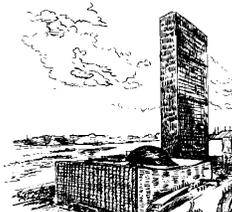


Part 6



Legal Developments

International Court of Justice (ICJ)

The ICJ is the principal judicial organ of the United Nations. The Court decides cases submitted to it by states and gives advisory opinions on legal questions at the request of international organizations authorized to request such opinions. In recent years, the Court has had more cases on its docket than ever before.

The ICJ is composed of 15 judges, no two of whom may be nationals of the same state. As of March 2, 2000, the Court was composed as follows: Gilbert Guillaume (France—President), Shi Jiuyong (China—Vice-President), Shigeru Oda (Japan), Mohammed Bedjaoui (Algeria), Raymond Ranjeva (Madagascar), Geza Herczegh (Hungary), Carl-August Fleischhauer (Germany), Abdul G. Koroma (Sierra Leone), Vladlen S. Vereshchetin (Russia), Rosalyn Higgins (United Kingdom), Gonzalo Parra-Aranguren (Venezuela), Pieter H. Kooijmans (the Netherlands), Francisco Rezak (Brazil), Awn Shawkat Al-Khasawneh (Jordan), and Thomas Buergenthal (United States). Judge Buergenthal succeeded Judge Stephen M. Schwebel of the United States who resigned from the Court in February 2000, following the completion of his three-year term as President of the Court.

The UN General Assembly and the Security Council, voting separately, elect the Court's judges from a list of persons nominated by national groups in the Permanent Court of Arbitration. Judges are elected for nine-year terms, with five judges elected every three years. The next regular election will be held in the Fall of 2002.

The United States has been involved in the following matters in the Court since the last report.

Iran v. United States of America

On November 2, 1992, Iran brought a case against the United States claiming that U.S. military actions against Iranian oil platforms in the Persian Gulf during the conflict between Iran and Iraq violated the 1955 Treaty of Amity between the United States and Iran. The incidents cited by Iran followed attacks by Iranian military forces against U.S. naval and

commercial vessels in the Gulf. The United States filed a Preliminary Objection to the Court's jurisdiction, which was considered at hearings in September 1996. In December 1996, the Court decided that it did not have jurisdiction under two of the three treaty articles invoked by Iran, but that it had jurisdiction to consider a third treaty claim. On June 23, 1997, the United States filed its Counter-Memorial and a counter-claim. Following further proceedings regarding the counter-claim, the Court held on March 10, 1998, that the counter-claim was "admissible as such" and directed the parties to submit further written pleadings on the merits. Following two requests for extensions, Iran filed its Reply and defense to the U.S. counter-claim on March 10, 1999. Because of developments in the dispute Germany v. United States of America (see below), the United States requested and received an extension of time for the filing of its Rejoinder, originally due on November 23, 2000. The U.S Rejoinder is now due on March 23, 2001.

Libyan Arab Jamahiriya v. United States of America

On March 3, 1992, Libya brought cases against the United States and the United Kingdom charging violations of the 1971 Montreal (Air Sabotage) Convention. Libya claimed that the United States and the United Kingdom interfered with Libya's alleged right under the Montreal Convention to try two persons accused by U.S. and Scottish authorities of bombing Pan Am Flight 103 over Lockerbie, Scotland, on December 21, 1988. On June 20, 1995, the United States filed Preliminary Objections to the Court's jurisdiction in the case; the United Kingdom also filed Preliminary Objections. The Court held hearings on both sets of Preliminary Objections on October 13-22, 1997. On February 27, 1998 the Court denied some of the U.S. and U.K. Preliminary Objections and held that others could be decided only at the merits stage of the case. The Court then ordered the United States to file its Memorial by December 31, 1998. On December 8, 1998, the United States asked the Court for a three-month extension, in order to ascertain whether Libya would respond to an initiative by the United States and the United Kingdom proposing creation of a Scottish court in the Netherlands to try the two suspects. By Orders dated December 17, 1998, the Court extended the filing date for the U.S. and U.K. Counter-Memorials until March 31, 1999. The United States and the United Kingdom both filed Counter-Memorials on that date. Shortly after, on April 5, 1999, the two suspects arrived in the Netherlands in the company of the Legal Counsel of the United Nations. They were detained by Netherlands authorities and were then extradited to the custody of Scottish authorities for trial in a Scottish court constituted in the Netherlands. In June 1999, the Court held a meeting with the parties to both cases to discuss further scheduling in the two cases in light of these developments. The Court subsequently ordered that Libya file its Replies to the U.S. and U.K. Counter-Memorials by June 29, 2000. Following

