The Law of the Sea

Kissinger resource-control scheme faced U.S. opposition which didn't get to the bottom of the matter.

By an apparently staggering majority of 130 to 4, the member nations of the United Nations ended an eight-year negotiation process on April 30, approving a final draft of the Law of the Sea Treaty.

The scheme, under deceptive rhetoric about the "common heritage of mankind," is intended by its Club of Rome architects to put development of vast untapped seabed minerals under such complex U.N. controls by a supranational authority as to prevent any development. Further, it sets a precedent to replace legal agreements among sovereign nation-states with a supranational government, a goal of Club of Rome planners since the creation of the United Nations.

Under the treaty, each nation recognizes a 12-mile water boundary. Every coastal nation, such as Argentina, Peru, or Japan has exclusive right over fishing within a 200-mile limit. The most sweeping economic provision gives exclusive rights over oil, gas, and other resources to coastal nations out to the continental shelf, a range anywhere from 200 up to (in the case of Canada) 700 miles offshore.

Now for the sticking point. The treaty specifies that areas outside such defined sovereign regions would come under an entirely "new" concept of international law. This is the crux of the deep-sea mining issue around which the Reagan administration decided to vote "no." Reagan reversed the Trilateral Commission policy of Carter's Law of the Sea negotiator Elliot Richardson. Venezuela and Turkey were the only ones to join in the "no" vote. In addition, 17 nations, among them West Germany, Britain, and the U.S.S.R., abstained from voting on the treaty.

There are enormously valuable mineral resources in these waters, known to be commercially minable. Private companies and oceanographers have confirmed that discrete nodules on the ocean floor contain enormous resources of manganese, copper, cobalt, and nickel. Manganese is essential to the manufacture of steel and thus to the industrial capacity of the entire world. The United States is entirely dependent today on imports from Brazil, South Africa, Zaire, and elsewhere.

A little background is necessary at this point. In 1970, the U.N. General Assembly endorsed a revolutionary concept introduced by Arvid Pardo, Malta's U.N. delegate, working closely with a cofounder of the Aspen Institute, Elisabeth Mann Borghese. They defined seabed minerals beyond nation-state jurisdiction as "the common heritage of mankind," above any nation-state control. Pardo and Borghese intended to use this innocuous concept to create a supranational apparatus with the potential to control and suppress world resource development. Pardo and Borghese, who along with Elliot Richardson are fierce supporters of the Club of Rome and "limits to growth," boasted of building "a whole new theory of economics . . . on this distinction between ownership, which is rejected, and the right to utilize or manage."

In 1976, then Secretary of State Henry Kissinger broke the stalemate between industrial counties, whose private developers have the immediate capacity to exploit sea resources, and the less-developed countries. Kissinger's "compromise" carefully preserved the supranational concept, while appearing to make concessions to private interests. He proposed creation of a parallel system for 20 years where private development consortia such as have already been formed by various U.S., Japanese, German and Canadian corporations would divide any prospective venture 50-50 with a new U.N.-controlled entity, "The Enterprise." The Enterprise, to be initially supported 25 percent by a U.S. contribution, would develop its own taxing powers and mandate that any private firms in seabed mining give it their technology and confidential information.

Although refusing to go along with this gross abdication of sovereignty, Mr. Reagan skirted the basic issue of The Enterprise. Canada and the Group of 77 underdeveloped nations are threatening to ratify the treaty this fall without the United States, which is meanwhile working on reciprocal bilateral agreements with Germany and others.

The result of the backdoor refusal by the United States is further "North-South" animosity with no real development policy, or as one participant for private companies termed it, a "state of confusion."