

international seabed area — potato-like nodules containing nickel, copper, cobalt and manganese — should be exploited under an international regime and machinery" for the benefit of all mankind and the developing countries in particular. This seemingly innocent statement encapsulates truly fiendish complexities of law, economics and technology which I do not pretend to understand and which — not necessarily for that reason — I will not attempt to explain. I will only note that the developing countries have pressed for a decisive voice in the running of the new international machinery in all its aspects. They have attached particular importance to the creation of an international enterprise that would play the leading role in mining seabed nodules on behalf of the international community, under conditions that would guarantee that the enterprise has access to the necessary technology. Finally, they have also demanded various forms of protection for their land-based mineral production which might be adversely affected by seabed production of the same minerals.

While it is possible to pinpoint individual successes or failures, it is most difficult to judge the extent to which the fundamental objectives of the developing countries have been accommodated in the emerging international seabed regime. At the same time, this is perhaps the most crucial judgment governments must make in preparing for the final session of the Law of the Sea Conference.

This judgment is difficult not only because the issues involved are so complex but also because their interaction with one's own national interests may colour one's thinking, or appear to do so. Canada, for instance, has been anxious to secure regulation policies covering seabed nickel production to protect land-based Canadian production in Ontario and Manitoba. To this end, we have worked closely with developing land-based producers like Indonesia, the Philippines, Zaire, Zambia and Zimbabwe. We have not yet succeeded in this campaign, and of course the major consuming states and potential seabed miners on the other side of the issue are quick to suggest that we ascribe to the developing countries the frustration we feel ourselves.

As to why it is necessary for all of us to make such a judgment of the situation of the developing countries, I would answer first that justice is an end in itself. I would also add that without justice there can be little hope for order and stability in the new law of the sea. If the "have" countries are destined to become "have more" countries, then the new convention will likely be ratified only by the minority which stands to benefit from its terms. The developing countries, of course, will decide for themselves whether or not to ratify. But by that time it will be too late for the rest of us to have any further influence on their decision. That is why we must review the results of our work now, to determine now whether they give a true expression to the concept of the common heritage of mankind, and to make any accommodations necessary to achieve this end.

The inevitable note of weariness at the close of the law of the sea negotiations is mixed with satisfaction and regret — satisfaction that we have come so far in our effort to create a revolutionary new constitution for the oceans, regret that industrialized countries should now proceed to adopt unilateral seabed mining legislation which is widely seen as infringing upon the very idea of the common heritage of mankind.