Libya's filing of its Replies on that date, the Court set the date of August 3, 2001 for the filing of the U.S. and U.K. Rejoinders.

Germany v. United States of America

On March 2, 1999, Germany filed a case against the United States based on the failure of Arizona authorities promptly to inform Walter and Karl LaGrand, two German nationals convicted in Arizona of a 1982 murder and attempted bank robbery, of their right to have German consular officials notified of their arrest and detention. (The LaGrand brothers were German nationals who had moved to the United States when they were aged three and five years and who had lived in the United States almost continuously thereafter.) The case was filed the day before the scheduled execution of Walter LaGrand in Arizona; Karl LaGrand had been executed previously.

Germany accompanied the filing of its case with a request for the Court to indicate provisional measures against the United States. On March 3, 1999, acting without a hearing and without receiving the substantive views of the opposing party, the Court issued an order stating that "the United States of America should take all measures at its disposal to ensure that Walter LaGrand is not executed pending the final decision in these proceedings." This order, issued a few hours before the scheduled execution, was promptly communicated to the Governor of Arizona by the U.S. Department of State. The State of Arizona executed Mr. LaGrand later on March 3, 1999, after the U.S. Supreme Court declined to intervene.

As ordered by the Court, Germany filed its Memorial on September 16, 1999, and the United States filed its Counter-Memorial on March 27, 2000. The United States participated in oral proceedings in the case held by the Court from November 13–17, 2000. The Court's decision is expected in 2001.

International Law Commission (ILC)

The ILC, which first met in 1948, works to promote the codification and progressive development of international law. Its 34 members are persons of recognized competence in international law who serve in their individual capacities. They are elected by the General Assembly for 5-year terms. Mr. Robert Rosenstock of the United States is serving his second term as a member of the Commission.

The Commission studies international law topics referred to it by the General Assembly or that it decides are suitable for codification or progressive development. It usually selects one of its members (designated as a "special rapporteur") to prepare reports on each topic. After discussion in the Commission, special rapporteurs typically prepare draft articles for detailed discussion by the members of the Commission. These are considered and refined in a drafting group prior to formal adoption by the Com-

mission. The Commission reports annually on its work to the Sixth (Legal) Committee of the UN General Assembly.

At its 2000 session, the Sixth Committee carried on a substantial debate on the ILC's report on its 52nd session. Governments' comments indicated widespread support for the Commission's work, and for its ongoing efforts to reform and improve the relevance, quality, and timeliness of its work.

At its 52nd session, the Commission made substantial progress toward its objective of concluding its long-running and important work on a set of draft articles on state responsibility. The Commission produced a complete set of revised draft articles on the subject, and asked for comments on the draft articles by member states prior to the 53rd session. It also continued work on guidelines concerning reservations to treaties and on several other topics.

The Commission's current work is based on a five-year work program established in 1997. This plan anticipates that each topic under consideration by the Commission either will be completed or brought to a defined transitional point by the end of the Commission's session in 2001. The Commission's goal is to ensure the orderly and efficient progress of its work and to lessen disruptions such as those resulting in the past from retirements of special rapporteurs or other personnel changes.

