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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

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for *Bessley* *DA* - *UNO*

Subject *Ministry of the Sea Conference*
Sujet

MAR 18 1974

Publication MONTREAL GAZETTE

Peter Calamai—Law of Sea Conference seems doomed to deadlock

LONDON — Early mapmakers envisioned poorly-explored regions of their charts with notations such as: "Here there be monsters."

That same warning still applies to the world's oceans and seas, as far as international legal experts and diplomats are concerned.

But the modern monsters lurking in the depths are uncertainty, dissent and conflict over the legal rights of countries to the oceans and maritime resources.

This summer the largest international conference in history will meet for two months in Caracas, Venezuela, in the third attempt to decide the destiny of five-sevenths of the globe's surface.

Right now, indications are that this single Law of the Sea Conference will fail to resolve the multiple controversies facing it. Further meetings will be necessary, perhaps stretching on for years while oceans become more polluted, fish stocks dwindle, battles rage over seabed minerals and the inadequate existing laws are progressively discredited.

This spectre of diplomatic failure was strengthened by a two-day map-law of the sea conference here last month which revealed a considerable hardening of attitudes regarding the developing and developed countries. In over-simplified terms, the developing countries want a radical re-writing of maritime law, including the agreements on fishing, territorial seas, continental shelves, reserves

and high seas passage reached by previous sea law conferences in Geneva in 1958 and 1960.

But the developed countries — mostly all shipping powers — only want to modernize existing law, leaving intact the historic bias in favor of shipping countries over coastal states.

As the warm-up bout here amply demonstrated, these two courses collide on the essential subject of where to draw the new maritime boundary lines on the world map and what the lines will mean.

Minor miracle needed

Even before the meeting here, the possibility of an inconclusive conference was apparent to close observers. Canada's maritime law expert and present ambassador to Austria, Alan Bessley, was pessimistic in an interview with Southern News Services earlier in February.

"It will take a minor miracle to get a final legal convention from the Caracas conference. We may get a statement of principles, a declaration in general terms without specific details, I would hope upon that as a kind of failure," Ambassador Bessley said in Vienna.

After more than five years in the gut and throat of negotiations over the law of the sea, Bessley sees "the globe-wide economic zone" as the critical issue facing the Caracas conference.

This has been a concept pioneered by several countries including Canada and Mexico, which

strongly the Canadian-born head of the UN environmental program is busily lobbying the developing countries for support. He is also a vocal proponent of the economic zone, which he says has to be worked out. That, he says, is the only way to get the environmentalists to back down. He says the economic zone is the only way to get the environmentalists to back down.

With all the high emotions and stakes, it's not surprising that a gentlemen's agreement was reached last week that substantive matters at the Caracas meeting will be decided by consensus, with countries free to vote to a two-third majority vote only if all attempts at compromise fail.

An effective agreement calls on the developing countries not to impose a tyranny of the majority — a topic which his deputy will tackle. High seas passage is a subject of continuing session in November. This, he says, is a caution against a vote by the minority. Still a question mark on the preliminary power struggle is China. At the UN, a Communist-led coalition in Stockholm free seas, says, China, adopted a similar position.

This time there are more potential spoilers around. If they all succeed, then the declaration of marine pioneer Jacques-Yves Cousteau will still ring true.

"The high seas," Cousteau said once, "are the last frontier."

— Southern News Services

would allow a country to control such matters as fishing, pollution, scientific research and mineral exploitation up to 200 nautical miles off its coast without claiming complete sovereignty in this "economic zone."

Territorial waters — where the coast state has almost absolute powers — would probably be extended to the 12 miles already claimed by nearly 60 countries, rather than the three-mile limit once dictated by the range of a 17th century cannon ball.

"Unless the 200-mile zone is adopted at the Law of the Sea Conference, the conference won't be a success because that's what developing countries want and they've got it," Ambassador Bessley said.

But any agreement on a 200-mile economic zone and the 12-mile territorial waters depend upon the extent of control which coastal states demand. The major sea powers — and many of the 83 developing states which are land-locked — oppose coastal states strong powers in the economic zone.

Landlocked poorer countries — like Ethiopia and Zambia — want more of the rich continental shelves to belong to an international pool, which will be divided up as equally as possible among mankind.

But technologically developed countries with their own continental minerals to export their resources control within the 200-mile zone while opposing everything else.

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— Southern News Services

Pollution presser issue

Pollution used to be one of the leading issues in the law of the sea debate but the recent oil and food shortage has switched the spotlight to mineral wealth and fisheries. Fears are mounting both among consumer nations that their food stocks will be depleted in the context of negotiations and among

● Should the high seas belong to all mankind?

● Or do coastal nations have exclusive rights?

Nations bicker over waters



As world population grows, the struggle intensifies for scarce resources, including those in the oceans. Correspondent Calamai reports on international efforts to produce a law of the seas.

By Peter Calamai
Southam News Services

LONDON — Early map-makers envisioned poorly explored regions of their charts with notations such as: "Here there be monsters."

That same warning still applies to the world's oceans and seas, as far as international legal experts and diplomats are concerned.

But the modern monsters lurking in the depths are uncertainty, dissent and conflict over the legal rights of countries to the oceans and maritime resources.

This summer the largest international conference in history will meet for two months in Caracas, Venezuela, in the third attempt to decide the destiny of five-sevenths of the globe's surface.

A time-consuming task

Right now, indications are that this single Law of the Sea Conference will fail to resolve the multiple controversies facing it. Further meetings will be necessary, perhaps stretching on for years while oceans become more polluted, fish stocks dwindle, battles rage over seabed minerals and the inadequate existing laws are progressively discredited.

This spectre of diplomatic failure was strengthened by a two-day mini law of the sea conference here last month, which revealed a considerable hardening

of attitudes separating the developing and developed countries.

In over-simplified terms, the developing countries want a radical rewriting of all maritime law, including the agreements on fishing, territorial waters, continental shelf resources and high seas passage reached by previous sea law conferences in Geneva in 1958 and 1960.

But the developed countries—mostly all shipping powers—only want to modernize existing law, keeping intact the historic bias in favor of shipping countries over coastal states.

As the warm-up bout here amply demonstrated, these two courses collide on the emotional subject of where to draw the new maritime boundary lines on the world map and what the lines will mean.

Even before the meeting here, the possibility of an inconclusive conference was apparent to close observers.

Canada's maritime law expert and present ambassador to Austria, Alan Beasley, was pessimistic in an interview with Southam News Services: "It will take a minor miracle to get a final legal convention from the Caracas conference. We may get a statement of principles, a declaration in general terms without specific details. I would look upon that as a kind of failure," Ambassador Beasley said in Vienna.

After more than five years in the cut-and-thrust of negotiations over the law of the sea, Beasley sees the 200-mile-wide "economic zone" as the crucial issue facing the Caracas conference.

A novel concept

This is a concept pioneered by several countries, including Canada and Mexico, which would allow a country to control such matters as fishing, pollution, scientific research and mineral exploitation up to 200 nautical miles off its coast without claiming complete sovereignty in this "economic zone".

Territorial waters—where the coast state has almost-absolute powers—would probably be extended to the 12 miles already claimed by nearly 60 countries, rather than the three-mile limit dictated by the range of a 17th-century cannon ball.

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But any agreement on a 200-mile economic zone and the 12-mile territorial waters will depend upon the extent of control which coastal countries demand.

The major shipping powers—and many of the developing countries which are land-locked—oppose giving coastal states strong powers in the economic zone.

Land-locked poorer countries—like Bolivia and Zambia want more of the minerals-rich continental shelves to belong to an international pot, which would be divided up as the common heritage of mankind.

But technologically developed countries with their own continental minerals to exploit favor resources control within the 200-mile zone while opposing everything else.

● **Minerals:** United Nations estimates say a 200-mile limit gives coastal countries all proven offshore oil reserves, 87 per cent of assumed reserves and all immediate and longterm prospects of other minerals. Left to the international kitty are rich modules of manganese ore which will be sucked up from the ocean floor by devices under study now by Norway mines, Hughes aviation and others.

● **Defence:** The 12-mile territorial waters



Not very hopeful

Ambassador Beasley wants confrontation to be avoided

Or do coastal states
have exclusive rights?

• What about states
which are land-locked?

Who owns sea riches



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Others get spotlight

Pollution used to be one of the leading issues in the law of the sea debate but the recent oil and food shortage has switched the spotlight to mineral wealth and fisheries.
Fears are running high among environmentalists that their interests will be sacrificed in the Caracas negotiations and Maurice Strong, the Canadian head of the UN environmental program, is busy lobbying the developing countries for support.
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Source of wealth—and conflict

The oceans harbor fabulous fish and mineral wealth. Unless nations agree on a law of the seas, conflicts may be inevitable

emperil the traditional right of "innocent" passage through straits which the superpowers deem strategically vital; some developing countries want to define what constitutes "innocent." Airplanes flying overhead might also be subject to interference.

● **Pollution:** Although nearly 80 per cent of ocean pollution probably comes from land run-off and rivers, the 20 per cent created at sea is theoretically easier to control. But shipbuilding countries say it would strangle world trade if each coastal state were free to impose pollution regulations tougher than the comparatively lax standards drafted by the International Marine Consultative Organization.

considerations has to be worried now that people might just make a settlement over fish and minerals at the expense of the environmentalists," said Ambassador Beasley in the Vienna interview.

With such high emotions and stakes, it's not surprising that a gentlemen's agreement was reached last fall that substantive matters at the Caracas meeting will be decided by consensus, with countries resorting to a two-third majority vote only if all attempts at compromise fail.

In effect, this agreement calls on the developing countries not to impose a tyranny of the majority—a topic which no doubt will rank high in their pre-conference planning session in Nairobi this April. Likewise, it cautions against a veto of the minority.

Still a question mark in the preliminary power-struggle is China. At the UN Environment Conference in Stockholm two years ago, China adopted a spoiler's role.

This time there are more potential spoilers around. If they all succeed, then the declaration of marine pioneer Jacques-Yves Cousteau will still ring true.

"The high seas," Cousteau said once, "are outlaw country."

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject UN: Law of the Sea Conference
Sujet

JUN 12 1974

Date

How much sea is ours?

VANCOUVER SUP

Seven years in preparation, the third United Nations Law of the Sea Conference, which convenes next week in Caracas, Venezuela, faces a momentous task. The 150 nations attending aim to rewrite rules that have been unchanged since sailing ship days and codify a new order for the seven seas.

The nub of the conference's discussions will be revision of territorial water limits. Old-established three-mile limits obviously do not accord with today's realities, including highly-developed fishing techniques, the search for offshore oil and minerals resources, and the need to control pollution.

A group of developing coastal nations is demanding an extension of territorial waters to the 200-mile limit. Such a move would entail an immense, and in some areas disruptive, impact on traditional patterns of maritime passage. What is more likely to emerge from the Caracas conference, or from a follow-up session in Europe next year, is a territorial limit of 12 miles, but with coastal nations having special privileges in "economic zones" extending 200 miles or to the edge of the continental shelf, whichever is greater. Within its zone a coastal nation would have primary rights of fishing and for developing seabed resources, including oil.

Canada's delegation to the conference is expected to support the 200-mile economic zone concept. In the lengthy preliminary negotiations preparing for Caracas, Canadian diplomats have performed a useful intermediary role between the maritime powers and the developing nations.

If the economic zone principle is eventually accepted its impact on the Canadian economy could be far-reaching. This country's jurisdictional land mass would be extended by some 40 per cent, while fishing areas would increase three or four times in size. Besides the potential seabed mineral, oil and gas reserves, there would be a dramatic rise in Canada's possible fish catch.

Wider vistas would be opened for British Columbia's fishing industry. The new president of the Fisheries Council of Canada, Eric Turnill, a vice-president of B.C. Packers Ltd., estimates that the potential wholesale value of the

Canadian fish catch would rise from the present \$700 million to over \$2 billion. But he also points out that if Canada gets ownership and management of its continental shelf, a huge investment in the fishing industry will be needed to expand fleets on both coasts to proportions capable of taking full advantage of the potential in the new fishing areas.

Such a situation will not arise in a hurry. Even if proposals are approved at the conference there comes the slow process of ratification by the respective governments. Nevertheless, Mr. Turnill rightly urges that in Canada governmentments at both federal and provincial level, as well as industry, should begin thinking ahead to prepare for a possible expansion of fisheries.

Never before has the traditional concept of open seas, been under such pressure as it is today. Beyond the problems of economic expediency, which motivate the overwhelming majority of the nations to be represented at Caracas, lie aspects of military strategy. Not only the superpowers, the United States and the Soviet Union, will weigh the considerations of naval deployment. China, Britain, France, Italy, Brazil, Chile, Argentina, Egypt, Iran, Indonesia—ah yes, and India too — all dabble considerably with admirals and gunboats.

Traditional maritime nations are concerned over the thrust expected at Caracas from developing coastal states for wider territorial waters and the constriction of recognized open seas. Should a 12-mile territorial boundary be made universal, more than 100 straits around the world would lose their status as international waterways.

Most worried about proposals for 200-mile economic zones is Japan. About 80 per cent of that country's present fishing grounds would be adversely affected, with all this implies for a population whose diet depends heavily on fish products. The Japanese are also fretting over the impact of such changes on the operations of the large number of oil tankers which bring the fuel vital to the nation's economy.

Deliberations at Caracas, clearly, will be of prime importance to many nations, including Canada.

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File

JUN 25 1974

B Applebaum

Challenges expected

Canada sets tone for Law of Sea Conference

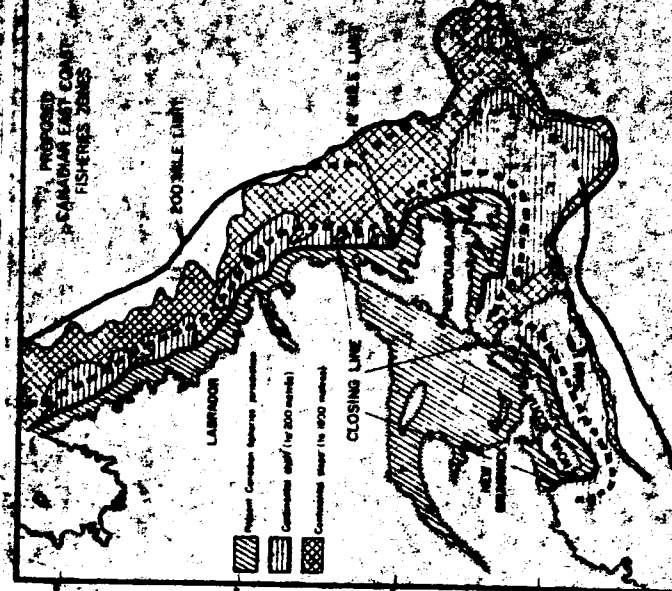
By ED WALTERS
Of The Canadian Press
 Canada's hopes of protecting its marine environment forever and of taking over management of all fish and mineral resources on the continental shelves are to be unveiled at the third United Nations law of the sea conference opening in Caracas June 20.

Proposals by Canada and other coastal states for a "patrimonial sea" have already been described by international jurists as a radical departure from the traditional law and freedom of seas established over centuries.

The Canadian position is expected to be challenged by the Soviet Union, Japan, some Western European countries and the United States, although there are already signs of compromise. But Canadian and foreign experts see little chance that a new constitution for the world's oceans can be written at the 10-week Caracas meeting and predict that one or more later conferences will be necessary before the 140 participating nations are ready for ratification of agreements.

Canada will ask that coastal States be given responsibility for managing fish stocks on continental shelves, a move that would give this country virtual ownership of some of the world's richest sources of protein.

The outer slopes of the continental shelves — the submerged land masses around Canada's coastline generally known as Banks — are about 200 miles off the British Columbia shore and more than 400 miles east of Newfoundland.



Fishing zones

Canada's proposed fishing zone limits for this month's Law of the Sea conference in Caracas, Venezuela are to be patrolled by three vessels, to be ready in 1974, 1976 and 1978. The first, being readied for patrol of the entire Atlantic area, will cost \$750,000. The second, for Newfoundland, is 205 feet long and will cost \$6 million. Officials describe its construction as a "top priority" and it will have a helicopter facility as well. The third vessel will patrol coastal sea off the Maritime Provinces.

Environment minister Jack Davis has explained in several speeches during the last year that foreign nations would be allowed to exploit fishing in the Canadian patrimonial seas. But Canadian fishermen would receive a "preferential share" of fish quotas to be set by Canada.

Canada also will seek world endorsement of its contention that the Northwest Passage is an internal Canadian waterway and not an international passage as claimed by some countries, including the United States.

Position papers outlining Canada's views show the federal government is not happy about proposals advanced by some countries that pollution control should be left solely to international agencies.

One unilateral step taken by Canada was passage in 1970 of the Arctic waters pollution prevention act which in effect established a 100-mile anti-pollution limit off the Arctic coast.

"The developing Coastal States by and large adhere to the economic zone concept according to which the Coastal State would have full jurisdictional powers in respect of marine pollution in the 200-mile zone," one federal document says.

"However, some of these states are having second thoughts regarding the adoption of high international standards since they tend to view them as impediments."

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject UN: Law of the Sea Conference
Sujet

JUN 17 1974

HALIFAX CHRONICLE HERALD

Date Publication

Law of the sea meetings begin Thursday

Follow-up conference scheduled

Real identity of purpose or action with, say, Peru, or Malawi with Indonesia.

What is being sought, moreover, is not just a set of laws which have been passed by the necessary majority laid down by the rules of procedure, but a real consensus. The rules provide for decisions to be taken by a two-thirds majority, if unanimity is found to be impossible. But it is recognized that on any of the major issues, a consensus will be essential, because no decision would have any real chance of being implemented, if any of the major maritime powers, or even a significant group of smaller countries, were against it and chose not to be bound by it.

The prospects for success are not, on the surface, particularly favorable. The possibility of 149 countries being able to agree on any substantial issue seems remote.

But the very fact that they are going to try, and have put much effort into preparing for the conference, is a positive sign. However much they all want to get their own way in the negotiations, the realization of the disastrous consequences, for mankind as a whole, which would follow a breakdown of the talks, cannot be far from their minds.

rights and interests will be bartered and abandoned.

At the end, it is hoped — not at Caracas and perhaps not even at Vienna next year — a package deal will emerge, not the ideal solution for any single country, but an acceptably balanced parcel for all.

The conference will be striking in another way too. For once, the alliances made between governments will have little to do with political ideology, and everything to do with geographical position. Members of some traditional groupings, it is true, have, up to a point, interests in common.

Countries of the Third world show signs of adopting common attitudes and taking concerted, tactical action at the conference. These countries, rightly, feel that up to now the law of the sea has been dominated by industrialized maritime nations. They are determined to see that this stranglehold is broken once and for all.

But as between themselves, the developing nations have, in practice, vastly different problems and interests in law of the sea issues. Poor, landlocked chad can have little

The headings include: the setting up of an international regime for the seabed and the ocean floor beyond national jurisdiction; the territorial sea; the exclusive economic zone beyond the territorial sea; straits used for international navigation; the high seas; the rights and interests of landlocked countries, shelf-locked states and states with narrow shelves or short coastlines; preservation of the marine environment, including the control of pollution; scientific research; archipelagos; enclosed and semi-enclosed seas; artificial islands and installations; the settlement of disputes; regional arrangements; and many other topics.

On all these subjects there already has been considerable preparatory work. Three expert sub-committees of the United Nations seabed committee have been preparing draft treaty articles to be put before the conference.

But, apart from a few relatively small areas, it will be tactically impossible to consider the items in isolation. For, essentially, Caracas, for 10 weeks, will be one vast horse-trading arena in which conflicting

The number of subjects to be discussed is equally daunting. There are 25 main headings on the agenda for Caracas, subdivided into some 90 items. A note at the end reassures those still in doubt that the list is "not necessarily complete." Not a single item on the agenda can be considered "soft" in the sense that an agreement ap-

LONDON—No one expects the United Nations international law of the sea conference stating a Caracas Thursday to achieve any tangible result in the form of a convention or conventions acceptable to the 149 governments represented. Indeed, such is the certainty that the 10-week conference will be inclusive that a follow-up conference already has been planned for Vienna next spring.

To say that the conference is the most important for mankind since the setting up of the United Nations is no hyperbole. It also represents arguably the most complex set of negotiations ever undertaken. More governments are taking part than at any previous international meeting, including a general assembly of the United Nations itself.

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject *Territorial Waters*
Sujet

Date JUN 17 1974

Publication WINNIPEG FREE PRESS

China Backs Sea Claims

HONG KONG (AFP) — China has expressed strong support for countries which insist on 200-mile maritime rights.

A commentary by Peking's official news agency, modified here, said these countries were waging a struggle against the maritime empires of the two superpowers: the Soviet Union and the United States.

It added that in view of the expansion and plunder on the sea by imperialist maritime powers, establishment of jurisdictions 200 miles offshore was not only a protective economic measure but also justifiable political action to defend national sovereignty.

The commentary charged that the Soviet Union and the United States had been sending

warships and other vessels to intrude into the territorial waters of other countries and to plunder resources of the seas adjacent to their coasts. It called military and economic information and "even carry out armed aggression and intervention against them."

The news agency said the 200-mile limit was of special significance to third-world countries' trying to safeguard their maritime resources and develop their own national economies.

But the security and interests of the developed coastal countries was also threatened, and this had prompted Norway, Canada, Australia, New Zealand, France and other countries to support the recommendation for the 200-mile ju-

risdiction, the agency said. "On the eve of the third UN conference on the law of the sea, the two superpowers, faced with the irresistible trend for establishment of 200-mile exclusive economic zones,

are plotting to emasculate the essence of the economic-zone principle, and to restrict the sovereignty and jurisdiction of the coastal states. The many coastal states are keeping vigilant against such manoeuvres. "Data available show that over 86 per cent of the Soviet hauls in 1970 was made in outer seas and distant waters. It was, in fact, made in the adjacent waters of other countries.

"The value of tuna catches by the U.S. in the territorial waters of Ecuador amounted to more than \$15 million in 1971 alone.

"The two superpowers are also attempting to lay hands on the mineral resources under the coastal waters of the third-world countries."

