

INTRODUCTION

On December 6, 1982, a conference of momentous importance opened at Montego Bay in Jamaica. The plenipotentiary representatives of the world community gathered to sign the Final Act of the Third United Nations Conference on the Law of the Sea and the United Nations Convention on the Law of the Sea adopted by the Conference on April 30 of that same year.

This ceremony culminated fifteen years of labor of this great Conference and its preparatory body, which began in November, 1967. The Conference, in turn is the culmination of a twofold revolution that has been shaking the world community during the second half of this century [^] and transforming the structure of international relations. [^]

The making of the new law of the sea, in one way or another, comprises all issues the world community has to face in our age: from those concerned with basic needs such as food and energy to the arms race, and including science and technology, communications, the "information revolution," trade, resource management, commodity policy, and the protection of the environment. The "Law of the Sea" is no longer what it used to be through the centuries, or even millennia, that is, the law that governs shipping. Today it is as though all issues were flowing together in the world's ocean, and the ocean has become our great laboratory for the building of a new world order: an order more modern, better adjusted to the real needs of our world: ^{re/} and order. it is to be hoped, more rational and more humane than the old order that is disintegrating in hunger and violence.

This, perhaps, is the historic significance of the signing of the Convention on the Law of the Sea at Montego Bay.

In this issue we shall review quite succinctly the major developments that led to the calling of the Third United Nations Conference on the Law of the Sea; we shall give appraisals, from different points of view, of the Convention itself, and discuss the major issues involved. Finally, we shall try to project some trends, triggered by the Convention even before it was adopted: trends, we shall see, so broad that they are irreversible.

STATES WHICH SIGNED THE CONVENTION AT MONTEGO BAY

Algeria	Greece	Panama
Angola	Grenada	Papua New Guinea
Australia	Guinea-Bissau	Paraguay
Austria	Guyana	Philippines
Bahamas	Haiti	Poland
Bahrain	Honduras	Portugal
Bangladesh	Hungary	Romania
Barbados	Iceland	Rwanda
Belize	India	St Lucia
Bhutan	Indonesia	St Vincent
Brazil	Iran	Senegal
Bulgaria	Iraq	Seychelles
Burma	Ireland	Sierra Leone
Burundi	Ivory Coast	Singapore
Byelorussia	Jamaica	Solomon Is.
Cameroun	Kenya	Somalia
Canada	Korea, Dem P Rep	Sri Lanka
Cape Verde	Kuwait	Sudan
Chad	Laos	Suriname
Chile	Lesotho	Sweden
China	Liberia	Tanzania
Colombia	Malaysia	Thailand
Congo	Maldives	Togo
Cook Is	Malta	Trinidad and Tobago
Costa Rica	Mauritania	Tunisia
Cuba	Mauritius	Turkey
Cyprus	Mexico	Uganda
Czechoslovakia	Monaco	Ukraine
Denmark	Mongolia	USSR
Djibouti	Morocco	U Arab Emirates
Dominican Rep	Mozambique	Upper Volta
Egypt	Namibia	Uruguay
Ethiopia	Nauru	Vanuatu
Fiji	Nepal	Vietnam
Finland	Netherlands	Yemen Arab Rep
France	New Zealand	Yemen, P Dem Rep
Gabon	Niger	Yugoslavia
Gambia	Nigeria	Zambia
German Dem Rep	Norway	Zimbabwe
Ghana	Pakistan	

STATES WHICH SIGNED SUBSEQUENTLY

ANTIGUA

Japan

South Korea

STATES WHICH HAVE RATIFIED THE CONVENTION

Fiji

Jamaica

Mexico

Zambia

THE TWO SOURCES OF CURRENT OCEAN DEVELOPMENTS

Two dramatic developments, concurrent though often conflicting, led to the calling of the Conference.

Ocean development springs from the scientific and technological revolution that split atoms, spliced genes, and conquered outer space. In this perspective, the "marine revolution," that is, the penetration of the industrial revolution into the ocean, is part of the "Third Industrial Revolution," as President Mitterand called it. Nuclear physics, space and satellite technology, bio-engineering, micro-electronics and its applications to computer science and automation as well as "informatics," and marine science and technology are the major components of this "Third Industrial Revolution" which is painfully transforming industrial societies and profoundly affecting relations between industrialized and non-industrialized societies.

The changes in the marine sciences have been earth-shaking: transforming our concept of Planet Earth and its evolution.

The discovery of plate tectonics and continental drift, fascinating as it is in itself, has far-reaching economic implications: For where the earth is rifting at the center of growing oceans, metals and minerals well up from the mantle, giving rise to new industries: the exploration and exploitation of the Mines of Neptune.

The new understanding of the dynamics of the ocean floor, and the technologies developed to probe and verify, have also changed the oil map of the world: We know today that there is more oil and gas trapped below the oceans than there is on land, and we know how to locate it: farther and farther out and deeper and deeper down.

For eons, the world ocean was considered by human-kind to be bi-dimensional: a road to travel, a hunting ground: the world's commons. Fish was inexhaustible, and the capacity of the ocean to absorb the wastes of human civilization was deemed to be infinite. The doctrine of the "freedom of the sea" in the traditional law of the sea was based on these assumptions.

All this has radically changed. We think of the oceans today as three-dimensional, and its depth has as much economic interest as its surface dimensions. The oceans themselves have become a resource, which oilmen and miners wasnt to own as they own resources on land.

At the same time, the rapid technological development and transformation of the fishing industry has undone the assumption that ocean fish is inexhaustible while population pressure, urbanization and industrialization have overtaxed the waste absorbing capacity of the oceans, giving serious cause for concern for marine life, from which all life on earth arose and on which it still largely depends.

Thus the basic assumptions of the old law of the sea eroded, and the law began to crumble. Coastal states began to extend their sovereignty over wider and wider areas: a scramble was on, to carve up the world ocean, just as Africa had been carved up a couple of centuries earlier.

One of the great impulses generating the need for a new order in the oceans thus was the penetration of the industrial revolution into the oceans.

TABLE IC.--WORLD NOMINAL MARINE CATCH, BY CONTINENT* (1,000 Metric Tons)

	1970	1975	1976	1977	1978	1979	Change 1978-79 (%)
Africa	3,131	3,012.0	2,820.6	2,728.4	2,845.8	2,754.6	-3.2
America, N.	4,750	4,772.8	5,330.8	5,558.2	5,864.3	6,095.2	3.8
America, S.	14,629	5,669.7	7,118.4	5,558.1	7,327.2	8,475.1	13.8
Asia	19,453	24,347.0	25,011.4	23,630.3	25,590.4	24,723.1	-3.4
Europe	11,815	12,347.6	13,245.3	13,294.5	12,206.8	11,995.3	-1.7
Oceania	194	242.1	283.1	305.3	331.7	338.3	2.0
USSR	6,399	8,991.6	9,363.4	8,581.3	8,184.4	8,308.4	1.5
World total [†]	61,432	60,330.6	64,107.5	62,713.4	63,421.1	63,806.5	0.6

SOURCE.--Yearbook of Fishery Statistics.

*Nominal marine catch is the total catch minus the nominal inland catch. Continental classification follows FAO usage.

[†]Exceeds the sum of the figures by continent due to the inclusion of catches not elsewhere included (see tables A-1B and A-1C in source).

On December 6, a Conference of momentous importance will open at Montego Bay in Jamaica. Fifty ~~to~~ Plenary representatives of the World Community will gather there to sign the Final Act of the Third World Nations Conference on the Law of the Sea and the Convention on the Law of the Sea adopted by the Conference on April 30, this year.

This ceremony will culminate ¹⁵ ~~40~~ ⁴⁶ years of labor of the Conference ^{and its preparatory bodies}, which began on November 1, 1967. The Conference itself is the culmination of a ⁴⁶ ~~40~~ ⁴⁶ year process that has been shaking and transforming the world community during the second half of this century and transforming the structure of international relations.

The "Marine Revolution" is one way a world, ~~comprehensive~~ comprises all issues the world community has to face in its age: from food, their concerns will have needs, such as food and energy, to the arms race, and including science and technology, communication, the information revolution, trade, resource management, commodity policy, the protection of the Environment and so on. The "Law of the Sea" just is no longer what it used to be through its centuries - or even millennia: that is, the law of the sea governing shipping. ^{Today} It is a thing all issues were flowing together in the world's ocean; and the ocean has become our

Great Laboratory for the building of a new world order: a new more modern, more humane, ~~more~~ better adjustment to the real needs of our world. A ~~"state system"~~ than the old order that is disintegrating in violence and hunger.

Thus, ~~there are~~ perhaps in the historic significance of the signing of the
 Document in the Bay of St. Pierre and Montserrat Bay.

