Canada proposes sea-limit deal

By DAVE ABLETT
Sun Washington Bureau

UNITED NATIONS, N.Y. — Canada's chief legal negotiator said Thursday that the 12-mile territorial sea is not "sacrosanct."

Countries like Canada may be willing to accept a narrower limit but only in exchange for a broad "economic zone." The suggestion was made by Alan Beesley, chief legal adviser to the external affairs department, in a speech to the seabed committee of the United Nations.

If such a suggestion were adopted it would represent a radical departure in centuries-old legal practice. For more than three centuries laws of the ocean have depended on territorial limits and, until recently, on a three-mile limit.

Width of the territorial sea is the major hang-up in negotiating two treaties to govern the world's oceans.

The U.S. recognizes only a three-mile limit. Canada and other countries claim 12 miles. Some South American countries claim 200.

U.S. and other military and shipping powers want narrow territorial limits to protect freedom of navigation through narrow international straits.

Coastal countries like Canada without large shipping interests want broader limits to protect fish, to prevent pollution and to preserve control over the untapped resources under the ocean floor, primarily oil and gas.

Beesley told the UN committee, "It seems evident that the embryo of an over-all accommodation lies in agreement on a very narrow band of coastal seas subject to complete sovereignty and a wider band of specialized jurisdictions, spreading as far as necessary to meet particular objectives.

Beesley said the narrow territorial sea could be established as extending only to 12 miles "as so many states, including my own, have already accepted."

"But no one should regard the figure 12, which is after all a simple multiple of three, as sacrosanct, and it may be that an even narrower generally accepted limit might — if coupled with the economic zone concept — facilitate the resolution of this and other related difficulties such as passage through international straits.

"To put it simply, we consider that the concept of economic zone is the keystone to an over-all accommodation on the law of the sea.

"Differences of views may exist concerning the precise nature and extent of jurisdiction to be asserted but it is evident that there can be no solution which is not based on the economic zone approach."

Canada already claims jurisdiction 100 miles into the Arctic Ocean, though this is known as a pollution-control zone rather than an economic zone.

The economic zone approach, however, meshes with Canada's pollution zone approach, which applies in a more limited way on the east and west coasts.

Beesley said agreement on the economic zone approach "pre-supposes a willingness on the part of major maritime powers to acquiesce in new forms of jurisdiction by coastal states embodying both right and obligation, elaborated in treaty form, and subject, we would hope, to third-party adjudication concerning the application of these rights and obligations."

"With respect to coastal states, such an accommodation would pre-suppose, as a minimum, a willingness to recognize the interests of the international community as a whole and particularly the major marine states, in freedom of navigation through such zones.

"Undoubtedly such an economic zone would have to include jurisdiction for the living resources of the sea. If not exclusive, it would at least include coastal state preferential rights, plus pollution control jurisdictions and sovereign rights over the resources of the seabed of the economic zone.

"It may be that the continental shelf would extend in some areas beyond the economic zone. In return for acquiescence by other states in these forms of jurisdiction by coastal states would accept

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject *Sujet* Cuba Hijacking Treaty

Date February 14, 1973. *Publication* THE OTTAWA JOURNAL

Cuba hijack treaty set

By HENRY HEALD
Journal Parliamentary Staff

External Affairs Minister Mitchell Sharp announced today Canada and Cuba have reached substantive agreement on an anti-hijacking treaty covering both ships and planes.

Turn to Page 4—CUBA

U.S., Cuba set to sign

WASHINGTON (AP) — The United States and Cuba are expected to sign an anti-hijacking agreement by the end of this week, it has been learned.

The official time was put at a "few days" by State Secretary William P. Rogers in Miami Beach, Fla., Tuesday night. It is understood this means Saturday at the latest. Only minor details remain to be worked out.

Even though administration officials have acknowledged an agreement has been reached, no one would discuss the substance of the accord.

President Nixon said Tuesday that Rogers will disclose the contents at an appropriate time, but sources said the silence resulted from an agreement with Havana not to disclose details until all procedural matters are concluded.

Turn to Page 4—U.S.

Cuba hijack

From page one

The agreement is expected to be concluded and signed in the near future when a high-level Cuban delegation visits Ottawa.

The treaty leaves each country the option of either prosecuting the hijacker or returning him to the country of origin. Negotiations took place in Havana last week with the Canadian delegation headed by J. A. Beesley, legal adviser for the external affairs department.

K. C. Brown, Canada's ambassador to Cuba, took part in the negotiations along with representatives of the justice and transport departments and officials of Canadian airlines.

The Cuban team was led by Dr. Rene Anillo, first vice-minister of foreign affairs.

Extradition is not included in the treaty. The Cubans indicated they would be willing to discuss revisions of the 1904 extradition treaty at some time in the future.

That treaty has so far not been able to get a Canadian hijacker, Donald Patrick Critton, out of the hands of the Cubans.

Critton hijacked an Air Canada plane to Cuba in December 1971. Canadian officials are not certain but they assume Critton is in a Cuban jail.

DEPARTMENT OF EXTERNAL AFFAIRS

Subject.....

Date May 19/73 Publication Ottawa Journal

Canada gaining support on 200-mile lim it plan

By The Canadian Press

Measures that would give countries power to fight pollution and conserve fisheries at least 200 miles off their coasts are weathering rough seas but should survive future international negotiations, says Alan Beesley, external affairs department legal adviser.

He said Friday that some of the tough new rules, proposed by Canada and several other countries, are meeting opposition from the U.S., the Soviet Union, Europe and some landlocked countries.

But he told the Commons external affairs committee the majority of countries are swinging toward the Canadian position, and he foresees success at the Law of the Sea Conference to be held in Santiago, Chile, next spring.

Meanwhile, Canada and other supporters are battling in closed-door meetings to give coastal states more clout in protecting ocean resources against pollution and over-exploitation.

He said Canada seeks international agreement permitting states to exercise control over the seabed, fisheries and pollution to the edge of the continental shelf — in some places more than 200 miles from shore.

Under a 1958 convention, coastal states already have limited sovereign rights over exploitation and exploration of the seabed itself to the edge of the continental shelf.

Currently, most countries acknowledge territorial claims to a 12-mile limit offshore. Some Latin American countries — which Mr. Beesley praised as pioneers in developing sea law — already have claimed complete sovereignty to a 200-mile limit.

Canada wants only limited national control beyond the smaller territorial line, not complete sovereignty.

Mexico, Venezuela and Colombia also have urged a similar "patrimonial sea" concept granting certain powers to the edge of the continental shelf.

LAW OF THE SEAS

Nixon was so angry he refused Trudeau's call

BY JOHN BEST

OTTAWA

AT A MEETING of the House of Commons External Affairs Committte this spring, External Affairs Undersecretary A. E. (Ed) Ritchie was asked to give a progress report on preparations for next year's crucial law-of-the-sea conference in Santiago, Chile.

The deputy foreign minister deferred to a boyish-looking, soft-spoken diplomat seated to his right, John Alan Beesley, who proceeded to hold the MPs captive for half an hour with a lucid, extemporaneous talk that took up about seven pages of the committee's printed proceedings.

"Excellent," commented [illegible] Conservative MP Michael [illegible], who had asked for the briefing.

"Mr. Beesley is very knowledgeable," noted Mr. Ritchie, [illegible] staged.

Mr. Beesley, whom his friends call Alan, has been immersed in the law-of-the-sea and a rising flood of other issues in international law, [illegible] affecting vital Canadian interests, for six years.

Now, he is leaving his post as director-general of the External Affairs department's legal affairs bureau [illegible] departmental legal adviser to become Canadian Ambassador to Austria.

His successor, whoever is named, would be well advised to have himself a few weeks' holiday before taking over. A lot of things are happening these days in that bureau, many of them exciting despite the [illegible] name, and the pace [illegible] hectic.

The bureau with its 35 highly professional officers is a [illegible] figuratively, Canada [illegible] to engage the world on a wide range of interrelated legalistic and political questions that closely affect the livelihood of its citizens as well as those of other states.

External Affairs Minister Mitchell Sharp is said to be among those who believe that the law-of-the-sea, just by itself, may be emerging as Canada's No. 1 foreign policy concern. There is talk that he will personally head Canada's delegation to the Santiago meeting.

Examples of other matters of high legal content in which Canada has been deeply involved in the past [illegible] would include: an international treaty on outer space, [illegible] convention, direct [illegible] the whole field of pollution control, [illegible] [illegible] education and [illegible], hijacking and sabotage, rules of warfare, protection of diplomats and the struggle against international terrorism.

Important effects

Activities in these fields have gone hand in hand with initiatives closer to home, but with important international runoff effects: measures to stop pollution of Canadian waters by foreign ships, widening of Canada's territorial sea and [illegible] of its over-exploited offshore fisheries.

[illegible] who joined the External Affairs department in 1956 after a five-year career as a practicing lawyer, is no shrinking-violet diplomat.

He discusses questions of public policy within his competence [illegible] and even [illegible] for certain [illegible].

[illegible]

He is [illegible]

"We have to be as [illegible] in order to do anything at all to protect Canadian interests," he explains.

"It's a solicitor-client relationship," he adds, the analogy doubtless owing something to his days at the bar of British Columbia. "The client is the Government of Canada, or Canada in terms of continuity.

"The first thing you have to ask is: What are the interests of the client? ... You can't just say, 'What is the western group doing?' Or, 'What would accord with American public opinion or British public opinion?'

"... We can't leave our interests to be protected by someone else. We have to do it ourselves."

These words show that, in addition to his other attributes, Mr. Beesley has a marked talent for understatement.

In recent years, Canada has often looked as though—far from leaving its interests for others to protect—it was spoiling to take on all comers in the not-so-placid arena of international law, friends and foes alike.

As a major shipping nation, the United States has looked askance at Canada's unilateral extension of its territorial sea to 12 miles from three, and its tough new laws to curb pollution of [illegible] waters.

[illegible], France, Japan and the Soviet Union are among a large number of fishing nations that didn't like Canada's decision to close huge areas on the Atlantic and Pacific coasts, including the Gulf of St. Lawrence and Queen Charlotte Sound, to foreign fishing fleets.

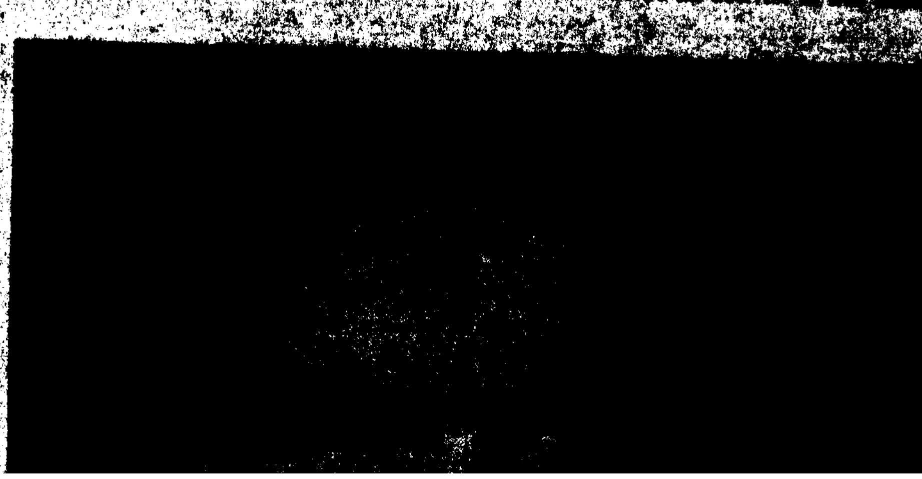
Disliked action

No country, except the Soviet Union, and least of all the United States, liked Canada's unheard-of action four years ago in instituting a 100-mile-wide pollution-control zone around the Arctic Archipelago.

Washington was reported so incensed that President Richard Nixon refused to talk to Prime Minister Pierre Trudeau when Mr. Trudeau phoned him to explain Canada's position.

What disturbed the international community as much as anything was Canada's refusal to accept the jurisdiction of the International Court in the matter, a policy position said to have been formulated largely in the Prime Minister's office.

Mr. Beesley makes no apology for the Canadian stand. "Occasions may arise," he explains matter-of-factly, "when international law does not reflect the national interests and even, perhaps, the general international interests; when, for example, the law is undeveloped or out of touch with con-



Canadian Forces men spread peat moss on oil from the sunken tanker Arrow in Nova Scotia's Chedabucto Bay in 1970.

The coastal state also would have pollution-control, seabed-drilling and scientific-research control over the entire broad area.

The position is consistent with the interests of a country with the longest coastline of any in the world. Advance indications are that Canada will get plenty of support from middle and Third-World maritime states anxious to curb big-power inroads on their marine resources.

The majority of UN members, Mr. Beesley maintains, favor the principle of coastal-state jurisdiction at least for purposes of preserving the marine environment and controlling pollution. "We are not alone."

In another area, Canada will be bucking both the superpowers, the United States and the Soviet Union, as well as all the other major maritime powers they press for unfettered freedom of ships through international straits.

Until now, such straits have been subject to the rule of innocent passage, meaning the coastal state has no real kind of control over the type of traffic that goes through.

The issue, which could make the conference if not resolved, has far-reaching ramifications for [illegible] the United States [illegible] national [illegible] does not, and [illegible] 12-mile territorial sea effectively establishes Canadian sovereignty over the Arctic archipelago in the process.

Mr. Beesley, stung and heartened by attendance invasion with great power antagonists at conferences and UN committee sessions where modern international law is made, turns on with a quiet fury when the talk gets around to pollution-control and the role of the major flag states. It's his favorite battle theme.

"They want no restrictions on shipping other than the ones they approve," he says bitterly.

System outdated

Again: "The rules are open for [illegible] which have been [illegible] a boom for saving the owners money."

He puts up his strong feelings thus: "I'm afraid the major maritime powers are motivated too much by military and commercial considerations."

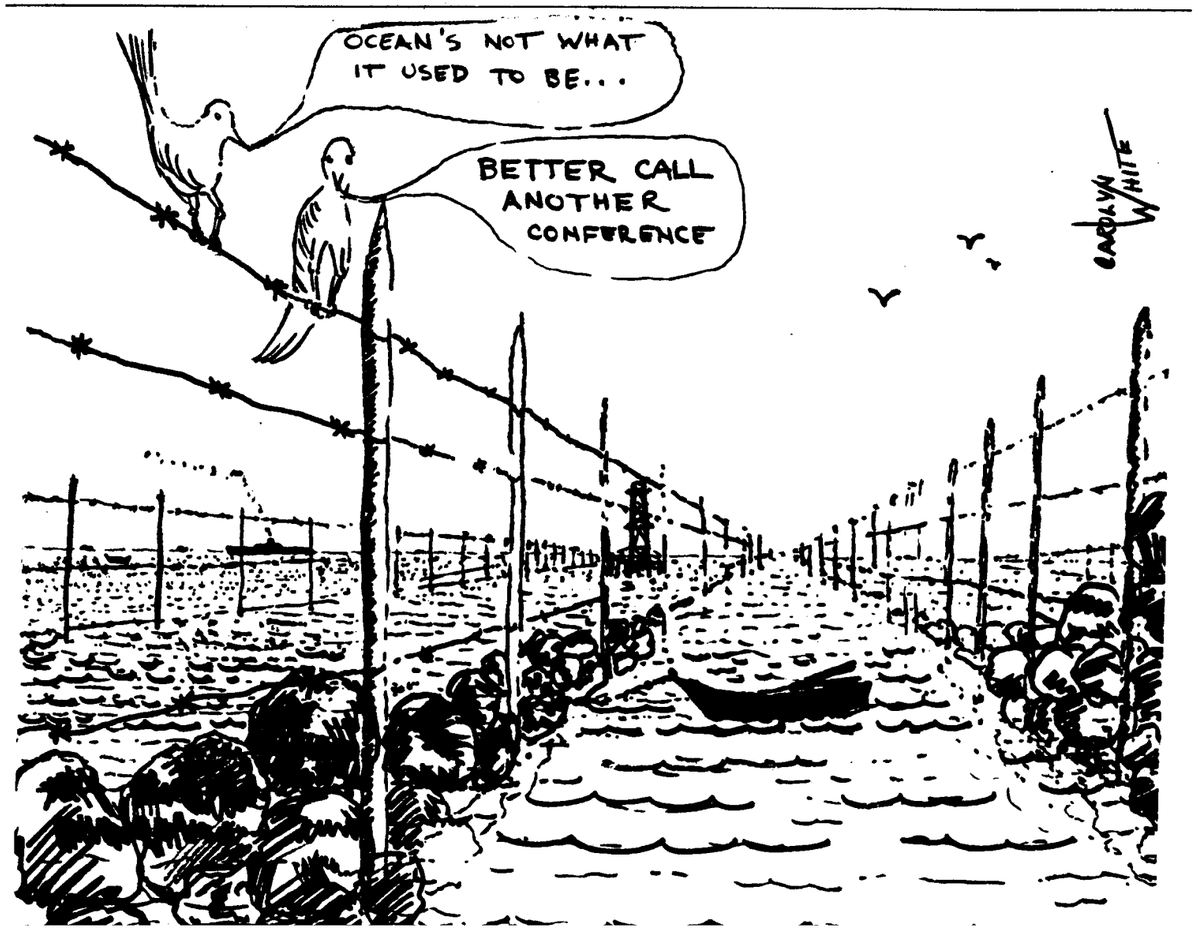
The military considerations, of course, lie deeply tied to the question of unqualified right of transit through the Northwest Passage, especially for submarines.

Since entering the legal side of Canadian diplomacy six years ago, Mr. Beesley has made the scope of its activities considerably broadened. When he surrendered those his last foreign posting as the UN office in Geneva, in 1967, he was [illegible] head of the department's [illegible]

NEPTUNE

Number 2 INDEPENDENT NEWS AT THE LAW OF THE SEA CONFERENCE, GENEVA April 4, 1975

NEW USSR PROPOSAL



ISRA Could Mine Seabed

by Roderick Ogley

A document which could mark a highly significant contribution to the creation of institutions embodying the idea of the "common heritage" was presented by the Soviet Union to the First Committee at its meeting on March 26.

The Soviet Union has become the first developed state publicly to propose a role for a Seabed Authority going beyond the mere regulation of the activities of others; and thus to approach, in some way at least, the position of the Group of 77.

At Caracas, opinion on this question was polarized. The Group of 77 called for an Authority which, within the international area can either exploit the seabed itself, or make whatever arrangements it chooses with other entities which enable it to retain full control of all operations. The developed states, in contrast, sought to limit the discretion of the international body.

DELEGATES NARROW GAPS ON DISPUTES

Ocean policy experts and delegates are saying privately that a law of the sea convention or treaty which does not provide a mechanism to settle disputes between parties would be of relatively little value. In this view, UNCLOS III would suffer from the same drawbacks which undermined the effectiveness of the 1958 and 1960 law of the sea conventions: shortsighted perspectives on what uses the oceans might be put to in five, ten, or fifty years, and a reluctance to settle disputed issues at the time. These omissions guaranteed that UNCLOS III would become a forum for interpretation and discussion of disputes arising out of the older conventions.

It is an encouraging sign for the law of the sea negotiations that a sizeable group of delegates in Caracas agreed to form an informal working group on the issue of settling disputes. By the end of the Caracas session, the group had met together several times and drafted Conference Document A.62/L.7, which embodied texts for alternative approaches to compulsory dispute settlement.

Considerable gaps remain between positions of some representatives of the dispute settlement group. But their continued meetings at a weekend retreat in nearby Montreux and in the Palais have reduced the number of

An all-embracing mechanism for settling maritime disputes is difficult to find because so many different interests are at stake in the sea. Small states are all too aware of the power differentials between themselves and the large industrial nations. When disagreements occur, they hope to meet the big states in a neutral juridical setting where the odds against them are not so overwhelming. Large and powerful states fear arbitrary coastal state actions. New powers and areas of jurisdiction granted to coastal states in the ocean convention may result in the detention of vessels for minor infractions or technicalities, disrupting the flow of commerce upon which their highly developed economies depend.

1) Modify the International Court of Justice (ICJ) to handle ocean disputes, perhaps by establishing a special chamber of ocean jurists to hear sea law disputes;

2) Set up a law of the sea tribunal quite separate from the ICJ, to hear disputes related to the proposed international seabed authority, or according to a variant of this view, to hear any disputes relating to all areas covered in an ocean convention;

3) A functional approach where disputes in different categories would be considered in different forums--an arbitration panel for fisheries disputes, a tribunal for the seabed, etc.

Subject only to certain minimum restrictions relating mainly to competence, work requirements, the safety of navigation and the prevention of pollution, they wanted to allow all who wished to exploit the seabed of the international area to do so as rapidly as they could so that the international body was not permitted either to regulate the rate of exploitation, or the terms of contracts with states and enterprises, or to undertake mining itself. Proposals along these lines were put before Committee I from the USA, from eight members of the European Economic Community and from Japan. There was no corresponding proposal from any of the Eastern socialist states at Caracas, but there was little sign that they envisaged a Seabed Authority with any greater discretion.

What the Soviet Union now proposes is that every exploitable part of the seabed beyond the limits of the continental shelf should be divided into two sectors. One sector would be preserved by the International Seabed Authority to exploit either directly, or through whatever indirect means it chooses; the other is to be open for states, or groups of states, to apply for. In this sector, each state would be entitled to a fair share and the Authority's discretion would be correspondingly limited. The relative size of the "international" and "national" sectors would be specified in the Convention, but the document itself does not say what it should be.

(continued on page 8)

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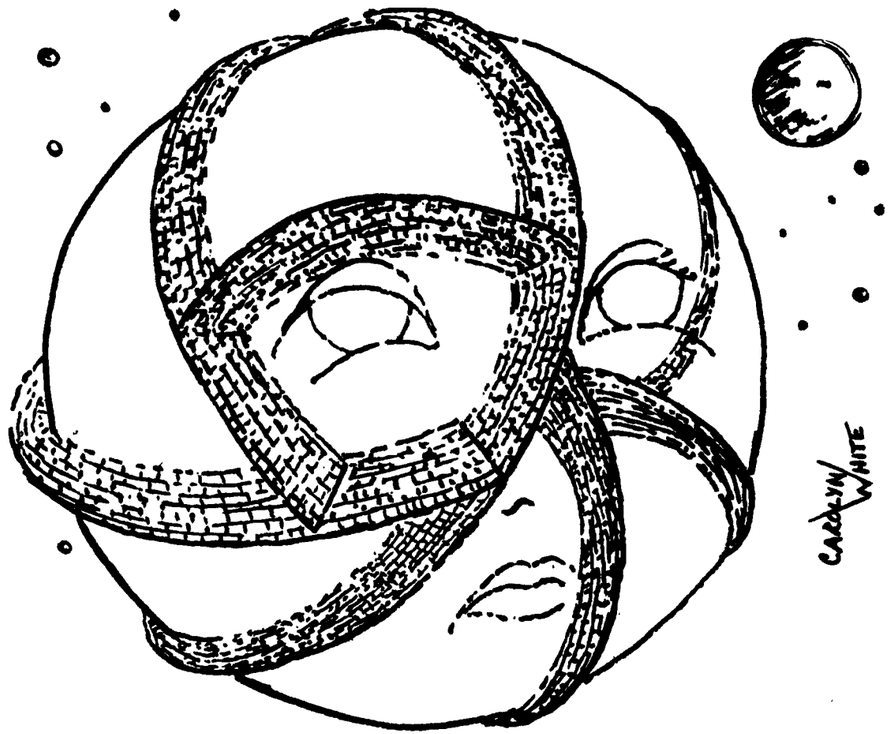
walling planet earth



Something there is that doesn't love a wall", wrote the poet Robert Frost. "That wants it down again".

"Could it be elves?" he muses. Whatever it is, it is not in those governments who have sent talented pin-striped masons to Geneve only to spend their days walling in and walling out the sea. Many approach the superhuman in ability, trying to wall, fence, subdivide and partition something that, like the sky, cannot be walled.

