



A Luncheon to honour milestones in the profession

December 6, 2001
Metropolitan Hotel
Vancouver, British Columbia

The Law Society
of British Columbia



PROGRAM

Reception



*Welcoming remarks by
President Richard S. Margetts, Q.C.*



LUNCH



Presentations



Reminiscences

Fifty, sixty and seventy year certificate recipients

Donald R. Andrews
J. Alan Beesley, O.C., Q.C.
C. Paul Daniels, Q.C.
Neil A. Davidson, Q.C.
Harry C. Ferne
Charles S.G.C. Fleming
Charles S. Hopkins
Constance D. Isherwood, Q.C.
T. Foster Isherwood
George Kincaid
Hugh P. Legg, Q.C.
Ralph R. Loffmark, Q.C.
Brian S. Lowe
Allan McEachern
Meredith M. McFarlane, Q.C.
R. Neil Monroe
C. Francis Murphy, Q.C.
Robert D. Ross, Q.C.
Norman Severide, Q.C.
Gilbert J. Smith
Ralph R. Wollen

J. Alan Beesley, O.C., Q.C.

Law School:	UBC
Articles:	J. Alan Baker
Called to the Bar:	November 17, 1951
Appointed Q.C.:	January 1, 1974

Practice History & Postings

1972 - 1973	Assistant Under-Secretary and Legal Advisor
1967 - 1983	Canadian Head of Delegation, Ambassador to Law of the Sea Conference and Chair of Conference Drafting Committee
1973 - 1976	Ambassador of Canada to Austria, IAEA & UNIDO
1978 - 1980	Canadian High Commissioner to Australia, Papua New Guinea, Solomon Islands and Vanuatu
1980 - 1982	Ambassador for Disarmament, New York
1983 - 1987	Ambassador to UN at Geneva, to The Disarmament Conference and to GATT
1987 - 1988	Visiting Professor, UBC Law School
1989 - 1991	Ambassador for Marine Conservation and Special Environmental Advisor to Canadian Foreign Minister

Honours

1984	Order of Canada
1983	Hon. Doctor of Environmental Studies (U. Of Waterloo); Prime Minister's Outstanding Public Service Award
1994	Hon. Doctor of Laws (Dalhousie University)
1986 - 1991	Member of the International Law Commission
1993	Admiral's Medal for Contributions to Canadian Maritime Affairs

1995	Medal of Honour, United Nations Association of Canada
1998	Human Rights Medal of Honour, Vancouver Island Human Rights Coalition
1999	Honorary Member of the Company of Master Mariners of Canada

Professional and Community Service

- Member of IUCN International Council of Environmental Law
- Member of IUCN Working Group on Environmental Conservation and Sustainable Use of Resources (Retired)
- Member of IUCN Commission on Environmental Law
- Member of International Board of the Environment Research Center of World Travel and Tourism Council (Retired)
- Member of Advisory Board of Queens Law Journal (Retired)
- Member of Board of Directors of Sierra Legal Defense Fund (Retired)
- Member of Advisory Council of Environmental Aboriginal Guardianship through Law and Education (EAGLE)
- Member of the Advisory Board of Skies Above Foundation (Retired)
- Member of Advisory Council, Canadian Institute for Environmental Law and Policy
- Member of Advisory Board, World Federalists of Canada

Reflections

Throughout my high school and university days, I found myself increasingly interested in two seemingly discrete disciplines – law and foreign policy. Eventually I left the practice of law in Victoria to join the foreign service. I soon became involved in bilateral and multilateral negotiations, ranging from boundary issues to highly political “legal” issues in the UN. From the outset I was much influenced by Lester Pearson and his informal problem-solving approach. I soon found, however, that my years of working with colleagues in the legal profession in Victoria, learning from people of the intellectual rigour of Herb Davey, Marsh Gordon and Don Lawson proved to be excellent preparation for the foreign service, particularly on legal issues.

