Recent Developments in the International Law of the Sea

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This report covers significant developments in the international law of the sea in 1997, particularly with respect to the Law of the Sea Convention, which came into force in November of 1994, and the related Agreement of July 1994, both of which were signed, but not ratified, by the United States.[1] As of November 1997, 122 nations had become parties to the Convention. The most significant additions during 1997 were the Russian Federation, in March, and the United Kingdom, in July. During the year, the States Parties elected a twenty-one member Commission on the Limits of the Continental Shelf, an event that the United States hoped to postpone, and one in which, not having ratified the Convention, it was unable to participate. Similarly, in 1996 the United States was unable to participate in the election of members of the International Tribunal on the Law of the Sea, which received its first case during 1977. The United States does participate in the work of the International Seabed Authority under provisions of the Agreement that expire in November 1998 with uncertain consequences.

The first section of this report addresses the status of the 1982 United Nations Convention on the Law of the Sea (the Convention), the 1994 Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (the Agreement), new institutions, and significant meetings. Other sections report on current disputes affecting islands, boundaries, and economic zones; fisheries; and environmental and conservation issues.[2]

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1. United Nations Law of the Sea Convention, U.N. Doc. A/Conf.62/122 (1982) [hereinafter Convention]; Agreement Relating to the Implementation of Part XI of the United Nations Convention U.N. Doc A/Res/48/263 (1994) [hereinafter Agreement]. These and all UN related oceans documents are available at the UN Oceans Office web site at <http://www.un.org/depts/los/>.

2. This report will attempt not to duplicate details or citations covered in the 1996 report except when necessary for context.

I. The Law of The Sea Convention

The Convention codifies a wide range of customary law dealing with navigation and related uses of the oceans, and provides a framework for the allocation of rights and duties within which to accommodate the interests of coastal states in activities and resources off their own coasts with the protection of freedom to use ocean space without undue interference.[3] The Convention also creates rules and institutions with respect to the mining of the deep seabed beyond the limits of national jurisdiction. By November 1997, the 122 ratifications included almost all members of the European Community, as well as the Russian Federation, China, Japan, India, Australia, Brazil, and Argentina. It is also of note that the Agreement establishing the regime for deep seabed mining provided for pioneer investor status for fourteen states, including the United States, whose nationals were participants in consortia with specific mine site claims that were, in effect, pre-approved as to the sites claimed.

The Treaty was submitted to the Senate for its advice and consent to ratification on October 7, 1994. The Senate Foreign Relations Committee, chaired by Senator Jesse Helms, Republican, North Carolina, has yet to hold hearings despite the priority given to its ratification by the Departments of State and Defense. In September 1996, Secretary of State Warren Christopher urged ratification in a letter to the Chairman, pointing out that our leadership is key to the protection of our national interest and citing the then prospective Continental Shelf Commission as a body that would be addressing matters of concern to the United States. This year Secretary of Defense (and former Senator) William S. Cohen also urged Senate action. At this time, prospects for Committee action are uncertain at best.

A. Status of the Agreement

The Agreement entered into force on July 28, 1996. Its purpose was to remedy specific objections with respect to the provisions for seabed mining, which the U.S. Government judged of sufficient magnitude to decide not to sign the Convention when it was opened for signature in 1982. This action subsequently caused other industrialized states, which had signed the Treaty, not to ratify it. This Agreement is to be interpreted and applied together with Part XI of the Convention as a single instrument; it is to prevail in case of conflict with the original provisions of Part XI. All states that ratified the Convention after July 1994 are bound by the Agreement. (The ways in which states that previously ratified could become bound by the Agreement are covered in the 1996 committee report.[4]) In practice, a number of states that have yet to avail themselves of these procedures are applying the Agreement de facto, and, in any event, most of the ratifications by significant developed countries occurred subsequent to July 1994; thus, they are bound by the Agreement of 1994. As of November 1997, eighty-five States Parties to the Convention were bound by the Agreement.

After the Agreement entered into force, states that were participating provisionally and failed to ratify by that date were able to continue participating upon application to the Council of the International Seabed Authority for a period extending no later than November 1998. At that time, according to present provisions, states that are not parties may no longer participate.

3. For an extensive analysis of the provisions of the Law of the Sea Treaty and U.S. interests therein, *see* Message from the President of the United States, Doc. 103-39, 2nd Sess. 1994. The submittal of the Treaty for the advice and consent of the Senate contains a 97-page commentary on all sections of the Convention, as well as the texts of the Treaty, its Annexes, and the Agreement.