Le droit de la mer

Confrontation quant au fond et quant à la procédure

Subject
Sujet

JUN 20 1974

Publication

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U.N. - LAW OF THE SEA CONFERENCE
MINISTÈRE DES AFFAIRES EXTÉRIEURES
DEPARTMENT OF EXTERNAL AFFAIRS

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June 2-17, ECS FLP
W. Appleton Esq UNO

économique des pays côtiers. Ce qui importe pour les États-Unis n'est pas tellement la limite en distance internationale dans ce domaine continuera à l'avantage des nations industrialisées. Celles-ci dont les moyens techniques et scientifiques sont les plus avancés pourraient virtuellement réclamer et exploiter pour elles-mêmes toutes les mers du monde.

Si aucun compromis n'est trouvé à ce problème qui promet d'être l'un des plus disputés à la conférence, l'ordre juridique international n'est pas tellement différent de celui qui prévaut actuellement. Les États-Unis considèrent comme anachroniques et injustes et surtout l'abolition des privilèges et des monopoles.

Déjà, les 43 États africains qui représentent presque un tiers des participants à la conférence ont préparé un projet de résolution demandant que la limite des eaux territoriales soit étendue à douze milles mais que la "zone économique" du plateau continental (y compris le droit de pêche), soit comprise jusqu'à 200 milles. Cette position est très voisine de celle des pays latino-américains et de la plupart des États-Unis et, croit-on savoir, l'Union soviétique, sont opposés à la mer soit considérée comme un "part-moine commun de l'humanité" et que ce "patrimoine" soit contrôlé et exploité par un organisme international qui serait chargé de répartir les profits entre tous les pays de la communauté internationale. La France soutient la création de cet organisme, mais les États-Unis semblent s'y opposer, déclarant pour leur part une liberté totale. L'importance de cette question paraît d'autant plus vitale que, selon les experts, les réserves minérales des fonds sous-marins sont immenses. Pour le pétrole, par exemple, elles représentent 21 % de la production mondiale et 35 % de la production mondiale prévue en 1980. La découverte d'énormes réserves de métaux a permis de multiplier par 4 000 les réserves mondiales de manganèse et par 5 000 celles du cobalt.

Paradoxalement, les pays sans littoral ont une position analogue à celle des grandes puissances maritimes qui souhaitent maintenir sans ressources, note définie la mer et ses ressources.

Un de ces dix formules préconisées par les Américains sera adoptée dans les États-Unis peuvent espérer en rayer ce qu'ils appellent eux-mêmes le "niveau compresseur" que représente le vote massif des pays du tiers monde.

Mais le règlement intérieur de la conférence, c'est-à-dire la procédure adoptée sur les 25 points de l'ordre du jour sont pris à la majorité simple. Dans la mesure où ils restent unis, ces États sont donc sûrs d'obtenir par les délégués eux-mêmes à la majorité simple, il paraît difficile d'éviter cette confrontation des la séance inaugurale.

Sous ces questions de procédure se cache l'essence politique de l'enjeu de la conférence de Caracas: pour les grandes puissances, la sauvegarde des droits acquis et des monopoles en matière d'exploitation des ressources de la mer et des fonds marins; pour les

CARACAS (AFP) — Une nouvelle confrontation diplomatique potentiellement grave se prépare entre les pays du tiers monde et les grandes puissances maritimes, tant sur les questions de procédure que de fond, à la troisième conférence des Nations unies sur le droit de la mer qui s'ouvre aujourd'hui à Caracas.

Cent-vingt-cinq pays ont été invités à cette conférence considérée comme la plus importante jamais réunie sous l'égide des Nations unies. La plupart des pays en voie de développement ont pris des positions qui s'opposent à certaines des puissances hautement industrialisées, notamment sur la question de la limite des eaux territoriales et de celles du plateau continental. Pour les premiers, cette limite doit être fixée à 200 milles, pour les seconds au maximum à 12 milles. Mais, avant même que ces questions de fond aient été abordées, un désaccord fondamental s'est fait jour dans les consultations qui se déroulent à l'ONU sur les modes de scrutin à appliquer pour les décisions de cette conférence.

En revanche, les États-Unis et plusieurs grandes puissances maritimes insistent pour que les décisions soient prises par "consensus", c'est-à-dire tenant compte des intérêts de tous les participants ou à la majorité des deux-tiers, celle-ci se situant autour de 88

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject UN. Law of the Sea Conference
Sujet UN. Conférence de la Mer

JUN 20 1974

TORONTO STAR

Date Publication

Waves of oratory to open conference on law of the sea

By MARK GAYN
Star staff writer

CARACAS, Venezuela — With pomp, extraordinary security precautions and some high-flowing oratory, the momentous United Nations Conference on the Law of the Sea opens here today.

Representatives of some 150 governments will hear Venezuela's President Carlos Andres Perez and UN Secretary-General Kurt Waldheim offer their blessings to what has been described as the biggest international meeting ever held.

But discord and confusion lie heavy over the gathering.

The 150 delegations have not agreed even on how to deal with their disagreements. The majority seems to be for decision by consensus, but the word consensus has not yet been defined. Nor has it been decided what to do if the conference is deadlocked.

The UN assembly ruled that all such questions must be settled by next Thursday. Yesterday, a group of countries asked the acting head of the Canadian delegation, Paul Lapointe, of the external affairs department, to present a draft proposal.

If the group accepts the draft, it will go to a larger committee for approval.

With the haggling over the procedure expected to go on for the rest of the month, the conference will not get down to real business until early July.

The agenda makes this conference second to none in importance, except perhaps for the nuclear arms limitation talks. Among the items to be discussed are these:

—The definition of what constitutes territorial seas.

Nearly all countries agree the territorial waters (now mostly limited to three miles from the shoreline) should be extended to 12 miles, but most governments now also demand special rights far beyond this narrow belt.

Some South Americans, including Brazil and Peru, want a 200-mile-wide zone in which they will have total powers. Other Latin Americans—including Chile, Venezuela, Argentina and Mexico—and

the Africans demand a 200-mile economic zone, in which navigation will be free, but they will control fishing, undersea minerals and pollution.

But the major sea nations, Russia, Japan and the United States, are not keen on these wide belts.

FISHING CONCERNS

Canada's position is somewhere in between. She wants control of the Continental Shelf—the extension of the land mass into the sea—which off Newfoundland may be as wide as 409 miles. But Canada wants only to manage this area, not keep others out.

This is especially true in regard to fishing. Canada might want to keep 25 or 30 per cent of the entire fish catch in the area and let the rest be taken by other nations—but she insists on the right to decide just how much fish is to be caught in any area in any given year.

If such controls are not firmly set, Canada fears that the highly efficient Soviet and Japanese fleets could almost empty an area of its fish. Tokyo and Moscow, on the other hand, fear that any such controls anywhere in the world might freeze them out.

—Navigation in international straits.

The major sea nations, but especially the two super-powers, insist on the right of passage through such straits as Gibraltar and Malacca (through which Japan gets 95 per cent of her oil). The Russians, a diplomat says, insist on free passage anywhere in the world, but not in their waters.

The Americans refuse to accept the idea that their submarines going through an international strait must surface. Even less are they willing to accept Canadian anti-pollution restrictions in the Northwest Passage.

—All nations are agreed the high seas must be, in the words of Malta's Don Mintoff, "the common heritage of man."

NO ONE KNOWS

But this is where the agreement ends. Many nations, especially the United States, have already perfected the techniques for undersea mining. If international rules are not passed quickly, such industrial giants as Howard Hughes may well monopolize the effort, to the anger and anguish of the underdeveloped states.

—The creation of a sort of international super-agency that would see to it that the complex new laws of the sea are enforced. This watchdog agency might also regulate undersea mining, decide who is to mine what and where, make sure the world prices are not thrown out of joint, and see to it that the benefits are broadly divided.

—All nations pay lip-service to the fight on pollution, but not all are willing to accept the controls. In general, protection of the sea environment—something as sacred as motherhood—has produced far more wrangling than anyone has expected.

In what another participant describes as "this incredible free-for-all," no one is sure just how many delegates will be here. A Venezuelan official estimates the total at 3,000 people, including office staff. The U.S. delegation is 240 strong, but these include professors and only partly disguised pleaders for big business interests. The Soviets expect to have some 200 people. The Chinese delegation numbers 24.

At the moment, the Canadian delegation has only two diplomats and a dozen staff members. J. A. Beesley, Canadian ambassador in Vienna and head of the delegation, will arrive late this month, and by that time the Canadian contingent will rise to about 50, including the staff.

As chairman of the increasingly powerful drafting committee, Beesley, a legal expert, will play a key role in the intricate legal manoeuvring here.

One Canadian cabinet minister who will play hooky during the election campaign is Jack Davis, minister of fisheries and environment. He is scheduled to come here July 2 and leave at midnight of July 3. If the agenda permits, he may address the conference on his second day here.

External Affairs Minister Mitchell Sharp, facing what is thought to be a very tough election challenge in Toronto's Eglinton riding, is not likely to come here before the July 8 election day.

It is a rare delegate here who expects much agreement by the time the conference ends its work on Aug. 29.

With foresight, the United Nations has already arranged for another such gathering, in Vienna, in about 15 months.

Woods
The Star
Mark Gayn

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

ECS PAP
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Subject *UN Conference of the Sea Conf.*
Sujet

JUN 21 1974

Date

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GLOBE AND MAIL
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June 4 1974
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Publication

Venezuela denounces role of UN as law-of-sea conference opens

CARACAS (AP) — The biggest international conference in history opened here yesterday to seek a global treaty for use of the oceans.

President Carlos Andres Perez of Venezuela attacked the United Nations and other global bodies in the opening speech to delegates here under auspices of the world body.

"We denounce, frankly and not diplomatically, the fact that until now all these organs have acted more in the service of powerful interests than in service to humanity," said Mr. Perez.

United Nations Secretary-General Kurt Waldheim also addressed the gala inaugural session of the Third UN Conference on the Law of the Sea.

Mr. Waldheim called for a new balance in treaty negotiations "which will enable us to exploit the riches of the sea while preserving the interests of all."

"It is my profound conviction that this conference must succeed, for we must not replace old quarrels on land by new quarrels at sea."

Five thousand delegates and official observers from all but two nations of the world gathered in a new skyscraper complex in the heart of this oil-rich capital for nearly three months of work.

Only Taiwan and North Vietnam were not represented on opening day. Taiwan was not invited and the North Vietnamese refused to attend because the Viet Cong were not invited.

Shortly before the conference officially opened, chief U.S. delegate John Stevenson told a news conference that the U.S. Government was ready to abolish its traditional three-mile coastal limits in favor of an international system of 12 miles.

He said the United States would also agree to a limit nations could claim control beyond that where individual "over living and non-living resources," but where ships could pass freely. Washington would be flexible in determining the breadth of the second zone, he said.

He stressed that the United States would agree to these extensions only as part of an international agreement.

"We are here to make laws

for man's future in the Oceans," he said. "The alternative to law is chaos and, in international society, chaos has too often led to war."

The conference must come to grips with about 100 separate items dealing with all aspects of ocean use. The question of territorial limits is one of the most controversial.

Some Latin American nations claim 200 miles of territorial limits but there appears to be willingness at the conference to compromise along the lines proposed by the United States.

The United States has insisted that it will not agree to extending territorial limits until it receives guarantees that vital straits connecting the world's oceans will remain free to international navigation.

China, in a statement issued earlier through its Hsinhua news agency, declared: "It is within a country's sovereign

rights to determine the limits of its own territorial waters and zone of jurisdiction and the superpowers have no right whatsoever to fix them."

The broadcast, monitored in Tokyo, described the Caracas meeting as a tit-for-tat struggle by the Third World against "obstruction and sabotage" by the United States and the Soviet Union.

Mr. Stevenson said his delegation would also be deeply concerned about the effects of any treaty on the ecology of the oceans.

"Our knowledge of the effects of new uses of the oceans is problematical, indeed," he said.

He said the United States supports very strongly a system of "peaceful and compulsory third-party settlement of disputes that once and for all substitutes a system of law and justice for a system of power."

See back page

Appelbaum

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject *U.A. - Issue of the Sea Conference*
Sujet

JUN 22 1974

Date Publication GLOBE AND MAIL

Arabs want guerrillas at law-of-sea talks

CARACAS (AP) — A clash between Arab states and Israeli yesterday threatened to disrupt the international conference meeting here to forge a global treaty for use of the oceans.

Arab diplomats said that they planned to ask the Third UN Conference on the Law of the Sea to admit Yasser Arafat's Palestine Liberation Organization as an official observer to the 10-week-long meeting.

But a spokesman for the Israeli delegation said his group would contest any such attempt.

"This is a conference dealing with the sea," he said. "It's inconceivable that a terrorism movement which throughout its existence has used the weapons of indiscriminate murder, atrocity and sabotage in pursuit of its objectives should be permitted to take part in the conference and say how governments should conduct themselves."

The 100-item agenda of the conference, which ranges from territorial limits to piracy, will not be opened until next week.

The conference must still agree on how to vote and how to decide when a consensus is unreachably.

Some Third World nations would like balloting to be decided by a simple majority, because this would enable them to outvote the big powers.

Larger countries including the United States and the Soviet Union would prefer requiring larger majorities. The United States has backed a two-thirds majority and the Russians have proposed a nine-tenths majority.

But whichever method is accepted, a treaty still could not be made binding on a country that disagrees with it, U.S. delegates noted.

Chief U.S. delegate John Stevenson pointed out that countries have to ratify any international treaties.

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject *U.N. - Law Of THE SEA Conference*
Sujet

JUN 22 1974

LE DEVOIR

Date Publication

Pas d'entrave à l'accès aux richesses de la mer, dit l'Américain à Caracas

CARACAS (AFP) — Le représentant des Etats-Unis à la conférence de Caracas sur le droit de la mer, M. John Stevenson, n'a pas attendu longtemps pour faire connaître la position de son pays sur l'un des sujets qu'il considère comme essentiel: l'exploitation des richesses situées au fond des mers. Au cours d'une conférence de presse, M. Stevenson a clairement fait savoir que son pays n'accepterait pas d'entraves à la liberté d'accès de tous les pays sans discrimination aux richesses de la mer, même si ces richesses, vivrières ou minérales, se trouvent dans des zones revendiquées par des Etats côtiers.

Au cours de son intervention, M. Stevenson a souligné l'intérêt croissant que les Etats-Unis portent aux immenses ressources minérales recelées par les "nodules", ces petites masses rocheuses de forme voûtes posées sur les grands fonds marins. Selon une étude effectuée récem-

ment par les experts des Nations unies, l'extraction du nickel contenu dans les "nodules" pourrait en 1985, couvrir 18 pour cent de la demande mondiale de ce métal.

Les "nodules" pourraient fournir à la même époque la moitié de la production mondiale de cobalt. De fortes quantités de manganèse pourraient également être extraites, ce qui ferait baisser considérablement les prix mondiaux. Les auteurs de l'étude soulignent d'ailleurs les dangers que pourrait représenter une exploitation systématique des "nodules" pour les ressources des pays en voie de développement riches en minéraux et suggèrent une réglementation internationale pour les protéger. On comprend dans ces conditions le souci marqué par les Etats-Unis de se ménager un libre accès à ces nouvelles richesses.

Au lendemain de son ouverture, le dé-

roulement des travaux de la conférence de Caracas peut-être prévu schématiquement ainsi:

Le débat sur la procédure, et notamment sur les modalités des votes, devra être terminé le 27 juin au plus tard. D'autre part, un débat général auquel participeront plusieurs ministres se déroulera en séance plénière pendant un maximum de six jours.

Les travaux seront répartis entre trois grandes commissions. La première examinera principalement la question du régime international du fond des mers et des trésors archéologiques et historiques enfouis dans les grandes profondeurs. La deuxième commission se penchera sur les questions d'ordre général, telles que celles des détroits internationaux, du plateau continental et de la zone économique exclusive au-delà de la mer territoriale et des pays sans littoral.

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject *U.A. - Law of the Sea Conference*
Sujet

JUN 2 1974

Date Publication

MONTREAL GAZETTE

Canada warns it will take control of ocean shelves

CORNER BROOK, Nfld. — (CP-AP-UPI) — Regional Economic Expansion Minister Dan Jamieson said yesterday that Canada unilaterally will take control of the continental

shelves off its coasts if current law of the sea negotiations do not go mostly her way.

Canada does not want to enter the law of the sea con-

ference in Caracas, Venezuela, "with a big stick," he told reporters at a briefing on the Liberal party's fisheries platform in the July 8 federal election.

Canada must have control over fisheries on the continental shelves and this will require increased surveillance by armed forces, coast guard and fisheries patrol boats, he said.

Prime Minister Trudeau, however, said in a speech prepared for delivery at this western Newfoundland city, said he is confident the law of the sea talks will accept the

Canadian position.

The talks opened Thursday and will continue for two months.

Jamieson, a Newfoundland MP, said if Canada cannot negotiate control over the shelves and their immense fishery resources, it will have no choice but to take unilateral action.

East Coast fishermen have been complaining that foreign

factory ships have been scooping up tons of fish from the shelves, sometimes in violation of international fishing limits.

STRONG STATEMENT

While Canada's intention to take control of the shelves has been known for some time, it is the first time that a cabinet minister has made such strong statements while negotiations are in progress.

Meanwhile, a clash between Arab states and Israel threatened to disrupt the Caracas meeting.

Arab diplomats said they planned to ask the conference to admit Yasir Arafat's Palestine Liberation Organization as an official observer.

But a spokesman for the Israeli delegation said his group would vigorously contest any such attempt.

"This is a conference dealing with the sea," he said.

"It's inconceivable that a terrorism movement which throughout its existence has used the weapons of industrial murder, atrocity and sabotage in pursuit of its objectives should be permitted to take part in the conference and say holy governments should conduct themselves."

5 *Appelbaum*

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Exp. of the Sea Conference
25-5-4-2
17

Subject
Sujet

JUN 22 1974

Publication

CLASS AND MATE

Canada plans to enforce 200-mile limit: Jamieson

By WILLIAM JOHNSON
Globe and Mail Reporter

CORNER BROOK, Nfld. — Canada will unilaterally assert its right to control 200 miles of water off its coasts if no agreement is reached at the Law of the Sea Conference, according to Donald Jamieson, Minister of Regional and Economic Expansion.

Mr. Jamieson was briefing reporters on Liberal fisheries policies as they rode by bus to an election rally in Corner Brook.

At the rally, Prime Minister Pierre Trudeau told a noon crowd of about 125 people that Canada was pressing for recognition of a 200-mile territorial limit at the Law of the Sea Conference, which opened Thursday in Caracas.

But Mr. Jamieson said that the Canadian Government would act whether or not the conference accepted Canada's claim to a 200-mile limit or the extent of the continental shelf, whichever is greater.

"What we've got to do is move unilaterally to protect the incomes and livelihood of

fishermen," Mr. Jamieson said.

Many nations support Canada's position, he maintained, and Canada cannot be kept from a rational management of fishing off its coasts because of a few "recalcitrant" nations.

"If the conference comes apart at the seams we can't let things go on the way they are now," according to Mr. Jamieson.

The key at the conference would be the attitude taken by the United States, he said. But he thought that U.S. objections to the proposed change from the present 12-mile limit could be overcome.

"It's primarily that the Americans are reluctant to change their historic posture for military reasons."

If assurances could be given that there would be no interference with the right of innocent passage, but only a regulation of economic activity within the new limit, Mr. Jamieson thought that the Americans could be brought to accept the Canadian position.

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject UN - Law of the Sea Conference
Sujet

JUN 24 1974

TORONTO STAR

Date Publication

Coastal seas a heavy responsibility

Canada has gone into the Law of the Sea Conference in Caracas, Venezuela, with an impressive list of demands for greater jurisdiction over coastal waters and the seabed. What is less impressive is the evidence that the government will be prepared to carry the responsibilities that will go with the new rights we may gain.

The Canadian claim to full control of the continental shelf and the sea over it, which on the Atlantic side would extend territorial waters as much as 450 miles, is in line with the demands of a number of other countries and is worth pursuing.

The fisheries alone are immensely valuable, both in terms of money and the food supplies they represent in the face of a growing world shortage of protein.

In taking control, perhaps as soon as a couple of years from now, Canada will not want to exclude other countries from any share of the fishing rights. The objective is to impose good conservation measures so that the rich grounds are not ruined by over-fishing. This is the logical responsibility of all coastal states, and at present there is alarmingly little control.

Similarly, Canada wants international acceptance of its assertion of Arctic jurisdiction, not to

keep everybody else out, but to make sure that all activities there respect the delicate environment.

These are reasonable proposals and they should be accepted, with whatever qualifications may be necessary to protect the legitimate international rights of other countries. The question then arises: Having got control, how will we go about administering it?

This is the formidable responsibility that will go with the right. It will demand, as well as new fishing fleets, effective air-sea patrolling of a huge new area off Canadian coasts.

With what? The Canadian navy at present is long on sophisticated anti-submarine destroyers, useful only in war, and very short on small coastal patrol craft. Air force off-shore patrolling is also designed for submarine-killing rather than detailed inspection of the activities of fishing fleets or the Arctic ice.

If Canada is even moderately successful at the Caracas conference, therefore, defence planning will have to be completely revised. And just as well. With the declining military importance of the North Atlantic Treaty Organization and the fading prospect of any major war there is every reason to turn defence spending to the building of a thoroughly effective coast guard and sea-policing force.

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject *C.A. Speech of the Sen. Carignan*
Sujet

JUN 25 1974

Date Publication

GLOBE AND MAIL

Davis speech at sea talks set for July 3

By HUGH MUNRO
Special to The Globe and Mail

CARACAS — At least five Canadian provinces will send representatives to the Law of the Sea Conference here and Jack Davis, Minister of Environment and Fisheries, will present Canada's position paper next week.

Earlier reports indicated he would not attend the conference during the federal election campaign. But the senior Canadian delegate here said Mr. Davis plans to arrive in Caracas on July 2, present the position paper on July 3 and fly home that night.

Paul LaPointe co-ordinator of the Canadian delegation, said Mr. Davis would be the only Canadian with ministerial rank to attend the LOSC during the election campaign. Mitchell Sharp, Minister of External Affairs, will not visit the conference during the election, he said.

The five provinces sending representatives are British Columbia, Quebec, Newfoundland.

In addition, 14 representatives of Canada's fishing and ocean industries are expected to attend in relays of small groups.

