

Statement No. 115

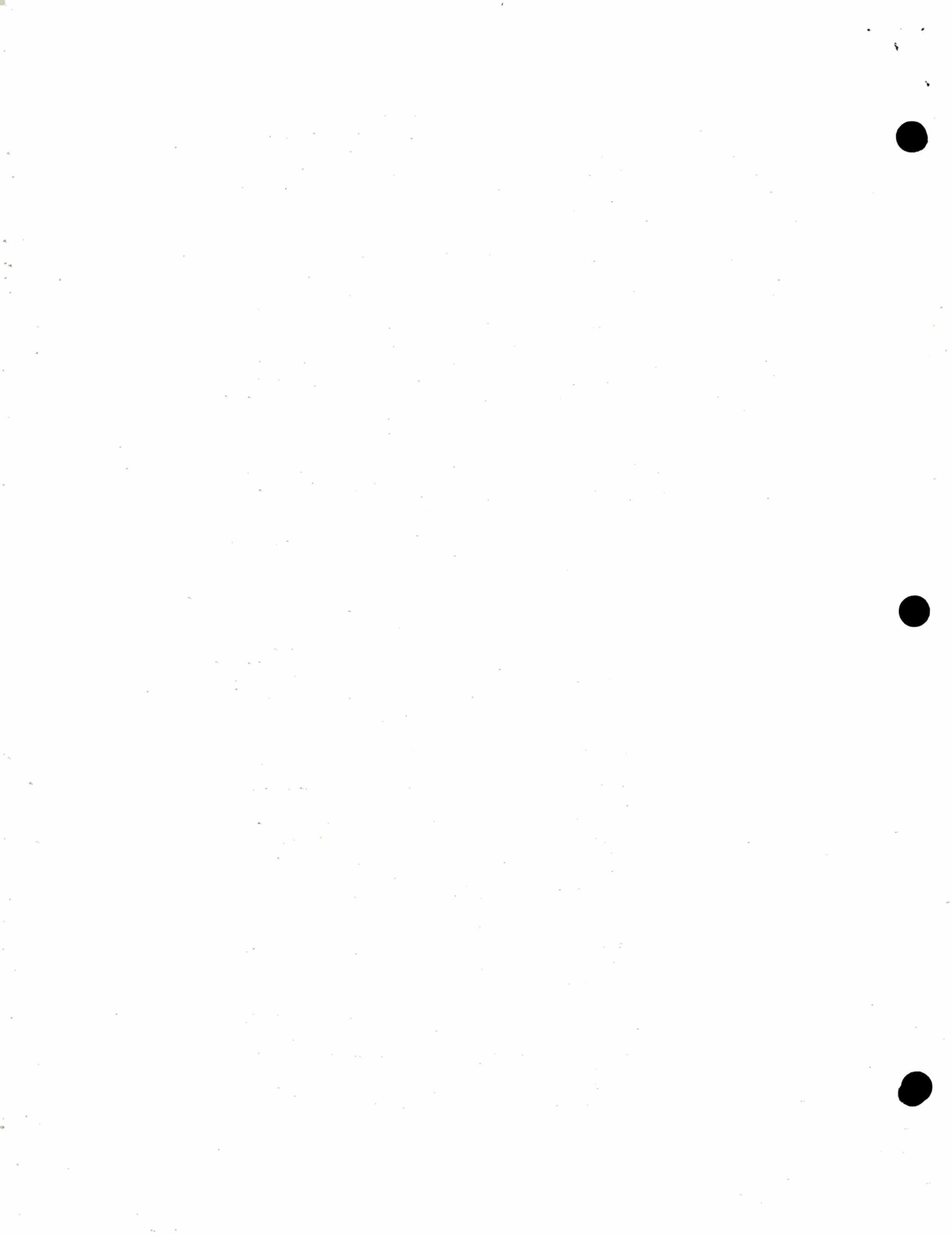
Statement made in the United Nations Committee on the Peaceful Uses of Outer Space, on the Draft Agreement on the Rescue of Astronauts, the Return of Astronauts, and the Return of Objects Launched into Outer Space, by the Canadian Representative, Mr. D.M. Miller, on December 16, 1967.