UN Commission on International Trade Law (UNCITRAL)

UNCITRAL, established by General Assembly Resolution 2205(XXI) in 1966, has maintained a technically focused program on harmonizing national laws to promote trade and commerce. This is accomplished through multilateral conventions, model national laws, UN legal Guidelines, and technical assistance on trade and commercial law. It continues to avoid political issues that may arise in the work of other bodies. The Commission currently has 36 elected member states, including the United States. With headquarters in Vienna, Austria, the Commission usually holds several weeks of working group meetings of experts annually on each active topic, the results of which are reviewed at its annual plenary session (A/55/17). International trade associations, industry, and other specialized nongovernmental organizations actively participate, and generally support efforts by the United States to expand trade and commerce through the work of the Commission. The General Assembly's Sixth (Legal) Committee favorably reviewed the Commission's work (A/55/608), and the Assembly reaffirmed the role of UNCITRAL as the core legal body in the UN system on international trade law (A/RES/55/151, December 12, 2000).

International project finance

The Commission completed its work on and adopted a Legislative Guide on Privately Financed Infrastructure Projects, finishing a four-year effort. The Legislative Guide is expected to facilitate the preparation of laws and regulations for countries seeking to expand the provision of public services through increased use of private sector capital and management (A/55/17, pages 58–86). While certain European Union (EU) states did not support the legislative changes that would be required, since those changes would conflict with their existing legal systems, the United States has successfully supported a modern approach to the provision of public services which combines private sector finance and development with traditional public sector regulatory concerns (A/CN.9/471 and Adds. 1–9). The Legislative Guide emphasizes transparency and long term sustainability of projects; promotes a balanced role for the private sector and public regulation; and covers the selection process, finance, construction and operation, dispute settlement, and other matters. Future work may be considered on the selection process for project entities.

Draft convention on commercial finance

Within the time constraints of the Plenary session in June, the Commission adopted part of the draft convention, and authorized the Working Group on International Contract Practices, which met in December, to tentatively adopt the remainder of the provisions, subject to final review by the Commission in 2001. This will complete a five-year project to upgrade international commercial finance law standards, so that private sector capital markets in the United States and other developed states may become more available to developing states and states in transition. This text reflects newer concepts of commercial law, including financing based on future accounts receivable in large volume, which supports a secondary finance market, the economic effect of which has been tested in markets in the United States, Canada, the United Kingdom, and other countries (A/CN.9/472, Adds. 1–5 and A/CN.9/486). The annex sets out the U.S.–supported proposal for an internationally based computerized registry system which could significantly assist extension of new credit to developing countries under this convention system. Related projects which draw on the UNCITRAL text are under way at the International Institute for the Unification of Private Law and the Organization of American States.

Electronic commerce

The Working Group on international electronic commerce completed four weeks of meetings and narrowed the gap between diverging views on the extent to which new laws or regulations were needed to facilitate and validate electronic signature systems and message authentication technologies. The U.S.–supported minority position gained in its effort to narrow the extent to which a regulatory approach would be reflected in draft international rules. The same conflict was reflected in U.S.–EU discussions:

new EU draft directives on electronic commerce moved toward a position less in conflict with the United States, in part as a result of the UNCITRAL deliberations. The United States continued to express concern about technology neutrality and provisions on liabilities and standards. This work is expected to be completed at the plenary session in 2001 (A/CN.9/467 and 483).

An earlier E-commerce text of the Commission, the 1996 UN Model Law on Electronic Commerce, was widely used as a source for new legislation in many countries, including the United States, and in December 2000 was specifically cited in the Federal Law on electronic signatures.

International commercial arbitration.

The Commission began new work on commercial arbitration at its Working Group in November (A/CN.9/485) and focused on model legislative provisions on conciliation, enforceability of court-ordered interim measures of protection, enforceability of awards that had been set aside in the state of origin, and requirements for and the form and effect of written arbitration agreements. Consideration was given to a draft "interpretive instrument" with regard to arbitration agreements, while deferring recommendations as to the effect of such an instrument. In general, the Working Group built on a review of implementation of and practices under the Convention on the Recognition and Enforcement of Foreign Arbitral Awards ("New York Convention") (A/CN.9/468). The effect of the foregoing on the Commission's Model Law on Arbitration and the UNCITRAL rules for *ad hoc* arbitrations, both of which are widely used in practice, will be considered, as will future work on "on-line" arbitrations, involving proceedings conducted in whole or in part through electronic communications, which might be undertaken in cooperation with the Commission's Working Group on Electronic Commerce.

