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## BOOK REVIEW

# GLOBAL OCEANS POLITICS: THE DECISION PROCESS AT THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA, 1973–1982

EDWARD L. MILES, *GLOBAL OCEANS POLITICS: THE DECISION PROCESS AT THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA, 1973–1982*. The Hague, Boston, London: Martinus Nijhoff/Kluwer Law International, 1998. 551 pp.

*Reviewed by Louis B. Sohn\**

Professor Miles' book on the law of the sea differs considerably from all other books on the subject, as it provides an analysis of the process by which the recent United Nations Convention on the Law of the Sea was put together. It shows, in particular, how the many participating states were able to reach a consensus on a variety of problems that from time to time seemed insoluble. It is a piece of luck that an observer of Professor Miles' high quality was able to prepare such an extensive explanation of this complex process.

The Third United Nations Conference on the Law of the Sea differed not only from the two previous conferences on the subject but also from all other previous conferences. It dealt with a tremendous topic, the regime of the world oceans, an area including two-thirds of the surface of the planet Earth. As a result, not only maritime states, but also all other states were involved, thus adding an unexpected new dimension to the process. To strengthen their influence, the states without any direct access to the sea succeeded in increasing their influence by creating coalitions with other disadvantaged states, such as the states with short coastlines, states bordering on marginal seas, or even states with narrow or no continental shelf; in this way they achieved a "blocking third" of votes and had to be consulted on most issues.

This was no longer a conference of major powers determining the future of the world, but a conference of all then-existing states, operating by the United Nations General Assembly rule of one-state-one-vote. Completely different rules of procedure had to be devised to make a gen-

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erally acceptable treaty possible. The author traces their development and how they were actually applied.

The use of the oceans for navigation and the exploitation of their living and non-living resources had increased drastically since the Second World War, and pollution of the sea had increased dangerously, not only from rivers and coastal cities but also from the land and the air. New rules were necessary to prevent the complete destruction of the oceans' usefulness. The situation became complicated even further by the discovery of additional mineral resources far down in the depths of the sea which could now be exploited. These new problems added another dimension to the work of the Conference.

A conference that was originally planned for two or, at the most, three years lasted eight years, and resulted in approving a text of 320 main articles and nine annexes containing an additional 126 articles. As the drafters of the United Nations Convention on the Law of the Sea (LOS Convention) knew that these new texts dealing with many novel situations were likely to require authentic interpretation, 106 of these articles—a record number, almost one-quarter of the total—provided a detailed system for the settlement of disputes that were likely to arise in their practical application.

The drafting of such a convention could not be left to a few diplomats, however able they might be. Each delegation, therefore, also included experts on the various subjects to be discussed. These experts came from relevant departments of their governments. Sometimes national legislative bodies were also represented. Some delegations, including the United States', also included private persons representing various interests. For instance, in the U.S. delegation there were separate representatives of the fishing industry in the North Atlantic, in the North Pacific, and off the coasts of South America. Similarly, the shipping, mining and oil industries were represented, as well as scientists and environmentalists.

The Law of the Sea Conference was also an early example of the active presence of the observers from the non-governmental organizations (NGOs) associated with the Economic and Social Council of the United Nations. Professor Miles participated as an observer, representing the International Council of Scientific Unions, and his book is a detailed narration of what he has learned about the complicated process that was employed in drafting the LOS Convention. He started with the preparatory committee (the Seabed Committee) in 1971 and attended all the sessions of the LOS Conference from 1973 to 1982. The book is a detailed report of what happened and why it happened. While he did not participate directly in the actual negotiations, he was successful in estab-

lishing good relations with an amazing number of the members of various delegations, and his book is based, in part, on a voluminous diary in which he was able to record all the facts that he had learned from his friends. I am also sure that they learned a lot from him, as he was able to circulate from one group to another, while regular delegates had no time to do so. I was present at the Conference throughout the whole period, but, like the other delegates, I was barely able to keep up with the developments in my own field (the drafting of provisions on the settlement of disputes), and at our delegation's daily meetings I received only short sketches about what was going on elsewhere.

In reading this book, I have found a wealth of information about developments with which I was only vaguely familiar. All the negotiations are presented in amazing detail, and are much easier to read than the voluminous official records of the Conference. In addition, the author arranged his narrative in several ways, and a reader who wants to know about particular developments can find them easily, either in the part that describes the various events chronologically or in the part that shows how various ideas developed and changed during the negotiations. (See, in particular, chapters IV and VII-XI.)

The book is not only descriptive, it is also analytical. It takes into account current literature on the negotiation process and explains the new procedures and variations of old ones that were invented in successfully completing this "impossible" task. (See, in particular, chapters III, VII and XII.) Consequently, I recommend this book to all those interested in the law of the sea as well to those who may wish to learn how to find a generally acceptable solution in difficult circumstances. This is a book of both theoretical and practical importance.