

Committee I

Committee I has as its main function the preparation of draft articles regarding the regime to apply in the international deep seabed area, that is, the seabed and ocean floor beyond the limits of national jurisdiction declared by U.N. resolution to be the "common heritage of mankind". At this session the Committee concentrated largely on the functioning of the proposed International Seabed Authority in the system of exploitation of seabed nodules, an issue which sharply divides major industrialized states and the developing countries. The industrialized states basically wish the future LOS treaty to provide guaranteed access to the deep seabed to private entities, while developing countries want access to private companies to be allowed only at the discretion of the International Seabed Authority and want the proposed International Enterprise, as the operating arm of the Authority, to have a preferred position in mining the deep seabed. The Socialist states of Eastern Europe, for their part, want guaranteed rights of access to states parties to the treaty, as opposed to private companies.

Towards the end of the session the U.S. Secretary of State introduced a proposal aimed at breaking the deadlock on the issue of access. Dr. Kissinger stated that the U.S. would be prepared to contribute to the financing of the Enterprise to make it commercially viable and enable it to begin mining operations during the same time frame as other state and private entities under an assured access system. There would, in addition, be a review mechanism after a stated period for those parts of the Committee I text applicable to seabed mining. It is to be hoped that this proposal can contribute towards achieving an accommodation on the most fundamental problem facing the Conference. States will undoubtedly look for greater elaboration of the U.S. proposal, perhaps during intersessional talks, before responding definitively.

Canada is taking a middle-ground position on this issue, holding that reasonable rights of access must be granted to private companies which might work parallel to, or in collaboration with, the Authority to mine the seabed, while also opposing unregulated and unrestricted access to the seabed, which would be contrary to the principle of the "common heritage of mankind". Of direct concern to Canada is the production control formula relating to exploitation of deep seabed manganese nodules to be incorporated in the RSNT. Canada has expressed grave concern over the potential effects of a draft provision which would preclude application of production controls by the International Seabed Authority at the level of less than 6% annual world nickel growth. In order to guard against the potential harmful effects of seabed production to land-based mining industry, which could result from preferential treatment being given to seabed producers, Canada proposed an alternative formulation at the last session. This formula would ensure against disruption of existing mineral markets due to sudden or artificially-induced seabed nickel production. The developing countries as a group submitted a proposal during this session which incorporated the Canadian approach, and indeed went somewhat farther, in protecting land-based nickel production.