Some wall with warm words like patrimonial sea, some with margineering, some with national legislation, some with lines that turn geographers' hair grey. Others wall with rubber baselines, with zone-locking, with denying access to neighbors. Some fence with walls that fish swim through, mercury and radioactive wastes float over, with walls hard to patrol. Some make more work for navies, for the industrial-military complex, for negotiators and arbitrators.

They wall with words evoking ideal motives: the claims of impoverished islanders, the need for self-sufficiency, the demands of nations that run on oil and must not run short, the cries of coastal fishermen, the pride of national selfhood, the need to protect from pollution, or to wall out spies.

They are pressed from their capitals, from unilateral threats, from the speed of technology. They get bored and weary, overworked. Those walled out feel trapped and helpless. All are overwhelmed by the complexities, the unknowns. International, intergovernmental and non-governmental organizations who find working together difficult cannot be exempt from the walling in and walling out. It comes so naturally to the human race.

But there are those here "who do not love a wall", who want old ones down by strengthening the spirit of accommodation, by refusing to stay polarized, by being masons for the frail structures of equitable international law and organization. They too are lifting the boulders that have "spilled in the sun" to make a workable Seabed Authority, to make scientific research responsible and possible, to include the needs of the geographically disadvantaged, to spread the wealth, to create dispute settlement mechanisms and environmental specifics. They seek money from the once-talked-about "common heritage". They too are here in their impeccable pin stripes and glamorous skirts. Few delegations are without them. They are among the Conference officers, the Secretariat, the inter-governmental and non-governmental organizations. We honor them and wish their masonry well.

"Something there is that does not love a wall, that wants it down again."

focus on three women

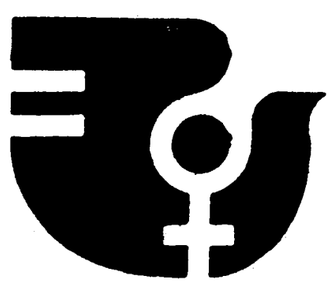
It may be Interntaional Women's Year, but it's still a man's world at UNCLOS III. Of some 2,000 delegates, an unofficial count shows 43 women among them.

Despite their small number, several have prominent positions, including Lombe Chibesakunda of Zambia who heads her delegation, and Gertrude Skinner of Ireland who chairs the group within the European Eco-

"It's an uphill battle, I know. If only we can confine our selfish interests and shape the future equitably," she concluded. "But I have a lot of hope. I believe in the African sense of justice."

PATRICIA RODGERS

Patricia Rodgers' delegate badge is one of the few that carries the title "Ms." She



GERTRUDE SKINNER

Miss Gertrude Skinner is an Irish delegate. She has clear blue eyes and red highlights in

gation, and Gertrude Skinner of Ireland who chairs the group within the European Economic Community that works on Committee I issues. Another delegate, Patricia Rodgers of the Bahamas, is working on a doctorate in international affairs and a thesis on "Archipelagoes and the Developing Law of the Sea."

In the first of a series of profiles of UNCLOS personalities, NEPTUNE interviewed these women delegates.

LOMBE CHIBESAKUNDA

Zambia is distinguished as the only delegation chaired by a woman (erroneously listed as "mister" in the provisional list of delegates). She is Lombe Chibesakunda, a Member of Parliament, a Minister of State, and Soliciter General of her nation.

A barrister who studied in Zambia and London, Miss Chibesakunda said that the legal profession is part of her family's history. "As a tribal chief before independence, my father was responsible for adjudicating matters in the civil and family court system of his tribe," she related. "My brother also practices law and it was natural for me to take an interest in the field."

Until around 1965, chances for a woman entering the legal profession were "practically non-existent," said Miss Chibesakunda. Times are changing, though slowly, and the chairwoman feels her country is doing well in regard to women's status.

"It's a great challenge **to me.** It is important that I discharge **my duties** well. I must not let the President **and the** people down."

But she questions the wisdom and justice of the exclusive economic zone concept and believes a regional approach is preferable.

[illegible] Rodgers' delegate badge is one of the few that carries the title "Ms." She is comfortable in the role of liberated woman and believes that her newly independent country, the Bahamas, is "one of the most liberated countries" for women.

At UNCLOS Ms. Rodgers serves on Committee II and expresses a deep personal commitment to the archipelago concept. "When I arrived at the conference, I was treated as a woman, not as a serious negotiator," she reflected. "But if you keep presenting your ideas on a serious level, you can break through that barrier."

Ms. Rodgers, a striking woman with long lashes who laughs easily, is completing her doctoral work in international affairs. In 1970 she joined the staff of the Ministry of External Affairs and today she is an assistant secretary.

The number of women lawyers, doctors and politicians in the Bahamas is small, but growing. Politics is considered a rough and tumble field and few women run for office. "Many women think it's too dirty to get involved," Ms. Rodgers observed. Still, there are two women senators.

The future for women in the Bahamas looks good, Ms. Rodgers feels, and she looks forward to the day when the percentage of women at international conferences will increase substantially.

Miss Gertrude Skinner is an Irish delegate. She has clear blue eyes and red highlights in her brown hair. At UNCLOS, Miss Skinner chairs the European Economic Community group working on Committee I concerns.

Chairmanship of the EEC rotates each six months and Ireland's turn came during the Law of the Sea negotiations. NEPTUNE asked if Miss Skinner was accepted as a chairlady of this presitigious group. "Oh yes," she responded. "There's no problem. Delegates look on you as a good or bad chairman. Whether you're a woman isn't important." Miss Skinner credited a French chairwoman who preceded her and other competent female delegates within the EEC as persons who paved the way. "It becomes easier," Miss Skinner smiled. "As another girl does well, the next has less to prove."

Miss Skinner's interest in law was also "inherited." "My grandfather and father were in law. I was an only child and carried on the tradition. Perhaps if I'd had several brothers I might not have gone into law," she mused.

Miss Skinner indicated that Ireland held traditional ideas about women and in many ways was "backward." "But things are changing tremendously," she said. She believes that Ireland's entrance into the EEC in 1973 has helped expose the country to broader perspectives and new attitudes.

Miss Skinner is optimistic and feels women are going to make it--not on any superficial quota system, but on their own merits. "I sympathize with the bra burners," she says. "Strong methods are necessary to get attention." But when asked about women becoming priests she seemed surprised. "Goodness! I've never really thought about that one." She laughed good naturedly, "I don't think Ireland's ready for that--not in my lifetime at least."

Mining and Undermining

The U.S. Congress has been considering legislation for three years to "authorize" U.S. companies to mine the deep seabed--commonly referred to as the Metcalf Bill. In its current form, and apparently as a concession to the negotiations at UNCLOS, the mining could not take place until January, 1976. Newspaper reports from the U.S. indicate that there is another version of this bill prepared by the U.S. Department of the Interior which is circulating within the Administration. According to the new measure, if no international treaty were submitted to the the Senate by January 31, 1976, the Interior Department would be free to unilaterally issue sea-bed mining licenses by the summer of 1976. Some Congressional and Administration spokesmen have freely admitted they hope the threat of unilateral U.S. action might prompt delegates at UNCLOS to reach a quick agreement in Committee I. This does not appear to represent a majority view, however.

The U.S. companies which hope to begin mining the seabed while they still possess a technological lead over other countries, have put considerable pressure on both the Congress and the Administration. They have supported their cause by pointing to huge projected deficits in the U.S. balance of payments, potential mineral shortages--both real and contrived, and the need to develop new sources of minerals.

Three major U.S. companies are known to be actively exploring the possibilities of seabed mining. Deepsea Ventures Inc. of the Tenneco Company has recently announced joint ventures with three Japanese firms; Nichimen Company Ltd., C. Itoh Company Ltd., and Kanematsu Gosho Ltd., to develop ocean mining technology. Deepsea's claim to a stretch of ocean floor in the Pacific below Hawaii is discussed elsewhere in this issue. The second venture centers around

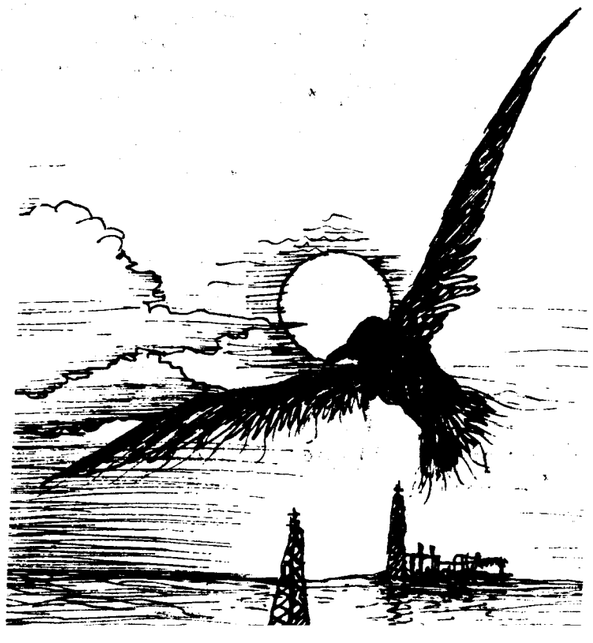
OIL OOZES ON

While damages from oil slicks cause high interest in an agreement on vessel-source pollution regulations, differences between maritime nations and coastal states are making this one of the toughest issues before UNCLOS.

These concerns are being worked over in the Evensen Group where some compromises may be forthcoming. In another arena, the United Kingdom has developed a set of draft articles on the prevention, reduction and control of pollution--and has been blasted by India for its lack of protection of developing country's coastlines.

MARITIME NATIONS' VIEWS

States with extensive maritime interests are wary of vessel-source pollution regulations which would empower coastal states to set or enforce these codes. They fear profits will be hurt, or oil supplies for crucial industries could be curtailed. Potential restriction of transit for military purposes also



Since Caracas, many more states also seem to be willing to recognize the rights of coastal states to set higher standards for vessel-source pollution in certain vulnerable areas such as shallow straits or arctic waters where oil takes a long time to biodegrade. The standards may be subject to review by an international body in order to avoid arbitrary measures. Reports from the Evensen Group indicate possible compromises supporting the right of the coastal state to enforce standards out to, say, 50 miles, but not out to the outermost limits of the proposed economic zone.

OPPOSING DOCUMENT OFFERED

While a great deal of progress in seeking compromise positions has been achieved within the arena of the Evensen Group, other nations are dissatisfied--notably Belgium, Bulgaria, Denmark, the German Democratic Republic, Federal Republic of Germany, Greece, Netherlands, Poland and the United Kingdom, and introduced a document on March 21. This set of draft articles deals with the prevention, reduction, and control of marine pollution. They are more representative of maritime state interests, acknowledging coastal state concerns for particular areas where adoption of special mandatory methods for the prevention of vessel-source pollution may be required for reasons deriving from oceanographical or ecological conditions. The draft provides that an area may apply to the competent international organization for recognition as a special area. International standards could then be established pursuant to the application.

On enforcement, the document provides for a system of inspection and enforcement by port and flag states, but limits the port state's ability to take proceedings in the event of any violation. It also proposes that coastal states may request information from vessels suspected of violating international

issue. The second venture centers around the Kennecott Copper Company which has formed a partnership with four other companies including Rio Tinto-Zinc (London), Consolidated Gold Fields, (London), Mitsubishi, (Tokyo) and Noranda Mines, (Toronto). The Summa Corporation, elevated by the CIA to instant infamy last week, is the third potential seabed miner, but whether their efforts will continue to be centered on sunken naval vessels or whether they may actually begin nodule mining remains to be seen.

☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆

NGO Notes

Informative seminars open to all interested persons are held at the Quaker International Center, 13 Av. du Mervelet (take 33 bus to Le Bouchet), 20:30.

On Wednesday, April 2, Ambassador Alexander Yankov, Chairman of Committee III, spoke on the major issues before that group.

Next Wednesday, April 9, Professor Willem Riphagen, legal advisor and the vice-chairman of the Netherlands Delegation will speak on the topic of his choice.

Whose Common Heritage, by Roderick Ogley, an invaluable analysis of the Caracas Conference and current UNCLOS issues, is available in Geneva at the Naville Bookshop, Palais des Nation, or from the publisher: Francis Pinter, 161 West End Lane, London NW 62 LG. It has 48 pages and costs 85 pence.

John McConnell, originator of the Earth Day observance, arrived from New York Tuesday to promote his campaign to enroll "Sea Citizens."

evokes strong resistance to any regulatory impediments to vessel transit.

Land-locked states share the concerns of maritime states on this issue because they are often dependent on ship-borne trade and resist any limitation of access through neighboring coastal state waters.

COASTAL POLLUTION FEARED

Coastal states, on the other hand, are interested in protecting their shore from pollution damages. As larger and larger oil tankers put to sea without adequate safety construction and procedures, their threat to the ocean environment grows increasingly serious. Major damage from oil spills in recent years illustrates the crucial need for adequate prevention measures.

General agreement has been reached, however, that LOS nations will accept and apply internationally imposed standards for vessel-source pollution and that states of registry may apply higher standards to vessels bearing their flag.

States are not agreed, however, on two questions:

1) whether coastal states should be permitted to apply more stringent standards than those internationally agreed upon, to vessels transiting their waters and under what conditions; and

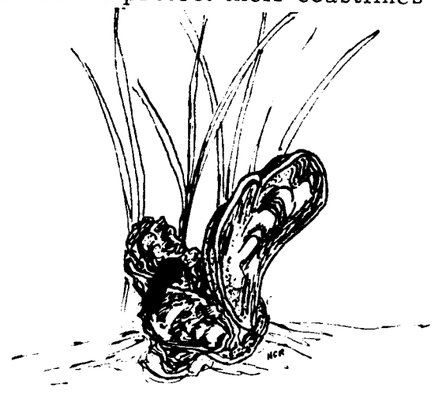
2) whether states other than the state of registry will be allowed to enforce these standards.

regulations, but, as favored by many maritime states, it scrupulously avoids any provision for coastal state enforcement of international standards.

BLASTED BY INDIA

India responded to the document by blasting it as a one-sided proposal which reflected attitudes of shipping powers. The Indians claim it does not take into account the need for protecting the coastlines of developing countries. Senegal, the United Republic of Tanzania, and Canada also expressed reservations about the document's omission of enforcement powers for the coastal state.

On March 26, the USSR tabled its own additional draft articles on the prevention of marine pollution. They felt that the UK articles neglected the problem of whether a coastal state could set standards higher than international standards for design, construction, equipment, operation, or manning of foreign ships in their territorial seas or in international straits. The Soviets oppose this strongly and wish to avoid any arbitrary restrictions on global transit, but their articles did propose that in cases of imminent pollution damage, coastal states could take certain measures to protect their coastlines



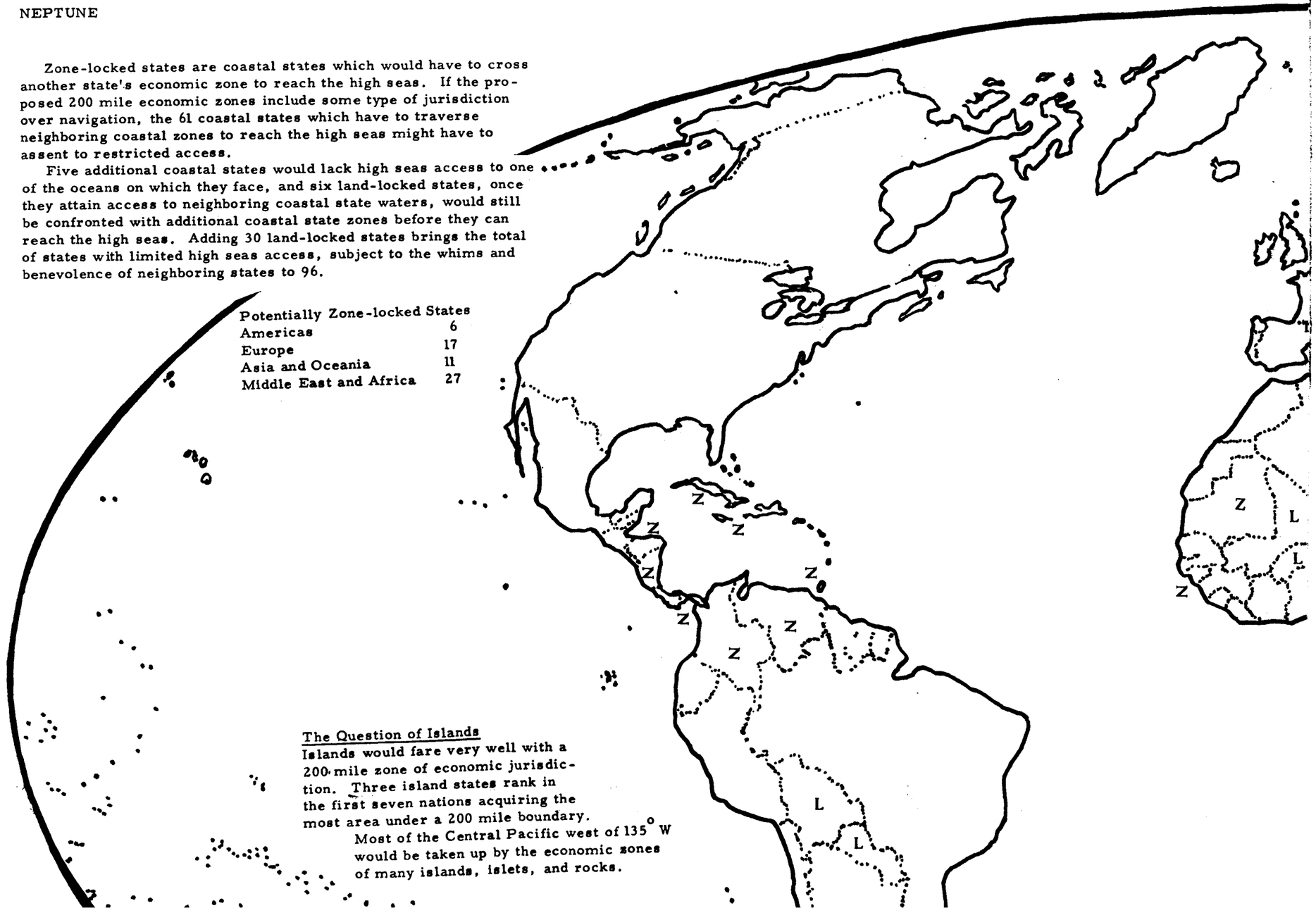
FATE OF THE LAND-LOCKED, SI

NEPTUNE

Zone-locked states are coastal states which would have to cross another state's economic zone to reach the high seas. If the proposed 200 mile economic zones include some type of jurisdiction over navigation, the 61 coastal states which have to traverse neighboring coastal zones to reach the high seas might have to assent to restricted access.

Five additional coastal states would lack high seas access to one of the oceans on which they face, and six land-locked states, once they attain access to neighboring coastal state waters, would still be confronted with additional coastal state zones before they can reach the high seas. Adding 30 land-locked states brings the total of states with limited high seas access, subject to the whims and benevolence of neighboring states to 96.

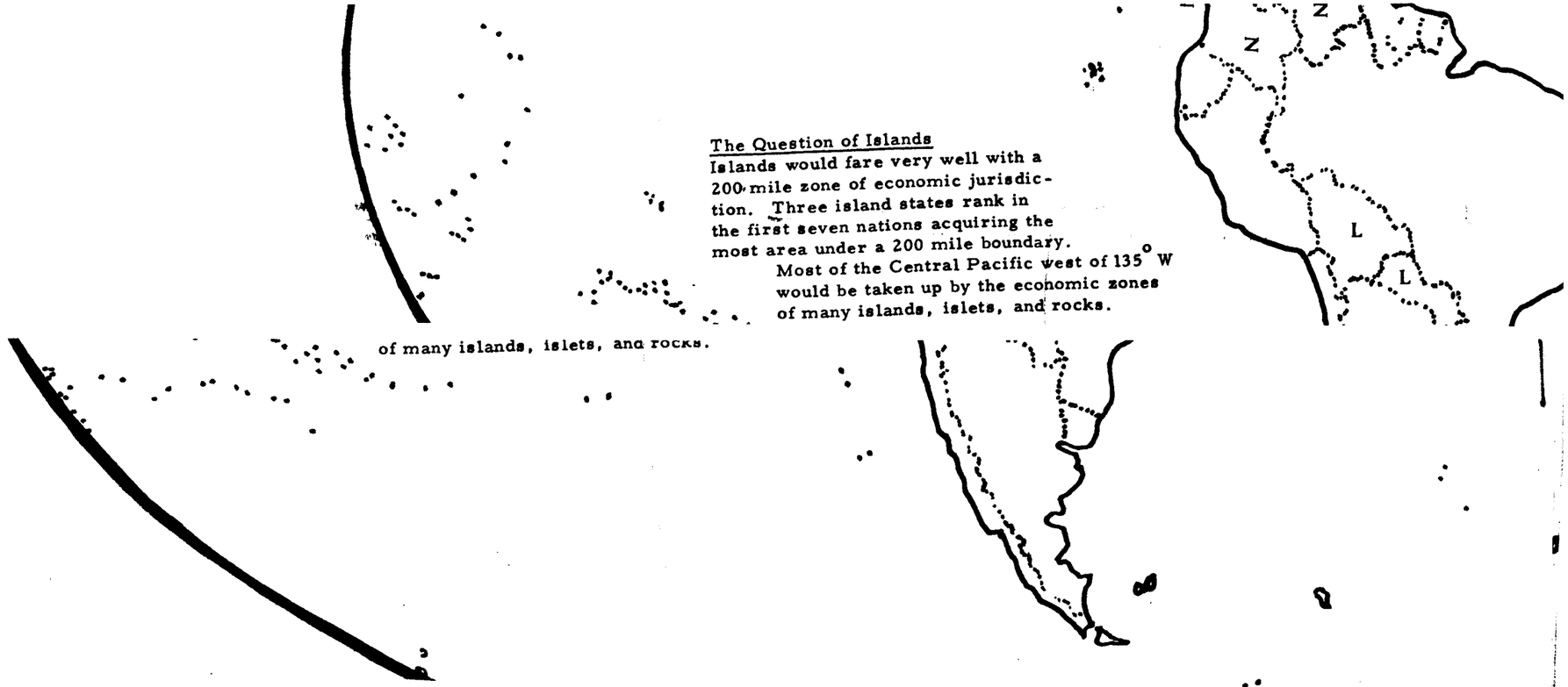
Potentially Zone-locked States	
Americas	6
Europe	17
Asia and Oceania	11
Middle East and Africa	27



The Question of Islands

Islands would fare very well with a 200 mile zone of economic jurisdiction. Three island states rank in the first seven nations acquiring the most area under a 200 mile boundary.

Most of the Central Pacific west of 135° W would be taken up by the economic zones of many islands, islets, and rocks.



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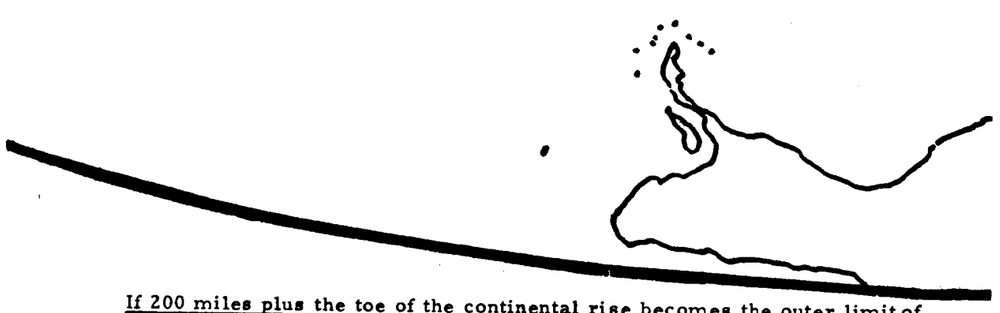
WHAT IS THE RESOURCE POTENTIAL WITHIN SUGGESTED LIMITS AND WHO WOULD GAIN FROM THEIR ADOPTION?