The senior Canadian delegates, including veteran diplomat J. Alan Evesley, are expected to arrive by the end of this month. Mr. Evesley, former head of the legal branch in External Affairs, is the present Canadian Ambassador in Geneva. He was elected at the final LOSC preparatory meeting in New York last December to be chairman of the important resolutions drafting committee.

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25-542 File

June 26/74
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Coastal states near pact on resources

936/BIL.
0-21-029-8048

CARACAS — (CP) — Canada and about 18 other coastal states attending the international Law of the Sea conference are nearing agreement on a powerful joint proposal governing national rights over offshore resources. Sources say that some details of the final package remain to be settled but they stress that its main elements are already agreed.

Austria, India, New Zealand and Norway are believed to be among the states taking part in the plan, along with Canada. It has been hampered out in a series of private, unannounced meetings since the conference opened last week.

FLAT LIMIT

When the proposal is put forward, sources say, it will contain most elements of Canada's argument that coastal states should be able to exer-

the area claimed by Canada, being among the most common.

Most coastal states in the world would be satisfied with a 200-mile "economic zone" off their shores in which they would exercise control of resources development but they agree that the rich mineral nodules lying on the shelf beyond 200 miles may be exploited and processed by an international seabed authority.

But Canada will still claim rights to all oil found in the continental shelf regardless of its distance from shore, nodules will be mined primarily for their nickel content in future and Canada, already the world's major producer of the metal, has a clear interest in future development.

The mineral nodules cover vast areas of the deep ocean floor and contain significant deposits of manganese, nickel, copper and cobalt. It is generally expected that the nodules will be mined primarily for their nickel content in future and Canada, already the world's major producer of the metal, has a clear interest in future development.

*Overlapped by
Dunn, Rowland*

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject UN Law of the Sea Conference
Sujet

JUN 27 1974

Publication
MONTREAL GAZETTE

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject U.N. - LAW OF THE SEA CONFERENCE
Sujet

JUL - 3 1974

LE DEVOIR

Date Publication

75-5-4-2	File
12	July 4/74

Supplem

Caracas: affrontement sur la "zone économique"

CARACAS (AFP) — Délégués des grandes puissances et délégués des pays en voie de développement à la conférence sur le droit de la mer ont continué à s'affronter à Caracas sur la question de la "zone économique" contiguë à la mer territoriale. Le droit des États riverains à se réserver une zone d'exploitation exclusive a été soutenu notamment par Trinidad-Tobago, l'Iran, l'Argentine et l'Égypte.

La Suède, en revanche, tout en réclamant l'adoption universelle de la largeur de 12 milles pour la mer territoriale, s'est prononcée contre la "zone économique" en souhaitant le maintien du principe de la liberté de la haute mer, notamment en

ce qui concerne la pêche.

Cette thèse, qui est défendue par les délégués des grandes puissances, est fondée, selon eux, sur le fait que le manque de moyens techniques de quelques États riverains entraîne une perte de ressources qui, convenablement exploitées, contribueraient à la solution des problèmes alimentaires que connaît le monde.

Les pays en voie de développement ont rejeté ce point de vue en faisant valoir qu'ils pourraient, tout en exerçant leur entière souveraineté, délimiter des licences de pêche et d'exploitation en attendant d'acquiescer une technologie suffisante.

Offshore economic zone 'idea gains approval'

936/611.
21-026-1048

CARACAS — (CP) — Canada yesterday indicated its willingness to accept in large measure a consensus developed at the international Law of the Sea conference defining the offshore rights and duties of coastal states.

Environment Minister Jack Davis said the idea of giving coastal countries rights over a 200-mile offshore economic zone would meet most needs made a strong plea for the

But in a major speech to prize salmon from the general rule being devised to Canada has previously taken the position that coastal waters should have jurisdiction over oil and other minerals throughout their continental shelves, even at least 200 miles beyond their shore or to the outer edge of the continental shelf, which ever is the greater distance.

But in an interview the minister said that Canada already claims full rights to the minerals and oil beneath its entire continental shelf and there is no thought of extending this claim to the continental shelf beyond 200 miles. If the continental economic zone concept is accepted, this area, too, would fall naturally under Canadian jurisdiction.

In his speech, Davis emphasized the unique position of salmon which spawns in fresh water rivers, then swims thousands of miles into the oceans before its eventual return. "To ensure adequate protection and proper management of stocks such as salmon, fishing for these

stocks must be prohibited outside the economic zone. The primary interest of the state in whose rivers these species are spawned must be recognized throughout the limits of the migratory range."

The minister indicated in an interview that, with rare exceptions only Canadian fishermen should have the right to fish Canadian salmon on.

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

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Subject *U.N. Law of the Sea Conf.*
Sujet
JUL 04 1974

MONTREAL GAZETTE

Publication

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject *U.N. - Law of the Sea Conference* FLP
Sujet

JUL - 4 1974

VANCOUVER SUN

Date Publication

Davis sure sea conference will okay 200-mile limit

Environment Minister Jack Davis said Wednesday from Caracas he is confident Canada is going to win its fight for a 200-mile control limit of fishing and mining resources and a ban on the fishing of its salmon by other countries.

"We're going to get what we want from this conference. I'm sure of it," Davis told The Vancouver Sun in a telephone interview after presenting Canada's views to the Law of the Sea conference in the Venezuelan capital.

Davis was in a jubilant mood after outlining Canada's stand to more than 300 delegates from the 149 countries taking part in the biggest world parley of its kind ever held.

"I can already name the more than two-thirds of the countries who will support the 200-mile limit proposal," said Davis.

He said discussions at the conference have already indicated that Japan will be the only major maritime power that will remain opposed to the proposed 200-mile limit.

Davis listed Russia, China, United States and Britain, along with nearly all the developing countries, as among

the nations supporting the Canadian position.

"I must say I'm surprised at the change in policies that have been expressed here by some of the powers that previously were opposed to the 200-mile proposal," Davis said.

Davis, due back in Vancouver today to resume his campaign for re-election in Capilano, said Canada's fight to protect its salmon resources is also getting substantial support at the conference.

He said Canada is fighting for a protective world-approved policy on its salmon sources, "as an endangered species."

"Most of the participating countries don't know anything about the salmon species. But those that do, salmon fishing countries like the United States, Russia and Norway, are aware of the efforts needed to protect this species and we can count on their support," said Davis.

He said he had not touched on earlier warnings sounded by Canadian spokesmen, including himself and Prime Minister Pierre Elliott Trudeau, that Canada would insist on establishing its own 200-mile limit policy if such a

policy was not accepted internationally.

"We're going to get it (200-mile limit) at the Law of the Sea conference. We won't require any gumboat diplomacy to ensure it," said Davis.

"I'm very happy about it all ... things went much better than we thought."

In his presentation to the conference, Davis told delegates the 200-mile zone would go a long way toward resolving the fisheries problems of a country like Canada.

But, to ensure adequate protection and proper management of such fish as salmon, fishing must be prohibited outside the economic zones.

"The primary interests of the state in whose rivers these species are spawned must be recognized throughout the limits of their migratory range," said Davis.

Foreign states should be allowed to fish for surplus stocks of fish within a coastal state's economic zone, Davis said, but only under control regulations of the coastal state.

Davis made no specific reference to oil tanker traffic along the B.C. coast but did call for higher standards in the operating of such ships.

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject U.N. - *Law of the Sea Conf.*
Sujet

Date JUL 04 1974

Publication GLOBE AND MAIL

Ocean plan could mean higher costs

Special to The Globe and Mail

By HUGH MUNRO
CARACAS — Canadians may be faced with additional heavy costs in future for ocean management.

This conclusion emerges from a position paper presented here yesterday at the Third Law of the Sea Conference by Jack Davis, Minister of Environment and Fisheries.

His speech, in the view of Canadian delegates, represented the basic position of most coastal states. It stressed not only the rights but the responsibilities that would entail if their position is adopted by the conference.

Mr. Davis also put forward a strong plea for some special rights for Canada, which has one of the longest coastlines in the world.

He said Canada favored a 12-mile territorial sea, a 200-mile economic zone or patrimonial sea, and a strong international authority to manage seabed minerals.

He also made it clear the conference must strive to maintain existing rights to the edge of the continental shelf for countries whose shelves go beyond 200 miles.

Canada would be one of these countries. Its shelf, in some cases, extends as far as 640 miles. Rights to minerals, oil and sedentary species (shell fish) currently exist under convention developed at previous law of sea conferences.

Mr. Davis said Canada could live with a 200-mile economic zone for fisheries, providing answers can be found to four problems:

—Coastal fish stocks would be managed on a scientific basis and under regulation of the coastal state.

—Fishing for salmon beyond the 200-mile limit would be banned.

—An international authority would be established for the management of whales and tuna.

Fishing by foreign fleets for surplus fish stocks in a coastal state's economic zone would be subject to regulation by that state.

These conditions, if accepted, could mean a sizeable increase in Canada's present fish management team. The total budget for 1974-75, including capital costs and small boat harbor maintenance, is \$168-million.

Mr. Davis emphasized that nations must make determined efforts to end polluting oceans. He said this applied not only to shipping and ocean dumping, but also land-based pollution which ends up in oceans. (Some experts contend 80 per cent of ocean pollution comes from land.)

As an example of the big job to be done here, Mr. Davis said Canada and the United States must make determined efforts to control pollution from land and he referred especially to the 900-mile long St. Lawrence River system.

A major goal of the two-month conference, the largest held so far by the United Nations, is to develop a new sea law which recognizes that the oceans are the common heritage of mankind.

Mr. Davis said a main goal of the conference should be to devise a system of law, not only for coastal states but also for the high seas, which will work for the primary benefit of mankind in general and the developing countries in particular.

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Subject *A.N. - Law of the Sea Conference*
Sujet

JUL - 6 1974

Date Publication MONTREAL GAZETTE

Sea law progress

Canada has done its homework, and the preparations are beginning to pay off at the Law of the Sea Conference in Caracas. First, when the conference threatened to break down in quarreling over voting procedures, it was a compromise worked out last week by Canada, India and Australia that proved acceptable to the major maritime powers and finally broke the jam. The issue was a serious one; a preliminary meeting in New York late last year had been unable to resolve it.

Now, with the conference moving on to substantive matters, it looks more and more as though Canada might win support for policies only recently regarded as impossibly far out. One of these is control over ocean resources for a distance of 200 miles offshore or to the edge of the continental shelf, whichever is the greater. The general form of this proposal is for a 12-mile territorial zone and a 188-mile zone outside of economic control.

Surprising reversal

Only two weeks ago British, American, West German and Japanese delegates were dismissing it. One Briton said there wasn't "a chance in hell" the Canadians would win support for such a plan.

So much for two weeks ago. On Thursday of this week, David Ennals, British minister of state, announced his country's conditional acceptance of the Canadian proposal. The Soviet Union had already taken

a similar position, as had most other nations.

The United States is known to be agreeable to the 12-mile territorial limit, but the Pentagon is believed reluctant about the larger zone, fearing that fishing jurisdiction may be only a step toward claiming military jurisdiction. Other pressures, however, are working to make Washington more agreeable.

Treasures of the deep

An Hawaiian oceanographic task force, for example has just reported vast stores of metals — gold, platinum and many others — on a plateau 3,000 to 6,000 feet deep, between islands of the chain. The U.S. will surely prove amenable to some formula for reserving this treasure to itself, since the plateau is not now under its national jurisdiction.

But the main problem is not how to grab resource but how to bring them under orderly control for mutual benefit. Thirty-five countries have already taken unilateral steps to extend their coastal jurisdiction. This push into the last frontier represents our increasing ability to work in it. But 12 miles is not more rational than three, it is just farther.

The shelf has some logic. Beyond that we must answer hard questions: Who owns the sea. Everyone? No one? If the sea is a common resource, both sovereignty and freedom of the seas will be vanishing concepts. We must develop new institutions to meet the new needs.

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject *Law of the Sea Conference*
Sujet

Date JUL - 6 1974

Publication

GLOBE AND MAIL

THE SEA

Facing change in the environment

The Caracas conference on the Law of the Sea will carry on until the end of August as the world's nations grapple with the problems of the environment and man's growing attempt to seize and possess the contents of the oceans.

BY BARBARA WARD
The Economist

MORE THAN 350 years ago, when cockleshell boats, weighing no more than 280 tons, were beginning to carry settlers to the Americas, Hugo Grotius formulated the legal doctrine of the freedom of the seas—a doctrine that has been the main assumption of maritime law virtually ever since. For him—as, no doubt, for the passengers on the Mayflower, enduring a week after week of the terrifying Atlantic passage—the sheer power, extent and majesty of the oceans seemed, not unreasonably, to express their fundamental nature. Grotius wrote: The earth, which although surrounding this the ebb and flow of its tides, can be neither seized nor enclosed; nay, which rather possesses the earth than is by it possessed.”

ing by 8 per cent a year. In the 1960s, the weight of world cargo doubled—from 1,110 million tons to 2,280 million tons. At the same time, the size of cargo ships is expanding faster still. As recently as 1948, no cargo ship weighed more than 26,000 dead weight tons. By 1973 more than 400 oil tankers weighing more than 200,000 tons were operating or under construction.

When we turn to the exploitation of the oceans' resources, it is a question not simply, as with transport, of a vast expansion of a traditional activity. Fishing and whaling have, it is true, grown to an unprecedented degree. But the development of new, largely mineral resources is, if anything, more remarkable. The frantic drive to increase man's hold on both the living and the inanimate resources of the oceans has a common root—the explosive growth of world population and the even more explosive determination of these increasing numbers to employ more energy, so that energy use grows by 6 per cent a year.

Between 1950 and 1970, the world fish catch grew from 20 million metric tons to 70 million tons. Such a vast expansion was made possible by radical changes in fishing technology. Shoals are traced by sonar and by helicopter. Factory ships sometimes equipped with the oceanic equivalent of giant vacuum cleaners, suck up all forms of marine life, dump back into the sea the unwanted material—a whale can be flensed and melted down in just half an hour—and then refrigerate on the spot fish destined for markets on land.

But the biggest break with the past comes with the growth of mineral exploitation. In the last decade, the extraction of oil and natural gas from the continental shelves has all but caught up, in value, with the world's entire fish catch. At present, it provides 15 per cent of the 15 billion barrels of oil produced each year. But the energy crisis has both accelerated exploration and reduced inhibitions about the exploitation of known reserves.

Technological breakthroughs are even more decisive in opening up wholly new fields of mineral exploitation in the ocean depths. The first signs of possible exhaustion of some land-based minerals have speeded up the search.

There is, therefore, an appropriate logic behind the United Nations Conference on the Law of the Sea which has assembled at Caracas and which is likely, whatever else it does, to redefine Grotius's law to an unrecognizable degree. For the conference coincides with a quantum jump in man's ability and determination to “seize and enclose” the watery commons that cover two thirds of his planet.

This change, which amounts to the extension to ocean space of the modern technological order, has been building up for some time, but at a certain point in the extensions of technology, the processes become cumulative, the pace accelerates formidably and men are suddenly shaken awake into the realization that their whole way of life and work has been transformed.

We can perhaps define five traditional uses of ocean space—as a means of transport, as a source of wealth (which in the past has mainly meant fishing and whaling) as an area for fixed installations (piers, lighthouses, telegraph cables), as an area of recreation, and as an ultimate dump or sink for all the wastes of human society. In all these categories, change is now formidably speeding up. Take transport, first of all. The transfer of goods by sea is expand-

Subject
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U.N. Law of the Sea Conference

JUL - 6 1974

Date Publication

OTTAWA JOURNAL

The law of the sea

Canada and the continental shelf

By JACK BEST

IS THE government promising Canadians more than it can produce in the way of control over the waters of the continental shelf?

The question is prompted by a recent remark of Regional Economic Expansion Minister Don Jamieson that Canada will unilaterally take control of these waters if it doesn't get its way at the law-of-the-sea conference now under way at Caracas, Venezuela.

Canada doesn't want to enter the negotiations "with a big stick," Mr. Jamieson said in Newfoundland, but if it can't negotiate control over the shelf and its immense fish

resources, it will have no choice but to act independently.

Mr. Jamieson's remarks were very much in line with what Liberal cabinet ministers have been saying for some time.

Taken as a corpus, statements issued from the government on the subject of the sea represent a peculiar approach, to say the least, to one of the most sensitive sets of international negotiations Canada has ever entered into.

Prime Minister Trudeau recently went on record as saying Canada is determined to extend its jurisdiction "to the

edge of the continental shelf and slope, or to a distance of 200 miles off shore, whichever is greater." This would be for both pollution control and fisheries management.

THEN there was Fisheries Minister Jack Davis's fire-breathing speech at St. Andrews, N.B., about a year ago, pledging to extend "our own exclusive fishing banks" to the edge of the continental shelf, and even to take over "all of the Grand Banks," away out off the Newfoundland coast.

The Davis speech was so strident that at least one foreign diplomat called at

the external affairs department in Ottawa to try to find out just what all the brest-pounding meant.

Unfortunately, the minister had managed to convey the impression that Canada intended to take control of the shelf fishery for its own use. The official government line is that Canada and other coastal states should act as trustees for the international community to regulate catches in the interest of good conservation.

Canada has contrived to speak out of both corners of its mouth at once on the issue.

On the one hand, our lead-

ers purport to assure us there should be no difficulty in getting the Canadian position accepted internationally. Thus Mr. Trudeau:

"I am very confident that our position will be accepted by the community of nations, and formally approved at the law-of-the-sea conference in Caracas."

On the other hand, they threaten to do this and do that, regardless of whether Canada's plan gains acceptance.

IT WOULD be surprising if other states were not confused and antagonized by the babble of voices coming from Canada.

Furthermore, there is a danger that Canada has staked out a position, through the mouths of its political leaders, that it can neither bring the international community to accept at this stage, nor retreat from gracefully.

Canada will undoubtedly draw a lot of sympathy and support for its concept from middle-tier and Third-World states, especially those with extensive coastlines.

But the great powers, most of which are major shipping states or major overseas fishing states or both, are likely to reject it, as was made clear by a reporter's random sampling of great-power delegates to the Caracas meeting.

If the Canadian proposal fails — despite all the good legal work done by external affairs department experts in putting it together — it will be extremely hard for Canada to act unilaterally in defiance of the international community and the great powers.

If, to take Mr. Jamieson at his word, it decides to proceed anyway, it had better start building up its navy. Other states aren't likely to submit meekly to interference with their fishing and mercantile fleets on what they regard as the high seas.

Realistically, a compromise may be the best Canada can hope to achieve and what it should aim for.

But that may be difficult to put across to the fishermen of the Atlantic and Pacific coasts, conditioned to expect more by the bravado of Messrs. Davis, Jamieson et al.

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject UN: Law of the Sea Conference
Sujet

JUL - 8 1974

Date Publication

of the earth sign a solemn treaty
to this effect there is not much
hope of making good on that thin-
ning declaration.
It will take only a handful of na-
tions, perhaps one, such as the Se-
viet Union, the United States or
Japan, to make mockery of a Law
of the Sea, even if the rest of the
nations sign up.
Caracas is concerned with other
issues — the doctrine of the pas-
sage through strategic waters and
how far territorial waters should
extend.
But the main problem might be
called a moral one. Will the great
maritime nations be willing to sur-
render economic advantages for
what the Wall Street Journal calls
"an idealistic but vague interna-
tional good?"
Mr. Kennal calls this the most
important international confer-
ence since the UN Charter was ne-
gotiated in 1945. It could become
the most divisive.

and no home fisheries — is who
has the right to exploit the riches
of the oceans comprising 70 per
cent of the earth's surface.
And these riches are vast. Apart
from protein in the shape of fish
and whales, there is the oil under
the sea bottom and, lately discov-
ered, tremendous quantities of
minerals, iron, manganese, nickel,
copper and others, in the form of
relatively easily extractable nod-
ules. According to some estimates,
these nodules will provide the
world with 400 million tons of ore
annually — apparently an infin-
itum, says the British economist
Barbara Ward.
The landlocked nations and the
underdeveloped countries insist on
sharing these riches and four
years ago the General Assembly
of the UN declared the interna-
tional seabed and its resources
"the common heritage of man-
kind." — but until all the nations

last UN sea conference in 1958.
What is lacking is a definition of
the continental shelf. Many of the
nations represented at Caracas
have not yet ratified positions
adopted in 1958. The present con-
ference is probably the largest in
history — with more than 5,000
delegates from 100 nations, but
with 100 items on its agenda, the 8
to 10 weeks remaining to it won't
be enough to reach agreement on
all. Another conference is sched-
uled for Vienna in 1975, and there
are expected to be further confer-
ences after that.
David Kennal brought to Car-
acas the decision of Britain to aban-
don its traditional claim to the
three-mile territorial limit in favor
of the 200-mile offshore right of ex-
ploitation by coastal states. How-
ever, what concerns many states
at Caracas — including Austria
and Czechoslovakia, which are
landlocked, and Japan, which
has no continental shelf whatever

In contrast with the apparent op-
timism of Canada's environment
minister, Jack Davis, the British
representative at the United Na-
tions Law of the Sea Conference
last week issued the warning that
the potential for conflict over the
world's oceans is "enormous" and
that countries with high technol-
ogy must not take the law into their
own hands in trying to exploit the
oceans' vast treasures.
Mr. Davis, fresh from a brief
mid-election visit to Caracas,
where the conference is taking
place, expressed assurance that
out of it Canada would get control
over the resources, in fish protein
and in minerals, at its coastline-
tal shelf, as well as the right to ex-
clude foreigners from its salmon
fisheries.
This Canada may well do —
eventually.
However, the right of coastal na-
tions to their continental shelves
was agreed to in principle at the

But who can really say who owns the sea?

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject *A.N. - Law of the Sea Conference*
Sujet

JUL - 9 1974

OTTAWA CITIZEN

Date Publication

Sixteen areas proposed Canada calls for ocean management system

Caracas (CP) — Maurice Strong of Canada, head of the United Nations environment program, urged countries participating in the UN law of the sea conference to put selfish prejudices aside and work to preserve the quality of the marine environment.

The native of Oak Lake, Man., spoke Monday as the conference renewed its work on drafting a global treaty for use of the oceans following a three-day weekend to observe

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Subject *U.N. Sec of the Sea* VANCOUVER SUN FLO
Sujet *U.N. Sec of the Sea* VANCOUVER SUN FLO

JUL - 9 1974

UNO

Publication

Save marine environment, Strong urges sea conference

Sea News Dispatches
CARACAS -- Maurice Strong of Canada, head of the United Nations environment program, urged countries participating in the UN Law of the Sea conference to put self-interests aside and work to preserve the quality of the marine environment.

