

Law of the Sea: The 1976 New York Sessions

The Third U.N. Conference on the Law of the Sea held two sessions in New York in 1976, the first from March 15 to May 7, with the second taking place from August 2 to September 17. These sessions were respectively the fourth and the fifth of the Conference and although considerable progress was achieved during the spring session, the summer session was somewhat disappointing in that it did not see the solution of the outstanding contentious issues, particularly with respect to the regime to apply in the deep seabed area.

It will be recalled that at the end of the 1975 Geneva session, each of the Chairmen of the three main Committees presented to the Conference an "Informal Single Negotiating Text" covering the subjects entrusted to his Committee. These texts consisted of some 300 articles, as well as annexes, which for the first time attempted to provide formulations for the resolutions of complex and interrelated problems.

The overall achievement of the 1976 spring session was the issuance of a "Revised Single Negotiating Text" (RSNT), which further refined the text produced at Geneva. The summer session, in contrast, was to concentrate on the negotiation of some key outstanding issues as identified by the Chairmen of the three Committees. Although these issues were thoroughly discussed and in many cases the differences narrowed, no concrete decisions were reached. A review of the results of the spring session will lead us to a more realistic appraisal of the performance of the summer session, and the prospects for the sixth session, which will open in New York on May 23, 1977.

1976 Spring Session

Although the Conference had before it a "Single Negotiating Text", it was quickly realized at the beginning of the spring session that the decision stage had not been reached. First, delegations had not had a chance to comment on the text which had been presented only on the last day of the Geneva session. Secondly, the three texts, plus an additional document entitled "Dispute Settlement Procedures", prepared by the President of the Conference on his own initiative, were still far from being generally acceptable to the Conference participants. Many of the most important provisions were highly controversial and thus incapable of producing a wide consensus. It was, therefore, decided that each of the three main Committees, and the Conference itself in plenary session, would adopt its own procedures for reviewing the texts, negotiating the controversial issues and eventually enabling each Chairman (or the President) to produce revised single negotiating texts.