



Convention on International Liability for Damage Caused by Space Objects

Background

In the early stages of man's exploration of outer space, Technologies and scientific changes brought by space activities are regarded as state-of-the-art progress of mankind. At the same time such overwhelming progress were thought to carry greater risks and causes awareness for men to specifically and carefully address the issue of responsibility and liability over such risks.

Realizing that the Magna Carta of outer space activities; the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space including Moon and Other Celestial Bodies ("The Outer Space Treaty") is insufficient in regulating the issues of liabilities, the Convention on International Liability for Damage Caused by Space Objects ("Convention") is made as a supplementary form of support to govern liabilities for any risks from outer space activities, especially risks on damages caused by space objects.

Adopted by the General Assembly in its resolution 2777 (XXVI), and entered into force in 1972, this Convention remains as one of the most important treaty in the compilations of outer space treaties existing until current.

Concept

As what the title suggest, the Convention sought to govern the matters of liability for damages that arises because of space objects. The convention also sets up a procedure for liability claims by the parties who are damaged.

The Convention was made to complement Article 7 of The Outer Space Treaty, which speaks liability for damages of space objects in a vague manner.

Entry into Force

This Convention was opened into signature on 29 March 1972 at London, Moscow, and Washington D.C. and later entered into force on 1 September 1972. As of January 2012, 88 States have become a member of this convention by ratification, acceptance, approval, accession, or succession, 23 states have signed the treaty, and 3 States have declared their acceptance of rights and obligations under the treaty.

Main Features

The Convention consists of 28 Articles.

- a. Article 1 gives the scope and definitions for the Convention. Damages that could be claimed is only limited to 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. Application of this whole convention refers "Launching State" as the subject that could be invoked with liability. Launching State, according to Article 1 (c) means (i) A State which launches or procures the launching of a space object; (ii) A State from whose territory or facility a space object is launched.
- b. Article 2 speaks of absolute liability of the launching state, if the damages caused by their space objects occurs on the surface of the Earth or to aircraft in flight
- c. Article 3 sets fault liability, where when a space object of a launching state causes damage to another space object of different launching state elsewhere than on the surface of the earth, the launching state causing the damage is liable to the extent of the damages that are caused by their fault.
- d. Article 4 elaborates on liability for damages caused to third parties.
- e. Article 5 sets that when two or more States jointly launch a space object, they shall be jointly and severally liable for any damage caused by such space object.
- f. Article 8, 9, 10 allows States, who suffers, or whose natural or juridical persons suffers damage to present liability claims through diplomatic channels, and may only put such claims in a time not later than 1 year after the date of occurrence

- g. Article 12 states that the amount of compensation or reparation is determined in accordance with International Law and the principles of justice and equity
- h. Article 14 – 20 allows the establishment Claims Commission if there is no settlement of claims through diplomatic channels. The Claims commission consist of 3 members; one appointed by the Claimant State, one appointed by the Launching State, and the Chairman, chosen by both parties jointly.
- i. Article 22 which gives application of this Convention to International Organizations.

(Theodore Manggala Amarendra)

Agreement Governing the Activities of States on the Moon and Other Celestial Bodies

Background

The success of men flights to outer space has urged the United Nation to create treaties governing the uses and exploration of the outer space. Included, as part of the outer space are the moon and other celestial bodies. Seeing that further detailed provision needs to be made with regard to the exploration, exploitation, and use of the moon and other celestial bodies by states, the Convention on the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies ("Convention") is enacted. The Agreement was adopted by the General Assembly in resolution 34/68 in 1979.

Concept

The Agreement reaffirms and elaborates on many of the provisions of the Outer Space Treaty as applied to the Moon and other celestial bodies, providing that those bodies should be used exclusively for peaceful purposes, that their environments should not be disrupted, that the United Nations should be informed of the location and purpose of any station established on those bodies.

In addition, the Agreement provides that the Moon and its natural resources are the common heritage of mankind and that an international regime should be established to govern the exploitation of such resources when such exploitation is about to become feasible.

Entry into Force

Though open for signature since 1979, it was not until June 1984, when the fifth country, Austria, ratified the Agreement, does this Convention was able to enter into force later at July 1984. As of January 2012, only 13 States have become members of the Convention through the process of ratification, acceptance, approval, accession, or succession, and 4 states have signed the treaty but have not yet ratified it into their laws.

