

THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

The Law of the Sea Convention which was adopted in April 1982, set 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, which represents an unprecedented response to any international accord. Among the countries which 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 when 60 ratifications have been deposited. As of October 1985, 21 ratifications had been received, but none were from industrialized countries.

At the final session of the Law of the Sea Conference, a resolution was passed calling for the creation of a Preparatory Commission to lay the groundwork for the International Seabed Authority, the entity which will be responsible for the regulation of mining activities on the seabed beyond national jurisdiction. The Preparatory Commission divides its work into two separate areas: the development of the structure of the International Seabed Authority through a series of Special Commissions and the implementation of Resolution II which deals with the activities of pioneer investors in deep seabed mining.

The Special Commissions of the PrepCom were created to deal with specific issues in the formation of the International Seabed Authority including: (1) the effects of seabed mining on land-based developing producers, (2) the establishment of the Enterprise which is the Authority's operating arm, (3) the development of the Seabed Mining Code, and (4) the creation of a Tribunal to adjudicate disputes arising from the Convention. By the time the PrepCom had begun its third session in March of 1985 in Kingston, Jamaica, the work of the Special Commissions had become constructive and future-oriented. A generally positive atmosphere prevailed which reflected a realization of the need for practical solutions to the problems at hand. The Canadian delegation worked to foster this type of approach in order to encourage the creation of a framework which would be commercially viable and therefore most likely to attract the widest participation possible. The Resumed Third Session at Geneva in August 1985 continued in the same direction. A number of matters were dealt with expeditiously and key "hardcore" issues were identified for further discussion. These included financial and voting control of the Authority and its organs; the methodology to be adopted in identifying and assisting land-based developing producers who might be affected by seabed mining and whether the mining code should be interventionist or promotional.