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The Law of the Sea Conference is underway in New York, dealing with some of the most crucial economic and political questions facing the world today. The conduct of Canada's delegation has been a subject of dispute between Newfoundland and the Federal Government. Newfoundland is suspicious that Canada may be giving up too much of our national interests in off-shore oil, all because the Third World is determined to re-write the rules on exploitation of the oceans. The message from the poor to the rich at the Law of the Sea Conference is that we must learn to share the wealth.

This is Michael Crampton, off-shore, in the North Atlantic. This is a Mobil Oil drill ship riding in 98 metres of water on the Grand Banks of Newfoundland. Here 80 men are working round-the-clock shifts as the bit grinds its way down to the 18,500 feet target depth. This is the Ben Nevis prospect, and already in the carefully hedged words of the company interesting structures have been encountered. A few miles away at the Hibernia site, last fall, the drill struck oil - a billion barrels perhaps. All this action takes place about 186 miles from the rocky, winter-bound shores of Newfoundland. It is safely within Canada's 200 mile economic zone and nobody doubts that this is Canadian oil. The Ben Nevis and Hibernia prospects sit on a structure known as the Jeanne D'Arc sub-basin. It, and the nearby Gabriel prospect, stretch further out to sea beyond the 200 nautical mile exclusive economic zone. The oil that is out there, Premier Brian Peckford of Newfoundland says, belongs to his province.

Peckford: You know, from our position, first of all the rights must be clear. We have ownership as a province. Therefore Canada must come to us and involve us in that kind of position, on the right side. And after that is determined, then I think a meaningful discussion can take place.

(Moderator):

Here at the United Nations Building in New York, Newfoundland and Canadian claims to oil beyond 200 miles are under meaningful discussion. The Law of the Sea Conference has brought together about 150 nations and most of them want to change the rules that govern the use of the sea and its under-sea resources. The Third World views the sea as something they call the Common Heritage of Mankind. They think that the wealth of the seas will give the poor nations a chance to improve their lot - almost their last chance, in fact. Paul Engo is the delegate from Cameroon;

P.E.: - We cannot afford to have rich and poor. The idea of this Conference is to try to create conditions of peace, as I said, and I think the ocean has offered us a last opportunity to use these resources to regulate things in the world in such a way

that injustices are in fact diminished, if not destroyed.

(moderator) -

The old rules were drawn up at a 1958 Convention in Geneva. The Convention allowed Canada and all other coastal states the right to exploit the resources of the continental shelf right out to the physical limits. In Canada's case, almost ~~the entire~~ ~~in some areas.~~ The ~~convention~~ under the concept ~~of~~ ~~the~~ ~~continental~~ ~~shelf~~ ~~resources~~ ~~being~~ ~~shared~~ ~~equally~~ ~~among~~ ~~all~~ ~~states~~ ~~bordering~~ ~~the~~ ~~shelf~~ ~~and~~ ~~also~~ ~~but~~ ~~even~~ ~~if~~ ~~they~~ ~~would~~ ~~be~~ ~~able~~ ~~to~~ ~~exploit~~ ~~them~~ ~~themselves~~ ~~into~~ ~~an~~ ~~international~~ ~~bank~~ ~~account.~~ The money would largely go to the Third World. The payment would be a permission fee virtually, giving a concession to the coastal states - revenue in exchange for resources. A similar system would regulate deep-sea mining for valuable metals. In this way the nations of the Third World argue that they can provide a legal institutional framework for the redistribution of wealth, rather than relying on our charitable impulses as they have done in the past. The delegate from the tiny land-locked state of Nepal, is Mr. Shailendra Kumar Upadhyay.

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SLO: - The very idea of establishment of the new international economic order was that there has to be a (----) of certain obligations by the developed countries - obligations towards the developing countries, because peace and prosperity are indivisible, and that being so, it is in the interest of the developed countries too, that if they want a stable world system politically, as well as economically, then they have to contribute something and they have to assume certain obligations.

(moderator): The delegation from Nepal consists virtually of one man. The delegation from Canada is made up of an army of technical and legal experts, observers from the provinces, and ~~others~~. The makeup of the delegation reflects the numerous important issues at stake for Canada here at the Law of the Sea Conference. The work is difficult, complex, and, according to delegation head Alan Beesley, sometimes unrewarding.

Beesley: ~~That~~ ~~delegation~~ ~~from~~ ~~Nepal~~ ~~consists~~ ~~virtually~~ ~~of~~ ~~one~~ ~~man.~~ ~~The~~ ~~delegation~~ ~~from~~ ~~Canada~~ ~~is~~ ~~made~~ ~~up~~ ~~of~~ ~~an~~ ~~army~~ ~~of~~ ~~technical~~ ~~and~~ ~~legal~~ ~~experts,~~ ~~observers~~ ~~from~~ ~~the~~ ~~provinces,~~ ~~and~~ ~~others.~~ ~~The~~ ~~makeup~~ ~~of~~ ~~the~~ ~~delegation~~ ~~reflects~~ ~~the~~ ~~numerous~~ ~~important~~ ~~issues~~ ~~at~~ ~~stake~~ ~~for~~ ~~Canada~~ ~~here~~ ~~at~~ ~~the~~ ~~Law~~ ~~of~~ ~~the~~ ~~Sea~~ ~~Conference.~~ ~~The~~ ~~work~~ ~~is~~ ~~difficult,~~ ~~complex,~~ ~~and,~~ ~~according~~ ~~to~~ ~~delegation~~ ~~head~~ ~~Alan~~ ~~Beesley,~~ ~~sometimes~~ ~~unrewarding.~~

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moderator:- The attacks came from the Newfoundland Government of Premier Brian Peckford. He is fighting with the Federal Government over the control of off-shore oil, a matter which could soon surface in the Supreme Court. And Mr. Peckford says that Newfoundland owns the oil beyond 200 miles by virtue of the 1958 Convention, and he's not about to see that change.

