

A CANADIAN ASSESSMENT

Introduction

The Sixth Session of the Third U.N. Conference of the Law of the Sea was held in New York from May 23 to July 15, 1977. On the basis of the discussions which took place in formal and informal negotiating sessions of the three main committees and of the Plenary of the Conference, and in informal meetings outside the committee framework, the President of the Conference (H.S. Amerasinghe of Sri Lanka), together with the chairmen of the three main committees (First Committee: Paul Bamela Engo, United Republic of Cameroon; Andrés Aguilar, Venezuela; Alexander Yankov, Bulgaria) and in association with the other officers of the Conference (Kenneth O. Rattray of Jamaica, the Rapporteur-General and J. Alan Beesley of Canada the Chairman of the Drafting Committee), produced a new Informal Composite Negotiating Text (ICNT). The ICNT is a further step in the treaty-making process at the Conference, consolidating in one single working document the four separate parts of the old Revised Single Negotiating Text (RSNT) which had been produced at the end of the Fourth Session in May 1976 and incorporating many changes in an attempt to move towards consensus on a range of controversial issues.

While it is difficult to assess in definitive terms the outcome of the session in individual areas without the benefit of a more complete analysis of the ICNT, on the whole, the Conference would seem to have taken a step forward in the law-making process begun in Caracas in 1974. The Sixth Session, in fact, made more progress than the last two sessions combined and while many difficult and contentious issues remain unresolved, the session examined in depth virtually all outstanding issues and, in certain important areas, the Conference moved closer to consensus than heretofore. Thus, what has emerged is a list of issues which, taken together, could help point the way at the next session to a package of compromises leading to an overall consensus on a draft treaty.

Committee I

The primary focus of attention at the Sixth Session was the international system for deep seabed mining under discussion in Committee I. The first three weeks of the Conference were devoted exclusively to this subject in an attempt to break the deadlock that resulted at the Fifth Session between industrialized and developing countries over access by private corporations to the seabed area. There was broad agreement at the outset that