4. *See* John Noyes, *International Law of the Sea*, 31 Int'l law. 704 (1997).

This time limit raises the possibility that mine site claims of companies in states that have not ratified may be called into question.[5] At the time of this writing, ten of the fourteen states with pioneer investor status ratified: Germany, Japan, Russia, China, India, France, the Netherlands, the United Kingdom, South Korea, and Italy. The four that have not are Belgium, Canada, Poland, and the United States.

B. Commission on the Limits of the Continental Shelf

In March 1997, at the sixth meeting of States Parties to the Convention,[6] twenty-one candidates were elected to the Commission charged with ruling on the acceptability of proposed delimitations of the continental margin submitted by coastal states in those regions when the margin extends beyond the 200 mile breadth of the Exclusive Economic Zone (EEZ). The Convention provides for coastal state access, under specified criteria, to resources of the margin when it extends beyond the 200 mile EEZ.[7] The nominees were expected to have technical expertise in the relevant geological and hydrographic fields. The Russian Federation hastened to ratify the Convention in time to participate. The Russian nominee, Mr. Yuri Borisovitch Kazmin, was elected chairman, and members from Argentina, Nigeria, and India, vice-chairmen.[8]

The Commission met in June and September in 1997 and dealt largely with matters of internal organization and procedure. It adopted two Annexes to its rules of procedure, to be considered at the meeting of States Parties now scheduled for May 1998. Since many such delimitations involve long standing bilateral boundary disputes as well, it is of note that Annex 1 contains a proposed provision that handling by the Commission of a submission by a coastal state that may involve a dispute between States with opposite or adjacent coasts or other unresolved land or maritime disputes would be adopted only after consideration by a meeting of States Parties. A second Annex involves issues of rules on confidentiality of proprietary information and the protection of Commission members from possible financial liability arising from allegations of breach of confidentiality.

The importance of the delimitation of the seaward boundaries of the continental shelf when it extends beyond 200 miles grows with advances in technology to exploit resources, which now may extend to oil and gas drilling at depths of 10,000 feet. Also of interest are methane hydrates—areas of the ocean floor where vast fields of gas are trapped in frozen gas-water hydrates. According to the Secretary-General's report, Japan recently began an exploration for methane hydrates on the seabed in areas under its jurisdiction, to be followed by drilling test wells in two locations scheduled for 1999, with commercial production expected by 2010.

There is a new development that may well overshadow any interest in the deep-sea mining of manganese nodules. In December a mining claim was made by the Nautilus Minerals Corpora-

5. National Intelligence Council, Law of the Sea: The End Game 22 (1996). Section 137 of the LOS Convention, regarding the legal status of the area, provides that no claim of right shall be exercised by a state, juridical, or natural person, except in accordance with the Convention. Under the present provisional arrangements, their termination would also affect the permanent seat and blocking vote the United States holds in the Council of the ISA, in which the rules and regulations for future seabed mining contracts are being drafted.

6. Reports of 1997 meetings of entities created under the LOS Treaty and other oceans institutions, unless otherwise noted, are taken from *Oceans and the Law of the Sea, Report of the Secretary-General*, 52d Sess., Agenda Item 39, at 20, UN Doc. A/52/487 (1997) [hereinafter *Report of the Secretary-General*]. This 62-page annual report gives citations to original committee or commission documents.

7. *See* Convention, *supra* note 1, arts. 76-85.

8. For a complete list of those elected and other details, *see Report of the Secretary-General, supra* note 6, paras. 43-53.

tion, a Papua New Guinea company run by Australian businessmen working with the Australian government and Canadian scientists, to a site of nearly 2000 square miles in coastal waters in the Bismark Sea off New Guinea.[9] The site is comprised of volcanic hot springs at depths of about a mile whose outcroppings are said to be laced with high concentrations of iron, zinc, copper, silver, and gold. Such sites are expected to be more accessible and economical to exploit than minerals of the deep seabed, and they contain more marketable contents. Future commercial scale recovery requires a plan to contain environmental damage, an issue of considerable concern and complexity.