Eight months after arriving in Ottawa I was posted to Tel Aviv, where I was fortunate to have as my mentor Margaret Meagher (the first woman Ambassador in the Commonwealth). I recall a trip with her along the Golan Heights in an Israeli army jeep, when I first learned to appear "cool" (i.e. as if I were not nervous). It was Margaret's cat, however, who really taught me how to be cool in adversity when it urinated over a balustrade right into my briefcase, (part of a parting gift from "crease and increase"). I contracted Paratyphoid in Israel, which kept me out of future "hardship" postings.

Curiously, surreal situations arose at times during negotiations, both bilateral and multilateral. Having been charged with negotiating the continental shelf limits with France, arising from their possession of the islands St. Pierre and Miquelon, I found to my dismay that our negotiations were to begin on the next day after de Gaulle's infamous "unacceptable" call for "Vive Québec Libre!" Both sides decided, however, to adopt a "business as usual" approach and we did not allow de Gaulle's abrupt departure to undermine or divert the negotiations, in spite of the air of unreality which pertained. A less serious incident occurred during bilateral negotiations with Spain directed at terminating Spanish fishing rights in the Gulf of St. Laurence. A particularly rough-looking fellow on the Spanish side of the table kept interrupting me and was not much more polite when the Spanish Head of Delegation spoke. At my request, a junior member of our delegation (quietly) asked the Spanish delegation if they could keep the fellow quiet. The message came back: "We thought he was one of yours." Apparently we had all swept into the conference room in the fabled East Block carrying with us a "street person," who happily departed when handled the price of a bottle of wine. He performed a service to both sides, of course, in breaking the ice in some very tense negotiations. It still bothers me a bit, however, that he seemed one of us.

A somewhat more bizarre experience occurred during extremely complex multilateral negotiations at the UN in New York, on the "legal aspects" of the so-called "principles of peaceful coexistence," in which I was representing both the "western group" and a "non-aligned group." The negotiations continued day after day in the office of the UN Legal Advisor all through the Cuban missile crisis! Each day we sat down to hammer out texts on legal principles of coexistence while other, rather more important,

people were deciding whether or not the world would erupt into a nuclear war. We had no illusions about the relative importance of the two sets of negotiations. Interestingly, however, judicial notice was taken of our work when the Declaration of Principles we ultimately negotiated was referred to as codifying international law some years later, in Nicaragua's dispute with the USA, by the International Court of Justice.

While the Law of the Sea Conference was underway, I was further multi-tasked when I was elected for a five-year term in my personal capacity to the International Law Commission, the official law-making organ of the UN. Once again, I found that the more I learned, the more I had to learn.

Not much is known publicly about Canada's active role in a whole series of disarmament negotiations. In some of those I was privileged to participate as Canada's Ambassador for Disarmament. It was in that capacity that I was assigned to tour Canada explaining our stand on disarmament issues during the very week when Canada had agreed to permit the USA to conduct cruise missile tests in Canada. Ironically, these tests were the precursors to the use of cruise missiles by the western coalition, not only in the Gulf War, but in the present hostilities in Afghanistan. Were the tests useful? Presumably yes. Were they helpful to the cause of disarmament? Perhaps ...

I had been an active officer of the RCNR during my years in Victoria (which had also been the Korean war years) and only resigned my commission (still an acting sub-lieutenant) when ordered to do so by DND many years later. Perhaps I had learned something from my "naval career"; the most obvious legacy, however, is that it enabled the USA and UK Admirals on their respective Law of Sea delegations to address me as "Acting-Sub Lieutenant Beesley" rather than Ambassador Beesley when they wished to talk down to me (which was most of the time). They made clear that they considered Canada too expansionist. Indeed, a member of the British delegation summed up a proposal I had authored as follows: "Our rights are too measly, according to Beesley; Give us delegation of powers, and it will all be ours." Perhaps that will be my epitaph.