Cross-border insolvency of commercial entities.

As authorized by the Commission at its June plenary session, the Working Group initiated the preparation of UN guidelines and draft legislative provisions on substantive insolvency law matters, with an emphasis on cross-border commerce, finance, and corporate activity. This included meetings of expert groups and an international Colloquium at Vienna in December which reviewed studies by the International Monetary Fund, the World Bank, the Asian Development Bank, and others. The Colloquium included insolvency associations, practitioners, affected commercial sector representatives, as well as insolvency administrators and government officials, and developed a working consensus on which ongoing efforts will proceed. The overall direction will include provisions on restructuring and corporate rescue, as well as liquidation, in order to retain going concerns where feasible, many of which now operate on a multinational basis. It was also agreed that this would include U.S. proposals on "private ordering," so as to facilitate private sector financing agreements,

especially in developing and financially distressed states, prior to proceedings through formal court and administrative procedures (A/CN.9/495).

Endorsement of international texts

The Commission endorsed three texts of the International Chamber of Commerce which are consistent with the Commission's efforts and which are expected to enhance trade and Commerce. These included the Uniform Rules for Contract Bonds, the International Standby Practices, and INCOTERMS 2000 (International Commercial Terms). "Endorsement" was considered as a recommendation for states and commercial parties to utilize those texts, but did not constitute a formal UN recommendation for their adoption or a recommendation that states revise national laws for that purpose. Of particular interest, the Stand-By Practice Rules were developed by the private sector in coordination with the Commission's 1995 UN Convention on Independent Guarantees and Standby Letters of Credit, thus furthering the Commission's efforts to promote harmonization as well as the adoption of modern business practices that facilitate trade.

Technical assistance and law unification

The Secretariat continued its record of effective technical assistance primarily to developing countries in the field of implementation of modern trade law, including international conventions and other texts completed by the Commission (A/CN.9/473 and 474). These efforts have materially assisted modernization of commercial law in a number of states, and have been consistent with increased use of private sector methods and a corresponding reduction in state-run activities. The Commission's work in modernizing commercial law has facilitated transactions made available through trade agreements or otherwise, but which are often difficult to realize if obstacles remain by virtue of older and incompatible legal standards. In addition, the Commission continued, through its system of National Correspondents, to publish abstracts of decisions of states under UNCITRAL conventions or other international trade law texts through its "CLOUT" system (Case Law on UNCITRAL Texts), which appears in the six official UN languages (A/CN.9/SER.C/Abstracts). Expansion of the CLOUT system was considered as a means of promoting international commercial law standards and furthering the effect of the Commission's work.

International Criminal Court (ICC)

In 1998, a diplomatic conference, convened in Rome under UN auspices, adopted a treaty to create an international criminal court. The United States voted against the adoption of the Rome Statute. Although consistent with U.S. objectives in many respects, the Statute nonetheless contained a number of serious flaws. The treaty provides for entry into force when 60 countries have ratified it. By the end of 2000, 139 countries had signed, including the United States, and 27 had ratified the treaty.

The Rome Conference recommended that a Preparatory Commission prepare proposals for the practical arrangements for the establishment and coming into operation of the Court, including draft texts of the Rules of Evidence and Procedure, Elements of Crimes, and several other documents needed for the efficient functioning of the Court.

The United States participated in the three sessions of the Preparatory Commission held in 2000 (March 13–31, June 12–30, and November 25–December 8). The Preparatory Commission completed the drafts of the Elements of Crimes and the Rules of Procedure and Evidence in June 2000. The United States was satisfied that the definitions adopted were consistent with international law and that important provisions adopted in the Rome Statute were not weakened through the Rules of Procedure. In 2000, the Preparatory Commission also began to draft a relationship agreement between the United Nations and the ICC, the Financial Rules of the Court, and an agreement on Privileges and Immunities of the Court. It also held discussions on the definition of aggression.

