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The Historical Development of International Law of the Sea

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Abstract

Modern Law of the Sea the date of the date of the beginning of the modern international law. Graeasius, a Dutch lawyer who is considered as the law of international law, is considered as a law of the sea. In this issue published in 1609, his basic work, Free Sass, or Murray Liber tom, established some important concepts in this regard. He summarized the principle of freedom of the sea, which is free from the sea and all countries should be open to use. Not to be ambitious about the third United Nations Conference Sea law was one of the most important legislative events of the twentieth century, Centuries this international law initiates a revolution a new legislative strategy for making compromises and universal decisions Participation it creates a comprehensive deal on the sea law. As a result, it is claimed that the convention of the Sea Convention is to be provided universally, this thesis initially established a legal basis for the Los Convention The universal structure for the sea law. Discuss how it shows up the convention mainly affects traditional international law so that it is possible. The sea speaks of a universal law. However, the convention status as a public the law creates problems for its future development because it cannot be fully considered from the point of view of the treaty law. Therefore, the thesis will be considered. In addition to other legislation, the procedure for change in the Convention Out process with traditional contract framework. The central role of this analysis Institutions in the modern international law organization Thesis shows the acting part Through the law of the sea through developing political and technical institutions Explanation, correction, and correction, as well as in this way Organizations have used and improved universal decision-making strategies The first UNCLOS third is seen. It will analyze the role of court judges and tribunals maintaining and developing sea legal orders. This analysis shows that the convention provides legal framework. The modern laws of the sea for all states. In this context, there are institutional mechanisms the one-sided state practice in law enactment is replaced. Moreover, the state has been shown a choice for flexibility and pragmatism on the formal correction method. The Los Convention is creating a statutory legal order for maximum achievement, Ocean to maintain this stability, continuing discussion, discussion and compromise is important through international organizations.

Keywords: Origin; International Law; Era; Conventions.

1. Introduction

In recent years there have been many efforts at obtaining uniformity of laws in various jurisdictions; the various restatement of law, international conventions, and where all else fails, A milestone was identified on April 30, 1982, for the Los Convention Sea law development. For the first time, there was a single, Extensive agreement that controls the use of sea and ocean all, Moreover, the Convention International Law How to Represent a Revolution Made This section is trying to sketch how the law of the sea has improved in the last century. It focuses rather on real, legislative strategy Rules, tracing and transfer from promotion to traditional international law Progressive development of international law by international conference. Finally, its UNCLOS III will outline the procedures and procedures used Notable features of the conference, which distinguish it from other traditions Law Preparation Strategy. The trends of law-making in the law of the sea reflect wider changes in the international legal system itself and moves towards an increasing institutionalization of law-making techniques. However, the subject finds its origins in the practice of individual states which contributed to the gradual formation of customary international law through a process of claim and counter-claim. International Law of the Sea is the system of international rules governing the extent of a coastal State sovereignty on the sea, the rights and obligations of a coastal States and other subjects of an International Law of the Sea, their mutual relations regarding the exploration and exploitation of living and non-living resources of the sea and seabed, their duties concerning the protection of the marine environment from pollution and many other rights and obligations. This article will not be focused on the historical development of the International Law of the Sea, nor its sources. In order to explain the extent of the sovereignty and jurisdiction over the sea, maritime zones will be discussed. Maritime zones are invisible borders at sea, which are defined by the 1982 United Nations Convention on the Law of the Sea hereinafter: the Convention determining the sovereignty and jurisdiction of the coastal States and the rights of third countries (coastal or landlocked) in these zones. The maritime zone are Territorial sea, Contiguous zone, Exclusive Economic Zone, Continental shelf, High Seas and The Area.