Mr. Peckford: We have, as I am sure most Canadians have, a whole bunch of concerns and not the least of which is the whole question of the legalities of what's going on relative to outside the 200 mile limit and the continental margin, and what applies, and whether rights, whether it's the common heritage of all mankind, or whether the rights of the coastal state to the end of its margin, continue to be what we will push for. So, I guess that's - that would highlight one of our major concerns - would be the whole business of the legalities of - it is only after one clearly establishes that - where we sit on that - can you talk about the whole question of sharing or non-sharing or whatever. But I think we would start from the principle of ownership and that the coastal states rights do extend out to the continental shelf. If, after that is accepted, one wants to talk about sharing on some kind of a christian or mankind/ brotherhood basis, with our rights not being extinguished, well then I think that that becomes a very real question.

agrees
OK

moderator:- This is not a view that sits well with Canada's new External Affairs Minister, Mark MacGuigan.

M.M. - Mr. Peckford is, I would say, perhaps not so well informed as he might be with respect to these issues. After all, although there was a 1958 Convention with respect to the law of the sea, that was entered into, or at least, was ratified by only about a third of the countries in the world. We're now dealing with a convention which will embrace all of the countries of the world -- some 150, 160 states - and we can't just rely on what was agreed on in 1958; it simply won't wash for the whole body. Whether we participate or not, this conference will almost certainly come up with a new international law respecting the continental shelf, and deep sea fishing. Now, if they would like to see Canada have no share in the decision which is made and have us the only hold-out in the world community, they should surely realize that that wouldn't be very effective.

Moderator:- The United States Delegation to the Law of the Sea Conference has taken a much harder line than Canada. The Americans have a heavy investment in deep-sea mining of metallic nodules. These strange, black globs contain nickel and cobalt - two of the most strategic materials in the modern world. The Americans do not control land-based sources of these metals and they were bluntly determined that no international laws or structures were going to interfere with their access to them. Elliott Richardson is the head of the U.S. delegation:

Transition
Copper

E.R.:- As a major consumer of the minerals found in deep seabed manganese nodules and as the country whose citizens have invested the most money and effort in developing deep seabed mining systems and technology, the U.S. cannot afford to allow its vital economic interests to be overridden by a majority of states that have no important stake in the development of this enormous resource. When all is said and done, we must have a system that fosters rather than stifles development of seabed resources.

Moderator:- That kind of unequivocally tough position has been urged on Canada by Premier Peckford of Newfoundland, not over seabed mining, but over the oil question. In his view, a tough stand is necessary because the Third World sees Canada's off-shore oil potential as the first source of ready cash for the new economic order. Canada's External Affairs Minister, Mark MacGuigan, doesn't think we can talk tough without the kind of big stick the Americans have.

Mark MacGuigan: For one thing, the Americans are the world's most powerful country and so it makes some more difference to the world community, perhaps, whether the United States participates or not. But another thing to be said is that those are just American threats -- and that isn't necessarily the most effective kind of diplomacy. The Americans are really no more likely to get their way because of saying things of that kind, by trying to bludgeon the world, than we are by our quieter diplomacy. I think that our delegation is behaving admirably in their conduct of the negotiations. I have complete confidence in Mr. Beesley and his associates there and I think that we will work out the best deal possible. And, you know, these are only negotiations; if we don't like the convention that emerges, we don't have to sign it, we don't have to ratify it.

Moderator:- In fact, it may not be possible to retreat to the 1958 Convention if the current negotiations prove displeasing. The Third World has the votes at the Law of the Sea Conference, if a vote should ever take place, and they have the moral arguments based on the old freedom of the sea ideal that underpins this common heritage of mankind concept.

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Paul Engo, Cameroon: A type of morality must be born into the world. Morality based also on realism - on the experience of man so far on this planet. We must either be prepared to work together - not patronizingly - work together to save future generations from the scourge of war, or we must be prepared to take decisions - selfish decisions, to ensure we do not survive on this planet.

Moderator:- The Law of the Sea Conference has presented the world with the first opportunity to figure out an institutional framework to set up an international bank account to help the poor. This opportunity has come from the fact that the seas, like outer space, have been regarded by all countries as free territory to be owned

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by no nation. The poor nations regard that common heritage principle as central to their interests and the first time in history that the welfare of poor nations could depend on something more steady than charity. The common heritage position is completely in conflict with the Newfoundland view, and that has ensured a steady stream of visitors to New York and Ottawa from St. John's. Finding a formula that can satisfy both Canada's have-nots and the world's have-nots is not going to be simple. For Sunday morning, this is Michael Crampton at the Law of the Sea Conference in New York.