

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, 1987, 34 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, in order to set up the institutional system envisaged in the Convention. The PrepCom met in Kingston, Jamaica, in March-April 1987, and in New York, in August 1987, to continue its efforts to develop suitable mechanisms for implementation of the regime outlined in the Convention for the exploitation of deep seabed resources.

The New York meeting in August was particularly noteworthy due to the PrepCom's decision to register the state mining entity of India as the first "pioneer investor". PrepCom also took decisions that should lead to the registration of the state mining entities of France, Japan and the USSR by the end of this year. With these decisions, the PrepCom has taken the first concrete steps to institute a functioning pioneer regime under the LOS Convention.

This progress was made possible by the resolution, after a year of intensive negotiations, of overlapping claims for deep seabed mining sites between the USSR and private seabed mining consortia that have registered their claims under national legislation of the USA, UK and FRG (INCO and Noranda have interests in two of these consortia). The resolution of overlaps was implemented by a treaty, the Agreement on the Resolution of Practical Problems with Respect to Deep Seabed Mining Areas, signed on August 14, 1987 by representatives of the Governments of Canada, USSR, Italy, Belgium and Netherlands.