If 200 miles becomes the outer limit of the exclusive economic zone, this zone would incorporate 36% of the ocean seabed (assuming an economic zone around Antarctica). The only exploitable seabed resources in this zone in the reasonable future are likely to be found on the shelf and slope Assuming that 200 meters will continue to be under coastal state jurisdiction, the size and quality of the continental slope that each nation acquires within 200 miles determines its potential welfare gain.

If 200 miles plus 200 meters, whichever is farther from shore, becomes the accepted outer limit of the exclusive economic zone, four of the six countries who would gain from the proposal are highly developed. These nations may propose some system of revenue sharing in these continental shelf zones beyond 200 miles to counter disagreement on their "advantage", but the international community should not place high hopes on these resources in the mere 38,000 additional square miles, since much of this area is in inhospitable Arctic waters.

If 200 miles or 2,500 meters (the slope), whichever is farther from shore, becomes the outer limit of the exclusive economic zone, almost all of the continental land mass would be included within coastal state jurisdiction. 90-98% of offshore petroleum lies within this proposed limit. There are approximately 20 countries which have slopes that continue outside their 200 mile zone (14 whose slopes reach beyond the 200 miles plus 200 meters criterion). A small number of them--nine--would gain 95% of the resource value from this extension of jurisdiction beyond 200 miles. Six of these are highly developed nations.



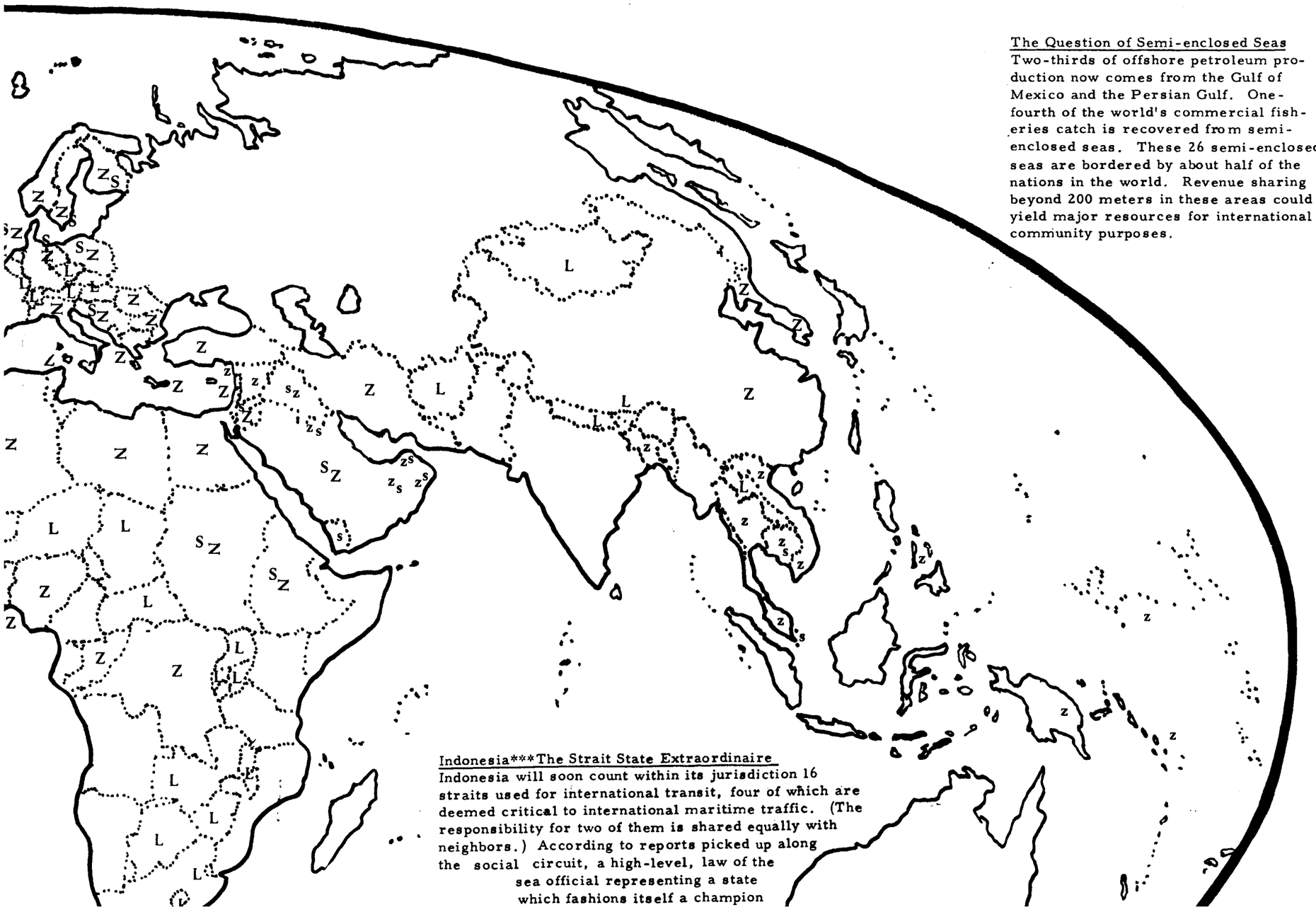
If 200 miles plus the toe of the continental rise becomes the outer limit of the exclusive economic zone, the coastal state would gain jurisdiction over its entire continental mass. This geomorphological criterion is justified as representing the "natural prolongation" of the continental state. However, due to the very gentle slope of the rise (less than 1 part in 1,000), the exact location of the toe of the rise is generally not well known and would be very expensive to delimit. On the other hand, if a fixed depth of 4,000 meters were taken (numbers which were discussed at Caracas), areas beyond the toe of the rise would be subsumed under national control, including mid-ocean ridges. Most of the Atlantic Ocean would be divided up leaving only two small isolated international zones. Petroleum beyond the edge of the slope is at most only two to eight per cent of the total offshore potential. (Some valuable manganese nodules lie at depths of 4,000 meters as well.)

Boundaries and Manganese Nodule Potential

200 mile zones of exclusive economic jurisdiction place some important manganese nodule deposits under national jurisdiction of both continental nations and islands.

...IELF-LOCKED, & ZONE-LOCKED

Friday, April 4, 1975



The Question of Semi-enclosed Seas

Two-thirds of offshore petroleum production now comes from the Gulf of Mexico and the Persian Gulf. One-fourth of the world's commercial fisheries catch is recovered from semi-enclosed seas. These 26 semi-enclosed seas are bordered by about half of the nations in the world. Revenue sharing beyond 200 meters in these areas could yield major resources for international community purposes.

Indonesia***The Strait State Extraordinaire

Indonesia will soon count within its jurisdiction 16 straits used for international transit, four of which are deemed critical to international maritime traffic. (The responsibility for two of them is shared equally with neighbors.) According to reports picked up along the social circuit, a high-level, law of the sea official representing a state which fashions itself a champion

which fashions itself a champion of unimpeded transit through straits and coastal zones, was off last weekend to Djakarta to represent the interests of a maritime state in high-level deliberations with Indonesian representatives with the hope that some settlement could be worked out.

If present trends continue in Committee II and in the Evensen Group of Juridical Experts, coastal states may end up with the best of two worlds. States espousing a 200-mile exclusive economic zone to protect coastal fishing interests will be satisfied, and states with wide continental margins will receive jurisdiction over sea-bed resources beyond 200 miles out to the edge of the continental margin. This would double the 200 mile limit for some states. In the Caracas session, the 200 milers were still pitted against the "margineers" who wanted to go further.

The vast majority of countries will gain little from continental margin resources which lie within their proposed 200-mile economic zones. Only 32 countries have significant oil potential beyond 200 meters depth. There are 30 land-locked, 23 shelf-locked, and 53 countries with narrow continental slopes (the continental margin beyond 200 meters). These states could benefit from some sort of revenue-sharing from petroleum resources beyond 200 meters. Of the 45 remaining states which have wide slopes, two have no oil potential and 11 have at most from zero to 250 million barrels total of potential recoverable oil resources.

EFFECTS OF BOUNDARY PROPOSALS ON AREAS AND PETROLEUM RESOURCES

Boundary Proposals	Est. percentage of total seabed falling within national jurisdiction	Est. percentage of total offshore oil falling within national jurisdiction	Est. Number (total) of nations making small or no gains as a result of extending boundaries	Est. Number (increase) of nations with large gains as a result of extending boundaries (from the boundary proposed above it)
200 meters	8%	55-70%	---	---
200 miles	35.86%	80-95%	119	32*
200 miles and/or 2500 meters	39.9%	90-98%	142	9
200 miles and/or seaward edge of the rise	40.6%	98-100%	144	7(?)

*96 countries gain some seabed in extending from 200 meters to 200 miles, but 53 of these have narrow slopes (less than 50 miles) and of the 45 wide slope states, all but 32 have very low potential recoverable resources--that is between 0 and 250 million barrels, most of them at the lower end of this range.

FISH 'n SHIPS

There is agreement among ocean experts that a "fish problem" exists, but most people are confused as to exactly what the problem is, why it is, and how it can be solved.

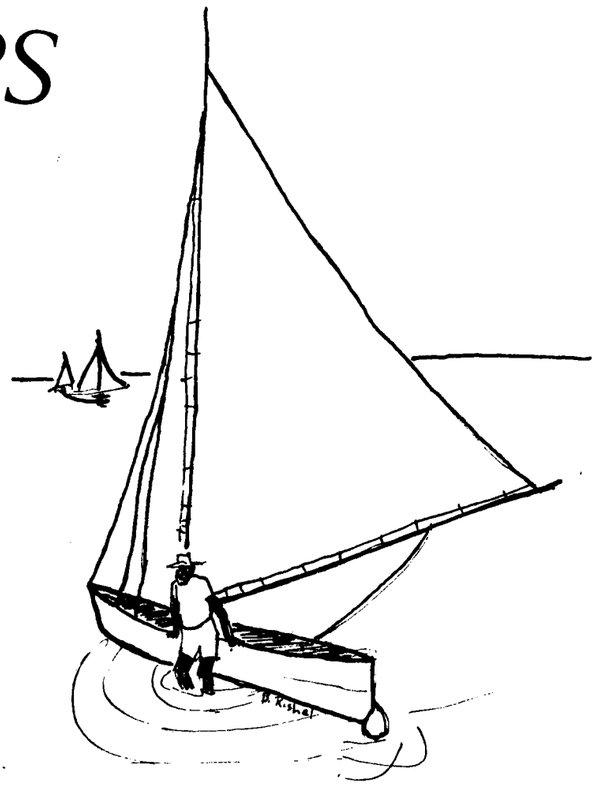
The "fish problem" is really a series of issues, interrelated because of overlapping jurisdictions. It is a case of overfishing in some areas and underfishing in others; of depletion of some major existing stocks and non-utilization of other marketable fish species. It is a confusing picture of scores of regional fishery arrangements, attempts at seeking international solutions, and the likelihood that UNCLOS III may turn over control of important coastal stocks to over 100 coastal states, each of which may decide how many fish may be harvested and whom.

SOME STOCKS DECLINING

The statistics themselves are seemingly contradictory. By all signs available, ocean fishing has the potential to provide vast new quantities of protein for an increasingly protein-starved world. The world fishing industry "take" increased by three and one half times over the two decades from 1950 to 1970. Some fisheries experts have made the hopeful projection that the oceans could support an annual harvest of twice the 1970 level of 70 million metric tons.

Yet the total world fish catch reached a maximum in 1970 and has declined every year since. The apparent contradiction lies in the fact that there is an increasing concentration of fishing effort on already overfished species, the result of more fishermen with better equipment going after declining stocks.

The reasons for the virtual decimation of highly valued fishing stocks are clear. Fish are the only food resource that is virtually free for the taking--all one needs is a minimum of capital for the initial investment of a boat and nets, plus a relatively small amount of labor.



Coastal state regulations for "purposes of conservation" are being given short shrift as well. In the recent cod war, British fishermen were labeled pirates by Iceland for fishing within Iceland's 50 mile zone, and now West German-Icelandic diplomatic relations are strained over the same subject. The U.S. government spends millions bailing out an average of two or three tuna boats a month from imprisonment in West coast Latin American states for fishing without the proper licenses.

Fishery experts have isolated a group of potentially productive fishing grounds which are now under-utilized: oil sardines off Oman and southern Arabia up to Iran, (potentially 1 million tons per year); coastal stocks in the Indian Ocean, (estimated at 12 to 20 million tons per year); and other areas including the South China Sea, Argentina's Patagonian Shelf, the coastal waters of Mauritania, and possibly other areas of

There is understandable resistance to this idea from some developing coastal states who fear an onslaught of foreign fishing vessels with sophisticated fish locating devices and techniques. And there are other questions to be addressed, such as which nations should be awarded licenses, whether or not land-locked and other geographically disadvantaged states should be given priority, and what to do about those states that have traditionally fished in coastal waters.

BARGAINING FOR TECHNOLOGY

The proverbial problem of technology transfer from the developed to the developing countries arises in the fisheries issues as well. Some developing coastal states are unenthusiastic about accepting the capital intensive technology and the expensive final products produced by developed-country distant-water fishermen. They would prefer some form of sharing arrangement such as joint ventures which could increase the take of both local and distant-water fishermen in effective fisheries management, supply palatable fish protein for local inhabitants at lower costs, and give a large boost to domestic fishing industry development.

There is little agreement as to the manner in which non-coastal species of fish should be dealt with. While existing arrangements to protect the special interest of coastal spawning areas of anadromous species seem to be adequate for the moment, the highly migratory fishes such as tuna require special regulatory measures by existing or yet-to-be created international organizations.

Effective international organization seems to be necessary to coordinate and enforce provisions of the convention that will apply to fisheries. Some organization must take responsibility for coordinating the work of a large collection of fisheries commissions with their less than brilliant record in management and conservation techniques.

To this group, add over 100 coastal states, each of whom have their own ideas of how many fish should be harvested and by whom, to say nothing of the threats posed to

small amount of labor.

Until the demand for fish reached its current high level, there was no problem. Unlike farmers and herders who learned quickly that one reaps what one sows, fishermen thought they could reap harvests without investment in conservation measures.

States paid lip service to the ideals of conservation and stock preservation and several dozen regional and international sheries commissions to oversee the tak- g of marine fishes. Yet they were careful ot to give these commissions the teeth they needed to effectively enforce what restrictions they could agree upon, and everyone continued to gobble up all their nets could atch.

In some cases where quotas were placed a particular fish stock, enterprising fishermen were able to frustrate the intent by concentrating their efforts on other vulnerable stocks, taking advantage of inevitable time lags in international regulation. Today there are even those who no longer find it in their interest to play along, and have openly announced their intention to ignore quotas. Japanese and Soviet whalers are a case in point.

of Mauritania, and possibly other areas of West Africa. The biggest potential fishery, the Antarctic krill, is estimated at from 50 to 100 million tons annually. Krill could seemingly replace the anchovy as the principle source of fish meal.

An estimated one-third of world fish production goes into fish meal or oil which together with soy beans, form the major sources of protein for live stock and poultry. (Some observers claim that anchovies have been priced beyond the means of the fishermen themselves by competition from North American buyers who are willing to pay high prices to turn anchovies into pet food.)

The attempts at UNCLOS III to grapple with the fisheries problem fully reflect the complexities of the issue.

The most crucial question of control over the valuable coastal stocks has largely been settled through widespread agreement in support of the establishment of a coastal state economic resource zone that will stretch from the coastal state's territorial sea to a distance of 200 miles (or possibly to the physical edge of the continental margin).

Control of resources within this area will belong to the coastal state, but with certain qualifications.

As the pressure of distant water fishing states, principally the USSR, US, Japan, Norway, Canada, Spain, Romania, Portugal, East Germany, West Germany, Bulgaria and Italy, the conference is considering the principle of "full utilization." Under this regime, coastal states would be obligated to license foreign fishermen to harvest that portion of the annual harvest of fisheries under their management jurisdiction which the coastal state is unable to recover by itself.

of how many fish should be harvested and by whom, to say nothing of the threats posed to the health of fish stocks and those who eat fish by pollution.

ANOTHER INTERNATIONAL AGENCY?

While it is too early to predict what sort of international coordinating agency will be chosen, three options are being considered.

1) The FAO has been suggested as the assessment and monitoring body because it currently possesses the only good data on fishery resources, has developed experience in organizing technical assistance projects in fishery development, and has recently undertaken the task of monitoring food security.

2) A second proposal would have FAO continue its fact-finding and assistance functions, while the new International Seabed Resources Authority would undertake management responsibility for international fisheries such as the Antarctic krill which do not fall under national jurisdiction, in coordination with an International Tuna Commission and the International Whaling Commission.

3) The third approach would grant to the International Authority all the functions mentioned above, now managed (or mis-managed) by existing agencies.

Whatever arrangements are finally considered, they must blend interrelated objectives of ecological interrelationships, conservation, utilization, optimal use of capital investments, workable dispute settlement procedures, and world food and economic development needs.

DISPUTES

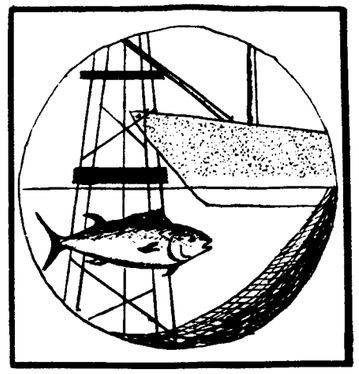
(continued from page 1)

An all-embracing mechanism for settling maritime disputes is difficult to find because so many different interests are at stake in the sea. Small states are all too aware of the power differentials between themselves and the large industrial nations. When disagreements occur, they hope to meet the big states in a neutral juridical setting where the odds against them are not so overwhelming. Large and powerful states fear arbitrary coastal state actions. New powers and areas of jurisdiction granted to coastal states in the ocean convention may result in the detention of vessels for minor infractions or technicalities disrupting the flow of commerce upon which their highly developed economies depend. Most states, of course, are concerned about violations of environmental rules, navigation a eements, or contracts for marine resource loitation.

I C J

There is not much momentum for giving the ICJ sole jurisdiction over all ocean disputes. The ICJ has heard only a few ocean disputes of any note in recent years: Norway and Britain's dispute over boundaries in 1951; Denmark and the Federal Republic of Germany turned to the Court in 1965 to settle their North Sea boundary dispute, as did Iceland and the UK after gunboats joined their North Atlantic fishing fleets in 1974. Only states themselves can bring cases before the ICJ, yet the nature of ocean disputes foreseen by many--arguments over seabed mining contracts, for example--may involve the international seabed authority in cases with private or state corporations. Worse, less than 50 states have so far accepted the compulsory jurisdiction of the ICJ, and few without reservations. In 1972, r six years of French nuclear testing near the Muraroa Islands in the Pacific, Australia and New Zealand registered official complaints and tried to bring France before the ICJ. France refused, excepting

Sea Science



During the Caracas session on the law of the sea, the informal working group on scientific research developed four alternative texts incorporating the views of the majority of states represented in the Conference. These ranged from requiring explicit consent of the coastal state or the international authority for any research conducted within their respective areas of jurisdiction, to freedom of scientific research activities beyond the territorial sea, except for research concerned with the exploration and exploitation of living and non-living resources within the coastal states' economic zones.

Discussions among the groups supporting the proposals outlined in Caracas here in Committee III in Geneva have focused on what may soon emerge as a single proposal encompassing portions of alternatives A, B, and C.

This proposal will espouse strict coastal state consent for research activities in the economic zone related to resource exploration and exploitation, and a more relaxed consent regime for scientific research which clearly deals with winds, tides, currents, etc., and could be classified as pure research. In this manner coastal states will be able to ensure that their territorial and resource interests are adequately protected without unduly hindering global marine scientific research.

They will also be able to select those research institutions which they feel follow through on obligations to share results, allow participation by the coastal state, and thus enhance coastal state marine research capacities. As trust builds up between certain research organizations and coastal states, strict consent procedures could become less and less burdensome.

Responsibility lies with the scientists to alleviate coastal state fears and distrust, and they may become more wary of devious undertakings.

(continued on page 8)

Biggs Jumps Deepsea's Claim

Apprehension runs high among many UNCLOS delegates over how soon the developed countries may begin mining the deep seabed. On November 15, 1974, Deepsea Ventures Inc., filed with the United States Secretary of State an unprecedented notice of discovery and claim of "exclusive mining rights" to 60,000 square kilometers of the seabed of the Pacific Ocean.

On March 26, in Committee I, delegates from Peru and Cuba warned against any state undertaking such mining activities whether as a pressure tactic or otherwise.

on the Continental Shelf. According to this agreement, seabed resources located beyond national jurisdiction are effectively placed under the jurisdiction of coastal states. Under the 1958 Convention and the doctrines which arose from the decision of the International Court of Justice in the North Sea Continental Shelf case, coastal state jurisdiction over exploitation of seabed resources was permitted. The Court based its decision on the grounds that a continental shelf was an extension of the principles of "prescription" or "occupation" of the continental shelf up to

before the ICJ. France refused, excepting the incidents as a case of "national defense" not subject to the ICJ under its reservations. Soon after, in 1973, Australia succeeded in winning an injunction. While the Court debated the substance of the case, the French produced a "White Paper" which the Court more or less endorsed. The case was dismissed in December, 1974, because of the French claim that they had opted away from atmospheric testing and planned to go underground henceforth.

Finally, both developed and developing states are frankly cynical of the ICJ's ability to handle disputes effectively, or most important, quickly. Developing states are generally distrustful of the ICJ because its composition is weighted in favor of the industrial countries.

PEACEFUL SETTLEMENT

Peaceful settlement of disputes is an old idea and one that was reaffirmed in Chapter VI of the UN Charter. Under the provisions of Article 33, states are obliged to undertake peaceful measures to settle disagreements and to avoid the use of force. In theory, a series of procedures exist to allow states to work out differences among themselves through negotiation and consultation. When third party participation is deemed necessary, states may try such techniques as enquiry, mediation, good offices, conciliation, and arbitration. Finally, there is the judicial settlement option, under the auspices of the International Court of Justice or through various regional arrangements. It is now common practice in treaty writing to include provisions for the settlement of differences over interpretation or implementation.

whether as a pressure tactic or otherwise. Australian Senator Willesee referred directly to Deepsea Venture's threat to exclusively mine a portion of the Pacific Ocean floor and denied its justification under the freedom-of-the-high-seas principle. United States Ambassador John R. Stevenson pointed out that legislation circulating within the U.S. Government has not been endorsed by the executive branch nor introduced into Congress. But Stevenson withheld comment on Deepsea's claim.

Gonzalo Biggs, of the Legal Department of the Inter-american Development Bank in Washington, D.C. considers Deepsea's request to be a radical transformation of an abstract legal principle concerning rights to seabed resources beyond national jurisdiction into a serious international problem. In comments shared with NEPTUNE (to be elaborated in April issue of International Lawyer) he explained why.

---To indulge in ordinary legal analysis seems frivolous in a situation where a unilateral claim totally ignores the progress made during the last 30 years in regulating human activities in the oceans. Most incredible to Biggs is Deepsea's apparent expectation that the world community would obligingly sanction the company's claim as an exercise of high seas freedoms under the 1958 Geneva Convention on the High Seas.

---The Truman Declaration of 1945 which claimed jurisdiction over resources of the continental shelf precipitated a revolution in world thinking. This unilateral move for oil deposits prompted similar seaward extensions of sovereignty by South American states, and led to a revised concept of the high seas freedoms governing seabed resources articulated in the 1958 Geneva Convention or "occupation" of the continental shelf up to the "abyssal ocean floor".

---Biggs cites the General Assembly's Moratorium Resolution and the Declaration of Principles as evidence of emerging "customary Law" as to the acceptance of the "common heritage" doctrine and the rejection of Deepsea's claim of 'res nullius'. ('Res nullius' means belonging to no one.) That the U.S. signed the Declaration of Principles, and participates in current law of the sea negotiations to establish an international authority to govern seabed mining, reveals a "fundamental incompatibility in tolerating individual exploitation of the seabed resources--however transitory--with the efforts to establish international legal machinery. ... How are we to interpret (denial of)recognition (by the United States) to exclusive mining rights of the resources of the seabed beyond national jurisdiction, and, at the same time, (the U.S. laissez-faire reaction to Deepsea's assertion) that mining of those same resources may proceed in accordance with international law?" One must ask whether it is Deepsea Ventures or the U.S. law of the sea negotiators who best reflect U.S. opinion.

