

venture type of contract as offering a meeting-ground for the views of developing and industrialized nations. In the ensuing discussion, both sides appeared to have moved from their original stands.

Some members of the Group of 77, citing their national experience, emphasized the great flexibility of joint ventures, and referred to their many advantages. The implication was that some form of contractual link with the Authority, other than mere service contracts, might be acceptable. On the opposite side, Britain, departing from the loose licensing scheme it was advocating in Caracas, expressed support for joint-venture arrangements involving revenue-sharing (as opposed to production-sharing). The United States likewise evidenced a spirit of compromise in proposing exploitation of the Area through a dual joint-venture system that, in effect, provided the Authority with a free hand to negotiate contracts covering half the international seabed area — the other half being developed according to the terms set out in the basic conditions.

*Positive momentum provided opportunity for neutral text*

Mr. Pinto, seizing on the positive momentum that had at last developed, decided to submit a neutral text of basic conditions he had prepared in the light of the discussion and on the basis of formal proposals, in particular that of the Group of 77, which, given its overwhelming support, enjoyed an uncontested political status of its own. In the event, each side found key elements of the Pinto paper reflecting too faithfully the positions of the other. In fact, the Canadian delegation was the only one to state publicly that, subject to minor amendments, it could accept the text in principle. Consequently, Mr. Pinto amended his proposal, which now appears, as revised, in the Committee I Single Negotiating Text.

Even though it did not take decisions on the major issues confronting it, the Committee did make some headway in familiarizing participants, through the discussion on joint ventures, with the many legal and technical complexities of ocean mining — which is, after all, it must not be forgotten, an extremely recent human activity. There are solid grounds for hope that the joint-venture approach will be able to bridge the gap between industrialized and developing nations and will help overcome the mutual distrust permeating the consideration of this important issue.

The Single Negotiating Text prepared by the committee's chairman, Mr. P. Engo (Cameroon), gives weight to the common stand adopted by the Group of 77 on most issues. However, it may be that the legit-

imate interests of the other side, whose members hold the technology and financial means to develop for themselves — and, it is hoped, all mankind — the resources in the Area, are not adequately reflected. Many of the solutions suggested both for the legal regime of the Area and the structure of the International Seabed Authority might pose enormous difficulties when the time comes to implement them.

Committee II, whose task it is to resolve all the important jurisdictional issues, was plagued throughout the Geneva session by its inability to cope effectively with the "Major Trends" paper drafted at Caracas, which included in a single document the various proposals that, with respect to each issue, enjoyed the support of a significant number of states. A second reading of the paper was not very successful in eliminating alternative texts because delegations refused to consider within that official body concessions that might affect their positions in informal bodies, such as the Evensen Group, the Group of 77 and other private-interest groups, where the real negotiating was taking place.

No significantly new development occurred during the Committee's consideration of the territorial sea issue or that of the use of straits for international navigation. Part II of the Single Text prepared by the chairman, Mr. Galindo Pohl of El Salvador, in line with a majority-state practice, suggests 12 miles as the breadth of the territorial sea. The regime of innocent passage for foreign vessels in the territorial sea remains much as it is in the 1958 Convention on the Territorial Sea, except that, for determining when passage is prejudicial to the peace, good order or security of the coastal state (or no longer innocent), the Text sets out a series of objective criteria instead of allowing the coastal state to make that judgment according to its own rules. Moreover, the Single Text does not redefine non-innocent passage so as to cover passage that threatens pollution, as has been advocated by Canada with the support of a growing number of states.

The separate chapter devoted to straits used for international navigation basically reflects a British proposal tabled in Caracas, though in a slightly amended form. The straits covered by the Text are those used for international navigation, and lie outside internal waters. This definition would appear satisfactory from the Canadian point of view as it excludes *inter alia*, the Northwest Passage. In most straits used for international navigation, a regime of unimpeded transit passage