

(d) Transfer its property and records to the International Sea-Bed Authority and dissolve itself at the conclusion of the first session of its Assembly.

The Assistant Secretary-General stated that the Committee might wish to consider these matters. Consideration needed to be given not only to the question of effective participation of the Member States in the Informal Consultations but also to the issues related to the implementation of the Convention on the Law of the Sea now that its entry into force was a foregone conclusion. Member States who had not already done so, might wish to consider ratifying or acceding to the Convention at an early date. Some Member States might perhaps require some assistance in the drafting of a municipal legislation to give effect to and implement the Convention on the Law of the Sea. The Secretariat proposed to actively collaborate with international institutions competent in the field of marine and ocean affairs such as the FAO, UNEP, IOMAC, and the IMO in this regard.

The *Delegate of Sri Lanka* called upon the States to consider the situation in the post Sixtieth ratification scenario. Emphasising the importance of preserving the universality of the Convention he said the efforts of the developing countries must focus on the immediately realizable benefits from areas of national jurisdiction, while the prospects before the deep seabed mining operations were receding. He called upon the AALCC to concentrate on this and said that it was for this reason that Sri Lanka had in 1981 proposed the establishment of the IOMAC. He said that greater emphasis needed to be laid on regional initiatives as it was only through such regional cooperation, with support of the industrialized countries and international organization, that developing countries could attain practical benefits.

The *Delegate of Indonesia* stated that since the Convention would enter into force on the 16th November 1994 in accordance with Article 308 paragraph 1, it was imperative that the Member States of the AALCC fully utilized this period to secure universal adherence to the Convention. Such an achievement was in the interest of the entire international community.

He recalled that many of the provisions in the Convention were the result of the codification of rules of general customary law like the provisions governing territorial sea, innocent passage through the territorial sea, continental shelf and contiguous zone. The Convention also reflected the international legal regimes as those applicable to the exclusive economic zone, archipelagic state, protection and preservation of the marine environment, transit passage through strait, mandatory provisions of the settlement of dispute and sea-bed mining. All these provisions in light of the entry into force of the Convention, would need to be consolidated and further strengthened.

The delegate further stated that Indonesia as an archipelagic state, attached utmost importance to a unified legal regime of the sea to its national ocean policy in particular the part relating to archipelagic states. Indonesia in implementing the provision of the Convention, had concluded several bilateral agreements with its neighbours on the delimitation of maritime boundaries, including an agreement on provisional arrangements. There were several other provisions which his government considered important, namely those dealing with the Exclusive Economic Zone (EEZ) and the continental shelf. The legal regime on EEZ had now become a part of customary international law as evidenced by state practice; he added.

Recalling the timely adoption of Agenda 21 by the United Nations Conference on Environment and Development (UNCED) he stated that it set out a programme for "the Protection of the Oceans, all kind of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources". There was a compelling need that a follow-up action and measures should be taken expeditiously in order to stem further deterioration of the oceans and especially its vast resources. His delegation was therefore gratified by the various follow-up actions to Agenda 21. This included establishment of an Administrative Committee on Coordination Sub-Committee on Ocean and Coastal Areas by inter-Agency Committee and sustainable development and other follow-up action taken by United Nations Organizations and Agencies.

His government, the delegate stated, had taken some legal measures for the protection and preservation of its marine environment. This law would serve as a basis for further regulations in different aspects of environmental management.

Pointing out that it was after long and protracted negotiations this unique document became the subject of near universal agreement, he was of the view that all states should ratify the Convention.

The *Delegate of Japan* stated that the Convention on the Law of the Sea was adopted after more than 10 years of marathon negotiations beginning with the Committee on the Peaceful Uses of the Seabed and the Ocean Floor. The Convention is now expected to enter into force on 16<sup>th</sup> November, 1994.

The efforts initiated by the United Nations Secretary-General were on to accommodate the view of developed countries as well as new political and economic conditions that have emerged after the adoption of the Convention and are essential in ensuring the universal application of the Convention. He drew attention to the fact that a decade after adoption, there seems to be appearing an erosion, in some parts of the Convention. Unilateral legislation

has been introduced by an increasing number of States which apparently attempt to incorporate only the beneficial parts of the Convention while neglecting other parts, particularly those which impose duties upon States. In this sense, a successful conclusion of the Secretary-General's informal consultations is essential not only for the sake of Part XI itself but also ensuring the universal legal order of the sea for the entire international community.

