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Item 21: Report of the Committee on the Peaceful Uses of Outer Space. Statement by Senator the Honourable Alfred J. Brooks, P.C., Q.C., Vice-Chairman of the Canadian Delegation, in the First Committee of the United Nations General Assembly, New York City, December 4, 1961.

Mr. Chairman,

The Canadian statement in the General debate on October 3 opened with the observation that "at no other time in its 16 years has the United Nations faced so many large issues, some of which threaten its survival". As the Secretary of State for External Affairs stressed in that address, one of the questions in this potentially fateful category is that of outer space. Mr. Green emphasized that "unless there is some body of law, outer space could be exploited for aggressive purposes with greatly increased danger for all nations on this earth".

All of our governments and our anxious peoples have noted the Soviet claim that new bombs can be produced with a yield equivalent to 100 million tons of TNT, and that rockets similar to those used in orbital flights by astronauts can be used to deliver weapons of this fearsome character to any point on the globe. The two greatest powers which, at this moment in history, are alone capable of the giant effort required to send satellites into orbit in outer space or beyond are here on earth postured in tense mutual suspicion and vigorous competition. All of us must welcome the indications there have been that neither of these two great states intends a selfish conquest of space. Nevertheless, none of our countries can rest easy while nagging concern remains that the earthly rivalry of these two powers, and perhaps of other states, may yet be carried into the infinite reaches of the universe.

The spectre of a titanic struggle for mastery of space fills the most complacent of us with foreboding for the future. It is that spectre which has prompted the Prime Minister of Canada on many occasions, over a number of years, to assert that "outer space should be available for peaceful purposes for all nations, great and small, and outlawed for military uses; an international ban should be placed on the mounting of armaments on orbital satellites, and no planet or other body in space should be appropriated by any nation".

I do not believe there is any dispute as to the urgency and importance of our concern for outer space. It has been said in this room that whatever we may or may not decide under Item 21, outer space will still be where it is -

the implication being that there is no need to hurry. I understand why comments of that kind were made at the time, and in the context of their presentation. But I am persuaded that even those who felt it necessary to use that argument, at that time and in that context, themselves fully recognize United Nations concern to be not with outer space as such, but with the use which mankind has now begun to make of it.

Mankind's activities in outer space must be regulated by observed rules in the interests of all. This would help to ensure that the great positive achievements of man's conquest of space will not also add a new and potentially dangerous dimension to the tensions dividing the nations of our planet. The rule of reason and law in this infinite new field can bring infinite benefits to man. That is the challenge we face in the United Nations.

If we fail to meet the challenge of wisely ordering man's activities in space, another measure of certainty may be added to the growing possibility that the days of life on planet earth are numbered. If we are successful in meeting it - and why should we not succeed? - our planet may yet face the universe with unity of purpose and commonality of effort. We may thus assure our children's children a new horizon of beckoning promise, perhaps the most significant ever to be envisioned in the unfolding destiny of man.

Quite obviously the problem of outer space has two main facets. It has a military and security aspect, which represents, in a sense, its essentially negative side. Military and security considerations are, however, not our immediate concern under Item 21. We have spent many weeks discussing disarmament in general, and in particular nuclear weapons and rockets which can carry them through outer space. Both the United States and Soviet plans for disarmament contain provisions to prevent the use of outer space for warlike purposes. If disarmament negotiations are resumed we might hope agreement could be reached to prohibit the military use of outer space under effective international safeguards. This is an objective Canada will vigorously pursue.

As I have said, our immediate concern under Item 21 is with the other more positive facet of the problem; namely, the exclusively peaceful uses of outer space. In this regard our objective is not only to head off international rivalry in outer space before it has become too serious for us to control. Our efforts should be directed to the early development of international co-operation in all phases of the exploration and use of outer space. "Co-operation" not "Competition" must, as always, be the watchword of United Nations involvement in the problem of outer space. Only by achieving co-operation will it be possible to avoid the extension of present rivalries into this new field, and to ensure that the exploration and use of outer space will be only for the betterment of mankind and to the benefit of States irrespective of the stage of their economic or scientific development.