In the following pages we shall try to review quite briefly
 the three major developments that led to the calling of the Summit States
 Meeting Conference in the Bay of St. Pierre; ~~summary of the history of~~ give a sketch
 of the work of the Conference; ~~to attempt a brief summary of the content~~
 itself; discuss the major issues involved, and finally the initial
 some trends, triggered off by the Convention since before it was
 adopted: Trend, as we shall see, is broad that they are irreversible,
~~and therefore, in turn the need for, and reality of, the Convention.~~
 That a few nations, large or very large or small, have initially
 hesitated, for different reasons of their own, to sign the Convention,
 will appear rather episodic to future historians: they will
 sign, in due time, as ~~necessarily before as if they had agreed:~~
~~For this is the way it would be going, and every country, large or~~
~~small is just a part of the one world.~~

I

Two dramatic developments, concurrent, though not conflicting
 led to the calling of the Conference. The

The first is based on the part of the scientific and
 technology revolutions, that split the atom, split genes,
 conquest outer space, the depth of the oceans, and the exploration
 of inner reaches of the human mind. ^{in the perspective} The "maximal revolution"
 that is, the penetration of the industrial revolution into
 ocean, is part of the "third industrial revolution" as President
 Mitterrand of France called it in his inaugural address at
 the Summit of Versailles last June 7. ^{under phase} The ~~mountain~~ space and
 satellite technology, bio-engineering, micro electronics, ~~and more~~
 and its application: computers and automation as well as "informatics".

and marine science and technology, are a major component of this "Third Industrial Revolution" which is painfully transferring industrial societies and changing profoundly the aspects of relationships between industrialized and non-industrialized societies.

The change in marine science has been earth-shaking, in a liberal sense of the word: transferring the concept of a ~~land~~ ~~to~~ ~~the~~ ~~plates~~, of genesis and its evolution. The scientific ~~conv~~ validation of the continental ~~plate~~ ^{drift} tectonic theory according to which the continents, resting on "tectonic plates", ~~are~~ ~~resting~~ ~~on~~ ~~the~~ ~~earth~~ ~~mantle~~, closing oceans on the north side, and opening new ones behind them. Religion had ~~never~~ ~~invented~~ the continental drift theory: Genesis tells us that, when the land was created, the continents were lumped together, and there were the islands, and that is how Noah's flood that separated the continents. Contemporary science, relying on the most sophisticated technology, ~~such as magnetic measurement,~~ ~~has~~ ~~only~~ ~~etc~~ has ~~conv~~ validated the theory: We know today that the world's oceans are traversed by an enormous mountain chain - higher than anything on terra firma - and through the center of that mountain chain runs a deep valley, spewing lava from the inside of the earth. This volcanic activity creates new crust on the floor of the ocean: a few centimeters every year, and as the ocean floor spreads, the continents are pushed apart, the lighter, granitic rock of a "plate" or slab they rest, sliding over a heavier basalt of the sea floor mantle.

All the ~~time~~ ~~there~~ ~~are~~ ~~deep~~ ~~of~~ ~~the~~ ~~ocean~~, ~~in~~ ~~the~~ ~~ocean~~ there are deep depressions: ~~at~~ ~~the~~ ~~bottom~~ ~~of~~ ~~the~~ ~~ocean~~ ^{trenches} or "graben": there are the deepest depression on earth, the Mariana, reaching a depth of ...

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There ~~fringe~~ ^{ocean} ~~shallow~~ ^{ocean} floor has a crease at its center: at ~~the~~
where ~~the~~ ~~shallow~~ ^{the} rate of consumption is greater than the rate of production,
the ocean shrinks.

Some oceans are growing: for example, the Atlantic, the
Red sea, the ~~Mediterranean~~ ocean, at the same time, the ~~Atlantic~~
has ~~some~~ ^{grown} ~~grown~~ ^{grown} ~~year~~ ^{year} ~~ago~~. Other oceans are closing, ~~like~~
for example the Pacific, or the Mediterranean. Where oceans
disappear, land ~~continent~~ ^{continent} ~~clash~~, mountains are piled: this happened,
~~that~~ ~~the~~ ~~Himalayas~~ ^{the} ~~now~~, ~~where~~ ~~India~~ ^{India} ~~an~~ ~~ancient~~ ~~ocean~~, ~~the~~
Tethys ~~sea~~, closed and India joined to Asia ~~continent~~:
And ~~Mount~~ ~~peaks~~ ~~are~~ ~~lifted~~ ^{are} ~~thousands~~ ^{up} ~~of~~ ~~meters~~ ~~and~~
~~high~~ ~~of~~ ~~altitude~~ - ~~where~~ ~~they~~ ~~can~~ ~~be~~ ~~found~~ ~~today~~.

Fascinating as they are by themselves, these discoveries
have far-reaching economic implications: for where the
earth is slipping, at the center of growing oceans, metals and
minerals well up from the core of the earth, giving rise to new
industries: The exploration and exploitation of the Mines of
Neptune.

The new understanding of the dynamics of the ocean floor,
and the technology developed to probe and verify also have been
~~beneficial~~ ^{beneficial} also changed the oil map of the world: We know today
that more oil and gas is trapped in the ocean than there is
on land: And we know how to locate it -- farther and farther
out and deeper and deeper down.

For eons, the world ocean has been considered by man to be bi-dimensional, a road to travel, a utility program. The world's common fish has been inexhaustible, and the capacity of the ocean to absorb the waste of human civilization has ~~been~~ ^{been} ~~assumed~~ ^{assumed} to be infinite. The doctrine

~~All this has changed~~
of the "Freedom of the sea" ~~has been an old~~ ^{is based on an} ~~traditional law of the sea~~ ^{old} ~~but~~ ^{is} ~~based~~ ^{based} on the ~~assumption~~ ^{assumption}.

All this has radically changed. We think of the ocean today as three-dimensional, and its depth is a vast economic interest as its surface dimension. The ocean has become a resource, ^{and} ~~not~~ ^{the} ~~oil~~ ^{oil} ~~and~~ ^{and} ~~mineral~~ ^{mineral} ~~wealth~~ ^{wealth} ~~of~~ ^{of} ~~ours~~ ^{ours}, ~~as~~ ^{as} ~~our~~ ^{our} ~~own~~ ^{own} ~~resources~~ ^{resources} ~~or~~ ^{or} ~~land~~ ^{land}.

At the same time, the rapid technological development of a fishing industry has rendered the assumption that ocean fish is inexhaustible while population, urbanization and industrialization have overtaxed the capacity of absorbing capacity of the oceans, giving serious cause for concern for marine life, from which all life on earth grows and on which it still largely depends.

Thus the basic assumption of the old law of the sea is eroding, and its law keeps crumbling. ~~Nations~~ ^{Nations} ~~Coastal~~ ^{Coastal} ~~states~~ ^{states} ~~have~~ ^{have} ~~begun~~ ^{begun} ~~to~~ ^{to} ~~extend~~ ^{extend}

their sovereignty over wide and wide ocean areas: a struggle in
one, to divide the Carve up the world ocean, just as Africa had

been carved up a Century earlier. ~~Conflicts loomed, and the~~
~~specter of Resource hunger and pollution reared the its ugly heads~~

The ~~to first~~ one of its great impulses toward the making
of a new order of the ocean ~~for~~ then was the pursuit of a ~~individual~~
Rendition in the ocean.

While it was the history of the formation of a new law, a second
great impulse came from the dramatic transformation of the
international community in the wake of world war II and decolonization.

^{throughout history}
~~Historical~~ Law of the sea was made by one or two
or half a dozen seafaring states: The Babylonian Code of
Hammurabi; the Rhodian Law, the Code of Oleron.

In 1493, Spain and Portugal divided the world
ocean between themselves. At the dawn of the modern era
two theories competed for attention: The British Selden's
theory of the mare clausum, or closed sea, "owned" by the
Coastal states, who had ~~been~~ ^{been} the right - like the Spanish
and Portuguese of the time, ^{country} to impose tolls on all ~~navigation~~
navigation.

And the ^{concept of the} Dutchman Hugo Grotius' ~~theory~~ ^{of} the mare liberum
the free ocean, that could not be owned ~~and~~ ^{or} ~~it~~ ^{was} ~~every~~
any ~~navigation~~ for any state had freedom to ~~navigate~~ ^{with}
navigate ~~regard~~ to the same extent of others. ~~of course~~ ^{he really} that ~~was~~ ^{not}

The right could be enjoyed only by those who could enforce it, that is, through our media history, ~~mostly~~ ~~a~~ ~~few~~ a handful of countries from Western Europe and North America.

At the time the technological revolution began to erode the foundations of the law, and the first World Trade Conference - a Law of G. was called in 1958 to adjust it to the new conditions. - ~~that~~ ~~was~~ 58 countries participated, and adopted 4 conventions which were ratified, ~~later~~ ~~to~~ ~~be~~ ~~done~~ by 30-40 countries. ^{only} Europe, North America, and Latin America.

Like the sea level, too, began to fall, the membership of the United Nations had more than doubled. The majority ^{of} had passed to the poor nations of Asia, Africa and Latin America, and they wanted their way in to many of the new law. For the first time, the Law of G. was, or any part of international law would be made by them, and for them, not to serve the interests of a few empires but the interests of the people of the world. The high call for a New International Economic order has been the slogan to be remembered, and the new Law of G. was the best part of it. ~~It is a way to have a new model for it.~~

The intrinsic contradictions of the Third World Nations Conference a Law of G. sea stem ^{is double} from the ~~historical~~ ~~roots~~ roots: the technological revolution, and the revolution in international relations. The technological revolution, ~~has~~ ~~must~~ demands an expansion

national jurisdiction in the open, common to "North". The expansion of
national claims, initiated by the United States of America in 1945 with
the Truman Proclamation on the Continental Shelf and its extension
for other zones, ~~invited the~~ ^{invited the} interests of industrialized states, and
the Commission. ~~The~~ ~~fact~~ ~~is~~ ~~that~~ ~~the~~ ~~developing~~ ~~countries~~
~~soon followed~~ The call for a new ~~and~~ ~~international~~ ~~economic~~ ~~order~~ -

It seems clear for a world where the expansion of national jurisdiction, really
views to ~~the~~ ~~purpose~~ of a NIE, remained ~~as~~ ~~of~~ ~~goals~~: ^{involving} ^{security} ^{to} ^{promote} ^{also} ^{the} ^{"South"} ^{issues} ^{of} ^{equity} ^{of} ^{regional} ^{and} ^{other} ^{issues}.