In spite of its historical significance, the States which had ratified or acceded to the Convention represented only a part of the global community in terms of geographical distribution, despite efforts to gain the broadest possible representation.

He called upon the AALCC to regard the deposition of the sixtieth instrument of ratification as an opportunity to renew efforts to ensure the universal application of the Convention. International society still had nearly one year to improve Part XI so that when the Convention entered into force it would be a document that had the support of the international community as a whole.

His country as a maritime State having a big stake in the stability of the legal order of the sea, has been proud of playing an active role throughout the negotiations. In the negotiations at the Third United Nations Conference on the Law of the Sea, Japan worked tirelessly for the adoption of a most widely acceptable Convention.

His delegation believed that the United Nations Convention on the Law of the Sea when seen in its entirety, deserves positive appraisal despite its shortcomings related to Part XI, and that the Convention as a whole would serve the long-term as well as comprehensive interest of maritime States such as Japan. He emphasized that the Convention would bring an end to serious legal disorders which were resulted from the unilateral extension of jurisdiction by coastal states in the past and provide instead an integrated legal basis on the use of the sea by the international community.

Japan had actively participated in the consultations and is fully prepared to further contribute to their successful outcome. It is gratifying to note that, reflecting enhancing awareness of participating States in the consultations by the UN Secretary-General on the need for the universal application of the Convention, certain general agreements seem to have emerged with regard to a future deep seabed mining regime.

With regard to the work of the Preparatory Commission, several unresolved issues remain due in part to the global political and economic changes that have occurred since the Convention was adopted.

Referring to the registration in 1987 of the first group of pioneer investors, namely, India, France, Russia, and Japan, the Preparatory Commission held a series of informal consultations reviewing the manner in which the registered pioneer investors were to fulfill their obligations. Since the adoption of the Understanding on the Fulfillment of Obligations by the Registered Pioneer Investors and their Certifying States, Japan and Japanese pioneer investors, Deep Ocean Resources Development (DORD) had faithfully implemented their obligations. Among the obligations set forth in the Understanding is provision for a training programme. At its tenth session, convened in Kingston in 1992, the Preparatory Commission adopted the Japanese training programme, and in the resumed tenth session held in New York three candidates from Thailand, Iran, and Republic of Korea were nominated for training which commenced in May 1993. Each trainee is currently taking a ten-month course in his respective field, namely geology, geophysics and electronic engineering, under the auspices of the Deep Ocean Resources Development and Geological Survey of Japan, within the framework of technical cooperation by Japan International Cooperation Agency (JICA). The three trainees are expected to play a central role in the future Enterprise.

He reiterated that these next eleven months would be the most crucial period in the history of the law of the sea negotiations that had been underway ever since the Committee on the Peaceful Uses of the Seabed and the Ocean Floor was established and expressed the hope that the consultations held at the initiative of the Secretary-General would be conducted in a spirit of compromise and mutual understanding.

The Delegate of Kenya recalled the active role played by his delegation in the negotiations of the Law of the Sea Convention by introducing the concept of the Exclusive Economic Zone. He stated that the Convention, particularly Part XI, represented a compromise between the developed and developing countries. While supporting the informal consultations convened by the Secretary-General of the United Nations his Government was of the view that that forum had no mandate to discuss amending the Convention. In his view only the PREPCOM, prior to entry into force of the Convention had the mandate to discuss any such issues and the informal consultations could only make recommendations. He pointed out that the Convention itself provided provisions for a review of the Convention. He pointed out that the weakness of the provisions of the Conventions could not be tested until they were implemented. He expressed the view that problems relating to the issue of decision making would arise when the Convention entered into force. How the industrialized countries would participate in the work of the Authority if they did not become parties to the Convention, remains a major concern.

He accepted and supported the need for regional cooperation for promoting the interest of developing countries as in the instances of the IOMAC whose training programme had benefitted many countries in the Indian Ocean region.

The Delegate of *China* stated that the United Nations Convention on the Law of the Sea is a great achievement of the international community in the field of codification and progressive development of international law. It establishes a new legal regime for the seas and oceans. Although it has some defects, the Convention is the most comprehensive international legal instrument on the management of the seas and oceans.

His delegation was happy to notice that the sixtieth instrument of ratification was deposited with the UN Secretary-General on 16 November 1993 and that the Convention would enter into force on 16 November 1994. Welcoming this development, he hoped that the largest possible number of countries would become parties to the Convention. Most of them were not yet in a position to do so. The effectiveness of the Convention would be damaged if the industrialized countries stood outside. The changed economic and political situations particularly the fact that deep sea-bed mining still remained far from reality, have made it necessary to adjust the relevant provisions of Part XI of the Convention.