2. Origins of the Law of the Sea

Establishes the international law and reflects the subsequent correction of the worldwide system, which is considered by international sovereign states as the only relevant actor in the international system. During the European Renaissance, the essential framework of international law was mapped, although its source was deep in history and it could be detected in cooperative agreements between the people of the Middle East. In the earliest of these treaty was a contract between the rulers of Lasash and Umma (Mesopotamia) in about 2100 BC and the Egyptian Pharaoh Ramesses II and The treaty was concluded between Hittites King III of Hitusil III before 1258 A.D. Several treaties were signed later in the Middle Eastern empire. Ancient Israel, the Indian

subcontinent and China's long and rich cultural heritage were also important in the development of international law. In addition, the relationship between the principles of political relations and the interaction of independent units provided by the ancient Greek political philosophy and the evolution of the international law system constitutes an important source of relationship between the Greek city and state. Many authors identify the foundations of the modern law of the sea in seventeenth century Europe. An early milestone for the subject was undoubtedly the publication in 1609 of Mare Labarum, the seminal thesis on the law of the sea by the Dutch jurist Hugo Grotius. Grotius famously argued that the seas are not susceptible to appropriation, thereby setting the foundations for the principle of the freedom of the seas. His thesis prompted other scholarly contributions advocating competing theories on the general principles of the law of the sea. Although largely written by academics, these texts often provided support for the position of a particular state.28 nevertheless, many of these seventeenth century scholars found much of their inspiration in natural law theories or principles of Roman law.

3. Customary International Law of the Sea

During this period, traditional international law was the main source Sea law Based on the traditional concept of traditional international law there was a consistent tendency of state practice

And the court, tribunal and such practices the law content must be determined to make another decision. At this time, there were several international courts and tribunals and in marine matters

Mainly managed by the National Admiralty Court although they were national the institution, the law enacted by this court, was originally an international character. Sir Charles Hedges, 17th-century Judges of the English High Court. The task of courts in determining the content of the customary international law of the sea was by no means straightforward. Judges were faced with a mass of evidence, often contradictory, as to what the prevailing customs were. Needless to say, the reliance on the claims and counter-claims of states left much to be desired in terms of the precise formulation of rules. The Piquet Habana again provides a good example. In that case, the US Supreme Court was faced with the question whether there was a rule of international law prohibiting small coastal fishing vessels which were flying the flag of an enemy state from being captured as prize. Although the justices seemingly agreed on the material sources which contribute to the formation of customary international law, they profoundly disagreed on their assessments of the prevailing state practice. The majority of the Court concluded that the available evidence supported the existence of an exemption for small coastal fishing vessels. The traditional techniques of deducing customary international law also accorded a significant role to powerful maritime states. In The Scotia, decided by the US Supreme Court in 1871, it was said that “many of the usages which prevail, and which have the force of law, doubtless originated in the

positive prescriptions of a single state, which were first of limited effect, but which, when generally accepted, became universal obligations. The Court described how the Merchant Shipping Regulations promulgated by the British Government in January 1863 became generally accepted and applied by all the major maritime states of the world and therefore formed part of the international law of the sea. This can be seen from some of these traditional images

Traditional international law, as a way of controlling the activities of a large number the state suffered many weaknesses. Firstly, divergences in state practice this means that it is often difficult to identify applicable laws at any time. More it is said, the process is even more difficult. Probably one of the biggest weaknesses there is uncertainty with custom as the method of making the law introduce new rules.

