

STATEMENT IN PLENARY
DEBATE ON USA UNILATERAL SEABED LEGISLATION
MONDAY, JULY 28, 1980
BY HIS EXCELLENCY MR. J. ALAN BEESLEY, Q.C.
CANADA

Verbatim Record taken from Official LOS Conference Tape

PRESIDENT (Amerasinghe): I give the floor to the last speaker on my list in regard to this subject, The Distinguished Representative of Canada.

CANADA (Beesley): Thank you Mr. President.

I have been of two minds, Mr. President, about intervening in this debate, particularly in the light of your own plea that we shorten our discussion and your reference to the lack of the need to beat a dead horse, but I have become a little concerned as the debate has gone on as to which horse is dead and who is doing the beating.

We have heard a kind of discussion on north-south lines and even on east-west lines and I think it's time to hear from one delegation which doesn't fall neatly into any of these categories. The other geographic groups have all been heard from through their appointed speakers. There is no statement on behalf of the Western European and Others Group. Well I represent one of the Others, and I speak for the Delegation of Canada alone.

I wish to make quite clear what our position is, Mr. President. We regret this legislation. We deplore it. We consider it unnecessary, undesirable, unjustifiable and untimely. We consider it contrary to the concept of the common heritage of mankind, a concept quite possibly the greatest of any principle or ideal which will emerge from this Conference. We consider that it violates the fundamental principle, of which my Delegation had a large part in the establishment, to which the Conference is dedicated, namely the principle of consensus. We do not accept the validity of the arguments advanced in support of

such legislation. We do not understand the rationale for the legislation, coming as it does so close to the end of this Conference, and we say this with the greatest of understanding for the country which has passed this legislation. We share the deep concern expressed by speakers representing the vast majority of humanity, certainly the vast majority of delegations represented at this Conference. We find particularly disturbing the provision referred to by the Distinguished Representative of India, including for example provisions 118, 201, 202 and 203. What we find particularly objectionable is that the Conference appears to be being told what to do on certain questions such as protection of investments. Surely there is a better approach and it's the one that the USA delegation above all has always followed - the attempt to negotiate in good faith to achieve equitable compromises.

Well, we are all here to negotiate in good faith and not on the basis of a dictat of a pre-judgement of the results specifically designed to over-ride the outcome of our deliberations if they don't happen to agree with the pre-conditions laid down. We recall the arguments made at the outset of this Conference - and I'm one of those who have been involved for some twelve years now - when we were told that the trade-off was to be freedom of navigation in return for resources. Well my delegation never accepted that argument because we attach as much importance, for example, to the preservation of the marine environment. But nevertheless that argument was made, and now we find that states which insisted most strongly on the absolute sanctity of freedom of navigation - which they have achieved - are now leading the rush for the riches of the deep. Where is the trade-off there? Where is the equity? Where is the compromise?

Mr. Chairman, we associate ourselves with the plea made by so many other states here today, that other states not follow this most unfortunate

precedent, a precedent of international importance on a range of issues of fundamental interest to all states which should be resolved and argued by negotiation - not merely as the preferred course - but the only course, the only acceptable and responsible course.

Thank you Mr. President.