Appreciating the efforts of the present Secretary-General of the United Nations and his predecessor to convene the informal consultations on outstanding issues relating to the deep sea-bed mining provisions of the Convention he said that States must make full use of the period before the Convention enters into force so as to find a satisfactory solution to outstanding issues thus allowing the Convention to be accepted as widely as possible.

In the view of his delegation the PREPCOM had completed its work related to the preparation of draft rules, regulations and procedures for the functioning of the Authority and to the practical arrangements for the establishment of the International Tribunal of the Law of the Sea. He further stated that the procedures and mechanisms for the registration of the pioneer investors and the modality of the implementation of the obligations of the six registered pioneer investors and their certifying states were established. This was a clear evidence of successful implementation of Resolution II of the Third United Nations Conference on the Law of the Sea, he added.

Finally, with respect to the forthcoming session of the Prepcom, he expressed the hope that it will touch upon the issues that may arise from the entry into force of the Convention, and make practical arrangements.

The Delegate of *Republic of Korea* stated that his delegation was pleased to note that the sixtieth ratification of the Convention by the Government of Guyana would bring UN Convention on the Law of the Sea into force in November 1994. He pointed out that the Universality of the Convention remained to be secured. Expressing his appreciation for the informal consultations convened by successive Secretaries-General of the United Nations he said that these had provided a fora in which to bridge differences on outstanding issues relating to the deep-sea-bed mining. While satisfied with the progress made during the last round of consultations in November 1993 his delegation expressed the hope that the informal consultations would produce a successful outcome this year. He offered his delegation's support for success of the informal consultations and the achievement of universality of the convention.

He also said that his Government submitted to the PREPCOM its application for registration as a pioneer investor and for the allocation of a pioneer area in accordance with resolution II of the Third UN Conference on the Law of the Sea. He affirmed that the Government of the Republic of Korea was prepared to lend its full support for the development of the new international legal regime for the oceans with the entry into force of the UN Convention on the Law of the Sea.

The *Delegate of India* stated that the coming into force of the UN Convention on the Law of the Sea, 1982 is a historic event and would require all those States who had not already ratified the Convention to review their position. He expressed the hope that the ongoing informal consultations, convened by the Secretary-General of the United Nations, would result in the emergence of a consensus which could be introduced into the Convention on the Law of the Sea through its existing machinery. That in his opinion would ensure the due and effective role of each and every State in the Ocean regime. He expressed the view that States which had made singular investments in the oceans would ensure the protection of the principle of the common heritage of mankind.

(ii) **Decisions of the Thirty-third Session (1994)**  
**Agenda item: "The Law of the Sea"**

(Adopted on January 21, 1994)\*

**The Asian-African Legal Consultative Committee at its Thirty-third Session:**

*Having Considered* the Secretariat Brief on "The Law of the Sea: Progress of the Work of the PREPCOM and the United Nations Secretary-General's Informal Consultations" contained in document number AALCC/XXXIII/TOKYO/94/6 and having heard the comprehensive statement made by representative of the Secretary-General;

1. *Expresses* its appreciation to the Secretariat of the Asian-African Legal Consultative Committee for the comprehensive Brief and for

\* *The Delegate of Turkey expressed the following reservation to the decision:*

"Turkey supported the international efforts directed to establish a regime of the Law of the Sea which has to be based on the principle of equity and which can be accepted by all States. However, the Convention on the Law of the Sea does not contain the adequate provisions for special geographical areas and situations and as a consequence cannot succeed to establish a satisfactory balance between the conflicting interests. Furthermore the Convention contained no provision for reservation on specific classes. These are the main reasons to prevent Turkey from approving the Convention on the Law of the Sea. Although the Convention is about to enter into force, it is still far from getting universal acceptance. As the distinguished delegate of Sri Lanka mentioned in his statement, lack of the equitable regime between the conflicting interest is the source of the informal negotiation conducted with the help of the Secretary-General of the UN."