4. The League of Nations

In the early twentieth century, there was a growing interest in it the idea of international law coding. It is widely believed that the time the main issue will be to contribute to the maintenance of code of international law it seems that international peace and security seemed to reduce the rules the clarity and certainty of applicable law will be enhanced. Second Hagg A resolution was received by calling on the peace conference to amend the matter which was "seasoned for gesture in international regulations" but the outbreak World War I prevented this initiative further. Nevertheless, Rosen suggested that "the recommendation was that seed finally, as the Expert Committee for Progressive, the first burgeon International law enforcement, and later as the International Law Commission United Nations. In the first cases the code was considered suitable and necessary for the law Ocean the specific aspects of the sea law were already in agreement negotiations. The Parisian declaration of 1856 urged the establishment of international law Navy warfare, neutrality, block and personalization. This aspect of the sea law Two HIGS were improved by the various treaties passed in peace in the conference in 1899 and 1907 and subsequently in the International Navy Conference held in London in 1909 Non-military aspects of sea law, however, it was neglected until World War I. The Conventions and Protocol are the product of the (first) United Nations Conference on the Law of the Sea, held in Geneva from 24 February to 27 April 1958. The convening of the Conference (by United Nations General Assembly resolution 1105 (XI) of 21 February 1957) was the culmination of a long process. It had its precedents in the work of the Hague Conference for the Codification of International Law held in 1930 under the auspices of the League of Nations. This Conference dealt with the territorial waters. Although not agreeing on the breadth of the territorial sea, it could present in its report 13 draft articles setting out a measure of agreement on many aspects of this subject. These articles would become the basis of further work. In the framework of the United Nations, the International Law Commission (ILC) indicated since the beginning of its work, in 1949, the regime of the high seas and of the territorial sea among the topics ripe for codification. A Special Rapporteur

was designated, who proceeded to submit reports on various aspects of the law of the sea. The 1930 Codification Conference was to be the only major multilateral attempt to codify international law during the lifetime of the League whose attention was consumed with more fundamental political crises during the 1930s. Although the Conference had failed to produce substantial results, many lessons were learned which would subsequently influence future attempts at codification. Four separate conferences were adopted by the conference on 29 April 1958 and opened for signing on 31 October 1958, and then all members of the United Nations are open to access by state as well as other special organizations invited by the General Assembly. Become a Party: Convention in coastal seas and adjoining areas (effective on 10 September 1964); High Sea Convention (effective September 30, 1962); High-sea Living Resource Fisheries and Conservation Convention (effective March 20, 1966), and the Continental Shelf Convention (effective June 10, 1964) In addition, an optional protocol of signature was signed on compulsory settlement of the debate which was effective on September 30, 1962. The draft articles once again demonstrate the influence that a written text can have on the formation of customary international law.

5. The United Nations: A New Era of Codification

International law enforcement became even more prominent And after World War II, the permanent feature of the international system The International Law Commission was established by the United Nations General Assembly 1947 for the purpose of coding and progressive development International law .Ilc consists of the fourth independent expert International law for the appointment of the General Assembly In the first meeting in 1949, the commission identified a temporary list Fourteen issues as suitable for codification. This list includes high sea rule And regional ocean rule. It has decided to prioritize the system's priority High sea and J.P.A. François was appointed as special envoy. The Commission proceeded with these two topics simultaneously, albeit continuing to treat them as separate subjects on its work programmer. In furtherance of its work on the high seas, the Commission submitted draft articles on the continental shelf and fisheries to the General Assembly in 1953. The Commission recommended that the General Assembly adopt the articles on the continental shelf in the form of a resolution. In addition, the Commission proposed that the articles on fisheries should be forwarded to the FAO for adoption. The General Assembly, The draft articles formed the basis for discussions at UNCLOS I which was convened by the General Assembly in order to “examine the law of the sea, taking account not only of the legal but also of the technical, biological, economic and political aspects of the problem, and to embody the results of its work in one or more international conventions or such other instruments that the conference may deem appropriate. The mandate of the conference is important in a number of respects. Firstly, the General Assembly recognized that the law of the sea raised issues of a political

or technical nature, as well as pure questions of law. Secondly, the General Assembly, in a significant U-turn, also abandoned its determination to treat the law of the sea as a coherent whole. The mandate foresaw the adoption of more than one international convention on the subject. Indeed, the General Assembly left open the question of whether the outcome of the Conference would be legally binding at all by indicating that the Conference could adopt other such instruments that it deemed appropriate. Few of UNCLOS's successes, however, fail to solve important issues, particularly by addressing the deep sea width and the important issue of fishing rights. A second international conference which was accepted as a general assembly request to study the convening of it, was adopted in the 1st of 1960. The second order of UNCLOS was to fill the gap in the remaining legislation framework of the first conference. It is not intended to be considered or reviewed for new issues that are ending in UNCLOS. However, eight states which could not agree with acceptable sources of participation in UNCLOS II the conference can only conclude that "the impact of international fishing may change the state and the needs of many states, so problems were abnormally abandoned and the uncertainty of traditional international law.

