

*Geneva text
withstood
onslaught
of amendments
at New York*

"new" conception — the 200-mile "exclusive economic zone". Nevertheless, the 137 articles on Second Committee matters contained in the Geneva text commanded the widest support of the three parts of the Geneva text. There still remained, however, enormous difficulties to be surmounted — particularly, as it turned out during the New York session, concerning whether special rights or privileges would be granted to the group of land-locked and "geographically-disadvantaged" states. This group of states came to be known as the LL-GDS.

Over 3,700 interventions were made and over 1,000 amendments proposed during the Second Committee's deliberations. It is quite remarkable that the Geneva text was able, in most cases, to withstand this onslaught, so that the New York revised text is very close to its Geneva predecessor.

A number of serious issues remain, however, as the chairman has conceded in his introductory note to the revised text. To name but a few, one can list: the problems raised by the LL-GDS, which took a part of the committee's time but were left unresolved; the problem of boundary delineations between adjacent or opposite states; a technical and precise definition of the "outer edge of the margin" worked out by continental Canada and a number of other states, which was received sympathetically but was left over for further study; and the question of the relation between the "exclusive economic zone" and the "high seas".

Despite these problems, however, considerable progress occurred. In spite of attacks made during the session on the conception of the 200-mile "economic zone", it emerged even more firmly entrenched in the revised text. Improvements were made in the provisions concerning fisheries, especially in the "anadromous species" (salmon) article. However, the revised text reaffirmed the coastal state's sovereign rights over the resources of its continental shelf, even where the shelf expanded beyond 200 miles. The revised text combines this with a system whereby the coastal state would give to the international community, for the benefit of the developing countries, a portion of the resources it derived from exploiting the resources of its continental shelf beyond 200 miles.

On balance, two major difficulties remain in the Second Committee:

1) As referred to above, the LL-GDS problem will have to be resolved. Although the demands of some members of this group have been extreme and their tactics

at times disruptive, a way out must be found.

2) Many of the problems raised by international navigation in the territorial economic zone and straits used for international navigation would appear to a casual observer to have been resolved in the revised text. But there may be trouble just below the surface. A group of about 30 states, many of which border on some of the major international straits, have not yet accepted the "impeded transit" requirement, which would apply under the revised text to most international straits. Others continue to have questions on the definition or characterization of "straits used for international navigation". Still others are concerned at the apparent erosion of the coastal state's powers in its own territorial sea.

Third Committee

The mandate of the Third Committee concerns the protection and preservation of the marine environment, marine scientific research, and the development and transfer of technology. Of these three questions, the first one is undoubtedly one that could have the most important impact on the conference, as it involves the respective rights and obligations of coastal, flag and port states over pollution by ships. It is essential, on the one hand, for coastal states to be assured that the marine environment will not be imperilled but also, on the other hand, to guarantee that international commerce and communications by sea are not unjustifiably impeded.

The revised text is a major improvement over the Geneva text, particularly that it provides much more adequately for the control and regulation of vessel-source pollution. For example, one article specifies that dumping within the territorial sea and the economic zone or on the continental shelf shall not be carried out without the express prior approval of the coastal state. Coastal states may now also enforce in their economic zones laws and regulations for the prevention of pollution from vessels "conforming to and giving effect to international rules and standards established through the competent international organization or general diplomatic conference". Together with a new article "ice-covered areas" that gives international sanction to Canada's 1970 Arctic Water Pollution Prevention Act, these provisions represent progress. However, coastal-state powers would appear to be still too circumscribed, particularly within the territorial sea and with respect to enforcement. Through a number of cross-references