"We do not want to create an obstacle for the decision to be taken by the Committee but, my delegation would like to reserve its position on the issue and express clearly that its silence cannot be interpreted as an approval to the resolution which is supposed to be adopted by consensus"

its participation in international meetings related to the Law of the Sea;

2. *Notes with Great Satisfaction* that the United Nations Convention on the Law of the Sea having been ratified by the requisite sixty States shall enter into force on 16 November 1994;
3. *Urges* the Member States who have not already done so to consider ratifying the Convention on the Law of the Sea;
4. *Urges* the full and effective participation of the Member States in the Informal Consultations convened by the Secretary-General of the United Nations so as to ensure and safeguard the legitimate interests of the developing countries;
5. *Reminds* Member States to give timely consideration to the need for adopting a common policy and strategy for the Interim Period before the commercial exploitation of the deep seabed minerals becomes feasible;
6. *Urges* Member States to cooperate in regional initiatives for the securing of practical benefits of the new ocean regime;
7. *Directs the Secretariat* to continue to cooperate with the international organizations and with such international organizations competent in the fields of ocean and marine affairs and to consider assisting Member States in the formulation and adoption of municipal legislation for the exploration and exploitation of the natural resources of the Exclusive Economic Zone;
8. *Decides* to inscribe on the agenda of its Thirty-fourth Session an item entitled "Implementation of the Law of the Sea Convention, 1982".

### (iii) Secretariat Brief

#### **The Law of the Sea: The Work of the PREPCOM and the UN Secretary-General's Informal Consultations (1993)**

##### **Progress at the Eleventh Session of the Preparatory Commission**

The Preparatory Commission held its Eleventh Session in Kingston, Jamaica (22nd March to 2nd April 1993). The Secretary-General of the AALCC participated during the first week of the Conference from 22nd to 26th March 1993. The PREPCOM at its tenth session in August 1992 in New York had decided to complete the adoption of the final report at the Kingston Session. The purpose of the Session therefore was fairly limited and it was not meant to be a negotiating session but for adopting the various reports prepared by the respective Chairmen. Thus, at the opening statement of the Commission on 22nd March 1992, the Chairman of the Preparatory Commission clearly stated that following consultations of the General Committee of the Preparatory Commission it had been agreed that the draft final reports would not be "negotiating instruments" but a summary of the Preparatory Commission's discussion over the past eleven years. The discussions he proposed would be only focussed on correcting inaccuracies and should not include substantive statements. Similar statements were made by each of the Chairmen of the other Special Commissions.

Apart from the draft provisional final reports of each of the four Special Commissions, were voluminous annexes representing all the previous reports of each of the Special Commissions which were however not for discussion but for record. It should thus be clear that the Kingston Session was a rather low key affair.

### **Informal Plenary of the Preparatory Commission for the Sea-bed Authority and for the International Tribunal for the Law of the Sea**

It would be recalled that the informal plenary was assigned the following functions:

- (a) Preparation of rules, regulations and procedures on the administrative, financial, and budgetary matters pertaining to the various organs of the Authority (resolution I, para 5(g);
- (b) Implementation of resolution II governing preparatory investment in pioneer activities relating to polymetallic nodules (resolution I, para 5(h);
- (c) Preparation, consideration and adoption of the final report referred to in paragraph 11 of resolution I incorporating therein the results of deliberations on all matters within its exclusive competence and on all matters within the competence of its special commissions and other subsidiary bodies as contained in the reports submitted to it by them for the presentation of the final report by the Chairman to the first session of the Assembly of the International Seabed Authority;
- (d) the general conduct of business; coordination of work of the organs and subsidiary bodies; and upon the recommendation of the General Committee, all questions of organization of work;
- (e) Presentation of the report of the Preparatory Commission through its Chairman on the arrangements for the establishment of the International Tribunal for the Law of the Sea to the meeting of States Parties convened for the purpose;
- (f) All matters not specifically assigned to the special commissions or other subsidiary bodies.

The informal plenary had been working on all these issues since the commencement of the deliberations in 1983. The draft provisional report prepared for the Kingston Session was an updated version of the report presented during the summer session. It was on the whole a factual document narrating in essence what work had so far been done on the implementation of resolution 2 of the Third United Nations Conference on the Law of the Sea. This was intended to protect the substantial investments made in the development in the sea-bed mining technology, equipment and expertise. It gives an account of the procedures followed for registration of pioneer investors and the carrying out their obligations including training of personnel for the authority.

The informal plenary was also responsible for the preparation of draft rules of procedure for the organs of the Authority and substantive progress has been made over the years on this score which is reflected in the report. However, a number of "hard core" issues of financial and budgetary matters, decision-making and elections remain outstanding since no substantial progress could be achieved during all these sessions. The Plenary was also charged with the preparation of draft agreements concerning the relationship of the Authority, the United Nations, the host countries and parties to the Convention on the Law of the Sea and agreement has been reached on these issues.

