

possible contractual links between operators in the Area and the future International Seabed Authority.

Much of the real progress made in Geneva is attributable to the delegates' method of work. Never has an international conference seen such a proliferation of working groups and sub-working groups. The informal nature of discussions in these smaller gatherings allowed representatives to divest themselves of rigid national positions and to engage in frank and open exchanges. It also accounts for the scarcity of the session's official acts, which barely unveil the tip of the iceberg. One particularly effective group was that created at the suggestion of the Norwegian Minister for the Law of the Sea, Jens Evensen. The Evensen Group brought together some 40 eminent jurists — including Canada's Ambassador J. A. Beesley — representing every continent and a wide variety of interests, for the purpose of working out acceptable texts on the main issues. After intensive negotiations conducted during two intersessional meetings of two weeks' duration in New York and then pursued on a daily basis in Geneva, texts acceptable to a large majority of the participants were produced on the economic zone, fisheries and the continental shelf.

In order to overcome the stalemate that had arisen in the Second Committee over the traditional aspects of the law of the sea and to salvage the positive results informally arrived at within the Evensen Group, the Conference, on April 18, took a bold and unprecedented step. It gave the chairman of each of the three main committees the difficult task of preparing, on the basis of consultations and formal discussions, a set of draft treaty articles that could help their committees advance at a quicker pace. Wisely enough, the President of the Conference, Ambassador S. H. Amerasinghe of Sri Lanka, took the decision to table the three sets, forming a "Single Negotiating Text", on the very last day of the session, without giving delegates the opportunity of airing their comments and reactions. When the Single Text was finally circulated during the last plenary meeting on May 9, he emphasized that it was neither an accepted nor a negotiated document but rather a tool to further the negotiating process at the next session. The main features of the Single Text will be considered in conjunction with the review of the discussions taking place both within and outside the Conference's formal structure.

At Caracas, Committee I, wishing to dispose of the most difficult issues first in

order to facilitate consideration of other aspects of its work, examined at length a key article of the legal regime of the International Seabed Area — who may exploit the Area. Ideological differences were quick to surface. The Group of 77 — constituting, in reality, a more or less homogeneous bloc of some 105 states — submitted its own version of the article, giving the future International Seabed Authority the exclusive right to carry out all activities in the Area, on the understanding, however, that the Authority could confer certain tasks on third parties through service contracts while maintaining its full and effective control at all times. The industrialized nations — i.e., the U.S.A., the U.S.S.R. and the EEC states (minus Ireland) — for their part envisaged no operational role whatever for the Authority, whose powers would be limited to the issuance of permits to state or private entities interested in exploiting the resources of the Area, all other activities being free of any regulation. A deadlock soon developed.

In Geneva, the Committee, or rather its informal working group, set aside the troublesome article to tackle a related but even more controversial issue — the basic conditions of exploitation. This issue arises out of the insistence by those states whose nationals are contemplating developing the resources of the deep seabed to have embodied within the treaty itself the detailed rules and regulations of exploitation with which both the Authority and operators would have to comply. With these rules, prospective developers would have assurance that the Authority could not, through regulatory action, interfere with their projected activities and possibly jeopardize the considerable outlays required. The Group of 77, in its version of "basic conditions", was ready to provide operators with some guarantees, such as security of tenure, but at the same time wanted large areas of discretion for the Authority.

Marked time

For a while discussions marked time as the various factions were constantly referring to their own formulations when considering the basic conditions enumerated in a comparative table prepared by the group's chairman, Mr. C. Pinto of Sri Lanka. The issue was finally joined when the basic conditions dealing with financial and contractual arrangements between the Authority and operators were examined. Mr. Pinto, drawing on an idea first put forward in Caracas by the Canadian delegation, strongly advocated the joint-

Detailed regulations demanded to control exploitation