

UNITED NATIONS  
GENERAL  
ASSEMBLY



12-5

Distr.  
GENERAL

A/AC.105/C.2/10  
29 June 1971

ENGLISH  
Original: ENGLISH/FRENCH  
RUSSIAN/SPANISH

COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE  
Legal Sub-Committee

Dual Distribution

Draft Convention on International Liability  
for Damage Caused by Space Objects

(Text adopted by the Sub-Committee at its 166th meeting on 29 June 1971)

The States Parties to this Convention,

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

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

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

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

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

Have agreed on the following:

Article 1

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 which are jointly and severally liable.

Article V

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

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

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

#### Article VI

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

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

#### Article VII

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

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

#### Article VIII

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

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

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

#### Article IX

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

#### Article X

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

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

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

#### Article XI

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

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

Article XII

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

Article XIII

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

Article XIV

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

Article XV

1. The Claims Commission shall be composed of three members: one appointed by the claimant State, one appointed by the launching State and the third member, the Chairman, to be chosen by both parties jointly. Each party shall make its appointment within two months of the request for the establishment of the Claims Commission.
2. If no agreement is reached on the choice of the Chairman within four months of the request for the establishment of the Claims Commission, either party may request the Secretary-General of the United Nations to appoint the Chairman within a further period of two months.

Article XVI

1. If one of the parties does not make its appointment within the stipulated period, the Chairman shall, at the request of the other party, constitute a single-member Claims Commission.
2. Any vacancy which may arise in the Claims Commission for whatever reason shall be filled by the same procedure adopted for the original appointment.
3. The Claims Commission shall determine its own procedure.

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

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

Article XVII

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

Article XVIII

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

Article XIX

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

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

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

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

Article XX

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

Article XXI

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

Article XXII

1. In this Convention, with the exception of Articles XXIV to XXVII, references to States shall be deemed to apply to any international intergovernmental organization which conducts space activities if the organization declares its acceptance of the rights and obligations provided for in this Convention and if a majority of the States members of the organization are States Parties to this Convention and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.
2. States members of any such organization which are States Parties to this Convention shall take all appropriate steps to ensure that the organization makes a declaration in accordance with the preceding paragraph.
3. If an international intergovernmental organization is liable for damage by virtue of the provisions of this Convention, that organization and those of its members which are States Parties to this Convention shall be jointly and severally liable; provided, however, that:
  - (a) any claim for compensation in respect of such damage shall be first presented to the organization; and
  - (b) only where the organization has not paid, within a period of six months, any sum agreed or determined to be due as compensation for such damage, may the claimant State invoke the liability of the members which are States Parties to this Convention for the payment of that sum.
4. Any claim, pursuant to the provisions of this Convention, for compensation in respect of damage caused to an organization which has made a declaration in accordance with paragraph 1 of this Article shall be presented by a State member of the organization which is a State Party to this Convention.

Article XXIII

1. The provisions of this Convention shall not affect other international agreements in force in so far as relations between the States parties to such agreements are concerned.
2. No provision of this Convention shall prevent States from concluding international agreements reaffirming, supplementing or extending its provisions.

Article XXIV

1. This Convention shall be open to all States for signature. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.
2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.
3. This Convention shall enter into force on the deposit of the fifth instrument of ratification.
4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Convention, the date of its entry into force and other notices.
6. This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article XXV

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



Article XXVI

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

Article XXVII

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

Article XXVIII

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

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

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

<p>宇宙物体による損害に対する国際的責任に関する協定案 (概説) (国連宇宙空間平和利用委員会第10回会期法理小委員会第2回会合議案)</p>	<p>第1条 (定義)</p> <p>(a) damage (損害)は、人命の損傷、健康障害、自然人および法人ならびに国家の財産の滅失毀損、ならびに政府同の口陸境間の財産の滅失毀損を意味する。</p>
<p>この協定の加盟国は、 人類の平和目的のための宇宙の探査および利用に関する交通の関心を認め、</p>	<p>(b) launching (打上げ)には、試験的打上げを含む。</p>
<p>月面他の天体を含む宇宙空間の探査及び利用における国家活動を律する原則に関する条約を想起し、</p>	<p>(c) launching state (打上げ国)とは、 (1) 宇宙物体 (space object) を打上げまたは打上げに実質的に参加 (participate) した国</p>
<p>打上げに参加する国や国際機関による予防措置にもかかわらず場合により打上げられた物体による損害が起りうることを考慮し、</p>	<p>(2) 今の領土又は施設から宇宙物体が打上げられた国を意味する。</p>
<p>このような損害に関する責任に関する効果的な規則と手続を確立すること並びに被害者に対する十分な同等の賠償の早急な支払を確保することの必要性を認め、</p>	<p>(d) space object (宇宙物体)には、宇宙物体の構成部分 (component parts) ならびに打上げロケット (launcher vehicle) およびこれらの部品を含む。</p>
<p>このような規則と手続の設立が宇宙空間の平和的な探査および利用の分野における国際関係の強化に寄与することを信じる、</p>	<p>第2条 (無過失責任)</p> <p>打上げ国は、地球と飛行中の航空機に対する宇宙物体による惹起した損害の賠償の支払については、絶対的責任を負うものとする。</p>
<p>次のように合意した。</p>	<p>第3条 (過失責任)</p> <p>宇宙空間において宇宙物体が他の国の宇宙物体またはその乗員および財産に与えた損害に関し、過失責任がある。</p>