In light of Biggs analysis which shows Deepsea's international legal "claim" to be somewhat questionable, the question remains of the purpose of the claim. Some experts have concluded that the sole purpose of the Deepsea request was to enter their claim on the record so that if and when plots of the seabed are allocated, Deepsea will have spoken early for a prime piece of resource rich real estate. It is difficult for these experts to conceive of anyone's taking seriously the legal justification in which they have clothed their claim to some deep sea territory.

USSR

(continued from page 1)

The Soviet document, called "Working Document on the basic provisions of the rules and conditions governing the evaluation and exploitation of the mineral resources of the seabed beyond the limits of the continental shelf" (A. Conf. 62/C.1/L.12), also contains some positive provisions relating to the sectors reserved for application from states, ("or groups of states").

It proposes that for each category of mineral, no one state, regardless of its size or population, shall be entitled to apply for more than a given area. The limit, whatever it is, will be the same for all states. The Soviet Union thus claims no advantage to itself from being the largest state in the world and one of the most populous. The fact that "groups of states" may apply would, presumably, leave it open, for instance, to the Group of 77 to make a collective application, if they can raise or attract the necessary capital and technology. The hundred states in the "group of 77" could eventually, under the terms of the Soviet proposal, exploit in aggregate a hundred times as large an area as that to which the Soviet Union itself was confined, or ten times as large an area as ten socialist states together could apply for.

The proposal also contained a provision for inspection and monitoring of seabed operations by the Authority--a very necessary aspect of any regime claiming to protect the "common heritage." It does not, as yet, give the Authority any right to regulate the pace of development throughout the international area, i.e., including those sectors for which states can apply.

Some such right is essential if the Authority is to be able to make timely adjustment to possible economic and ecological repercussions of exploitation. This does not mean giving it the power to strangle production and force up the price of seabed minerals. It does mean authorizing it to act so as to prevent prices from sharply falling as a result of seabed mining. Since the document expresses the intention to "promote the orderly development of the resources of the area," it would seem to be a matter of time before the Soviet Union would agree to this.

The Soviet proposal also contains a provision that the Authority should not exploit directly, but only through "states or natural or juridical persons," including, presumably, private companies and consortia.

This would seem to prevent the Authority from satisfying itself in advance of the competence of the entity that would do the exploiting. It would make the state responsible for the behavior of a company over which, in some cases, it might have little control. The Authority itself could, of course, inspect and monitor operations, and penalize those that fell short of its standards, but it would be better if by dealing directly with the enterprise concerned, it could establish the incompetence of an applicant before it did any damage.

Perhaps the Soviet Union is concerned that its own state enterprises should not be excluded from exploitation. Such fears seem groundless, since an Authority which dealt directly with companies could also deal on the same terms, directly with state enterprises--in both cases under the sponsorship of states.

In spite of this, the Soviet Union is to be congratulated on this proposal. It marks a step toward compromise with the Group of 77 position, a partial acceptance of a principle quite at variance with the USSR's original position.

The gap between divergent views has been narrowed. If other countries show comparable willingness to compromise, the essential constitutional framework of a regime for the "common heritage" may yet emerge from Geneva.

SCIENCE

(continued from page 7)

Antics such as the Howard Hughes-CIA venture to raise a Soviet submarine under the guise of exploring for manganese nodules will adversely affect UNCLOS discussions on marine scientific research, warned Christopher Pinto, Chairman of Committee I and delegate from Sri Lanka. Pinto felt it was likely to increase the trend toward coastal state control over scientific research which is

CANCIÓN de la ampolleta

Una va pasada y en dos muele;
mas molera si mi Dios querra
a mi Dios pidamos que bien
viaje hagamos; y a la que es
Madre de Dios y abogada nuestra,
que nos libre de aqua de bomba
y tormenta.

(One glass is gone
and now the second floweth;
more shall run down
if my God willeth.
To my God let's pray
to give us a good voyage;
and through His blessed Mother our
advocate on high,
protect us from the waterspout and
send no tempest nigh)

Questions—

- What, exactly, is a joint venture?
- Arab states now own 3% of the world's tankers. How will they reconcile their support of broad coastal state powers with their growing maritime interests?

vent prices from sharply falling as a result of seabed mining. Since the document expressly emphasizes that it does not represent the Soviet Union's final position on the question, there is no reason to assume that it has decided against such a provision, which would not seem to run counter to the general spirit of the proposal.

One provision of the Soviet proposal would, perhaps, unnecessarily impede the realization of the "common heritage" idea. That is the requirement that the Authority should, in the sectors open to applications, deal only with states, who would then have full discretion to sub-contract "to natural

increase the trend toward coastal state control over scientific research which is a contentious issue in Committee III.

Research institutions feel burdened by red tape and restrictions of suspicious coastal states. They fear the trend toward coastal state control will cool the zeal for research in coastal areas where it yields most valuable results.

Developing states disagree. They suspect that industrial, military and intelligence espionage off their coastal areas may be carried out under the rubric of pure scientific research.

[illegible] maritime interests.

- Who is the mysterious entity so often referred to in Committee III as "the competent international organization?"
- Would regional sharing of resources be equitable or effective? How would resources shared in Africa, for example, compare with those shared in North America?
- Who will serve as agents of technology transfer?

Editorial board: Lee Kimball, editor; Dale Andrew, Jim Bridgman, John Diamante, Joyce Hamlin, Miriam Levering, Jim Orr, Barbara Weaver, Carolyn White.
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The World

Despite what you read, the UN still works well

by John Holmes

In its thirtieth year the United Nations is not expiring. It is, in fact, living through one of its most creative phases. What's more, the Canadian contribution is as effective and constructive as it has ever been. That, admittedly, is not the conventional wisdom. The UN is said to be in a precarious state, and Canada's part in it is seen as that of an ineffectual observer relegated to third-class status. The "golden decade" after the war, when the UN really worked and Canada was heeded, is regarded either with nostalgia as a busted dream or as an overrated *tour de force* remote from the real interests of the country.

People who talk that way are looking in the wrong direction. They are obsessed by particular issues or mired in traditional values of the Cold War. Paradoxically, those who cling most doggedly to the Cold War perspectives are those who think they have opposed them most vigorously. The Cold War provided the mindless Left and Right with their point of reference, their one sure indication of goodness and badness. A UN no longer dominated by the Cold War or even by *détente* is hard for them to cope with. No wonder; it is hard for anyone to cope with, and the temptation is strong to throw up our hands. The posture of the cynic is always tempting. Its uncompromising stance so easily disguises its essential naiveté. It is easier to holler "Doom" than to think through the complex ways of avoiding it. Articulate Canadians are incurable denouncers.

But the UN is always most creative when it is most dangerously challenged. The world issues of 1975—food, population, pollution, the seas, and outer space—cannot be avoided. Governments are just beginning to cope with them in the established UN organs and agencies and by special conferences on resources, population, food, and the law of the sea. If the UN did not exist, something like it would have to be invented.

It has been said of peace that it is no longer a "whether" question; it is a "how" question. The same is true of the equalization of economic advantage. One value of the UN forum is that in the end it induces pragmatism and reveals the irrelevance of the closeted doctrinaires, capitalist or Marxist. Nobody foresaw the world we are in. Flogging our guilt complexes, avoiding thought and sacrifice by blaming OPEC or the CIA or Kurt Waldheim may be fun, but they are distractions we cannot afford.

In the circumstances of this period one favourite scapegoat is the bureaucracy—paralysed, it is said, by inertia and its effortless preference for the status quo. Such a generalization would be a gross misjudgement in Canada at the present time. The agenda of the UN, more than ever before, occupies the attention not just of the department of external affairs but of a dozen Canadian ministries. The best kept secret in Canada is the extraordinary degree of successful initiative Canadians have taken in recent years in the most fruitful area of UN activity: extending international law and regulation.

The subjects may seem more mundane than those dealt with by the Great Powers in the Security Council, or than the Suez crisis in which Canada gained respect in 1956. But are they less important to people? There was, for example, the Canadian-Swedish initiative to get UN consideration of the effects of direct satellite broadcasting, and the Canadian initiative to get international action on the sensing of earth resources by satellites. These steps are essential for an international community in a new age and for the defence of Canadian culture, economy, and sovereignty. Canada, concerned over the role of multi-national corporations but realizing that this was a world-wide and not just a Canada-United States issue, was responsible for getting a discussion of the legal aspects under way in the United Nations Committee on International Trade Law. It has also co-sponsored proposals in various UN organs to cope with hijacking.

These are only a few of the activities in which Canadians have been actively engaged. Compounded, they are a calculated and well-reasoned campaign. It is closely related to the national interests of Canadians but it reaffirms the traditional Canadian conviction that the interests of Canada, an inescapably international country, are best protected by the development of world order and the extension of international rules.

The main Canadian thrust in the UN has shifted from the highly visible issues of the General Assembly or the Security Council. It is master-minded by a remarkably able team of international lawyers, abetted by the collaboration and criticism of their academic colleagues across Canada. The most notable of these has been J. Alan Beesley, former legal adviser and at present ambassador in Vienna. (More and more it is Geneva and Vienna rather than New York where the fabric of the United Nations is being woven.) When Geoffrey Stevens of the Toronto *Globe and Mail* went to the Law of the Sea Conference in Caracas last summer, he said of Beesley, "Brilliant would not be too extravagant a word to describe his performance." Beesley had been made chairman

Canada expects major break in sea law talks

OTTAWA (CP) – Canadians attending the Law of the Sea Conference that opened at the United Nations this week are cautiously optimistic that a major breakthrough can be achieved for the first time since talks started in 1973.

External Affairs Minister Don Jamieson and other Canadian officials said the breakthrough should come in the contentious issue of exploitation of resources in the seabed.

The Canadians told reporters last week that the breakthrough will probably deal with matters ranging from fishing and pollution to mining and navigation.

The Law of the Sea Conference, the sixth session in an attempt to get an all-embracing international maritime code, was opened Monday by UN Secretary-General Kurt Waldheim.

It is expected that there will be a seventh session. Canadians hope most matters can be wrapped up in one more meeting.

They add that Canada and other nations will not revoke their unilateral declarations of 200-mile fisheries zones. That action was taken because the sea-law talks were going too slowly.

The main stumbling block in talks since 1973 has been how all countries will get a fair share of the supposedly rich seabed mineral resources and how to prevent a resources grab comparable to the colonialism of past centuries.

See CANADA page 2

facsimile to USDN 9

Canada

(Continued from page one)

The snag has been how to construct an international authority to control seabed exploitation and how to create an agency which will do at least some of the actual mining on behalf of the entire world.

Canadians say a breakthrough should come in that area. The breakthrough would start a momentum to carry the negotiators through other problems, says Allan Beesley, assistant undersecretary of state of external affairs and Canadian sea-law negotiator.

The UN session is to devote its entire efforts for the next two weeks on the seabed.

Canadians have a number of concerns on the issue, not the least of which is a past United States proposal that would have the effect of limiting production at Ontario nickle mines to allow for production of deep-sea nickle production.

Canadians are reported happy with the law-of-the-sea delegation put together by U.S. President Carter under Elliot Richardson, former holder of several cabinet posts.

Canadians used to feel that the U.S. mining industry had too much influence on the American sea law delegation but that feeling now has gone.

Jamieson and other officials see a definite linkage between the sea-law conference and the Third World attempt to get a better economic deal in the world.

The seabed takes up 70 per cent of the earth's surface and the Third World wants to prevent new colonialism there, the officials say

TO: RON BAYNES

Alex Vitart

MEDIA TAPES AND TRANSCRIPTS 85 Sparks Street — Suite 114 — Ottawa K1P 2A7 — (613) 232-9375	
PROGRAM : CANADA AM	DATE : May 31, 1977
NETWORK / STATION : CTV	TIME : 7:10 A.M.

LAW OF THE SEA

CTV : Traditionally the world has regarded the oceans as belonging to no one. But then in 1970, the United Nations declared that the seas and their treasures were, "the common heritage of mankind", and called for an international regime to govern their exploitation. This became the Law of the Sea Conference, which has been going on since 1974.

To bring us up to date on Canada's participation in this conference, CTV correspondent Henry Champ talks with J. Allan Beesley, Canadian ambassador to the Law of the Sea Conference, which is currently being held in New York.

REPORTER : It seems to me that what is at stake here is an agreement or real big trouble. And take from that the American ambassador's suggestions that anarchy in the sea potentially reigns, and I know that you have made several statements along the same lines. Is it that serious?

Alex
Have you seen this
This is the longer
version of the
Champ interview. As you
can see it ran 2 weeks ago
I asked Fisheries to look for
it
Thank you and it came
Please return
Ron K.

J. A. BEESLEY : I think it is. I think this is the session that will be the final negotiating session. We may need a tidying up session afterward. But if we don't succeed in this particular session in resolving some of the major problems, particularly those relating to the deep ocean sea bed. I believe that the conference could fail, and that if that happened anarchy on the seas would be a mild description of what would ensue.

REPORTER : In actual fact, is Canada an obstacle here? Are we so set upon protecting our self-interests, particularly, let's say, nickel, that we are actually hurting the conference?

J. A. BEESLEY : We had a meeting of the committee with that particular subject matter, and speaker after speaker after speaker supported the position that we support. And the minority position was a position that we opposed. And at the end of the discussion we intervened in order to try to pull the two sides together. And for what it is worth, we were thanked by the leaders of both the majority group and the minority group for what we said and did. But we didn't feel very lonely and we didn't have any feeling that we were an obstacle.

REPORTER : There are those who believe the multi-nationals ought to be actually seated at this conference...that it is their actions and their designs that often have a major effect on what is being discussed. Is unilateral action on the part of these major multi-nationals the key fear here?

J. A. BEESLEY : Well, I would guess that the real fear, the unilateral action on the part of government which might aid and abet multi-nationals in going out to the ocean sea bed without benefit of conference agreement, without a treaty.

That is the fear. And the fear is well founded. And the consequences are the kind I just described...anarchy. I would be the countries that take that kind of action, I believe, who will suffer the most, because these are the same countries, by coincidence, that have the greatest interest, for example, in freedom of navigation...in a whole range of interests, which have been protected in the consensus that is emerging.

They have gone too far in undermining the pre-existing principles and developing new principles. For anyone to think now that they can return to the status quo...the status quo is dead, it is gone. There is no more three mile territorial sea. And by virtue of that single fact, the twelve mile territorial sea, will make problems of passage through international straits so acute for the major powers, that they can't afford to have the conference fail. And they know it, and that is why they are negotiating, in my view, seriously.

REPORTER : There are a lot of people, in Newfoundland and on the Pacific coast, who don't always understand what you are talking about. Are you able to assure them that their individual interests are going to be protected, that the petroleum riches in Canada are going to be protected?

J. A. BEESLEY : I have no trouble communicating with Newfoundlanders or with anyone from Newfoundland communicating with me. For one thing, my foreign minister is from Newfoundland. And I think that gives some assurance that Newfoundland's interests are taken into account. But two weeks from now we will have representatives from Newfoundland on our delegation. We always have had, and those representatives from the government of Newfoundland, and fishermen from Newfoundland...as well as from the other

coasts, as well as from the other provinces. And believe me, these people know how to speak their mind. They are articulate, they are well informed. Very often they are ahead of the scientists and the bureaucrats and the diplomats. They certainly were in predicting the fate of the fisheries near their own coast line.

REPORTER : Do you see any Canadian losers here, any people who could suffer as a result of solutions found here?

J. A. BEESLEY : I think the landlocked states are losers so far. And we have to do something to give them something out of this conference.

REPORTER : That is Austria, Hungary, Urganda...

J. A. BEESLEY : There are a lot of landlocked states. Their interest has not yet been protected, and I think they have to be. Now, insofar as Canadians are concerned, if the conference ratifies the kind of convention which is emerging, I don't think Canadians will be the losers. And I don't really accept your premise...if you have a general accommodation of interests, then each side gives and each side takes, and you don't necessarily have to have losers. Now, we could be losers. We might not get the Arctic acception, which is now in the treaty. We might not get the special provisions on salmon, which are now in the treaty. We might find that the conference rejects even the 200 mile fishing zone. I think all these possibilities are not likely ones. We could find that there would be a determined effort at this very session to cut the continental shelf off at 200 miles. We can't accept that. What we can accept is revenue sharing beyond 200 miles, provided it doesn't derogate from our sovereign rights to the resources of the continental shelf out to the edge of the margin.

can't make any predictions. But I can say that if the trends continue as they have been developing, if the basic concepts that have been elaborated in this conference are eventually accepted in treaty form, then Canada won't be a loser. We may be one of the big winners. Perhaps that is why someone might say we are greedy. But I don't think we are achieving something at someone else's expense. And from the outset we have tried to look at every issue in that very regard...not because we are boy scouts, but because you don't have a lasting solution if it is lopsided.

* * *

Also I think the conference is getting a bigger play in the US than in Canada

FPR J.WRIGHT

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

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Date 16-6-77 Publication THE MONTREAL GAZETTE

Global seabed treaty of vital interest to Canada

By JOHN R. WALKER
Southam News Services

OTTAWA — Canada's vast stake in the present law of the sea conference lies in the balance as the United Nations conference entered its second stage this week.

Canada, as the world's top producer of nickel, is vitally concerned about the production controls and access regulations established in any world treaty regulating the international deep seabeds of the world's oceans.

Canada, as one of the most active leaders in the drafting of a proposed new global law governing the use of the world's seas, is extremely anxious to see a breakthrough in drafting the seabed section of such a treaty, because that in itself would probably lead to a resolution of all the other major issues holding up the completion of this complex and revolutionary "constitution of the oceans."

However, at the end of three weeks of concentrated negotiations, the first yet held on the seabed section, a final draft text has not been produced. Instead two compromise texts are being circulated at the United Nations this week, and neither is winning the plaudits of the major power groups contending over the exploitation of seabed mineral wealth that could be worth $3,000 billion.

Canada's delegation leader and chairman of the drafting committee, Alan Beesley, said Monday he was not quite so optimistic of success as he had been when the sessions started last month, although he said there had been "incredible accomplishments" in those three weeks in resolving both procedural and substantive issues.

The Americans, the Japanese and the European Community are all unhappy with the compromise texts for a variety of reasons having to do with their technologically advanced status in the industrialized world and their concern with giving-way too much on these valuable resources to the underdeveloped and less technologically advanced Group of 77 nations.

The essential problem in the seabed sector of any proposed treaty is the question of how, when and by whom the deep seabeds are to be mined, those ocean beds beyond the 200-mile limit which are covered with layers of potato-sized nodules of nickel, copper, cobalt and manganese, which form by precipitation at the bottom of the sea.

Over the past three years, the delegates from more than 150 countries have worked out a formula based on the idea that this sunken treasure is "the common heritage of mankind," and should be exploited and shared among all.

They have proposed an international authority to control this and an international "enterprise" to operate the development of such mining.

The conference battles have been about whether the exploitation should all be done by this international organ or whether there should be "parallel access" to these mineral-rich seabeds, part for free or state enterprise, and part for this world enterprise body.

While the Group of 77 has shown a gradual split in favor of the parallel access demanded by most developed countries like the U.S. and Canada, there are still wide differences over the financing of this costly development, about controlling production so as not to hurt present land-based nickel and copper mining, and other technicalities of this unique experiment in international industry.

Canada has an especially big stake in controlling the speed and extent of seabed mining, so that its big nickel mining centres at Sudbury and Thompson, Man., and its other mining industries are not adversely affected.

At the same time, the American mining industry is already pushing the U.S. Congress for legislation to regulate deep sea mining and allow certain consortiums to stake out claims to rich nodule beds.

Ironically, such Canadian mining companies as International Mickel and Noranda Mines are already in the American consortiums seeking the unilateral approach.

The Canadian delegation will be pressing Jens Evensen of Norway, who is charged with producing a final draft on this difficult seabed issue, to modify his initial texts in our direction. And as Mr. Beesley said there was hope that a reasonable compromise might be produced, since no country yet had rejected outright the two companies' texts now being considered.

The Law of the Sea conference now is turning to other matters such as the jurisdiction over coastal environments, rights of land-locked countries and other items ranging from fishing to navigation which still have to be cleared up.

If an acceptable seabed draft can be produced in the next couple of weeks, then it is still hoped that there will be a willingness among the nations to compose their much smaller differences over items and produce at least the basic framework of a global treaty before this session of the Law of the Sea conference is scheduled to end in July.

TO: RON BAYNES, CANADIAN DELEGATION

The Daily News, St. John's, Nfld., July 5, 1977

LAW OF THE SEA CONFERENCE BEGINS
TREATY TO GOVERN THE OCEANS

United Nations (CP) - The UN Law of the Sea Conference has started putting down on paper the broad outline of a prototype treaty to govern the use of the oceans.

"We consider it quite a dramatic development," said a Canadian spokesman.

But the finished product may takes years to complete and negotiations probably will have to continue through another sealaw conference.

"You'd have to be a wide-eyed optimist to think that we could take this and go home," the spokesman said. "There's going to be more negotiating and all the frustrations that go with it."

What is being produced is an informal composite text, putting all together the work of the chairmen of the three main working committees. The sealaw talks have been going on for three years. The current session is the sixth and in the early stages it seemed headed for disaster. The session started May 23 with delegates representing 157 countries.

With two weeks to go - the conference ends July 16 - work on the composite text is expected to be completed in the final week.

A six-member group of experts including Alan Beesley of Canada began writing what is called in UN jargon "a single informal composite negotiating text". It will have about 400 articles of law.

Hamilton Shirley Amerasinghe of Sri Labka is chairman of the drafting group. He also is chairman of the conference.

Beesley, among the world's top experts in sea law, is chairman of the conference drafting committee but this is the first time he has been asked to take part in drafting a composite text.

Across the land

with Harold Shea
Editor-in-chief

Debates continue

Considering the fact that the United Nations Law of the Sea Conference has developed a reputation for proceeding no faster than the pace of a ruptured snail, it would be risky for the world to hold its collective breath until a treaty could be devised governing mankind's future uses of the oceans.

But there is at least a light at the end of the tunnel.

After several years of haggling, debating, and trading of diplomatic ideas, some 150 world states have reached the point where the president of the conference sees a chance to draft a "prototype treaty" to form the basis of what some believe may be final negotiation.

There can be little doubt that Hamilton Shirley Amerasinghe, the president of the conference, has grown impatient with the repeating of arguments and restatement of claims which have, for six sessions of meetings over the years, frustrated the formulation of a treaty.

That he has taken the matter in hand, and formed a committee consisting of the chairmen of the three major committees, plus experts in sea law from Canada and Jamaica to go to work on the draft, suggests he would like to make the current round of talks, which end in New York at mid-month, a milestone in the process of sea law.

He wants some evidence on paper that the talks are moving toward some form of consensus.

That this is required is clearly evident. Some of the nations attending the conference are at a point where they do not believe the conference will ever succeed and that, in the future, mankind will continue to mismanage the oceans as he has done in the past, spoiling it with overfishing, contamination by waste and nuclear research, and failing to make use of the treasure trove of wealth on and in its floor.

Dr. Amerasinghe, who is also the permanent United Nations delegate from Sri Lanka (formerly Ceylon), has been urging the world delegates for years to get on with it.

Now, he has recruited Canada's top sea law negotiator, Allan Beesley, to work with him, and with the chairmen of the major committees, to produce, at least, a sample blueprint, from which to work.

The others on the committee are Paul Engo, of Cameroon, chairman of the committee dealing with seabed mining; Dr. Andres Aguilar, of Venezuela, whose committee has been negotiating jurisdiction for fishing and sea navigation; and Alexander Yankov, of Bulgaria, head of the committee assigned to study pollution and scientific research plans. Added to the committee as co-ordinator is Kenneth Rattray, of Jamaica, the rapporteur-general of the conference.

It must be emphasized, however, that no matter what kind of working pattern these men are able to produce, the world remains many leagues away from settlement.

