



*The Honourable Mitchell Sharp,  
Secretary of State for External Affairs*

Antartica had turned the world's southernmost continent into a source of international friction and controversy, brought on by competing territorial claims. The Antartica Treaty of 1959 converted this area into one of peaceful co-operation. Now we are concerned with the exploration and use of outer space; and tomorrow it will likely be the sea-bed and ocean-floor.

The orbiting of the first Soviet *Sputnik* in 1957 heralded the arrival of our space age. Drawing on the Antarctic experience, the General Assembly established a Committee on the Peaceful Uses of Outer Space, which created a Legal Sub-Committee, including Canada, to study "the nature of legal problems which may arise in the carrying out of programmes to explore outer space". Eventually, in 1962, sufficient agreement was achieved to make possible the unanimous adoption by the General Assembly of the "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space". The General Assembly agreed also that the substance of the Declaration should form the basis of a treaty on outer space. Some states voluntarily declared that they would abide by the legal principles contained in the Declaration. As the United States Ambassador, Adlai Stevenson, said: "We believe these legal principles reflect international law as it is accepted by the members of the United Nations. The United States, for its part, intends to respect these principles."

The Soviet representative, Mr. Fedorenko, replied that: "The Soviet Union, for its part, will also respect the principles." Thus, by unanimous declaration, the United Nations succeeded in making new international law. Canada played an active role in the embodiment of these declared principles into the Outer Space Treaty of 1967.

#### LAWS FOR OUTER SPACE

The Treaty confirms that the exploration and use of outer space shall be for the benefit of all countries, irrespective of the degree of their economic or scientific development. It proclaims the complete freedom of outer space and its use without discrimination of any kind. It affirms that outer space and celestial bodies, including the moon, are not subject to national appropriation and that they shall be used exclusively for peaceful purposes. It prohibits the stationing in space or on celestial bodies of nuclear weapons and other kinds of weapons of mass destruction. It also extends the provisions of international law to activities conducted in outer space and on celestial bodies. It is immensely encouraging that our fractious world community has found the wisdom to establish an orderly regime for an area which would well have become a major source of discord.

The United Nations and its Outer Space Committee are continuing to elaborate the law of outer space. An agreement on the rescue of astronauts, the return of astronauts, and the return of objects launched into outer space came into force in December last year. It balances the interests of those states launching and recovering astronauts and space objects with the sovereign rights of states on whose territory search and rescue operations may be conducted. But its overriding concern is for the safety and prompt return of the "envoy of mankind" — the astronaut.

The next task for the Outer Space Legal Sub-Committee is to draft an agreement on liability for damage caused by objects launched into outer space. Given the dramatic increase in the number and size of space objects launched each year, it is inevitable that accidents will one day occur in which damage will be caused on earth. International lawyers are seeking to prepare for this much in the same manner as they did when aeroplanes were first introduced.

#### CONTROL OF SATELLITES

Canada is now taking a leading part in the United Nations study of the technical feasibility and related implications of one of the newest developments in space technology — direct broadcasting from satellites, beaming television programmes from one country straight into the homes of another. Satellites are of great interest to Canada as it is our intention to establish our own domestic satellite communications system. So we collaborated with Sweden in encouraging the establishment of a special United Nations working group to study the subject and in presenting