All issues were joined in a ~~document~~ ~~in~~ ~~the~~ ~~historic~~ ~~address~~ ~~by~~ ~~the~~ ~~Ambassador~~ ~~of~~ ~~Malta~~, ~~Arnold~~ ~~Leadbetter~~,
before the First Committee of the U.N. General Assembly, on November 1,
1967. The ~~document~~ ~~is~~ ~~a~~ ~~massive~~, ~~both~~ ~~scholarly~~
and ~~practical~~ ~~statement~~ ~~of~~ ~~a~~ ~~visionary~~, ~~he~~ ~~deals~~
with all the ~~issues~~ ~~of~~ ~~the~~ ~~ocean~~; ~~traditional~~ ~~and~~ ~~the~~ ~~international~~
and ~~developmental~~ ~~have~~ ~~created~~ ~~in~~ ~~the~~ ~~context~~ ~~of~~ ~~the~~ ~~new~~ ~~and~~ ~~in~~ ~~equitable~~
for ~~the~~ ~~well~~ ~~of~~ ~~all~~ ~~the~~ ~~members~~ ~~of~~ ~~the~~ ~~Organization~~ ~~of~~ ~~the~~ ~~United~~
Nations; ~~and~~ ~~proposes~~ ~~the~~ ~~for~~ ~~the~~ ~~sovereignty~~
of ~~the~~ ~~"freedom~~ ~~of~~ ~~the~~ ~~sea"~~ ~~over~~ ~~the~~ ~~high~~ ~~seas~~ ~~and~~ ~~the~~ ~~high~~
~~seas~~ ~~of~~ ~~pollution~~, ~~to~~ ~~ensure~~ ~~a~~ ~~balance~~ ~~of~~ ~~fish~~, ~~and~~ ~~international~~ ~~traffic~~. ~~Only~~ ~~international~~ ~~cooperation~~, ~~and~~ ~~only~~
common action comes from the sea and the
only ~~to~~ ~~be~~ ~~facilitated~~ ~~by~~ ~~the~~ ~~circumstances~~ ~~that~~ ~~under~~ ~~lie~~ ~~the~~ ~~development~~
of ~~the~~ ~~ocean~~ ~~will~~ ~~be~~ ~~the~~ ~~firm~~ ~~and~~ ~~integrated~~ ~~the~~ ~~ocean~~,
that ~~the~~ ~~new~~ ~~wealth~~ ~~of~~ ~~the~~ ~~deep~~ ~~ocean~~ ~~is~~ ~~not~~ ~~belonging~~ ~~to~~ ~~anybody~~
and should be declared to be the ~~Common~~ ~~Heritage~~ ~~of~~ ~~Mankind~~, ~~to~~ ~~be~~ ~~used~~ ~~for~~ ~~peaceful~~ ~~purposes~~ ~~and~~, ~~to~~ ~~be~~ ~~managed~~
for ~~the~~ ~~benefit~~ ~~of~~ ~~all~~ ~~people~~, ~~and~~ ~~special~~ ~~regards~~ ~~for~~ ~~the~~ ~~needs~~

link & strong
emphasis on
international
institution
building



of a process and of a kind which state, and that is the type of interaction
which should be established to manage the common heritage as the help of mankind;

present as future
i.e. not as
consider
i.e. One -
and of the action
scheme as the
main solution -
ment.

He proposed that a special Committee should be appointed to study the
question in depth; that a declaration of principle should be adopted
proclaiming that for the old floor and it would be to common heritage
of mankind, and that a Convention should be elaborated, universally
and adequately, and that, under that Convention an agreement, also adequately representative
for exploration, can be elaborated.

~~Malle to Malle~~, just nearly independent, we in second-
smallest Council of the United Nations. But ~~the~~ ^{the} Munge has responded.
The great big United Nations precedent just to do just exactly what
I think means best supported. This demonstrates that great ideas may
be stronger than guns or dollars. ~~But~~ ^{But} ~~demanding~~ ^{demanding} also in reality
of what might be called the "Paris paradigm" - what names the
theory that ^{change} ~~change~~ occurs in the structure of international relations
is most likely to occur when it results of history shapes
of the point when there is a great man in a small country.
Great men in great countries tend to be checked by bureaucracies
and to need to compare. Great men in very small countries live
a different precedent: ~~But since~~ ^{There are no} ~~very small countries,~~ ^{many books work on the}
~~in~~ ~~United Nations~~ ~~type~~ ~~of~~ ~~United Nations~~ ~~is~~ ~~based~~ ~~on~~
sovereign equality of all states, small countries can talk
a big man or land or big country; and the great men of
small countries live a opportunity that great men - big countries
do not have.

For the and the, the appearance of a great man in a small
country and the form of the convergence of the ~~historical~~ ^{historical} precedent on
the ~~republican~~ ^{republican} ~~international~~ ^{international} relations were the reason for Law of the Sea,

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in the international area ^{expansion} and ^{etc} under national jurisdiction, a health
draft, became a first problem of the Conference at its opening. They
it was discarded a premature at the time, it ^{recovery of a part} principle of the independence
of the problem of a clean air ^{intermediate} presented, but the
Committee decided, in 1972, that a Conference at the level of the States be
called to deal with the problem in the international, and proceeded,
behaviors, to prepare the agenda of the Conference.

By 1973, that task had been completed, and the
Conference - of ¹⁶⁴ 150 ^{representatives} representatives from 117 ^{member} member States.
Working through 12 by ^{agenda} agenda, with ⁵⁸⁵ 585 days, only - \$ 800 -
Organized - ^{organizing} the main working committee, plus an inter-^{regional} regional
groups, interest groups, regional groups, plenary, informal plenary and
a draft committee meeting. The ^{largest} largest group in the Conference - the largest
and largest ⁱⁿ produce draft ^{of} draft, beginning from chairs
and ^{complex} complex and ending with a ^{constituted} constituted for the ^{of} of 320 ^{articles} articles, ^{organ - 17} ^{was} was passed
and of technical annexes, adopted on April 30 by ^{overwhelming} overwhelming consensus,
- both only by ^{dividing} dividing vote.

The Convention is divided into 17 parts, each of
Medicine and ^{adapts} adapts to traditional ^{of} of the ^{of} of the ^{of} of the
by one ^{member} member to summarize the ^{of} of his ^{element} elements
here is one sentence, one might say that it replaces the
traditional binary-pair system of the freedom of the ^{of} of the
with a system of clean management. That really is the



generating a
action, and
Ambassadors -
Not over too long
predator by any
proprietor - of
Sea bed, and
the best because
70 x 60
100
42
of all territories
Gos - news
ber.

Next. This system of management is not complete: An institutional framework
is implementable or provided for only one of the major activities -- and not
the most important one, that is, ^{and} fisheries. As for all other activities, the Commission
- fish, marine - , scientific research, etc. -- the Commission ~~provides~~ ^{submits the} in States or refer
Contract to refer to "the competent international organization" for their management.

The article 62 reference to the organization or to itself. Not only these provisions, but,
also, especially, the system is incomplete; for it "High seas" -- still covers some
60 percent of the ^{ocean} ~~water~~ ^{area} or 42 percent of the surface of the earth -- are exempted.
Here it another purpose of the "freedom of sea" still remains, albeit somewhat
included by all states -- the duties and responsibilities of states to cooperate
for pollute and ~~also~~ cooperate, directly or through "the competent
international organization, with consent of the living resources of the sea.
All it that, however, it divides into jurisdiction, a management power:

The Exclusive Economic Zone of Coastal State, ~~as being~~ ^{and a continental shelf} ~~was~~ ^{is} about
40 percent of the world's ~~ocean~~ ^{land} ~~surface~~ ^{area} and the international waters
area, beyond the outer limit of continental shelf, for ~~and~~ ^{the} jurisdiction of
a ~~new~~ ^{new} ~~and~~ ^{and} ~~new~~ ^{new} ~~type~~ ^{type} of international institution, the ~~is~~ ^{is} ~~the~~ ^{the}
International Law Authority.