I have here borrowed freely from the preamble of Resolution 1472 (XIV). In the light of these fundamental considerations, the General Assembly by that resolution set up the Committee on the Peaceful Uses of Outer Space. At the

Fourteenth Session, it proved to be exceptionally difficult to reach common accord on the composition of the Committee. Nevertheless, after diligent and lengthy examination of this contentious issue, a number of delegations, including that of Canada, suceeded in evolving acceptable compromises on the question of membership and on the terms of reference of the Committee. As a result, Resolution 1472 was adopted without opposition.

In company with most other countries, Canada had great hope that, after the initial period of hesitancy, the United Nations would at last be able to expedite its important work. To the very deep regret of Canada, agreement could not be reached on the designation of officers for the Committee, and for the international conference it was expected to prepare.

As time passed, a further element of discord began to assume greater importance. That was the Soviet insistence that all action in the Outer Space Committee, in its proposed scientific and legal sub-committees and in the executive of the proposed international conference must be on the basis of unanimity. In effect, this was a demand for the right of veto over progress in any of the vital directions along which the General Assembly had unanimously urged the Outer Space Committee to proceed as quickly as possible. Thus, despite unopposed acceptance of the composition and unopposed recognition of the importance and urgency of the Committee's responsibilities, no progress was, in fact, made throughout 1960 and most of 1961.

As far as Canada is concerned, this was an intolerable and seriously disturbing situation. In our view, the working arrangements of the Committee were clearly governed by the applicable Rules of Procedure of the Assembly. We cannot accept that the views of one or two countries should prevent the meeting of Committees which the General Assembly has seen fit to appoint. This is especially so in a field of such vital concern to all nations as that of outer space.

Canada is deeply convinced that the world community cannot long afford to permit the United Nations responsibilities in respect of outer space to remain unattended. Canada has, therefore, been one of the countries pressing consistently for a meeting of the Outer Space Committee. We were very gratified that the Committee did, in fact, at long last meet on November 27. We were also glad that all of its members attended.

In the time available, attention could not be given in the Outer Space Committee in any meaningful way to the substantive questions within its terms of reference. Nevertheless, the meeting of November 27 served to emphasize two points of exceptional significance. First, it reinforced the view that the authority of the General Assembly in creating a committee must be respected, whether or not all of its members are in full agreement as to the arrangements for the conduct of its business. Secondly, the discussion in the Committee served once again to emphasize the widely shared concern of all countries for the importance and urgency of United Nations action in the field of outer space. My dele-

gation trusts that it will now be possible for this Assembly to set the Committee on the Peaceful Uses of Outer Space once again on its assigned road, with a renewed determination to overcome all obstacles in the way of its contribution to the early achievement of international co-operation in the peaceful exploration and use of outer space.

As my colleagues here are aware, Resolution 1472 provided that the initial term of office of the 24 countries listed in the first operative paragraph would continue only to the end of 1961. Having in mind the great difficulty entailed in the selection of these countries in 1959 and recalling that one of the main criteria for their selection was the contribution which each could be expected to make, the Canadian delegation is strongly of the opinion that the membership of the Committee for the years 1962 and 1963 should again include these same 24 countries. At the same time it is desirable to take account of the increases in the membership of the United Nations since 1959. My delegation would, therefore, favour adding to the Committee two African countries chosen from among those admitted to the United Nations in recent years.