The native of Oak Lake, Man., spoke Monday at the conference convened to work on drafting a global treaty for one of the oceans following a three-day weekend to observe Venezuela's anniversary celebrations.

Meanwhile, African states added their weight to Arab demands that liberation movements be seated at the meeting, an issue which threatens to split the countries attending.

Nonresident Djouadi of Algeria, the Organization of African Unity's assistant secretary-general, announced that the OAU would demand the presence of liberation movements from Africa and elsewhere.

"We have definitely decided to raise the issue," he told a news conference, without naming a specific date.

Israel's chief delegate, Amiel Najar, has warned that his country opposes the presence of the Palestinian Liberation Organization and other groups and is prepared to facilitate a major debate on the issue.

"What is needed is a comprehensive ocean management system," Strong told the conference.

"The current state of the marine environment is far

from satisfactory. In the absence of vigorous and enlightened action, the prospects are for further deterioration. Use of the oceans must not leave them unusable."

Strong proposed 15 areas of international agreement that should be ratified immediately to prevent depletion of marine resources before other issues are resolved. While carefully avoiding such questions as the proposed 200-mile economic zone, Strong's suggestions are generally in agreement with Canada's position.

Canada has previously proposed that coastal states should have the right to prohibit their coastal waters from pollution and overfishing, even in the absence of adequate international laws.

Strong supported this view and added that "rational management of fisheries cannot be achieved within artificial boundaries." This is also in agreement with Canada's suggestion that the state be allowed to manage the whole of her continental shelf, even when this extends beyond the proposed 200 miles.

Philippines, Strong said, are much like fish in that they do not respect artificial lines marking the limits of national jurisdiction. They must be adequately controlled both by coastal states and by an international body yet to be formed.

Elsewhere, a pleaser among nations unilaterally claiming a 200-mile limit, accused the United States and other major fishing countries of sending "pirate ships" to pillage its waters.

Recruitment ambassador Luis Valentin Rodriguez told the conference that the development countries have been getting poorer as the industrialized nations have sent in so many industrial fishing fleets to fish their coastal waters.

Elsewhere, Peru and Chile worked up in 1973 to claim unilateral jurisdiction over their respective coastal areas 200 miles out to sea and to notify foreign fishing boats, mainly American, which entered their waters without special permits.

Singapore urged the conference to insure free passage through the Straits of Malacca, a vital sea lane for U.S. Navy ships bound for the Indian Ocean.

A delegate from the world's fourth largest port, Singapore fears claims by nearby Indonesia and Malaysia that the straits are their joint internal waters.

The 30-mile long passage between the Indonesian island of Sumatra and Malaysia acts as a funnel directing shipping to Singapore.

Indonesia and Malaysian moves in 1973 to extend their territorial sea limits from three to 12 miles mean that the straits now technically fall entirely within their national jurisdiction.

Singapore's interest in guaranteeing the free passage through the straits that will insure its economic survival coincides with the desires of major naval powers like the United States and the Soviet Union to keep the shipping lanes open for commercial and strategic reasons.

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MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject
Sujet

U.N. Law of the Sea Conference

JUL - 9 1974

STORE AND MAIL

Date Publication

Africans back Arabs
Hear freedom groups,
sea-law talks urged

CARACAS (Reuter) — The African states yesterday added their weight to Arab demands to have liberation movements seated at the Law of the Sea Conference here—an issue which threatens a major split among the 150 nations attending.

Nooredinne Djoudi of Algeria, the Organization of African Unity's assistant secretary-general, announced that the OAU would demand the presence of liberation movements from Africa and elsewhere.

He did not say when the issue would be raised but told a press conference the views of national liberation groups were indispensable and declared, "We have definitely decided to raise the issue."

The Arab states first demanded the participation of the Palestinian Liberation Organization and other groups such as the Viet Cong and Front for the Liberation of Mozambique shortly after the conference opened 18 days ago.

Israel's chief delegate Amiel Najjar has warned that Israel will oppose the presence of the PLO and other groups and is prepared to initiate a debate on the issue that could range the industrialized nations against the developing countries.

The delegates are seeking

at the conference—the biggest international gathering ever held under one roof—to formulate a new international convention to control, exploit, explore and regulate fishing, mining, transport and travel on and under the oceans.

Mr. Djoudi declared that the "regime of the sea" drawn up in Geneva in 1958 came into being before many African states had won their independence. Insisting that liberation groups be heard, he questioned whether the conference had the right to make decisions affecting entire peoples still under colonial rule.

The question is whether we have the right to decide the fate of entire people that are today under colonial rule and, therefore, cannot speak for themselves or defend their primitive rights as protective independent nations.

"The new states, for example, which the new regime in Portugal is trying to come to agreement with. What are we to say about those movements of national liberation? What are we to tell Angola and Mozambique which tomorrow become independent and today weren't given the right to give their views on what we are discussing and legislating?"

Mr. Djoudi pointed out that each African delegate who has so far addressed the conference has raised the issue.

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MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject *Ad. N. Law of the Sea Conference*
Sujet

Date JUL 10 1974

OTTAWA JOURNAL

Publication

Denmark raps Canadian views

By VALLEY RUDDICK

CARACAS, Venezuela (CP)

— Some of Canada's main recommendations to the Law of the Sea Conference came under attack Tuesday from Denmark.

In a policy speech to the UN conference, Per Fergo of Denmark said his delegation does not accept Canada's concept of an offshore economic zone for protecting fish that swim up rivers to spawn.

Fergo said offshore economic controls cannot be made to include entire continental shelves because of inadequate depth measures. Countries such as Canada, India and Argentina support the view that marine and mineral resources be managed as an ecological whole, to be determined by combined depth and distance criteria, while accepting the growing view that a 200-mile economic zone should exist.

Denmark would deny Canada the right to control pollution and fisheries outside the 200-mile zone, Fergo indicated.

WANTS FREE PASSAGE

Denmark also requested guarantees on the right of free passage through international straits and narrow passages considered part of a country's territorial seas.

"In some narrow straits there has never existed a right of free passage," Fergo said.

He indicated later that his statement applied to northwest passage, which Canada claims is within her territorial waters and subject to her regulations.

Fergo expressed disagreement with Canadian Environment Minister Jack Davis's speech here last week asking exemption of salmon from the general rules being devised to govern fishing and other marine matters. Davis pro-

posed that fishing for such anadromous fish be prohibited outside the economic zone of the country in whose rivers the fish are spawned.

"Without going into the substance of this complicated matter," said Fergo, "I would like to indicate that my delegation cannot accept this contention."

He offered as an alternative bilateral agreements or regulations by regional fisheries organizations.

U.S. backs 12-mile territorial sea, 200-mile economic zone

CARACAS (AP) — The United States has declared its readiness to accept maritime territorial limits of 12 miles instead of the traditional width of 188 miles beyond the 12-mile limit for a total of 200 miles in all.

The idea of a larger zone of economic control by coastal countries came into being in the early 1950s when Chile and Ecuador established 200-mile territorial limits, specifically to protect their fishing resources.

As nations look to the sea for a future source of protein to feed their people and for mineral riches such as oil, there has been increased interest in widening jurisdiction over offshore waters. An estimated 100 nations now favor the 200-mile economic zone. He beyond the territorial limit in which a coastal nation exercises complete jurisdiction. However, the Netherlands warned the conference earlier this week that it is a fallacy to believe that extension of ocean jurisdiction favors developing states.

“The geographical possibility of coastal states to extend their jurisdiction to large sea areas said to be adjacent to their coastlines has in fact made during the statements to and reading the statements the very large measure of Willem Rijkman of the Dutch delegation in a plenary address.

“Indeed, a simple look at the map shows . . . the extension of national jurisdiction of coastal states favors such nations as are already among the richest, and those whose land-based economic potential is such that they—while still considered developing—cannot be part of an acceptable economic zone provided it is part of an acceptable com-

Generally, there is consensus here that the economic zone would be a band with a width of 188 miles beyond the 12-mile limit for a total of 200 miles in all.

The United States as well as other maritime powers want the Soviet Union, with large naval fleets, are concerned that restrictions on passage through straits by countries bordering them could result in any treaty drafted here for unimpeded navigation for unimpeded navigation.

He said the Netherlands feels every state deriving revenues from the exploitation of offshore waters must be obliged to share those revenues with needy nations.

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He said coastal countries would have reasonable regulatory powers, including conservation measures and establishment of licensing fees for foreign fishing fleets.

The U.S. delegate also supported the right of land-locked and geographically disadvantaged states for access to oil and mineral exploitation on the continental shelf off neighboring coastal states, perhaps through revenue sharing with payments to be used for their economic development.

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GLOBE AND MAIL

Subject U.N. Law of the Sea Conference
Sujet Conférence des Nations Unies sur le Droit de la Mer

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

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Subject *UN: Law of the Sea Conference*
Sujet

Date JUL 12 1974

LA PRESSE

Publication

A la conférence de Caracas, le sort des pays non côtiers n'est pas reluisant...

LORSQUE la conférence des Nations unies sur le Droit de la Mer qui doit se terminer le 29 août se prononcera sur le partage des océans, on peut être sûr que la plus petite part du butin échoira au groupe des pays non côtiers.

Il s'agit des quelque trente nations entourées de terres et dont les frontières ne touchent par la mer. Certaines, comme la Suisse et l'Autriche, sont relativement riches. Mais la plupart comptent parmi les pays les plus pauvres du monde. C'est notamment le cas du Tchad, de la Haute Volta et du Mali, en Afrique.

Du reste, riches ou pauvres, ces nations sont toutes désavantagées à cette conférence de dix semaines chargée de trouver une nouvelle réglementation de l'exploitation des mers.

Avec les puissants

Traditionnellement, elles n'ont jamais pu formuler la moindre revendication en ce qui concerne le partage des océans. Aussi s'efforcent-elles aujourd'hui de constituer un groupe de pression, afin d'obtenir le maximum de la conférence. Curieusement, cette attitude leur a valu de se trouver dans le même camp que les Etats-Unis et l'Union soviétique durant la première semaine de la conférence.

Les deux groupes — les super-puissances et les pays non côtiers — se sont en effet unis pour réclamer que les décisions de la conférence soient prises avec le plus large consensus possible. Dans le cas où une question serait mise aux voix ont-ils demandé, elle ne pourrait être approuvée qu'avec l'accord des deux tiers au moins des 147 participants à la conférence.

Un délégué qui ne représente aucun de ces deux groupes a expliqué cette alliance de la façon suivante: les superpuissances savent qu'un traité restera lettre morte s'il n'a pas reçu leur approbation. Ils exigent donc un droit de veto! Quant aux pays non côtiers, ils ne possèdent rien et souhaitent donc eux aussi un droit de veto.

Projets de traité

Sur certaines questions, les pays non côtiers ont été soutenus par d'autres nations qui, bien que situées en bordure de mer, ne disposent pas de zones de pêches ou de plateaux continentaux recelant du pétrole.

C'est à Genève en 1958 que la première conférence des Nations Unies sur le droit de la mer avait approuvé une convention qui reconnaissait pour la première fois que les pays non côtiers devraient avoir accès à la mer. La déclaration de principe toutefois était vague et équivalait d'avantage à une promesse qu'à une garantie.

La conférence qui se déroule actuellement à Caracas examinera un projet de traité qui lui a été soumis par sept pays non côtiers (L'Afghanistan, la Bolivie, la Tchétchécoslovaquie, la Hongrie, le Mali, le Népal et la Zambie) et qui garantirait à ces nations un libre accès à la mer. Selon les termes de ce traité, tout Etat non côtier pourrait disposer d'une flotte qui serait autorisée à utiliser les ports du pays voisin et aurait toute latitude de procéder à des aménagements de ces ports dans le cas où les installations maritimes seraient insuffisantes.

Le pot de fer et le pot de terre

Toujours selon ce traité, l'Etat non côtier aurait la garantie que les marchandises pourraient être ache-minées sans obstacle depuis le port jusque dans le pays non côtier. Par ailleurs, le pays non côtier pourrait installer ses propres bureaux de douane dans le port utilisé et recevoir les taxes prélevées sur les marchandises à destination de son propre marché. Enfin le traité garantirait aux pays non côtiers les

mêmes droits qu'aux autres pays en ce qui concerne l'exploitation des gisements de minerais existant en pleine mer.

Certains pays non côtiers ont formulé des propositions plus radicales encore. Selon un traité proposé, le ressortissant d'un pays non côtier aurait les mêmes droits de pêcher au large des côtes que le ressortissant d'un pays côtier voisin. Selon un autre projet, les pays non côtiers seraient habilités à forer des puits de pétrole dans le plateau continental d'un Etat voisin.

Il est pratiquement impossible de savoir le sort que réservera la conférence à ces divers projets. Ce qui est certain, c'est que les pays non côtiers ne font guère le poids face aux nations maritimes lorsqu'il s'agit de marchandiser et qu'il leur faudra sans doute se contenter, en dernière analyse, de ce que la majorité des pays participants voudront bien leur octroyer.

□ The Los Angeles Times

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

U.N. - LAW OF THE SEA CONFERENCE

Subject
Sujet

JUL 13 1974

LE DEVOIR

Date Publication

Droit de la mer La conférence veut accueillir les mouvements de libération

CARACAS (d'après l'AFP) — Les mouvements de libération nationale seraient admis à participer aux travaux de la troisième conférence des Nations unies sur le droit de la mer à Caracas, l'assemblée s'étant déclarée compétente pour admettre de nouveaux membres dans un vote, jeudi, par 88 voix contre 2 et 35 abstentions.

L'assemblée a approuvé une motion sénégalaise, à la majorité simple, malgré l'opposition d'Israël. Le vote sur l'admission elle-même devait avoir lieu hier, à la majorité des deux tiers.

La motion sénégalaise, présentée par M. Amadou Cisse, proposait à la conférence d'admettre les mouvements de libération reconnus par l'Organisation de l'unité africaine (OUA) et par la Ligue arabe. Le chef de la dé-

légation israélienne, M. Najar Amiel, s'est opposé au dépôt de la motion, affirmant que l'assemblée n'était pas compétente pour modifier la liste de ses participants, étant une conférence diplomatique.

Le délégué d'Israël a reconnu l'aspect politique de la proposition, estimant que l'introduction de nouveaux membres soulèverait des problèmes n'entrant pas dans le cadre de la conférence.

Le président de l'assemblée, M. Alfonso Arias (Pérou), soumettait alors le problème de la compétence à un vote des délégués, à la majorité simple. Seuls Israël et l'Afrique du Sud votaient contre l'octroi de cette compétence.

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject **UN - LAW OF THE SEA CONFERENCE**
Sujet

JUL 15 1974

LE DEVOIR

Date Publication

**Droit de la mer
Douze mouvements
admis à siéger
par "consensus"**

CARACAS (AFP) — C'est sans vote par "consensus" de l'assemblée, que la conférence des Nations unies sur le droit de la mer a admis vendredi à Caracas douze mouvements de libération nationaux, qu'il s'agit de l'opposition d'Israël. Ces mouvements ont été admis au titre d'observateurs, et l'assemblée a insisté sur des résolutions aux mouvements arabes et arabes, ne votant pas l'écrasement de tous les mouvements de libération nationale.

La délégation israélienne s'est opposée catégoriquement à l'admission de l'organisation de libération de la Palestine, au cours des deux heures de débat où le président de la conférence, M. Hamilton Shirley Amerasinghe, s'efforça de maintenir les interventions dans le cadre du sujet. Après l'admission des douze mouvements, le délégué des États-Unis a précisé qu'il désirait "se dissocier" de la résolution, son pays s'efforçant avant tout d'obtenir une solution pacifique au problème du Moyen-Orient. Lui succédant, les délégués de l'Afrique du Sud et du Portugal ont indiqué qu'ils se seraient abstenus, si un vote avait eu lieu.

Prenant la parole le chef de la délégation française, M. Roger Jeanel, a souligné que "Le Mouvement de libération nationale des Comores" et le "Front de libération de la côte de Somalie" ne pouvaient en aucun

cas prétendre représenter les populations des territoires français des Antilles et des Indes, ou des îles Comores.

L'organisation de libération de la Palestine sera le premier mouvement à siéger à la conférence de Caracas, son représentant M. Hassan Amstouh étant déjà membre de la délégation de la Ligue arabe.

Les mouvements qui ont été admis à titre d'observateurs sont les suivants:

- Le Mouvement populaire de libération de l'Angola (MPLA);
- Le Front national de libération de l'Angola (F.L.A.);
- Le Front de libération du Mozambique (Frelimo);
- L'Organisation populaire du Sud-Ouest africain (SWAPO);
- L'Union nationale africaine du Zimbabwe (ZANU);
- L'Union populaire africaine du Zimbabwe (ZAPU);
- Le Congrès du peuple africain (PAC);
- Le Congrès du peuple africain (PA);
- Le Mouvement national de libération des Comores (Molimo);
- Le Congrès du peuple uni, des Seychelles (SPU);
- Le Front de libération de la côte de Somalie (F.L.S.);
- L'Organisation de libération de la Palestine (O.L.P.).

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DEPARTMENT OF EXTERNAL AFFAIRS
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Subject UN: Law of the Sea Conference FLO
Sujet

JUL 16 1974

CHRISTIAN SCIENCE MONITOR

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tries, which is calling most loudly for internationalization. The resources of the ocean, it declares, are "owned jointly by the people of all countries." It wants an "effective international regime" with machinery to both manage and exploit these resources. It condemns the "exclusive" control or "arbitrary" exploitation of deep-sea resources "by one or two superpowers on the strength of their advanced technology." The Chinese will not get their way in Caracas, although they may muster enough votes to block what they describe as "superpower machine-action." The coincidence of interest between the United States and the Soviet Union in this area has renewed fears of the superpower "con-dominium" that some countries see in other areas of international politics. © 1974, Victor Zorn

Scramble for riches of seas is under way

U.S., U.S.S.R. concessions to poor nations leave superpowers free to exploit seabed

By Victor Zorn
Special to
The Christian Science Monitor
Washington

A Panama television commentator caught the mood of many of the developing nations when he impudently condemned both superpowers. To him, the Caracas conference shows "how the interests of the rich industrialized nations converge when it comes to keeping their hands free to exploit the world's resources without concern for the interests of the developing nations." But it is not so simple as that.

The rich maritime powers, led by the U.S., the Soviet Union, Britain, and Japan, did start out with a common position, of sorts, and so did the poor nations. The richer countries wanted to keep navigation as free as possible. The 12-mile territorial water limit, as interpreted by some, could give coastal states control over 118 straits, which include some of the world's most important waterways.

The developed countries also wanted full freedom for their varied technology to exploit the resources of the oceans. By 1960 off-shore oil production, and especially built ships may be scooping up today's total oil production, and some of manganese, cobalt, nickel, and iron that will yield incalculable riches to the industrially advanced.

But why should only the already rich nations profit from what the United Nations described, in a 1970 resolution, as "the common heritage of mankind"? As the United States and Russia sent their research ships scouring over the oceans - to get ready for the big grab - the poorer nations began to insist on their rights - which, however, were by no means clearly defined. They wanted no repetition, in the empties and colonies of previous centuries. They wanted an international authority that would regulate the exploitation of the seabed, tax the exploiters, and share out the proceeds on an equitable basis.

The United States was at one time in sympathy with some aspects of the international sharing approach, but it has since backed away from it and now favors only an international licensing authority.

The Soviet Union also pays lip service to the international concept but does not want it to interfere with its own plans.

Some of the coastal states also have decided that they could gain more by claiming an extensive "economic zone" and by making development deals directly with the industrial countries, instead of sharing it all.

At the Caracas conference it is China, acting as the self-appointed spokesman of the developing countries, which is calling most loudly for internationalization.

Both the U.S. and the Soviet Union now agree that a country's territorial waters, previously ranging between 3 and 12 miles, should be firmly set at 12 miles. They also agree that coastal countries should have "economic zones" extending 200 miles into the sea. But they have made these concessions only provisionally, on condition that other countries meet some of their own terms.

This has led not only China, but also others to accuse the two superpowers

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Subject *Ad. A. ... Law of the Sea ... Conference*
Sujet

JUL 17 1974

Date Publication GLOBE AND MAIL

A foolish intrusion

The Law of the Sea Conference in Caracas, Venezuela, already has enough on its agenda: the preservation of the ocean environment, the conservation of vital food supplies, the allocation of precious resources. It will make little headway in dealing with any of these crucial issues if it has to start by making an assessment of the moral legitimacy of the participating governments.

This, in effect, is what the African states are asking when they join the Arab states in demanding the seating of independence movements—from the Palestine Liberation Organization to the Viet Cong and the Front for the Libera-

tion of Mozambique—threatening to withdraw from the conference if the demand is not met.

The demand is simply silly, as silly as it would be to ask Canada to take along a delegate from the Front de Liberation du Quebec, to ask the United States to include a spokesman for the Symbionese Liberation Army. States that want to encourage independence movements can do so in other ways. Attempting to use the Law of the Sea Conference for this purpose will achieve nothing, except to frustrate the ability of the conference to deal with its own concerns which are those of the whole world.

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject *M.M. Review of the Law of the Sea Conference*
Sujet

Date JUL 17 1974

Publication LE SOLEIL

Le Canada veut des normes sévères contre la pollution maritime

CARACAS (AFP, Reuter) —
Le délégué canadien a
appelé, hier, les membres de

la troisième conférence des
Nations unies sur le droit de la
mer à établir des normes

internationales contraignant
les, afin de préserver le milieu
marin.

théâtre d'un incident qui a mis
aux prises le Salvador et le
Honduras.

Le délégué canadien, M.
Leonard Legault, qui a rappé-
lé que cet objectif restait le
point essentiel de la conférer-
ce pour son pays, a insisté pour
que soient établies des normes
nationales et régionales très
strictes en ce qui concerne la
pollution due aux navires.

A la commission sur l'é-
tendue des eaux territoriales,
le Salvador a accusé le Hondu-
ras de soulever à la conférence
une question de portée locale,
en parlant du golfe de Fonse-
ca, une baie que les deux pays
se disputent.

