

CHAPTER 4: THE RULE OF LAW AND CONCEPTS OF RIGHTS

Law of the Sea Conference

The seventh session of the third United Nations Law of the Sea Conference convened in Geneva from March 28 to May 17, 1978, and in New York from August 21 to September 15, 1978. The atmosphere of this seventh session was constructive and the progress made on some key issues still under negotiation was encouraging. However, further intensive discussions will be necessary in order to reach a general compromise and ensure the success of the conference.

Negotiations concerned first of all the international regime of exploitation for the deep seabed, in particular resource policy, the financial organization of the International Seabed Authority and of the Enterprise, as well as the various arms of this authority. From the Canadian point of view, the most important event was the conclusion of an ad referendum agreement between the Canadian and American delegations on a formula for putting a ceiling on nickel extraction in the deep seabeds. Included in the final report of the first part of this session, the formula provides for an orderly growth in mining of the deep seabeds, gives satisfactory safeguards against disruption of the land-based mineral market, and sets a high enough ceiling on nickel production from the deep seabeds to meet the needs of future producers.

Negotiations also continued on the definition of the outer edge of the continental shelf, another issue of vital concern to Canada. The Irish formula, based on the natural characteristics of the continental shelf, is receiving growing support. However, efforts made to come to a compromise were complicated by the presentation of a proposal that would set an arbitrary limit on the claims of the coastal State on the shelf. Canada attaches great importance to the satisfactory settlement of this issue, especially since its shelf extends far beyond the 200-mile limit in some areas off its east coast. Only through a compromise based on the Irish formula can a final decision be made on this matter of a comprehensive settlement regarding access of landlocked and geographically disadvantaged States.

In this regard, the highlight was the presentation, by the chairman of the negotiating group, of proposals granting landlocked and geographically disadvantaged States access to the living resources which are surplus to the needs of the coastal States in the economic zones of their areas and sub-areas. The text, which will no doubt require certain clarifications, represents significant progress in the search for a compromise solution.

On the settlement of disputes, significant progress was made regarding the exercise of a coastal State's sovereign rights in its exclusive economic zone. The compromise text under study provides that a coastal State is free to manage the living resources in its economic