

THIRD UNITED NATIONS CONFERENCE

ON THE LAW OF THE SEA

The Tenth Session of the Third Conference on the Law of the Sea was held in New York from March 9 to April 24, 1981 and in Geneva from August 3 to 28, 1981. The previously agreed objective of concluding negotiations was not met, largely because of the U.S. announcement on the eve of the Session that the new Administration was undertaking a complete review of the text, and that meanwhile the USA would not negotiate on the outstanding issues. This was a major setback for the Conference and it brought negotiations on the seabed mining regime to a halt.

Despite these difficulties, the Tenth Session was able to accomplish some useful work. The major achievement was undoubtedly the agreement on a new, and widely accepted article on boundary delimitation. The Conference also decided, by vote, to name Jamaica as the site of the International Seabed Authority and Hamburg as the site of the International Tribunal for the Law of the Sea. The question of participation in the Convention by international organizations, such as the EEC, and liberation movements was also discussed extensively as well as the establishment of a Preparatory Commission to lay the groundwork for the seabed mining regime. Further discussion will be necessary, however, to reach consensus on these issues.

At the resumed Tenth Session in Geneva, the U.S. delegation indicated some of the major problems that it has with the Draft Convention, all of them related to the seabed mining regime. During informal meetings, representatives of the Group of 77, the Socialist group and a number of Western industrialized countries, including Canada, made it clear that they were not prepared to renegotiate fundamental aspects of the seabed mining regime. The U.S. Administration will now have to decide whether it will participate in the Final Session of the Conference to be held in New York in March/April 1982.

In accordance with a decision of the Conference, the Treaty should be open for signature in Caracas in the fall of 1982.