6. The Impact of the 1958 Conventions

The overall reception of the 1958 Conventions was underwhelming. The High Seas Convention, with 62 ratifications, was the most widely accepted of the four treaties. The Fisheries Convention, on the other hand, only managed to attract contracting parties. However, it is certainly not true that they had no normative impact. Many of the rules in the 1958 Conventions would be reproduced in some form in the 1982 LOS Convention. Moreover, some of the proposals on which states could not come to an agreement would have an impact on the formation of customary international law. At the same time, some of the more controversial provisions of the 1958 Conventions would be the catalyst for a more wide-ranging reformulation of the law of the sea in the following decades. During the 1960s, the process of decolonization saw the creation of several new states70, many at lower levels of development. Some of these newly independent states were demanding changes in the law to take into account their special interests. As O'Connell notes, some states, "inspired more by emotion than legal analysis, purported to find their hands tied by the Convention in the interests of the great powers, and were disposed to overthrow the whole Geneva system as having been contrived without their consent and against their interests. "In this way, the law of the sea became caught up with more general demands for a New International Economic Order, which was being promoted by developing countries within the United Nations at that time. Although the 1958 Conventions did contain amendment clauses, no attempts were made to invoke these procedures in order to make changes to the legal regime. The relatively low number of contracting parties to these instruments may have contributed to the failure to pursue this option. Moreover, many states had in mind a more revolutionary change to the legal regime, rather than tinkering with what was already there. In

the meantime, the widely perceived weaknesses of the 1958 regime led to a return to unilateralism as a means of asserting legal claims. State practice continued to develop to the degree that the ICJ held in the Fisheries Jurisdiction Cases that coastal states could claim a twelve mile exclusive fisheries zone, a "tertium genus between the territorial sea and the high seas", as well as preferential fishing rights on the high seas, despite the principle of freedom of fishing as found in the 1958 High Seas Convention. By the time the judgment was rendered in the Fisheries Jurisdiction Cases, negotiations at UNCLOS III were already underway. Indeed, the Court took note of these multilateral law-making activities. The Court recognized that it could not render judgment sub specie legist Ferndale and it clearly acknowledged the advantages of negotiated outcomes at the international level.

7. The Politicization of the Law of the Sea: UNCLOS III

In 1967, General Assembly to take urgent steps to ensure peaceful development in the meeting of the first meeting of the Ambassador of Mauritian RVD Purdo, the General Assembly, related to law of the sea and especially the deep seas. In between Responding to this statement, the General Council constituted the Committee on Peace The primary order whose use of the Seabed75 was to survey practice practices in the state Deep sea bed and beneath the sea, scientific, technical, Economic, legal and other aspects of the subject, and an indication of the practical way Search, conservation and exploitation of international cooperation Ocean floor. The work of the Committee led to the adoption by the General Assembly of the 1970 Declaration of Deep Seabed Principles. In the words of one author, these principles "obviously filled a void created by the rampant technological revolution in this rampant area. The promulgation of the Declaration differed drastically from the process of codification because the Committee was faced with completely new issues where there was no settled state practice. Formally, the Declaration was nonbinding, although the principles therein were to have a significant influence on the future LOS Convention and international law generally. Indeed, the Declaration was not an end in itself and it foresaw the establishment of an international regime to implement the principles in a more concrete form. In 1970, the General Assembly also decided to convene another conference on the law of the sea. The mandate of the Conference was not limited to the deep seabed. UNCLOS III was instructed to adopt a convention dealing with all matters relating to the law of the sea. Thereby, the General Assembly sanctioned the reform of the whole law of the sea in order to address the concerns of states over the 1958 Conventions. According to one author, nothing was now to be taken for granted; everything was to be looked at again in the light of new political, economic and technological realities. UNCLOS III was described by one of its participants as "the most comprehensive political and legislative work undertaken by the United Nations in its 38 years of existence. Clearly there was a lot at stake for all states concerned and

