

concerned with the settlement of disputes, and is regarded by many countries, such as the USA, as a sine qua non of their acceptance of a new convention. In its revised form the text provided that, when ratifying the convention, states would be required to opt for one or more of four basic procedures: the International Court of Justice; a new comprehensive law of the sea tribunal; arbitration; or "special procedures". In the event of a dispute, the procedure used would be the one previously chosen by the defendant state. A certain amount of protection of the coastal state's jurisdiction in the economic zone was provided by the requirement that local remedies first be exhausted; but this protection, unfortunately, did not seem to extend to marine-pollution controls.

1976 Summer Session

It became obvious at the end of the spring session that the three main Committees should from then on try to isolate and attempt to negotiate solutions to the most difficult of the unresolved problems. This was the main reason for convening the summer session. Additionally, it was decided that the provisions for the settlement of disputes would be considered at Committee level, so as to bring Part IV of the text in line with the three main texts which had been revised at the spring session. Finally, it was hoped that after a general debate on the preamble and the final clauses of the future LOS Treaty these could also be elaborated and that a consolidated draft convention could emerge from the summer session. Unfortunately, this ambitious work programme was not accomplished. Although progress was achieved on some important issues in Committees II and III and the plenary was able to complete revision of the provisions on the settlement of disputes, the Conference is at an impasse, hopefully only temporarily, over the question of the legal regime to apply to the exploitation of the deep seabed, beyond the limits of national jurisdiction.

Committee I

Discussions in Committee I at the 5th session concentrated largely on questions of principle or philosophy regarding the legal regime to apply to mining of the deep seabed, defined as "the common heritage of mankind". This session brought into sharp relief differences of view between major industrialized states such as Japan, the USA and the EEC, and the developing countries. The industrialized states basically wish the future LOS treaty to provide guaranteed access to the deep seabed to private entities, while developing countries want access to private companies to be allowed only at the discretion of the International Seabed Authority and want the International Enterprise, as the operating arm of the Authority, to have a preferred position