

between the different parts of the text, it would seem that much of what is granted to the coastal states could be taken away by resort to the settlement-of-disputes procedures.

With respect to marine scientific research, the heart of the matter has been, and is likely to remain, the question as to whether the consent of the coastal state is required before any research activities are undertaken in its economic zone or on its continental shelf. The solution incorporated in the revised text goes some way towards a workable compromise, by making the consent of the coastal state necessary but also specifying that this consent will not be withheld unless the project:

(a) bears substantially upon the exploration and exploitation of the living or non-living resources;

(b) involves drilling or the use of explosives;

(c) unduly interferes with economic activities performed by the coastal state in accordance with its jurisdiction as provided for in this Convention;

(d) involves the construction, operation or use of such artificial islands, installations and structures as are referred to in Part Two of this Convention."

Unfortunately, this formulation leaves the door open to different interpretations in such a way that the coastal state's consent requirement could become illusory.

New Part IV

In addition to the three parts produced in Geneva and revised in New York, there is now before the conference Part IV, which was circulated after the Geneva session by the president of the conference and later revised in light of the debate that took place during the New York session. Part IV is concerned with the settlement of disputes, and is regarded by many countries, such as the U.S.A., as a *sine qua non* of their acceptance of the whole new convention. As now drafted, the text provides that, when ratifying the convention, states will be required to opt for one or more of four basic procedures: the International Court of Justice; a new comprehensive law-of-the-sea tribunal; arbitration; or "special procedures". In the event of a dispute, the procedure used would be the one previously chosen by the defendant state. A certain amount of protection of the coastal state's jurisdiction in the economic zone is provided by the requirement that local remedies first be exhausted; but this protection, unfortunately, does not seem to extend to marine-pollution controls. As this relatively new

text has not been the subject of as extensive debate as the other parts, it could well give rise to controversy at the next session.

While attempting to describe in the preceding paragraphs a number of developments that justify a fairly optimistic assessment of the future of the Third Law of the Sea Conference, care has also been taken to underline the very real difficulties that must be resolved before there can be a successful conclusion. It is a matter of concern that, in spite of positive advances on many fronts, such as on the innovative new conception of the "exclusive economic zone", there is still a reluctance on the part of some groups to accept compromise formulations that would give them somewhat less than they had hoped for. A procedure must be found to isolate the most difficult unresolved problems and one more attempt made to negotiate solutions to these as rapidly as possible, so that the conference can move on to the decision stage. Even this procedure will be controversial, as it will appear to be ignoring "minor" problems of crucial importance to certain states. But the conference cannot continue to reread the same texts and remain deadlocked on a few major outstanding issues.

At its last meeting, on May 7, 1976, the conference considered the possibility of moving rapidly to the decision stage. At the next session, delegations could be faced for the first time with votes on matters of substance. If this should happen, great care will have to be taken to keep the voting procedure within manageable limits. As there are built-in delays in the conference rules of procedure before voting can take place, and since there are thousands of questions that could theoretically require votes, the whole process could become unmanageable unless it is handled sensitively.

The next session, which will be held in New York City from August 2 to September 17, will be crucial. Time is now of the essence. More and more states have been compelled to adopt unilateral solutions to protect critical fisheries resources; seabed technology is developing faster than the legal regime necessary to control activities in the International Seabed Area; and a majority of states is becoming impatient in the face of a minority that is either attached to rules clearly belonging to the past or making extravagant claims in order to compensate for what it alleges to be a geographical disadvantage.

The end may be near, if there is a political will to attain it.

Reluctance to accept compromise formulations

Current session in New York will be crucial