

5- 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 U.N. 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 U.N. Outer Space Committee and its Legal Sub-Committee, on the recommendation of the Outer Space Committee the 1971 session of the U.N. 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 that states consider making declarations, when they sign or ratify the Convention, to accept arbitration decisions as binding vis-à-vis any state which makes a reciprocal declaration. This option was incorporated in the resolution commending the Convention.

(b) Canada/France Draft Registration Convention

As announced by Canada at the 1971 sessions of the U.N. Outer Space Committee and General Assembly, at the April, 1972 session in Geneva of the Legal Sub-Committee the Canadian delegation tabled a Draft Convention on the Registration of Objects Launched into Outer Space providing for the establishment of an international system for registering all objects launched into outer space. In 1968 France had also tabled a draft convention but the emphasis in their draft had been on national registers rather than on an international register.

At the Legal Sub-Committee session the Canadian and French delegations were able to combine their separate drafts into a joint draft which was given detailed consideration by a working group of the whole. Although the U.S.A. and U.S.S.R. were not enthusiastic about the idea of a compulsory registration system, they were not obstructive. Accordingly, although no agreement was reached on some details in the joint draft, most of the important principles were accepted. For example, although it was not possible to reach agreement on the type of detailed information to be provided to the U.N. Secretary-General, there was no objection to the principle of furnishing information on objects launched into outer space.