The task of delimiting ocean spaces -- traditional zone, ^{was}
a territorial sea, an EEZ zone and the legal continental shelf --
as well as a new Exclusive Economic zone -- and of defining the rights
of coastal states and all states in these zones, was assigned to the
Second Committee. The ~~main~~ ^{main} ~~understands~~ ^{understands} ~~Conflict~~ ^{Conflict} ~~this~~ ^{this} ~~kind~~ ^{kind} ~~of~~ ^{of} ~~the~~ ^{the} ~~the~~ ^{the}
~~here~~ ^{here} ~~the~~ ^{the} ~~the~~ ^{the} ~~the~~ ^{the} ~~the~~ ^{the} ~~the~~ ^{the} ~~the~~ ^{the} ~~the~~ ^{the} ~~the~~ ^{the}
the international ~~principles~~ ^{principles} ~~are~~ ^{are} ~~involved~~ ^{involved} ~~in~~ ⁱⁿ ~~the~~ ^{the} ~~the~~ ^{the} ~~the~~ ^{the}
the conflict: The coastal states -- countries of both developed and developing countries,

whose presence is not in the ~~the~~ ~~perceived~~ ~~the~~ ~~interest~~ it has to extend to ~~the~~ ~~scope~~ of
 the jurisdiction a far out not I mean a possible and I clear as ~~the~~ ~~rights~~ →
 I mean allowable respect to I mean and the jurisdiction. It is all sort of a spectrum,
 the better landlocked and geographically disadvantaged state, ^{For} ~~small~~ ~~to~~ ~~acquire~~
 zone of their own, the best the ^{high} ~~freedom~~ ~~to~~ ~~have~~ ~~enjoyed~~ ~~that~~ ~~is~~ ~~system~~ ~~of~~ ~~freedom~~

- especially in regard to fisheries - the best enjoyed in the era of a freedom of the seas.

and sometimes in the middle was the Maritime States, the negotiators: ~~with~~ ~~to~~

share some coastal state interests, but ~~the~~ ~~dependence~~, a lot of ~~land~~, a lot
 freedom of the seas ~~that~~ ~~landlocked~~ ~~and~~ ~~geographically~~ ~~for~~ ~~the~~ ~~deployment~~ ~~of~~ ~~new~~

disturbance-free, and the way some of the interests of the landlocked or
 geographically disadvantaged state. ^{Factor} in political terms, last party

was a complex agreement of developed and developing ^{with} ~~control~~ ~~planned~~
 maritime economy. As to which, however, ~~the~~ ~~it~~ ~~seems~~ ~~that~~ ~~the~~ ~~coastal~~ ~~states~~
 have dominated by ^{individual} ~~developed~~ - that interests: the ~~international~~ ~~community~~ ~~has~~ ~~by~~

and they lead of Gray has Mexico, ^{inspired} ~~inspired~~ ~~by~~ ~~his~~ ~~brilliant~~ ~~and~~ ~~dynamic~~
 Jorge Cardenas, one of the protagonists ^{and} ~~and~~ ~~was~~ ~~contributor~~ ~~and~~ ~~creative~~ ~~and~~ ~~primary~~ ~~motives~~
 But the can't be denied the larger gains for the expansion of national
 freedom with industrial state. (Canada, Australia, South Africa,)

The landlocked and geographically disadvantaged state,
 Eirene, contains developed and developing state, ^{author} ~~of~~ ~~East~~ ~~Europe~~
 a free-market ^{of} ~~the~~ ~~EEC~~ ~~and~~ ~~social~~ ~~and~~ ~~industrial~~

in various Africa Landlocked countries - the process of free trade - and
 the progress of that state border closed a semi-enclosed sea.

Conflicting interests within the Maritime States (industrial interests
~~with~~ ~~the~~ ~~dis~~ ~~favor~~ ~~expansion~~ ~~of~~ ~~new~~ ~~freedom~~; ~~commercial~~ ~~and~~ ~~industrial~~ ~~interests~~

^{advisable} ~~preferable~~ for freedom of trade and ~~movement~~ ^{investor} ~~control~~ ^{control} of ~~national~~ ^{national} ~~interest~~ ^{interest} ~~provisions~~ ^{provisions}; ~~often~~ ^{often} ~~for~~ ^{for} ~~reasons~~ ^{reasons}
 clearly with the of ~~disturbance~~ ^{disturbance} ~~and~~ ^{and} ~~fisheries~~ ^{fisheries}, etc. ~~to~~ ^{to} ~~be~~ ^{be} ~~found~~ ^{found} ~~and~~ ^{and} ~~put~~ ^{put} ~~to~~ ^{to}
 broader ~~model~~ ^{model} of a ~~spectrum~~ ^{spectrum}, ~~moderately~~ ^{moderately} ~~the~~ ^{the} ~~application~~ ^{application} of ~~flexible~~ ^{flexible} ~~agreements~~ ^{agreements}.
 This ~~approach~~ ^{approach} ~~had~~ ^{had} ~~to~~ ^{to} ~~be~~ ^{be} ~~rather~~ ^{rather} ~~than~~ ^{than}, ~~concentrate~~ ^{concentrate} ~~on~~ ^{on} ~~medium~~ ^{medium} ~~size~~ ^{size} ~~by~~ ^{by} ~~the~~ ^{the} ~~same~~ ^{same} ~~country~~ ^{country}
~~to~~ ^{to} ~~cover~~ ^{cover} ~~all~~ ^{all} ~~in~~ ⁱⁿ ~~Europe~~ ^{Europe} ~~and~~ ^{and} ~~the~~ ^{the} ~~United~~ ^{United} ~~States~~ ^{States}

The Economic Zone Concept is, ^{represent} a ~~total~~ ^{total} ~~and~~ ^{and} ~~coherent~~ ^{coherent} ~~system~~ ^{system}
 of ~~three~~ ^{three} ~~complex~~ ^{complex} ~~conditions~~ ^{conditions}. ~~On~~ ^{On} ~~the~~ ^{the} ~~one~~ ^{one} ~~hand~~ ^{hand}, ~~it~~ ^{it} ~~constitutes~~ ^{constitutes} ~~the~~ ^{the} ~~best~~ ^{best} ~~means~~ ^{means} ~~for~~ ^{for}
 of ~~national~~ ^{national} ~~agreements~~ ^{agreements}, ~~to~~ ^{to} ~~be~~ ^{be} ~~used~~ ^{used} ~~in~~ ⁱⁿ ~~order~~ ^{order} ~~to~~ ^{to} ~~manage~~ ^{manage} ~~the~~ ^{the} ~~zone~~ ^{zone}
~~to~~ ^{to} ~~respond~~ ^{respond} ~~to~~ ^{to} ~~the~~ ^{the} ~~need~~ ^{need} ~~of~~ ^{of} ~~a~~ ^a ~~Management~~ ^{Management} ~~zone~~ ^{zone}; ~~the~~ ^{the} ~~country~~ ^{country}
~~which~~ ^{which} ~~is~~ ^{is} ~~the~~ ^{the} ~~benefit~~ ^{benefit} ~~for~~ ^{for} ~~has~~ ^{has} ~~sovereign~~ ^{sovereign} ~~right~~ ^{right} ~~over~~ ^{over} ~~to~~ ^{to} ~~exploit~~ ^{exploit} ~~and~~ ^{and} ~~exploit~~ ^{exploit}
 of ~~all~~ ^{all} ~~natural~~ ^{natural} ~~resources~~ ^{resources} ~~and~~ ^{and} ~~a~~ ^a ~~bundle~~ ^{bundle} ~~of~~ ^{of} ~~other~~ ^{other} ~~rights~~ ^{rights} ~~and~~ ^{and} ~~related~~ ^{related} ~~to~~ ^{to} ~~other~~ ^{other} ~~activities~~ ^{activities}
 and ~~a~~ ^a ~~scientific~~ ^{scientific} ~~research~~ ^{research}. ~~It~~ ^{It} ~~does~~ ^{does} ~~not~~ ^{not} ~~enjoy~~ ^{enjoy}, ~~however~~ ^{however} ~~territorial~~ ^{territorial} ~~sovereignty~~ ^{sovereignty} ~~over~~ ^{over} ~~the~~ ^{the}
~~zone~~ ^{zone}, ~~but~~ ^{but} ~~it~~ ^{it} ~~does~~ ^{does} ~~enjoy~~ ^{enjoy} ~~sovereignty~~ ^{sovereignty} ~~in~~ ⁱⁿ ~~persons~~ ^{persons} ~~to~~ ^{to} ~~be~~ ^{be} ~~enjoyed~~ ^{enjoyed} ~~over~~ ^{over} ~~the~~ ^{the} ~~zone~~ ^{zone}
~~benefit~~ ^{benefit} ~~of~~ ^{of} ~~the~~ ^{the} ~~zone~~ ^{zone} ~~and~~ ^{and} ~~to~~ ^{to} ~~territorial~~ ^{territorial} ~~states~~ ^{states} ~~adjacent~~ ^{adjacent} ~~to~~ ^{to} ~~it~~ ^{it}. ~~The~~ ^{The} ~~Economic~~ ^{Economic}
~~zone~~ ^{zone}, ~~legally~~ ^{legally} ~~"in~~ ⁱⁿ ~~persons"~~ ^{persons"}, ~~is~~ ^{is} ~~a~~ ^a ~~zone~~ ^{zone} ~~where~~ ^{where} ~~the~~ ^{the} ~~concept~~ ^{concept} ~~of~~ ^{of} ~~sovereignty~~ ^{sovereignty} ~~is~~ ^{is} ~~transformed~~ ^{transformed}
~~from~~ ^{from} ~~territorial~~ ^{territorial} ~~sovereignty~~ ^{sovereignty} ~~to~~ ^{to} ~~functional~~ ^{functional} ~~sovereignty~~ ^{sovereignty}: ~~a~~ ^a ~~modern~~ ^{modern}, ~~dynamic~~ ^{dynamic}, ~~and~~ ^{and} ~~flexible~~ ^{flexible}
~~concept~~ ^{concept}, ~~that~~ ^{that} ~~may~~ ^{may} ~~find~~ ^{find} ~~its~~ ^{its} ~~application~~ ^{application} ~~in~~ ⁱⁿ ~~the~~ ^{the} ~~future~~ ^{future}.
consequence that of the Vienna Hierarchy of Norms

So there is a positive aspect of the ~~innovative~~ ^{innovative} ~~concept~~ ^{concept}
 which ~~has~~ ^{has} ~~been~~ ^{been} ~~the~~ ^{the} ~~basis~~ ^{basis} ~~of~~ ^{of} ~~the~~ ^{the} ~~development~~ ^{development} ~~of~~ ^{of} ~~a~~ ^a ~~new~~ ^{new} ~~international~~ ^{international} ~~economic~~ ^{economic} ~~and~~ ^{and} ~~by~~ ^{by} ~~some~~ ^{some}, ~~with~~ ^{with} ~~the~~ ^{the} ~~aid~~ ^{aid} ~~of~~ ^{of} ~~the~~ ^{the} ~~great~~ ^{great} ~~major~~ ^{major} ~~powers~~ ^{powers} ~~and~~ ^{and} ~~other~~ ^{other}.

