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STATEMENTS AND SPEECHES

INFORMATION DIVISION
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REPORT OF THE AD HOC COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

A statement by Mr. W.B. Nesbitt, Vice-Chairman of the Canadian Delegation, in the First Committee of the United Nations on Friday, December 11, 1959.

... To begin with, my Delegation would like to express its gratification at the patience and spirit of co-operation and good will among the powers concerned that have made agreement on this question possible and have produced the draft resolution now before us. It is a matter of particular satisfaction that this agreement provides for the creation of a United Nations committee in which the countries with the most to contribute in this field will be able to participate. It has from the beginning been the goal of the Canadian Delegation to see agreement reached on the composition of an outer-space body which would be broadly representative, both functionally and geographically, and in which the powers with the greatest experience and expertise in outer-space science and technology would co-operate.

We are convinced that every effort should be made to avoid, with respect to outer space, the difficulties which have arisen with respect to nuclear weapons through the failure to develop international agreements at an early enough stage. For the promotion of the overriding interest of the community of nations in maintaining the freedom of space for peaceful, scientific and beneficial purposes, for the promotion of international scientific co-operation in the exploitation for the benefit of mankind of the potentialities of outer space, for the establishment of the rule of law in outer space while there is still time, for the promotion of an international regime for outer space -- for all these purposes an indispensable first stage is the creation of a United Nations committee with a generally acceptable composition such as is proposed in the 12-power draft resolution.

Canada, which is a member of the new committee, as it was of the old, will of course dedicate itself to the achievement of the objectives for which the committee is being created and will do its best, as it did in the ad hoc committee, to make a contribution consistent with the knowledge and resources available to us.

While establishment of a permanent committee on outer space is a welcome and important event, we should at the same time not lose sight of the questions of substance which it involves, such as those covered in the ad hoc committee's report, or of the terms of reference of the new body. The ultimate end in view must of course be to promote international co-operation in, and international regulation of, the peaceful uses of outer space.

In approaching the work of the new committee, we should bear in mind that in scientific activities the conception of international co-operation has come to cover a whole range of activities: the traditional informal exchanges between scientists of different nations; more formal exchanges arranged by non-governmental international scientific organizations; and arrangements through inter-governmental organizations such as the United Nations. My Delegation considers it desirable to emphasize that the great preponderance of international scientific co-operation takes place through the traditional informal exchanges of the scientists themselves and, with a few significant exceptions, the objective of inter-governmental scientific activities should be to facilitate and supplement such exchanges but not to displace them. In this way the proposed international scientific conference can and should play an important role in the exchange of experience in the peaceful uses of outer space.

It is, of course, true that space research raises special problems because of its significance for defence and because of its extension beyond national boundaries. However, even in this field it is, we think, true that the best form of international co-operation would be through informal exchanges of scientists. The greatest contribution that the UN could make to the promotion of the peaceful uses of outer space would be to ensure that scientists throughout the world may pursue research in outer space with that freedom to exchange ideas and information that is traditional to scientists.

... In suggesting that informal exchanges among scientists constitute the ideal in international scientific co-operation, and that the success of any UN activity in this area should be measured partly against its usefulness in promoting fuller collaboration between scientists, I should not wish to imply that the United Nations has no more direct role to play. 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.

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 fields have a role to play. In their relationships 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 a 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.

In approaching its task, the committee will have the benefit of the very useful preliminary work which was done by the ad hoc committee, as outlined in its report in Document A/4141. This report, which will be available to members of the new committee, provides a very useful, objective, and, we believe, comprehensive account of what the United Nations and related organizations and other international bodies have already accomplished in international co-operation in the peaceful uses of outer space. It also contains in the sections dealing with the work of its technical and legal sub-committee a broad indication of the problems of a scientific, technical, regulatory and legal nature which face mankind as it penetrates outer space, with some suggestions for possible approaches to the solution of these problems.

My Delegation considers that this report, which was adopted unanimously, is a very useful document, and we fully endorse the observations and tentative conclusions contained in it. We think that all concerned with its preparation are to be commended. They include the scientists and legal advisers to delegations, members of the Secretariat and above all the committee's distinguished chairman, Ambassador Matsudaira of Japan, as well as the other officers, Professor Ambrosini of Italy, who was chairman of the Legal Sub-Committee, Doctor Rose of my own country, who was chairman of the Technical Sub-Committee, and Ambassador Nisot of Belgium, the committee's rapporteur.

... The pace of developments in the exploration of outer space has been so rapid that conclusions arrived at even as recently as six months ago, however tentatively they may have been expressed, may no longer be completely valid. Indeed this possibility finds recognition in one of the

general conclusions set out on page 60 of Document A/4141 where it is stated, ... "Progress, plans and needs in connection with the peaceful uses of outer space should be reviewed again by the United Nations in about one year".

If such an early review is required on the organizational side with respect to the scientific and technological aspects of the peaceful uses of outer space it is even more necessary, in the view of my Delegation, in respect of legal problems. In the course of any review of the legal problems we consider that early consideration should be given to the whole range of problems relating to sovereignty in outer space. We are in complete agreement with the view expressed in paragraph 7 on page 63 of Document A/4141 that a comprehensive codification of space law is not practicable or desirable at the present stage of knowledge and development. However, we are also in agreement with the recognition given by the ad hoc committee to the need both to take timely constructive action and to make the law of space responsive to the facts of space.

In view of the physical penetration by man of the space beyond the earth's atmosphere and even beyond the earth's field of gravitation, my Delegation considers that one of the questions which the new committee should consider as a matter of priority is the formulation of a rule, and the means to gain universal acceptance of that rule, that no part of space or of any celestial body may be appropriated by or be subjected to the jurisdiction of any state. Perhaps this result could be achieved by the adoption, by the General Assembly on the advice of its Outer Space Committee, of a suitably-phrased declaration establishing this principle. Failure to take some such measure now to prevent the acquisition of legal rights in outer space may very well prejudice the ability of the community of nations later to devise equitable and wide rules to reflect the common interest and rights of all mankind in the utilization of space.

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