

THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

The Law of the Sea (LOS) Convention, which was adopted in April 1982, sets 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 that did not sign the Convention, because of objections to its deep sea-bed mining regime, were the United States, the United Kingdom and the Federal Republic of Germany. The Convention will come into force 12 months after the date of deposit of the sixtieth instrument of ratification or accession. As of September 15, 1986, 31 states had ratified the Convention.

As a state with one of the longest coastlines in the world and with important ocean interests, Canada regards the LOS Convention as a unique opportunity to make a major contribution to world peace and security by reducing the potential for conflict in the competing uses of the oceans. While some aspects of the Convention codify existing customary international law, other aspects represent new law. The provisions of the Convention are having a significant impact on Canadian domestic legislation, although Canada has not yet decided whether or not to ratify it. Failure of the Convention could, in Canada's view, risk a return to the uncertainties that existed before the Convention was negotiated.

During the past year, Canada was an active participant in the work of the Preparatory Commission (PrepCom), established in order to set up the institutional system envisaged in the Convention. The PrepCom met in Kingston, Jamaica, in March, 1986, and in New York City, in August, 1986 to continue its efforts to develop suitable mechanisms for implementation of the regime outlined in the Convention for the exploitation of deep sea-bed resources.

Pursuant to Resolution II of the final session of the LOS Conference, the PrepCom is also engaged in efforts to establish a system to protect already existing investments in sea-bed mining for the period during which the Convention has not yet entered into force. Particularly noteworthy in this regard have been the ongoing efforts of interested states to develop a satisfactory method to resolve conflicts of overlapping claims for deep sea-bed mining sites in one particularly promising area of the Pacific. Canada has maintained the position that the resolution of this problem should be achieved on a comprehensive basis involving all "pioneer investors", as defined by Resolution II, including private consortia that may at a later stage register sites under the Convention.