On the ~~negative~~ ^{negative} ~~side~~ ^{side}, ~~it~~ ^{it} ~~cannot~~ ^{cannot} ~~be~~ ^{be} ~~denied~~ ^{denied} ~~that~~ ^{that}
~~some~~ ^{some} ~~countries~~ ^{countries} ~~gain~~ ^{gain} ~~inordinate~~ ^{inordinate} ~~benefits~~ ^{benefits} ~~by~~ ^{by} ~~the~~ ^{the} ~~acquisition~~ ^{acquisition} ~~of~~ ^{of} ~~a~~ ^a ~~zone~~ ^{zone}
~~and~~ ^{and} ~~control~~ ^{control} ~~margin~~ ^{margin}, ~~but~~ ^{but} ~~not~~ ^{not} ~~all~~ ^{all} ~~countries~~ ^{countries} ~~gain~~ ^{gain} ~~equally~~ ^{equally} ~~and~~ ^{and} ~~that~~ ^{that} ~~some~~ ^{some} ~~gain~~ ^{gain} ~~little~~ ^{little}; ~~and~~ ^{and} ~~that~~ ^{that} ~~not~~ ^{not} ~~only~~ ^{not} ~~are~~ ^{are} ~~the~~ ^{the} ~~major~~ ^{major} ~~powers~~ ^{powers} ~~already~~ ^{already}
~~rich~~ ^{rich}, ~~in~~ ⁱⁿ ~~territory~~ ^{territory} ~~and~~ ^{and} ~~resources~~ ^{resources}. ~~In~~ ^{In} ~~other~~ ^{other} ~~words~~ ^{words}, ~~the~~ ^{the} ~~expansion~~ ^{expansion} ~~of~~ ^{of} ~~national~~ ^{national} ~~jurisdiction~~ ^{jurisdiction}

in the ocean increase inequality among nations, rather than equality. If, furthermore, it be the intention of the Conference to set clear and unambiguous boundaries to national jurisdiction ^{and} to forestall further expansion and increase ~~the~~ opportunity of conflict, then the Convention failed in the respect.

The limits as defined are elastic, with loopholes for fresh claims at any time; and it is an easy prediction that if any substantial resources are discovered anywhere in the world ocean, they will be claimed by the nearest Coastal State or island State, in spite of the solemn declaration, also embodied in the Convention, of the non-appropriability by any State or person of the Ocean Heritage of Mankind "beyond the limits of national jurisdiction."

Since we cannot go back, however, we must now proceed to overcome the weakness and injustice inherent in this part of the Convention. This will ~~not~~ most likely be done through preferential regional co-operation and interplay in ocean affairs, the strengthening of international organizations, and some form of revenue sharing in the Economic Zone. So far we shall return to the concluding section of this paper.

~~and therefore was subordinate~~

The present innovation, however, is part XI of the Convention, with its respects Annexes III, and IV, defining the international regime for the management of the Common Heritage: It involves resources of the deep seabed beyond the limits of national jurisdiction. This is the responsibility of the First Committee.

Political alignments were somewhat different for three stages of compromise solution ^{in conflict} by the Committee. Polarized between the industrialized and non-industrialized parts of the world along with the polarizing aspect. ~~The "south" wanted a strong international institution: ^{operable} that could itself engage, on behalf of mankind, to be explored and exploited of the area. The "North" wanted a weak institution, if any. The concept of revolutionary principle of the Common Heritage of Mankind was at the heart of the conflict. The "North" tended to hold the deep and economic significance, and the relevance of the 11 realms of technologies. The "South" perceived the revolutionary potential of the concept and took it as an accepted norm of international law. The "North" was ready to concede benefit sharing merely in terms of a small royalty or tax on the extracts of the Common Heritage, which for the rest, ~~could~~ could be utilized by the North as it pleased; the "South" considered benefit sharing in a more comprehensive sense, including the benefits derived from shared management and technology transfer.~~

The North has a weak international authority, but ^{in terms of success} strong functions: a more effective reply of claims; a South Council an authority with comprehensive functions and power: ~~the Authority the spells, itself~~ includes an operational arm, the Enterprise, which should itself explore and exploit the Common heritage or heritage of mankind as a whole. When this last conflict was finally resolved by the general acceptance of compromise of a so-called "parallel system" providing for a licensing system as well as for the establishment of an operational arm, the Enterprise, the ~~South~~ North handled ^{very} international trade and regulates as far as possible; the South wants more a high or profit. The South handles mandatory technology transfer; the North requires; the South handles a product's policy protection, develops countries to market the short mineral (nickel, copper, cobalt and manganese) and has concerns about the possible impact of reboiling on price and export earnings; the North (with the exception of Canada) determined.

of course there are ^{of people} differences and conflicts interests with the group of industrialized countries, and with that of developing countries -- for instance, between ^{but as per} products of the ~~offer~~ offer ~~seems minimal~~ but the iron imports of the mineral to be market for the market, or between ^{countries} centrally planned and free market economies -- but these differences were not as sharp as these divide Central clubs for least least state economic to non- social order of Committee II, ~~and when it heard~~ ~~only~~ ~~to~~ ~~was~~ ~~not~~ ~~done~~

In Committee I, on the whole the line held steadily, with ~~some~~ ^{the} ~~hands~~ ^{assistance} of Scandinavian and Canada joined to mediate -- frequently under the leadership of Norway's Jens Evensen, another one of the independent great leaders of the Conference.

The compromise was long and hard to come by. The result is far from perfect. On the positive side, there is the dignity that the establishment of this new type of organization, by ~~it~~ ~~was~~ ~~at~~ ~~least~~ ~~the~~ ~~consensus~~ ⁱⁿ ~~of~~ ~~the~~ ~~world~~ ~~community~~ ^{of} ~~the~~ ~~world~~ ~~is~~ ~~made~~ ~~the~~ ~~relicious~~, of practically the whole world community -- because also the U.S. has consented and, as we firmly believe, will renew its consensus -- is a breakthrough in the conduct of international relations.

The vested authority, no matter how defective, is probably the closest to the prototype for international organization in the next century. Here, for the first time is an international public institution not operational, in some general capacity. Here, for the first time is an institution empowered to levy an international tax for international development purposes.

Here, for the first time is a public international institution having international and public content in a structured relationship of cooperation with the concept of "code of conduct." Here is a first attempt of a

~~international~~ ~~of~~ ~~the~~ ~~world~~ ~~community~~ ~~policy~~, with due regard to ~~the~~ ~~environment~~ ~~and~~ ~~conservation~~. Here, but not least, is an institution based on the principle of the Common Heritage of Mankind, ~~giving~~ ~~rise~~ ~~to~~ ~~the~~ ~~possibilities~~ ~~of~~ ~~creating~~ ~~new~~ ~~forms~~ ~~of~~ ~~industrial~~ ~~cooperation~~ ~~between~~ ~~"North"~~ ~~and~~ ~~"South"~~, formulated not as "aid"

industrial cooperation between "North" and "South", formulated not as "aid"

but on sharing what's common. Fifty years ago, an international structure like
 the EEC was an idealistic dream of European "Federalism." Today it is
 reality. ~~20 years~~ ^{15 years} ago, an international central Authority would have been a
 utopian dream. Today it is a fact of international Law. Similarly the free market.

On the negative side, we must admit that the compromise so
 laboriously elaborated are not viable. The "South" wanted an European
 system in complete contrast of all products, a la "Aurea", a la "North
 American" licensing agency; a proposition unacceptable to the majority of
 states, who considered it to violate principle of Common Heritage.
 The "South" wanted an operational ~~market~~ ^{subsidy} to Common Heritage principle -
 a ~~operational~~ Authority, ~~operational~~ and a virtual monopoly over the
 products; a proposition which is impractical since Capital, technology
 and know-how were all in the North. Secretary Henry Kissinger's
 Conference is really now just a rehearsal for Secretary Kissinger's
~~fallacy~~ ^{accusation} that the addition of a "parallel system" of an unacceptable
 and an impractical proposition should result in a solution
 that is both acceptable and practical!

at least
 15 years
 as a member

During long and tedious negotiations fellows in decision to accept
 the American proposition, the Text became more complex but even then the
 passed, more abstract, more remote for reality.
 In the end, the "North's" lingering dislike for the Authority

the distrust against of public kind-would. reputation of growing organ, ^{rather} ~~but~~ I
I seek to reduce & further's discretionary power to a bare minimum.

~~Everything has -- every fiscal and administrative detail had to be~~

~~spelled out in~~ Much to vigorous leadership of the former Leigh Redner,
I think spelled out in advance every ~~fixed~~ financial and
administrational detail and ensuring a law unalterable for

next 25 years - and the of a industry what, but yet a certain
firm the future, admittedly, in quite uncertain. The South's meanwhile, had become

^{flexible while}
~~to the off hand~~ to have assumptions a total to total editio
posed, began to crumble. These ^{same} assumptions were three: (1) that ocean mining would
be commercially developed in a 10 years; (2) that a ~~small amount of~~ ~~technology~~
be limited to the mining of manganese nodules; (3) that all ~~the~~ nodules
of commercial interest were situated in a area beyond the limit of
national jurisdiction - however defined.

