) If the damage has occurred to a space object of a 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 States that are jointly and severally liable.

Text as modified by the Drafting Group (PUOS/C.2/DG(IX)/R.5)

Article X

Presentation of claims through diplomatic channel

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 a launching State, it may request another State to present its claim or otherwise represent its interests under this Convention.

Article XI

Time-limits for presentation of claims

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

Article XII

Exhaustion of Local Remedies

1. Presentation of a claim to a launching State for compensation for damage under the Convention shall not require the prior exhaustion of any local remedies that may be available to a State presenting a claim 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.

Hungary: Working Paper (PUOS/C.2/DG(IX)/WP.1)

Preamble

The Contracting Parties,

Recognizing the common interest of all mankind in 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), 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, signed on 27 January 1967,

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

Recognizing the need for establishing international rules governing liability for such damage,

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

Have decided to conclude this Convention:

United Kingdom: Working Paper for the Drafting Group (PUOS/C.2/DG(IX)WP.2)

Preamble

The Contracting Parties,

Recognizing the common interest of 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, signed on 27 January 1967, and particularly its Article VII concerning liability for damage by space objects,

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

Resolved accordingly to establish detailed international rules and procedures concerning liability for damage caused by space objects and to ensure, in particular, prompt and equitable compensation for victims of such damage,

Believing that agreed provisions to that end will contribute to the development of friendly relations and co-operation among nations,

Have agreed on the following:-

ANNEX II

PROPOSALS CONCERNING QUESTIONS RELATIVE TO THE DEFINITION
OF OUTER SPACE AND THE UTILIZATION OF OUTER SPACE AND
CELESTIAL BODIES, INCLUDING THE VARIOUS IMPLICATIONS OF
SPACE COMMUNICATIONS

Argentina: draft agreement on the principles governing activities
in the use of the natural resources of the moon and
other celestial bodies (A/AC.105/C.2/L.71 and Corr:1)

The States Parties to this Agreement,

Bearing in mind that activities in the use of the natural resources of the
Moon have begun,

Reaffirming that mankind has a common interest in promoting the use of outer
space, including the Moon and other celestial bodies, for peaceful purposes,

Considering that the Treaty of 27 January 1967 does not establish regulations
specifically for activities in the use of the natural resources of the Moon and
other celestial bodies,

Believing that it is necessary to complete the provisions of that Treaty with
respect to the legal system for activities in the use of such resources,

Bearing in mind the benefits to be obtained from the prompt establishment of
principles for the use of the natural resources of the Moon and other celestial
bodies by means of a general agreement within the framework of the 1967 Treaty,

Recalling that the use of outer space must be for the benefit and in the
interests of all countries, and shall be the province of all mankind,

Have agreed on the following:

Article 1

The natural resources of the Moon and other celestial bodies shall be the
common heritage of all mankind.

Article 2

All substances originating in the Moon or other celestial bodies shall be
regarded as natural resources.

Article 3

The legal system applicable to natural resources used in their place of origin
shall be distinct from that applicable to those brought to the Earth for use.

Article 4

The benefits obtained from the use of the natural resources of the Moon and other celestial bodies shall be made available to all peoples without discrimination of any kind.

Article 5

In distributing such benefits, account shall be taken of the need to promote the attainment of higher standards of living and conditions of economic and social progress and development, pursuant to article 55a of the Charter of the United Nations, in the light of the interests and requirements of the developing countries and the rights of those undertaking these activities. (Followed by the formal provisions or final clauses on the lines of those of the Treaty of 1967 and the Agreement of 1968).

Argentina: draft international agreement on activities carried out through remote-sensing satellite surveys of earth resources (A/AC.105/C.2/L.73)

The States Parties to the present Agreement:

Considering that there is an urgent need for overall surveys of earth resources by means of remote sensors installed in satellites and that the expected benefits will only be obtained through a general international convention and agreements on collaboration,

Further considering that the principal economic assets of any country are human and natural resources, provided that these are identified and used,

Convinced that the promise of such benefits raises legal problems which must be solved without delay,

Reaffirming that these new techniques will act as an effective stimulus to economic and social development, and materially contribute to the welfare of all mankind by enabling the inventory, planning, development, exploitation and conservation of natural resources to be undertaken on the basis of international co-operation.