The conference is locked in indecision on what to do about undersea mining, sharing of the wealth with the underdeveloped nations, the utilization of international straits, an international code of responsibility for shipping and pollution control, and a few dozen other items.

In fact, it has been the failure of the First Committee to resolve the undersea mining issue in the current round at New York that has blocked progress on all other issues. Delegates have taken the view that until that argument is settled, there is little else that can be discussed, much less resolved.

Countries like Canada, the Soviet Union, France, want royalties on the production of undersea ores, mainly in nickel and manganese, because they do not want their land-based mining operations to be driven out of business by the competition from the untapped sources under the seas. The United States, on the other hand, has been pressing for uncontrolled mining, saying the world needs freedom to produce and to fully utilize the resource.

The Americans have been waving a warning that the U.S. Congress has before it, a bill to give the country unilateral rights to mine the seabed, regardless the convention. The threat is that the U.S. intends to move soon on the issue if the Law of the Sea Conference doesn't stop dragging its feet.

rather than being passed on to real estate speculators and corporations whose primary income is nonfarm.

Farmland is a good investment—indeed, a Library of Congress study pointed out that "farmland values have not experienced a year-to-year decline since 1954." In my home State, South Dakota, land values continue to increase with an 11-percent increase in 1976 alone. Large corporate farming operations have helped drive up the cost of farmland to the point where young farmers are having a hard time getting the money to even consider buying a farm.

Coupled with the attractive investment potential of farmland is the fact that the average American farmer is about 60 years old. That means we will be seeing a lot of farms changing hands within the next 10 to 20 years. While I do not believe it is the business of Congress to make farmland a bad investment, I do believe we must insure the future stability and the continued existence of family farming in the United States. We must provide the incentive to keep families in farming, and I firmly believe the Nolan amendment pending before us is such an incentive.

LAW OF THE SEA CONFERENCE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1977

Mr. FRASER. Mr. Speaker, the Law of the Sea Conference recessed at United Nations Hearquarters last Friday and will meet early next year in Geneva.

The Informal Consolidated Negotiating Text, a composite product of the 8-week session, was released today. After reviewing this text Ambassador Richardson will have to assess the progress of this session of the conference. He will report to the International Relations Committee Monday, July 25.

On June 29, 1977 I hosted a luncheon for House and Senate Members, at which two foreign delegates spoke about the Law of the Sea. The chairman of the Seabed Committee, Paul Engo of Cameroon spoke, as did the chairman of the Drafting Committee, Ambassador J. Alan Beesley of Canada.

Congressman McCLOSKEY has already inserted—July 14, 1977—Mr. Engo's statement into the RECORD on my behalf and for BEN GILMAN.

Today, I would like to insert Ambassador Beesley's remarks to Members of Congress about the Law of the Sea Conference and legislation. I hope my colleagues will find them useful and informative. I am therefore attaching on behalf of PETE MCCLOSKEY, BEN GILMAN, and myself, the Beesley speech of June 29, 1977.

REMARKS BY J. ALAN BEESLEY, Q.C. (CANADA)

Mr. Chairman, Distinguished Members of Congress, Ladies and Gentlemen:

INTRODUCTION

I am deeply honoured by your kind invitation to meet with you today together with my colleague Paul Engo, Chairman of the First Committee of the Law of the Sea Conference.

I am aware that I am here in my capacity as Chairman of the Drafting Committee of the Conference. However, since I have the dubious distinction of being the only Chairman of a Committee which has never met, I propose to express to you today my purely personal views on the importance of the Conference and the consequences of its success or failure.

IMPORTANCE OF THE LAW OF THE SEA CONFERENCE

It is often said that the Law of the Sea Conference is the most important international conference since that held in San Francisco when the United Nations was founded. Be that as it may, there is no doubt that the Conference is grappling with fundamental issues of tremendous importance to every nation state. It has a mandate so broad that it embraces new questions ranging from the rights of landlocked states with respect to ocean resources to traditional concepts relating to rights of passage through international straits. Thus, there is no state which would remain unaffected by the results of the Conference, whether it succeeds or fails, a basic point to which I shall return.

THE PRE-EXISTING LAW

It is essential to bear in mind the state of the law as it was when we began the Conference in order to attempt an appraisal of the progress made, the prospects of success and the consequences of failure. In simple terms, the pre-existing Law of the Sea was based on two fundamental principles of international law, namely, state sovereignty and freedom of the high seas—the principles established by Grotius nearly 350 years ago. Translated into specific terms, this has meant that for over three centuries the nation states of the world have accepted the concept of a narrow marginal part of the territorial sea over which states assert total sovereignty, subject only to the principle of innocent passage, and that the area beyond has been open to the use of states on the basis of freedom of the high seas. These principles proved adequate for their time, although it has been alleged that the principle of the freedom of the high seas gradually became translated and distorted into the right to overfish, a license to pollute and the "roving sovereignty" of the flag state. One change in the traditional law of particular relevance to our discussion today was the acceptance in 1958 of the "exploitability test" as the outer limit for coastal state jurisdiction over the continental shelf as reflected in the Geneva Convention on the Continental Shelf, another point to which I shall return.

PRESSURES FOR CHANGES IN THE LAW

Since the 1958 and 1960 Law of the Sea Conferences there have been increasing pressures for changes in the Law of the Sea to better reflect the spectrum of interests represented by all those countries which have received independence since 1958. Coincident with these demands have been an increasingly widespread recognition of the need for new rules to conserve the living resources of the sea, to preserve the marine environment and to regulate the exploitation of both the living and non-living resources of the oceans.

BACKGROUND TO THE CONFERENCE

In 1967, two important developments occurred which led directly to the creation of the Law of the Sea Conference as a means for effecting these changes in the law. It is well known that in that in that year Ambassador Pardo of Malta introduced into the United Nations his progressive and imaginative concept of the common heritage of mankind. It is not so widely known that in that same year the USSR canvassed a large number of countries to solicit support for an agreement upon a 12 mile territorial sea coupled with a high seas corridor through international straits. The significance of these two separate but eventually interrelated developments is as important today as it was in 1967 as indications of the basic preoccupations of the developing countries on the one hand and the major maritime powers on the other.

THE PREAMBLE OF THE CONFERENCE

The "Seabed Committee" created in 1968 as a result of the Malta initiative became transformed in 1970 into a preparatory committee for the Law of the Sea Conference. I had the honour of introducing the resolution which laid down the terms of reference of the Conference, and I can speak from personal experience in attesting to the fact that there was a widespread determination to tackle all of the interrelated issues of the Law of the Sea and a total rejection of any attempt at a "manageable package" approach, limited to a few issues. Criticisms are often made of the decision to embark upon such an ambitious undertaking. A point of fundamental significance to bear in mind in this connection is that it was argued by the major maritime powers that the operation was feasible since the basic trade-off between them and the developing countries would be recognition of resource claims in return for recognition of freedom of navigation. Presumably, no one anticipated at that time that the major developed nations of the world would later be in the forefront in the rush for resources, and, in the process, undercut the whole foundation of their bargaining position. This has already occurred with respect to the 200 mile fishing zones established by the USA, Canada, the USSR and the EEC; an example, we are told, soon to be followed by Japan. It is also proposed, as you know, that some of these same countries should take the lead in asserting unilateral jurisdiction over the resources of the deep ocean seabed in the face of strong opposition from the developing countries. The implications for any state attaching importance to freedom of navigation are obvious, but I should like to elaborate upon this question a little later.

PROGRESS MADE

How does one answer the question: How much progress has the Conference made? The answer is that it has made tremendous progress on a wide range of issues. We are light-years away from where we began. A preoccupation with remaining difficulties should not obscure this fact. Had we been embarked on a mere codification exercise, which is essentially what was entailed in the 1958 and 1960 U.N. Conferences on the Law of the Sea, when we were unable, in spite of great success on a wide variety of questions, to reach agreement on a 6 mile territorial sea and a 6 mile contiguous fishing zone, we should have long since finished our work. What we have been involved in, however, is a basic rethinking and restructuring of the law, a process which must inevitably take much longer, taking into account the number, range and complexity of the issues and the fact that over 150 nation states are involved in the exercise. You are all aware of the radically new concepts which have emerged from the Conference. Of these, amongst the most important are the economic zone; the common heritage of mankind; freedom of transit through straits; and the archipelagic state. Interestingly, the regime of the territorial sea is also being altered in an important respect.

THE ECONOMIC ZONE

The economic zone embraces, in brief, coastal state sovereign rights over fisheries and the seabed resources in an area extending out to 200 miles from shore, coupled with limited and defined coastal state jurisdiction

for the purpose of preserving the marine environment and regulating marine scientific research. The origin of this concept was an attempt to find an accommodation between those countries, mainly the major maritime powers, committed to a narrow territorial sea, and those claiming a territorial sea or patrimonial sea extending to 200 miles.

THE COMMON HERITAGE

The common heritage concept, as developed in the Conference, embodies the creation of an International Authority to regulate and control the exploitation of the deep ocean seabed resources, (including in particular manganese nodules), and the establishment of an "International Enterprise" which would have the right to exploit these resources for the benefit of the "common heritage of mankind". Obviously, the proposed international area begins where national jurisdiction ends, namely, at the outer limit of 200 miles of the economic zone (or the outer limit of the continental shelf, in those cases where the land territory of the coastal state, i.e. the continental shelf, extends beyond). As Paul Engo has pointed out, we have finally achieved what I would not hesitate to call a "break-through" on the common heritage principle at this Session of the Conference. I refer to the widespread acceptance of "guaranteed access" permitting states and private enterprise as well as the proposed international institution to exploit the resources of the seabed.

FREEDOM OF TRANSIT

The freedom of transit concept has been developed as a direct consequence of the impact of the widespread acceptance of a 12 mile territorial sea upon those international straits which would be enfolded by the territorial sea of one or more "strait states". It means exactly what it says, namely, the right of free transit through such straits, a substantive and even radical change of the pre-existing law, based as it was, on the principle of "non-suspendable innocent passage". In brief, the new rule would provide for little or no coastal state control over vessels passing through international straits, thus maximizing freedom of navigation in such areas.

ARCHIPELAGIC STATES

The archipelagic state concept, in essence, comprises recognition by the international community that the waters within straight baselines joining the outermost islands of archipelagic states constitute territorial sea, but subject to provisions relating to freedom of navigation in "sea-lanes" through straits used for international navigation. The point of importance is that the length of the baselines has become a secondary issue and the precise rules relating to passage through sea-lanes have become the important question.

TERRITORIAL SEA

I referred to the fact that the régime of the territorial sea is, in my view, being altered in a most important respect. At the present time, the USA, the USSR and Canada all have legislation (the USA Port and Waterways Authority Act, in the case of the USA) which permits coastal states to legislate concerning the design, construction, manning and equipment of foreign vessels passing through the territorial sea of the coastal state. No state has ever alleged that this legislation is contrary to existing international law. Yet the provisions of the Revised Single Negotiating Text eliminate this right completely, and do not even permit the coastal state to pass such legislation to implement internationally agreed rules. It seems clear that unless some radical alterations are made in the RSNT, the USA Port and Waterways Authority Act will have to be amended.

If I may speak for a moment as a Canadian, I regret that the USA and Canada appear to have lost this battle to preserve the environment and that we must continue to accept the threats to our respective coastlines posed by sub-standard unseaworthy tankers loaded with oil. Even the "compromise" likely to emerge from any further negotiations is most unlikely to be of the kind which would eliminate the need to amend the legislation of our two countries. All I can tell you on that issue is that I don't intend to give up the fight.

PROSPECTS FOR THE CONFERENCE

I have attempted to give a capsule summary of the background to the Conference and of the nature of some of the changes being proposed in the pre-existing law. I would now like to turn to the question of prospects for success of the Conference and the consequences of failure. The first point I should like to make is that there is an increasing danger in many parts of the world of a loss of interest in the Conference on the part of governments, legislative bodies and the public as a consequence of the widespread establishment of a 200 mile fishing zone, which represented a major objective for many states. The second point I should like to make is that it is no longer accurate to judge the success of the Conference by the stalemate, approaching paralysis, which had pertained for a period in Committee I on the deep ocean seabed régime. Indeed, it might now be said with some accuracy that Committee I has caught up to the work of Committee II, concerned with all the basic jurisdictional issues, and Committee III, concerned with the preservation of the marine environment, the conduct of marine scientific research and the transfer of technology. Yet, nevertheless, pressures are mounting in various countries for unilateral legislation to license deep ocean seabed mining.

What then, against this background, are the prospects for the Conference, the consequences of the success or failure and the relationship to these questions of unilateral legislation on the deep ocean seabed? I had occasion to address these questions recently in a speech I delivered in San Francisco at the Annual Meeting of the American Society of International Law, in which Ambassador Elliot Richardson also participated. The points I made were as follows:

It is impossible to make any firm predictions concerning the fate of the Conference. It seems likely that the Conference will require at least another two years to conclude its work.

No one can say with certainty whether the Conference will succeed or fail. What is certain is that there remains a good chance that the Conference can succeed, provided governments do not refuse to continue with the exercise because of the time it is taking and the costs involved, in terms not only of human and financial resources, but the self-restraint required of states on claims they wish to advance while the Conference continues. It is generally accepted that this (Sixth) Session of the Conference is likely to prove the "make or break" Session. If the basis for agreement is worked out on the seabed régime, then there will be great pressure to conclude the negotiations on the other unresolved issues. Even so, at least one further full substantive session may be required, in addition to considerable work by the Drafting Committee. It seems likely, however, that if visible progress is made at this Session, governments will be willing to continue to commit themselves to pursue the Conference to a successful conclusion.

CONSEQUENCES OF SUCCESS OR FAILURE

I have pointed out in a series of recent speeches that a successful Conference could mean agreement on over 500 treaty articles, including annexes, which would together comprise a comprehensive constitution of the oceans—an area, we are often reminded, consisting of over 70 percent of the earth's surface. These rules of law would not exist in a vacuum. They would bind states to act in new ways. They would elaborate a wholly new regime for the rights of passage through international straits. They would lay down totally new principles concerning the management of ocean space. They would, for example, oblige all states to undertake the fundamental commitment to preserve the marine environment, to conserve its living resources, and to cooperate in the carrying out of scientific research. They would establish a single twelve-mile limit for the territorial sea throughout the world. They would result in a major re-allocation of resources as between distant water fishing states and coastal states, and more importantly perhaps, from developed to developing states. They would give recognition to the concept of the archipelagic state, consisting of sovereignty over the waters of the archipelago, with clearly defined rights of passage and over-flight through sea-lanes. They would bind states to peaceful settlement procedures on most—unfortunately not all—issues. They would, moreover, establish something new in the history of man—an international management system for a major resource of the planet earth—the seabed beyond national jurisdiction. They would reserve this area for purely peaceful purposes. They would subject it to a legal regime governed by an international institution unlike anything known either in the UN system or outside it. The international community would actually become engaged in economic development activities whose benefits would be shared by mankind as a whole. Interestingly, the UN, in the process, could engage in economic competition with states and, perhaps, private enterprise.

These new rules, if accepted by the international community and coupled with binding peaceful settlement procedures, would undoubtedly make a major contribution to a peaceful world. Of equal importance perhaps, they would lay down an essential part of the foundation for a new international economic order, since it would effect a transfer, by consent, of powers and jurisdiction on many issues from the richer and more powerful states to the poorer and less powerful.

What are the consequences of the other alternative—a failure of the Conference? As I have suggested in a series of interventions in a variety of fora, a failed Conference would mean that while the 200 mile limit has come into existence as a fact of international life, none of the safeguards embodied in the draft treaty would necessarily apply. The 200 mile concept, if left to state practice following a failed Conference, is far more likely to become a 200 mile territorial sea than a 200 mile economic zone confined, as in the RSNT, to specific jurisdiction and coupled, as it is in the RSNT, with stringent safeguards. The 12 mile territorial sea is a fact of international life, and is beyond challenge in the International Court, but its application to international straits would not be coupled, as it is in the draft treaty articles, with specific rules concerning rights of passage. That can occur only through acceptance of the treaty as a whole. New proposals concerning the delimitation of marine boundaries could have sufficient legal weight to erode the pre-existing equidistant-median line rules, but they would not be linked to binding third party settlement procedures, without which the new "equitable" approach would have little meaning. The (nine) years of work on the international regime and institutions to govern the seabed beyond national jurisdiction would be lost. Some developed states would almost certainly take unilateral action authorizing their own nationals and other legal entities to explore and exploit the deep seabed beyond the limits presently claimed by any state.

Certain developing states might well re-

spond by new kinds of unilateral action asserting national jurisdiction over these same areas, basing their action on the "exploitability test" of the 1958 Geneva Continental Shelf Convention—while the developed states prove that the area is exploitable, and thus subject to such claims. Indeed, they have said they would do so. Disputes over fishing rights, environmental jurisdiction, under-sea resource rights, conflicting delimitation claims, rights of passage in straits and claims to the deep ocean seabed could "surface" all over the globe.

The conclusion which follows from the foregoing is obvious. The Law of the Sea Conference has gone too far in developing new concepts and eroding the "old international law" for it to be permitted to fail at this stage. The particular interests of individual states, be they powerful or weak, maritime or coastal, landlocked or geographically disadvantaged, merge and coalesce with the general interest of the international community as a whole in the overriding need for a successful conclusion to the Law of the Sea Conference. This is no longer merely a desirable objective. It is an international imperative.

CONCLUSIONS

As I have been pointing out, in the series of recent speeches to which I have referred, it seems clear that the international community is facing the choice, on the one hand, of a very real danger to peace and security—quite apart from the damage to the UN—should the Conference fail, or, on the other hand, of an opportunity to lay the foundations for a world order of the oceans, and, in so doing, demonstrate the heights to which mankind can rise when we are prepared to look beyond our narrow immediate interests to the broader long-term interests of all. In legal terms, the Law of the Sea Conference presents the opportunity to leave behind us both the narrow 19th century concept of sovereignty, and its faithful companion, the laissez faire principle of freedom of the high seas, and to create new laws in place of each, embodying a totally new concept, an approach reflecting the need to manage ocean space in the interests of mankind as a whole. For far too long, the Law of the Sea has been based on the notion of competing rights, with little or no recognition of the need reflected in even the most primitive systems of law, whereby duties go hand in hand with rights.

Areas of the sea have been treated as subject to the assertion of sovereignty of one state or another, with no corresponding duties concerning the conservation of fisheries in such areas or the preservation of the environment itself. The oceans beyond the territorial sea have been subjected to the principle of first come first served, a régime which tended to benefit the powerful at the expense of the weak, while defended under the name of freedom of the high seas. When coupled, as it has been, with the doctrine of flag states jurisdiction, and further adopted by the device of flags of convenience, it has become a kind of "roving sovereignty" of the flag state, subject to little or no restrictions, except in the cases of piracy, slavery and narcotics control. Freedom of the high seas has meant, increasingly, the freedom to over-fish and the licence to pollute. These are the freedoms which must be circumscribed, while the essential freedom of navigation for purposes of commerce and "other internationally lawful uses" (including legitimate self-defence) must be protected.

The difficulties in the way of harmonizing the conflicting uses of the oceans and the divergent interests of states in a comprehensive constitution of the oceans are immense. The dangers of failure are increasingly acute. The benefits of success, however, are tremendous. Whatever the imperfections of the proposed treaty, it offers the possibility of an orderly régime, in place of the chaotic situation which would otherwise pertain.

There is, in my view, a duty upon influential opinion-making groups such as this body to support the efforts of governments to go forward with perseverance and determination toward the resolution of those problems still beserting the Conference. The greatest danger, at this stage, may well be the possibility of unilateral action on the seabed, stemming, admittedly, from years of frustration and mounting impatience. As I see it, it is the duty of every one of us to use our best efforts to encourage our governments and our legislatures not to give up on the Law of the Sea Conference, but to go that last nautical mile, and to make one further effort to reach the objective of a global constitution of the oceans.

In conclusion, I would like to make the following observations. Firstly, if the basis for the trade-off of freedom of navigation in return for resources has been weakened due to the fisheries resource claims already made by many major maritime states, the basis for such a compromise would be completely undermined by new resources claims to the deep ocean seabed by these same countries.

Secondly, it would be a fundamental error to draw conclusions about the consequences of such action based upon the legislation establishing the 200 mile fishing limit. That legislation, while in advance of the Conference, was based on one of the fundamental new concepts emerging from the Conference, namely the 200 mile economic zone. Unilateral legislation on deep seabed mining would be interpreted as being diametrically opposed to the other important new concept emerging from the Conference, namely the common heritage of mankind. Reactions would be quite different. In these circumstances, the legislators in countries with global strategic interest in freedom of navigation should think very seriously about passing legislation advancing additional resource claims which could have the effect of destroying the Law of the Sea Conference.

Thirdly, the situation is well past the point of no return in terms of state practice or, if you prefer, unilateral action. It is no longer possible to go back to the status quo if the Conference fails. The clock cannot be turned back. The 3 mile territorial sea cannot be resurrected. It is worth noting that the 3 mile territorial sea and, indeed, the very concept of the territorial sea—and of the freedom of the high seas—was established by state practice, that is to say, unilateral action in which other states acquiesced. Eighty-six states* have now established a territorial sea of 12 miles or more. It is totally unrealistic at this stage to imagine that such states would be willing to repudiate such legislation except—in the case of claims beyond 12 miles—in the event of a Conference solution.

Fourthly, if the Conference fails, many states can protect their major interests by unilateral action. However, freedom of navigation through straits enclosed by new territorial sea claims and through the 200 mile economic zone or territorial seas established unilaterally by other states cannot be protected by the same kind of unilateral action. Perhaps it can be protected by the use of force or the threat of force or by diplomatic pressure but it cannot be protected by legislation on the part of those states attempting to assert freedom of navigation. It is essential to bear in mind that the objectives seemingly achieved by the results of the Conference to date concerning freedom of navigation cannot be taken for granted should the Conference fail. Obviously the Conference solution is not only the best answer to this problem but may be the only one.

Fifth, the situation is not one in which a state can protect its interests by refusing to ratify the Convention. Thus, even great powers have been overtaken by events—events in which they have themselves participated. I refer primarily to the development of new customary principles of international law through state practice—that is to say unilateral claims—based on the results of the Conference to date. Non-ratification would merely signify non-acquiescence in claims by other states, but it would not eliminate the legislation passed by the vast majority of the existing international community. All it would do is keep open the right to refuse to recognize such claims and dispute them (by such means, for example, as occurred between the United Kingdom and Iceland).

The sixth, and final point, I wish to make is that it is unnecessary and, indeed, counter-productive, at this stage, either to consider contingency plans should the Conference fail, or to consider non-ratification should the Conference agree upon a treaty containing provisions which are not acceptable. The Conference is still underway. The USA has a tremendous influence in that Conference. No state has a greater influence. No state had made a greater contribution to that Conference. No state is more deeply committed to a successful Conference. Surely, the conclusion is obvious.

We all need a successful outcome from the Conference on the Law of the Sea. It is unrealistic that the treaty will be wholly satisfactory to any state. Every state must accept compromises on some issues. We are too far down the pipe, however, to attempt to reverse the flow, to stop the Conference because we want to get off. We have a responsibility to see it through and the responsibility is a shared one; shared by all of the states involved in the Conference and shared by governments and legislators as well as by the public and the press. I know that the U.S. Government is playing an extremely active and constructive role in the Conference and has worked very hard for many years to achieve a successful outcome. I hope I have given you reasons to support this objective.

TERRITORIAL SEA CLAIMS AS OF JUNE 14, 1977

Breadth	Number of States
12	60
15	1
20	1
30	4
50	4
100	2
130	1
150	2
200	11
Total	86

Total number of independent coastal states—128.

JESUIT COMMUNITY THREATENED IN EL SALVADOR

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1977

Mr. DRINAN. Mr. Speaker, I wish to direct the attention of my colleagues to the urgent situation now confronting the 47 Jesuits residing in El Salvador. On June 20 of this year, these men were threatened with annihilation by the right-wing terrorist group known as the White Warriors Union. Having been given the option of fleeing El Salvador within 30 days or facing possible assassination, the Jesuits decided against deserting the land and the people to which they have devoted so much of their energy. They have chosen instead to re-

Canada seen leading the grab for the seabed

The following are letters to the editor of The Globe and Mail.

