



HOW HAS THE UNITED NATIONS HELPED TO DEVELOP A LAW OF THE SEA?

Framing a law governing all aspects of the use of the sea is bound to be a long and difficult undertaking. Consequently, delegates to recent United Nations discussions of the subject have agreed not to vote on each issue that arose but to work on the basis of a general agreement before a vote can even be considered.

So far the United Nations has organized three Conferences on the Law of the Sea which have dealt progressively with the different questions.

The First Conference, 1958, adopted four conventions. Briefly, they dealt with the territorial sea and the contiguous zone, the high seas, fishing and the conservation of the living resources of the high seas, and the continental shelf. This Conference, as well as **The Second Conference, 1960,** failed to define the limits of the territorial sea and fishing zone.

Between the Second Conference and the Third Conference (1974), there were important developments:

- in 1967 the General Assembly established an Ad Hoc Committee. Its sessions saw wide recognition of the sea-bed and ocean floor beyond the boundaries of national jurisdiction as an area to be used exclusively for peaceful purposes. Also several delegations felt that a new set of rules defining the limits of national jurisdiction was crucial to the whole situation.
- In 1968 the General Assembly established the **Committee on the Peaceful Uses of the Sea-bed and the Ocean Floor beyond the Limits of National Jurisdiction.** The work of this Committee resulted
- in 1970 in the adoption by the General Assembly of the **Declaration of Principles Governing the Sea-bed and the Ocean Floor.**

The Third Conference held sessions in New York and Caracas (1974), Geneva (1975) and New York (1976). It set up three main committees to deal respectively with the international régime; the territorial sea, the economic zone, islands, archipelagos, geographically disadvantaged countries and the continental shelf; and marine pollution and the transfer of technology.

WHAT PROVISIONS MIGHT A LAW OF THE SEA INCLUDE?

The Single Revised Negotiating Text. At the end of the Session, held in New York from 15 March to 7 May 1976, the Third Conference received a Revised Single Negotiating Text to be used as the basis for further negotiations on the final convention. This text is in four parts:

Part I sets out general principles to implement the basic concept that the **resources of the international sea-bed area** beyond the limits of national jurisdiction are a "common heritage of mankind". The text would establish an **International Sea-bed Authority** empowered to exploit the ocean bottom for its mineral wealth and to contract with outside utilities, including States and corporations, to permit them to engage in mining under the authority's control.

Part II contains provisions on **States' rights and duties** in a 12-mile territorial sea, a contiguous zone extending up to 24 miles from shore, a 200-mile exclusive economic zone, the continental shelf underlying these areas, archipelagic waters (within States which consist of archipelagos), and the high seas.

The provisions on the economic zone represent a new concept in international law. They would give coastal States sovereign rights over the fish and other living and non-living resources of that zone while reserving freedom of navigation and certain other freedoms to all States.

There are also provisions for a revenue-sharing system, and the granting of rights, subject to bilateral and regional agreements, to land-locked and geographically disadvantaged States to fish in the economic zone of neighbouring States.

Part III deals with **marine environment and scientific research.** Subject to certain safeguards relative to the consent of a coastal State or States, the text calls for provision of foreign States to conduct research in the economic zones of other States, as well as on the high seas.

On the marine environment, States would have different powers to enforce anti-pollution regulations, depending upon a number of relevant factors. Other provisions call for action to promote the development and transfer of marine technology.

Part IV, prepared by the President of the Conference, Ambassador H.S. Amerasinghe of Sri Lanka, proposes a system for the compulsory **settlement of disputes**, by means freely chosen by the parties. The choices include reference to a proposed Law of the Sea Tribunal, resort to the International Court of Justice, arbitral tribunals, conciliation commissions and a new type of committee for handling technical disputes over fisheries, pollution, scientific research and navigation.