Assumption (1) was undermined by the world-wide economic
recession, ~~and~~ the inability of a world market, a oversupply of
base-metal reserves, and low prices. Nobody is to would consider spending the
inward billion of dollars in a country of a low industry. Companies
had to re-evaluate their plans, scale down ~~the~~ ~~research~~ ~~expansion~~, research and
development: Production now, according to best guess is at least
15 years away, and probably will not begin before the end of the
Century.

Assumption (2) fell under the blows of advanced scientific
research. In 1982, the National Oceanic and Atmospheric Administration
(NOAA) announced the discovery, off the Galapagos island, of masses of
poly metallic sulphides, containing copper, and other metals, in concentrations
thousand times more than those of the nodules. Similar finds were announced

thoughts of
the desirability
of exploiting
the Ocean Heritage
at all. The
numerous potential
uses of manganese
interest for
things were
consumed
states, ^{there would}
while produce
state structure
the impact of
debt competition -
a the export price
then the South's increase
concerned by
Authority as a
agency to control
and limit,
shall the
manage, the production
of the Ocean Heritage

of the western coast of the United States (Oregon and Washington). The interest in manganese nodules began to wane.

But even when it persisted, it focus shifted from the "international" area to areas under national jurisdiction. Mexico, for example, could claim primary title in the offshore of Claca Island. Chile had one the largest and richest sites in the Juan Fernandez Archipelago, also under its jurisdiction. France has ~~rights~~ ^{rights} in the ^{and} Polynesian waters, and the United States can stretch its claim around the Pacific peninsula ~~and~~ to Hawaii's offshore to include ~~the~~ quality manganese nodules.

Companies, when brought out to negotiate, have been ^{well-} ~~prepared to~~ that "from the immediate point of view, national jurisdiction could not go out for much..." We had their say. If they did not like the Authority in the Chamberlain rules and regulations, they could go to a Coastal State and make a bilateral agreement of their choice.

The situation was drastically changed.

It is frequently to be hoped that there will be some day and hand for the realization of the great new principle, the Common Heritage of Mankind, and its embodiment in a new, pioneering type of international organization, will not be disappointed. Since history, obviously is on their side, they have already - albeit quite unevenly - embarked on a strategy that will save the concept of the Common Heritage. We the we should return to the final page.

of the highest, and most consequential innovations of the Council - a 4 has of 4 has
the establishment of a management system to 4 EEZ and 4 international waters
Area, there are, however, a wide number of points involved, of which our study
mentions at least three:

The Committee establishes a new legal regime for the ~~marine~~
scientific research. It is the replacement of ~~existing~~ ~~freedom~~ by the freedom of
the sea by management of the sea in the key-note of the Convention, 174 legal.
That this affects marine scientific research just as it affects other marine
activities. Marine scientific research has received, ~~not~~ ~~until~~
now, little attention from international law. It was considered as one
of a "implied" freedoms of the sea which could be exercised by any one
without restraint or control, provided there be "reasonable regard" for the
freedom of others to engage in same activity.

Now we have a "consent regime" in areas under national
jurisdiction, and a "selfish" regime in the international waters.
Freedom still exists in the "High seas."

The coastal state is normally expected to give its
consent expeditiously -- ^{then are} under commercial or military ~~implications~~
implications -- but U.S. scientists, in particular have feared
that random bureaucratic delays might impede ^{and frustrate} scientific
research or ~~even~~ ~~considering~~ the list of delays - make it impossible.
The scientists of other industrialized countries did not share these
concerns. Certainly, research in the areas under ~~national~~ ~~jurisdiction~~
might of coastal state might have to be somewhat re-oriented
so that it is ~~helpful~~ serves the interests of the ~~coastal~~ ~~not~~ ~~only~~
of its research state but also that of the coastal state, but that
should not be too harmful a trend.

More than the Convention, it is perhaps the Repre-
sentative that is redirecting U.S. ~~research~~ marine research policy, restricting
its scope to reduce cost.

Moreover, so long as the U.S. does not sign the Convention,

This was the
responsibility
of the Third
Committee.

Political polarization
in the Committee was
less marked than
in other, and the
complexity of all its
commitments --

Part XII, a pro-
- 1 case

-- the Committee
decreases more
slowly and completely
it looks back than
the other committees.

and refuse to recognize it as legal order, I can't apply for coastal
state consent, ~~but also~~ must then observe it!

States have the right to carry out scientific research on the
international waters area, but so does the International Decades
Authority, who also has the responsibility to ^{encourage and} harmonize and integrate
national research efforts in the area.

More than any legal instrument in the past, the Convention
encourages international cooperation in marine scientific research,
practically making it mandatory in providing, time and again
throughout part ^{xiii} and ^{xiv}, that states "shall cooperate ..." (emphasis added)
What is more, it puts a premium on the internationalization
of scientific research. The "competent international organizations"
that is in the case, particularly the Intergovernmental Oceanographic
Commission is called upon to play a major role in facilitating
the proper functioning of a "coastal regime". Projects that are
sponsored by or undertaken under the auspices of the international
organization are deemed to have the ^{implicit} consent of the coastal state
and other jurisdiction to which they are to be carried out, provided the coastal
state is a member of the international organization and is, with
the organization, not opposed to the project. There also is a clear trend to
internationalize -- reinforced by the Convention -- for international organizations
to become themselves operational in scientific research rather than merely
co-ordinating the national efforts. Considering the nature of
marine scientific research, including its high cost -- international
cooperation and internationalization are indeed essential for its advancement,
and not only in developed but also in developing countries, it is a developed

The protection and conservation of the marine environment is, of course based on marine scientific research. Also to the United Nations, the Convention ~~is brought~~

The Convention provides, for the first time in the history of international law, a complete framework for the protection and conservation of the marine environment. Here, again, the Convention is really breaking new ground. It covers ~~air~~ ^{atmospheric} pollution, pollution caused by oil products and other sea-borne pollution, pollution from land-based ~~point~~ sources as well as pollution ~~from~~ ^{through} the atmosphere. It establishes the principle of liability of state for ~~damage~~ ^{harm} inflicted, not only in areas under ~~different~~ ^{the} jurisdiction of another state, but even in the high seas of the "High Seas." Even possible abandonment of the marine environment, through aquacultural activities introducing alien exotic species, or through the application of high-technology processes - are foreseen, and appropriate international consultation, but cooperation with a "competent international organization" is made mandatory to ~~prevent~~ ^{prevent} ~~replicate~~ ^{prevent} such alterations.

In this new field too however, the Convention fails to create an institutional framework to implement it too, so urgently needed too: for that, due to the very nature of the all-pervasive ~~pollution~~ ^{pollution} problem, which ignores the political boundaries, can any be solved at an international level.

Instead the Convention - inevitably as the historical precedent - leaves ~~much~~ ^{to} a great deal of what has to be done to coastal states, who have the right to ~~prevent~~ ^{prevent} ~~prosecute~~ ^{prosecute} polluters -- but not, strictly speaking, the study.

that coastal states, or flag states, cannot do, or refer to, again, to the movement
 "competent international organization" - in this case, clearly, the Intergovernmental
 Maritime Organization (IMO) and UNEP or United Nations Environment
 Programme (UNEP) -- and lay before the completion of a Draft Convention --
 let alone its adoption, signature, ratification and coming into force -- these
 organizations got busy, implementing it: IMO, with a series of conventions
^{regulates} vessel-borne pollution and dumping, including the dumping
 of radioactive wastes, UNEP with its Comprehensive Regional
 Seas Programme which is beginning to provide the lacking
 institutional framework that to transform the "soft law"
 of a Convention into "hard", enforceable law. There are now eleven
 such programmes -- already completed or in the process of being completed, -- each
 consisting of a ~~the~~ framework Convention, a "Plan of Action", and
 a series of "Protocols" -- including the establishment of special funds
 to pay for the cost of cleaning up the seas and preventing further
 pollution. About 110 States, ~~are now~~ and a great number
 of intergovernmental and non-governmental organizations are involved
 in these activities. In building this programme, UNEP routinely
 relied on the universal standards ~~on the list~~ were in the making
 of the Law of the Sea Conference. Without such universal standards
 it would be impossible to enact a regional seas programme.

Part XIV of the Convention deals with the transfer of marine
 technologies. It is, basically, a part of the developing countries in
 Committee II, it went as far as the cover, ~~to that~~ ~~even~~ ~~encompassing~~

indifference rather than resistance on the part of the industrialized world.

Part XIV indeed is "soft law" par excellence. And for that matter, ~~it is~~

possible to legislate the transfer of technology? The transfer of technology is

an immensely complex technical, social, political, educational process.

The Law can establish some principles, set some goals, encourage some activities, such as the ~~establishment~~ of regional cooperation and the establishment

of regional centres - the rest must be done by history. This history

is already delineating itself: it consists, on the one hand, of the disintegration

of the superannuated patent system, which no longer corresponds to technological or

social needs. The status of "intellectual property" in the 21st century will

be different from what it has in the early 20th. A concept of a Common

Heritage of Mankind will not fail to exercise its impact.

On the other hand there will be, and must be a concerted effort in training and education in the developing countries to build the necessary infrastructure to receive and utilize "transferred" technology.

