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ARTICLES

- Legal Issues Confronting the Exploitation of
Renewable Sources of Energy From the Oceans**
Stephen L. Joseph 387

With the shift in global energy resource usage from primarily oil to alternative sources, some envisage the oceans as being possible contributor. Ocean energy sources encompass the thermal gradient waves, currents, tides, salinity gradient, biomass, offshore winds and geothermal resources. The most important international law issues in this area include: 1) who has authority over the siting of ocean energy structures and vessels, and 2) who has the right to exploit energy resources in particular areas of ocean space. Whether or not a new Law of the Sea treaty results from UNCLOS III, it is possible for international lawyers to project the kind of legal regime which may prevail in the future. With international law conventions and customary international law as a backdrop, the author presents a number of general propositions and concludes that the international legal situation although presented with national law problems, is on the whole very favorable for projected ocean energy exploitation.

- Key International Legal Issues with Regard to
Ocean Thermal Energy Conversion Systems**
W. M. Reisman 425

Professor Reisman was commissioned by the United Nations Conference on New and Renewable Sources of Energy (UNERG) to prepare this report as a companion piece to Mr. Joseph's report. Although much of the technology for Ocean Thermal Energy Conversion (OTEC) systems has yet to be developed and current uses remain undefined, OTEC's rapid development makes an examination of the legal issues surrounding this technique of energy harvesting both necessary and urgent. This report provides a comprehensive overview of the key legal issues likely to arise from the development and deployment of OTEC systems. These include development of a law making process for OTEC activities, regulation of the system in different ocean jurisdictional zones, jurisdictional evasions and environmental and related tort issues. The author offers a model for future inquiry into the competence to make law for OTEC. He concludes that the time is ripe for serious consideration of a comprehensive and systematic regime for OTEC and that a draft should be prepared by a committee of experts and thereafter an international conference convened.

**U.N. General Assembly Resolutions and International Law:
Rethinking the Contemporary Dynamics of Norm-creation**
Christopher C. Joyner 445

The international community is presently passing through a revolutionary time when many of its traditional norms and values are being seriously questioned. The aim of this article is threefold: 1) to assess the current mandated province within which the General Assembly is legally capable of contributing to the formulation of international law, as well as the law-making process; 2) in doing so, to ascertain the coeval legal nature of the General Assembly resolutions by determining whether their legal status has undergone any salient transformation over the past three decades, and 3) to evaluate whether formal pronouncements adopted by the General Assembly actually have furnished significant contributions to the contemporary corpus of international law. The author concludes that while General Assembly resolutions are not *ipso facto* new sources of international law, they can contribute to the normative process of law-creation by crystallizing both customary behavior and general principles into law within a comparatively short timespan. Moreover, formal recommendations by the General Assembly embody persuasive authority as indicators of the world community's legal desires at a particular time.

**The Soviet Union and Human Rights Legislation:
The Shcharansky Case**
Ger P. Van Der Berg
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The Soviet Union is a signatory to several international conventions for the protection of human rights—the most important of which are the International Covenant on Civil and Political Rights and the Helsinki Final Act of the Conference on Security and Co-operation in Europe. In light of these international Conventions, this article reviews three aspects of the Anatoly Shcharansky Case: the right to leave one's country, the principle of a fair hearing and the freedom of expression. The authors conclude that the Soviet Union has not yet implemented into domestic legislation the use of international norms and obligations under the International Human Rights Conventions to which they are signatories.

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