

not totally satisfactory to either researching or coastal states, such as Canada, but debate on these questions would now appear closed.

The ninth session also agreed on the so-called "final clauses" to the convention regarding its entry into force, reservations and amendments to it, and any subsequent denunciation of it. The LOS conference agreed that the convention will enter into force following the sixtieth ratification; that reservations will only be permitted if a particular article so specifies (no article now does); that the ISA Council will have a veto over all amendments to articles dealing with seabed mining, and that denunciation of the convention will be permitted at any time. Due to lack of time, the informal plenary left the so-called "three Ps" for further discussion at the tenth session: participation in the convention (in particular whether the EC in its own right and the PLO may become parties); the establishment of a preparatory commission to lay the groundwork for the seabed mining regime in advance of the convention coming into force; and preliminary investment protection, a US proposal to protect the interests of seabed mining companies which invest in seabed exploration prior to the entry into force of the convention.

The Drafting Committee, under the chairmanship of Canada's Ambassador to the LOS conference, was very active during the ninth session putting the negotiating text into acceptable treaty language to pave the way for the final text at the tenth session. The committee, which has a restricted membership, was effectively assisted in its work by open-membership language groups representing the six UN languages. The conference agreed that the Drafting Committee should meet inter-sessionally in January and February 1981.

### Legal aspects of development issues

The year was marked by a series of negotiations relating to legal aspects of development issues. On the most general level, discussions began on the procedures and agenda required to launch global negotiations based on UN General Assembly Resolution 34/138 calling for greater international economic co-operation for development. Five fields will be under consideration, namely: raw materials, energy, trade, development, and money and finance. The negotiations themselves have yet to begin and it is thus too early to predict results. However, a number of interesting legal issues are involved, including the legal relationship between the results of these negotiations and the work of the individual specialized United Nations agencies that have primary responsibility for some of the issues under negotiation. Out of these global negotiations will possibly come new institutions. The various proposals suggested and being considered by Canadian officials include an energy affiliate within the World Bank, which raises legal questions relating to its composition and its relationship with the Bank.

The Sixth Committee of the General Assembly continued examination of a developing country's proposal on the "consolidation and progressive development of the principles and norms relating to the new international economic order". This

project envisaged the preparation and analysis of existing and evolving principles of international economic law—principles, that may have emerged as a result of developments in the international community in relation to economic issues—as a means to encourage the modification, reform and improvement of the corpus of existing international law. Canada abstained on the specific resolution, as its scope was too vague and sweeping, but continues to support timely and useful initiatives for the progressive development of international law in relation to the new international economic order.

A number of negotiations were either completed or continued dealing with science, technology and know-how. The General Assembly at its thirty fifth session adopted a set of principles and rules on restrictive business practices (see also Part A, Chapter 2). Canada, serving as spokesman for the developed countries, was able to play an active and constructive role in finding solutions for a number of difficult legal issues including the instrument's legal nature and drafting of an appropriate definition of enterprise to include the activities of state enterprises. Negotiations continued on a code of conduct on the transfer of technology, during which Canada assumed the role of spokesman for the developed states. The code is designed to create a set of rules to encourage the flow of technology from the developed to the developing countries. Negotiations continued also on a code of conduct on transnational corporations, whose purpose is the clarification of the respective responsibilities of host states, home states and transnational corporations principally in relation to the activities of the latter. Finally, negotiations continued on the revision of the *Paris convention on intellectual property*.

As reported in Part A, Chapter 3, agreement on the Common Fund for Commodities was achieved. Among the interesting legal features of the *Common fund agreement* are the delinking, to a large measure, of voting rights from financial contributions. In relation to specific commodities, a new *International cocoa agreement* was negotiated in 1980.

### Environmental law

A joint initiative by Canada and Sweden at the eighth session of the UN Environment Program (UNEP) Governing Council in April 1980 led to a decision by that body to convene, prior to its tenth session which will be held in 1982, a meeting of senior government officials, experts in environmental law. This meeting will be held in conjunction with activities relating to the tenth anniversary of the 1972 Stockholm Declaration and will contribute to the preparation of the work program of UNEP during the next decade.

The task assigned to the "senior level meeting" is to identify subject areas where increased global and regional co-operation may encourage and enhance progress in the field of environmental law, in particular with regard to the interests of developing countries, and to recommend a program, including global, regional and national efforts, toward this end. In order to assist in the preparations for the meeting, Canada invited to Ottawa for informal consultations from November 5 to 7, 1980, delegates from 15 countries representative of the various geo-