

DEVELOPMENTS IN SPACE LAW OF
INTEREST TO CANADA

Development of space law has taken place, for the most part, in the United Nations arena, namely the U.N. Committee on the Peaceful Uses of Outer Space (UNCOPUOS) and its two Sub-Committees: Legal, and Scientific & Technical. Although progress was disappointing at the 1979 spring session of the Legal Sub-Committee, good progress was made on some legal issues at the UNCOPUOS meeting in New York in June and July.

An issue of particular importance to Canada, because of the crash in the Northwest Territories on January 24, 1978, of the USSR satellite COSMOS 954, is the use of nuclear power sources in outer space. Canada is leading an initiative at the United Nations which aims at an eventual elaboration of an international regime designed to ensure the safe use of nuclear power sources in space objects. Very useful preliminary work was carried out in February 1979 by the Working Group of Experts on the Use of Nuclear Power Sources, which met in New York concurrently with the Scientific and Technical Sub-Committee. It produced a wide-ranging report and recommended four areas for further study: 1) the elaboration of an inventory of the safety problems involved in the use of nuclear power sources in outer space; 2) the implementation of recommendations of the International Commission on Radiological Protection for populations and the environment in the context of space vehicles utilizing nuclear power sources; 3) the evaluation of existing methods in understanding orbital mechanics to determine if improvements may be made in predicting re-entry phenomena; and 4) the definition of technical considerations with regard to a format for notification.

Concurrently with technical studies being carried out under the auspices of the Scientific and Technical Sub-Committee, Canada has been stressing the need to study the legal aspects of the use of nuclear power sources in outer space. While the 1972 Convention on International Liability for Damage Caused by Space Objects deals with payment for damages caused by the return to earth of space objects, existing space law does not appear to provide for standards sufficiently high as to adequately