The United States remained concerned that the Rome Statute's jurisdictional provisions—especially as applied to nationals of states that have not joined the Treaty—go beyond what is permissible under international law and risk inhibiting responsible international military efforts in support of humanitarian or peacekeeping objectives.

On December 12, the UN General Assembly adopted, by consensus, Resolution 55/155, which noted the adoption of the Rome Statute and the Final Act establishing the Preparatory Commission. The resolution requested that the Secretary General convene the Preparatory Commission February 26–March 9 and September 24–October 5, 2001 to carry out the Final Act and, in that connection, to discuss ways to enhance the effectiveness and acceptance of the Court. The General Assembly further decided to place the establishment of the International Criminal Court on its proposed agenda for its 56th session.

Host Country Relations

The UN General Assembly established the Committee on Relations with the Host Country in 1971 to address issues relating to the implementation of the UN Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations.

The 19-member Committee met in plenary on five occasions during 2000. The most intense discussions were related to the Millennium Assembly and the Conference of Presiding Officers of National Parliaments, an Interparliamentary Union (IPU)-sponsored conference in New York. Members of the Committee challenged the United States for not issuing visas for some Cuban and Yugoslav parliamentarians to attend the IPU conference. The Committee members believed the United States had an obligation under the UN Headquarters Agreement to issue the visas and requested an opinion from the UN Legal Counsel to settle the matter. The

UN Legal Counsel concurred with the view of the United States that the IPU conference was not an official meeting of the United Nations, and therefore, it was not considered to be official UN business within the meaning of the UN Headquarters Agreement. The Legal Counsel went on to say, however, that since the meeting was being held in conjunction with the Millennium Assembly and was clearly a UN-related meeting, “the host country could be expected to issue the visas as a matter of courtesy.” Based on that analysis, the Secretary General appealed to the host country to reconsider its decision to deny the visas. The visas were not issued as the appeal was made too late to change the original decision.

One hundred fifty heads of state were expected for the Millennium Summit and this unprecedented situation generated serious discussions among Committee members on the need to balance security concerns with the need for access to the UN Headquarters. The U.S. representatives to the UN Host Country Committee coordinated plans with the United Nations and numerous U.S. Government and New York City agencies to ensure that the large contingent of high-level diplomats would be properly received and protected by the host country and host city while in the United States for the Millennium Assembly.

The most frequently discussed concern of the Committee was the host country’s continued imposition of travel restrictions on personnel of certain missions and staff members of certain nationalities of the UN Secretariat. In its final recommendations and conclusions, the Committee once again “requests the host country to consider removing...such travel controls.”

On December 12, the General Assembly adopted a resolution, “Report of the Committee on Relations with the Host Country,” (Resolution 55/154) by consensus. The resolution included a recommendation from the Committee that the host country take into consideration in the future the opinion of the Legal Counsel concerning the issuance of visas to participants in UN-related meetings. The resolution also noted the Committee’s concern about removing travel controls, requested prompt issuance of visas, and requested resolution of the problems associated with parking diplomatic vehicles in the host city. Finally, the resolution expressed the Committee’s appreciation for the efforts of the host country.

International Terrorism

On December 12, 2000, the UN General Assembly adopted a resolution on terrorism: “Measures to Eliminate International Terrorism” (55/158). During the debate on the resolution in the Sixth Committee, some speakers from Middle Eastern and Asian states again voiced support for a definition of terrorism which would differentiate between terrorist acts and acts committed in the name of self-determination. The United States and other like-minded delegations found such a distinction totally unacceptable.

Despite disagreement over the definition of terrorism, most members of the Sixth Committee were able to work together to adopt on November 22 the terrorism resolution by a vote of 131 (U.S.) to 0, with 2 abstentions. The General Assembly adopted the resolution on December 12 by a vote of 151 (U.S.) to 0, with 2 abstentions. All member states who had not yet done so were urged in the resolution to become parties to the twelve conventions outlawing different manifestations of international terrorism. The resolution also reaffirmed the Declaration on Measures to Eliminate International Terrorism, which was adopted in 1994 and supplemented in 1996.

