

interestingly, an item now before the General Assembly calling for a treaty on the peaceful use of the sea-bed and the ocean floor and their resources in the interests of mankind. First outer space, now the sea-bed and ocean floor. What environment will be next? Air space? What a blessing it would be if by universal agreement the use of the air were reserved exclusively for peaceful purposes, in the common interest of all men.

The main thrust of outer space law is today towards two conventions - one on assistance and return of astronauts and space vehicles, the other on liability for damage caused by the launching of objects into outer space. The implications of these conventions for air law are obvious. Considerable attention is also being given to defining outer space in legal terms. Again, this cannot but affect the law of the air for, apart from drawing a boundary between air and space, there is the related problem of defining spacecraft and hybrid-air-and-spacecraft in legal terms and of co-ordinating international regulations for their use in air space. We must avoid the confusion of having different and possibly conflicting regulations for space vehicles and aircraft flying in the same environment. In this regard, it seems a pity that there is not more contact between air lawyers and space lawyers.

Let us look for a moment at a few problems which will require international legal action. A major problem facing us all in this machine age is noise. We are continually bombarded with noise, and despite our increasingly elastic thresholds of tolerance, jet aircraft have multiplied this attendant disturbance to the point of nuisance. Unless there are some major technological improvements, the larger and faster jets with their greater power take-offs and shallower landing paths will compound this problem. There are several possible solutions: airport curfews, to enable some quiet periods; relocation of airports and runways and restrictions on building near them; and better insulation of dwellings and offices - but each of these national solutions will require some kind of international agreement to be made completely effective. I hope that the fifth Air Navigation Conference of ICAO starting in Montreal soon, will succeed in agreeing on an international standard unit for noise measurement as the first step towards an international agreement on aircraft noise. Perhaps international air lawyers could then produce regulations and provisions for their world-wide enforcement. The time may come when all new aircraft will be required to demonstrate that they do not exceed a set of internationally accepted noise levels.

One of the agreements signed at Chicago was the International Air Services Transit Agreement - commonly known as "the two freedoms agreement" - in which freedom of mutual overflight was guaranteed. Such flights, if at supersonic speeds, promise to disturb and annoy those on the ground under the SST's flight path. Consequently, if overflight is to be permitted, international agreements will have to be reached on the level of the noise from the sonic boom to be tolerated.

Domestically, old common law conceptions of property ownership from the soil upwards usque ad coelum, have been limited legislatively and judicially to meet the requirements of country-wide air travel. To have recognized private claims to air space would have interfered with development of aviation in the