Between both the trends may conceivably ~~be~~ converge in more international co-development of ~~the~~ science and technology

the "transfer". "Transfer" is a concept that may look quaint,

25 years from now.

Finally, the Convention makes an important contribution to the development of ^{binding} international dispute settlement systems, and thus, to the maintenance of peace. It establishes, in fact

the most comprehensive and the most binding global system ever devised.

This has been the personal work of a group of first-rate "legal experts", among whom one should particularly mention Louis Sohn of the United States, John Eames of Norway, Lauterpacht of Australia, ^{Shabtey Reserine of} Israel, ^{Samuel Geand, Poiré of} France, ^{to name only} Japhet of India, Ken Rattray of Jamaica, ^{to name only} & so, the level of their discussion was the highest to be attained anywhere. The result is a system ranging from the new concept of "mandatory conciliation" (making a mandatory to go through the process, but not mandatory to accept the recommended results) hereafter through "arbitration" to in various forms to the establishment of a special ~~International~~ International Tribunal on the Law of the Sea, ~~the decisions of~~ which will have a status like the ~~Hamburg~~ City of Hamburg and whose decisions will be binding. In one of its special chambers, the ~~Peace~~ Chamber, also non-states, that is companies and persons, will have a certain standing.

Again, regrettably but inevitably, there are certain loopholes in the system, when states can claim exemption from compulsory dispute settlement procedures - and, as could be expected, they ~~are the~~ concern the most sensitive issues, there most likely to engender international conflict: there involving the military, there involving boundary disputes, and there involving coastal states' "sovereign rights" in the Exclusive Economic Zone.

Looking at the whole edifice, one cannot deny that it is unique; that it is a milestone in the history of international relations.

It is the loopholes, the defects, the contradictions

As the result of compromise in a highly conflictive situation.

The basic Conflict

Resulting from compromises in a highly conflictive situation,
 it is an ambiguous document: And how one should not lose sight of the basic
 fact that the Law of the sea does not lead an autonomous existence, but is
 part of the international and inter-national order as demands of our time,
 by the present trend towards global self-destructive continuous uncheckered,
 states will use the loopholes, defects and contradictions of the Convention
 to carry to conflict into the ocean, to rape and pollute its environment, exhaust
 its marine living resources, and utilize its depths to deploy their
 armaments of death. "you see," the deep-pockets of the Convention will be ragged --
 if there are any left to gloat" we heard you see: the Convention has not
 vigils."

But had the Convention been allowed -- by some strange oversight --
 to be a perfect document, just and fair to all, ^{complete} without loopholes --
 the result would be exactly the same if we assume that present
 trends towards ~~global~~ self-destructive and uncheckered, the perfect
 document ~~when the law~~ would simply have been broader inside.

When the history can be made by perfect document? History
 is made by living trends who use as minimum documents.

Suppose there is a turning point in current trends,
 and states become serious about global regulations, about balanced
 development, about peace -- then they will not nitpick the Convention for
 its holes, defects and contradictions. They will look for a path that can

used, interpreted, expanded, for their purpose, and the will find
 that the Committee offers a whole new platform ~~and~~ from which to
 launch the struggle for a better world order.

Barring major conflagration and disintegration, the ~~in-~~
~~evitable~~ penetration of the industrial revolution into the ocean will con-
 tinue. The ocean will play an even greater role in the economy of states
 and of the world community. Three major, long-term developments can clearly be dis-
 cerned.

The first is the transformation of an economy still based on
 hunting and gathering in the ocean to an economy based on
 cultivating aquatic plants and husbanding of aquatic animals.
 This transformation is in full development today - and maybe as significant
 as the advent of ~~agriculture~~ same process on land - (the emergence of
 agriculture) ten thousand years ago. Aquaculture, although it has a
 millennial history in China and India, contributed nothing
 to the ~~global~~ monitored, global catch of fish until the
 1960s. Today it contributes 15% of the global fish production.
 In species after species - Eel, bream, oyster or Nozi - - one observes
 the same spectacle: Production from the wild ~~depletes~~ for various
 reasons (pollution, overfishing, decrease of breeding grounds for and use
 for other purposes); and cultivation begins: first at a marginal level,
 but within ~~40-50~~ 30-40 years, it takes over the whole market, while
 production from the wild becomes marginal if it does not disap-
 pear altogether. What happens to species after species, will undoubtedly
 happen to the industry as a whole; not in the sense that
 capture fisheries will be displaced altogether, but that
 capture will be a phase of culture, and there will be

human intervention in the life cycle of every Commercial fish species. This system will embrace sea water, brackish water as well as freshwater. The technologies are rapidly developing. What is required is an effective system of management, which the Convention does not establish; but it provides a framework within which it could be created. Food Aquatic food can provide a considerably large share of the world food supply, especially in developing countries where it is most needed.

The second major ~~long term~~ transformation, certainly clearly discernible, is a long-term shift from a land-mining of nutrients minerals and metals to ocean mining. The scientific foundation has been laid: the technology, basically, has been developed even though a great deal of R and D is still needed to scale production from the pilot-plant level to that of commercial viability. The current economic depression is slowing down to a halt or perhaps bringing it temporarily to a halt. But, upon barring world conflagration or disintegration, ocean mining will come; its advantages are too great -- from the elimination of conflicts with conflicting land uses, to its probably lesser environmental impact (if properly controlled), a reduction in the cost of transportation and in the need of labour: once the initial difficulties are overcome it is indeed likely, that the production would be more economical -- and resources more abundant. The Convention does provide a framework for the international, co-ordinated management of this activity. Obviously, the framework will have to be adapted to changing circumstances -- but it is there; and that is an important thing.

Thirdly, the ocean will play a most large role

in a world's energy household. Not only will probably 50% of 4 world oil supply come from offshore produced by the end of 4 century, but technology for the production of energy from tides, waves, currents, thermal gradients [Ocean Thermal Energy Conversion: OTEC], salinity gradients and bio-mass are rapidly developing and are likely to become economical in a next fifty years. Here is indeed a splendid occasion for international cooperation and co-development of technology, benefiting both industrialized and developing countries.

At the same time -- barring worst case scenario or disruption -- the legal and political developments ^{generated} triggered by the Convention are in its own present shape -- take their reluctant course in the industrialized as well as in the ~~the~~ non-industrialized world, states are busy updating their national laws, harmonizing them, extending them to areas and activities hitherto not covered by any law, and bringing them into line with the Convention or to keep pace. They are busy ~~building~~ ~~national infrastructure~~ internalizing and implementing the Convention, busy building national infrastructure -- Departments of Ocean Development, ~~new~~ Ministries for Ocean Affairs, National Agencies for Aquatic Resources -- to assume the new functions of ocean management.

The ~~former~~ "competent international organizations"

-- IOC, FAO, IMO, UNEP, and a number of less heavily involved agencies -- ILO, IAEA, WHO, WHE, UNCTAD, are diligently intent on examining their new responsibilities under the Convention, and in extent of ^{the} necessary restructuring of their functions, ~~to~~ to be able to fulfill their responsibilities. New responsibilities in assisting developing coastal states with their national legislation, with the management

of their living resources, especially those that migrate across political boundaries; in establishing shipping lanes and traffic control systems, in monitoring pollution, in setting up regional centres for the advancement of marine science and technology, ~~for~~ ~~to~~ ~~be~~ ~~the~~ ~~arbitrator~~ ~~of~~ ~~conflicts~~. It may seem paradoxical, but the expansion of national jurisdictions in ocean space does not diminish the need for international cooperation; quite on the contrary, it increases it greatly. Perhaps the time has come when we should ~~get~~ get

rid of the superannuated, philosophically antiquated notion that national and international developments ^{are a pair of} constitute conflicting trends:

They are the two sides of the same coin: you cannot have strong international cooperation unless you have strong national infrastructure. And in the technological and economic reality of today, you cannot have strong ~~inter~~ national infrastructure ^{or maintain it,} except through strong international cooperation.

~~The~~ The same applies, in a way, to the "competent international organisations" - these new actors on the scene of international relations. While each one of them has to broaden and strengthen its own basis to face the new challenges and carry the new burdens, all of them have to adjust to the ^{reality-} ~~fact~~ inscribed in the Preamble of the Convention "that

The problems of the oceans are closely interrelated and need to be considered as a whole. There have been, in the past, more or less successful attempts to coordinate and integrate the organizations' activities at the intersecretarial level, with regard to one specific matter, such as ~~pollution~~ the Monitoring of Pollution (there is an ~~intersecretarial group~~ cross-organizational group called GESAMP (Group of Experts for the Scientific Assessment of Marine Pollution) or for Training in the Marine Sciences (Science only, not management) TEHA, (Training, Education, and Mutual Assistance). There has never been any attempt to coordinate or integrate activities at the policy making level, with the consequence that there is now a great deal of ~~work~~ competition, waste, and duplication of effort which we can avoid. The time has come to create a mechanism — some sort of integrated machinery: to be a forum where all aspects of ocean management can be discussed, priorities set and the problem of the oceans can be considered in their interrelation and as a whole. This has to be done at ~~the level of~~ ground floor the level of the Assemblies of these organizations: one might envision a Joint Assembly, consisting of elected delegates from each of the Assemblies of IOC, FAO, ILO, and UNEP, but the participation of others.