UNCLOS III was as much a daring venture of international politics and international relations as an exercise in international law. The politically charged atmosphere also affected the methods of law-making to be adopted by UNCLOS III. From the start, it was a drastically different process from previous attempts at codifying the law of the sea. The politicization of the law of the sea is partially reflected in the preparatory process of UNCLOS III. In contrast to UNCLOS I, the task of preparing for the conference was not delegated to the International Law Commission. It was thought the balancing of competing state interests could not be undertaken by a body of independent legal experts. As one commentator says, states were simply unwilling to leave the promotion of their vital interests to the International Law Commission because they reasoned that only governmental representatives could effectively formulate solutions. In particular, developing countries doubted the representativeness of the Commission and they had serious reservations about it conservative approach to codification. Instead, the preparatory work for the Conference was entrusted to the Seabed Committee, whose membership was increased in size to ninety-one members for this purpose. General Assembly Resolution 2750 (XXV) mandated the Committee to prepare draft treaty articles embodying the international regime for the deep seabed area and resources of the seabed beyond the limits of national jurisdiction as well as a comprehensive list of subjects and issues relating to the law of the sea to be dealt with by the Conference, including draft articles on such subjects and issues. The Seabed Committee met for six sessions between 1971 and 1973. Its final report consisted of six volumes of proposals and counter-proposals submitted by states, as well as a number of studies prepared by the UN Secretariat at the behest of the Committee. Crucially, it failed to produce a draft treaty text. A further reflection of the political character of UNCLOS III was the fact that oversight of the Conference was undertaken by the First (Political) Committee of the UN General Assembly, rather than the Sixth (Legal) Committee. Many commentators have stressed the enormity of the task with which UNCLOS III was charged. It is true that the scope of the issues had grown since the first serious attempt at codification through the International Law Commission. Deep seabed mining, the marine environment and the transfer of marine technology were now key issues in the discussions. More significantly, perhaps, the number of states involved in the negotiations had dramatically increased. Whereas 86 states had attended the 1958 Conference, over 160 states participated at various stages of UNCLOS III. Resolution 3067 (XXVIII) explicitly called for universality of participation at the Conference and it mandated the UN Secretary General to invite all Members States of the United Nations or its specialized agencies, members of the International Atomic Energy Agency, contracting parties to the ICJ Statute, as well as Guinea-Bissau and North Viet-Nam, who at the time were not yet members of the United Nations. In addition, invitations were sent to certain inter-governmental and non-governmental organizations and the UN Council for Namibia. In other words, this was intended to be an attempt at law-making by the international community as a whole. The negotiations at UNCLOS III were politically charged. Traditional groupings, such as the G77

or the geographical groups inherited from the UN system, did play a role in the negotiations. More importantly, several interest groups spontaneously emerged from the negotiating process such as the coastal states, the strait states, the archipelagic states, and the landlocked and geographically disadvantaged states. The conflict between the developing countries and industrialized states was one of the most striking dynamics at the Conference. The chief area of controversy between these two factions was the somewhat unusual topic of deep seabed mining, an issue that would ultimately cause the failure of the Conference to agree a text by consensus. However, political alliances and divisions often varied depending on the issues under discussion. Whilst the industrialized states were largely unified on the issue of deep seabed mining, divisions arose over questions of maritime pollution depending on whether a state identified itself as a coastal state or a maritime state. The challenge for the Conference was to balance all of these diverse interests.

