

Wars,' the USSR was putting before the international community a concept of 'Star Peace.' On 14 October the Soviet Union introduced the draft resolution under the title "International co-operation in the peaceful exploitation of outer space under conditions of its non-militarization" (A/C.1/40/L.1) embodying the principles proposed in the Foreign Minister's statement. The resolution was subsequently modified by replacing the date of 1987 for the calling of an international conference with a much vaguer reference.

At the request of the Soviet Union itself, no action was taken on the draft resolution. While inserting itself into a long line of previous initiatives at the General Assembly [among which the French proposal for the establishment of an International Satellite Monitoring Agency (1978) deserves particular mention] the Soviet initiative remains unique in the history of space law in that it addresses at the same time the issues of both *disarmament* and *development* and provides for one single institution, the World Space Organization, to deal with both.

For anyone who had followed the Law of the Sea negotiations, the 1985 Soviet proposal for the establishment of a World Space Organization had a familiar ring. The motivation, conceptual basis, substance and proposed procedure were almost identical.

SIMILARITIES WITH THE LAW OF THE SEA

In August 1967, the Ambassador of Malta, Dr. Arvid Pardo, requested the inclusion of an item on the agenda of the General Assembly, entitled, "Questions of the peaceful uses of the Seabed and Ocean Floor, and the Subsoil thereof, beyond present limits of national jurisdiction." In introducing this item he talked about development and the arms race and anticipated the arguments. He proposed the same substance and procedure with regard to the deep seabed, or "inner space," which Eduard Shevardnadze was to propose another eighteen years later.

He drew the attention of the Assembly to the vast riches hidden on the deep floor of the world's oceans which technology was rapidly making accessible to exploration and exploitation, and which did not belong to any nation. He pointed to the dangers of military competition to dominate the deep seas and of a race to carve up the no-man's land of the ocean floor, which would give rise to acute conflict and pollution. He explained how the old law of the sea, based on the premises of the sovereignty of coastal states over a narrow belt of ocean along the coasts and the freedom of the seas beyond this, was being eroded and how it should be replaced by a new concept: the common heritage of mankind. He stressed the ecological unity of

ocean space and the interactions between all areas and all uses of ocean space. He concluded by suggesting that the United Nations General Assembly declare the seabed, and its resources beyond the present limits of national jurisdiction, a common heritage of mankind; elaborate a set of principles to govern activities relating to the seabed; and then proceed to negotiate a treaty which would both clearly define the limits of the international seabed and create a new type of international organization to administer and manage its wealth for the benefit of all mankind. The seabed would be used for peaceful purposes only, thus excluding the arms race from an area that comprises over two-thirds of the surface of the globe.

The fundamental weakness of the Seabed Authority, as it emerged from the negotiations of the Third United Nations Conference on the Law of the Sea, are twofold. First, the part of the convention establishing the Authority is overburdened with detail which was obsolete even before the coming into force of the convention. This was largely due to the suspiciousness of the industrialized countries; they did not want to leave any discretionary power to the Authority which, they feared, would be dominated in its decision-making by the majority of the developing countries.

The second fundamental flaw is the so-called 'parallel system' of exploitation. That is, the Authority is to explore and exploit the common heritage of mankind in either one of two ways: through a system of licenses issued to private companies and states, or directly through its own Enterprise.

Another possibility was much discussed during the negotiations but it was embodied in the final text only in a couple of very sketchy articles which allow the Authority or its Enterprise to enter into joint ventures with companies or states. This would have been the logical way to proceed because ocean mining, in this case, would have been carried out on the basis of cooperation between the private sector, states, and the Authority, whereas the "parallel system" is a system of competition between the established industry and the Authority's Enterprise. This caused insoluble problems with regard to the financing of the Enterprise, and the transfer of technology to it, at the cost of its competitors.

Unfortunately, in the case of the Law of the Sea negotiations, disarmament and development, though both intrinsic in the concept of the common heritage of mankind, were quickly separated. Disarmament was to be dealt with by the Conference on Disarmament (CD) in Geneva, and development entrusted to the Third United Nations Conference on the Law of the Sea. Only the most fleeting consideration was given to the possibility of uniting both functions in one institution, the Seabed Authority. This came when Canada's Alan Beesley introduced a working paper on the