Two cheers for Canada's ocean policy!

Canada has fielded the second-largest delegation to the Law of the Sea Conference, probably the ablest, and almost certainly the most influential. Observers are liberal in their tributes to the talents and drive of Ambassador Alan Beesley and his associates. Canada's justly deserved reputation as an ardent supporter of international institutions, and of economic assistance to the Third World, further explains why it is widely considered the leading participant in what is one of the most significant set of negotiations in this century.

Should this be a source of Canadian pride? Yes and no. As Geoffrey Stevens has documented, (Law of the Sea V—March 15), Canada's international policies display a disturbingly "schizoid" character, especially toward the Third World. Prime Minister Pierre Trudeau has dropped the excessive emphasis on "national interest" that disfigured his early foreign policy statements. For example, in a major but little-noted speech to the Canadian Jewish Congress, he expressed the hope that if "Canada's presence in the world" were to be judged by a "single criterion", it would be Canada's "humanism, its pursuit of social justice". "Canadian foreign policy would be meaningless," he continued, "if it were not caring," and "our compassion must have no geographic focus." Other speeches at Duke University, and in London, strike a similar note.

At the Law of the Sea conference, however, the Canadian role has been radically different. We are witnessing the largest territorial grab in history, and Canada is leading the pack.

Two-thirds of the earth's surface is being carved up, mostly for the benefit of the wealthy. Canada, already blessed with more land-based natural resources per capita than almost any other nation, is claiming ownership rights to a larger portion of the ocean bed than anyone else—an exclusive economic zone out 200 miles from the world's longest coastline, the continental shelf, which extends up to another 400 miles, and certain rights in the seas beyond. Our claim would add about 40 per cent to Canada's existing real estate, and a giant share of the $20-trillion worth of mineral and oil wealth estimated to lie on the ocean floor. For sheer greed, it is difficult to recall a parallel.

Although a tribute to Canada's influence, it is small comfort that the superpowers have changed their earlier positions and are now making claims similar to ours. If these claims are accepted, the dream of a really significant "Common Heritage" will be shattered. Former Ambassador Arvid Pardo, who first articulated the dream to the United Nations in 1967, and won unanimous endorsement for it, has noted sadly that the portion of the seabed now likely to be placed under international management, and made available to help the poor countries, contains but a derisory percentage of the ocean bed's wealth, and the least accessible. Asked by a non-Canadian to explain this tragically ironic outcome, he replied that promoting the Common Heritage was very difficult when "countries with such good reputations as Norway, Australia and Canada are leading the opposition".

To be fair, Canada had to act to protect the Arctic environment, and national control of a 200-mile-wide coastal zone may be the best means to ensure proper management of endangered fish resources. But does Canada really need to monopolize the oil and mineral wealth that lies within 200 miles of its shores, and up to 400 miles beyond?

The estimates of the sea-bed wealth could prove to be exaggerated, but where else is there another unexploited resource that might significantly alter the gross disparity in wealth that now disgraces mankind? The time to commit this resource to the needy nations is now, before wealthy coastal countries like Canada come to rely on it for the maintenance of their own inflated living standards, or allow private interests to acquire vested rights that would be difficult to change.

I am told that it is already too late for the full realization of Ambassador Pardo's humanitarian vision. Indeed, there may even be sound management reasons for establishing national control over a 200-mile coastal zone. Such control, however, should only be granted on condition that the coastal states agree to assign a substantial portion of the resultant revenue to the Common Heritage fund, a portion that might vary with the per capita gross national product of the states in question.

Canada's standing as a rich coastal power, and its exceptional influence within the Law of the Sea conference, suggest that determined action by its talented representatives might still rescue the negotiations from a failure worse than failure to agree upon a treaty; this would be to agree on a treaty that augmented the wealth of the wealthy, and missed the opportunity, perhaps the last opportunity, to provide the United Nations with the authority and resources necessary to make a significant contribution to the well-being of a majority of the human family.

Payton V. Lyon
Ottawa

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FPR D.ST-JEAN

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

SSEA SCAN FPR M.N PLO PLP
FLM ECW

Subject
Sujet

27-3-80 Publication THE JOURNAL

Sea-bed nickel spells trouble

By John Best
SPECIAL CORRESPONDENT

It has become the most contentious issue in a complex diplomatic law-of-the-sea bargaining exercise going back 10 years.

The issue is nickel — more specifically, that contained in billion of potato-shaped, mineral-rich ore nodules on the deep ocean floor.

Seabed mining technology has reached the stage where these nuggets can be harvested for immense profit — which is great for some industrially-advanced, resource-light consuming nations but spells trouble for Canada, the world's leading land-based nickel producer (LBP).

For Canada, other issues at the current meeting of the law-of-the-sea conference in New York, widely billed as the decison-making session of the crucial, decade-long negotiations, pale by comparison with the issue of nickel mining quotas.

In this matter Canada is pitted against some of its best friends: the U.S. and a group other consuming nations, including Japan and the European Economic Community, which want relatively unrestricted exploration of the seabed.

(cont.)

Kind of cartel

Canada, supported by a number of Third World producers (plus Marxist Cuba), is alarmed at the prospect of the consuming giants establishing their own producer-processor operations. Together, the U.S.-Japan-EEC account for 80 to 90 per cent of the consumption of the four main minerals found in the nodules, which are copper, manganese and cobalt in the addition to nickel.

Even the soft-spoken Alan Beesley, Canada's high commissioner to Australia and our chief law-of-the-sea negotiator, who has been involved in the negotiations since their inception, and who chairs the conference's drafting committee, gets a little edgy when he talks about the dispute.

"There's a kind of cartel in operation, but it's the land-based producers who are being accused of operating like a cartel," he says with surprising bluntness.

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The nickel production issue became the centre of controversy at the last sea-law session last year, when the U.S. introduced proposals to place a floor under seabed production.

The U.S. suggested a minimum of 222,000 tons annually by the third year of commercial production, rising to 340,000 tons by the 12th year. This was a variation on an earlier American proposal setting floor tonnages equivalent to six-per-cent annual growth in world nickel demand in the first few years. Both proposals were above what the LBPs were prepared to consider.

At the same time, the U.S. proposed to increase the share of world nickel production growth allocated to sea-bed mining to 65 per cent from the 60 per cent suggested in the current negotiating text, and which Canada supports.

Not keen on idea

Canada's objective is to prevent production floors and ceilings so high as to damage land-based producrs and substantially limit the markets available to a proposed international enterprise which will also be harvesting seabed minerals.

The major consuming countries have made clear their determination to become "the major miners of the seabed" — at a ratio of a least 5:1 in comparison with the international enterprise.

A report on last year's session, prepared by the Canadian delegation, makes clear that Canada is not keen on the idea of floors at any level, though right now it isn't rejecting them either.

It warns that if the major consuming states became their own principal suppliers, they might have little if any market either for LBPs or for the proposed international enterprise.

It also warns that 10 years of delicate negotiations on a wide range of fundamental legal-political problems affecting man's use of the oceans could be put in jeopardy.

Canada, with the longest coastline of any country in the world, and an extremely wide continental shelf, has a lot riding on a successful outcome of the conference, and consequent packaging of some 300 articles of sea law into one, all-embracing treaty.

Canada Commerce May, 1980

e. benefits cannot include purchases of raw materials from Canadian sources and materials and services which are imported into Canada.

Canadian Exporters to Australia Now Given an Edge

In 1979, Australia imported C$559.2 million of goods from Canada. This figure may be greatly increased over the next few years due to a new "edge" which Canada has over one of its traditional rival trading nations in the Australian market. What is the new edge?

Tariff rates often can mean the difference between go or no go in decision making for exporting. Canada now has a tariff edge in Australia over British competitors. In the past, the British Preferential Tariff rates applied to all goods produced or manufactured in the United Kingdom and to a range of goods from certain other Commonwealth countries, including Canada. Such rates gave these countries a decided advantage for access to the Australian market. Following Britain's entry into the European Economic Community (EEC) in 1973, and the recent round of Multilateral Trade Negotiations, the tariff preferences accorded to the United Kingdom are now being phased out. Canada, however, has not lost its preferences and therefore Canada's competitive edge in exporting to Australia has increased.

On January 1, 1980, Australia terminated the preferential treatment accorded to the United Kingdom for approximately 500 items. An analysis of these items highlights a number of areas where the competitive position of Canadian exports in the Australian market has improved vis-à-vis the United Kingdom. Energetic exploitation of these new competitive opportunities could see Canada capture a large part of the British share of the Australian market. Major items include:

1. Various food items, i.e.: frozen fruit (raspberries), frozen vegetables, jams, fruit jellies, cider and sauces.
2. Disinfectants, herbicides.
3. Pressure sensitive adhesive tapes.
4. Piping or tubing of unhardened vulcanized rubber, gaskets.
5. Leathergoods and various textile products.
6. Friction materials for brakes, clutches.
7. Chains of iron and steel.
8. Lock sets.
9. Bearing housings.
10. Toys + games

A total of more than $40 m worth of possible new export opportunities

Canadian driving force behind Law of the Sea

John R. Walker
Southam News

UNITED NATIONS — J. Alan Beesley is an unorthodox Canadian diplomat. You might almost have to be to devote 14 years of your life to the development of the first international Law of the Sea.

Beesley is unorthodox in his approach to international negotiations, and as a result, the Canadian diplomatic team during the interminable sea law conferences proved one of the most active and effective forces in avoiding another of those sterile North-South, rich state vs. poor state confrontations.

And Ambassador Beesley, as chairman of the drafting committee for the sea law conference, was one of the principal figures who ensured that a treaty convention finally materialized acceptable to the majority of states, and needed even more by the Americans, who rejected it, and by the Russians, the British and other European industrialized states, who abstained on it.

The distinguished Canadian diplomatic historian, John W. Holmes, has called this Law of the Sea conference "the most hopeful experiment in international self-discipline the world has yet seen."

It may sound inapt when the Americans and Russians and some other "rich" nations were unable, in the final showdown, to live up to an idealistic concept of the deep ocean seabeds as "the common heritage of mankind."

This soft-spoken, youthful 54-year-old ex-lawyer, will admit to being an idealist, if pressed, but a pragmatic one. "You need an ideal in mind, but you have to be practical about what can be done to attain it. You have to strike a balance between the national and the community (global) interest."

When Beesley first become involved in sea law in the External Affairs legal division, it was during the clash between Ottawa and Washington over the supertanker *Manhattan's* voyage in the Northwest Passage of the Arctic which led to Canada's Arctic anti-pollution laws.

By the time the major Law of the Sea conference got under way in 1973, Beesley and the Canadian team had gained many good friends and allies for the big battle ahead — diplomats, lawyers and experts from Europe, the Commonwealth and the Third World who would become coalition partners in the intensive negotiations ahead.

In the midst of all this, Beesley had to fight those in Ottawa, like the Finance department who questioned sharing the benefits of western technology with the world's poor nations, or the external bosses who shipped him to Australia as high commissioner so he had to travel 10,000 miles every time he had to attend another sea law session in New York or Geneva.

There were high expectations in the Third World about the outcome of this unique experiment in sharing the undersea wealth for the benefit of the underdeveloped nations before it could be exploited privately. And there were fears that the massive UN Third World majority would force a purely socialist regime into the Law of the Sea.

"Among our fellow westerners, we were notorious for being in bed with the Third World," Beesley says.

Canada initiated interest groups for the negotiations, the coastal group, the environmental, the land-based producers, the industrial, to break the deadlocks, to outflank the Reaganite-Third World confrontation.

UN adopts sea law treaty despite U.S. objections

By John R. Walker
Southam News

UNITED NATIONS — After nine years of the most intensive negotiations in UN history, a comprehensive Law of the Sea treaty was passed Friday despite American objections.

"This treaty represents the single most important diplomatic event since the creation of the United Nations," according to Singapore's Ambassador Tommy Koh, chairman of the sea law conference.

By a vote of 130-4, with 17 abstentions — including the Soviet Union, Britain and other European countries — the draft convention was passed and is expected to be signed at a final conference in Caracas, Venezuela, in December.

Ironically, Venezuela joined the U.S., Turkey and Israel in rejecting the treaty.

Canada's Ambassador Alan Beesley, chairman of the drafting committee and a leading figure in the prolonged negotiations to keep both the U.S. and the U.S.S.R. in the treaty, was happy that the main features of this complex international agreement on a regime for the oceans of the globe had been approved.

The Reagan administration, which walked out of the conference last year but came back in an effort to revamp the regulations on seabed mining in the interests of private mining enterprise, could never bring itself to accept the extensive modifications that Canada and a group of so-called "good Samaritan" states developed in the last weeks to pacify the Americans.

It is expected here that the Americans, along with the abstaining British, Dutch, West Germans, Belgians and perhaps the French and Japanese, now may try to proclaim a mini-treaty that will attempt to cover the rights of these industrialized countries in deep-sea mining.

The Russians, fearing they might be left out of the mini-treaty game, are showing interest in it. They are also concerned they may be left in the new sea law organization paying the bills while the Americans are not in it. This may account for their abstention Friday.

But this whole effort to thwart the world sea law will doubtless be challenged in the World Court by other members of the treaty, thus tying up potential mining consortia for years.

In the meantime, as Ambassador Beesley said, the draft convention that has been approved covers all aspects of Earth's oceans — economic, ecological, legal, commercial and military.

It will, when 60 countries have ratified it, legalize the 12-mile territorial zone and the 200-mile economic zone, establish fishing rights and controls, outline the rights of shipping in international straits, and begin to establish a regime for developing deep-seabed mining for the nickel, cobalt, copper and manganese that lie on the ocean floor in potato-size nodules.

This treaty will also establish a new United Nations of the seas, a new bureaucracy called the Seabed Authority, with its headquarters in Jamaica.

And there's its mining arm, called the Enterprise, to help mine the so-called "common heritage of mankind," the undersea wealth that is to be divided between states and private mining consortia, with the underdeveloped nations getting a special share of the resources.

There will also be established a new UN court of justice for the sea, called the Tribunal, based in Hamburg, West Germany, with enough work to keep international sea lawyers going for years.

And as far as Canada is concerned, the new treaty has adopted a formula for the mining of nickel nodules that sets production limitations which protect the interests of Canadian and other land-based mining industries from exploitation of the seabed resources.

That and the resolutions on the fisheries, the offshore oil resources, and other commercial features make the treaty one that Canada can be happy with, according to Ambassador Beesley.

dustrial nations' greed threatens fledgling Law Of Sea

John R. Walker
Southam News

UNITED NATIONS — In 1967 Malta's UN representative, Dr. Arvid Pardo, appealed to the world's nations to develop a Law of the Sea to prevent a race among them to divide up the resource-rich ocean seabed, a contest he argued that would outdo the mad scramble of the European powers to divide up Africa in the nineteenth century.

Today, 14 long years of difficult negotiations later, a comprehensive sea law has been produced. But the major industrialized countries of Europe, led by the United States and supported by the Soviet Union, have opted not to support it in greedy hopes they can defy world opinion and law.

They have decided to have their cake and eat it too, hoping they can obtain the benefit of the treaty laws they like while ignoring those, like the seabed mining provisions, they don't like.

Led by the Reagan administration and joined in recent days by the Soviet Union, they have plotted to produce a mini-treaty as an alternative to the wide-ranging Law of the Sea in hopes it will help them mine the rich seabeds alone, since they have a monopoly on the mining technology at present.

The treaty convention that was passed Friday — over the objections of the United States and the abstentions of the mini-treaty group — deals with almost every human use of the world's oceans: navigation and overflight, resource exploration and exploitation, conservation and pollution, fishing and shipping.

It is the "greatest creation of the United Nations since its inception" in the view of Singapore Ambassador Tommy Koh, the brilliant and personable chairman of the sea law conference whose famed Oriental patience was tested to the limit in the final hectic days.

Canada's Ambassador Alan Beesley, who has spent 14 years of his life on these extraordinarily intricate negotiations, agrees. He emphasized that both the Americans and the Russians obtained a "fair deal," although neither got all they wanted, and the Third World nations "gave up a great deal" in order to accommodate the superpowers in the final weeks of make-or-break negotiations.

Yet even so, the United States, along with Britain, West Germany, Belgium and the Netherlands, and sometimes France and Japan, went ahead developing national legislation that could provide this group with a mini-treaty covering seabed mining that would cover their grab for the lion's share of these resources.

Washington even tried last week, while negotiations were still proceeding, to persuade London, Bonn, Tokyo and the others to vote against the treaty, rather than abstain as most did.

But nearly as unprincipled was the final stance of the great socialist power, the Soviet Union. It abandoned its Third World friends in the pinch, claiming a specious case of discrimination in the treaty against itself, while making it known to the United States that it wanted to join the mini-treaty crowd and share the spoils if they could. So the U.S.S.R. abstained.

Ambassador Koh made it quite clear Saturday that if these industrialized dissidents were to go ahead with a mini-treaty and if banks were to finance their seabed mining, he would urge the UN General Assembly to ask the World Court to decide its legality.

The 'honest broker' h

Canada's role in the United Nations is to accept the world as it is while seeking to change it; to do what can be done rather than abandoning a cause that is less than perfect; creating a world order from the ground up rather than from the heaven down; refusing to let the best be the enemy of good; and working like hell all night in a committee rather than hollering hellfire from the rostrum.

John Holmes, international affairs scholar and ex-diplomat.

By MICHAEL McDOWELL
Globe and Mail Reporter

UNITED NATIONS — The days of Pearsonian diplomacy are long gone at the UN — an institution Canada played a central role in creating and supporting through thick and thin.

Today the UN is under attack, principally by the United States, and its standing in public opinion in Europe and North America is low.

Yet despite its political problems the world forum is still regarded by most governments as an indispensable mechanism in the business of nations. And according to Canadian diplomats and their counterparts in other foreign services, Canada still plays a useful role.

The law of the sea, North-South dialogue, disarmament, Namibia, human rights, Central America and UN budgeting are issues in which Canada has been involved in recent years.

But Canada is no longer a principal player among 50 nations, as it was in 1945 when the UN was founded. Today it is one of more than 150 countries in an institution no longer dominated by the Western democratic powers.

And in any case, according to George Davidson, a former Canadian public servant who served as a UN undersecretary-general for seven years, Canada had an unrealistically high profile at the UN during and shortly after the period when Lester Pearson was external affairs minister and prime minister.

In addition, what Canada can accomplish is restricted by the weakening of the Security Council as an instrument for the resolution of conflicts, he said, and because the General Assembly more often than not is a platform for public denunciation of nations by their enemies, rather than a forum where debate can lead to agreement.

"The last 10 years have seen some signs of disillusion and lack of sustained support for the UN in Canada," said Mr. Davidson, 74, a former president of the Canadian Broadcasting Corp., secretary of the Treasury Board and deputy minister who now lives in New York and works as a consultant for the UN. "There has been evidence of a diminution of enthusiasm."

Canada still has a more positive view of the organization than the

Alan Beesley

United States, even if it has been contaminated by U.S. cynicism, he said. But it has become cooler, for example, on the peacekeeping role of the UN, a service it championed in the early days. Canada declined to take part in the UN Interim Force in Lebanon.

"We achieved glory in the first Middle East crisis (in 1956), but the UN was beginning to take Canada for granted in peacekeeping. The sheen has worn off. We are still making an impact though, and, even among those

BUILDING BRIDGES
Canada at the UN

who see us as attached to the Western camp, we are perceived as a relatively honest broker between the developing world and the industrialized countries.

"That's where our influence lies. People respect our ability to see things from a perspective beyond our own boundaries. We stand with the Scandinavians and Holland in that regard. We can still mediate and bridge-build," said Mr. Davidson, who represented Canada within the UN system in various capacities from its founding.

According to a British diplomat, Canada, despite its smaller population and economy, "has more clout" in the UN than such countries as West Germany and Japan, "because they are inhibited by wartime memories and because of Lester Pearson's legacy."

Canada is credited with a major role in helping conclude negotiations last year for the Law of the Sea Treaty. The pact was signed by 125 nations — but they did not include Britain, West Germany or the United States, which maintains that its commercial interests are left unprotected.

In recent interviews several foreign ambassadors singled out the Canadian negotiating team, in particular its leader, Alan Beesley, Ottawa's disarmament ambassador at the UN.

"Canada was able to promote its own interest — extensive fisheries and so on," said Ambassador Tommy Koh of Singapore, who was chairman of the Law of the Sea conference. "Nothing could be done at the Law of the Sea conference without consulting Canada, which was due not to weight so much as to the ability of your delegation.

"The United States is embarked on a course which will not succeed. It will not wean other countries away. I am sure the Americans exerted a lot of pressure on Ottawa, but that did not succeed in bending the Canadians."

A West European envoy commented: "The treaty flows with Canadian interests. You have your hands full. We are empty-handed." A British diplomat added: "Law of the Sea was a lucky break for Canada and the price that served Canadian national interests matched Third World interests."

The reluctance of some countries to sign the treaty has led some to call it a failure, but Mr. Beesley said he is loath to judge the success of an agreement on whether a major power opts in or out.

"There is a terrific amount of pressure on the United States to alter its position. Japan and France have signed. It doesn't sound like it's dying on the vine. We have 125 signatures. Is this a failure?"

Nevertheless, the treaty requires 60 ratifications, of which there are now 4, but Mr. Beesley says he is optimistic that the necessary numbers will be there in two to three years.

Another nettle Canada has not hesitated to grasp at the UN is the issue of chemical warfare, outlawed by the 1925 Geneva Protocol. Canada took some risks on this question and made itself unpopular with the Soviet bloc in particular.

A team of doctors sent to investigate by the Department of National Defence found some evi-

holds the fort

George Davidson

dence to back allegations that Vietnamese troops were using chemical weapons — "yellow rain" — against soldiers and civilians in Laos, Cambodia and Thailand. A UN team came to similar conclusions and put on record its respect for the work of the Canadian doctors.

Mr. Beesley stressed that Canada was not trying to engage in a "finger-pointing or Cold War exercise," but wanted to give the 1925 protocol some teeth.

That is why Canada's interest is

In an agency under attack, there is still useful work

credible, he said. "The team did not assume someone had been doing something that they should not have been doing. They used techniques one would use to find out if some unknown disease had occurred, and this has won very widespread praise."

The Soviet Union has made verbal attacks on members of the Canadian team and their findings, and has maintained that the issue is outside the jurisdiction of the UN.

But Canada helped get a resolution through the General Assembly setting up two teams of experts to examine such allegations in the future — one named by the UN and the second named by all interested governments.

As well, last month Canada became chairman of the chemical weapons working group of the 40-member Geneva-centred Committee on Disarmament.

Mr. Beesley said the yellow rain question is a good example of the positive uses of the UN. "Unfortunately the media focuses on the major policy statements in the General Assembly, but that gives a misconception of what the UN does."

Although Canada enjoys the image of honest broker, on occasion it is perceived as being too close to the United States.

"Sometimes Canadians, because of their special relationship with the United States, take positions with that in mind," an ambassador from a major West European country said.

Charles Lichtenstein, U.S. representative on the Security Council, said no other community in the West has the same kind of collegial relationship with the United States as Canada. "That's not true of Mexico, or Central or South America. We are members of the English-speaking world and are both former colonies of the United Kingdom."

Ecuadorean Ambassador Miguel Albornoz, who has served at the UN through three decades, said Canada has been a pioneer in international co-operation. "Canada's multilateral approach has been received with great enthusiasm in our countries. Joining the Organization of American States would be a further step and provide a better balance within the organization as well as being a challenge to Canadian diplomacy."

British-born UN undersecretary-general Brian Urquhart, who with 38 years at the UN is the organization's longest-serving bureaucrat, described Canada as "sensibly pre-eminent; part of the steady serious constituency" of nations.

"If it was not for Canada, the Nordics, Austria and Singapore, the situation here would be pretty hopeless," he said. "Canada has a considerable role on the economic side and in peacekeeping."