8. A Revolution in Law-Making: Consensus Decision-Making

The procedures for decision-making would clearly be a vital component in the ability of the Conference to reconcile the conflicting claims and counter-claims of states at UNCLOS III. In the words of one participant, from the outset it was acknowledged that it would be an exercise in futility to draw up a draft convention unacceptable to one or more of the major groupings within the United Nations. Universal agreement was the aim and it was the negotiating process and procedures which would facilitate its achievement. It is no surprise then that questions of procedure dominated the first session of the Conference in 1973 and it was only after intense inter-sessional negotiations that the second session was able to reach agreement on an acceptable formula. It was clear that majority voting would not be an appropriate method of decision-making as the developing countries would be able to outvote the industrialized states on matters of substance. Even the two-thirds majority employed at UNCLOS I would not safeguard the interest of all states. The compromise reached at the second session of the Conference was on a process of consensus decision-making. According to Buzan, the formalization of the consensus decision-making procedures was one of the most important innovations of UNCLOS III. The Rules of Procedure themselves do not mention consensus rather they require procedural decisions to be made by a simple majority whilst substantive decisions required a two-thirds majority. However, the so-called Gentlemen's Agreement, adopted as an annex to the Rules of Procedure, mediates the use of the voting procedures and explicitly calls for consensus decision-making: the Conference should make every effort to reach an agreement on substantive matters by way of consensus and there should be no voting on such matters until all efforts at consensus have been exhausted. Consensus is to be distinguished from unanimity which requires the affirmative vote of all negotiating states. In contrast, consensus simply requires that there is a very considerable convergence of opinions and the absence of any delegations in strong

disagreement. Evensen describes the consensus principle as "the cornerstone of the Conference… it meant the adoption of articles – and the text of the Convention as a whole – by general agreement (or understanding) without resorting to a vote and, in effect, without requiring an unanimous decision. In other words the consensus decision-making procedure was concerned with achieving an outcome which would balance the interests of all the states involved. Vignes observes that consensus does not stand alone as a decision-making procedure, rather it is linked to a majority vote, as a threat [or] an inducement to achieve consensus. However, several procedural safeguards were agreed in order to ensure that a vote could not be taken before efforts at consensus had been exhausted. These safeguards included the deferral of the vote during which time the President of the Conference would make every effort to facilitate an agreement. A deferral of up to ten days could be requested by fifteen delegates of the Conference and a further deferral could be agreed by a majority vote of the plenary. It should be noted that these safeguards did not apply to the adoption of the Convention as a whole. Rather, the Rules provide that the Convention shall not be put to the vote less than four working days after the adoption of its last article. This gives some breathing space to allow a last attempt at bringing reluctant states on board. Even with the procedural safeguards, there is an obvious tension between the voting procedures and the principle of consensus. In the end, effective implementation of the consensus procedures relies to a certain extent on the good faith of the negotiators and a strong political will to reach a compromise. The Gentlemen's Agreement was only one aspect of the consensus decision making procedure adopted at UNCLOS III. Buzan also identifies what he calls an active consensus procedure which was intended to push forward the process of consensus formation by removing the role of proposing solutions from the participants themselves and seeking to prevent the hardening of negotiating positions. Thus, following a failure to make progress in the negotiations, the Conference agreed at its third session in 1975 to mandate the chairs of the three main committees to produce what were known as the Informal Single Negotiating Texts. As its name suggests, the ISNT had no official status and it simply acted as a focus for the negotiations. In the words of the President of UNCLOS III As well as the official negotiation process, a number of unofficial negotiating groups operated on the sidelines of the Conference, contributing to its success. These informal groups brought together the important delegations from special interest groups in a private forum which was more conducive to fruitful negotiations. The best known of these was the Evensen Group, which dealt with a variety of issues including the EEZ, the marine environment, marine scientific research and the continental shelf. Many of the compromises produced in this group were to substantially influence the official negotiating texts. The interrelatedness of the law of the sea was an important factor during the Conference negotiations where the need to identify compromises between competing state interests was vital to its success. The interrelationship was expressly recognized in General Assembly resolutions from 1969 onwards and ultimately in the preamble to the LOS Convention itself which says, the problems of ocean space are closely related and need to be