Thirdly, the world ocean is increasingly being covered by the networks of the Regional Sea Programme, and this development is likely to continue and to intensify - despite of and across political tensions. Turks and Greeks, Israelis and Arabs, Yugoslavs and Germans are known to have cooperated in the regional sea programme even in times of wars between them. The regional sea programme offers scope for constructive and innovative action - especially where it covers regions where deindustrialization and de-militarization efforts are already in course. Thus a regional successful regional sea programme in the Indian Ocean could give a strong impetus to the sea-of-peace concept in that region, which has been adopted and re-iterated by a United Nation, but not respected by the super-powers. The sea-of-peace concept covers profit greatly at the time from the strong anti-nuclear movement ~~in~~ ^{also} within states, and the movement, in turn could be greatly strengthened by including regional seas.

A second area in which the regional sea programme could be seminal is that of international taxation which has been explored but with interest by development economists within UNEP, within the World Bank, by the Willy Brandt Commission and others. The regional sea programme is in

in the process of setting up Funds to defray the cost of national and regional pollution control, and there has been a great deal of discussion, especially among Mediterranean Countries, as to the basis on which contributions to this fund should be assessed to its member states.

The only available standard was that of the United Nations scale of contributions, and that did not really appear quite applicable; too far removed from the purposes the fund should serve.

At Bay of 1972, the delegation of Malta and Mexico introduced a document to the "Technical Committee" that has been prepared by the International Ocean Institute and proposes the establishment of an Ocean Development Tax, ~~assessments~~ to be paid by Governments and assessed on the basis of a ~~the~~ State's uses of the ocean: Let us say one percent on the revenues from offshore oil, from commercial fisheries, from seasonal trade, and a tax on licensing dumping.

Within the context of the Fund established by the regional sea programme, this type of contribution assessment might be desirable on a h.v. scale. Funds raised through

an ocean development but might ~~also be used~~ be used not only for pollution control, but also for ^{marine} industrial, scientific research, and, especially in the Africa region, to assist the landlocked states, which are the poorest in the world.

A third area in which the regional sea programme could be pathbreaking is in fact that of the difficulties the landlocked countries are encountering under the Convention on a Law of the Sea. The problem of these countries can only be solved on a regional basis — and the regional sea programme offers new perspectives. Focusing on the protection and conservation of the marine environment in a given region, one quickly reaches the conclusion that it is impossible to do the job without including water management in the broader sense, that is, including fresh water systems besides the sea water system. The interactions between the two are too numerous and inexplicable.

Pollution of the marine environment cannot be halted without proper management of the river that flows into it. Often these rivers ~~or~~ traverse several countries before flowing into the sea — and often the springs are in landlocked countries, in inland mountain chains. The landlocked countries are brought into the system of integrated water management which comprises the

Economic zone of coastal states, the coastal zone, ^{the} and a better link up to the watershed. By landlocked countries are called upon to assume responsibilities within the system of integrated management, they being the first beneficiaries in return. It is clear, then, that the regional Council is different from the role they had to play at the Lagos Conference and it is on the regional level that one must look for solutions to the problem - solutions based on mutual respect and a commonality of interests.

Together with the Convention, the Conference on the Law of the Sea adopted, on April 30 of the year, a number of resolutions, of which one should mention the first two, because they are likely to play a fundamentally important role in the coming phase of ~~part~~ the development of a new order in the ocean.

Resolution I establishes a Preparatory Commission which should begin its work within three months after the Convention will have gathered 50 signatures: Signatures - not ratifications. Thus the Commission will begin its work in March 1983.

~~The task of the~~

The task of the Commission will be -- a) generally for the case of
preparatory Commission -- to prepare rules and regulations, and a provisional
agreement for the first session of the Assembly and the Council of the International
Seafaring Authority which can be established only after the Convention has been
ratified by 60 States and comes into force. So far, nothing has been done.

The novelty of the situation arises from the provision that the Commission
shall "exercise the powers and functions assigned to it by resolution I
of the Conference relating to preparatory investment" and that "the Commission
shall have such legal capacity as may be necessary for the exercise
of its functions and the fulfilment of its purpose".

Resolution II, relating to preparatory investments, establishes, for
all practical purposes, a simple inalienable regime for exploration,
research and development in ocean mining. It bestows on the
Commission, as an implementing body, considerable functions,
powers and responsibilities. The Commission has to examine
applications from "pioneer investors" for exploration sites. It
has to ^{verify projects data and} choose sites reserved for the future Authority and to
prepare Rules. It has to suggest arrangements for technical transfer

to a future Authority and for training of personnel from
developing countries. In other words, the Commission will have
considerable operational capacity.

Whether, and how soon, the Committee will be replaced,
and by whom, will largely depend on the success how successfully
the Commission achieves its task: if the Commission succeeds in
adjusting the ideas, ideas, and policies of the 1970s to the economic
realities of the 1980s: if it succeeds in making the Authority
relevant and directly useful to both developing and industrialized
countries. Then, the Commission must interpret and develop these
provisions that are applicable in the economic situation of the 1980s
and nineties, and not attempt to use them that are inapplicable.

To try to raise a billion dollars for a future Enterprise, and
and to want for companies to offer billion dollar independent
Mining projects, in the light, needs to meet fitting in
Jamaica and waiting for Godot.

~~The~~ North is right, the nineties will be decades
for independent, Commercial Mining projects in the international
area for the reason mentioned above. The light and nineties
may be decades for the plant, research and development, and a

in this field that the Commission can make practical and immediate contributions. Private/public international joint ventures as exploratory research and development would be equally advantageous for the institutions of the developed countries, by reducing investment costs and spreading risks, and to developing countries: ^{full} participation in a high technology programme, and co-development of technology issues by direct and immediate benefits.

Once the Commission has established an apparatus for exploration, research and development, it could then do, not only for nuclear exploration in the international area, but for assisting developing countries, who are for some assistance, in the exploration of the mineral resource in their own economic zone. A practical source of immediate activity of developing countries whose resources are largely unexplored. There is nothing in the Commission that would prohibit such an activity, provided it is requested by a member state. To do so would ~~be~~ ^{be} ~~in~~ ⁱⁿ the best interests of the world for God.

A third activity that the Commission could prepare for is future ~~work~~ ^{work} related to arms control and disarmament. As mentioned in the opening page of the article, the ¹⁹⁷² ~~United~~ ^{United} States

Nations adopted a Sashed Disarmament Treaty, banning atomic weapons
 and of mass destruction from the ocean floor, the seabed and its subsoil,
 and to the continental shelf (12 miles from shore).
 The Treaty - as once the expected... but a number of weak spots, it weakens,
 and must offer criticism, but that there are no adequate provisions
 for inspection. Inspection is left to the state ~~state~~ at respect to
 compliance: what, a practical term, means, it is left to the respective,
 who are the only ones who have the technology to ~~have~~ for monitoring
 and surveillance a 4 day robot. The majority of countries consider
 / internationally monitor and surveillance, but ^{they} appeared to
 be premature. There are no international organ which could have done
 it, and to build one, and to equip it with the requisite technology
 would have been exorbitantly expensive.

Now, however late, we have to reach Antarctica. Through a
 few ventures as exploration, research and development, it has been acquired
 the first of kinds of technology (science, acoustic, magnetic, electronic).
 The technology that can monitor natural phenomena a 4 robot
 can also monitor man-made one. If Antarctica ~~is~~ fulltime
 or also institutionally equipped to assume the responsibility,
 the Convention provides for a staff of inspectors to ~~be established under the~~

responsibility - ^{the Council carry out the job} ~~the Council carry out the job~~ All that is needed
is an amendment of the Treaty which is for regu-
lating for years; ^{then time} ~~then time~~ in 1987 - to entrust the task to the
Authority. ~~As for~~ The present majority of which should be in form of not an
amendment - but which will be not the Final proposal for
international satellite surveillance and monitoring of disarmament agreement
for each space.

The first major activity of Authority could refer to, and to
Commission could prepare for immediately, would be the research
and administration of Human international marine parks on a
deep sea floor which should be "disappointed for exploration" in accordance
with the Commission, and research for scientific research and the
preservation of the marine floor and fauna: ^{and a} The site of
the thermal vents, recently discovered in the Galapagos
Rift and the ^{East Pacific} axial, will then include biotic columns
of giant worms and clams and oysters, the blue
the heat of bacteria chemosynthesis, the heat of photosynthesis
which is the heat of life on Earth.

^{Common to the new}
Once the Authority's presence of relevance and
direct useful work to be done here Community; some of
the requirements "irreducible"; there is to state that - leave

direct confrontation or disintegration -- The Conference will be universally
 ratified and will have force. The transition from the ~~to~~ interests regime
 of exploration, research and development made by Commission to the permanent
 regime for mining made by Authority would be smooth, on the basis
 of the experience already gained by the Commission, and by Authority
 would fit in itself as a new nodal point in the network of "competent
 international organizations" and, with its 21-century characteristics and
 functions, discussed earlier in this paper, it would ~~be~~ / could be felt
 to exercise some influence on the growth evolution of the whole network.

Feels we would be if we believed that the world community
 would move, unswerving, on a straight line towards the system
~~enhancing~~ enhancing development, disarmament, and the protection
 of the environment and creating the forms of scientific, technical
 and industrial cooperation between North and South. The world
 community will continue to provide our humble eye, to create a
 many problems as it solves, to compromise and debate ideas and
 ideals. But the fact remains that to adopt of the Casablanca a
 to low the agencies the new vistas and possibilities which would
 not be there, had the Conference failed to adopt, to conclude.

In 1967 Malta had a dream. The dream
 has been created, acting a political reality, beyond any expectation.

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Let us have the courage to dream again.