Canada has been a strong defender of the UN's multilateral agencies, which on the whole get a better report card than the General Assembly and Security Council.

A senior Canadian-born agency official cited three reasons for this. "Firstly, because you can write a cheque very easily. Secondly, there's a strong belief in Canada about multilateralism compared to other nations. And thirdly, there was a belief among professionals that aid was best distributed multilaterally."

But in recent years, the official said, the need to show that foreign aid returned direct benefits to Canada has led to a greater emphasis on bilateral programs — aid going directly from Canada to a specific developing country.

"You don't notice the purchase of goods with Canadian money in a multilateral agency, since it comes out of a general pot."

The Globe and Mail,
Toronto,
December 23, 1983.

Disarmament ambassador, painter among 68 appointed to Order

OTTAWA (CP) — Canada's disarmament ambassador, two former Cabinet ministers and a painter are among 68 Canadians appointed by the Governor-General to the Order of Canada, the country's highest distinction.

J. Alan Beesley, Canada's ambassador and permanent representative to the United Nations Committee on Disarmament in Geneva, will be invested as an officer of the order at a ceremony next April.

Gordon Bennett, a former Cabinet minister in the Prince Edward Island government, Mitchell Sharp, a former Liberal Cabinet minister, and wildlife artist Robert Bateman have also been appointed officers of the order.

Lorraine Monk of Toronto, a photographer, and David Macdonald Stewart of Montreal, University of PEI chancellor, have been elevated within the order from members to officers.

No one was appointed to the order's highest level — companion.

Others appointed as officers of the order include:

Maurice Bellemare of St. Jean des Piles, Que., Quebec politician; John Bene of Vancouver, chief federal negotiator in the Nishga Indian Land claim settlement; Maria Coulonval-Masson of Quebec City, former mayor of Lac St. Joseph, Que.; Louis Dudeck of Montreal, poet; Arnold Edinborough of Toronto, English professor; Jim Elder of Aurora, Ont., athlete; A. John Ellis of Vancouver, honorary chairman of the Canada Development Corporation; Richard Geren of Oromocto, N.B., former executive vice-president of Iron Ore Co.; Victor Charles Goldbloom of Montreal, former Quebec Cabinet minister; J. Peter Gordon of Mississauga, Ont., chairman of Steel Company of Canada; Denis Heroux of Montreal, filmmaker; Rev. John Michael Kelly of Toronto; H. Allan Leal of Don Mills, Ont., McMaster University chancellor; Marcel Pare of Outremont, Que., professor; Arthur Porter of Belfountain, Ont., member of the United States Congressional Advisory Panel on the Future of Nuclear Power in the United States; and Alexander McInnes Runciman of Winnipeg, former president of the United Grain Growers.

Canadians appointed as members of the order include:

Violet Archer of Edmonton, music professor; Andre Bernard of Quebec City, board member of the Cercle universitaire de Quebec; Adrian Bellcock of St. John's, lawyer; Naomi Bronstein of Ottawa, Heal the Children founder; Fred Bruemmer of Montreal, journalist; Andre Charron of Montreal, businessman; H. Spencer Clark of Scarborough, Ont., engineer; Albert Cohen of Winnipeg, businessman; Kathleen Cox of Toronto, athlete; Maurice Custeau of Montreal, businessman; Laurance Decore of Edmonton, mayor; Ivar Dent of Edmonton, teacher; Jan Drystek of Oshawa, Ont., founder of Oshawa Folk Arts Council; Rolf Duschenes of Westfield, N.B., president of N.B. Youth Orchestra; Franc Joubin of Toronto, geologist; Will Klein of Regina, businessman; Sheila Golden Kussner of Montreal, volunteer community worker; Chuen-yan David Lai of Victoria, geography professor; Col. Tom Lawson of London, Ont., businessman; James Lemon of Hamilton, founder of Operation Santa Claus; Leonard Lumbers of Toronto, York University governor.

Other members include:

Robert McChesney of Kirkland Lake, Ont., underwriter; Hilliard McNab of Punnichy, Sask., Federation of Saskatchewan Indians founder; Roger Mander of St. Leonard, Que., disabled athlete organizer; Robert Nichols of Morrisville, Ont., chemistry professor; John O'Donnell of Antigonish, N.S., music professor; Simone Pare of Quebec City, professor; Monique Plamondon of Quebec City, civil servant; Harold Robinson of Vancouver, physician; Capt. Gaston Rousseau of Ste. Foy, Que., marine pilot; Sister Theresa Bertrand of Ottawa, nurse; John Schlosser of Edmonton, businessman; Sandra Simpson of Toronto, president of Families for Children; Clifford Thurburn of Markham, Ont., world champion sneaker player; LeRoy Thorsteen of Calgary, civil engineer; Raymond Thorsteinsson of Calgary, geologist; Adele Townshend of Souris, P.E.I., writer; Walter Tucker of Grand Falls, Nfld., first mayor of Grand Falls; Rev. Franz van de Velde of Hall Beach, NWT; M. Constance Wanger of Dartmouth, N.S., volunteer community worker; George Andrew Whitman of Winnipeg, civil servant; Florence Wilyard of Whitehorse, journalist; Jean Wilton of Vancouver, social worker; Peter Winkworth of London, England, museum curator; and Sylvia Yeaman of Dorchester, N.B., museum director.

Canada

Canadian drivers safe after attack

By Alan Adams
The Canadian Press

Langley

Sowerby

HALIFAX — Canadians Ken Langley and Garry Sowerby, trying to drive from South Africa to above the Aretic circle in 29 days or less, are unharmed after being ambushed in northern Kenya on Monday.

"We were waiting to feel the flesh start to tear apart," said Sowerby in a telephone interview Wednesday from Addis Ababa, capital of Ethiopia, where they were repairing their truck.

Langley and Sowerby, who form Odyssey International Ltd., had rounded a bend on a remote dirt road in northern Kenya when they were fired on. Four soldiers riding inside the truck as an armed escort to the border returned the fire.

"The sound inside the truck was like being inside a bomb, between the bullets coming in and the bullets going out," Sowerby said.

Nobody was injured but the bullet-riddled truck suffered some damage.

Langley and Sowerby left Cape Agulhas, the southern tip of South Africa on April 4. They are heading for Nordcupp, the northern tip of Norway.

All went well through South Africa, Botswana, Zimbabwe, Zambia and Tanzania. But then came Monday.

"As we approached this one spot, Ken noticed the soldiers checking the magazines of their automatic weapons," Sowerby said. "We came around the corner and we came under fire.

"I was lying in the back and all of a sudden the shots started. I looked up and Kenny was slumped down in the seat, sort of looking up between the top of the steering wheel and the dashboard. The shots just kept coming."

Langley said he thought they were both going to be killed.

"I thought we were gone," he said. "We wanted a little adventure but we didn't want to get killed. It was the scariest time of my life."

The rear tire was shot out and windows were smashed.

Langley stopped the truck about three kilometres down the road. The soldiers jumped out to provide protection while they changed the tire.

But their jack wasn't high enough for the deeply rutted road.

"So we started frantically digging with our fingers and a couple of wrenches," said Langley. "We finally got a hole dug deep enough so we could get the tire on. We jumped up and took off as fast as we could. But it seemed to take an eternity."

About 10 kilometres later they stopped at an army depot, where six more guards and an armed military vehicle joined their escort to the Ethopian border, about 250 kilometres away.

Hats off to government

Child saver honored with Order of Canada

By Doug Kelly
Citizen staff writer

—Wayne Cuddington, Citizen

Naomi Bronstein is congratulated by Gov. Gen. Ed Schreyer

The last time Naomi Bronstein got dressed up, she was attacked by her dog.

It was 1978 and the founder of Heal the Children Canada was in Guatemala, running a hospital for abandoned children. Bronstein had trouble convincing her dog of her identity as she left for a dinner at the Canadian embassy wearing a full-length white dress instead of her usual working jeans and T-shirt.

Bronstein dressed up again Wednesday night. (She no longer has a dog.)

The 38-year-old was made a member of the Order of Canada at Government House for her work in the Third World and her efforts in bringing children to Canada for surgery they can't receive in their own country.

Bronstein was one of 68 Order of Canada recipients, announced last December.

Asked why she thinks she won the award, Bronstein replied, "It's hard to say why. Perhaps because a lot of people aren't willing to put their lives in danger for a cause."

For 15 years, in the midst of war, starvation or social upheaval — in Southeast Asia, India, Bangladesh and Central America — Bronstein has devoted her life to needy children.

In 1969, Bronstein and husband Herb were among the first Canadian families to adopt Vietnamese children.

"Every child should have a chance to live a full life," said Bronstein.

Says Sally Birnbaum of Heal the Children: "It's a very personal thing for her. She doesn't say, 'why doesn't someone do something.' She does it herself."

Together with Ottawa physician Dr. Bob Birnbaum, Bronstein has brought 14 children from around the world to Ottawa for life-saving surgery over the past year through Heal the ganized but crowded Gloucester farmhouse with her husband and 12 children — five natural and seven from Third World countries.

Among others who received the Order of Canada Wednesday were Canada's disarmament ambassador, two former cabinet ministers, and an artist.

J. Alan Beesley, Canada's ambassador and permanent representative to the United Nations Committee on Disarmament in Geneva, Switzerland, Gordon of Montreal, University of P.E.I. chancellor, were all elevated within the order from members to officers.

No one was presented with the order's highest level — companion.

Others appointed officers of the order include:

Maurice Bellemare of St-Jean-des-Piles, Que., a Quebec politician; John G. Bene of Vancouver, chief federal negotiator in the Nishga Indian land claim settlement; Maria Coulonval-Masson of Quebec City, former mayor of Lac St-Joseph, Que.; Louis Dudeck of Montreal, poet; Arnold Edinborough of Toronto, an author, former newspaper editor and English professor; Jim Elder of Aurora, Ont., Olympic equestrian; A. John Ellis of Vancouver, honorary chairman of the Canada Development Corp.; Richard Geren of Oromocto, N.B., former executive vice-president of Iron Ore Co.;

neer; Albert D. Cohen of Winnipeg, businessman; Kathleen M. Cox of Toronto, athlete; Maurice T. Custeau of Montreal, businessman; Laurence G. Decore of Edmonton, mayor; Ivor Dent, a former mayor of Edmonton who brought the 1978 Commonwealth Games to the city; Jan M. Drygalla of Oshawa, founder of the Oshawa Folk Arts Council; Rolf Duschenes of Westfield, N.B., president of N.B. Youth Orchestra; Franc R. Joubin of Toronto, geologist; Will Klein of Regina, businessman; Sheila Golden Kussner of Montreal, volunteer community worker; Chuen-yan David Lai of Victoria, geography professor; Col. Tom Lawson of London, Ont., businessman; James W. Lomax of Hamilton, founder of Operation Santa Claus; Leonard G. Lumbers of Toronto, York University governor; Robert D. McChesney of Kirkland Lake, Ont., underwriter; Hilliard McNab of Punnichy, Sask., Federation of Saskatchewan Indians founder; Roger B. Mondor of St. Leonard, Que., disabled athletes organizer; Robert V.V. Nicholls of Merrickville, Ont., chemistry professor; John C. O'Donnell of Antigonish, N.S., music professor; Simon Pare of Quebec City, social professor; Monique Plamondon of Quebec City, public servant; Harold S. Robinson of Vancouver, physician; Capt. Gaston

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Hats off to government for keeping plane-makers

Comment

Charles Lynch

There was a time when Canada turned out warplanes by the hundreds, regardless of cost.

Then our factories switched to making planes of peace, which should have put our aerospace industry on the side of the angels.

But instead, there's hell to pay.

In Montreal, Canadair makes an excellent executive jet called the Challenger. And it makes the world's best water bomber, designed to fight forest fires.

In Toronto, de Havilland has turned out a series of legendary bush planes, starting with the Beaver and the Otter, and then the Twin Otter, the Dash-7 and now the Dash-8.

There are no better airplanes in the world, though there may be cheaper ones. Markets have sagged, and critics are enraged at the amounts of public money that have been pumped in to keep these two companies alive.

In the process, the aircraft have been given so much negative publicity that the chances of future sales have been jeopardized, to the advantage of competing firms in Brazil, the United States and Europe.

It seems a poor reward for an industry that turned from the deadly instruments of war to make planes that are built for solely peaceful uses.

We buy our warplanes now from the United States, and they cost billions of dollars. If we built them here, they would cost billions more, as witness the warships that we continue to build here, to keep our shipyards in business.

If our shipyards lost their naval contracts, would they be able to switch to commercial vessels and compete in world markets?

Not likely.

And yet, that is what Canadair and de Havilland have sought to do with their homemade airplanes, which are as much a credit to Canadian in-

cially in the bushlands of the world.

They may not have made a potful of money for the builders, as fighter plane contracts tend to do — the CF-100s made in Toronto and the F-86s, CF104s and C5s that poured out of Montreal, bristling with guns and armaments.

Those planes served our armed forces well, but they didn't earn a nickel, apart from the few that we flogged to other countries as part of the arms race.

My point is that the money being spent on Canadair and de Havilland is money well spent, and the government is right to keep these companies going, in hopes the markets for their products will improve. In a better world, that's what will happen.

The money is as well spent as it would be on additional warplanes, or on making fighter planes ourselves, as we used to do.

This is quite apart from the business of saving jobs, which Trudeau gives as the main reason for keeping de Havilland going.

That is reason enough, when you recall what happened when the Diefenbaker government killed the Avro Arrow fighter plane program in 1959, eliminating some 14,000 jobs in the process.

The Arrow would have been the most advanced fighter in the world at the time — in some ways, it was as advanced as the present-day F-18s our government is buying.

The teams that designed the Arrow moved south across the

Canadian families to adopt Vietnamese children.

"Every child should have a chance to live a full life," said Bronstein.

Says Sally Birnbaum of Heal the Children: "It's a very personal thing for her. She doesn't say, 'why doesn't someone do something.' She does it herself."

Together with Ottawa physician Dr. Bob Birnbaum, Bronstein has brought 14 children from around the world to Ottawa for life-saving surgery over the past year through Heal the Children Canada.

The four South Korean children brought here in March for heart operations are still waiting for surgery.

Much of Bronstein's devotion to Heal the Children stems from her seven years running a 60-bed children's hospital, called Canada House, in Guatemala.

Today, she lives in a well or-

ganized but crowded Gloucester farmhouse with her husband and 12 children — five natural and seven from Third World countries.

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Olympic speedskating champion Gaetan Boucher, photographer Lorraine Monk of Toronto, and David Macdonald Stewart of Montreal, University of P.E.I. chancellor, were all elevated within the order from members to officers.

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Victor Charles Goldbloom of Montreal, former Quebec cabinet minister; J. Peter Gordon of Mississauga, Ont., chairman of Steel Company of Canada; Denis Heroux of Montreal, filmmaker; Rev. John Michael Kelly of Toronto; H. Allan Leal of Don Mills, Ont., McMaster University chancellor; Arthur Porter of Belfountain, Ont., member of the U.S. Congressional Advisory Panel on the Future of Nuclear Power in the U.S.; and Alexander McInnes (Mac) Runciman of Winnipeg, former president of the United Grain Growers.

Appointed members of the order were:

Violet B. Archer of Edmonton, music professor; Andre Barnard of Quebec City, board member of the Cercle universitaire de Quebec; Adrian G. Battcock of St. John's, Nfld., lawyer; Fred Bruemmer of Montreal, journalist; Andre Charron of Montreal, businessman; H. Spencer Clark of Scarborough, Ont., engineer; Albert D. Cohen of Winnipeg, businessman; Kathleen M. Cox of Toronto, athlete; Maurice T. Custeau of Montreal, businessman; Laurence G. Decore of Edmonton, mayor; Ivor Dent, a former mayor of Edmonton who brought the 1978 Commonwealth Games to the city; Jan M. Drygala of Oshawa, founder of the Oshawa Folk Arts Council; Rolf Duschenes of Westfield, N.B., president of N.B. Youth Orchestra; Franc R. Joubin of Toronto, geologist; Will Klein of Regina, businessman; Sylvia Golden Kussner of Montreal, volunteer community worker; Chuen-yan David Lai of Victoria, geography professor; Col. Tom Lawson of London, Ont., businessman; James W. Lomax of Hamilton, founder of Operation Santa Claus; Leonard G. Lumbers of Toronto, York University governor; Robert D. McChesney of Kirkland Lake, Ont., underwriter; Hilliard McNab of Punnichy, Sask., Federation of Saskatchewan Indians founder; Roger B. Mondor of St. Leonard, Que., disabled athletes organizer; Robert V.V. Nicholls of Merickville, Ont., chemistry professor; John C. O'Donnell of Antigonish, N.S., music professor; Simon Pare of Quebec City, social professor; Monique Plamondon of Quebec City, public servant; Harold S. Robinson of Vancouver, physician; Capt. Gaston Rousseau of Ste-Foy, Que., marine pilot; Sister Therese Bertrand of Ottawa, nurse; John L. Schlosser of Edmonton, businessman; Sandra Simpson of Toronto, president of Families for Children; Clifford Thorburn of Markham, Ont., world champion snooker player; LeRoy A. Thorssen of Calgary, civil engineer; Raymond Thorsteinsson of Calgary, geologist; Adele Townshend of Souris, P.E.I., writer; Walter B. Tucker of Grand Falls, Nfld., first mayor of Grand Falls; Rev. Franzvan de Velde of Hall Beach, N.W.T., M. Constance Wenaus of Dartmouth, N.S., volunteer community worker; George Andrew Whitman of Winnipeg, former public servant and now public affairs manager for The Bay; Florence E. Whyard of Whitehorse, journalist; Jean B. Wilton of Vancouver, social worker; Peter S. Winkworth of London, England, museum curator; and Sylvia Yeoman of Dorchester, N.B., museum director.

Senators fail in bid to suspend debate on health act

The Canadian Press

Conservative senators tried unsuccessfully Wednesday to have debate on the Canada health act suspended until June 1 to allow further federal-provincial talks on the bill.

Jacques Flynn, Conservative leader in the Senate, said all the provinces and territories oppose the health act as it now stands and another round of talks with Health Minister Monique Bégin might help resolve their complaints.

"With Easter, we will have a resurrection of co-operation," he predicted.

However, Flynn's motion was defeated 32-18 and the debate on second reading of the bill was to continue today.

Two Liberal senators, Paul Lafond of Quebec and Ann Elizabeth Bell of British Columbia, broke ranks and voted with the Conservatives on the motion to delay passage of the bill.

The health act got third reading in the Commons this week and now needs only Senate approval and royal assent before it becomes law.

The main purpose of the bill is to discourage extra billing by doctors and hospital user fees.

designed to fight forest fires.

In Toronto, de Havilland has turned out a series of legendary bush planes, starting with the Beaver and the Otter, and then the Twin Otter, the Dash-7 and now the Dash-8.

There are no better airplanes in the world, though there may be cheaper ones. Markets have sagged, and critics are enraged at the amounts of public money that have been pumped in to keep these two companies alive.

In the process, the aircraft have been given so much negative publicity that the chances of future sales have been jeopardized, to the advantage of competing firms in Brazil, the United States and Europe.

It seems a poor reward for an industry that turned from the deadly instruments of war to make planes that are built for solely peaceful uses.

We buy our warplanes now from the United States, and they cost billions of dollars. If we built them here, they would cost billions more, as witness the warships that we continue to build here, to keep our shipyards in business.

If our shipyards lost their naval contracts, would they be able to switch to commercial vessels and compete in world markets?

Not likely.

And yet, that is what Canadair and de Havilland have sought to do with their homemade airplanes, which are as much a credit to Canadian ingenuity and skill as the Canadarm on the U.S. space shuttle.

After three million miles of air travel, there is no plane I revere more than the Twin Otter. I have seen it perform near-impossible feats all over the High Arctic, and in the Amazon jungle.

The Beaver and the Otter are as deservedly famous as the old DC-3, and they provided the parentage for the Twin Otter, the Dash-7 and the Dash-8.

The Trudeau government has come under attack for pumping an additional $240-million into de Havilland, and the Conservatives have rejected Trudeau's explanation that the government wants to maintain the expertise, know-how and technology in Canada.

Trudeau might have added that the world has been a better place for the planes made by de Havilland, as anybody knows who has flown in them, especially those made in Toronto and the F-86s, CF104s and C5s that poured out of Montreal, bristling with guns and armaments.

Those planes served our armed forces well, but they didn't earn a nickel, apart from the few that we flogged to other countries as part of the arms race.

My point is that the money being spent on Canadair and de Havilland is money well spent, and the government is right to keep these companies going, in hopes the markets for their products will improve. In a better world, that's what will happen.

The money is as well spent as it would be on additional warplanes, or on making fighter planes ourselves, as we used to do.

This is quite apart from the business of saving jobs, which Trudeau gives as the main reason for keeping de Havilland going.

That is reason enough, when you recall what happened when the Diefenbaker government killed the Avro Arrow fighter plane program in 1959, eliminating some 14,000 jobs in the process.

The Arrow would have been the most advanced fighter in the world at the time — in some ways, it was as advanced as the present-day F-18s our government is buying.

The teams that designed the Arrow moved south across the border and became integrated with the U.S. space program — Canada's loss was America's gain. Some, though, stayed on and helped de Havilland become the pacesetter in designing and building small commercial aircraft.

Earlier, back in the 1940s, Avro had put Canada in the van of the jet age with its pioneer Jetliner, designed and build in Toronto. It could have gone on to the world airliner market alongside Britain's Comet, but it was cancelled on government orders, so production could proceed on the CF-100 fighter.

I say, hats off to the designers and workers who make good airplanes that don't have guns on them, and I applaud the government for keeping them in business. To me, it's part of the ancient dream of beating swords into ploughshares.

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TORONTO STAR, THURSDAY, MAY 21, 1987

Ottawa's peace initiative met by apathy

CAROL GOAR
National Affairs

OTTAWA — It was a surprisingly low-profile gathering. Most Canadians had no idea that three dozen of the world's top arms control negotiators slipped into Montreal last weekend to discuss ways of preventing the spread of nuclear weapons to outer space.

It was not so much a case of highly effective international security as of highly developed local apathy. Although Canada is one of the most industrious and innovative middle powers in the global arms control debate, most Canadians either don't know or don't care.

The Montreal meeting was a perfect illustration. External Affairs Minister Joe Clark put out a news release announcing the event, and no one paid the slightest attention. His department held a press briefing on the eve of the session to give journalists a look at Canada's proposals, and two reporters showed up.

For Ambassador Alan Beesley, Canada's arms control negotiator in Geneva and chairman of the Montreal conference, it was a sobering welcome home. Here he was, ready to unveil the results of a three-year feasibility study into the use of a Canadian-developed satellite to patrol outer space, and no one was listening.

Beesley deserved better than a roomful of empty chairs.

Canada's satellite proposal is bold, constructive and forward-looking. In fact, it is almost a metaphor for everything that Ottawa is doing right — but getting little credit for — in the arms control field.

It is called PAXSAT, pax being Latin for peace and sat short for satellite. The plan is that Canada and other middle powers could pool their resources and develop a satellite system capable of detecting the presence of weapons in outer space.

"I have not previously been involved in anything so long-term, so low-key and so ultimately rewarding," Beesley said.

Therein lie the problems:

☐ For one thing, the satellite concept is years ahead of its time: Canada isn't involved in any arms control agreements in outer space that need monitoring. The idea of investing huge amounts of money to police an aspect of the arms race that is still in its infancy might strike many taxpayers as unnecessary. The Canadian government contends that, with a new generation of space weapons just years away, now is the time to develop the kind of technology that will be required to watch and control it.

☐ The second difficulty is that Canada can never be more than a marginal player in the global arms control debate. Both superpowers have already invested billions of dollars in satellites to check on one another's weapons, troop movements and military installations. And they are not about to relegate the task to a bunch of well-meaning middle powers. So where does Canada fit into the picture? Ottawa believes there is room for a third system not owned and operated by the superpowers. It would allow emerging space powers, such as Canada, to provide an independent set of artificial eyes to observe military developments in space and on the ground.

