

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 September 1, 1989, 42 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 Kingston, Jamaica, in February-March 1989, and in New York, in August 1989, to continue its efforts to develop suitable mechanisms for implementation of the regime outlined in the Convention for the exploitation of deep seabed resources.

Since the decisions in 1987 to register the state mining entities of India, France, Japan and the USSR as the first four "pioneer investors", PrepCom has focused its attention on the obligations of pioneer investors, as set out in Resolution II of UNCLOS and several PrepCom decisions. Although the registered pioneer investors recognize their obligations, they argue that changed economic circumstances dictate adjustment to (or waiver of) some of these obligations. This argument is strongly resisted by most developing countries. Some progress was made this year as a result of reports by a Group of Experts, which provided PrepCom with technical information that could help break the current deadlock.

Environmental considerations have been the focus of numerous forums where Law of the Sea issues were considered in the past year. Most prominently, the 43rd session of the U.N. General Assembly instructed the Secretary-General to prepare a comprehensive report on the Protection and Preservation of the Marine Environment. This report, which contains input from many countries, including Canada, will be tabled during the 44th session of the U.N. General Assembly, in the fall of 1989. Moreover, Special Commission 3 of PrepCom is scheduled to begin addressing, next year, the issue of protection of the marine environment in the context of seabed mining activities, for which rules, regulations and procedures are to be elaborated.