La délégation canadienne a
rappelé que 113 participants à
la conférence de Caracas
avaient déjà signé en 1972 la
déclaration de Stockholm sur
l'environnement, qui repré-
sente "un point de départ
prometteur pour atteindre un
accord international". La
principale difficulté, a recon-
nu le délégué canadien, réside
dans les différents niveaux de
développement économique,
qui n'impliquent pas le même
devoir de combattre la pollu-
tion maritime.

Le Salvador et le Honduras
s'affrontèrent en 1969 dans ce
qu'on appela la "guerre du
football", parce qu'elle avait
éclaté après un match entre
les deux pays comptant pour
les éliminatoires de la coupe
du monde, mais qui fut provo-
quée en fait par des contesta-
tions de frontière.

Les autres commissions exa-
minent les problèmes du con-
trôle international de la haute
mer et la préservation de
l'environnement marin.

La conférence réunit à Cara-
cas quelque 150 pays et a pour
but de rédiger un nouveau
traité couvrant tous les aspects
du droit de la mer.

Par ailleurs, la conférence a
commencé, hier, ses travaux
en commission. L'une de ces
réunions a aussitôt été le

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

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Sujet Conférence de la Mer

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WINNIPEG FREE PRESS

Appendix

The international law of the sea conference now being held at Caracas is probably the most important conference convened in this century. Or at least it should have been. Its task is to rewrite the law of the sea -- still based on the late 18th-century concept of a three-mile limit, that being then the range of a cannon ball fired from a warship. Today missiles carried by nuclear submarines can hit a target thousands of miles away, deep-sea fishing has become a huge industry upon which depends the livelihood of millions -- both fishermen and consumers -- and international trade, and indeed the economic solvency of the industrialized countries, have come to depend upon the freedom of the seas on which sail not only ordinary cargo ships but oil tankers that keep the industrialized world's economies alive. The question of free passage through straits -- especially if the 12-mile limit is now adopted, a limit that would turn most straits into territorial waters -- the issue of oil spills and the right to drill for oil in the sea are all problems that should have kept the delegates' noses firmly to the grindstone.

However, faithful to the pattern now impressed upon the parent body of the Caracas conference -- the United Nations General Assembly, which officially convened it -- the delegates have instead wasted much valuable time in irrelevant politicking. The conference has become dominated by the African bloc that can muster enough votes (made up of such "democratic" land-locked states as Uganda) to vote down any draft convention or approve anything they want. One of these irrelevant proposals was the invitation to the conference of the Palestine Liberation Organization as well as 11 other "liberation" movements. The 35 industrialized nations supinely abstained, although the United States went as far as to express its "regrets."

The states that have thus tried to appease a group of individual dictators have set a trap for their own future stability. Canada, which abstained with the rest of them, might see a next conference insisting that the FLQ be invited, while Britain might find her delegates sitting cheek by jowl with members of the IRA. Who knows, General Amin might even insist that representatives of the "Symbionese Liberation Army" be admitted as delegates at such conferences?

On the day that the Caracas conference, in clothing the terrorist organizations in a dubious mantle of respectability, thus twisted international law, a British source revealed the existence of a network of close cooperation existing among these "liberation" movements. All are armed by the Soviet Union, and Soviet Kalashnikov guns -- used in the majority of recent IRA killings -- flow freely from one group to another. In London, Palestinian terrorists have been assisted by members of the IRA, and Scotland Yard suspects that Arab members of Interpol have been leaking particulars of security arrangements to the terrorist groups.

A society, whether national or international, can only live by the rule of the law. Where an organization -- such as the UN -- specifically created to uphold this rule, flouts it, as has happened in Caracas with the abetment of the world's leading democracies, the prospects for peace and security are grim indeed. The appraisers, whether in London, Washington or Ottawa, would do well to look again at some fairly recent history.

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject *Submission of the Sea Conference*
Sujet *Submission of the Sea Conference*

JUL 19 1974

Date Publication CITIZEN CITIZEN

Clean the oceans

Canada's position at the Law of the Sea conference in Caracas seeks to fasten a new and benign international commitment on coastal states. If accepted, it will move the world a long way toward cleaner oceans.

While claiming jurisdiction over fish stocks to the 200-mile limit, Canada argues that coastal states should in return take responsibility for cleaning up their rivers. Since about 80 per cent of ocean pollution is calculated to originate in river systems, such a cleanup would bring immediate improvement in the ocean environment.

For Canada, the policy would represent nothing new. With the United States, it has already started anti-pollution measures on the Great Lakes. However, an international treaty would make it easier for Ottawa to overcome provincial hesitation to co-operate fully, as on the St. Lawrence.

Reports from Caracas indicate the Canadian position has been favorably received, except by Japan, which depends more than any other industrialized country on fish as a source of protein. If the Canadian terms are accepted, not only will better fish conservation methods become possible, ensuring a perpetual supply to be shared by all, but a more vigorous assault on river pollution can be expected.

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject *M.N. Law of the Sea Conference*
Sujet

Date JUL 20 1974

LE DEVOIR

Publication

Les eaux territoriales seraient étendues de 12 à 200 milles

CARACAS (AFP) — L'extension des eaux territoriales à 200 milles a été recon- nue implicitement, jeudi, comme l'une des deux principales tendances suscep- tibles d'être approuvées par la majorité des 150 pays représentés à la 5ème confé- rence des Nations unies sur le droit de la mer.

La tacite reconnaissance de la thèse des 200 milles de mer territoriale a été consi- dérée comme un triomphe "partiel mais important" du groupe de pays qui défen- dent cette conception, parmi lesquels le Pérou, l'Équateur, le Brésil, l'Uruguay, le Salvador, Panama, l'Argentine, le Chili et le Nicaragua.

Les deux premiers articles d'un docu- ment officieux de travail, préparé par la commission qui examine les aspects gé- néraux du droit de la mer, déterminent im- pérativement que la souveraineté d'un Etat s'étend, hors de son territoire et de ses eaux intérieures, à une zone de mer adjacente à son littoral, désignée comme "mer territoriale".

Ce document précise que cette souve- raineté s'exercera en accord avec les dis- positions de ces articles et les normes in- ternationales.

Un alinéa indique que la souveraineté de la nation riveraine s'étend également à l'espace aérien situé au-dessus de la mer territoriale, ainsi qu'à son lit et à son sous-sol.

Un deuxième alinéa précise que toute nation riveraine a le droit de déterminer la largeur de sa mer territoriale jusqu'à une distance qui ne devra pas excéder 200 milles nautiques, mesures à partir des lignes de base applicables, et d'établir les modalités ou combinaisons de régimes ju- ridiques de souveraineté, juridiction ou compétences spéciales dans la limite de 200 milles.

Le document admet le principe de libre navigation et de survol, signalant que dans les mers territoriales, qu'elles soient de 12 milles ou plus, les navires d'un quel- conque pays jouiront du droit de passage "inoffensif".

Au-delà des 12 milles -- dans le cas où la mer territoriale serait de 200 milles -- il ajoute que les navires et avions d'un quelconque pays jouiront du droit de na- vigation et de survol "sans autres restric- tions que celles dérivant des réglementa- tions relatives à la sécurité du pays rive- rain, à l'exploration, conservation de ses ressources, investigation scientifique con- formément aux règles du droit internatio- nal".

La deuxième tendance est celle de la thèse de mer territoriale de 12 milles ma- rins. Les dispositions de ce document of- ficieux de travail devront être discutées et négociées jusqu'à aboutir à la redac- tion d'un texte unique qui sera soumis à l'accord des délégués.

La thèse la plus proche de mer territo- riale de 200 milles est celle de la mer "patrimoniale" qui propose une mer ter- ritoriale de 12 milles et une zone de droits économiques exclusifs de 188 milles.

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject UN: Law of the Sea Conference FLO
Sujet

JUL 21 1974

NEW YORK TIMES

Date Publication

The Riches of the Sea

In presenting its position to the Law of the Sea Conference in Caracas, the United States has moved to accept the inevitable — creation of the new 12-mile territorial sea and 200-mile economic zone already favored by a majority of other nations. In doing so, however, the American representative, John R. Stevenson, properly insisted that the rights to extended jurisdiction at sea already claimed by many states must be accompanied by clearly recognized obligations to the international community.

Foremost among these obligations is preservation of the traditional right of free passage through international straits that would fall within the proposed new 12-mile limit and across the waters encompassed by the suggested economic zone. Because of pollution hazards posed by modern shipping, particularly tankers, some new internationally agreed arrangements for regulating straits and other coastal traffic may be necessary. But any arbitrary restrictions on maritime commerce arising out of the new offshore limits certainly would be unacceptable to maritime nations like the United States.

Mr. Stevenson also urged that coastal states be required to permit foreign fishing under reasonable regulations in the 200-mile economic zone to the extent that they are unable fully to exploit available fish stocks themselves. This is a traditional, and reasonable, American position. But it would be difficult to enforce, and is unfortunately not likely to gain much support from states with valuable coastal fisheries—or from American coastal fishermen, for that matter.

The United States favors the sharing of revenues from development of seabed minerals beyond the continental shelf but within the proposed economic zone. This appears to be a new version of the imaginative "trusteeship zone" concept first proposed by President Nixon several years ago. It would assure the international community of at least some income from the exploitation of offshore oil, the most promising source of deep-sea wealth in the near future. The United States is also pressing for international sharing in the wealth that may soon be scooped from the deep seabed in the form of manganese nodules, rich in copper and nickel and cobalt. There remain serious differences, however, over the nature of a new international regime for the deep seabed, with many nations favoring a more active international role in this area than the United States so far has been willing to accept.

As the conference now enters the difficult negotiating stage, it is essential that all parties approach the issues with maximum flexibility in order to achieve the comprehensive treaty which is urgently needed to avert anarchy at and under the sea. The American negotiating position outlined by Mr. Stevenson represents a generally constructive step toward that goal.

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject
Sujet

JUL 23 1974

Publication

CHRISTIAN SCIENCE MONITOR

Earthwatch

Sea-parley priorities

By Lance Carden

Boston

It is a long voyage from Stockholm to Caracas.

Nonetheless, environmentalists are hopeful that issues raised at the 1972 UN Conference on the Human Environment in the Swedish capital will be given serious consideration at the Law of the Seas Conference now under way in Venezuela.

If the 5,000 delegates at the Law of the Seas Conference simply focus on the many intricate legal and jurisdictional problems — without adequate concern for and knowledge of the environmental consequences of their actions — agreements that allow peaceful navigation and exploitation of the oceans may also result in their destruction.

Ocean explorer Thor Heyerdahl, one of the first to point out that man threatens to turn the oceans into "dead seas," recently warned the Caracas delegates against dividing up the seas like a rotting apple.

"For heaven's sake, let us also think of how to conserve this apple so that we really get the benefit from it — all of us and the next generation," he said.

Mr. Heyerdahl's warning was part of a small, but determined, effort to air environmental issues and influence delegates in Caracas. It came at one of a series of seminars there on the environment sponsored by Sierra Club and the National Audubon Society in cooperation with the International Institute for Environment and Development, the U.S. Committee for the Oceans, and the Johnson and Rockefeller Foundations.

At a meeting of North American and European nongovern-

mental conservation organizations in Brighton, England, last February, conservationists from eight European countries, the U.S., and Canada mapped Law of the Seas strategy.

Efforts of U.S. environmentalists to influence the U.S. State Department were apparently relatively successful.

Under considerable pressure, the State Department was persuaded to issue an unprecedented preliminary environmental-impact statement on its Law of the Seas negotiating position.

The impact statement forced the government to deal with environmental issues, and subsequent changes in official policy may mark a significant instance of environmental pressure openly affecting U.S. international policy.

In addition, Richard Frank of the Center for Law and Social Policy was appointed to the Secretary of State's advisory committee for the Law of the Seas Conference to represent the views of environmental groups.

Obviously, there are many important nonenvironmental issues — some of which threaten world stability — that must be discussed in Caracas.

But, if conservation organizations in other countries have been as successful as U.S. groups in influencing their governments, it is possible the delegates to the Law of the Seas Conference in Caracas and the one scheduled in Vienna next year will discuss more than simply "dividing the spoils."

A guest column

Lance Carden is a staff New England environmental reporter.

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

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Ocean pollution a worse danger than the A-bomb, says Heyerdahl

By the Associated Press

Caracas, Venezuela
Thor Heyerdahl warns that "the greatest danger we face in the world is not the atomic bomb or air pollution but pollution of the oceans."

The Norwegian explorer and writer, who in 1970 floated across the Atlantic on a papyrus reed-raft called the Ra II, says he is concerned about the results of the United Nations Conference on the Law of the Sea now meeting in Caracas.

Thousands of delegates and official observers from 148 nations are working all summer in the biggest international gathering ever, to draft a global treaty for use of the seas.

"I feel that the Law of the Sea Conference is the most important ever held," says Mr. Heyerdahl. "But

I'm very much concerned, because I have the feeling that the delegates, most of whom seem to be lawyers and politicians, are discussing how to divide and make the best use of an apple which is on the way to rot.

"And they leave it rotting while they try to find a way to divide it."

Floating cans

Mr. Heyerdahl says his crew's 1970 voyage from Africa to the Caribbean island of Barbados to prove that men once came from that continent in fragile papyrus rafts, "opened my eyes to ocean pollution."

"We saw oil clots on the surface of the ocean 43 days out of the 57 days we were on the raft," he says. "And we also spotted plastic bags and cans afloat."

"People seem to think that the ocean is endless. But it is small and vulnerable. If people can step onto a pile of reeds off Africa and step off onto Barbados a few weeks later, that shows how really small it can be."

One of the conference's tasks is to draw up international regulations governing pollution of the seas to protect their resources for all mankind.

Official observer

"The main problem of the ocean is that we are polluting it in a way that we cannot repair the damage we are doing," Mr. Heyerdahl says. Although man-made measures and cleansing rains can clear up smog and pollution of freshwater lakes, "what enters the ocean can't get out again," he says.

Mr. Heyerdahl, who divides his time between his own research work and campaigning for cleaner oceans, is attending the sea conference as an official observer.

He represents an organization called the World Federalists, whose objective is a United Nations with more international authority. He expects to address the conference soon.

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*Mr. Applebaum, CRCAS
MIN*

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*Subject UN - Law of the Sea Conference UNO FCO
Sujet*

JUL 24 1974

TORONTO STAR

Publication

LAW OF THE SEA

Canada bids for power to stop coastal pollution

By PATRICK MARTIN
Special to The Star

CARACAS
One of the major issues under discussion at the third United Nations Law of the Sea Conference is the protection of the marine environment, and the most important aspect of that issue is the controversy over who will be the protectors.

Last week, Canada plunged headlong into the debate with a strong argument in favor of coastal state control and found herself facing considerable opposition.

In a lengthy but carefully worded and precise statement on July 18, Leonard Legault, Canada's alternate deputy representative, touched a sensitive nerve.

He argued that it is "the right of the coastal state to protect itself" from pollution that comes from ships. Therefore, he said, coastal states must have the right to establish higher standards than those fixed by international convention if the international standards are not adequate.

And, he said, coastal states must have power to enforce their standards.

Own mandate

What is at stake is control. Some states at the conference, among them the United Kingdom, West Germany and Japan, want only international standards to govern pollution from ships and want the standards enforced by the nation whose flag a vessel carries. Canada, like many coastal states, wants to set her own standards and enforce them.

Legault said that the peoples of the world have "our own mandate to ourselves" to ensure the protection of the use of the oceans. "The preservation of the marine environment is for the Canadian delegation the most important objective of this conference."

He called for an umbrella treaty that would establish the means of authority among the rights and obligations of various states.

In an interview, J. Alan Beesley, head of the Canadian delegation, said a coastal state has the right to protect its environmental integrity and the best means of doing that is by enforcing its own regulations when international standards are not sufficiently high.

Asked if this would not lead to a patchwork quilt of legislation, with some countries establishing unnecessarily high standards and making navigation virtually impossible, Beesley replied: "Absolutely not."

"Firstly, we would welcome the establishment of the highest possible minimum international standards so that the need for anyone raising the standards for hull construction or discharge, etc., would be small.

"Secondly, any increase in standards would have to be in keeping with the principle(s) . . . established, which would provide only for increases in strictly defined circumstances."

Prime issue

Beesley said he would welcome some form of third-party settlement to rule on charges of abuse of the enforcement power.

For states with large fleets, the primary issue is freedom of navigation.

Japan claims that it has "reason to believe that the right of navigation may be seriously eroded by the unreasonable and abused exercise of enforcement control by various coastal states."

Japan supports a basic system of control by the so-called flag state, the one in which a ship is registered. She argues that inspection by port authorities and reports of violations to the flag state will ensure that there are no abuses.

West Germany agrees and suggests that making the flag state liable for prosecution and damages for marine pollution incidents will safeguard coastal regions.

The shipping states fear unnecessarily strict standards will impede transit. The coastal states fear unreasonably low standards will permit pollution of their waters and shorelines.



CANADA'S J. ALAN BEESLEY
Would welcome "highest standards"

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Date Publication

Nations scramble for ocean wealth

By STANLEY MEISLER
Special to The Star

Analysis

Share of spoils

CARACAS
There are no known philosophers at the U.N. Conference on the Law of the Sea—and perhaps that's its trouble.

The delegates from almost 150 nations, meeting in the Venezuelan capital this summer, are trying to divide up the oceans that cover 70 per cent of the surface of the earth. It is a philosophical and historical moment not much different from the era in which the New World was divided by exploration and war.

The conference probably will set a precedent for more divisions later. It is not too hard to imagine, for example, the day that the governments of the earth divide the moon and the corridors of the atmosphere to reach it.

Selfish interests

Logic does not rule the present conference. The delegates are frankly trying to accommodate all their narrow selfish interests into a new sea law that ensures order and avoids conflict.

That, of course, would be quite an accomplishment. Most delegates believe they will fall short this year but expect to come up with a new sea law at a second conference in Vienna next year. But such success would still leave many questions and many inequities.

For example, most delegates seem to agree that the new territorial limit of every coastal country should extend for 12 miles and that the country should control the resources in and beneath the sea for 200 miles. Why 12 miles? Why 200 miles? The answer is simply that these are the distances on which most countries can agree.

But there is no logical reason for these distances. Nor is there really any philosophical reason why fish 150 miles out to sea in the Indian Ocean should belong to Kenyan fishermen rather than Ugandan fishermen simply because Kenya has a coastline and Uganda does not.

The limits
What is happening at Caracas is that the nations of the world, acting like individual property owners, are trying to grab as much as they can of unclaimed property. The question of who owned the sea did not matter so much in the past when men believed that the supply of fish in the oceans was inexhaustible and that the rest of the ocean was good for nothing but floating ships.

But now governments realize that the resources of the ocean are limited and that the ocean also holds on its bed a wealth of oil and minerals. They are no longer content with the old three-mile limit, which leaves most of the seas open to all.

At this conference some sovereign nations are forgetting their traditional philosophies. The Soviet Union, for example, is not in the forefront of those calling for communal ownership of the seas. Far from it. If anything, the Soviet Union is even more capitalist than the United States on the issue of whether the seas should be communal.

The basic contradiction between principles and reality was emphasized unwittingly by President Carlos Andreas Perez of Venezuela when he opened the conference June 20.

In discussing the seas, the president used some lofty rhetoric to assert every man's right to have a share of ocean wealth.

"All nations of the world, including the small countries with or without a seacoast, must be able to exploit the resources of the sea usefully and adequately," he said.

"We cannot treat the sea with the injustice with which we have treated the earth. We cannot use the sea in such a way that a few countries benefit from it while the rest are plunged in poverty, as has been done with the riches of the earth."

But then President Andreas Perez stepped down from these heights and discussed Venezuela.

Venezuela's oil and iron, he told the delegates, "must belong to Venezuela in its entirety." There was no question in his mind whether Venezuela ought to share some of these resources, including offshore oil, with poorer nations.

As for the sea, the president said Venezuela supported the new 12-mile territorial limit and the 200-mile coastal zone. It did so, he said, because this "would immediately dispel the present tensions generated by the plundering of the less-developed states by the industrial powers." In addition, this would "constitute the ideal approach to what could be, if it is not resolved, an unending source of conflict."

In short, the president was saying, Venezuela wanted as much as it could practically get out of the conference. All his lofty talk about sharing the resources really meant that Venezuela wanted to make sure that it got its fair share of the spoils and was not shortchanged by the superpowers. It did not mean that Venezuela wanted less so that landlocked countries like Bolivia would get more.

The president's oratory evoked a good deal of applause and laudatory comment. The delegates did not notice or care about the contradictions. All of them are in Caracas to preach about the needs of all mankind—and to bargain for as much as they can get for themselves.

Not depressing

This should not be depressing. The attempt to reach an agreement at the conference represents a step forward from the time when European nations, using the concept of private property, divided the New World and Africa on the premise that the first European to "discover" a piece of land could claim it for his fatherland. If nations scrambled that way now to claim as much of the seas as they could for themselves, there would be conflict and havoc and even more injustice.

Surely it is better that they are doing their scrambling at a conference instead of at sea. But they are still scrambling. And scrambling is not much of a philosophy.



Overfishing, equipment destruction

Crouse wants information made public

By DAN REMINGTON
Staff Reporter

Federal MP Lloyd Crouse (PC-South Shore) last night called upon the department of fisheries to make public all documented information in its possession concerning incidents of overfishing and equipment destruction by foreign trawlers fishing in the North Atlantic.

Mr. Crouse, Progressive Conservative fisheries critic, said in an interview it is incumbent upon the department to make this information available.

Earlier this month, the department of fisheries, in cooperation with the department of national defence, sighted and photographed Soviet trawlers off the South Shore, and evidence points to the possibilities of overfishing and destruction of lobster traps.

However, both DND officials and fisheries representatives have refused to make the photographs available, stating that "releasing the pictures might jeopardize the fishermen's case."

W. C. McLeod, who has aired legal advice for possible future court action, does not agree, and said yesterday that if he had had copies of the pictures, he would have released them "to let people know."

H. Douglas Johnston, director-general of fisheries for the Atlantic region, said earlier yesterday that at

though Mr. McLeod "has a case" which could be presented to an international court "we are attempting to go through a more diplomatic procedure."

Mr. Johnston, who has seen the photographs, says they are clear and "there appears to be a lobster trap aboard the Russian vessel." Also, he said there was evidence of particles of wood floating around and in the vicinity of the ship, indicating broken traps.

However, "I think at this time; the less said about the whole situation, the better," Mr. Johnston said.

