

THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

The Law of the Sea Convention, which was adopted in April 1982, sets out a comprehensive regime for the regulation of the world's oceans. When it closed for signature on December 9, 1984, it had 159 signatories (including Canada), which represents an unprecedented response to any international accord. Among the countries that did not sign the Convention, because of objections to its deep seabed mining regime, were the United States, the United Kingdom and the Federal Republic of Germany. The Convention will come into force 12 months after the date of deposit of the sixtieth instrument of ratification or accession. As of August 1, 1991, 47 states had ratified the Convention.

During the past year, Canada was an active participant in the work of the Preparatory Commission (PrepCom), established by the UN Conference on the Law of the Sea (UNCLOS) in order to set up the institutional system envisaged in the Convention. The PrepCom met in New York, in August 1990 and in Kingston, Jamaica, in February-March 1991 to continue its efforts to develop suitable mechanisms for implementation of the regime outlined in the Convention for the exploitation of deep seabed resources.

During the August 1990 New York Session, PrepCom reached an understanding on the "obligations" of the first four "registered pioneer investors" (RPIs) (India, Japan, France, USSR). After three years of negotiations between the RPIs and mainly developing countries, this understanding allows exploration and training activities to commence under the "pioneer regime" set out in the Convention's Final Act. A further development at the February-March 1991 Kingston Session was the registration of China as the fifth pioneer investor, and the receipt of the application of a consortium, consisting of the USSR, Cuba, Bulgaria, Czechoslovakia and Poland, to be registered as a pioneer investor.

At the same time, in order to give impetus to the resolution of still outstanding problems with the Convention's seabed mining regime, the Secretary-General of the U.N. has begun informal consultations with a select group of states, including Canada. To August 1, 1991 four sessions have been held, with all the major players, including the USA participating. These informal discussions are meant to complement, not replace the PrepCom sessions, and as these discussions are without preconditions solutions may be found in this forum that are perhaps not open to PrepCom. Significant progress has been made in identifying the main points of contention and commencing their item by item examination. It is expected that the pace of these discussions will increase over the next year.