In addition, the resolution included a decision to have the Ad Hoc Committee, which was established by the General Assembly in 1996, continue its work, with meetings scheduled in February 2001 and during the General Assembly in the fall of 2001. In its February 2001 session, the Ad Hoc Committee was charged with continuing its work on an Indian-initiated draft comprehensive convention on international terrorism, and to continue its efforts to resolve outstanding issues related to the Russian-initiated draft international convention for the suppression of acts of nuclear terrorism. The Ad Hoc Committee was also requested to keep on its agenda the question of convening a high-level conference on international terrorism under the auspices of the United Nations.

Strengthening the Role of the United Nations

The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (Charter Committee) held its 25th annual session April 10–20. A resolution adopting the report of the Committee's work, and a resolution on its agenda item concerning "Implementation of Charter Provisions Related to Assistance to Third States Affected by the Application of Sanctions" were debated and adopted during the UN General Assembly Sixth Committee meetings in the fall. The resolutions were subsequently adopted, without votes, by the General Assembly on December 12 (Resolutions 55/156 and 55/157, respectively).

The Special Committee recommended to the General Assembly that it continue to consider, in an appropriate substantive manner and framework, the report of the Secretary General on the results of the June 1998 *ad hoc* expert group meeting on methodological approaches to assessing the third-country effects of sanctions. The Special Committee also urged that the General Assembly again invite the Secretary General to submit his own commentary on the expert group's report, including information on relevant work of the sanctions committees, the Security Council working group, and other developments on this subject.

Other subjects considered by the Special Committee included ways and means of improving the Organization's dispute prevention and settlement capabilities, and improving the working methods and enhancing the efficiency of the Special Committee itself.

International Criminal Tribunals for Rwanda and the former Yugoslavia

The International Criminal Tribunals for Rwanda and the former Yugoslavia have jurisdiction for the prosecution of those accused of having committed genocide, crimes against humanity, and other serious violations of international humanitarian law. The UN Security Council established the International Criminal Tribunal for the former Yugoslavia (ICTY) in May 1993, and the International Criminal Tribunal for Rwanda (ICTR) in November 1994. The Tribunals share a Chief Prosecutor, Carla del Ponte of Switzerland, who assumed the position in August 1999. The Chief Prosecutor and the Deputy Prosecutor for the ICTY are located in The Hague, the Netherlands. The ICTY has a staff of 1,200 from 75 countries. The Rwanda Tribunal, with an approximate staff of 900 from more than 85 nations, hears cases in Arusha, Tanzania; the office of its Deputy Prosecutor is located in Kigali, Rwanda.

As of the end of 2000, the ICTY had publicly charged 96 individuals with genocide and/or other serious violations of international humanitarian law. By the end of the year, 49 indictees had been taken into custody in The Hague, while 27 public indictees remained at large. At year's end, the ICTY had closed 10 cases (7 decisions were being appealed) and begun 8 trials. Another 18 cases were in pre-trial proceedings. Six indictees were apprehended during the year.

On November 30, the Security Council adopted Resolution 1329, creating a pool of *ad litem* judges (temporary judges, elected for four-year terms, not to be reelected) for the ICTY. The appointment of these judges should make the Tribunal more efficient and effective by ensuring that the administration of justice is not delayed. Additional judges will also expedite completion of the Tribunal's work. ICTY President Judge Claude Jorda also pledged continued reform of the Tribunal to increase efficiency and to expedite trials in accordance with the ICTY Statute and Rules. Many of Jorda's recommendations, including more effective rules for administering and presenting evidence and improving the judges' control over the conduct of proceedings, would not require additional resources.

In 2000, the Tribunal also continued the successful "Rules of the Road" project on reviewing and approving select war crimes cases for local prosecution by appropriate governments in the Balkans. The United States provided \$250,000 in voluntary funding for this project.

Just as the ICTY had made some changes for the sake of efficiency, the ICTR had made progress since the 1997 report of the UN Office of Internal Oversight Services on mismanagement of the ICTR. Nevertheless, the United States and other governments continued to press the ICTR on the need for greater efficiency and effectiveness. To support such improvements, Resolution 1329 also mandated the election of two new judges to the ICTR. Two existing judges will subsequently transfer to the

joint Appellate Chamber, thus providing ICTR representation at the review level.

