

## **The Settlement of Disputes under the Law of the Sea Convention—Questions in Light of the United States Position**

Tullio Treves

Faculty of Law, University of Milano  
E-mail: tullio.treves@unimi.it

### **Abstract**

At the Third United Nations Conference on the Law of the Sea, the United States delegation took the lead in negotiations concerning provisions on the settlement of disputes. In its view, a system of peaceful and compulsory settlement of disputes was one of the main objectives to be pursued as one of the essential aspects of an overall comprehensive law of the sea settlement. The influence of the United States on the negotiations and on the final text of the Convention is evident, notwithstanding the many permutations made necessary by the compromises reached in order to obtain consensus. Although, after 1994, all of the Administrations have been in favor of the U.S. accession to the Convention, the dispute-settlement provisions that were considered among the main attractions of the Convention by the Clinton Administration, are viewed as much less important and attractive by the present Administration, which has, *inter alia* proposed that the exception to compulsory jurisdiction for military activities, that the U.S. intend to utilize, be reserved for exclusive interpretation by the U.S.. The current U.S. attitude might be summarized as

one seeking minimum commitment together with maximum control. The need to take into account the traditional reluctance of the Senate as regards accepting commitments to compulsory settlement of disputes and the need to please the military, which are among the strongest advocates of the Convention, and the enhanced concerns for security issues following 11 September 2001, explain the present U.S. position.

**Key Words:** Law of the Sea, Settlement of disputes, United States