Mr. MacLeod said he was assured by fisheries officials that they were interested in the case and would conduct an investigation, "but so far, things have been pretty quiet... too quiet... and I sometimes think they're trying to hush it up."

Meanwhile, Mr. MacLeod says his business is suffering badly because he is not able to purchase traps to continue his normal operations. He said over \$100,000 worth of equipment was destroyed in the incident.

Captain Randall Dominix of the lobster boat Liverpool Bay said he lost about 750 traps July 11, against 20 Russian trawlers and has charged that the Russians deliberately ran through fishing lines and destroyed lobster pots.

An external affairs spokesman in Ottawa said yesterday that his department was "waiting for the pictures," but said he could see no reason



LLOYD CROUSE

why the fisheries department would hold these back.

He said the department has had no conversations with the Soviet government concerning the incident, "but in cases like this, we usually have to take the first step."

A spokesman at the Russian embassy in Ottawa said he could not comment on the matter but it is "under study in Moscow."

He said it was difficult to consider the situation "and it is up to them (Moscow) to decide."

"This is certainly an problem that can't be solved between our two countries," he added. Mr. Crouse said that there was a possibility that the reason the pictures were being held back could have something to do with Canada's involvement in the Law of the Sea Conference, however, he felt pursuing such a situation "would really strengthen Canada's stand for a 200-mile jurisdictional limit."

He felt this incident reflected the Canadian position in its bid for the limit because if it was found to be true, it would merely confirm the fears that foreign fishing off Canada's marine coast could be seriously affecting supplies to Canada's fishermen.

Mr. Crouse said the fishing industry affected in Nova Scotia is a very real way and, with such a unique incident as having documented proof of infractions, "the people of Nova Scotia should be told the true facts."

Les nouvelles frontières du droit de la mer

à Caracas une conception fonctionnelle et globale

Depuis 1967, des
premier pas laborieux

FRANCIS RIGALDIES
collaboration spéciale

■ A Caracas, vient de s'ouvrir la troisième conférence internationale sur le droit de la mer. Cette conférence a connu des débuts laborieux et doit se dérouler jusqu'au 29 août prochain. Dans cet article rédigé spécialement pour *Le Devoir*, M. Francis Rigaldies, professeur de droit international à l'université de Montréal, fait le point sur les questions inscrites au programme de la conférence de Caracas et résume les positions que défendra la délégation canadienne.

immédiat. Parfois cependant, le Canada se rapproche du groupe des puissances maritimes. En effet, s'il ne possède pas de flotte importante, il utilise largement les services de marines étrangères pour les fins d'un commerce extérieur important. Il est donc attaché à la liberté de navigation, particulièrement dans les détroits, à l'exception des suez.

Cet imbroglio d'intérêts donne une idée du travail à accomplir à Caracas si l'on entend tout à la fois mesurer à jour le droit actuel et le compléter.

Le programme de la réunion de Caracas Traditionnellement, la mer sert à des fins de navigation. A cet égard, plusieurs questions sont à l'ordre du jour à Caracas: la mer territoriale, les détroits et les archipels. La largeur de la mer territoriale n'a pas été définie par la convention de 1958 ses revenus d'exploitation.

On place le Canada sur cet échiquier complexe? Ce n'est pas chose facile. Tout d'abord, le Canada est manifestement un Etat côtier, et même le premier au monde, avec près de soixante mille milles de côtes, ouvertes et fermées. Il a aussi le deuxième plateau continental le plus étendu, puisqu'il représente de cette zone, afin de ne pas créer d'embûches à la navigation. Elles ont actuellement une longueur de 340 milles. Elles ont actuellement une longueur de 340 milles. Elles ont actuellement une longueur de 340 milles. Elles ont actuellement une longueur de 340 milles.

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l'obtention, au-delà de la mer territoriale, d'une zone de juridiction plus limitée. Le Canada favorise cette dernière approche, puisqu'il possède déjà une mer territoriale de 12 milles. Mais il souhaiterait moderniser la notion de passage inoffensif, dont font partie les navires qui emportent des armes, et qui, au Canada, peuvent intervenir dans un passage écologique intéressant, le considérant comme offensif, au même titre que celui qui, selon le concept traditionnel, serait militairement dangereux. Les puissances limitées ne sont pas de cet

ordre plus anarchique que pour la mer territoriale... Les pays en voie de développement proposent la création d'une "zone économique" ou "mer patrimoniale" des 180 milles, qui viendrait s'ajouter aux 12 milles de mer territoriale. Dans ces zones de juridiction exclusive, ils exerceraient des droits souverains sur les ressources biologiques, sans entraver la liberté de navigation, de survol, ou de pose de câbles et d'oléoducs sous-marins.

Pour leur part, les puissances maritimes se prononcent en faveur de simples droits préférentiels au profit des Etats côtiers. C'est ainsi que les Etats-Unis ont proposé une approche "par espèce" qui tient compte de la dépendance des ressources biologiques par rapport au continent. C'est la thèse que le Canada avait initialement adoptée, mais compte tenu de ses difficultés d'application, il s'est finalement rallié à la thèse existiviste, tout en respectant certains droits acquis de pêche traditionnelle; cependant, la zone halieutique exclusive serait complétée par une zone préférentielle, contiguë à la précédente, et se prolongeant jusqu'aux limites extérieures de la marge continentale (qui, sur la côte est, s'étend à plus de 200 milles de rivage). Le consensus semble acquis sur l'existence de cette "zone économique" de 180 milles, à condition toutefois que les grandes puissances trouvent des compensations au chapitre de la navigation.

Les ressources minérales

La question des ressources minérales est liée à celle du plateau continental. La convention de 1958 qui la concerne n'est pas exempte d'imprécision quant à sa limite extérieure. Deux critères s'y trouvent: l'un, fixe, est bathymétrique; il s'agit de l'isobathe des 200 mètres. Le plateau s'achèverait à l'endroit où les eaux susjacentes atteignent 200 mètres de profondeur, ce qui correspond généralement à la rupture de pente du plateau, qui s'incline alors fort rapidement vers les grands fonds. L'autre critère, complémentaire, permet d'aller au-delà de cette limite, en autant que l'exploitation est possible. Ce critère technologique brille par son imprécision. Qu'advient-il à Caracas? Les pays les plus conservateurs sont naturellement les pays sans littoral ou à plateau enclavé, pour les raisons déjà notées. Ils souhaitent des limites fort étroites, le plateau devant se terminer selon eux, à 200 mètres de profondeur ou 40 milles à partir de la côte, selon la solution la plus favorable à l'Etat.

Les pays en voie de développement favorisent généralement l'existence de limites qui correspondraient avec celles de la zone économique. Le plateau irait donc jusqu'à 200 milles des côtes. Quant au Canada, il affirme en ce domaine une fourchette mandis condamnable. Il réclame en effet sous sa juridiction non seulement le plateau, mais la pente et même le talus, soit l'ensemble de la marge continentale à l'exception des grands fonds abyssaux. Ses arguments juridiques sont peut-être valables, mais il n'est que de nous en servir pour nous en avoir pas à les utiliser à Caracas, étant un des rares Etats à posséder un plateau s'étendant

a plus de 200 milles des côtes. Il sera donc difficile de faire des compromis sur cet épineux problème. Pourtant, la solution américaine constituerait un bel effort dans ce sens, si elle n'était critiquée pour d'autres raisons. Selon cette attitude, la juridiction nationale exclusive de l'Etat riverain sur son plateau s'exercerait jusqu'à 200 mètres de profondeur. Au delà, cet Etat agirait comme mandataire de la société internationale. L'exploitation bénéficierait pour partie à la collectivité internationale. Cette zone de "trusteeship" irait jusqu'au pied de la marge continentale. Au delà enfin, les grands fonds marins seraient exploités au profit de l'humanité par un organisme international.

En dehors de ces problèmes de zones de juridiction étatique, on devra se pencher à Caracas sur des questions plus globales touchant à l'intérêt des océans: la recherche scientifique et la protection du milieu. Ces matières ne sont pourtant pas étrangères aux précédentes. Ainsi, les pays développés considèrent que la recherche ne saurait souffrir de restrictions. De leur côté, les pays en voie de développement souhaitent que la recherche soit contrôlée, notamment quant à son caractère purement scientifique, par un organisme spécial, ou par l'Etat riverain lui-même quand elle serait entreprise dans sa zone de juridiction exclusive. Telle

est aussi l'attitude du Canada, qui entend faciliter au maximum la recherche, tout en s'assurant de bénéficier de ses fruits lorsqu'il n'aurait pas les moyens de l'entreprendre lui-même. Les chances de compromis sont rares en ce domaine, en dépit des efforts de certains pays comme l'Italie. Précisons qu'à l'heure actuelle, la recherche scientifique est entièrement libre en haute mer. Par contre, en mer territoriale, elle relève exclusivement de l'Etat riverain, tandis qu'elle est soumise à son consentement pour le plateau continental.

Quant à la protection du milieu marin, tout le monde s'entend sur son principe, d'autant plus qu'elle n'a fait jusqu'ici l'objet que d'une réglementation éparse. Cependant, si les pays développés admettent une réglementation assez stricte, adaptée internationalement, c'est à condition qu'elle soit appliquée par l'Etat d'immatriculation du navire, tant en haute mer que dans une zone de juridiction étatique. Quant aux Etats côtiers, ils se prononcent en faveur de l'édiction de normes éventuellement plus strictes par les Etats riverains dans leur zone économique. C'est aussi l'avis du Canada, qui connaît des problèmes spécifiques dans l'Arctique, mais qui favorise cependant la conclusion d'un accord-cadre tenant compte des conventions en vigueur. Notons enfin que les pays en voie de développement considèrent d'un mauvais oeil des normes anti-pollution trop strictes, qui ne feraient qu'accroître leur retard.

Qui exploitera les grands fonds marins?

S'il sera difficile de faire des compromis à Caracas sur l'adaptation du droit actuel, on conçoit sans mal l'ampleur des problèmes à surmonter si l'on veut parvenir à créer des normes nouvelles dans un domaine inexploré, celui des grands fonds marins. Le seul acquis en cette matière est une résolution de l'Assemblée générale de l'ONU qui déclare ces grands fonds "patrimoine commun de l'humanité". Il convient donc de les exploiter pacifiquement (ils sont déjà dénucléarisés par un traité) et dans l'intérêt de tous. Mais comment y parvenir, sinon en créant un organisme spécial. C'est ici que les positions les plus inconciliables s'affrontent.

Les pays riches, généralement, favorisent la création d'un organisme souple, qui coordonnerait des activités étatiques, et se contenterait de délivrer des permis. Telle est la thèse russe, américaine, anglaise ou française. Les pays en voie de développement, au contraire, optent pour ce qu'ils appellent un "mécanisme d'entreprise" qui exploiterait lui-même les grands fonds. Cette vision a cessé d'être chimérique, étant appuyée par de nombreux Etats, qui ne sont pas tous sous-développés. Une telle structure pourrait aller jusqu'à contrôler la production ou les fluctuations des prix, ce qui supposerait qu'on lui accorde un véritable pouvoir réglementaire. Il ne faut pas oublier cependant que ce mécanisme d'entreprise a de farouches oppo-

sants, comme les Etats-Unis, Royaume-Uni et l'Union soviétique surtout, qui ne s'est riqué qu'à contre-cœur à l'égard d'un mécanisme délivrant permis.

La position canadienne est fort séduisante, puisqu'elle présente comme un mécanisme qui délivrerait des permis, pourrait aussi faire exécuter des travaux sous contrat, les exécuter lui-même lorsqu'il en aurait les moyens. Peut-être ce là une vision d'avenir puisque nombre de pays sous-développés, en dehors du groupe latino-américain, mettent, pour des raisons évidentes, que le mécanisme d'entreprise puisse délivrer des permis. Mais il est facile de faire des concessions quand on a pris la part du lion, et il faut souvent que le Canada revienne par ailleurs l'ensemble de la marge continentale, seule la zone accessible à moyen terme et pratiquement seule à contrôler des hydrocarbures.

Le rôle positif du Canada

En conclusion, on peut se demander ce qu'il adviendra du droit de la mer à Caracas. Certains sujets, non seulement les Etats ne sont pas prêts, ni leur volonté politique d'aboutir dans des délais raisonnables est douteuse. On pense surtout à des débats relatifs au statut de grands fonds marins, au coup desquels l'Union soviétique présente un exemple à fait prévisible et coupable politique d'attribution. Il est vrai que les grands fonds marins se trouvent à Caracas et que chacun sur qui est débatté n'est resté sur ses positions les plus strictes. Heureusement grâce aux efforts du Canada, la conférence envisagera les problèmes du droit de la mer d'une façon globale. Non seulement c'est la voie la plus réaliste, puisque tous les problèmes sont interdépendants, mais les négociations seront rendues plus fécondes, certains Etats pouvant faire des concessions sur un point en sachant qu'ils gagnent sur un autre. Encore faudra-t-il, dès le départ, régler une question d'importance majeure: votera-t-on à la majorité des deux-tiers comme le souhaitent les grandes puissances, ce qui constitue la solution traditionnelle dans les grandes conférences diplomatiques? Votera-t-on à la majorité simple, comme le souhaitent les pays en voie de développement? L'enjeu est d'importance.

Selon les informations les plus récentes un compromis serait sur le point de se réaliser. Dans le cas d'absence de consensus, on voterait en effet à la majorité simple en commis deux-tiers pour le vote final et séance plénière.

Le Canada, quant à lui, aura joué un rôle fondamental dans la préparation de la conférence mettant à l'honneur une approche "fonctionnelle" des problèmes du droit de la mer, et proposant une "délégation de pouvoirs" de la société internationale aux Etats riverains. Son rôle de conciliateur n'est certes pas négligeable, mais il entend que ses intérêts soient sauvegardés. L'"égotisme sacré" règnera donc en maître dans le cadre de l'ONU a été bien inspirée de prévoir, d'ores-et-déjà, une suite éventuelle à Vienne...

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

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Canada leads bid to break deadlock at sea conference

CARACAS (UPI) — A group of nine nations led by Canada yesterday submitted a compromise proposal aimed at breaking the deadlock over territorial seas which threatens to doom the third UN sea law conference.

The group recommended that coastal states be given sovereign rights over fishing, deep-sea mining, scientific research and pollution control in a zone extending 200 miles out.

"We're at the halfway point of this session and we have yet to agree on a single draft article," Canadian delegation head Alan Beesley told a plenary session of the 148-nation conference which received the 19-article compromise proposal.

The proposal goes a long way toward meeting the demands of hardliners Ecuador and Peru which have indicated they will defy the conference unless it ratifies their control over a 200-mile sea.

Speaking on behalf of Canada, Chile, Iceland, India, Indonesia, Mauritius, Mexico, New Zealand and Norway, Beesley told the conference that the working paper of draft articles he was introducing should

serve as a basis for negotiation. He claimed that the existing law of the sea is "incomplete, inadequate and anachronistic."

The proposal makes special reference to the right of landlocked states to enjoy right of access to neighboring states' economic zones and their resources.

It says that further articles on this matter are required.

Also set down are radical new proposals for according certain states archipelagic status, and permitting them to draw baselines for territorial waters and their economic zone from the outermost points of the outermost islands.



9 states at sea talks favor a 12-mile limit

CARACAS (AFP) — India, Indonesia and Iceland joined Canada and five other states yesterday in a formal consensus in favor of the 12-mile territorial sea limit and an additional "economic zone" out to 200 nautical miles.

The other countries were Chile, Mauritius, Mexico, New Zealand and Norway. Canada presented the consensus paper to a plenary session of the 150-nation UN conference on the Law of the Sea, which is in its sixth week of work here.

The issue of sea limits is being thrashed out in committee. Observers viewed the nine countries' decision to go directly to the plenary session as a gesture of impatience with the slowness of the committee's proceedings.

West Germany, Peru and Turkey led strong opposition to acceptance of the paper by the session, arguing that it was the committee's business to draft a consensus on sea limits. A motion to admit the Canadian paper for referral back to committee was carried by 50 votes in favor to 38 against, with 39 delegations abstaining and the others absent.

The nine countries express what is generally regarded as the majority preference here for a "relatively narrow" territorial limit of 12 miles,

linked with an extension of coastal state jurisdiction over an economic zone extending out another 188 miles.

Canadian delegation leader Alan Plessey said the proposal was supported by "developed as well as developing countries" and represented a broad range of interests.

He remarked that the 10-week conference had already passed the halfway stage without yet achieving agreement on a single draft article of the sea law convention which is the object of the conference.



9 sea law nations back gesture of impatience

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West Germany, Peru and Turkey led strong opposition to acceptance of the paper by the session, arguing that it was the committee's business to draft a consensus on sea limits. A motion to admit the Canadian paper for referral back to committee was carried by 50 votes in favor to 28 against, with 39 delegations abstaining and the others absent.

The nine countries express what is gener-

ally regarded as the majority preference limit of 12 miles, linked with an extension of coastal state jurisdiction over an economic zone extending out another 188 miles.

Canadian delegation leader Alan Beesley said the proposal was supported by "great opposition as well as developing countries" and represented a "very large compromise."

He remarked that the two-week conference had already passed the halfway stage without achieving agreement on a single draft article of the sea-law convention which is the object of the conference.



Nine nations back sea limit proposal

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Document canadien de compromis à la conférence de Caracas

CARACAS (AFP) — Parlant au nom de neuf pays industrialisés et du tiers monde, le Canada a présenté, hier, à la Conférence sur le droit de la

mer, qui marque le pas, un document de compromis visant à faire sortir les débris de l'impassé où ils se trouvent. Ce document, qui a été

rédigé par le Canada, le Chili, l'Inde, l'Indonésie, l'Islande, l'île Maurice, le Mexique, la Norvège et la Nouvelle-Zélande, est basé sur le princ

pe d'une mer territoriale de 12 milles marins reliée à une zone économique, dite mer patrimoniale, s'étendant à deux cents milles marins au delà des eaux territoriales.

Le texte, présenté en deux versions par les deux pays, est destiné à "servir de base possible de négociation" afin que "nous puissions, à cet égard, déléguer canadien, M. J. Alan Beasley, tentant de nous entendre avant la fin de la conférence". Il s'agit, a-t-il ajouté, de concepts fondamentaux en vue d'une reconstruction du droit existant qui est incomplet, insuffisant et anachronique.

Toutefois, le document n'a pas été discuté en séance plénière. Cinq autres pays seulement avaient approuvé le principe de son adoption: l'assemblée générale, dans que trente-huit pays avaient estimé que ce texte est dûment exempté des engagements désignés par la conférence. Parmi les opposants, se trouvaient notamment Cuba, la France, l'Allemagne de l'ouest, le Pérou et la Turquie. Quant aux autres délégations, il y en a eu trente-huit qui se sont abstenues et 28 qui étaient absentes.



Canada wins vote for working paper on sea laws

By VALLEY RUBBICK

CARACAS (CP) — The Canadian delegation at the law of the sea conference introduced Monday a working paper co-sponsored by eight other countries.

Alan Beesley, head of the Canadian group, said the paper was introduced in plenary session rather than in a subcommittee "because its subject matter extends beyond the mandate of any one committee."

This departure from normal procedure provoked a long debate, ending in West Germany's call for a point of order which the president of the conference overruled. The decision was made on the grounds that "delegates have the right to choose the forum in which to introduce their proposals."

An objection to the president's ruling by the delegation of Tunisia resulted in a full roll-call vote in which the ruling was upheld, by a margin of 50-39 with 30 abstentions.

Paul LaPointe of Canada called the vote "most informative."

"We're going to take this list of votes home and study it," he said after the meeting. "It says more about the support we can expect than a week of speech-making."

The paper contains 19 draft articles in an attempt to find a possible basis for negotiations at the conference.

"We are at the half way point of this session and we have yet to agree on a single draft article," said Beesley.

"We must soon move from the discussion stage to the actual drafting of concrete articles."

The working paper was hailed as "The first real progress we have seen at this session," by an American observer.

"Now maybe we can get some real work done," he said. The paper does not attempt to deal with every issue under discussion. It represents instead "a broad conceptual approach to the fundamental problems of the contemporary law of the sea," Beesley said.

The paper is a statement of general principles, Beesley said and added the most that the conference can expect to accomplish is the ratification of drafting articles such as are contained in the working paper.

"If we can't even agree on simple issues like the territorial sea-economic zone concepts, then the conference will be a failure," said Beesley. "If we leave Caracas with nothing decided, the only result we can expect is unilateral action, and more confusion on the seas."

"If however, we can ratify a set of basic articles such as we are presenting here, then no one will be able to afford to stay away from the next round. They'll have to come to Vienna next year to protect their interests."

However, the sea conference is facing bitter disagreement over the question of international straits.

Beesley warned the general sea law committee that "if we fail in resolving this issue, there is reason to say that the conference itself may fail," since many of the other issues are closely interrelated.

The problem with international straits is mainly a military one. Most states are advocating the concept of

freedom of passage through all straits up to 24 miles of width.

This concept was debated in the 1958 convention on the high seas, but was rejected, which is not surprising in view of the present state of world and security of the world.

A number of states, possibly the United States and the Soviet Union, are demanding free transit through international straits for all vessels, including warships and warships.

The U.S. has proposed that warships be allowed passage without prior notice, and that submarines would not have to surface and show their flag.

Many coastal states consider this a threat to their national security, and vehemently oppose the new concept. Beesley suggested that the liberty passage does not apply solely to military commissions, but also to ecological ones.

"How innocent is a hydrophobic loaded with oil or a nuclear powered submarine dumping radioactive wastes into the sea?" he asked.

Without referring directly to Canada's navy chief, Beesley pointed out that "what might appear to be a strait on a chart may have no relationship whatsoever to existing trade routes." The question of traditional usage must be considered in defining international straits.

"We may be creating legal problems that we can't solve if we try to apply the same definition rigidly to all straits which may look like international straits," he said.

With only 23 working days left in the conference, the committee considering the problem of innocent passage has gone into closed sessions to try to reach an agreement on the issue.

Subject

Date July 30, 1974. Publication Washington Post

The Law of the Seas

A PATTERN OF international law, replacing a patchwork, is being laid upon the world's oceans for the first time—at the Law of the Sea Conference in Caracas. The developing consensus would extend the territorial sea of coastal states to 12 miles; establish an "economic zone" out to 200 miles in which coastal states would, with certain exceptions, control fishing and mining; and create an international program or "regime" outside the 200-mile line to mine the deep seabed as the "common heritage" of mankind. Sharp disagreements still exist among the 149 participants at Caracas and there is no assurance that the full text of a treaty will be reached in this summer's session. But it is clear that the old system—or non-system—of rights and responsibilities which has prevailed on the high seas is gone.