C. Meetings of States Parties

Two meetings of States Parties to the Convention took place in March and May of 1997. Agenda items included the draft agreement on privileges and immunities of the Law of the Sea Tribunal, and the election of the Continental Shelf Commission. The next meeting, in May 1998, will consider the draft budget of the Law of the Sea Tribunal, the annexes to the rules of procedure referred by the Shelf Commission, and perhaps most important, the role of these meetings in reviewing a broad range of ocean and law of the sea issues—a role the Secretary-General emphasized in his report to the 52nd session of the General Assembly. As a nonparty, the United States participates only as an observer. The United States did, however, take an active role in the annual debate on ocean issues in the General Assembly in November 1997, and was a sponsor of three of the four resolutions passed, including one that urged universal ratification of the Convention and harmonization of national legislation with its provisions.

The previous year, in 1996, the General Assembly, in Resolution 51/34, expanded the reach of the annual agenda item on oceans and law of the sea to include not only developments in the implementation of the Law of the Sea Convention, but also other issues relating to oceans and law of the sea. In June 1997, the 19th Special Session of the General Assembly considered the need for institutional coordination on ocean issues at all levels and recommended the undertaking of such a periodic review by the Commission on Sustainable Development. The expanded agendas of both the General Assembly and the Meetings of States Parties will, in turn, expand the mandate and responsibilities of the UN Oceans Office, until now a relatively small Secretariat office. That office, however, during UN budget cuts, was reduced from twenty-three to seventeen professionals.

D. The International Tribunal on the Law of the Sea

The members of the Tribunal were elected in 1996 (see 1996 Committee report for details), and the registrar received, in November 1997, the first application instituting a case before the Tribunal, which is headquartered in Hamburg, Germany. Saint Vincent and the Grenadines sought to institute proceedings against the government of Guinea regarding the alleged arrest of the M/V Saiga. The application alleged that the detaining State did not comply with the requirements of the Convention for prompt release of the vessel or its crew and, pursuant to article 292, that the parties, both party to the Convention, did not agree within ten days from the time of detention to submit the case to another court or Tribunal. On December 4, the

9. *See* William J. Broad, *First Move Made to Mine Minerals, Riches of Seabed*, N.Y. Times, Dec. 21, 1997, at 1; William J. Broad, *Undersea Treasure and Its Odd Guardians*, N.Y. Times: ScienceTimes, Dec. 30, 1997, at C1.

full Tribunal ruled unanimously that the Court had jurisdiction. By a twelve to nine decision, the court ordered Guinea to release the vessel and the crew with the deposit of U.S.$400,000 as security.[10]

The Tribunal consists of twenty-one judges of whom eleven are members of a Seabed Disputes Chamber. Disputes arising on deep seabed issues must be brought before this Chamber, with some exceptions. In disputes involving the interpretation or application of a contract, mining contractors (rather than states parties) may initiate proceedings. Such disputes may be referred to binding commercial arbitration at the request of any party.

During 1997 the Tribunal established two special seven-member Chambers, one a Chamber on Fisheries Matters and the other a Chamber on the Marine Environment. However, in the case of non-seabed related disputes, the Convention provides alternative choices, including the International Court of Justice and arbitral panels provided for under Annexes VII and VIII. Arbitration is the usual default forum if the parties do not choose the same forum.

In transmitting the Convention to the Senate, the Secretary of State recommended that the United States choose special arbitration in accordance with Annex VIII in the cases to which it may be applied, and for an arbitral panel under Annex VII for disputes not covered by the special arbitral tribunal.[11] Annex VIII requires various international organizations to draw up and to submit a copy of lists to the Secretary-General of experts in their fields: the Food and Agricultural Organization for fisheries, the United Nations Environmental Program (UNEP) for the environment, the International Oceanographic Commission for marine scientific research, and the International Maritime Organization (IMO) for navigation, vessel source pollution and dumping. With limited exceptions, the Convention excludes from binding settlement disputes related to the sovereign rights of coastal states in the EEZ, and also permits states to opt out of dispute settlement procedures for three specific categories of disputes. The Secretary recommended the United States elect to exclude all three: disputes involving maritime boundaries between neighboring states, those concerning military and certain law enforcement activities, and disputes in which the Security Council is exercising its functions assigned to it by the Charter of the United Nations.[12]

E. The International Seabed Authority

The Authority is the principal organ through which States Parties implement provisions of Part XI and the Agreement with respect to resources of the deep seabed. There are 135 members of the Authority, of which fifteen, including the United States, are provisional members, pending their ratification of the Convention. The Authority consists of the Assembly, the Council, the Legal and Technical Commission, and the Finance Committee, which met this year concurrently at the Authority's headquarters in Kingston, Jamaica, in March and August.