Mr. Chairman, we have before us the report of Legal Sub-Committee on its work during its very recent special session. In the meetings of that sub-committee, the Canadian delegation had an opportunity to express its views on the draft agreement on the rescue of astronauts, the return of astronauts and the return of objects launched into outer space. It is not my intention, therefore, to repeat these detailed observations here, but rather to limit my remarks to those of a more general character.

The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, which came into force earlier this year and to which Canada is proud to have become a party, solemnly affirmed important principles relating to international co-operation in outer space. Principles which had been engaging the attention of the United Nations for nearly five years. It also gave renewed impetus to the continuing effort to develop practical legal arrangements in respect to such questions as a assistance to and return of astronauts and space vehicles and liability for damage caused by the launching of objects into outer space; in order that the principles embodied in the Treaty might be expanded into a more comprehensive set of rules and thereby achieve their full potential for the orderly and lawful exploration and use of outer space.

In these circumstances it was only natural that the humanitarian aspects of the Treaty should invite immediate attention. The hazardous nature of outer space flight, underlined by the tragic deaths of American and Russian astronauts, necessitated that there be no legal or political barriers to prevent the swiftest and most effective help possible being extended to any astronaut who suffers accident, is experiencing conditions of distress or has made an emergency or unintended landing.

Earlier this year, my delegation said that although disappointed that the sixth regular session of the Legal Sub-Committee last summer had not made greater progress in this area, we should not be discouraged for the issues were complex and hence the pace of their resolution was of necessity deliberate. But we also warned that as the speed of space exploration

