

## The waiting oceans

cies of fish and transiting stocks (such as tuna), anadromous species (such as salmon), and catadromous stocks (such as eels) that may penetrate more than one jurisdiction. These fish stocks are expected to be subject to regional agreements in order to ensure their continued healthy survival.

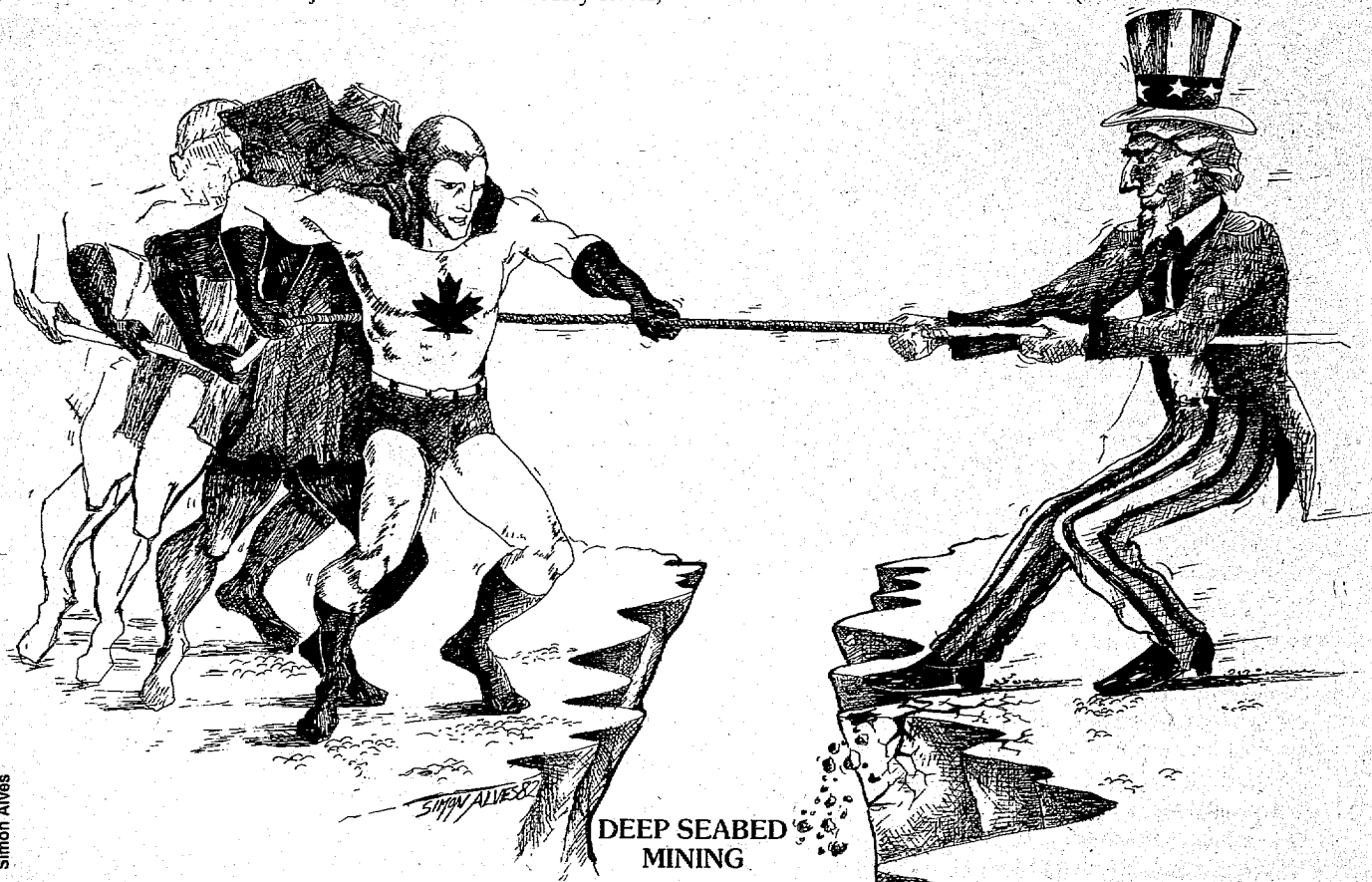
Outside the area in which coastal state law can be made to apply, to a greater or lesser degree, lies what was once loosely designated as the High Seas. Here are to be found the seabed and subsoil mineral, liquid and gaseous resources held to be *The Common Heritage of Mankind*, and exploitable only on that understanding, i.e., that the proceeds of any such exploitation are to be shared, under a specific percentage formula, with the rest of mankind, regardless of which state carries out the recovery process. This stretch of the seabottom is known as *The Area*; it is to be subject to governance by *The Assembly and Council*, which in turn are provided with a Secretariat and an exploitative arm, *The Enterprise*. The activities of these various organs will be examined by a Review Conference scheduled to meet fifteen years from the start of commercial production. The production question — for the time being, at any rate — relates to polymetallic nodules, known to exist in large quantities on various parts of the ocean floor and to contain high concentrations of nickel, copper, cobalt and magnesium, and, in some areas, zinc.

### US holdout

In light of what has been said above with respect to Canada's production of most of these metals, our concerns are understandable — not just about the Authority itself,

The USA obviously looks at matters differently. There is first of all the cumbersome bureaucracy associated with *The Area*, a bureaucracy in which national patronage is bound to play a part. The Council and Assembly, in US eyes, will in all likelihood respond more readily to political than to economic and technological pressures. Holding, as they do, the technological advantage in deepsea mining, the USA has shown an unwillingness to be hamstrung by political road-blocking: the output is much too important to be held to hostage that way! In current political circumstances, furthermore, the USA is not absolutely assured that their needs for these vital metals will be met uninterrupted from landbased sources, such as is Canada. The imposition of a minimum production volume (given the high costs of recovery) makes more sense to the US than the maximum level which Canada obviously favors. If acid rain, the Garrison Dam, the Skagit, salmon interceptions and maritime boundary negotiations were not already sufficient irritants in our bilateral relations, then differences over the Authority and Deepsea Mining are all that is required to put an even greater strain on good neighborliness.

What is in it for Canada to keep the Convention alive in all its integrity? What would Canada lose if the Convention were now to be scrapped? Can the Convention survive leaving important nations outside its ambit? These are the crucial questions facing Canadian negotiators and the Canadian Government during this inter-sessional period — is it also being made intercessional? An attempt will be made from the outside (because I have no access to



but, even more perhaps, about the failure of all participants, but most particularly the USA, a major consumer of these products, to approve and therefore be part of the Convention.

the day-to-day discussions that must now be going on to save the Convention) to examine these serious matters.

For reasons that are outlined in the opening paragraphs, and also because of the inability of Canada to