Of particular note in this year's meetings was the approval of plans of work for exploration by seven of the fourteen pioneer investors. For the first time, exploration for deep seabed minerals will be carried out under the legal regime established by the Convention and pursuant to fifteen-year exploration contracts between the contractors and the Authority. The contractors

10. International Tribunal for the Law of the Sea, Press Release, ITLOS/Press 8 (Nov. 13, 1997). The texts of the pleadings and of the decision and dissenting opinions are available on the U.N. oceans web site, *supra* note 1. This case is also discussed, in somewhat more detail, in Roger P. Alford & Peter H.F. Bekker, *International Courts and Tribunals* in this issue.

11. *See* Message from the President of the United States, *supra* note 3.

12. *Id.*

included the governments or nationals of India, France, Japan, the Russian Federation, China, the Republic of Korea, and an organization participated in by a number of former east-bloc countries and Cuba. Japan's Science and Technology Agency forecasts that practical technologies for the mining of deep seabed manganese nodules will be ready by 2010. Two Chinese prospecting ships will be exploring a site in the Northern Pacific with robots that can operate at depths of 6000 meters. A U.S. firm, Redmond Ocean Systems, is under contract with NOAA and several of the participating states in a study of the environmental impact of seabed mining.

The UN General Assembly in November approved an agreement between the United Nations and the International Seabed Authority, which was signed in March by the Secretary General of the UN and the Secretary General of the Authority, on the working relationships between the ISA and the UN. Beginning in 1998, the administrative expenses of the Authority will be met by an assessment of its members, including provisional members, rather than through the regular UN budget, which funded the Authority's initial organizational period from 1994 to 1997.

II. Islands, Maritime Boundaries, and Other Maritime Disputes

The most important disputes involving ocean jurisdiction continue to be those that pit interests in navigational freedom against interests of coastal states in security, access to resources, protection from marine accidents, or other rationales for restricting navigation. Protection of freedom of overflight and navigation in important sea lanes was, and remains, a primary goal of the United States in seeking a universal Law of the Sea Convention. U.S. defense strategy in the 1990's continues to be highly dependent upon traditional freedoms of navigation including transit and overflight of oceans, straits, and archipelagoes.[13] The Department of Defense maintains its Freedom of Navigation program under which U.S. vessels regularly transit navigation routes that are, or may be, threatened by various coastal state claims. For example, the United States challenged the illegal aspects of an Iranian law purporting to restrict use of the Persian Gulf. At a summit of Islamic states in December, Ayatollah Ali Khameini, in his opening address, called the Persian Gulf an "[s]amic Sea." This statement graphically illustrates the reason for the U.S. Government's goal of a universally applicable Law of the Sea Convention, or one of sufficiently universal observance as to marginalize nonparties.

Increasingly, such restrictions affect commercial shipping as well as naval vessels, as states seek to impose restrictions with respect to oil tankers or the carriage of hazardous materials, or to claim that the rights of transit passage through straits or archipelagoes, as provided in the Law of the Sea Convention, are not customary rights, but treaty rights accorded to states parties. Several vital sea lanes are variously affected by such disputes. The Straits of Malacca between Indonesia and Malaya are both a strategic and a vital commercial shipping route between Asia and the Indian Ocean and the Persian Gulf. Despite traffic separation schemes, incidents such as a recent accident in the Straits or the siren song of offshore oil prospects fuel such restrictive claims. Currently, a proposal by Indonesia, Singapore, and Malaya for new traffic separation schemes in the Straits of Malacca, approved with modifications by the Subcommittee on Safety of Navigation, will be before the May 1998 meeting of the Martime Safety

13. *See* U.S. DEPT. OF DEFENSE, NATIONAL SECURITY AND THE CONVENTION ON THE LAW OF THE SEA, 5, 10 (1994) (illustrating the cost of a six-ship battle group transiting from Japan to Bahrain via a route around Australia rather than via the Indonesian archipelago and the straits of Malacca, this route is estimated to add 15 days and 5800 nautical miles and to require 94,000 additional gallons of fuel at a cost of $200 million).

