

lent to 26% of the U.S. Gross Domestic Product—double what it was in 1970. She introduced the trade policy agenda by presenting a brief summary of the Uruguay Round. Investment, intellectual property, and services were brought into a multilateral framework for the first time, she said, but much remains to be done. Future issues not yet covered by trade rules include environmental protection, labor standards, competition policy, and bribery. On the regional agenda, Frost noted the Americas and APEC discussions, seeing an opportunity to "ratchet up" multilateral standards. Japan and China overshadow the bilateral agenda, she said. Frost observed that both China and Japan are major participants in the trade sector and should be held to standards commensurate with their status.

Frost ended her presentation with a discussion of pending tariffs on Japanese automobiles. She then took questions from the audience on the environment, labor standards, worker rights, and deregulation-competition policy.

Note: A Japan-U.S. agreement was announced that afternoon, averting implementation of trade sanctions. ♦

ASIL UN OBSERVER'S REPORT

By Richard Hartzman

Law of the Sea Meetings.

Two organizational meetings for the Law of the Sea Convention have been held so far this year. First was a meeting of the second part of the first session of the Assembly of the International Seabed Authority, convened in Kingston from February 17 to March 17. The first part of the session, held on November 1, was a ceremonial meeting celebrating the entry into force of the Convention.

The second meeting this year was for the States Parties to the Convention, held at UN headquarters in New York on May 15-19. It was convened in accordance with Article 319 of the Convention. The Article authorizes the UN Secretary-General to call such a meeting when needed.

The Assembly of the Seabed Authority.

The three-week meeting of the Assembly was dominated by consultations on how members would be nominated to the 36-member Council of the Seabed Authority. Despite the lengthy discussions, the Assembly was unable to reach a consensus on Council membership. However, before the session adjourned, the Assembly did adopt its rules of procedure.

Hasjim Djalal of Indonesia was elected President of the Assembly. In addition, the Assembly elected four

Vice-Presidents—from Algeria, Canada, Mexico, and the Russian Federation—and a nine-member Credentials Committee.

The Assembly consists of all members of the Authority, i.e., all States Parties to the Convention. It is the supreme organ of the Seabed Authority to which all other principal organs are accountable. It has the power to establish general policies on any matter within the competence of the Authority.

The Council is the executive organ of the Authority. It has the power to establish specific policies for the Authority in conformity with the Convention and the general policies set by the Assembly. It also supervises and coordinates the implementation of the provisions of Part XI of the Convention (the seabed mining provisions), and proposes candidates for Secretary-General of the Authority to the Assembly.

The July 1944 Agreement relating to the implementation of Part XI of the Convention defined five categories under which members can be elected to the Council. The categories include large consumer and producer states, pioneer investors in seabed activities, and states with special circumstances.

Group A consists of four members from those parties which, during the last five years, have either consumed more than two percent of total world consumption or have imported more than two percent of total world imports produced from minerals to be derived from the seabed area.

Group B has four members from among the eight parties having made the largest investments for activities in the seabed area.

Group C consists of four States Parties which are major net exporters of minerals to be derived from the seabed, including at least two developing states whose exports of such minerals have a substantial bearing on their economies.

Group D has six members from developing states representing various special interests.

Group E consists of eighteen members chosen on the basis of equitable distribution.

The July 1994 Agreement provides that Groups A, B, and C shall each be treated as a separate chamber; and Groups D and E as a single chamber for voting purposes. When the Council needs to take a decision by vote rather than by consensus, it will do so on substantive matters by a two-thirds majority, provided that such decisions are not opposed by a majority in any one of the four chambers of the Council.

In the Assembly's debate on Council membership, several criteria for membership were analyzed. These included simple proportional geographic distribution by region, the "so-called North-South balance," and the principle of fairness and flexibility. Other issues raised were the economic weight—i.e., the financial

contribution of states to the Authority—in determining seat allocations and the seriousness of a member's candidacy.

The industrialized countries said that a North-South dichotomy should be avoided, and that equitable geographical representation should not be based on proportionality—that is, on the simple number in each regional group. The industrialized countries also asserted that their interests should be reflected adequately on the Council even though their group was numerically small.

Several developing countries were of the opinion that the Convention and July 1994 Agreement provided clear guidance on the allocation of Council seats, and that the letter of those documents should be followed.

The debate of Council membership will be resumed in the last part of the Assembly's first session, to be held in Kingston from August 7 to 18.

The Meeting of States Parties.

Major items before the meeting were the recommendations of the Law of the Sea Preparatory Commission concerning the establishment of the International Tribunal for the Law of the Sea. In addition, rules of procedure for meetings of States Parties were adopted, as orally revised.

The Tribunal, which is scheduled to begin operation in August 1996, will be open to all States Parties to the Convention and to other parties under certain circumstances. The Tribunal will have jurisdiction over eleven disputes and applications submitted to it in accordance with the Convention, and over all matters provided for in any agreement conferring jurisdiction on the Tribunal.

The Statute of the Tribunal is contained in Annex VI of the Convention. Its permanent seat will be in Hamburg. Germany announced at the meeting that the Tribunal's headquarters will be completed at the end of 1998.

The meeting requested the UN Secretariat to prepare a draft budget for the initial phase of the Tribunal for consideration at the next meeting of States Parties to be held from November 27 to December 1.

It was decided that English and French would be the official working languages for the Law of the Sea Tribunal, but that decisions could be produced in other UN languages without charge at the request of any party. However, parties to a dispute would bear the costs of translating their pleadings into the Tribunal's official languages.

The meeting agreed that States Parties should formulate conditions under which others which were not parties would have access to the Tribunal. Several issues received initial analysis and were deferred for

additional consideration, including (1) the draft protocol of the privileges and immunities of the Tribunal, (2) the use of the United Nations *laissez-passer* by the Tribunal, (3) the nature and status of a relationship agreement that might be desirable between the Tribunal and the United Nations, and (4) draft financial rules and staff regulations.

The composition and Chambers of the Tribunal will be considered at a date closer to the election of the Tribunal's members. The election is scheduled for August 1996.

Regarding the rules of procedure of the Meetings of States Parties, adopted at the May meeting, they deal with a variety of subjects: (1) the conduct of meetings, (2) meeting agendas, (3) presentation of credentials, (4) participation of observers, (5) officers, (6) bureau and secretariat, (7) use of languages, (8) records, (9) general principles of public and private meetings, (10) minutes of silent prayer or meditation, (11) conduct of business, (12) decision-making, (13) subsidiary bodies, and (14) administration and budgetary matters relating to the Tribunal.

Law of the Sea Meetings in 1996.

The following meetings and dates for 1996 will be recommended to the UN General Assembly for approval:

March 4-8: Meeting of States Parties

March 11-29: The first part of the Second Session of the International Seabed Authority

April 29-May 10 (tentative): Meeting of States Parties on the election of the Commission on the Limits of the Continental Shelf

July 29-August 2: Meeting of States Parties to elect judges of the Tribunal

August 5-16: The second part of the Second Session of the Seabed Authority.

As of May 1, there had been ratifications, accessions or successions to the Convention by 75 states. Although the United States has not yet ratified the Convention, it participated in both meetings reviewed above. The Clinton Administration has submitted the Convention to the U.S. Senate for ratification. ♦

ASIL COSPONSORS CONFERENCE FOR CHINESE INTERNATIONAL LAW PROFESSORS IN GUANGZHOU

The Society cosponsored a conference held in Guangzhou (Canton), China, on June 15-17 for young teachers of international law from all over the People's Republic of China. The conference was hosted