

Outer Space Law

The Legal Bureau, which is represented on the Interdepartmental Space Committee's Sub-Committee on the International Aspects of Space Policy, coordinates Canadian participation in the legal aspects of the work of the United Nations Committee on the Peaceful Uses of Outer Space (Outer Space Committee) and its Legal Sub-Committee. The following are some of the main subjects currently or recently under consideration:

(a) International Liability Convention

After many years of difficult negotiation in the Outer Space Committee and its Legal Sub-Committee, on the recommendation of the Outer Space Committee the 1971 session of the United Nations General Assembly endorsed the Convention on International Liability for Damage Caused by Space Objects. Canada, Iran, Japan and Sweden were the only countries who abstained in the vote on the resolution commending the Convention. These countries expressed the view that the Convention was not sufficiently "victim-oriented" as it does not refer specifically to the law of the place where the damage occurs as the applicable law to determine the measure of compensation, and does not provide for binding arbitration in the event that the states directly concerned cannot reach agreement on responsibility for damage and the amount of compensation. These features were not included in the "compromise package" agreed to between the U.S.A. and U.S.S.R. at the 1971 session of the Legal Sub-Committee.

Most countries, while willing to endorse the Convention on the grounds that it was the best compromise achievable, would have preferred arbitration awards to be binding rather than merely recommendatory. Accordingly, Canada proposed in the General Assembly's First Committee