Main Features

The Convention consists of 21 Articles, with these important main features:

- a. The obligation to conduct all activities in the Moon in accordance with International Law pursuant to Article 2, and the obligation to carry such activity for the benefit and interest of all countries, irrespective of their degree of economic or scientific development, pursuant to Article 4
- b. The establishment by Article 3 that the Moon is only to be used for peaceful purpose, therefore, prohibiting any threats or uses of force on the Moon, any carriage or placement of nuclear weapons or other kinds of weapons of mass destruction on the Moon, and any establishment of military base, installations, and fortification. Military personnel may only be used for scientific researches or other peaceful purposes.
- c. The freedom of Scientific investigation on the Moon by all States Parties without discrimination of any kind by Article 6
- d. The establishment that the Moon and its natural resources are the common heritage of mankind, and is not subject to national appropriation by any claim of sovereignty, by means of use or occupation, or by any other means in Article 11.
- e. Article 12 sets that State Parties retains jurisdiction and control

over their personnel, vehicles, equipment, facilities, stations, and installations on the Moon.

- f. Article 16 states that the provisions on this Convention is also made to apply to International Organizations

(Theodore Manggala Amarendra)

Treaty on The Southeast Asia Nuclear Weapon Free zone

Background

In an effort to strengthen global nuclear non-proliferation, and in order to attain international peace and security, particularly the southeast Asia region, the Treaty on the Southeast Asia Nuclear Weapon-Free Zone ("Convention") or commonly known as the Bangkok Treaty is established between the Southeast Asia states, which are under the auspices of the Association of South East Asian Nation (ASEAN).

The groundwork of the establishment of such treaty had already begun since 27 November 1971, when 5 original members of ASEAN, Indonesia, Malaysia, Philippines, Singapore, and Thailand, signed the Declaration on the Zone of Peace, Freedom and Neutrality in Kuala Lumpur. However, it was not until after the 1990s, when the Cold War ended and several conflicts among the ASEAN State members were settled that the establishment for making a Nuclear Weapon Free-Zone in Southeast Asia is pursued by ASEAN.

In coordination with United Nation's International Atomic Energy Agency (IAEA) Southeast region remains as a Nuclear Weapon Free Zone.

Concept

The Convention disregards and prohibits any means related to nuclear weapons in the Southeast Asia region, whether such means are conducted by the State Parties (ASEAN States), or such means

conducted by other States in the territories of the State Parties.

Of course, the Southeast Asia shall be a nuclear weapon free zone, without prejudicing the right of State Parties to use nuclear energy, in particular for their economic development and social progress.