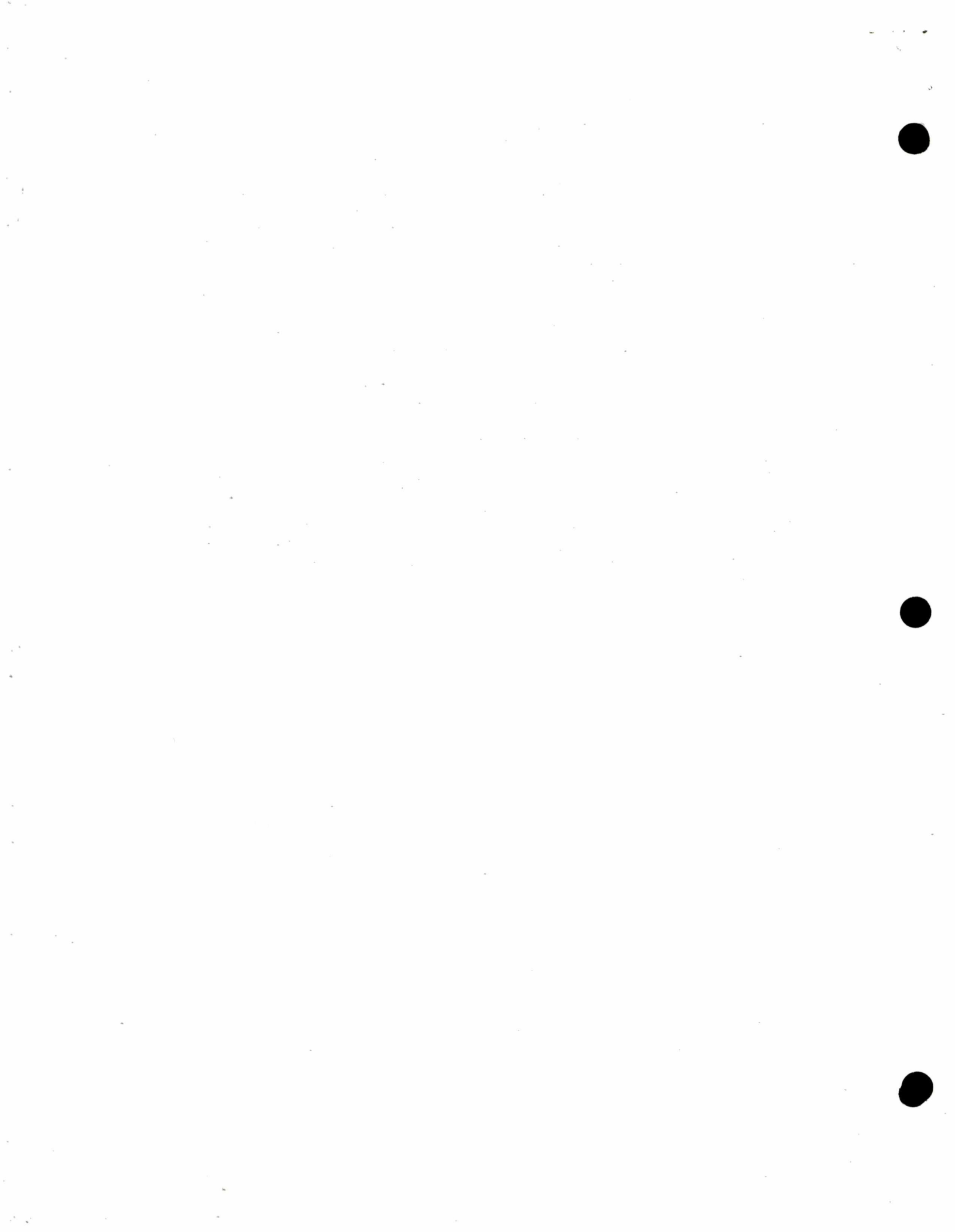


accelerated so should our efforts, lest in a very real sense they be overtaken by events. Indeed, Mr. Chairman, this growing sense of urgency was clearly stated in operative paragraph 9 of General Assembly resolution 2260 of the present session. May I recall that Canada welcomed and supported this resolution and said that for its part it would do everything in its power to assist the Legal Sub-Committee to attain these stated goals.

Mr. Chairman, it is for these reasons that my delegation is particularly pleased with the draft agreement now before us. We fully recognize that it is by no means a perfect agreement, but it is a practical one and it is well founded upon a broad measure of compromise which has enabled all who wished, to see at least some of their ideas incorporated in it. Canada, together with Australia and in some instances the United States and the Soviet Union, has had the honour to put forward a number of proposals over the years and more recently at the Legal Sub-Committee meeting in Geneva this year. We are indeed gratified to see that so much of what we proposed is contained in this consensus draft.

As I mentioned earlier, Mr. Chairman, I do not wish to make detailed comments on the draft itself, but I would, however, like to state that my delegation is grateful to note the following:

1. that the preamble expresses the wish to promote international co-operation in the peaceful exploration and use of outer space;
2. that there are provisions in Articles 1 and 3 for a public announcement or notification to be made and the Secretary-General of the United Nations to be informed, of the accidental landing of a spacecraft and its personnel, particularly where the identity of the launching authority can not be readily determined;
3. that Article 2, with special reference to the third sentence and the interpretive statement repeated today by the distinguished representative of the United States, clearly establishes a satisfactory balance between the rights and obligations of the launching authority and the contracting party, who is also the territorial state, so that there is no impingement on national territorial sovereignty;
4. that Article 4 establishes an unconditional obligation to return the personnel of a spacecraft to the representatives of the launching authority, safely and promptly;
5. that the duty of states finding space objects is to notify the launching authority, but to only take such steps in recovering the object as they find practicable and with the assistance of the launching authority, if so requested, particularly where the object is of a hazardous



or deleterious nature, and that expenses for their recovery and return operation are to be borne by the launching authority;

6. that Article 6 provides, under certain circumstances, for the meaningful participation of international organizations in this agreement by their declaration of acceptance of the rights and obligations of the agreement; and finally Mr. Chairman, our only slight reservation;
7. that the protocol provision of the agreement, while appropriate is an agreement of this exceptional character, should not, in the opinion of my delegation, be taken as a precedent for all future occasions.

Mr. Chairman, the importance of this draft agreement is manifest by its very terms and subject matter. Primarily because of its humanitarian aspects, Canada is very pleased to support the consensus draft agreement on assistance to and return of astronauts and space objects as a notable achievement in the developing law of outer space. We sincerely hope that, as paragraph 7 of the Legal Sub-Committee's report indicates, our attention can now be concentrated on obtaining similar agreement on a draft on liability for damage caused by the launching of objects into outer space.