Bearing in mind United Nations General Assembly resolution 2600 (XXIV) of 16 December 1969, which is concerned, in particular, with the techniques of remote earth resources surveying, and requests greater international co-operation with a view to reaping practical benefits from the new technology,

Believing that the rights of the States to which the resources belong should be established at the international level in relation to collective consumption requirements,

Recalling United Nations General Assembly resolutions 1803 (XVII) of 14 December 1962 and 2158 (XXI) of 25 November 1966 on permanent sovereignty over natural resources

Bearing in mind United Nations General Assembly resolution 1314 (XIII) of 12 December 1958, which declares that the permanent sovereignty of peoples and nations over their natural wealth and resources is a basic constituent of the right to self-determination,

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

Have agreed on the following:

Article 1

The techniques of remote-sensing satellite inventory and study of earth resources shall be used in close international co-operation for the benefit of all mankind.

Article 2

Until such time as some other appropriate body is available, the United Nations Secretariat shall be responsible for the functions of planning, consultation, information, inventorying and co-ordination of such activities in the initial stage to meet immediate needs, with a view of internationalizing overall surveys of resources,

Article 3

A data bank shall be established for that purpose, to which all States shall have access. When appropriate, the data bank shall disseminate on a worldwide basis the findings and practical results in respect of the use of such techniques to inventory and survey earth resources, with special reference to the interests and needs of the developing countries.

Article 4

The programmes for worldwide remote sensing will prevent the exploitation of natural resources from causing the spoliation or destruction of the environment, and will make for the preservation of a satisfactory balance through the increase of renewable resources in those areas which are best able to help maintain it.

Article 5

Until remote-sensing satellite surveys of earth resources have been placed on an international footing, the activities of the States which undertake such surveys must be based on the principle of equality between States and of the honourable fulfilment of international commitments, as well as the other principles of international law regarding friendly relations and co-operation between States.

Article 6

Surveys of natural resources and their findings with respect to the sea beyond State jurisdiction or of the ocean floor and subsoil beyond the limits of national jurisdiction shall be transmitted to the data bank. If the surveys involve the national territory and jurisdictional waters of one or more States, the facts and findings shall be promptly communicated to the State or States concerned and transmitted to the data bank.

Article 7

The principle of equality of rights and the self-determination of peoples embraces not only the right to internal sovereignty and independence, but also the economic aspect of the freedom to use and distribute their wealth, whereby the peoples may exercise their legitimate and exclusive rights over their natural resources. By virtue of this principle, the States shall exchange information among themselves on the discovery of new areas or of improved methods of exploiting natural resources, and shall transmit such information to the data bank.

Article 8

The exploitation of the natural resources of each State in its territory and in its jurisdictional waters shall be governed solely by national laws and regulations. Efforts shall be made by means of international agreements to improve the distribution of the resources and to plan concerted action to meet collective consumption requirements, with respect to the basic elements for subsistence essential raw materials and natural processes the knowledge of which, would raise mankind's level of living. (The final articles follow.)

ANNEX III

LIST OF DELEGATIONS, OBSERVERS AND SECRETARIAT

Chairman: Mr. Eugeniusz Wyzner (Poland)

Delegations

ARGENTINA

Representative:

Prof. Aldo Armando Cocca
Presidente del Comité de Ciencias
jurídicas, políticas y sociales de la
Comisión Nacional de Investigaciones
Espaciales de la Argentina

AUSTRALIA

Representative:

Mr. Bernard J. O'Donovan
Senior Assistant Secretary
Attorney-General's Department
Canberra

Alternate:

Mr. James Duncan Anderson
First Secretary,
Australian Embassy,
Madrid, Spain

AUSTRIA

Representative:

Prof. Karl Zemanek
University of Vienna

Alternates:

Dr. Franz Ceska
Deputy Permanent Representative
Permanent Mission of Austria

Dr. Tassilo Ogrinz
Secretary, Permanent Mission of Austria

BELGIUM

Representative:

Mr. Andre J. Vranken
Inspecteur général
Ministère des Affaires étrangères
Bruxelles

Alternate:

Mr. M.R. Fourdin
Directeur d'administration
Chef du Service des Organisations
Internationales
Ministère des Affaires étrangères

BRAZIL

Representative:

Mr. C.A. de Souza e Silva
Deputy Permanent Representative of Brazil
to the United Nations

Alternate:

Mr. Orlando Soares Carbonar
Secretary of Embassy

Adviser:

Mr. Paulo Fernando Telles-Ribeiro
Secretary of Embassy

BULGARIA

Representative:

Professeur Angal Anguelov
Professeur à la Faculté de Droit de
l'Université de Sofia

Alternate:

M. Ilia Koltchakov
Deuxième Secrétaire
Ministère des Affaires étrangères

CANADA

Representative:

