

Mr. St. PIERRE (Canada): The General Assembly has worked for several years to preserve the regions of space for peaceful use and to make space technology available to all nations, major and minor. These objectives we have pursued through the Committee on the Peaceful Uses of Outer Space and its two Sub-Committees, and also in related activities through the Committee on Disarmament. Let us now examine the present report (A/3820) to see how successful we have been.

Certainly, the Assembly has on the whole made conscientious efforts and, as is not unusual in such matters, the Assembly has found itself in the position of making or suggesting new law in a new field. True, there are obvious analogies with traditional terrestrial international law. Nevertheless, the Assembly finds itself obliged to employ much ingenuity and imagination in an area where, until a few years ago, the only interest could be academic, and that interest would have been scant.

The Assembly has moved logically from the very general Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space, which is contained in resolution 1962 (XVIII), to the more comprehensive and authoritative outer space Treaty approved in resolution 2222 (XXI), which embodies basic principles governing activities in space. Since then, the Assembly has been trying to translate some of the most important principles into realities by setting out practical rules and procedures. In resolution 2345 (XXII) the Assembly was able to translate the general principles of Article V of the outer space Treaty into a specific agreement on the rescue and return of astronauts and the return of objects launched into space.

In paragraph 30 the outer space Committee submits for the Assembly's consideration and final adoption a draft convention on international liability for damage caused by space objects, and this lays down specific procedures for implementing the principle expressed in Article VII of the Outer Space Treaty. After many years of negotiation -- often difficult negotiation -- the two major space Powers were able to agree on a compromise package at the Legal Sub-Committee's session last June.

(Mr. St. Pierre, Canada)

Most countries represented on the outer space Committee seem to have concluded that although the text may not be perfect, it is the best that is possible, given the time and non of agreement between the major space Powers. We agree that the draft convention embodies a number of essential or desirable items, such as absolute liability for damage caused by space objects on the surface of the earth, and the requirement for restitution to the condition which would have existed if the damage had not occurred. Nevertheless, Canada finds itself unable to support the draft convention. This is made clear in paragraph 24 of the Legal Sub-Committee's report (A/3820/24), carried forward in paragraph 35 of the outer space Committee's report (A/3820); and so quote from the latter:

"It would have been preferable to have incorporated in the text provisions on measures of compensation and especially on the settlement of claims more in accordance with those that they had earlier proposed in the Legal Sub-Committee." (A/3820, para. 35)

In expressing this view, Canada is in association with Italy, Japan and Sweden. During the long negotiation of that Convention, the position of my Government has remained constant. Some representatives may say it has remained too constant. Our fundamental concern has been to ensure that any liability convention guarantees any victim full compensation.

We note with approval that the preamble refers to ensuring the prompt payment of a full and equitable measure of compensation, and that Article XIII provides for compensation to restore victims to the condition which would have existed had no damage occurred. However, we continue to believe that the convention should be what is called in legal jargon more "victim-oriented". To accomplish this we suggest that the law of the victim State should apply, rather than the law of the country causing the damage, in determining the measure of compensation -- that is, provided that the law of the victim State is consistent with the relevant principles of international law.

It would, in our view, be unjustifiable to create a situation in which an innocent citizen of any State who suffers damage caused by a falling object is placed under a different legal régime. If he is hit by an object falling from