

It had been hoped that these revised texts would be available mid-way through the session, but they were eventually issued on the last day of the session.

First Committee

The RSNT for the First Committee, which deals with the regime of exploration and exploitation of the resources of the international seabed area beyond the limits of national jurisdiction, contained the most substantial modifications of the Geneva text. In general terms, the new formulations struck a more equitable balance between the views of the technologically-advanced states and those of the developing countries. Provision was made, for example, to allow activities to be conducted in the international area by the International Seabed Authority directly and exclusively, but also by other entities (whether states parties, state enterprises or other natural or juridical persons) in association with, and under the control of, the Authority.

Further improvements were to be found in the more precise and more detailed provisions pertaining to the rights and duties of the Authority itself, the "Enterprise" (the operating arm of the Authority) and the other entities operating in the international area. While dispute settlement procedures and a precise statute for the Enterprise had been conspicuously absent from the Geneva text, these questions were now covered in two annexes to the RSNT.

Of more immediate concern to the Canadian delegation was the late introduction in the Committee of an annex related to the question of production controls over the exploitation of mineral resources consisting of polymetallic (manganese) nodules that lie at the surface of the deep seabed. Until that late stage, there had been every reason to believe that a meaningful and effective production control formula would be included in any revised text, to ensure that land-based production of the same minerals to be exploited from the seabed would be adequately safeguarded, and that market disruption due to artificially stimulated seabed production would not occur. Moreover, it had been assumed that a method could be devised that would allow both land and seabed production (not just the latter) to grow concurrently on the basis of percentages reflecting actual annual fluctuations in nickel demand. However, a production control formula (now in Annex 1 of the RSNT) was included in the text during the final days of the 4th session, based on an arbitrarily-established 6 percent figure. According to this formula, the International Seabed Authority could only apply nickel production controls to limit seabed production above an annual growth rate of 6% per annum. It would have no power to apply production controls below a level of 6% increase per annum. Thus, the provision would allow for seabed production to grow annually at a rate of up to 6% without fear of limitation. Were other states to apply artificial stimuli to favour seabed mineral productions, the present provision