

Section of International Law and Practice (Annual Meeting 1983)

BE IT RESOLVED, That the American Bar Association:

Supports the position that, under existing international law, deep seabed mining remains a freedom of the high seas which may be carried out by citizens of all Nations so long as reasonable regard is given to the rights of other high seas users;

Supports United States efforts at coordination with other States on a bilateral or multilateral basis, to establish a framework that would encourage exploration and development of deep seabed mineral resources under reasonable terms and conditions;

Supports amendment of the Law of the Sea Convention deep seabed mining regime to provide assured access and security of tenure for all mineral resources of the deep seabed and sound institutional procedures including balanced contemporary United States treaty practice, without requiring transfer of private technology and unworkable provisions on production controls;

Supports the view that the substantive provisions of the Law of the Sea Convention -- other than those relating to the deep sea mining -- having been accepted by general consensus, represent the evolving customary international law, by which even States not parties to the Convention are bound and which they are entitled to invoke against both parties and non-parties thereto; and

Supports also the acceptance by the United States, by a unilateral declaration on condition of reciprocity, of the provision of the Convention relating to the settlement of disputes arising under the provisions representing customary law.