# 第4条 ( オミ国の受けた損害に対する責任 )

1 宇宙空間において宇宙物体が他の国の宇宙物体またはその乗員および財産に損害を与え、これにより オミ国 なるべしにその自然人

および法人に対して惹起された損害については、初めの二国はオミ国  
に対して共同責任を負う。その範囲は、次による。

- (a) 地上と飛行中の航空機に対する損害については、無過失責任
- (b) 宇宙空間における宇宙物体およびその乗員と財産に対する損害  
については、過失があると認め、責任がある。

2 二国間の責任の配分については、原則として両国の過失の程度  
による。過失の程度を明確にし得ないときは、責任の分担は等

しいものとする。ただし、被害を受けたオミ国は、両国に全額を要  
求できる。

# 第5条 ( 共同打上げ国 および 領土施設提供国の責任 )

1 共同打上げ国は、共同して個別責任を負う。

2 賠償を支払った国は、他の共同打上げ国に対して求償権を有する。  
共同して打上げを行なう国は、責任の配分について協定 (agree-  
ment) を結ぶことができる。しかしながら、被害国はまたオミに  
全額の賠償を請求できる。

3 自国の領土および施設から宇宙物体が打上げられた国は、共同  
打上げ国とみなされる。

# 第6条 ( 免責の制限 )

1 無過失責任の原則に対して、損害が請求国あるいはその自然人または法人の重大な怠慢または故意による行為や手続錯誤におこ  
り惹起されたということも、打上げ国が立証すれば、その程度に応  
じて免責される。

2 打上げ国による、国際法または国連憲章あるいは宇宙条約  
に違反した活動により損害が発生した場合には、免責されない。

# 第7条 ( 適用範囲 )

この協定は、次の場合には適用されない。

- (a) 打上げ国の国民
- (b) 打上げの際中に宇宙物体のオペレーションに参加していた外  
国人、または同じ時に打上げ国の手続において打上げ  
地であるいは回収地区 (recovery area) の近くにいる外国人