The very concept of "high seas," open equally to all, is buckling as particular nations assert sovereignty or special rights over areas further and further from their shores, and as the international community collectively asserts certain kinds of authority over areas further out. If a country holding an offshore island can claim a 200-mile economic zone around it, for instance, then the whole of the Mediterranean and Caribbean Seas and

about half the Pacific Ocean become subject to national claims. To make the deep seabed a "common heritage," moreover, is to impose new controls there as well. These would reduce the existing freedom of private or national entrepreneurs in order to spread the expected mineral benefits to states not in a position to exploit them themselves.

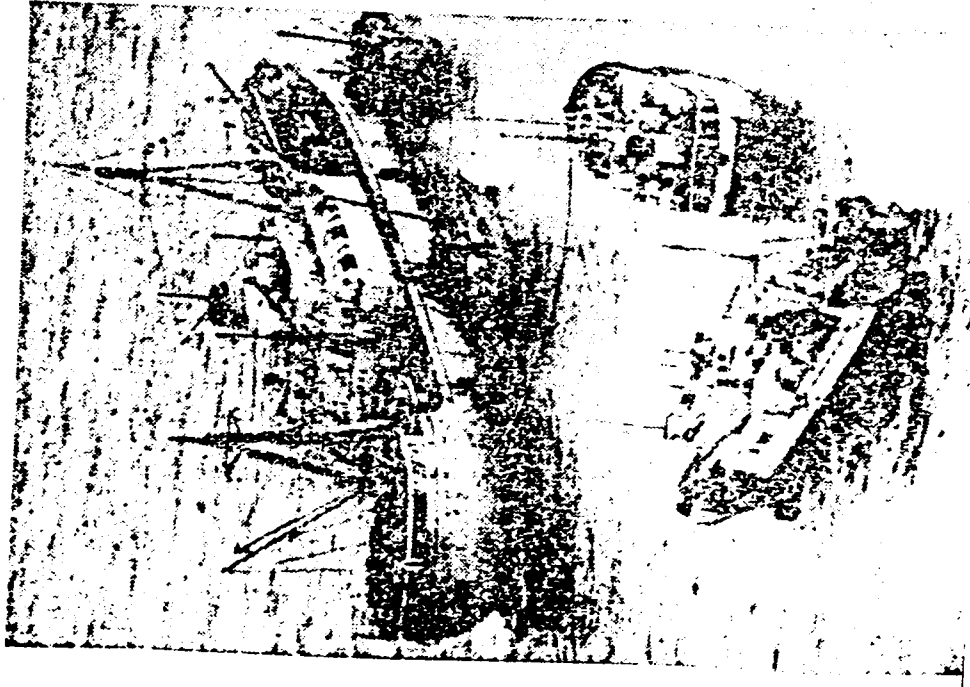
This drive to write new rules for the sea results from the world's growing hunger for the sea's resources, from the increasing sophistication of the technology with which to exploit these resources, and from the growing likelihood that nations striving for them will take arms if law is not first applied. Unsurprisingly, it is those nations with long coastlines, plentiful resources near their coasts (both in the water and under the seabed) and advanced technology which are in the strongest position to get what they want from the high seas. More than any other country, the United States has all three. But this does not mean it can go it alone.

With its great navy and its global political role, the United States needs the right of continued, politically uncluttered transit through the various international straits which would fall within one or another state's territorial waters under a 12-mile territorial-sea rule. This is a major goal for the American negotiators at Caracas.

Fishing is a knotty problem. Japanese and Russian "distant-water" fleets have grossly overfished haddock and salmon stocks, for example, off the American coast. But the United States has been reluctant to invoke a 200-mile economic zone because its own tuna and shrimp fleets fish within 200 miles of other nations' shores. Washington is now ready to accept the 200-mile concept but it wishes to keep some fisheries open to its tuna and shrimp fleets and, most important, to ensure that effective conservation and resource management measures are adopted all around.

As to a deep-seabed international regime to extract minerals for the "common heritage," the United States would have the new authority simply license the exploiters and distribute the licensing revenues. But the Chinese, seeking a Third World leadership role, would arm the authority with the power to do the exploiting itself.

American fishing, gas and oil, mining and maritime operators naturally have a strong commercial interest in any new international rules of the sea, just as the U.S. government has a strong diplomatic and military interest. These interests, complex and sometimes contradictory, are all reflected in the American proposals at Caracas. Some mining and fishing groups have persuaded Congress to draft legislation that would, if enacted, pre-empt international decisions on crucial issues. Wisely, Congress has not acted on this legislation. The United States, as much as any nation, needs the cooperation of others on the high seas. It can hardly expect to get such cooperation—indeed, its example will only breed conflict—if it acts alone.





Le traité sur le droit de la mer ne serait pas signé cette année

CARACAS (par l'AFP) — Le pessimisme régnait hier parmi les 150 délégations présentes à Caracas à la troisième conférence sur le droit de la mer, lorsque le président de la conférence, M. Hamilton Shirley Amerasinghe (Sri Lanka), a déclaré en session plénière que, compte tenu des divergences déjà enregistrées, il ne fallait pas s'attendre qu'un traité ou une convention finale soient signés lors de la session actuelle.

Après six semaines de travaux au cours de la présente session, aucun accord n'est encore intervenu sur aucun des 23 thèmes abordés par la conférence. M. Amerasinghe a suggéré ensuite aux participants de s'efforcer d'arriver à un "point d'accord sur les problèmes de base", ajoutant qu'"un accord sur les problèmes pourrait constituer le document final de cette conférence." Mais, a-t-il précisé, un tel texte ne devra pas se confondre avec une déclaration de principes.

Enfin, le président a demandé que soit avancée au printemps prochain la prochaine session de la conférence, prévue à Vienne pour les mois de juillet, août 1975.

Pourtant, parlant au nom de neuf pays industrialisés et du tiers monde, le Canada avait présenté lundi un document de compromis visant à faire sortir les débats de l'impasse où ils se trouvent.

Ce document, qui a été rédigé par le Canada, le Chili, l'Inde, l'Indonésie, l'Islande, l'Ile-Maurice, le Mexique, la Norvège et la Nouvelle-Zélande, est basé sur le principe d'une mer territoriale de 12 milles marins reliée à une zone économique dite mer patrimoniale, s'étendant à deux cents milles marins au-delà des eaux territoriales.

Le texte, présenté en séance plénière par les neuf pays, est destiné à "servir de base possible de négociation" afin que "nous puissions, a dit le délégué canadien, M. J. Alan Beasley, tenter de nous entendre avant la fin de la conférence." "Il s'agit, a-t-il ajouté, de concepts fondamentaux en vue d'une restructuration du droit existant qui est incomplet, insuffisant et anachronique."

Toutefois, le document n'a pas été discuté en séance plénière. Cinqante pays seulement avaient approuvé le principe de son étude par l'assemblée générale, alors que trente-huit pays avaient estimé que ce texte est du ressort exclusif des commissions désignées par la conférence. Parmi les opposants, se trouvaient notamment Cuba, la France, l'Allemagne de l'ouest, le Pérou et la Turquie. Quant aux autres délégations, il y en a eu 38

qui se sont abstenues et 23 qui étaient absentes.

Le chef de la délégation canadienne a rappelé dans son intervention que le droit international se fonde essentiellement sur deux principes "apparemment contradictoires", qui sont la souveraineté territoriale et la liberté de la haute mer. Il a déclaré que l'on ne pouvait "abandonner l'un ou l'autre, mais qu'un droit de la mer fondé uniquement sur ces deux concepts ne suffit plus.

Le délégué canadien a estimé que le "concept traditionnel d'une mer terri-

toriale était tout-à-fait valable, mais qu'il était viable que s'il est relié à une extension de la juridiction de l'état côtier. Cependant, la question du plateau continental, dont les limites devraient être définies par la conférence, le délégué canadien a fait remarquer que le projet des pays établit que "le plateau continental de l'état côtier s'étend au-delà de la mer territoriale, jusqu'à une distance de deux cents milles et dans tout le prolongement naturel, dans les cas où des limites au-delà de deux cents milles" jusqu'au bord extérieur de la marge continentale.



Form without substance

The UN conference on the Law of the Sea seems to be a conference of form rather than substance.

While there are indications that some steps might be made toward protecting the quality of the marine environment, most of the conference has been taken up in selfish bickering among the attending nations.

Nine countries — Canada included — have presented a consensus paper to a plenary session favoring a 12-mile territorial sea limit and an additional economic control limit to 200 miles.

On the surface that might seem a major development. But the paper was presented as a gesture of impatience with the slowness of committee proceedings. At that, the paper failed, since the plenary session voted that the paper be referred back to committee.

The Canadian delegation leader has good reason to be exasperated

with the ponderous slowness of the conference's negotiations. The 10-week conference has already passed the halfway mark without reaching agreement on a single draft article of the sea law convention — and that is supposedly the object of the conference.

The meeting has been belabored and belabored for the past year as one of the most important environmental meetings ever.

The results are a much better indicator of the real importance of the conference. It seems an unfortunate truth that when disparate countries with disparate needs meet, the desperate needs of the entire global village are shoved into the background.

It may not be too much of an exaggeration to conclude that the most concrete and significant decision to come out of this conference will be the time and the place for the next one.

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DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject *M.A. Law of the Sea Conference*
Sujet

AUG - 5 1974

Publication MONTREAL GAZETTE.....

Sea law setback

The optimism that had developed at the great Law of the Sea conference in Caracas, one of the most important and ambitious ventures ever launched by the United Nations, seems to be on the wane. The earlier hopeful outlook was based largely on successful hurdling of procedural difficulties and a trend of opinion toward acceptance of the 200-mile economic zone under control of coastal states for mineral exploitation, fisheries and environmental control.

The Canadian delegation was instrumental both in finding procedural solutions and in promoting the idea of the economic zone, which would extend 100 miles beyond a 12-mile territorial sea limit. The indications from major countries such as the United States, formerly opposed to the zone, the Soviet Union and China that they would support the concept gave promise of real progress.

that the full conference voiced in favor of introduction of the paper. But it very soon ran into some formidable opposition. While the United States may now accept the principle of an economic zone, it was not ready to accept the concept in the working paper. The U.S. argued that freedom of navigation on the high seas, but within the economic zone, had to be guaranteed at the same time.

The American delegation would not even accept the paper as a basis for discussion. The incident illustrates the fact that has often been mentioned from the beginning — the superpowers and a few other major maritime nations have a virtual veto at the conference. This type of difficulty was also illustrated in conference discussions on freedom of passage through straits, where countries like the U.S. and U.S.S.R. want an absolute freedom, while countries like Canada and a number of others maintain that an absolute right of "innocent passage" could make pollution control inoperative.

Conceptual approach

The conference then tended to become mire in committee discussions of the vast array of issues that must be dealt with in order to create a new internationally-agreed oceanic regime. Again Canada hoped to be able to clear away obstacles and led a group of nine countries that submitted a working paper of 19 articles designed, in the words of Canadian delegation head Alan Beesley, to give "a broad conceptual approach to the fundamental problems of the contemporary law of the sea."

The effort was successful to the extent

Failure at Caracas to make progress in the form of at least agreement on a few principles to guide future deliberations could have the dire consequence of making further negotiation appear futile. The law of the sea would remain the law of the jungle favoring the powerful as fisheries competition toughens, the scramble for seabed riches gets under way and the life and wealth of the oceans is increasingly degraded by pollution.

Subject *U.N. - LAW OF THE SEA CONFERENCE*
Sujet

AUG - 5 1974

LE DEVOIR

Date Publication

DROIT DE LA MER

Élargir la zone territoriale C'est bloquer cent détroits . . .

CARACAS, (AFP) — Après six semaines de délibérations, l'impasse paraît totale au sein de la conférence sur le droit de la mer qui, depuis le 20 juin, réunit cent-cinquante nations dans la capitale du Venezuela.

La principale cause de cet affrontement international qui oppose, une fois de plus, les États du tiers-monde aux pays nantis, vient du fait que l'on assiste à cette occasion au prélude d'une redistribution générale des cartes, politiques, stratégiques et économiques dans le monde.

Il s'agit, estime-t-on dans les milieux proches de la conférence, d'un événement semblable à la rée coloniale des nations européennes vers les continents africains et asiatiques au 19-ème siècle, alors que commençait l'ère industriel.

L'ère coloniale est terminée, mais les progrès de la technologie vont permettre désormais d'exploiter les ressources océaniques qui s'étendent sur soixante-dix pour cent de la superficie du globe terrestre.

Au-delà de l'aridité des articles juridiques qui formeront peut-être demain la nouvelle convention maritime internationale, se profilent les immenses revenus auxquels les uns et les autres estiment avoir droit.

Cette course au trésor comporte également des handicaps, mais inversement proportionnels à la puissance des concurrents. Les pays nantis, qui possèdent une énorme avance technique sur tous ceux du tiers-monde, sont infiniment mieux placés et pourraient dès maintenant, s'ils en avaient la possibilité, mettre en coupe réglée tout ce que les océans recèlent de richesses dans leurs eaux et leurs sous-sols.

La est tout le problème qui pèse sur la discussion de questions fondamentales, comme la fixation de la limite des eaux territoriales et d'une zone économique exclusive sur une largeur de deux cents milles parallèle aux côtes, ou bien encore la création d'un organisme international pour l'exploitation des fonds des océans situés en zone internationale.

Depuis le début de la conférence, toute la négociation porte sur un projet de con-

vention présenté par neuf pays (Canada, Chili, Inde, Indonésie, Islande, Le Maurice, Mexique, Norvège et Nouvelle-Zélande).

Ce projet prévoit notamment la définition d'une mer territoriale dont les limites seraient fixées à 12 milles, ainsi que d'une zone économique exclusive allant jusqu'à deux cents milles du rivage, mais qui pourrait dans certain cas être prolongée jusqu'au seuil du plateau continental.

Le concept d'une mer territoriale, dont la limite serait portée, selon le projet, de trois à douze milles paraît recevoir une approbation générale, à la seule condition — et celle-ci ne sera pas facilement remplie — que la navigation demeure entièrement libre dans les détroits.

Il s'agit là d'un problème capital, car plus de cent détroits, une fois la mer territoriale portée à douze milles, risqueraient d'être fermés à toute navigation libre si les États qui les bordent déclarent d'y imposer leur contrôle souverain. Tout le trafic maritime international, commercial et militaire, serait affecté. Et comme l'a dit fermement le représentant des États-Unis, M. John R. Stevenson. "Il n'en est pas question". L'URSS et les autres puissances maritimes ont exprimé avec des nuances, le même avis.

La notion de "zone économique exclusive", élaborée par les pays du tiers monde réunis au sein du groupe des 77 pour s'assurer le contrôle absolu de leurs ressources biologiques et minérales, constitue l'une des principales causes de désaccord et de tension au sein de la conférence.

En la matière, le groupe des Neuf, dont le chef de file paraît être le Canada, préconise "des droits souverains pour l'exploitation des ressources naturelles", mais manque de précision en ce qui concerne la liberté de navigation, "sous réserve des droits de l'État côtier à l'intérieur de la zone".

Les puissances maritimes et les pays qui possèdent d'importantes flottes de pêches hauturières contestent cette thèse pour trois raisons qui ont trait, l'une, au respect de la liberté de navigation, l'autre aux investissements qu'ils possèdent déjà dans cette zone et qui risqueraient de tomber sous le contrôle absolu des pays côtiers, la troisième aux intérêts de leurs

pêcheurs qui risqueraient de perdre ainsi leurs moyens d'existence.

La discussion a été jusqu'à présent si vive, l'attitude des puissances maritimes tellement ferme, que l'on a entendu jeudi plusieurs pays africains comme le Kenya et le Togo, asiatiques comme la Thaïlande, menacer de porter unilatéralement la limite de leurs eaux territoriales à deux cents milles si les droits souverains qu'ils préconisent pour la zone économique exclusive ne leur étaient pas reconnus internationalement.

La création d'un organisme international pour l'exploitation des fonds marins internationaux est un autre — et non des moindres — sujet de division au sein de la conférence.

La découverte de nodules métalliques non ferreux dans le fond du Pacifique et de l'Océan Indien exerce une véritable fascination sur tous les pays.

Elle provoque également la crainte des pays du tiers monde producteurs des métaux. Avec raison, car il est maintenant reconnu par les Nations unies que la richesse du fond des mers en nodules est telle que les cours mondiaux de ces métaux chuteraient de plusieurs points dès que commencera l'exploitation de ces nodules.

C'est pourquoi les États du tiers monde préconisent la création d'un organisme international souverainement responsable de l'exploitation des fonds océaniques avec, éventuellement, l'aide de sociétés nationales ou multinationales. Ils estiment également que le produit de cette exploitation devrait être équitablement partagé par la communauté internationale et servir à établir un équilibre mondial du cours des métaux non ferreux.

De leur côté, les puissances industrielles expriment un point de vue strictement différent: l'organisme international devrait jouer le rôle d'un distributeur de licence et de contrôleur d'exploitation.

Seuls, les États-Unis, estime-t-on dans les milieux proches de la conférence, pourraient se laisser fléchir par les pays du tiers monde dans le cas où leurs entreprises, celles qui dans le monde entier sont le plus capables d'exploiter les nodules métalliques, seraient choisies par l'organisme international que préconise le groupe des 77.

Arctic archipelago, Canada asks meeting

ACAS (CP) — Alan Y., head of the Canadian Mission at the United Nations at the sea conference said yesterday he wants a precise definition of the archipelagic state—a concept with implications for Canada because of its Arctic

archipelago, as defined in the Canadian delegation, which includes a group of interconnecting islands "which form a geographical, economic or political entity."

The concept was first proposed by the Philippines, Indonesia and Fiji, in an effort to gain legal control over waters linking their is-

land-lying archipelagos included in the new definition. Canada will have claim over the Northwest Passage as an international waterway, Mr. Y. said.

He added that if archipelagic states are included in the

definition, it will be on the basis that the waterway is not traditionally used by any one country.

"We must bear in mind that there is a phenomenon called an archipelago in law," Mr. Beesley said. "What factors are needed to legally link these islands? Ice, for instance, forms a concrete link between land and water."

He said Canada wants "guards against the danger of using existing criteria, such as land-water ratio, as a means of excluding certain archipelagos."



Droits de la mer

La conférence tire à sa fin

CARACAS (PC)—Le Canada est en tête des pays qui s'efforcent de favoriser la coopération internationale à la troisième conférence des Nations unies sur le droit de la mer, selon le chef de la délégation canadienne à la conférence, M. Alan Beesley.

"J'ai toujours été optimiste quant aux résultats éventuels de la conférence maritime, a déclaré mardi M. Beesley, car chacun a besoin des autres".

La conférence tire à sa fin, mais selon M. Beesley, "personne ne peut vraiment dire que cette conférence est un échec. Les positions adoptées par le Canada ont bénéficié d'un soutien croissant, et des pays qui s'opposaient à nos points de vue à propos de certaines questions se joignent maintenant à nous pour présenter des projets de résolutions portant sur ces mêmes questions".

Les progrès ont cependant été lents à la conférence. Certains pays revendiquent leur souveraineté jusqu'à six milles de leurs côtes, d'autres jusqu'à 18 milles. Un certain nombre de pays d'Amérique latine demandent même que la limite soit poussée à 200 milles, en qualifiant une telle étendue de "mer patrimoniale".

Opinions révisées

Ce n'est qu'au cours des six dernières années, depuis la mise sur pied de la commission internationale des fonds marins, que les efforts majeurs ont été entrepris en vue de parvenir à un accord international.

Dès le début, les Canadiens ont débattu les principes, a ajouté M. Beesley, et sans aucun appui, nous avons démontré l'illogisme de l'ancien droit de la mer.

Les délégués canadiens ont dû aller jusqu'au bout de leurs arguments pour presque contraindre les autres délégués à réviser entièrement des motions solidement ancrées.

M. Beesley doit bien reconnaître que ce renversement d'opinion a été la partie la plus ardue des négociations: les autres pays tentaient de justifier les anciennes lois pendant que le Canada mettait en cause la tradition.

Un point est acquis: les idées ont presque changé. Elles subsistent, mais au moins elles seront discutées dans chaque pays. Ainsi, le Canada espère que la prochaine rencontre pourra se conclure par un traité.

Canada fights for 10% of offshore rights

BY PATRICK MARTIN
Special to The Star

CARACAS

The land under the sea around Canada, the continental margin, is rich in resources. That sedimentary shelf contains a valuable supply of oil and natural gas as well as an abundance of other minerals including titanium, manganese, gold, sulphur and potash.

Canada has exercised exclusive rights over the resources of this natural extension of the mainland, since the 1958 Geneva Convention on the continental shelf did not provide for doing the shelf.

Fixed limit

But at the current United Nations Law of the Sea conference in Caracas, this practice has been questioned. While Canada claims that the continental shelf extends to the outer limit of its margin, a number of other nations believe that the outer limit must be set at a fixed distance from shore.

Such a move would undoubtedly mean that Canada's control of foreign resources would end at the 200-mile mark. This limitation would mean that about 10 per cent of Canada's shelf minerals would be given to an international regime which is being developed to administer the so-called resources beyond areas of national jurisdiction.

Canada's head delegate, Alan Beesley, said in an interview that "we will not compromise on this 200-mile mark."

Njenga has not only spoken for his own delegation but has expressed the official policy of the large and important block of nations, the Organization of African Unity, which has determined that on this issue it will move as one.

In addition, the League of Arab States has formally endorsed the principle that the coastal jurisdiction of the shelf must end at the 200-mile mark.

Without the valuable minerals of States and Japan, often polarized from the rest of the conference because of many of their positions, are going to take advantage of this opportunity to actually agree with many developing nations and support their position since they have little to lose.

Co-operation on this point in a way provide concessions from the developing nations on others.

The debate on this issue often focuses on a legal argument, Canada and friends contending that it is not right that these nations must give up something that previous international law accorded them. Referring to the 1958 convention, Donald MacDonald, minister of energy, mines and technical assistance, said that "we will not concede any of our continental margin."

