

International Court of Justice, an arbitral tribunal in accordance with Annex VI or a special arbitral tribunal in accordance with Annex VII, with the designation of the general arbitral tribunal as the residual choice of procedure in the absence of an alternative choice. Some difficulties remain with respect to the so-called "optional exceptions", particularly the provision in the RSNT which said that states could refuse to accept compulsory jurisdiction with respect to the question of disputes concerning the delimitation of sea boundaries, although any state availing itself of this exception would be required to accept a regional or other third-party procedure entailing a binding decision. The ICNT provision (Article 297) attempts to overcome the difficulty in this regard by providing that a state may declare that it does not accept settlement of disputes as provided for in the Convention in respect of boundary delimitation disputes, but prefers a regional or other third-party procedure, provided that such procedures shall exclude the determination of any claim to sovereignty or other rights with respect to continental or insular land territory.

Canada viewed the incorporation of binding third-party settlement procedures as an integral part of a new LOS Treaty of fundamental importance in ensuring a balanced and effective implementation of a new legal order of the oceans. Despite certain shortcomings the adjudication/arbitration procedures embodied in the ICNT are generally satisfactory from the Canadian standpoint and hopefully will obtain consensus support at the Seventh Session.

Prospects for the Conference

While substantial progress has been made in resolving most of the key issues at the Conference, intensive negotiations are still required to resolve remaining areas of difficulty, including in particular the proposed arrangements for international deep seabed mining. At least one more session, and possibly two, will be necessary to overcome these difficulties. The assessment of the Canadian delegation is that in spite of the remaining difficulties, consensus on the full range of seabed mining issues is very much closer as a result of the progress achieved at the Sixth Session, but if the momentum of the negotiations is to be sustained, intersessional meetings are essential regarding further refinement of the system of exploitation of deep seabed resources and clarification of certain parts of the ICNT. Given the progress achieved to date and the positive impact that the negotiations have already had on the development of international sea law, particularly with respect to coastal state sovereign rights over living resources, it seems likely that participating states will be willing to persevere towards a successful conclusion of the Conference even if it takes two more sessions to do so.