

Statement in Committee I by Ambassador J. Alan Beesley

March 22, 1982

Protection of Pioneer Investors

Thank you Mr. President. My delegation is having a little difficulty following this discussion. We do not consider it a discussion that is not useful on that account and we do have an interest in it -- as a delegation, like that of the USA, as just expressed by the USA representative -- interested in concluding the Convention.

We also have a more than passing interest as a potential seabed miner, as a country with companies which have made substantial investments, but we have not come to the Conference to ask for any protection -- any more than we ever came to the Conference demanding a specific provision on, for example, protection of land-based producers; that too was introduced by the same delegation, that of the USA, so we are grateful to them for having introduced both questions. Now, having listened to the USA introduce its PIP proposal, we are confused. I sat here and I listened quietly two days ago while I heard that we were not here to protect developed States. We were then talking about another issue. Now I hear arguments that sound as if we are here not only to protect developed States but a small monopoly of developed States, one that Bernard Nossiter of the New York Times would probably describe as a cartel if he were here, so I'm getting more and more confused as we go along. Now I do not approve of protectionism, but at least the word "protection" is out in the open, and that is what we are talking about, protectionism, being demanded by the free market countries. Let's get that clear. Since that is what we are doing, let's be frank and honest about it now. I've sat very patiently waiting for a year to get the very delegation back into the Conference that now tells us there is a tremendous urgency about getting on with PIP. I'm getting more and more confused. If there was urgency, where was the urgency a year ago or six months ago? Or is it the delay that has caused the urgency now? I am aware of some urgency from a very narrow point of view, stemming from the national legislation of one country that cites January as the date when applications can be filed, but I am not aware of anything that requires licenses to be issued by any country on a given date, so let us bear that in mind. If prospective miners are squabbling over mine sites, well, that does not break my heart. Let them wait until September when the Convention will be signed, and let them come into the Convention and operate within the Convention. There are a whole series of interesting and novel points that are being discussed. I have kept silent, but I really find that such an air of unreality in this debate that I felt it incumbent upon me to offer some observations.

We've moved far beyond the original U.S. proposal; we are not talking merely about protection of investment. We are talking about guarantees to specific mine sites -- which is quite a different thing. We are not talking about preferences for applicants, we are talking about

a propoal -- it's a bold one, and I give credit, if credit is due for the boldness of the proposal -- which would bypass the Convention completely. All the Authority would be asked to do, and I quote from my learned friend when I use this phrase, would be to "rubber stamp" everything that has been done. Now if that is the price of the Convention, then let's determine that that is the price of the Convention, but let's not add a whole lot of other prices in addition to it because that is a pretty big price to pay for a Convention. I am speaking as a representative of a country who would benefit from this proposal, with just a few drafting changes, but I'd be embarrassed to propose them. Now I do think that there is a way out of this difficulty -- and I must say that almost all concerned today seem to have been taking a sensible approach -- I do think that there is a way out of this difficulty but we cannot have a unilateral view imposed on us on this issue.

I have found very little to disagree with when I've heard from the representatives of the Group of 77 while I find much to disagree with when I hear from my old friend and colleague Leigh Ratiner. I would just like to hear more views, at least for 15 or 20 minutes or even an hour, because it would not be a waste of time in spite of the urgency of the issue. I am not even slightly persuaded that it is that urgent. There was real urgency which we all felt a year ago, which was not felt elsewhere, and this sense of urgency is now suddenly being forced on us all on an extraneous issue.

This proposal has much in common with what might be described at the "mini-treaty". The resolution from the Group of 77 is quite a different thing, whether I like it or not, as a representative of a country that would like to benefit from PIP, but at least it's something that is squarely within the parameters of the Convention. If there is any reason here why any delegation does not want to find itself squarely within the parameters of the Convention, then let's hear why, because if they don't intend to be in the Convention eventually, at the end of the day, and if they just want us to give a blessing for something extra-legal -- if that is the case, let's hear it now.

Thank you very much, Mr. President.

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