Ocean Scientists May Wash Hands of Sea Law Treaty

The new draft text produced by the latest session of the United Nations Conference on the Law of the Sea spells the worst news yet for future ocean research, and at least one prominent scientist close to the negotiations is publicly declaring himself fed up.

"I think, as complicated as life may be for scientists, we may be better off washing our hands of the whole thing," says John A. Knauss, Dean of the Graduate School of Oceanography of the University of Rhode Island, and the scientist who has been closest to the negotiations dealing with ocean science. "We may be better off trying to develop multilateral and bilateral relationships without the proposed sea law treaty."

His feelings are not far from those expressed formally by the United States Ambassador to the conference, Elliot L. Richardson, who has recommended to the President a study of whether it is in the interest of the United States to continue with the Law of the Sea negotiations or whether, on balance, U.S. interests would be better served with no treaty at this time. Negotiations to update and expand the 1954 Geneva Convention on the Outer Continental Shelf to include deep ocean mining, research, environmental pollution, freedom of navigation, and fishing rights have been under way among more than 100 nations since 1974.

The United States, despite a slump in spending on oceanography, remains the world's foremost ocean research nation. Its research vessels, and vessels of other developed countries, have roamed the seas of the world for years free from hindrances in accordance with traditional legal freedoms of the seas. But the draft text produced after the sixth formal session in New York appears to put deep seabed research in the hands of "the Authority," a U.N.-style organization invented by the negotiators primarily to regulate seabed mining.

In addition, another long section of the draft articles restricts marine research activities within 200 miles of shore, and effectively gives the coastal country a veto power over most such missions. (Exactly how detrimental the latest text on coastal research would be to science is a matter of some dispute. Richardson, in his public statement on 20 July, said that the new articles were an improvement over previous scientific research texts. Knauss, who was intimately involved in the negotiations, however, says "we won some battles" by cleaning up details and language, but "lost the war" by ultimately yielding up more veto power to coastal states. Knauss says that, unlike previous texts, the new text has no effective provision by which researchers could appeal arbitrary or capricious behavior by chauvinistic coastal states.)

But the real kicker was the sudden inclusion of marine research in the text on the deep-sea mining question. Negotiations on seabed mining, which have snagged the entire conference in the past, proceeded smoothly for most of the conference. At the end of the meeting, however, the chairman of the mining negotiations, Paul Engo of Cameroon, produced amendments to the widely accepted texts which upset the fishcart, so to speak.

For example, previously in the negotiations it has been agreed that research on the deep seabed would be allowed to proceed independent of, and without regard to, whatever "Authority" and rules were created for deep ocean mining. But the Engo text broke this agreement and included the heading "Marine Scientific Research" under the chapter on "Conduct of Activities in the Area." It stated, in Article 151.7, "The Authority shall carry out marine scientific research concerning the area and its resources. . . ." Furthermore, this apparently capricious change seems to have the backing of no less a figure than the conference's originator and chairman, Hamilton S. Amerasinghe of Sri Lanka.

To Knauss, who was advising delegates on behalf of research in another section of the meeting, the sweeping new provision came as a surprise. ("I thought all the negotiations for scientific research were taking place in our committee," he said.) Nor, for that matter, did Richardson or his delegates know of these and other key provisions in the Engo text until it was issued after the meeting.

This disregard for previously fixed understandings is exactly the sort of behavior which Richardson has been decrying in his formal statements since the meeting. At a 20 July press conference, he said that the revised Engo text was "fundamentally unacceptable" because it upset "delicate balances" between the deep-sea mining interests of developed nations, which have the technology to mine the seabed, and some developing countries, which want the Authority to have the technology and even the minerals themselves. Indeed, Richardson said, "the manner of its production, treating weeks of serious debate . . . as essentially irrelevant—raises an equally serious procedural problem; whether the Law of the Sea conference can be organized to treat deep seabed issues with the seriousness that they, and the Conference, which depends on their satisfactory resolution, demand."

Richardson's pessimism has produced a predictable effect on Capitol Hill where mining companies, which for years have been seeking protective legislation on the grounds that the conference would probably fail, have renewed their lobby with greater success. In late July, for instance, the House Committee on Merchant Marine and Fisheries reported out a deep-sea mining bill that it has been considering for years.

The possibility of a U.S. pullout—which would almost surely doom the conference and any chance for a treaty in the near future—may be more than mere saber rattling by a disappointed U.S. delegation. The deeper issue, as portrayed by Richardson, his staff, and increasingly by outside interested parties like Knauss, is how much the United States should subject itself to demands or harassment by the Third World radicals who have come to dominate the meeting.

For instance, under the ocean mining provisions widely discussed during most of the conference, developed nations like the United States would have some say in how the Authority would manage mining licenses, production controls, and the like. But under the Engo texts which were arrived at secretly—but which are, nonetheless, official—the United States with its mining industries planning to invest upward of a billion on the deep seabeds, would have about the same vote as the tiny island statelet of Nauru, with a population of 7000. "If this is the best system of governance that the world can devise for management of an important new global resource, maybe it's a sign that the world just isn't ready for a treaty at this time," says one expert.—DEBORAH SHAPLEY