

The extent to which vital national interests are involved, and the difficulty of gauging support on the many interrelated issues, have led to the realization that, to be effective, a treaty must command not just majority support but broad general support. As a result, the conference rules of procedure provide for voting only as a last resort. The conference is trying to piece together a "package" so that a consensus can be reached on the treaty as a whole. Although it is unlikely that any one country will be satisfied on all issues, it is hoped that by mid-1977 solutions will have been reached on the most important issues still confronting the conference. The conference has already achieved broad agreement on revolutionary new legal concepts such as the 200-mile "economic zone", in which the coastal state will exercise specific types of jurisdiction, and the "common heritage of mankind", applicable to the international seabed area beyond national jurisdiction. These concepts, which lay down duties to go hand-in-hand with new rights and are based on principles of equity rather than power, will form the basis of the new constitution of the seas. Even while the negotiations continue, emerging principles of international law have gained wide acceptance and have been translated into state practice. For example, Canada and a number of other countries have recently taken action to assert exclusive fisheries jurisdiction to 200 miles on the basis of concepts developed in the conference. Whether or not the international community is successful in the near future in completing the negotiations, it is clear that the law of the sea will never return to the unsatisfactory state it was in before 1967, when the United Nations launched the precursor of the third UN Law of the Sea Conference.

The progressive development of the law of outer space is another area in which the UN has played a major role, primarily through its Committee on the Peaceful Uses of Outer Space. This committee, of which Canada is a member, has successfully drafted four international conventions on outer space relating to the legal principles that will govern the use of outer space: the rescue and return of astronauts and the return of space objects; international liability for damage caused by space objects; and the registration of objects launched into outer space. That agreement has been possible on such a wide range of issues is largely due to the growing sense of interdependence among states and a realization of common concerns that the UN has helped to foster. The committee has now turned its attention to three priority subjects: a draft treaty concerning the moon; the legal implications of "remote-sensing" of the earth from space; and the elaboration of principles to govern direct broadcasting by satellites. With respect to the draft moon treaty, there has been little progress, primarily because there has been no agreement as yet on a régime for exploitation of the moon's resources. There continue to be basic differences between those countries that believe the resources of the moon should be treated as the "common heritage of mankind" and those that do not wish to place undue international legal restrictions on research and unforeseen future prospects for exploitation of the moon's resources.