

the president) to produce revised single negotiating texts. It had been hoped that these revised texts would be available midway through the session. This soon proved to be too optimistic an estimate, and it became clear that a further session would be required before the conference would be ready to move to the next stage of its work.

It would be much beyond the scope of this article to explain in detail why each committee saw fit to adopt a different method of work or to describe the many informal negotiating groups that contributed to the achievement, or lack of achievement, of this session. These factors are undoubtedly important to a better understanding of the inherent difficulties facing the conference, but the main purpose of this article is to report on the results of the session and to look at the future. References to procedure will, therefore, be limited to those essential to understanding the substantive conclusions of the session.

First Committee

The revised text 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, contains the most substantial modifications compared with the Geneva text. In general terms, the new formulations would appear to strike a more equitable balance between the views of the technologically-advanced states and those of the developing countries. Provision is made, for example, to allow activities to be conducted in the international area by the International Authority directly and exclusively, but also by other entities (whether states or parties, state enterprises or other natural or juridical persons) in association with, and under the control of, the Authority.

Further improvements are to be found in the more precise and more detailed provisions pertaining to the rights and duties of the Authority itself, the "Enterprise" (i.e. 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 have now been covered in a comprehensive and generally acceptable manner in two annexes to the revised text.

That is not to say, however, that these modifications, some of which are seen to be of a rather radical nature when the old and the new texts are compared,

have found immediate acceptance among all participants. Nor is the new text devoid of formulations that are highly controversial. It is well known, for example, that the Group of 77 felt unhappy enough with the new revised text of the First Committee to lodge a written complaint with the chairman, arguing that they had not been sufficiently involved in the discussions that gave birth to the new text and that they continued to consider the former Geneva text as being relevant to the future work of the committee.

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 mineral resources that will eventually be mined from the polymetallic (manganese) nodules that lie at the surface of the International Seabed Area. Until that late stage, there had been every reason to believe that, if there were to be production controls, particularly on nickel — the key mineral component of the nodules —, land-based production would be adequately protected. However, it had been assumed that a method could be devised that would allow both land and seabed sources (not just the latter) to grow concurrently on the basis of percentages reflecting actual annual fluctuations in nickel demand. What happened, however, was that a control formula (now in Annex 1 of the revised text) appeared out of the blue, based on an arbitrarily-established 6 percent increase *per annum* in nickel demand. According to this formula, if the actual nickel demand turns out to be lower than the arbitrary 6 percent minimum figure, or if demand actually decreases, the result could be a limitation on land-based production, since the International Area allotment will continue at the 6 percent minimum. Since present statistics and forecasts point to a figure much lower than 6 per cent, the concern of the Canadian delegation, as well as of present or potential land-based producers, is understandable. However, the chairman, in his introductory note to the revised text, indicated his awareness of the need for more careful consideration of this matter, adding that specific attention would have to be directed to the projected rate of increase for nickel demand.

Second Committee

The Second Committee deals with most of the "traditional" law-of-the-sea questions — the territorial sea, international straits, fisheries, continental shelf, islands, high seas etc. — and with the most important

*Protection needed
for land-based
production*