The third major item which was the responsibility of the Informal Plenary was the submission of recommendations concerning administrative arrangements of the Authority, its initial financing and secretariat requirements as well as staff and financial regulations of the Authority. As the report indicates, substantial progress has been made in this field, but the details of the general Principles agreed upon would have to be elaborated at a later date. During the discussions some suggestions were made to reflect the result of the work of the Commission in a more balanced manner particularly by the European Community and their allies. There were also some factual corrections that were suggested to the text. No substantive amendments however were admissible.

In his statement at the conclusion of the Conference the Chairman of the Preparatory Commission indicated the amendments that had been accepted which would be incorporated in the final report to be circulated later. However, though the Special Commission has been said to have gone as far as it can, the list of the pending issues which are annexed to the report is such that one can hardly consider that the mandate of the Commission has been accomplished. These issues as identified in the annex to the report were as follows:

#### **1. Provisions in the rules of procedure of the Authority relating to financial and budgetary matters:**

*Assembly*—rule 104 (proposed annual budget); rule 106 (Contributions).

*Council*—rule 31 (Submission of the annual budget); rule 34 (Estimate of expenditures); rule 81 (Finance Committee).

#### **2. Provisions in the rules of procedure of the Authority relating to decision-making:**

*Assembly*—rule 71 (Decisions on the questions of substance); rule 72

(Decisions on amendments to proposals relating to questions of substance); Rule 107 (method of amendment).

*Council*—rule 53 (Decisions requiring two-thirds majority); rule 54 (Decision requiring three-fourths majority); rule 58 (Procedures for reaching a consensus); rule 70 (Approval of plans of work submitted by applicants other than the Enterprise); rule 71 (Approval of plans of work submitted by the Enterprise); rule 92 (Method of amendment).

*Legal and Technical Commission*—rule 38 (Reconsideration of the proposals); rule 41 (Decisions on questions of substance).

*Economic Planning Commission*—rule 38 (Reconsideration of the proposals); rule 41 (Decisions on questions of substance).

*Finance Committee*—section on decision-making.

### **3. Provisions in the rules of procedure of the organs of the Authority relating to elections:**

*Assembly*—rule 28 (Elections); rule 83, paragraph 3 (Restricted balloting for one elective place); rule 94 (Nominations); rule 95 (Order of elections); rule 100 (Elections).

*Council*—rule 75 (Equitable geographical distribution and the representation of special interests).

*Legal and Technical Commission*—rule 14 (Election of Chairman and the Bureau).

*Economic Planning Commission*—rule 14 (Election of Chairman and the Bureau).

*Finance Committee*—section on elections.

### **4. Provisions in the rules of procedure of the organs of the Authority relating to the issue of observers:**

*Assembly*—rule 93, paragraphs 2-6 (observers).

*Council*—rule 73 (Participation by observers).

*Legal and Technical Commission*—rule 56 (Participation by observers).

*Economic Planning Commission*—rule 55 (Participation by observers).

### **5. Provisions in the rules of procedure of the organs of the Authority relating to subsidiary organs:**

*Assembly*—rule 87 (Composition).

*Council*—rule 83 (Composition).

### **6. Preparation of detailed recommendations concerning administrative arrangements of the Authority, its initial financial and secretariat requirements, as well as staff and financial regulations of the Authority.**

#### **Special Commission I on Land-based Producers**

Special Commission I is mandated to recommend measures to assist developing countries, land-based producers of minerals whose economies will be adversely affected by the deep sea-bed mining of those minerals. Like other Commissions, this Special Commission was also established under the UN Conference on the Law of the Sea, 1982, Resolution I.

In the course of discussions, some progress has so far been achieved, but substantial differences of views still remained on some hard core issues. The draft provisional report of the Commission as contained in document LOS/PCN/SCN.1/1992/CRP.22 and its four addenda is an attempt to reflect as clearly as possible what has so far been achieved and it was not supposed to be for the purposes of negotiations. However, some specific suggestions to the report were made and those that received general agreement had to be incorporated in the final report. The European Economic Community in particular made detailed proposals, some of which were accepted and others taken note of. It should be pointed out however that the mode of assisting land-based producers of those minerals who are likely to be adversely affected has not been fully resolved and negotiations on some of the issues are the subject of the on-going informal consultations organised under the auspices of the Secretary-General.