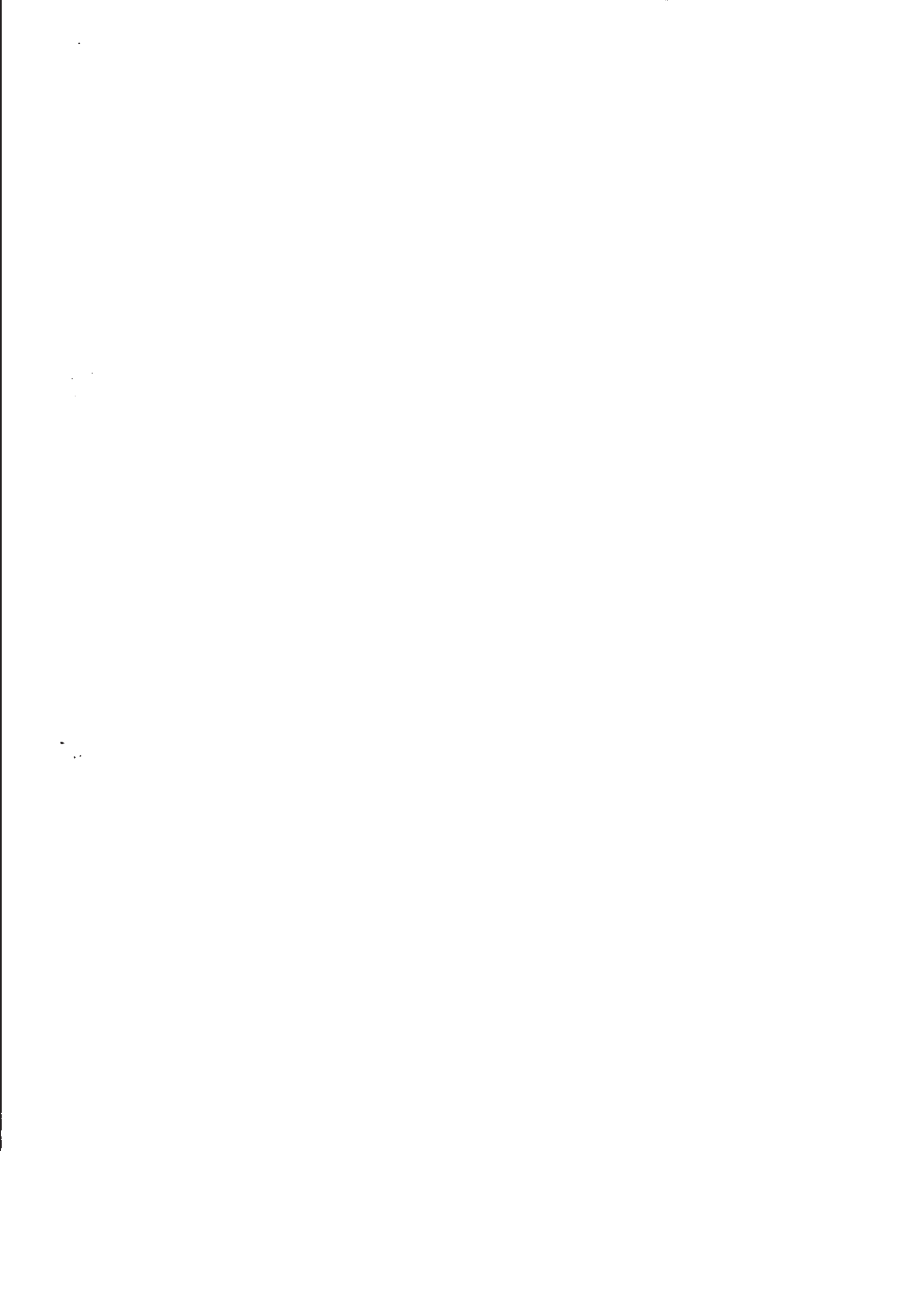
Entry into Force

10 ASEAN members signed the Convention unanimously on 15 December 1995, and the treaty enters into force on 28 March 1997, after 9 States, excluding Philippines have ratified it. It later become fully effective on 21 June 2001, when the Philippines ratified the treaty, making the ASEAN region as a fully nuclear weapon free zone.

Main Features

The Convention contains 22 Articles, with these Main Features:

- a. Establishing the Zone that is free from nuclear weapons includes the land territories, internal waters, territorial sea, archipelagic waters, the continental shelves, and the exclusive economic zones of the ASEAN States, mentioned in Article 1.
- b. In its Article 3, it Establishes 4 basic undertakings;
 1. Undertakes the ASEAN States as the State Parties not conduct any means related to Nuclear Weapons
 2. Undertakes the ASEAN States not to allow in its territory any means related to Nuclear Weapons to be conducted by other States
 3. Undertakes the ASEAN States not to dispose, dump, or be disposed any radioactive materials
 4. Undertakes to take necessary actions for any acts which are in violation of the above undertakings.
- c. Moreover, article 4 establishes that nuclear energy may still be used by the ASEAN States for peaceful purpose, hence, undertaking the State Parties to assure themselves that the nuclear energy is exclusively conducted for peaceful purpose only.
- d. In purpose of overseeing the implementation of this Convention and to ensure the compliance of State Parties to the provisions in the convention, Pursuant to Article 8, a Commission for the Southeast Asia Nuclear Weapon-Free Zone ("Commission") is established. All State Parties are ipso facto members of the Commission,



- and be represented by its Foreign Ministers or his representative accompanied by alternates and advisers.
- e. Further, a subsidiary organ of the Commission, namely the Executive Committee is established under article 9. The Executive Committee is composed of all State Parties to this Treaty, and be represented by one senior official as its representative, who may be accompanied by alternates and advisers. The Executive Committee acts as a kind of field enactors of the application of the treaty, and has the obligation to maintain the control system, processes fact finding missions, and carry out other tasks assigned by the Commission
 - f. The Control System mentioned above, which is stipulated in Article 10, comprises of
 1. IAEA safeguard system, for the uses of nuclear energy for peaceful purposes (Article 5)
 2. Report and exchange of information, a report by State Parties with regard to significant events occurring under their territory and jurisdiction (Article 11)
 3. Request for clarification, a right given to State Parties to request for clarification to other State Parties, given the condition that there are ambiguity or doubts about the compliance of such other State Party (Article 12)
 4. Request and procedures for fact-finding mission, Fact Finding mission may be requested to clarify and resolve the ambiguity and doubts occurring (Article 13)
 - g. In cases where there is found a breach of this Convention by a State Party, the State Party, within a reasonable time is obligated to take all steps necessary to bring itself in full compliance again with the Convention. If the State Party fails or refuses to comply, the Executive Committee shall request the Commission to convene a meeting. The meeting discusses the consideration of the emergent situation, and discuss decisions to make or any measures that is deemed appropriate to cope with the situation.

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