

IMPLICATIONS OF CANADIAN PARTICIPATION IN THE NEW CIVIL INTERNATIONAL SPACE STATION

The major recent development in space law for Canada was the signing of the *Intergovernmental Agreement on the Civil International Space Station* in Washington, D.C., on January 29, 1998. In 1988, Canada, along with Japan, the United States and the member states of the European Space Agency, signed (but never ratified) the first Intergovernmental Agreement on the Civil International Space Station. In 1994, the Space Station partners agreed to invite Russia to enter negotiations in order to join the partnership.

Canada has a unique role since virtually the inception of the project in 1984, upholding the tradition of the CANADARM on the U.S. space shuttles. Our excellence in robotics was reaffirmed by the announcement that Canada would also supply the "hand" on the end of the new generation of CANADARM, the Special Purpose Dexterous Manipulator (SPDM). As a result of this investment, Canada will have the right to a three-month Canadian astronaut flight every three years, consistent with our investment in the project.

With the new Space Station, humanity will no longer be a temporary visitor in space (as was the case until now with short orbital or lunar flights). There will soon be a permanent human presence in space, one that will require a new legal regime. Until now, manned space objects were launched by a state (usually the United States or the Soviet Union/Russia). As a rule, the space object was deemed to be an extension of the launching state's sovereignty, where the launching state's laws had jurisdiction.

The new Space Station will be multinational. Each state-partner will have jurisdiction on its elements (that is, each state will have jurisdiction over the parts of the Station that it provides) and over its nationals operating on the Station. Unlike the other states that are providing complete components (the Japanese laboratory, the U.S. living quarters, etc.), Canada will provide a small yet vital element to the Station, the SPDM, the new robotic arm. Canadian legislation must therefore be amended to extend Canadian jurisdiction to the SPDM and to all Canadian nationals operating on the Space Station.

As a result, some Canadian laws may need to be amended, including:

- the *Criminal Code*, to extend the application of Canadian criminal jurisdiction into Outer Space;