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TEXT OF STATEMENT DELIVERED ON SEPTEMBER 3, 1970 BY THE CANADIAN REPRESENTATIVE, MR. P.A. BISSONNETTE IN THE COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

Mr. Chairman,

Since our Committee last met, its three subsidiary bodies have achieved significant results. We should not lose sight of these achievements as we pursue our efforts towards full international cooperation in outer space.

The Legal Sub-Committee has solved some difficult problems in its drafting of the thirteen generally agreed articles, the preamble and the title of the draft liability convention. It is a matter of deep regret for us that no consensus has been achieved with respect to two additional articles which we consider of the utmost importance.

The distinguished delegates will recall that in Geneva earlier this summer, the Canadian Delegation joined with seven other delegations (Argentina, Australia, Belgium, Italy, Japan, Sweden and the United Kingdom) in putting forward draft articles on the "Measure of Compensation" and the "competence of the claims commission." The two proposed articles would first enshrine the principle that the damaged party should be restored in full to the condition which would have existed if the damage had not occurred and second, stipulate that the decision of the Claims Commission shall be final and binding. There is no need for me to review in detail the well-known position of Canada on these issues.However,

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I must reiterate our view that a liability convention, to be fully effective, must be victim-oriented and based on the principle of restoration to the condition equivalent to that which existed before the damage occurred. In giving effect to these concepts, account must be taken of the law of the place where the damage occurred, as well as of international law. Furthermore, the convention should provide for compulsory arbitration and binding awards as part of the machinery to settle disputes. Only in this way can states have full confidence that they, and their citizens, will, in fact, be compensated.

We would hope that these two essential provisions will not pose insuperable difficulties to the Committee. Subject to a satisfactory resolution of these matters, acceptance of the preamble and thirteen articles already generally agreed to, should lead to early approval of the Convention. Of course, other issues such as international organizations and limit of liability may also remain to be resolved definitely, but we would expect that such problems will be overcome fairly easily.

The recent meeting of the Legal Sub-Committee did not, regretfully, have time to consider the matter of the registration of space objects launched into outer space. A registration treaty should, in our view, have particular priority. My Delegation has supported certain of /the principles underlying the draft treaty submitted by the Delegation of France. In April 1970, we submitted a paper to the Scientific and Technical Sub-Committee on a proposed system of registration. The Sub-Committee's report, while leaving the substantive recommendations

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for the Legal Sub-Committee to deal with, will certainly be of assistance in working towards a satisfactory registration agreement. So will the paper prepared by the Secretariat on "Information on the Technical Aspects of the Registration of Objects Launched into Outer Space" (Document A/AC. 105/L.52, April 14/70).

My Delegation is pleased to note the vigor with which the Scientific and Technical Sub-Committee has attacked the multitude of problems associated with ensuring that the benefits of advancing space technology can be shared by all mankind. Many constructive suggestions are included in the report of the Sub-Committee and many of these will, we are sure, be useful to the newly appointed expert for the promotion of Space Applications. We are pleased to see Professor Reccardi here and wish him success in his tasks.

We welcome particularly the suggestions of panels to study and report on practical trials of new techniques and trust it will prove possible for our scientists to participate actively in these.

We note the rapid development of technology and management in the field of earth resource survey and believe that international liaison capabilities must not lag. Information must be made available rapidly and in readily understandable form. Therefore, my Delegation supports the request of the Scientific and Technical Sub-Committee to convene at its discretion a working group on this topic without the necessity of further reference to this committee.

The Secretary-General has already responded to requests of the Sub-Committee and we have four working papers before us. My

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Delegation supports the proposed publication in simple language of Information on potential benefits of space technology. We believe that advantage should be taken of assistance from the specialized agencies and we believe that the final publications should be produced in the better form suggested in the conference paper. The extra cost is minimal compared to the benefits of an attractive presentation.

My Delegation welcomes the information provided by the Secretary-General on arrangements within the Secretariat for coordination of topics related to space activities. We would appreciate receiving from time to time summaries of topics considered by the Working Panel on Space Applications because we believe that such summaries would be of considerable value to our Government in maintaining our awareness of activities related to space. Working Group on Direct Broadcast Satellites

The Canadian Delegation would like to go on record as expressing its appreciation for the important achievements of t_he Working Group on Direct Broadcast Satellites. We note that the Working Group considered that it had completed the work which could usefully be effected at this stage. We are convinced that significant potential benefits for all mankind can result from international co-operation in this new form of communication. As a country of immense geographical proportions with a scattered population, Canada has an obvious interest in the development and exploitation of a direct broadcast satellite system.

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At each of the three meetings of the Working Group, Canada and Sweden collaborated in the preparation of a Working Paper. It may be recalled that our first joint paper dealt to a large extent with technical aspects. The second discussed social, cultural, legal and other matters. The latest submission examined the issues relating to the development and utilization of this new method of broadcasting, high-lighting questions of programme content and of effective and equitable participation in international direct broadcast systems. In our view, the Working Group Report has adequately taken into Canada-Sweden account the major proposals contained in the third/joint paper. In this connection, I would like to draw particular attention to Conclusion and Recommendation No. 5 on Page 16 which states:

The Working Group considers that, while further exploitation of various approaches to international co-operation in respect of broadcasting satellite systems continues to be desirable, co-operation and participation on the regional level, at least as a first step, appears to be the most practical and advantageous means of achieving desired results. Such participation In the establishment and operation of regional satellite broadcasting services and/or in programme planning and production, In most cases, would tend to meet the programme requirements and objectives of countries. Accordingly, the Working Group recommends that Member States and regional and international organizations should promote and encourage regional co-operative arrangements both on the governmental and non-governmental level, in order, inter alia, to increase the existing cooperation on a regional and international level among broadcasters and their associations for the future use of broadcasting satellite systems.

Mr. Chairman, my Delegation would also like to emphasize the value we attach to the work being done by international organizations such as the ITU, UNESCO AND BIRPI. Each has undertaken or is undertaking programmes of work of direct concern to this Committee as a

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coordinator of international activities in the field of direct broadcasting from satellites. We look forward in particular to the results of the World Administrative Radio Conference which the ITU will hold in 1971 and which will be of undoubted significance for the future of satellite broadcasting. Important as well is the UNESCO programme to carry out studies, inter alia, "on the use of space communication for national development, education and culture exchanges" and "on the effects of the content of satellite broadcasts on cultural and social standards". The problems of copyright and neighbouring rights arising from direct broadcasting from satellites, and the legal protection of satellite transmissions against unauthorized use, have been referred to UNESCO and BIRPI for examination. Their recommendations will be of great assistance to the meeting of governmental experts which will eventually consider these questions.

When these endeavours have been completed and other developments in the satellite broadcasting field warrant it, the Committee may decide that it would be useful to reconvene the Working Group.

Mr. Chairman, international cooperation - we have seen here - must be the basis for future activities in outer space. Canada will continue to play an active role to support this cooperation. In this connection, I am pleased to be able to mention at this time a recent extremely successful sounding rocket experiment designed to measure electric fields in the aurora borealis carried out at the

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Churchill Research Range in Canada on the 16th of August. Scientists from four countries collaborated in furnishing experiments measuring these fields in different and complementary ways. Canada provided range services and payload construction as well as several experiments. This project is a good example of Canada's methods of achieving international cooperation in space research, a method applied in several other cases during the past year including four rockets launched into the path of totality of the solar eclipse of March 7 of this year.

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