Committee of the IMO. The United States, the Russian Federation, and Australia question the need for such extensive separation schemes, which would in effect give the issuing governments mandatory authority without going through the IMO process. The IMO is responsible for assuring that archipelagic sealanes, as well as corresponding air routes, are in accordance with the provisions of UNCLOS.[14] A conference of contracting governments to the Safety on Life at Sea Convention was scheduled to take place during the November 1997 session of the IMO to consider a new chapter on the safety of bulk carriers.

Another contentious and unresolved dispute over islands astride major sea lanes involves the Spratly Islands in the South China Sea. These, more than one-hundred scattered islands, are claimed in whole or in part by six surrounding states, most vociferously by China, which sought at times to make the case that the entire South China Sea is Chinese waters. At stake here is the entitlement of those lands, which meet the Convention's definition of islands,[15] to a 200 mile EEZ, and thus access to the expected off shore oil resources.

During the year, some progress was made in toning down the rhetoric. A summit meeting of ASEAN states with President Jiang Zemin of China reaffirmed a 1992 ASEAN declaration that called for joint exploration of resources of the disputed territories pending resolution of issues of sovereignty. China reportedly agreed with Philippines President Ramos to maintain the status quo of the islands for the time being and stated that resolution of territorial claims should be in accordance with international law and the Law of the Sea Convention, to which China is a party. The latter reference is significant because, regardless of the outcome of economic explorations or territorial claims, the islands are astride a major long-established route of international navigation protected by the Convention. In yet another twist in navigation versus coastal state concerns, Turkey now seeks to restrict navigation in the Dardanelles, citing environmental concerns with the transport of large quantities of oil from the Black Sea. (Turkey's interest in a land pipeline across Turkey may also have a bearing on this matter.)

In other ongoing cases, a territorial dispute involving maritime boundaries between Qatar and Bahrein is currently before the International Court of Justice, as is a maritime boundary issue between Cameroon and Nigeria. In a case between Spain and Canada relating to jurisdiction over fishing vessels, the Court set June 9-17, 1998, for oral argument on the issue of the Court's jurisdiction, which Canada disputes.

Perhaps the most significant resolution of bilateral economic zone boundaries was the ratification by the U.S. Senate in October, 1997, of a 1978 Treaty on Maritime Boundaries between the United States and Mexico defining EEZ boundaries in the Pacific and the Gulf of Mexico. These boundaries, as drawn, leave gaps, or donut holes, on the continental shelf between the two countries and beyond two hundred miles, that hold potentially huge oil and gas reserves in depths which new technology is capable of exploiting. Mexico refused to negotiate on how to divide the mineral rights in the gaps until the United States ratified the 1978 treaty. Such negotiations are now expected with respect to the Western gap. The Eastern gap is complicated by the involvement of Cuba, as well as Mexico and the United States. (The year, 1997, was also the 50th anniversary of the first offshore drilling installation in the Gulf of Mexico, off Louisiana.)

14. *Report of the Secretary General, supra* note 6, at 22, para. 122.

15. For further discussion of the status of these islands, *see* Barry Hart Dubner, *The Spratly "Rocks" Dispute*, 9 TEMP. INT'L & COMP. L.J. 291 (1995).

III. Fisheries

Disputes involving fisheries stemming from the continuing depletion of fish stocks as a result of overfishing, overcapacity, or inadequate conservation and management continues in all parts of the world. The Law of the Sea Convention was intended to provide a framework on which to build more detailed regional agreements. As reported last year, the so-called "Straddling Stocks" agreement, adopted in 1995, promptly got the U.S. Senate's advice and consent to ratification and will come into force thirty days after the thirteenth ratification. As of November, 1997, there were only fifteen ratifications. A UN General Assembly resolution this year, co-sponsored by the United States,[16] urged prompt ratification of the agreement and its provisional observation. Among other things, the agreement requires that conservation and management measures established for the high seas and those adopted by coastal states in areas of national jurisdiction be compatible, and that regional cooperation measures be observed by all states parties. The UNGA resolution also adds a biennial report by the Secretary-General on this issue to the annual debate on the agenda item on oceans.

