

application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all states, taking into particular account the needs of developing countries." This text reflected essentially the concerns of the developing countries, but Canada and certain member countries of the European Space Agency consented to it only after obtaining assurance that the Legal Subcommittee would, in the future, deal with the legal aspects of the development, exploration and use of outer space in the context of its general debate.

### **Space station**

After nearly two years of intense negotiations, representatives of Canada, the United States, Japan and a dozen state members of the European Space Agency were finishing in the spring of 1988 an Intergovernmental Agreement and a related instrument on the principles governing the development, construction, placing into orbit and operation of a permanently staffed space station. The partner states developed practical rules tailored for the circumstances that, while taking into account international law, permit the application of substantive national law in criminal, civil and administrative matters. One of the major challenges to the negotiators was to draw the fine line between public and private international law and to decide the extent to which national laws may find their application on board the space station. This project will contribute appreciably to the development of the rules of international law applicable not only to outer space as a whole but also to the relationship between activities taking place on earth and those taking place on board a space object.

### **Montreal Protocol on Substances that Deplete the Ozone Layer**

In September 1987 Canada was host for a diplomatic conference in Montreal on a control protocol to the 1985 Vienna Convention for the Protection of the Ozone Layer. On September 16, Canada, together with 23 other states and the European Economic Community, signed the Montreal Protocol on Substances that Deplete the Ozone Layer. The signatories thereby committed themselves to freeze and then reduce by 50 per cent by 1999 the production and consumption of chlorofluorocarbons and other ozone-depleting substances. These chemicals are destroying the earth's ozone layer — a protective screen against the sun's harmful ultraviolet rays. Canada will ratify the Protocol as soon as the implementing legislation, the Canadian Environmental Protection Act (Bill C-74) has been proclaimed.

### **Humanitarian law**

On March 14, 1988, Canada announced its intention to ratify the Additional Protocols of 1977 to the Geneva Conventions of 1949 on the Law Applicable in Time of Armed Conflict. Protocol I, applicable to international armed conflicts, and Protocol II, applicable to internal armed conflicts, represent major advances in humanitarian law by extending the application of their protections to civilian and military persons not formerly covered by the Geneva Conventions, by codifying important elements of customary law and by introducing new rules limiting the

nature and scope of military operations. The decision to ratify the Additional Protocols reflects Canada's traditional support for humanitarian principles and its desire to afford Canadians the greatest possible protection in the event of armed conflict.

### **Counterterrorism**

As a result of a Canadian proposal made in 1986 in the International Civil Aviation Organization (ICAO), a Diplomatic Conference was held in Montreal February 9 to 24, 1988, to adopt a new international instrument for the suppression of terrorist acts at airports. Monique Vézina, then Minister of State (Transport), gave the first national statement at the Conference and a Legal Bureau official was elected President of the Conference. The Conference adopted by consensus the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on September 23, 1971. Like the Convention, which applies to aircraft, the Protocol seeks to ensure that the perpetrators of the offences it creates will in all cases be punished, either in the state where they are found or in the state to which they are extradited. Its adoption by consensus makes it the first instrument concerning the protection of international civil aviation to be adopted without a vote. It is expected that the Protocol will quickly enter into force and, in time, will attract as much participation as the Convention, to which 137 states were parties by March 31, 1988.

A Diplomatic Conference was held in Rome March 1 to 10, 1988, on the basis of drafts prepared by a special committee of the International Maritime Organization, to adopt a convention and protocol on maritime security. A Legal Bureau official served as chairperson of the Committee of the Whole of the Conference. The Conference adopted by consensus the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf. The Convention and Protocol follow previous anti-terrorist instruments, such as the ICAO conventions and the 1979 Hostage Taking Convention, in requiring states to either prosecute or extradite perpetrators of the offences they create. By focusing on terrorist incidents at sea, they fill a gap that was exposed during the *Achille Lauro* affair in October 1985.

### **Privileges and immunities**

Canada's international obligations pertaining to privileges and immunities are set forth in the Vienna Conventions on Diplomatic and Consular Relations and in several conventions concluded within international organizations. The Department is responsible for interpreting and applying, both in Canada and abroad, international obligations in Canada in relation to diplomatic and consular missions and international organizations.

During the year, the Department continued its efforts to see that the privileges and immunities were used not to the advantage of individuals, but to permit the efficient performance of the functions of diplomatic and consular missions and international organizations. Similarly, these