By year's end, the ICTR had issued public indictments against 53 individuals; 44 of these indictees were in custody. The ICTR had also convicted two individuals, raising the number of convictions to eight. Five of these cases remained under appeal. Judgment was pending for a trial concluded in October. The ICTR made rulings on three high-profile appeals, including one affirming the conviction of former Prime Minister Jean Kambanda as well as a successful appeal by the Prosecutor to reinstate a previously dismissed case against Jean-Bosco Barayagwiza, a founding member of a hate radio station. Also in 2000, the ICTR, for the first time, began simultaneous trials in three courtrooms against a total of seven accused.

The United States was the largest financial contributor to both the ICTY and the ICTR. In calendar year 2000, U.S. assessed contributions were approximately \$44.8 million. The United States provided approximately \$8 million in voluntary contributions to the ICTY and \$299,000 to the ICTR. The United States continued to provide information to assist the ICTY and ICTR in their investigations, and other support as appropriate. For example, in March, the United States, at the request of the Prosecutor, surrendered to the ICTR an indictee arrested in the United States.

Law of the Sea

The UN Convention on the Law of the Sea (LOS Convention) entered into force on November 16, 1994. Responding primarily to the concerns of industrialized countries, including the United States, a supplementary "Agreement Relating to the Implementation of Part XI" (Deep Seabed Mining) was negotiated in 1994, and entered into force on July 28, 1996. At the end of 2000, a total of 135 states and the European Union had ratified the Convention, and 99 had ratified the Agreement. Taken together, the Convention and the Agreement met a basic and long-standing objective of U.S. ocean policy: conclusion of a comprehensive Law of the Sea Convention that will be respected by all nations.

The United States supported the LOS Convention as modified by the 1994 Agreement and applied the Agreement on a provisional basis, in accordance with its terms. Provisional application of the Agreement terminated, however, in November 1998. As a result, the United States lost its vote and its seat on the Council and in the Finance Committee of the International Seabed Authority.

The International Seabed Authority (ISA) held its sixth session in July 2000. During the meeting, a Code on the Prospecting and Exploration of Polymetallic Nodules was adopted by the Council and the Assembly. A budget was approved for 2001 at a level below that of 2000 and the number of meetings was reduced to one per year. The United States was in arrears for its payment of dues to the ISA for the year 1998, when it served

as a provisional member with a vote. The United States attended the July 2000 meeting as an observer.

The Commission on the Limits of the Continental Shelf held a meeting for interested states to explain the procedures for submitting charts and lists of geographical coordinates showing the outer limits lines of the continental shelf, as required in Article 84. The next elections for Commissioners to this body will be held in May of 2002.

The International Tribunal on the Law of the Sea officially opened its new headquarters in Hamburg, Germany, on July 3, 2000. Several cases are pending before the Tribunal concerning prompt release of vessels, seizure of a vessel, and southern bluefin tuna. The states parties met and approved the Tribunal budget. The budget had slightly increased over the previous budget to take into account security issues at the new facility. The United States attended the meeting as an observer.

Pursuant to the 1999 UN Resolution on the Law of the Sea, an informal open-ended consultative process on oceans and law of the sea was held for one week at UN headquarters. Governments focused on two main issues: sustainable fisheries and protection of the marine environment from land based activities. The meeting produced elements that were subsequently incorporated in the 2000 UN General Assembly resolution.

At its 44th Plenary meeting on October 30, the General Assembly adopted the Law of the Sea Resolution (55/7), including a section calling for the second informal consultative process on Oceans and Law of the Sea to take place in 2001. The second session is designed to focus on the issues of marine scientific research and piracy. The informal process is designed to promote greater coordination and cooperation among UN institutions involved in ocean activities. Rear Admiral James S. Carmichael, Chief Counsel of the U.S. Coast Guard delivered the U.S. Plenary Statement.