In 1985 the Pacific Salmon Treaty created a Commission to establish similar regional cooperation measures. A bitter dispute between Canada and the United States involving disagreements over the interpretation and application of the treaty continues to defy efforts to resolve it. Incidents between the two countries include the Canadian arrest of a U.S. salmon vessel and the blockade of a U.S. flag ferry. In February 1997 a process was established whereby representatives of the salmon fishing industry, the stakeholders, were to review individual fisheries and to negotiate arrangements to be submitted to the Pacific Salmon Commission. These negotiations were suspended on the eve of the fishing season. Last July, the United States and Canada agreed to appoint two special representatives to explore means of reinvigorating these stakeholder negotiations, with their assessment expected in December. The negotiators are former EPA Director William Ruckelshaus and former University of British Columbia President David Strangeways. In an issue also arising from the salmon dispute, the government of Canada sought an injunction to prevent the province of British Columbia from closing a military testing range used by the United States.

The path of agreed conservation measures is not always smoother. Following the adoption of the Inter-American Convention for the Protection and Conservation of Sea Turtles, representatives of thirty-eight countries attended a symposium on the subject in Orlando, Florida, in March. For conservation purposes, the United States imposed restrictions on the import of shrimp, which in turn led to protest and a case against the United States now pending before the WTO.

IV. The Marine Environment

Many of the meetings and programs having to do with the marine environment are a result of the follow up of the oceans related provisions of the United Nations Conference on Environment and Development (UNCED) adopted in Rio in 1992. UNCED's Agenda 21 looked to further implementation of the Law of the Sea Convention, to the addition of voluntary agreements for improving the conservation of fisheries and the marine environment, and to the evolution of a program dealing with protection of the marine environment from land-based activities that are, in fact, the principal source of marine pollution and the most difficult to

16. G.A. Res. A/52L28, U.N. GAOR, 52d Sess. (1997).

address. The number of technical commissions and meetings during the year are too numerous to mention in full. As a measure of the interaction on these issues, such efforts include, inter alia, implementation of the BioDiversity Convention with meetings of experts on Marine and Coastal Zone Biological Diversity, protected areas under the Regional Seas Agreements of the UNEP, IMO guidelines on particularly sensitive sea areas, and sanctuaries under the International Convention on the Regulation of Whaling. This multiplicity of efforts prompted the General Assembly's recommendation for a periodic review of institutional coordination, and its designation of UNEP as the lead agency in the Global Programme of Action for the Protection of the Marine Environment from Land Based Activities. In February 1997, the UNEP Governing Council established a new regional seas program covering the East Central Pacific region, which will entail an agreement among governments in the region to develop a plan of action.

In one major step on the environmental protection of high risk areas, by December 1997 all twenty-six of the Antarctic Treaty Consultative Parties ratified an agreement on the Antarctic Protocol on Environmental Protection to the Antarctic Treaty,[17] and it entered into force on January 14, 1998. The Agreement addresses basic principles and mandatory rules applicable to human activities in the area including dispute settlement procedures and the prohibition of all activities regarding mineral resources, except for scientific research.

In May 1997 the General Assembly adopted the Convention on the Law of the Non-navigational Uses of International Watercourses. Under article 23, States are required, acting individually or in cooperation with other States, to take measures with respect to international watercourses that are necessary to preserve and to protect the marine environment. In November 1997 an international meeting of experts on environmental practices in oil and gas activities was scheduled in the Netherlands to address the issue of degradation of the marine environment from offshore oil and gas platforms pursuant to a decision of the Commission on Sustainable Development.

A Protocol to the London Dumping Convention adopted in 1996 that considerably tightened restrictions on dumping, and the penalties therefor, and that was signed by the United States, is not yet in force, but during the year its Scientific Group prepared guidelines for the assessment of wastes covered in the new Protocol. Similarly, an IMO requirement for the adoption of vessel certification of conformity with the International Safety Management Code, which has a deadline of July 1, 1998, made limited progress. The United States announced it will crack down on any vessels entering U.S. waters without such certification after the July 1st deadline.

In summary, 1997 was a year in which the LOS Convention became a fully operational reality with ratifications by a number of important developed states, and the creation of the entities—the ISA, the Tribunal, and the OCS Commission—envisaged in the treaty. It was also a year in which a multitude of entities, commissions, agreements, resolutions, and exhortations attempted to come to grips with the continued deterioration of the world's fisheries and related environmental issues, without, as yet, much success.

17. U.S. DEP'T OF STATE, STATEMENT ON ANTARCTICA PROTOCOL ON ENVIRONMENTAL PROTECTION TO THE ANTARCTIC TREATY (Dec. 22, 1997).