☐ A third dilemma is the innate paradox of acquiring sophisticated technology to contain the arms race. For many peace activists, space gadgetry is synonymous with Star Wars and global instability. They don't want to hear about satellite monitoring of weapons. They want to hear about reasonable people sitting down and agreeing to scrap them altogether. The government's answer to this complaint is that agreements are of little value if neither side trusts the other to keep its word. Therefore, it is essential to have some external means of checking up. And the least intrusive method is to watch from outer space.

☐ Quandary No. 4: Most of Canada's arms control proposals are unveiled at international disarmament forums in Geneva, New York or Stockholm. Unfortunately, these conferences, which have been going for more than a decade, are so slow-moving and protocol-ridden that the press has stopped paying attention to them. So even when Canada throws out a fresh idea such as PAXSAT which Beesley will do officially when he goes back to Geneva next month — it rarely gets reported. Worse still, it runs the risk of being debated to death. Ottawa acknowledges that these conferences may be stifling, but maintains that they are the best platform a middle power such as Canada has to contribute to the arms control debate.

☐ Finally, arms control is a field in which progress is measured in millimetres. There are no satisfying solutions, few headline-making breakthroughs.

PAXSAT is a good example of how long it takes to develop one modest proposal. A team of experts from the government, industry and the academic community has been working on the concept since the early 1980s. It is still just an idea on paper. It won't be technically feasible until the mid-1990s. It probably couldn't be in operation until the 21st century.

"The results won't be measurable in my lifetime," Beesley admitted.

These are demoralizing days for disarmament advocates in Ottawa. Cabinet is pondering the country's biggest military expenditure ever: a $5 billion purchase of nuclear powered submarines. Clark just ordered Stephen Lewis, Canada's ambassador to the United Nations, to pull out of an international peace conference in Warsaw. And the United States is pressing for an increase in Canada's defence spending.

Perhaps the media's indifference to Canada's missile plan and the public's lack of interest in the Montreal arms control workshop are an accurate reflection of the nation's priorities.

One would think so, walking into any toy store. There are space gadgets that kill and destroy and zap and annihilate. There aren't any that keep peace.

CANADA - ASEAN (Assoc. of SE Asia Nations) Jan - March 19

Canada's Minister of Fisheries, Pierre De Bane, (left) signs Convention in Montego Bay with Canada's Ambassador, Alan Beesley.

Canada and ASEAN among LOS signatories

CANADA and all five members of ASEAN were among the 117 countries which signed the Law of the Sea Convention in Jamaica in December.

During his recent tour of ASEAN, Prime Minister Trudeau welcomed the successful conclusion and praised the Convention for contributing to the development of a new international economic order. The Prime Minister told a state dinner in Jakarta Jan. 11 that Canada regarded the Law of the Sea as more than a new constitution for the oceans:

"It provides the basis for a new global equity and for the further development of a new international economic order. We remain convinced that the Convention is indispensable not only to ensure order on the oceans, but also to strengthen and enhance North-South relations."

MANAGEMENT TRAINEES IN BANFF: (left to right) Songwut Chinnawat, Petroleum Authority of Thailand; Frank Arnobit, Benquet Corporation, Philippines; Chan Kin Seng, Far East Levingston, Singapore; Syarif Bratadireja, Investment Coordinating Board, Indonesia; James Moran, executive director, Banff School of Advanced Management; and Teo Meng Toon, Intraco Ltd., Singapore.

The trainees spent six weeks at the Banff School of Advanced Management in October and November, in a program sponsored by the Canadian International Development Agency (CIDA).

The third UN Conference on the Law of the Sea held its final session and signing ceremony in Montego Bay, Dec. 6 to 10, under the able chairmanship of Ambassador Tommy Koh of Singapore. Pierre de Bane, Minister of Fisheries and Oceans, and Alan Beesley, Ambassador to the Law of the Sea Conference, signed the Convention on behalf of Canada.

Technology transfer conference set for Singapore

CANEX '83, a special exhibition devoted to the transfer of technology, is to be held in Singapore June 7 to 9.

The event is organized annually by the industrial co-operation division of the Canadian International Development Agency (CIDA) to bring together a select group of Canadian and ASEAN businessmen with common interests.

CIDA has invited 21 Canadian companies with special technical expertise in the energy, agriculture, computer, telecommunications, production machinery and material handling sectors. They will be joined by more than 100 representatives of ASEAN companies, at least 20 from each member country.

The objective of the CANEX program is to encourage the formation of joint ventures or technical-licensing agreements. During the three-day program, the Canadian companies will give general briefings on their products and hold discussions with their ASEAN counterparts.

Aerospace study launched by consultants

THE POTENTIAL for Canadian participation in aerospace development in ASEAN is under study by a group of companies led by Aviation Planning Services (APS), a consulting firm.

Officials from APS and four other companies were in Indonesia in November. They visited P.T. Nurtanio and met with BKPM (the investment co-ordination board), P.T. Garuda Indonesian Airways, Merpati Nusantara Airlines, P.T. Pelita Air Services and various other business contacts. A second mission to ASEAN took place in February.

Last year, the consulting firm APS presented a study, financed by the Canadian International Development Agency (CIDA), to the Committee on Industry, Minerals and Energy (COIME). The study was prepared in response to the desire of ASEAN to obtain much greater benefits from the billions they will spend on future aerospace purchases.

All figures in this publication are in Canadian dollars unless otherwise specified.

Canada's tokenism and greed

One can sympathize with External Affairs Minister Allan MacEachen's worry that the Law of the Sea Conference will fail to agree on a treaty before uncertainty and conflict are magnified by a new wave of unilateral state action. Canadians should understand, however, that our greed has contributed to this threat. Our massive claims of the bounty of the seabed, coupled with our possession of a disproportionate share of the world's land-based resources, are impossible to justify. Sooner or later our claims, and those of the other wealthy coastal states, were bound to be challenged.

Canada is a major participant in the Law of the Sea negotiations and its position matters a great deal. It has shown more concern than some for the needs of the geographically disadvantaged poor states, but its proposals are so limited and so vague that they smack of tokenism. Even at this late hour, a more generous posture would be more consistent with Canada's commitment to a New International Economic Order, and also in its own long-term interest.

The Trilateral Commission, a non-governmental body of experts, has pointed the way. It is reported to favor the limitation of national continental shelf jurisdiction to 200 miles "with international sharing by wealthy coastal states of a generous portion —as high as one-half—of royalties derived from resource exploitation". This is the sort of approach Canada should make its own.

Payton V. Lyon
Ottawa

Canada a major gainer in sea-law agreement

By Doug Long

OTTAWA (CP) — It has been 14 years in the making but the average person is still in the dark about ramifications as broad as the seas whose treasures it seeks to share.

An international agreement on Law of the Sea has been trumpeted as possibly the most significant legal document of the century and an important contributor to world peace and security.

Yet some major western industrialized nations — the United States, Britain, West Germany — have opted out and will not be among the 70 or 80 countries signing the long-awaited document in Jamaica next week.

It was 1968 when nations of the world decided to attempt again to strike a deal governing the use and exploitation of the oceans and their resources. It was a follow-up to an earlier conference in the late 1950s that failed by a whisker to achieve total agreement.

Nevertheless, it did stake Canada's claim to its vast continental shelf, that land lying in offshore shallows which is the second largest such area in the world.

The tortuous process of back-room dealing and diplomacy under United Nations auspices has pitted the interests of the developed nations against the less wealthy.

But self-interest eventually overcame rule by consensus, and that's why the United States and others have refused to go along with the rest.

Even the Third World nations, known as the Group of 77, were unable to sustain a united front.

However, for Canada and the majority of countries, the outcome has not been a waste of time. The representatives of between 70 and 80 nations will be signing the Law of the Sea Convention in Jamaica, thereby creating a new set of rules concerning access to the oceans which cover 60 per cent of the globe.

"It doesn't have the weight it would have with U.S. participation, but it's hardly a worthless scrap of paper," says Alan Beesley, Canada's veteran ambassador to the conference.

"The conference was not a waste of time just because some countries didn't sign it."

Nations not participating in this week's ceremony, for a variety of reasons, have two years to sign the convention, and many more are expected to do so.

The complex and wide-ranging treaty establishes limits of the territorial sea, exclusive 200-mile economic zones providing coastal state control over important fish stocks and sets the limits of the continental shelf. It also covers marine scientific research, deep weabed mining and protection of the marine environment.

The government says Canada, as a leading coastal state, is a major beneficiary, having obtained recognition of its right to control offshore resources and to prevent marine pollution, especially in Arctic waters.

The most contentious issue has been the question of seabed mining, which has been jeopardized by the lack of endorsement from key industrialized states, including Britain, France, West Germany and the U.S. They eventually signed their own agreement.

The UN treaty was dealt a potentially crippling blow when the Reagan administration in the U.S. decided to vote against it after pressure from big mining interests.

Beesley confidently predicts Washington will eventually have to sign because its major seabed mining consortia will find it impossible to finance the huge sums — up to $1 billion per site — needed to recover mineral-rich nodules from the ocean floor.

He argues that as long as claims to mine specific sites are clouded by lack of international sanction, banks won't lend money for development.

The international treaty confers special protection for so-called pioneers like Canada, those countries with the money and technology to begin seabed mining first. But it also creates an International seabed authority to allow Third World, developing and land-locked nations to share in the ocean riches.

Under this "parallel system," two mine sites must be identified when a private consortium applies for a production licence. The private firm is obliged to share any technology with the international authority in joint development of sites.

It is this aspect which Washington opposes because U.S. mining consortia say it is unfair to transfer profits and technology to other countries who have not made investments.

Two Canadian companies, Inco and Noranda are already involved in seabed mining consortia but government officials say in light of present mineral markets, possible production would not begin before the late 1990s.

The economic-zone provision does not give a state sovereignty over the waters but recognizes its jurisdiction in areas such as fisheries, marine scientific research, environmental protection and seabed resources.

Canada declared a 200-mile fishing zone Jan. 1, 1977, and the convention now provides a clear basis in international law for that claim. The value of fish from this zone is now approaching $2 billion annually.

Canada's continental shelf is the second largest in the world and the convention assures control of the greatest part of this area. The tradeoff for sovereign rights over such an extensive area allows contributions from the international authority on production from the continental shelf beyond 200 miles.

Cruise protest could reach UN by fall

By [illegible]

The [illegible] missile testing program in Canada could extend into the United Nations by fall, says Canadian disarmament ambassador Alan Beesley.

Vancouver and other major Canadian cities planned rallies today [illegible] cruise. The Vancouver [illegible] to feature speakers from the [illegible] parties.

Beesley, in an interview Friday, said: "I'm not sure that the Russians may make a statement in the General Assembly that would put it on the agenda, so to speak."

Beesley, a B.C.-born lawyer now working with [illegible] external affairs department, said [illegible] the auspices of the United Nations [illegible] Canada.

He said it was conceivable the [illegible] rather than proceeding with [illegible] negotiations with the United States.

[illegible]

[illegible] probably not the [illegible]

[illegible] shielding the international community from its control.

"As a member of the public, I am as fearful of chemical weapons as I am of nuclear weapons," he said. "The consequences of the use of chemical weapons is horrible."

The U.S. Congress, at the urging of President Ronald Reagan, has just concluded a vote authorizing increased spending in this field.)

"The awful fact of life is that there is so much that needs to be done on so many issues that there's almost a problem of selectivity," Beesley said. "That doesn't [illegible] anything" — up to and including the cruise issue — "I'm not saying that for a moment. I'm saying that arms control is important to us."

Despite current public concern, the ambassador said he believes there had been a recognizable de-escalation of international armament tensions.

"Fundamentally the difficulty lies with the U.S.A. and the U.S.S.R. and their current relationship which is not conducive to the development of effective arms control," he said.

"On the other hand it is quite evident that the two superpowers recognize it is in their own self-interest to cut back on their massive expenditures for arms," he said.

Protests helping disarmament process—envoy

Protests by the peace movement can have an effect on governments, Alan Beesley, Canada's disarmament ambassador to the United Nations, said Monday.

Beesley, in Victoria under the auspices of the United Nations Association, said: "I believe the Canadian peace movement has a constructive influence that goes beyond the immediate impact on western governments.

"It is for just such reason that Canada has made a large contribution to the world disarmament campaign."

Beesley said the cruise missile testing protests in Canada could extend to the United Nations if the Soviets make a statement in conjunction with negotiations on Intermediate Range Nuclear Force (INF) weapons.

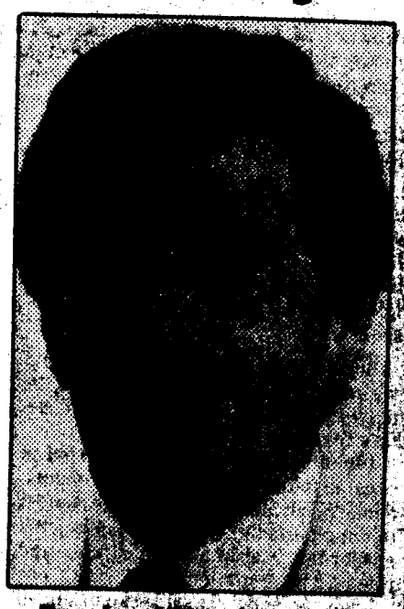
"I do have reason to believe they may do this," he said, but added: "I don't have anything definite to indicate they will."

If the Soviets make a statement in the United Nations on the INF negotiations, they will almost certainly criticize NATO for its 1979 two-track decision and will allege that NATO is acting in a warlike and dangerous manner, he said.

The two-track decision was when the west decided it would negotiate to remove short-range missiles. This decision was in response to the Soviet deployment of short-range missiles aimed at some western European countries.

Beesley said Canada's adherence to the NATO two-track decision does not mean the Canadian government is eager to deploy either the Pershing or cruise missiles.

It is argued by the government, however, that the best way to ensure those two missiles are not deployed is to make quite clear the resolve of the West, including Canada, to deploy these weapons if there is no agreement in INF talks.



Beesley: UN ambassador

Canada's agreement with the U.S. to permit unarmed testing of the cruise in Canada was the government's way of showing the Soviet Union the solidarity of NATO and was not indicative of a softening of the Canadian position on world disarmament.

He said the Soviet willingness to enter INF negotiations is an admission of the threat of their short-range nuclear missiles pose to western countries at which they are aimed.

"Otherwise there would have been nothing to negotiate about and indeed the Soviets at first refused to negotiate," he said.

"I believe there is still a chance for a negotiated solution arising out of the INF talks."

Beesley lived in Victoria in the 1950s and practised law with the firm of Crease and Co. for five years.

Our man in Geneva wears several hats

Diplomats

Patrick Best

GENEVA — When the new Soviet leadership made what appeared to be a major arms control statement here last week, Canada's J. Alan Beesley was there.

Moscow's representative told the 40-nation Conference on Disarmament the U.S.S.R. would agree to the principle of permanent on-site verification of chemical weapons destruction by inspection teams — the first such announcement under the leadership of Konstantin Chernenko.

Beesley, this time in the role of Canadian ambassador to the Geneva disarmament conference, immediately described the Soviet move as "most important." Other Western diplomats saw it as a significant concession in negotiations to ban chemical weapons.

(The thorny question of verification has been the main stumbling block to a chemical weapons treaty, which has been under discussion in this East-West forum since 1978.)

The world of "multilateral diplomacy" has become a way of life for Beesley, who has spent half of his 57 years in Canada's foreign service.

For nearly 15 years he was involved with the much-publicized Law of the Sea Conference at the United Nations in New York, latterly as Canadian ambassador here. He held the job of chairman of the drafting committee during the difficult period leading up to the eventual signing of an accord by more than 130 nations.

His current role as chief negotiator in key disarmament talks is just one of an array of caps he has worn since becoming Canada's man in this "international city" six months ago.

"Geneva is not very large as world centres go (population: 300,000), but it is certainly no quiet, happy backwater," said Beesley in an interview. "There are more conferences and international gatherings in this city than in New York or Vienna in the course of a year."

Certainly no Canadian envoy wears as many diplomatic caps at any one time.

Beesley represents Canada in areas ranging from arms control and trade liberalization to labor relations, health standards and human rights.

He plans a brief respite from it all in April, however, to show up at Government House to be invested with the Order of Canada, for his achievements in the diplomatic service.

Officially, he is Canada's ambassador and permanent representative to the office of the United Nations — along with the alphabet soup list of Geneva-based UN specialized agencies and orphans — to the Conference on Disarmament and to the secretariat of the General Agreement on Tariffs and Trade (GATT).

Understandably, Canada's 15-diplomat permanent mission here is giving top priority to the disarmament session at the present time.

This is likely to be the only negotiating forum on this subject until resumption of the Mutual and Balanced Forces Reduction (MBFR) talks, mow scheduled for Vienna in mid-March. (Speculation that the Soviet Union would soon return to the Geneva talks on medium-range nuclear missiles was dampened last week by a Tass news-agency report from Moscow. It said that there could be no resumption of such negotiations while NATO continues to deploy United States-made weapons in Western Europe.)

Also getting particular attention from the Canadian mission are the ongoing activities of GATT, whose 88 members account for more than 80 per cent of world trade. It has had its work cut out for it of late in efforts to remove trade barriers throughout the world.

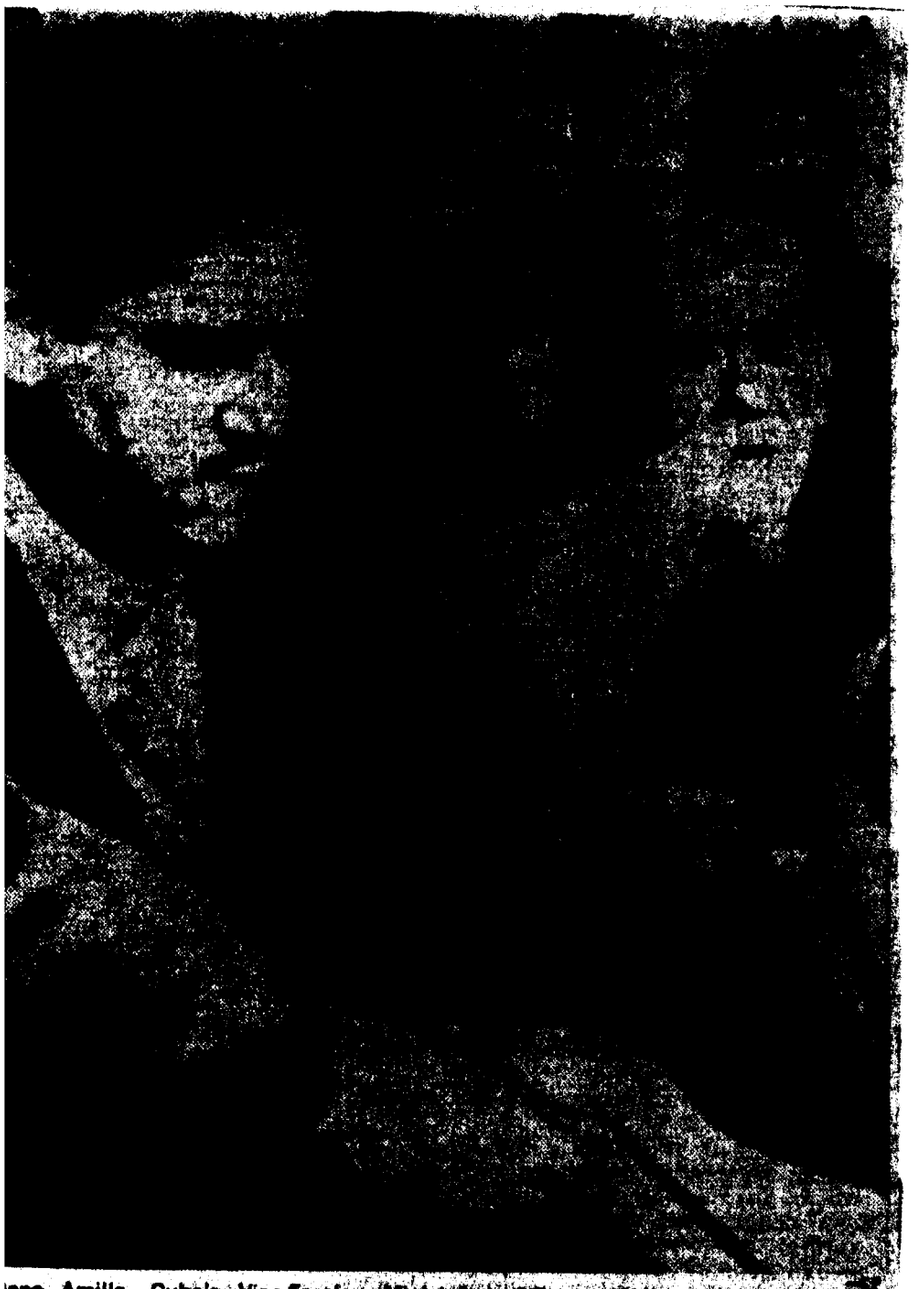
J.L. MacNeil, the Canadian mission's minister (economic) takes part in most of the talks in this forum, as "alternative representative" to GATT.

Canada's "bilateral" relations with Switzerland are in the hands of its embassy in the capital of Berne, about 140 kilometres east of here, under Michael de Goumois and his six diplomatic colleagues.

It is noteworthy that Swiss-Canadian contacts today are chiefly in the field of trade, with the two-way column reaching nearly $700 million in 1983.

The UN's Geneva-based member organizations include the UN Conference on Trade and Development (UNCTAD) and the office of the UN High Commissioner for Refugees (UNHCR).

(This column results from a week-long trip to western Europe with a group of Canadian journalists, sponsored by the External Affairs department.)



ene Amillo, Cuba's Vice-Foreign Minister, and External Affairs Minister Mitchell harp prepare to sign an agreement to prevent suspected hijackers for prosecution.

Hijacking pact signed with Cuba eaves loophole for political acts

TTAWA (CP) — The Cu-Canadian hijacking treaty ned and published yester-y contains a tiny loophole t could exempt political hi-kers from punishment.

ut External Affairs Minis-Mitchell Sharp says the icle on political hijackers so tightly drawn that it uld apply to only "one hi-king in a thousand." He ys the Cubans think the ne way.

The text, identical to that an agreement signed yes-day by Cuba and the ited States, was endorsed the Parliament Buildings Mr. Sharp and Vice-For-n Minister Rene Anillo of a. Officials who spent two rs negotiating the agree-nt watched the ceremony.

Mr. Anillo made a one-day ng visit to Ottawa from ana for the signing, which s punctuated by popping mpagne corks and fol-ed by an official luncheon.

he, two-page treaty re-res each country to prose-e an arriving hijacker or d him back to where the ne was committed. If ex-dition is refused as well as nes, an additional check ist hijacking is the treaty which the two countries will

ded in all cases that extradition request, "any fact that could constitute any aggravating or mitigating circumstances in those cases in which the persons responsible for the acts were being sought for strictly political purposes and were in real and imminent danger of death without a viable alternative for leaving the country . . ."

[illegible] would not apply to [illegible] country to [illegible] over [illegible] other [illegible] which the [illegible]

The [illegible] Commons [illegible] also calls [illegible] takes all [illegible] dictate without [illegible] justice of the [illegible] plane or ship, crew, [illegible] passengers, their belongings and any money obtained illegally.

If the country chooses to prosecute the hijacker in its own courts, it will be done "in conformity with its laws for the offence punishable by the most severe penalty concerning the like circumstances and the seriousness of the acts."

If the offenders are not prosecuted, they, the country in which the hijacking occurred, the country is "obligated, ex-

cords to return the persons who have committed such acts."

The treaty is to last five years, but either Cuba or Canada can cancel it on six months notice. It is renewable each year after ratification.

The agreement will not prevent more hijackings, but Mr. Sharp said he hoped it would be an effective deterrent to [illegible].

Agreement on the wording of the treaty was announced Wednesday, but the signing was delayed by lengthy legal [illegible] some details remained to be settled.

[illegible] were required by Canada's Parliamentary rules, a [illegible] of Parliament. An [illegible] said