considered as a whole. How this interrelationship was to be achieved in practice was not clear when the Conference opened in 1973. UNCLOS III continued the organizational set-up adopted by the Sea-Bed Committee so that the work was divided into three main committees, covering the seabed regime, the general law of the sea, and the marine environment and marine scientific research. Whilst the work was split on thematic grounds, the issues discussed in the three committees continued to be interlinked. As Paul Bamela Engo, chair of the First Committee, explains, some matters under consideration in other Main Committees had significant repercussions in the First Committee and the same was clearly true for the other two committees. Given these de facto linkages, states were only willing to make compromises in one committee contingent on the outcome of debates in other committees. Whilst linkages between particular provisions of a treaty are common it is the linking of the Convention as a whole that characterizes the package deal concept that arose at UNCLOS III.Evensen, a key participant in the Conference, describes the package deal as "the notion that all the main parts of the Convention should be looked upon as an entity, as a single negotiated package, where the laws of give and take presumably had struck a reasonable balance between participating states considered as a whole. It was the objective of the Conference to resolve the outstanding issues in the law of the sea to the satisfaction of as many states as possible and it became clear that compromises between the principal protagonists would be crucial to the its success. In a significant step, the ISNTs which had been produced by the committee chairs were combined in 1977 into a single document, the so-called Informal Composite Negotiating Text.Evensen explains the significance of the ICNT: "for the first time, the Conference prepared a treaty text where the different parts were coordinated and where obvious contradictions and unnecessary repetitions had been remedied. All the same, the ICNT remained a negotiating text subject to further compromise. Thus, delegates continued to refine the issues over which there were disagreements, forming seven negotiating groups at its seventh session in 1978 to concentrate on key divisive topics. In another significant step, it was agreed at the same session that "any modifications to be made in the [ICNT] should emerge from the negotiations themselves and should not be introduced on the initiative of any single person, whether it be the President or a Chairman of a Committee, unless presented to the Plenary and found, from the widespread and substantial support prevailing in Plenary, to offer a substantially improved prospect of a consensus… the revision of the [ICNT] should be the collective responsibility of the President and the Chairmen of the main committees, acting together as a team headed by the President.

9. Conclusion

Package agreement, combined with the agreed decision-making methods described above, compromises the tools that were aimed at achieving targeted text as much as possible. This method represents the formulation

of a novel method that seeks to bring the kingdom together into a deliberate process to achieve a compromise across the board. The Conference did manage to produce a clear and comprehensive set of rules and principles on the law of the sea. Indeed, apart from Part XI, most other sections of the LOS Convention garnered the support of an overwhelming majority of states. The Conference was therefore successful in forging a consensus on many aspects of the law of the sea, including many issues that had evaded settlement since the first attempts at codification. Of course, both of the legislative techniques and the status of a legal instrument must be Different ideas that should not be confused. UNCLOS III's result was an agreement, which officially only creates legal obligations to those countries which are forced to comply. However, there are ways in which contracts can affect nonparties. The following chapter will show how successful the Los Convention was to create a universal structure for ocean law.

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11. LAW OF THE SEA AND THE UN CONVENTIONS
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13. United Nations, the Work of the International Law Commission (United Nations, 1988) at pp. 3-4. See also Churchill and Lowe, The Law of the Sea at pp. 14-15.

14. At the time, only eighty-two states were members of the United Nations.

15. See Official Records of the United Nations Conference on the Law of the Sea, vol. 2, at p. xiii.

16. UNCLOS II failed by one vote to adopt a compromise formula providing for a six mile territorial sea and a six mile fisheries zone; see Churchill and Lowe, The Law of the Sea at p. 15.

17. Between 1957 and 1973, membership of the United Nations rose from 82 to 135

18. Hereinafter, "the Seabed Committee". 76 General Assembly Resolution 2340 (XXII), 1967, at para.

19. Ibid. Sinclair, the International Law Commission at p. 28.

20. General Assembly Resolution 2750 (XXV), 1970

21. See Churchill and Lowe, the Law of the Sea at p. 17.