When matters of this kind were discussed at the Fourteenth Session, the Vice-Chairman of the Canadian delegation drew attention to the fact that informal exchanges among scientists constitutes the ideal in international co-operation. He observed that the success in any United Nations activity in this area should be measured partly against its usefulness in promoting further collaboration among scientists. He went on to say:

> "It is clear that there are large areas of activity in space research that must ultimately become the responsibility of the United Nations, if only because activities in space are outside national boundaries, and therefore, raise legal and regulatory problems that can be settled amicably only in an international organization. It seems to my delegation that the unique contribution to be made by the United Nations lies in these areas.
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> "However, to suggest that there are certain regulatory functions which are appropriate to the United Nations, is not by any means to suggest that the United Nations itself should have the overriding responsibility. It is clear that some of the Specialized Agencies in their respective field have a role to play. In their relationship to one another in the outer space field, it is desirable to avoid the competition which has posed difficulties for the United Nations in other fields. There is the danger otherwise, that much useful energy may be expended to little profit and we consider that the right basis for co-ordination must be established at an early stage. This is one of the questions which should be looked into at an appropriate stage in the discussions of the new committee."

My delegation believes that the points then made by the Canadian representative are still valid today.

For the coming period, the Committee's original mandate, amplified by any decisions we may now take, should continue to provide a useful framework for fruitful work. Within the broad area of international co-operation the Committee would be expected to foster research and to encourage mutual exchange of scientific and technical information. It would also be a helpful step forward in this regard if there were a means of recording, and eventually distributing, information supplied by states on the wide variety of their space ventures. There is much that can be done in the meteorological and telecommunications fields in respect of which the Committee might be able to play a worthwhile part. Furthermore, we would hope that the Committee would now be able to lay the groundwork for a successful international conference which could in turn greatly contribute to the exchange of the experience of all states in the peaceful uses of outer space.

The scientific and technical matters to which I have referred are among the important questions on which early progress towards international co-operation could be achieved. However, in the view of my delegation, the legal aspects of the peaceful uses of outer space provide the United Nations with the opportunity to play an even more significant role, especially in the long term. Certainly it is imperative that the world community recognize that international law, including the provisions of the Charter, applies to all of mankind's activities in outer space. It is also equally essential that there should be universal acceptance that outer space is free for peaceful exploration and use by all states whatever their strength or size, and that no nation or group of nations can lay claim to appropriate outer space or any planet or celestial body it contains. I do not think any country would dispute that this is now the case. Indeed, the public statements of Mr. Khrushchev and President Kennedy on these matters have encouraged my delegation to hope that there will be no opposition to these principles. Nonetheless, to record these principles in a United Nations resolution would be to take an immediate, significant and non-controversial step towards the orderly development of man's activities in outer space. That is, of course, our essential objective.

My delegation is aware that there will be no little difficulty in working out the details for the practical application of these principles to the peaceful uses of outer space by man. These and other matters of a legal nature, including the question of legal liability for damages which might be occasioned by outer space activities, merit early and thorough consideration in the Outer Space Committee. Considerable scientific and legal study will be required before even the lower boundary of outer space can be defined with a desirable degree of precision. The Outer Space Committee can also make a contribution to this important task in consultation with ICAO and other international bodies. However, even in the absence of precise definitions of this sort, it is still as possible as it is desirable to make substantial progress on the exhaustive studies which must precede the formulation of detailed rules specifically applicable to the peaceful use of outer space.

Mr. Chairman, my delegation is co-sponsoring a resolution which, I feel sure, this Committee will carefully study. Its provisions reflect the considerations and preoccupations of my Government in regard to outer space, as I have sought to indicate in this intervention. Moreover, my delegation is confident that the fundamental aims which we and our co-sponsors are advancing in this resolution will echo very closely those which motivate nearly all of the countries represented here. I am hopeful, therefore, that by endorsing the proposals in this resolution it will be possible for the General Assembly to reaffirm its continuing concern for orderly progress in outer space. The resolution seeks to set in train preliminary activities in a few fields in which the primary responsibility for operational and administrative matters reside outside the Committee. At the same time, the Committee is asked to address itself vigorously to its part in relation to these matters and the other tasks assigned to it by Resolution 1472 (XIV).

If we can do this much at this time, my delegation believes that the Sixteenth Session will have taken a big step forward. In so doing, we cannot fail to earn the approval of peoples all over the world who have been watching with admiration, not unmixed with apprehension, the accelerating pace of man's exciting conquest of outer space.