#### **Special Commission II on the Enterprise**

The mandate of the Special Commission II is to prepare for the early and effective operations of the Enterprise after the Convention comes into force. The Special Commission for the Enterprise was established in accordance with Resolution I para 8 of United Nations Convention on the Law of the Sea which in para 8 entrusts the Enterprise with the task of:

- a) Taking all measures necessary for the early entry into effective operation of the Enterprise; and
- b) Performing the functions referred to in paragraph 12 of Resolution II.

Para 12 of the Resolution II referred to above deals with the objective of ensuring that the Enterprise is able to carry out the activities in the area in such a manner as to keep pace with other entities.

The draft report summarises the deliberations of the Special Commission II on such issues as the organisational structure of the Enterprise, the development of policies and feasibility studies in preparation for the early operation of the Enterprise in the operational options for the Enterprise. An annex to the draft report contains annotation of those provisions of the United Nations Convention on the Law of the Sea that relate to the structure and organization of the Enterprise. In introducing his report the Chairman of the Special Commission Mr. Lennox Ballah (Trinidad and Tobago) stated that he had attempted to present a summary of the Committee's discussions on all the areas. In his view the report reflected a fair representation and record of the discussions. The comments thereto will be reflected in the report which he would submit at the end of the Session.

By and large the representatives of developing countries and most other delegations agreed with him. The European Community were however of the view that the report did not reflect the state of discussions in the Special Commission on certain issues. They therefore represented a long list of amendments which in their view should ensure that apart from the report constituting a record of agreed provisions, it should also indicate clearly the differences that remained at this stage. The Chairman however pointed out that since this was not a negotiating session, only amendments which were agreed by all States could be incorporated in the body of the report. Otherwise such amendments could only be added to the report as separate annexes.

Eventually, the Chairman was entrusted with the responsibility to hold further consultations with the delegates representing different points of views and reflect the outcome if any, for final adoption. He held these consultations during the Session and in his final statement presented to the Plenary at the conclusion of the session, he has reflected all the views that were expressed and specific amendments that had been agreed to. These will be incorporated in the texts of the final document to be issued and circulated to all delegations.

### **Special Commission III on Sea-bed Mining Code**

The Special Commission III which has been charged with the tasks of preparing rules and regulations to govern the exploitation of the deep seabed, had before it a draft final report and an addendum. The report, like reports of other Commissions, was an account of what the Special Commission has so far done over the last ten years in the preparation of sea-bed mining code. The addendum itself contains detailed provisions on draft regulations on prospecting exploration and exploitation of polymetallic nodules in the area and has a working paper presented by the Secretariat on labour, health

and safety standards aspects. It also has various documents presented by States and interests groups as amendments to the draft regulations on prospecting exploration and exploitation of polymetallic nodules in the area. As the other reports presented by other Commissions, the report was not meant for negotiations but only for indicating what has so far been achieved.

The report contained details of the discussions of the Special Commission on such issues as administrative procedures relating to prospecting exploitation of the area, transfer of technology to developing countries, protection and preservation of marine environment from activities in the area and labour, health and safety standards for deep sea bed mining operations. During the discussion, some of the amendments proposed were found to be generally acceptable and these were reflected in the statement of the Chairman of the Special Commission at the conclusion of the session. It was pointed out that although some issues remain to be resolved, some provisions of the draft mining code have met with the approval of all the representatives. The revised conclusions state that the present report reflected the progress made till now by the Special Commission in the consideration of various documents comprising the draft mining code. It also sheds light on issues that require further consideration. Thus issues requiring further consideration will be the subject of the on-going informal consultations organised by the U.N. Secretary-General.

### **Special Commission IV on the Tribunal for the Law of the Sea**

It will be recalled that a Special Commission was mandated to make practical arrangements for the establishment of International Tribunal for the Law of the Sea in Hamburg, Germany. The Special Commission has over the years been involved in the discussion of various aspects of the establishment of the tribunal. The draft final report of the Preparatory Commission covers a broad range of topics, such as judicial procedure including recommendations on the draft rule of the tribunal, international agreements including the headquarters agreement between the Tribunal and Germany; and the relationship agreements including recommendations on arrangements between the Tribunal and the United Nations, International Sea-Bed Authority and the International Court of Justice. The report also contains recommendations and administrative arrangements including those on the initial financing and budget of the tribunal.

Similar to the other reports, the document was examined only to determine whether it accurately reflected the work of the Special Commission. In many respects this particular Special Commission can be said to have completed its task.