

Canadian Evaluation of the Third Law of the Sea Conference: Fifth Session 1976.

Introduction

The third Conference on the Law of the Sea held its fifth session in New York from August 2 to September 17, 1976. The Conference had before it the Revised Single Negotiating Text (RSNT), comprising some 300 articles as well as annexes which the Chairman of the three Committees first presented at the third session in Geneva in 1975 and further refined during the fourth session in New York in March-May of this year. The RSNT, divided into four parts, covers all of the matters under discussion at the Conference. While it has no formal status, the text is, in effect, the working document of the Conference and has contributed to the considerable progress achieved to date on a wide range of issues.

It was hoped that by convening the fifth session as soon as possible after the fourth session, the momentum of the negotiations could be sustained and agreement achieved on most, if not all, of the more contentious issues. Thus at the outset of the session, the Chairmen of the three Committees identified the outstanding key issues and established work programs aimed at achieving acceptable compromise formulae. Work was also to go forward on Part IV of the RSNT covering settlement of disputes and on the preamble and final clauses thus paving the way for the preparation of a consolidated draft Convention.

This ambitious work program was not fulfilled. Although significant progress was achieved on important issues in Committees II and III and informal meetings of the Plenary were able to complete a review of the provisions on settlement of disputes, Committee I reached an impasse over the question of the legal regime to apply to the exploitation of the deep seabed beyond the limits of national jurisdiction. And since there has been a general understanding from the outset of the Conference that the work of the three Committees is interrelated and that any final Convention on the law of the sea must embody all of the subject matter now covered by the RSNT, there was little hope of taking concrete decisions on the results of the work in Committees II and III until the deadlock in Committee I had been overcome.