The need for the tuna agreement arose out of a dispute between Canada and the USA regarding fisheries jurisdiction over highly migratory species, including albacore tuna. Canada has consistently maintained that coastal state fisheries jurisdiction extends over all living resources within the 200-mile zone, a position in keeping with the regime developed by the LOS conference and shared by virtually all states in the world except the USA and Japan. Those two countries, each with extensive long-distance fishing fleets, contend that highly migratory species are not subject to exclusive coastal state jurisdiction.

As a result of the interim tuna agreement, the USA lifted its embargo on Canadian tuna products, which had been imposed in August 1979 following the arrest by Canada of a number of US tuna vessels which had illegally entered Canadian waters to fish without a licence. Nevertheless, the arrangements on tuna for 1980 are without prejudice to the action brought by Canada before the GATT in Geneva regarding the US import prohibitions on Canadian tuna and tuna products, which Canada considers to have been in violation of the USA's international trade commitments under GATT.

Canada and the USA also continued to pursue, during 1980, bilateral negotiations with a view to developing an agreement on co-operative management of Pacific salmon resources. These discussions will continue into 1981.

Outer space law

Canada's efforts to develop international law relating to outer space have taken place in the context of the UN Committee on the Peaceful Uses of Outer Space (UNCOPUOS) and its legal sub-committee. Beginning with the 1967 *Treaty on peaceful uses of outer space*, UNCOPUOS has developed and adopted a number of significant international agreements regulating activities in outer space. Currently, the two most important items on the committee's agenda are direct broadcast satellites (DBSs) and the use of nuclear power sources in space. Canada is playing an active role in regard to consideration of both these questions.

Attempts to develop principles relating to the use of DBSs go back to 1973, when the delegations of Canada and Sweden jointly presented a working paper on this subject. The central question has been whether or not consent should be required on the part of the state which is to receive a direct broadcast from satellites. The United States and some West European countries have opposed this idea as being contrary to the principle of the free flow of information.

Canada and Sweden have been attempting to develop an acceptable compromise between the opposing positions of prior consent on the one hand and the free flow of information on the other. This has necessitated re-elaboration of the original set of draft principles submitted by the two countries. Further revision of the principles was discussed at the 1980 session of the UNCOPUOS legal sub-committee. Rather than deal directly with the question of consent, the Canada-Sweden paper called for consultations between sending and receiving states prior to the establishment of a DBS system. Despite the effort at compromise incorporated into the various versions of the Canada-Sweden text, it has not yet proved possible to overcome the objections of those adhering to the unqualified principle of free flow of information.

The use of nuclear power sources in outer space became a subject for discussion in the legal sub-committee as a result of a Canadian initiative following the crash of the nuclear-powered Soviet satellite *Cosmos 954* on Canadian territory in January 1978. Canada was successful in achieving agreement on the establishment of a working group of the scientific and technical sub-committee, which met in 1979 and 1980 to examine the technical aspects of the use of nuclear power sources. At the 1980 session of the legal sub-committee, the Canadian delegation submitted a working paper dealing with the following aspects of the use of nuclear power sources:

- notification by the launching state to the UN of the proposed launch of a nuclear-powered space vehicle;
- notification to the UN and to states likely to be affected of the anticipated re-entry of a nuclear-powered space vehicle;
- assistance to states affected by the re-entry or the crash of such vehicles;
- the development of standards for radiation levels;
- protection from exposure to radiation from nuclear-powered space vehicles.

It is hoped that the elements of this working paper will form the basis for a set of acceptable principles or guidelines governing the use of nuclear power sources. Remote sensing is a third important question before UNCOPUOS in which Canada has a direct interest. Agreement has not been achieved on a set of principles on this issue because of differences of view as to the need for the consent of a state which is to be the subject of remote sensing. At issue here is the same principle which is at the root of lack of agreement on direct broadcast satellites, namely the free flow of information.

Humanitarian law

In October 1980, a special conference of the United Nations adopted the *Convention on prohibitions or restrictions on the use of certain conventional weapons* which may be deemed to be excessively injurious or to have indiscriminate effects. Discussions of restrictions or prohibitions on the use of such weapons originated with the Conference on the Reaffirmation and Development of Humanitarian Law Applicable in Armed Conflicts. In 1977, that conference adopted two protocols to the Geneva conventions of 1949 on the protection of victims of armed conflicts. During the conference, it was decided that instead of including provisions on weapons restrictions in the protocols, the related question of weapons should be dealt with in a separate instrument. That instrument is the convention referred to above, which actually consists of a convention and three annexed protocols, each of which deals with a specific type or category of weapon.

The categories of weapon which have been regulated by the convention are: weapons employing fragments not detectable