

are often beyond their individual ability to overcome. Considerably more could be done, however, to utilize ICAO for the general benefit. Greater use of ICAO machinery for the settlement of disputes should be actively encouraged. The economic necessity of using the large and costly aircraft to their fullest capacity, and therefore of international airlines obtaining traffic rights in as many places as possible, underlines the desirability of having impartial means of arbitrating disputes and a larger degree of standardization and unification in the rules, regulations and laws governing the international use of air space. The international legal implications of aircraft now in the drafting and experimental stages of development also require our urgent attention. Take the hovercraft, for example. Is it a surface vessel or an airplane? The legal arguments need resolution since this vehicle has a potential for international commerce.

In 1964, Canada faced domestically something similar to what is now a common international problem: the competing claims and interests of large airlines. The Government decided that the international air services provided by Canadian airlines should be integrated into a single plan which would avoid unnecessary competition or conflict. This means that outside Canada neither of our two major airlines (Air Canada and Canadian Pacific Airlines) serves any point served by the other. The Government also made it clear that any development of competition in domestic main line services must not put the Government airline, Air Canada, "into the red". In addition, Canadian regional air carriers were given an enlarged role in relation to domestic main line carriers. The application of these three principles has strengthened Canada's position in world aviation. For instance, since 1964 there have been successful negotiations with several countries, designed to achieve international route extensions and improvements for both Air Canada and Canadian Pacific Airlines.

Projecting this domestic example onto the international scene, would be to suggest that perhaps the logical course for public and private international air law is in the direction advocated by the late John Cobb Cooper, the first director of the then McGill Institute of International Air Law, of one set of rules to govern all flight at whatever altitude.

If international air law is to abandon the techniques of bilateral negotiation, with its jungle of complicated agreements based on the narrow application of national sovereign rights, then it could probably take a lesson from developments in the law of outer space. A new frontier for the law of the air figuratively and literally lies at the fringe of outer space. In 1963, the UN Declaration of Legal Principles Governing Activities by States in the Exploration and Use of Outer Space marked the end of the speculative phase in which the "general pundits" conjectured on whether certain maritime and air-law principles of national sovereignty and freedom of the seas were applicable in outer space. Events since then, such as the recent Outer Space Treaty, suggest that a new legal order is emerging - that of the world community acting for the common good and welfare of all mankind.

The main provisions of the Outer Space Treaty are that outer space, the moon and other celestial bodies shall be explored and used for peaceful purposes only. Like the Limited Test Ban Agreement of 1963, it is part of a series of international agreements leading towards general and complete disarmament. Hopefully, more agreements are on the way - a non-proliferation treaty and,