

procedures: the International Court of Justice, a new law-of-the-sea tribunal, arbitration and a system of "special procedures".

Faced with a number of intractable issues at the end of the spring session, the conference decided to reconvene for a fifth session during the summer in order not to lose the momentum gained in discussions and in the hope of settling some of the more outstanding issues. The objects of the New York summer session were, therefore: to negotiate the outstanding key issues, as identified by the chairmen of the three committees; to review Part Four, on the settlement of disputes, to give it the same status as the other parts; and to prepare a preamble and final clauses that could be included in a consolidated draft convention.

This ambitious work program was not carried out. Although significant progress was made on some issues in the second and third committees and a revised Part Four on settlement of disputes was issued in November 1976 as a result of the review conducted during the session, the first committee reached an impasse over the question of the legal regime to apply to the exploitation of the deep seabed. While the industrialized states insisted on incorporation in the future law-of-the-sea treaty of a right of guaranteed access to the seabed by private entities, the developing countries represented in the Group of 77 insisted that access by private companies could not be guaranteed by any treaty and should be allowed only at the discretion of the International Seabed Authority, and that the proposed international enterprise, an operating arm of the Authority, must have a preferred position in mining the deep seabed. Attempts to identify a middle-ground position have not so far produced positive results, and the inability to break this deadlock in committee has unfortunately overshadowed the very real progress achieved on the other parts of the RSNT.

In the second committee, discussion revealed that the conception of the exclusive economic zone is now firmly enshrined in the RSNT as the keystone of a new convention. And, while debate continues on the exact status of the zone (whether it is to be con-

sidered high seas, as some maritime states insist, or an area that is neither territorial sea nor high seas but within which a coastal state exercises specific sovereign rights and functional jurisdiction, as Canada and other coastal states maintain), the sovereign right of a coastal state over the living and non-living resources in the exclusive economic zone remains firmly embodied in the draft text. This clearly-emerging consensus at the conference provided a firm international basis for the action taken by Canada, the United States, Western European states and many other countries to extend national fisheries jurisdiction to 200 miles. Progress was also achieved on the question of rights of access and transit for landlocked states, and there are encouraging indications that states are closer to an agreement on a method of defining the outer edge of the continental margin and on a formula for sharing revenues derived from the exploitation of the mineral resources of the continental shelf beyond 200 miles, issues that to Canada, as a broad-shelf state, are of vital concern. The regime of transit-passage for straits used for international navigation remained embodied in the RSNT, but a number of coastal states were still seeking further safeguards to protect their environmental and security concerns.

Further progress was achieved in the third committee on coastal-state powers to control marine pollution. The negotiations during the summer session confirmed the emerging consensus in favour of a functional sharing of marine-pollution jurisdiction between coastal, flag and port states. The long-standing Canadian aim of a global treaty laying down basic environmental obligations now appears to be generally accepted, and is embodied in the RSNT. Some shipping states have still not been entirely reconciled to this approach, particularly the right of coastal states, already reflected in the draft text, to enforce internationally-accepted standards for vessel-source pollution in their economic zone and the existing right under international law to set national standards in the territorial sea. In the area of marine scientific research, there