

CANADA

STATEMENT IN PLENARY BY H.E. MR. J. ALAN BEESLEY, Q.C.
ON COMMITTEE II REPORT - APRIL 27, 1979
CONTINENTAL MARGIN

My Delegation wishes to express its deepest gratitude for the perseverance, patience negotiating skill and impartiality that Ambassador Aguilar has brought to the task of finding a solution to one of the most difficult issues before the Conference - an issue which, if unresolved, could put at risk the success of our years of endeavours to obtain a Law of the Sea Treaty commanding broad international acceptance. I should like at this time to take the opportunity of expressing my appreciation and gratitude to the respective Chairmen of Negotiating Groups 4, 5, 6 and 7 for the important contributions they have made to our work.

The compromise text which he has presented to the Committee in Document 62/L-37 marks a major turning point in the negotiations. This text, notwithstanding our reservations on certain aspects, clearly brings us substantially closer to a consensus on a formula for defining the outer edge of the continental margin. It is no exaggeration to say that this text, when coupled with the text on the rights of Land-Locked Geographically Disadvantaged States, constitutes another historic achievement of the Conference. In general I wish to associate myself with the remarks of the representative of Ireland.

My Delegation is gratified that the text is founded upon the Irish formula which, along with a large number of delegations we have actively supported as the most objective legal, fair, equitable technical and geological basis for determining the outer edge of the continental margin. Its inclusion in the compromise text provides further evidence that it is the only formula which offers objective criteria directly related to the physical characteristics of the margin and at the same time ensures

effective safeguards against exaggerated coastal state claims potentially erosive of the Common Heritage principle. The proposals for a Boundary Commission provide further assurance, if any were needed.

The new text also incorporates outer cut-off limits, which we are pleased to note bear a much closer relationship to the physical characteristics of the continental slope and rise in various parts of the world than was the case in respect of other approaches which have been put forth. We are satisfied that these figures, while still falling short of meeting the requirements of my own delegation, and indeed would, if accepted, entail a considerable sacrifice on our part, offer a substantially improved basis for a final compromise and we do not object to it going forward.

The new text also contains a proposed amendment to Article 82 of the ICNT under which the rate of contribution in the revenue sharing scheme is increased from 5 to 7%. My Delegation was the first to suggest a system of revenue sharing as an essential and equitable part of any overall compromise on the definition of the outer edge of the continental margin. Clearly, any system of revenue sharing must be without prejudice to the sovereign rights of the coastal state in respect of the resources of the continental margin beyond 200 miles. Neither must it impose an unreasonable burden on the coastal state, bearing in mind the enormous costs of exploiting offshore resources. My Delegation therefore reserves its position for the time being on this part of the text, not out of any lack of generosity but because the suggested rate could make it uneconomic for Canada to explore and exploit its continental margin in deep, cold water areas unless some safeguard provision is developed to ensure that any revenue-sharing formula we can agree upon is practicable.

Undoubtedly, when we resume our work in New York this summer, the question of revenue sharing will require further discussion with a view to ensuring that the formula and the rate of contribution are both equitable and viable from the standpoint of both potential contributors and beneficiaries, but in the meantime, my Delegation does not object to the text going forward in its present form.

In respect of other aspects of the text, I wish to associate myself with the views of the Irish Delegation.

Mr. Chairman, we have passed an important milestone in our work. Thanks to the prodigious efforts of Ambassador Aguilar and the contribution of the Soviet Delegation we are substantially closer to a broadly acceptable compromise on a formula for defining the outer limit of the continental margin. One of the most intractable of the outstanding problems confronting the Conference is now very close to resolution. We believe Ambassador Aguilar's text enjoys sufficiently widespread support to be included in any revised ICNT together with Ambassador Nandan's text on Land-Locked Geographically Disadvantaged States. We agree also with the widespread view that neither text should go ahead without the other, and we are pleased that the two will go forward side by side.