# 第8条 ( 請求提起 )

1 国、自然人および法人が損害を受けたときは、その国が打上げ国に対して損害賠償を請求する。

2 国籍国が請求を提起しないときは、他国が初級裁判所で「自然人および法人が」受けた損害に対し、当該国が打上げ国に対して請求しうる。

3 上述の両国が請求を提起しないときは、永住者が受けた損害について、その者が永住している国が請求を提起しうる。

#### 第9条 (外交経路による請求)

請求の提起は、外交知照を要して行われなければならない。外交関係がないときは、他の国に請求の提起もしくは、本協定の

下における権利の代行を要求することができ。さらに、請求国と打上げ国が国際連合のメンバーであるときは、事務総長

を通じて、請求しうる。

#### 第10条 (請求提起の期限)

1 請求の提起は、損害の発生に際してまたは責任当事国が明確になったときから1年以内に限られる。

2 以上、損害の発生を知らぬときは、または責任当事国が識別できないときは、これらの事実を知ったときから1年以内とする。

3 前2項の期限は、全損害が発生しているとしても適用される。この時全損害が発生してから1年以内に限り、請求を修正追加しうる。

#### 第11条 (他の請求手続との関係)

1 請求の提起は、当該国内における賠償措置 (local remedies) と前もって相違する必要はない。

2 この協定は、別添に、口、自然人および法人が打上げ国の司法裁判所、行政裁判所または行政当局に請求を提起する

を妨げない。しかし、そのような請求を提起したとき、または他の請求の口先向の合意があるときは、口は、併行してこの協定に

よる請求を提起できない。

#### 第12条 (賠償額算定の基準)

請求が提起されたとき、自然人、法人、口または口際持主と損害を受けたものは「存在したであろう状態に回復しうるように賠償

を行わなければならない。本協定により打上げ国が支払うべき賠償は、国際法および正義と公平の原則に基づいて決定されるべきである。

#### 第13条 (支払通貨)

<p>両当事国が合意した場合を除き、請求国の通貨を支払わなければならない。ただし、請求国が希望した又は支払国の通貨による。</p>	<p>おとが裁定は多数決による。</p>
<p>第14条 (紛争処理委員会の設置)</p> <p>第1条に規定した外交経路を通じて、1月以内に紛争の解決がつかないときは、関係国は1つ1つが一方の国の要求により紛争処理委員会 (Claims Commission、以下「委員会」といふ) を設立しなければならない。</p>	<p>第17条 (共同打上げ、複数の被害国による委員の選任)</p> <p>請求国と打上げ国が2ヶ国以上あっても、委員会のメンバーを指定するとはならない。2ヶ国以上の請求国は、1請求国の場合と同様の方法で委員を1人指名しなければならない。2ヶ国以上の打上げ国も同様である。両当事国が上述の期間内に指名しないときは、議長は一者指定の委員会を置く。</p>
<p>第15条 (委員会の組織)</p> <p>1. 委員会は三名構成とし、請求国および打上げ国がそれぞれ指名し、議長となる。委員は両当事国の賛同により選ばれる。</p> <p>この選任は委員会の設立要求の日から2ヶ月以内に行なうこと。</p> <p>2. 4ヶ月以内に議長の選定に關し合意が成立しないときは、どちらの国も2ヶ月以内にこの指名を1国連事務総長に要求がきみ。</p>	<p>第18条 (裁議事項)</p> <p>委員会は、賠償請求の因果関係と支払すべき賠償額を定める。</p>
<p>第16条 (指名しなす時の処置等)</p> <p>上述の期間内に一方の国が指名しなすときは、(1) 2名の要求がなれば、議長は一者構成による委員会を設立しなければならない。</p> <p>2. 委員会に欠員が生じたときは、同様の手続により補充すること。</p> <p>3. 委員会は、審議手続を定める。</p> <p>4. 委員会は、設置場所その他必要な事項を定める。</p> <p>5. 一者構成による場合を除いて、委員会の総べつの決定</p>	<p>第19条 (決定または裁定の効力)</p> <p>1. 委員会は、第12条の規定に従って行動する。</p> <p>2. 委員会の決定は、両当事国が合意した場合は最終的 (final) の拘束力 (binding) を有する。この以外の場合は最終的 (final) の勧告的 (recommendatory) 決定である。この裁定に付して、当事国は該案に同意 (agree) しなければならない。委員会は、この決定または裁定の理由を明らかにしなければならない。</p> <p>3. 委員会は、可能な限り速急に、少くとも設立後1年以内</p>

1. 結論を出すこと。ただし、この期間中は委員会において必要と認められたときは延長される。

4. 委員会は、その決定するは裁量と公義に依るべきこと。

第20条 (委員会の費用の分担) [33]  
仲裁委員会の費用は、委員会が決定するべき範囲内、両当事国が平等に分担する。

第21条 (援助) [34]  
損害が、人命に付する大規模な危険または重要な土地における国民や財産に重大な損傷を及ぼした場合、この協定の加盟国、特に被害国は、被害国が要求した場合は適切かつ早急な援助をすべき可能性を検討しなくてはならない。しかし、この条項は、加盟国に権利または義務を課するものではない。

第22条 (国際機関)  
1. この協定において、第4条から第7条の規定を除いて、口条に述べたことは、当面活動も行なっている国際機関に委ねられる。  
2. 当該機関が本協定の権利・義務の受諾宣言をするか、あるいは国際機関の加盟国の多数が、本協定が締結協定の加盟国であることを要する。  
3. 国際機関の加盟国であり、本協定の加盟国は、当該機

関による受諾宣言を促進するために適切な手段をとること。

3. 本協定により政府間口際機関が損害に責任を負うときは、当該機関および協定加盟国であるメンバーには、次に於て其同様の平等に責任を負う。

(a) 請求は、まず初めに口際機関に提起すること。  
(b) 6ヶ月以内に当該口際機関が支払をなしたときは、請求は本協定加盟国たるメンバーに賠償の支払を請求する。

4. 本項により受諾宣言をした機関に対して起った損害に関する賠償請求は、本協定加盟国たるメンバー間が提起する。

第23条 (他の合意等との関係)  
1. 本協定は、加盟国相互間で合意した他の合意の効力に影響を及ぼさない。  
2. 本協定は、各口が協定条項を拡大し、補充し、自認認する口際協定を結ぶことを妨げない。

第24条 (署名、発効要件(5ヶ口の批准)等) 略

第25条 (改正) 略

第26条 (評議、10月、1/2以上賛成の場合5月後) 略

第27条 (脱退) 略

第28条 (正本) 略