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

CZECHOSLOVAKIA

Representative:

Mr. Otto Jachek
Premier Secrétaire à la Mission permanente
de Tchécoslovaquie

FRANCE

Representative:

M. Jean Félix Charvet
Conseiller à la Direction des Affaires
juridiques du Ministère des Affaires
étrangères

Alternates:

M. Gabriel Lafferranderie (8-20 June)
Conseiller juridiques
Centre National d'Etudes Spatiales

M. Jean Louis Ventacassin (22 June-3 July)
Chargé de Mission au Centre national
d'Etudes spatiales

HUNGARY

Representative:

Professor György Haraszti
Head of the International Law Department,
Faculty of Law
Eötvös Lóránd University, Budapest

INDIA

Representative:

Mr. N. Krishnan
Permanent Representative of India
Permanent Mission of India to the
United Nations Office, Geneva

Alternative:

Mr. P.C. Rao
Law Officer
Ministry of External Affairs

IRAN

Representative:

S.E.M. Sadegh Azimi
Ministre Conseiller
Délégation permanente de l'Iran auprès
de l'Office des Nations Unies à Genève

Alternates:

M. Gholam-Ali Sayar
Premier secrétaire
Délégation permanente de l'Iran auprès
de l'Office des Nations Unies à Genève

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

ITALY

Representative:

M. Emilio Bettini
Représentant permanent adjoint auprès
de l'Office des Nations Unies à Genève

Advisers:

Professeur Antonio Ambrosini
Professeur de l'Université de Rome

M. Francesco Capotorti
Professeur à l'Université de Naples

M. Alberto Schepisi
Deuxième Secrétaire à la Mission
d'Italie à Genève

JAPAN

Representative:

Mr. Shigeru Tokuhisa
Minister,
Permanent Delegation of Japan to the
United Nations, Geneva

Alternate:

Mr. Hisashi Owada
First Secretary
Permanent Mission of Japan to the
United Nations
New York

JAPAN (contd)

Special Adviser:

Professor Soji Yamamoto
Professor of International Law
Seikei University
Tokyo

Advisers:

Mr. Y. Shimizu
Secretary, Scientific and Technical Agency
Tokyo

Mr. K. Akimoto, Secretary
Legal Affairs Division, Treaty Bureau,
Ministry of Foreign Affairs
Tokyo

Mr. K. Takano
Third Secretary
Permanent Delegation of Japan to the
United Nations
Geneva

LEBANON

Representative:

Mme. Ruby Homsy
Première secrétaire
Mission permanent du Liban auprès de
l'Office des Nations Unies à Genève

MEXICO

Representatives:

Sr. Carlos Elizondo Alcaraz
Secretario de la Comisión Nacional del
Espacio Exterior

Sr. Bernardo Sepúlveda Amor
Subdirector en la Dirección General de
Asuntos Jurídicos de la Secretaría
de la Presidencia

Alternate:

Sr. Ricardo Valero
Tercer Secretario de Embajada

MONGOLIA

Representative:

Mr. Byuntyn Dashtseren
Deputy Permanent Representative of
Mongolia to the United Nations
New York

Adviser:

Mrs. Damingiin Baljinnyam
Attaché of the Permanent Mission of
Mongolia to the United Nations
Geneva

POLAND

Representative:

Mr. Jerzy Osiecki
First Secretary
Permanent Mission of Poland to the
United Nations
Geneva

ROMANIA

Representative:

M. Paul Gogeanu
Professeur à l'Université de Bucarest

Adviser:

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

SWEDEN

Representative:

Mr. Folke Persson
Head of Division
Ministry for Foreign Affairs
Stockholm

UNION OF SOVIET SOCIALIST
REPUBLICS

Representative:

Mr. Alexandre S. Piradov
Professor of International Law
Academy of Sciences
Moscow

Alternate:

Mr. Yuri M. Rybakov
Counsellor in Legal and Treaty
Department of Foreign Ministry
Moscow

Advisers:

Mr. August A. Rubanov
Professor of International Law
Academy of Sciences
Moscow

Mrs. Era G. Vassilevskaja
Professor of International Law
Academy of Sciences
Moscow

UNITED ARAB REPUBLIC

Representative:

Mr. El Sayed Abdel Raouf El Reedy
Counsellor
Permanent Mission of the United Arab
Republic to the United Nations
Office at Geneva

Alternate:

Mr. Motio Ismail
Third Secretary
Permanent Mission of the United Arab
Republic to the United Nations
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