

No. 30017

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
CHINA**

**Exchange of notes constituting an agreement concerning
liability for damage arising during the launch phase of
the Asiasat satellite. Beijing, 26 March and 2 April 1990**

Authentic texts: Chinese and English.

*Registered by the United Kingdom of Great Britain and Northern Ireland
on 24 May 1993.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
CHINE**

**Échange de notes constituant un accord relatif à la respon-
sabilité pour les dommages causés lors de la phase de
lancement du satellite Asiasat. Beijing, 26 mars et 2 avril
1990**

Textes authentiques : chinois et anglais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 24 mai 1993.*

[TRANSLATION¹ — TRADUCTION²]

*The Chinese Ministry of Foreign Affairs
to Her Majesty's Embassy in Peking*

MINISTRY OF FOREIGN AFFAIRS
PEKING

26 March 1990

90 Bu Ou Zi No. 096

“The Ministry of Foreign Affairs of the People's Republic of China presents its compliments to the Embassy of the United Kingdom of Great Britain and Northern Ireland in China and has the honour, on behalf of the Government of the People's Republic of China, to confirm that, with respect to the liability for damage to other states or their nationals arising during the launch phase (from ignition of the launch vehicle to the separation of the satellite from the launch vehicle) of the ASIASAT satellite, the two Parties, after friendly consultations have reached the following agreement:

1. The Government of the People's Republic of China (hereinafter referred to as “China”) and the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the “United Kingdom”) note that the China Great Wall Industry Corporation will launch the ASIASAT satellite for the Asia Satellite Telecommunications Company Ltd from the People's Republic of China around 7 April 1990.
2. China and the United Kingdom also note that both of them are parties to the Convention on International Liability for Damage Caused by Space Objects of 1972³ (hereinafter referred to as the “Liability Convention”) 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 of 1967⁴ (hereinafter referred to as the “Outer Space Treaty”).
3. China and the United Kingdom agree that, with regard to the compensation for damage to other states or their nationals arising during the launch phase (from ignition of the launch vehicle to the separation of the satellite from the launch vehicle) of the ASIASAT satellite, China shall assume the liability, as between them, under the Liability Convention, the Outer Space Treaty and other principles of international law, and, subject to Article 4 below, shall indemnify the United Kingdom for compensation claims for the above-mentioned damage for which the United Kingdom may be liable.
4. China and United Kingdom agree:
 - (1) In the event that a claim for compensation for damage within the scope of Article 3 above is brought against the United Kingdom, the United Kingdom, as soon as possible after receiving notice of such claim, shall notify China thereof.

¹ Translation provided by the Government of the United Kingdom.

² Traduction fournie par le Gouvernement du Royaume-Uni.

³ United Nations, *Treaty Series*, vol. 961, p. 187.

⁴ *Ibid.*, vol. 610, p. 205.

- (2) The United Kingdom shall not make any settlement with any such claimant without full consultation with China.
- (3) In the event that China objects to the terms of a proposed settlement between the United Kingdom and any such claimant, the United Kingdom shall submit the claim to a claims commission as provided for in the Liability Convention or to a claims commission whose procedures accord with the procedures in Articles through XX thereof. In this event, China shall compensate the United Kingdom for any settlement of such claim up to the amount recommended by the claims commission. Subject to Articles XV, XVI, XVII of the Liability Convention with respect to failure to select a commission member, selection of members by the United Kingdom shall require prior consultation with, and the approval of, China.

If the above-mentioned is kindly confirmed in a Note of reply by the Embassy on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland, the present Note and the reply of the Embassy shall form an Agreement between our two Governments and shall come into force on the date of the reply of the Embassy.

The Ministry of Foreign Affairs of the People's Republic of China avails itself of this opportunity to renew to the Embassy of the United Kingdom the assurances of its highest consideration.”

II

*Her Majesty's Embassy at Peking
to the Chinese Ministry of Foreign Affairs in Peking*

BRITISH EMBASSY

PEKING

2 April 1990

Her Britannic Majesty's Embassy present their compliments to the Ministry of Foreign Affairs and have the honour to acknowledge receipt of the Ministry's Note of 26 March 1990, which in translation reads as follows:

[*See note I*]

The Embassy have the honour to confirm that the terms and conditions set out in the Ministry's Note are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland and that the Ministry's Note, together with this reply shall constitute an Agreement between the two Governments which shall enter into force today.

Her Britannic Majesty's Embassy avail themselves of this opportunity to renew to the Ministry of Foreign Affairs the assurance of their highest consideration.