Among other nations, timely opposed to the margin concept are the bulk of landlocked nations which look forward to an international regime of maximum dimension in order that they may better share in the "common heritage of mankind."

Not interested

As noted, the United States does have a margin which extends beyond 200 miles. However, when questioned, Senator Stevens of Alaska confirmed a growing suspicion that the U.S. is not really that interested in it. The senator said that "Alaskans are the Albertans of the United States. . . . We sometimes have our own provincial views."

While Canada and other supporters may argue that it is a case of "natural" continental prolongation, opponents of the margin concept believe it would be a tragedy if coastal states were allowed to determine their own extent of such prolongation.

It is apparent that the United States and Japan, often polarized from the rest of the conference because of many of their positions, are going to take advantage of this opportunity to actually agree with many developing nations and support their position since they have little to lose.

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DONALD MACDONALD
He won't backpedal

and resources, told this reporter before the conference that he is "not willing to backpedal" on the extent of the shelf.

In his official statement, Australian R. L. Harry told the conference that "there is no reason why a coastal area over which it has existing rights."

Many nations, however, do not agree with this argument. They generally reply that the margin concept has not been made legally binding. They argue that two-thirds of the nations present at Caracas, are not signatories to the 1958 convention on the continental shelf.

Besides that, they argue, that continental States . . . We sometimes have our own provincial views."

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vention spoke of "shelf" not of "margin" and also cited "adjacent waters 400 miles from shore be considered adjacent," they ask.

It was faulty

Perhaps most significant is this group's argument that the definition of "shelf" was terribly faulty since it provided for the limit of the shelf as being the farthest point that would admit of the exploitability of the seabed resources.

Modern technology has seen to it that such a definition would create overlapping "shelves" in the Atlantic. With such a definition, the Group contends, how can the treaty be binding?

Finally, they ask, what is the purpose of this conference if not to create new law which will supersede the old?

Canada still has a card left to play however. The concept of revenue-sharing, as Alan Beesley has pioneered. Although in its early form the proposal was unacceptable to both the have nations and the have-not who would receive it, the concept may be reintroduced.

It established as being a substantial portion of the proceeds of the margin resources in that area beyond 200 miles which the developing nations would receive, both sides might find it attractive.

It seems clear that the Canadians eye this proposal as a possible trade for the right to retain sovereignty to the resources of the entire margin.

AUG 21 1974

LAN. Shaw. . . .

TORONTO STAR

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

FLO MIN
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Sea law talks close to finish

CARACAS (CP) — The United Nations Law of the Sea Conference is into the home stretch with Canada leading the way in the search for international co-operation, says Alan Beesley, head of the Canadian delegation.

"I've always been optimistic about the eventual results of the sea conference," he said, "because everybody needs everybody else. It's a little like a floating crap game—no body has all the votes on every issue, and we all have to help each other negotiate."

"No one could possibly describe this conference as a failure," he said Tuesday. "There has been increasing support of the Canadian position, and countries who formerly opposed us on certain issues now are co-sponsoring draft articles with Canada on the same questions."

From the start Canadians were the theologians of the conference, said Beesley.

"We said that the old law of the sea was an

anachronism, and we acted unilaterally to back up our claim.

"We deliberately used mind-boggling techniques to start them thinking, to open their minds to ideas that were totally foreign to their traditional way of thinking."

Beesley maintained that promotion of this radical rethinking of outdated ideas was the hardest part of the negotiations. While other countries tried to justify the ancient laws, Canada challenged them to forget tradition.



How much time is there left?

By GEORFFREY STEVENS

CARACAS
"Most of our governments are getting impatient with our progress."

The leader of the Kenyan delegation was speaking yesterday on behalf of the African representatives of the Third United Nations Conference on the Law of the Sea. But he was also articulating a broader felt, in greater or lesser degree, by the delegations from all 137 nations represented here. All are getting some sort from back home to get on with the job, to stop all this talk about trends, major trends, primary trends and alternate trends (whatever they may be) and to come up with an international convention to govern the future use of the world's oceans.

It's not as easy as it might look, however. Oh, it would be a simple enough matter to produce a few sheets of paper setting out, perhaps, most of some of the issues by forcing a few votes. If two-thirds of the 137 supported a certain resolution, it would carry, but most of the delegates are wise to the dangers of springing premature agreement by pushing the conference to move more quickly than its slowest participants want to move. No agreement would be worth which unless the nations that opposed it were prepared to observe it.

J. Alan Beesley, the leader of the Canadian delegation, is pertinently alert to the danger of writing laws before a consensus emerges, and he is an insistent advocate of the view that, regardless of what the folk back home may think, this conference has been far from a failure. Mr. Beesley has been the federal Government's top official on the Law of the Sea for the past six years. At present, he is Canadian Ambassador to Austria. Before that he was the senior legal adviser in the External Affairs Department.

At 47, Mr. Beesley is thin, soft-spoken, suffering from a fungus infection he picked up in Venezuela (it looks like a cross between leprosy and cancer) and conducting private negotiations with other delegation leaders in high style—from the Presidential Suite of the Caracas Hilton.

Although he describes himself as an impatient negotiator, Mr. Beesley says he is nearly 7000 satisfied with the progress made by the conference, both in terms of Canada's own interests and in terms about eventual international conventions that all nations will be able to fully.

There is almost support for two parallel Canadian proposals—32-mile territorial waters for coastal states, plus a further economic zone in which the coastal states would exercise jurisdiction over fishing, shipping, pollution and the exploitation of undersea petroleum and minerals. (Whether the economic zone will extend 200 miles offshore—as most nations seem to prefer—or beyond 200 miles to the continental shelf—is a Canadian debate—is an unsettled point.)

Mr. Beesley says he is surprised because the Atlantic conference has not encountered any of the obstacles which hampered the work of the United Nations Seabed Conference which last years of the ground-work for Caracas. He also takes a long view of the whole process, regarding this conference as a first step, rather than as the third step. He makes the point that the first two Law of the Sea Conferences, in Geneva in 1958 and 1960, were concerned with settling existing practices, not with setting international law in general boundaries.

This conference has both as much an adaptive process as a negotiating process, he says. "You have to look at the fact that 60 of the countries have all got to the stage. It's a little thing."

But how much time is there left? There will have to be at least one more conference next year and many countries are growing impatient. If some of them jump the gun with unilateral actions—U.S. submarines, the United States stops fishing in the international seabed or if nations hovering on international straits close them to military traffic—the whole process of negotiation will break down. No this is good when an American representative told the conference yesterday. "If we do not finish in 1975, it will weaken our chances of ever reaching an acceptable agreement."



Small step up for Canada as sea law talks near end

CARACAS (CP) — The big international Law of the Sea Conference will wind up next week without any negotiated agreements and Canada and other countries will have to wait until next year before hard bargaining over ocean controls gets under way.

However, Canadian delegates view the current 10-week conference which ends Aug. 29 as an upward step in Canada's long fight to gain management control of all fish and mineral resources on Canada's continental shelves.

Alan Beesley, chief Canadian negotiator at the 148-country conference, says the inability of the 5,000 delegates to work out a global treaty on the use and protection of the oceans should not be viewed as failure. Diplomats from many other countries also share his view.

Beesley, Canadian ambassador to Austria, believes Canada's hopes will be realized at the next conference, likely to be held in Geneva or Vienna in 1975.

While hard bargaining with other countries started years before the conference opened June 20 here, Canadian sights have not been lowered, Beesley said in an interview. This includes a determination to ensure that Canadians are guaranteed a preferential share of fish stocks off Canada's east and west coasts.

He said Canada has led the way in breaking up traditional concepts of marine law that allowed overfishing and pollution of the oceans.

Beesley and other Canadian delegates, weary with the tropical heat, minor local ailments and the need to spend virtually all their time in the cluster of 40-story buildings where all meetings are held, hope the next conference will be in two sections.

They suggested an ideal arrangement would be spreading negotiations over two meetings, each of five

or six weeks duration. The current 10-week session, which is being held in Caracas, has forced a strenuous pace, they said.

The Canadian and other delegations are showing serious frustration of getting anything done at the conference.

"Don't push," said one Canadian. "The minute you try to force something or even say that some definite trend is showing up, then somebody disagrees and you run into trouble."

Beesley believes that patience, compromise and his delegation's growing skill in dealing with sea-law questions will eventually win the day for Canada.

The idea of a 200-mile economic zone covering Canada's continental shelves, stringent laws to prevent

marine pollution and ownership of undersea minerals by adjacent states have been accepted in principle by most countries, although there is little agreement on details.

The institute, Canada wants the right to set anti-pollution standards higher than those agreed internationally for foreign ships operating near Canadian shores under severe climatic conditions. Canada has insisted, such hazards as drift ice off Newfoundland or frequent gales in Juan-de Fuca Strait off British Columbia.

The Soviet Union agrees that coastal states should have the right to protect their territorial waters from pollution but says this right should not extend the full width of the proposed 200-mile economic zone which Canada seeks.



B.C. fishermen want coastal zone to protect salmon

CARACAS (CP) — British Columbia's salmon and halibut fishermen think Canada should unilaterally declare a 200-mile economic zone off the Pacific coast. Instead of waiting for a future United Nations conference to work out a global ocean treaty, a B.C. labor leader says.

Homer Stevens, president of the 7,000-member United Fishermen and Allied Workers Union and a member of the Canadian delegation to the third UN Law of the Sea Conference in this Venezuelan capital, says any delay in reaching international agreement may be disastrous for his province's fishery.

Stevens said in an interview that even if a treaty is agreed upon at a 1975 conference it might take years for ratification by the Soviet Union and Japan, whose vessels now fish to within 12 miles of the B.C. coast.

J. Alan Beesley, Canada's chief negotiator here, has said the present conference, which ends a week from today, should be viewed as a success because it set the stage for an agreement by next year on a treaty covering use and protection of the oceans.

Beesley says he believes that Canada will gain management control of all fish and mineral resources within a 200-mile zone under the treaty.

But Stevens says such hopes are viewed by B.C. fishermen as a "carrot on a stick." He said it is likely fishermen in the Atlantic Provinces feel the same way.

B.C. salmon fishermen, whose average earnings run about \$7,500 during the four-month season, are especially fearful because the fish they catch range far into the North Pacific where even a 200-mile zone would not protect them.

Canadian salmon are caught in the area by Japanese and American fishermen.

Unlike Atlantic salmon, the fish die after they return to the Canadian rivers of their birth to lay eggs.

Canada has proposed that only the country of origin be allowed to harvest such species, except those found in the coastal waters of another country which has made a bilateral arrangement with the species' home country.

But the "bilateral" question has received little attention at the conference here. Few countries are directly concerned.

Stevens said B.C. halibut fishermen, who earn an average of \$16,000 during the five-month season, have learned that Soviet vessels do not deliberately seek halibut but take large numbers while fishing for other species such as ocean perch and various flounders.



International pact needed

By **GEOFFREY STEVENS**

CARACAS

It was no accident that Canada was one of the countries which argued most strenuously at the United Nations in 1970 that the Third UN Conference on the Law of the Sea should be a comprehensive one that would deal with the full range of unresolved issues related to the sea, its use, protection and exploitation. It was no accident that Canada introduced the compromise resolution in the General Assembly that year which led to this conference in Caracas with its comprehensive terms of reference.

There is probably no country in the world which is more anxious than Canada is to have a broad body of international laws to govern the sea. Most of the reasons for Canada's deep interest are obvious.

Depending on how one measures, Canada has either the longest or second longest coastline in the world, our Continental Shelf covers an area equal to almost 40 per cent of the land mass of Canada. The East Coast of Canada is still the greatest fishery in the world—about 16 foreign countries harvest its riches. The ice-bound Arctic Ocean poses navigational hazards and pollution risk unlike those anywhere else in the world.

What may be less obvious is that Canada is, in a number of ways, in a different position than other major coastal states—a position which places Canada squarely on the side of international regulation, rather than unilateral or national action. Because we do not have a large navy or merchant marine, we do not have these special national interests to protect as, say, the United States, Britain and the Soviet Union do. Unlike such coastal nations as Japan, Denmark and Norway, Canada is not a significant distant water fishing country. Canadian boats do fish off the coasts of the United States, Peru and Ecuador, but on nothing like the scale of the countries that fish off our east and west coasts.

Canada is one of the relatively few countries (the United States, Soviet Union and Britain are others) which produce salmon. Because the salmon spawn in our rivers, we have

a special responsibility to protect the species, yet anything the Canadian Government might do to protect the salmon would be ineffective as long as other nations engage in indiscriminate salmon fishing on the high seas, and the only way fishing in international waters can be regulated is by international agreements. On the issue of mining in the international seabed, Canada is, as Alan Plessey, the leader of the Canadian delegation to Caracas puts it, "a developed and a developing country. Canada has the technology or access to the technology to exploit the seabed, but we lack the massive amounts of capital required, according to some estimates, the activities on the sea bottom may yield minerals in quantities equal to all existing reserves on the land and where it is a real danger that multinational corporations will go after them. If one accepts the proposition that the seabed beyond the Continental Shelf belongs to the whole world, no nation or corporation can be permitted to rip off its treasure. Canada is a much stronger supporter of the idea of an international authority to control the seabed than some other industrial countries, most notably, the United States.

Finally, Canada needs an international agreement because it has already gone about as far as it can on its own. The Government has extended Canadian territorial waters from three miles to 12, insisted on the right to detain and prosecute ships which pollute Canadian waters, enacted the Arctic Waters Pollution Prevention Act, closed off certain fishing zones on the east and west coast to foreigners, and negotiated bilateral agreements with a number of countries to phase out fishing in Canadian waters.

We do not, however, have the means to enforce these actions effectively. We do not have enough vessels to patrol the coasts adequately, let alone police them.

It all adds up to an urgent need for a comprehensive international agreement that all nations can join. In future columns, we'll look at Canada's specific objectives and the Caracas conference and its chances of winning them.

Subject *UN. Sea of the Sea Conference*
Sujet

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Date Publication

~~Royalty claims from exploration beyond 200 mile limit would be open to question~~

By HAROLD SHEA
Canadian Affairs Editor

CARACAS — With the international Law of the Sea Conference consensus moving toward eventual acceptance of the concept that a coastal state should have jurisdiction over 200 miles of offshore territory — something less than Canada wants — the future of Canadian-licensed oil-gas exploration beyond that limit becomes open to question.

For example, if oil or gas were discovered in commercial quantity on the continental shelf beyond the 200-mile zone, would Canada be able to

claim the royalties, or would that revenue belong to "the common heritage of mankind" — diplomatic language for the rest of the world?

That, says Halifax lawyer Brian Flemming, an observer to the sea conference, and formerly a legal adviser to Canada of the international sea bargaining, is one of the "real concerns" for Canada

as the talks in Caracas wind down after almost 10 weeks, and the stage is being set for what most countries hope will be a treaty-signing session in 1975.

And, he says, the question becomes all the more pertinent in view of the expectation among oil companies now that the real source of offshore oil and gas may be beyond the

first 200 miles from the Canadian Atlantic Provinces' shore.

Several countries, including Canada, have held out the prospect of revenue-sharing with underdeveloped countries in deep oceanic waters.

It may well be that countries like Canada, with more

extensive continental shelf territories, will find themselves sharing revenues they thought to be theirs exclusively.

Mr. Flemming recalled that a couple years ago, J. Alan Beesley, Canada's ambassador to Austria and the head of the Canadian negotiating team at Caracas, publicly suggested a voluntary tax fund in that regard.

In essence, said Mr. Flemming, in an interview with this newspaper, Canada offered to contribute one per cent of royalties to an international fund on all finds from shoreline to the edge of the continental shelf, in exchange for full rights over the entire area which, in some parts of the Atlantic area, extends as far as 400 miles from the maritime shore.

The United States and other countries also have proposals on the table in Caracas for revenue-sharing proposals with the underdeveloped countries — but they tend to favor sharing on money attained beyond the 200 mile zone.

The United Nations has taken the position that it would favor "mankind ownership" of resources outside whatever economic zone territory is agreed upon.

In the 200-mile line is the one finally adopted, it could mean lost revenue for the country, Mr. Flemming says.

Thus it "might be wise for Canada to revive the proposal". Mr. Flemming, who returns to Canada this week-end to present a conference report to members of the Canadian Law Society in Toronto, emphasized that he was expressing a private opinion, and was not speaking for the Canadian delegation.

He is no longer a member of the advisory staff, having resigned his department of external affairs contract for legal work when he entered the federal general election

campaign as a Liberal candidate in Halifax.

He explained that he was in Caracas as an observer and was not officially attached to the delegation.

Under a former Law of the Sea agreement, Canada has, for several years, claimed the right to issue permits for exploration in waters off its coast for, as the language of the former treaty said, "any depth technically feasible".

Canada has interpreted that ruling to mean that if a company can hit bottom anywhere on the shelf, the country has a right to control and jurisdiction over the development.

Now, there appears some question whether the previous treaty really intended to give countries that much scope.

Some Canadians here, who wish to remain unidentified, feel that since no country challenged Canada's right in the past to issue licences anywhere on the shelf or on the slope of the shelf, that acceptance of the principle cannot now become a question.

Others wonder whether acceptance of a 200-mile pact would supercede the previous agreement, and take away from Canada the right it now has, or maintains it has.

The offer by Canada and other countries to share revenues came in response to the argument from landlocked states, or those with small sea territories, that without some sharing of the sea's wealth, the rich would get richer and the poor would get poorer.

Now, with the small of underdeveloped countries of the world holding the majority of seats in the United Nations and at the Law of the Sea Conference, the larger, more affluent nations may have to bend over backwards to win concessions in the forthcoming sea laws.



Conference undecided on '75 sea talks format

By Ed Walters

Canadian Press staff writer

CARACAS, Venezuela — The third United Nations Conference on the Law of the Sea ended its last full working week Friday without deciding whether next year's international gathering will be in two parts, an idea favored by Canada.

A committee discussing the organization of the next conference, needed to complete formulation of a world-wide treaty covering protection and use of the oceans, also still has to decide where it will be held.

This conference ends officially Thursday but most work for delegates from 148 countries will be over Wednesday.

Spokesmen for the Canadian, United States and several other delegations said Geneva was generally favored for a conference in the first half of 1975, although a final decision might have to be approved by the UN General Assembly.

If the next conference is in two parts, the second gathering likely will be in this Venezuelan capital, UN sources said. However, the Venezuelan government has not yet formally invited the 5,000 delegates to return here.

Fatigue felt

Alan Beesley, Canada's chief negotiator here and chairman of the treaty-drafting committee, said his delegation would prefer a two-part conference. The current 10-week session had been too long and fatigue had blunted the abilities of many delegates.

Spokesmen for the Norwegian and Malaysian delegations agreed with Beesley and said a two-part conference would provide a mid-term rest that would make completion of a treaty easier.

The treaty is to cover about 100 major points. The most important being regulations covering 200-mile economic zones off coastal states, 12-mile territorial seas, creation of an international authority to supervise the exploration and exploitation of the seabed beyond areas of coastal jurisdiction and passage through straits.

The treaty-drafting committee met for the first time but no business was transacted.

Beesley said the 23-member committee met briefly to show "that we stand ready for business should our services be required."

He said it was clear the committee would receive no documents before the conference ends next week.

The committee's task is to co-ordinate and refine approved documents and resolutions into a workable treaty without altering their substance.

Head of the Canadian dele-
gation and Deputy Represent-

ation is the external affairs
minister), pondered the ques-

tion of why this consensus has
occurred.

Part of the reason, Mr. Bees-
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of other coastal states—at UN

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and intensive personal lobbying

February.
deliberations resume next Feb-

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toward developing laws that
would affect the oceans within

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ternational economic activities
on the so-called high seas.

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What governments can't
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As the world's major produc-
er and exporter of nickel, it is

obvious that this new source of
supply cannot be ignored by

Canada. A position paper pre-
pared by the External Affairs

department for the conference
points out: "It would there-

fore, seem to be clearly within
Canada's national interest, not

only to promote an orderly re-
gime (to exploit the nucleus)

in the area for the benefit of
many nations in particular,

but also to see that Canadian
economic interests are protect-

ed."
Despite a 1970 General As-

sembly resolution calling for a
movement on all exploitation

of activities in the international
seabed, a number of tech-

nologically advanced countries
have undertaken such ven-

tures. Canada, along with most
developed countries, abstained

from the resolution, since it
seemed to restrict unduly sci-

entific and technological
progress.

There appears to be general
agreement among the nations

at Caracas that some new in-
ternational authority should

regulate exploitation of the in-
ternational seabed. Developing

countries insist that all such
activities should be conducted

by the authority through some
subsidiary enterprise. Several

developed countries prefer a li-
censing scheme whereby ex-

ploitation would be undertaken
by contracting states and their

national jurisdiction.
Several delegates from

major maritime nations have
expressed concern that there

would be a confusing array of
varying standards throughout

the world.

as well as activities directly by
the authority.

Along with eight other na-
tions, Canada has issued a pro-

posed draft treaty in Caracas
on a law establishing a 12-mile

territorial limit and 200-mile
economic zone. In the eyes of

some diplomats, perhaps the
most controversial section of

the working paper is its claim
of exclusive resource jurisdic-

tion over the entire continental
shelf.

In Canada's case the conti-
nental shelf off the East Coast

extends, in places, some 150
miles beyond the limits of the

proposed 200-mile economic
zone.

Sources say there has been
little consensus over the issue

of the continental shelf.
Other nations which submit-

ted the paper on July 25 along
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New sea law concepts advanced

By PAUL WHITELAW

Special to The Sun

CARACAS, Venezuela

When the summer-long United Nations Law of the Sea Conference adjourns later this week, there will be no comprehensive, draft treaty safeguarding against marine pollution, settling ownership of ocean resources, or setting new territorial limits.

Still, the meeting is considered a success.

By the plodding standards of the United Nations — where agreement or even the most simple issues can take years, or decades — the movement toward consensus on several new, important

concepts of sea law has been worth surprising and encouraging.

There is broad, informal agreement among most of the 150 nations at the conference in favor of international ratification of a 12-mile limit of exclusive territoriality, such as already claimed by Canada and a majority of the world's coastal states.

Beyond the 12-mile limit, for a distance of 180 nautical miles, most states agree there should be an economic zone.

Coastal states would have exclusive ownership of seabed resources within this 200-mile boundary.

They would also have rights

to fish and other marine species, although there would be some obligation to allow other nations to fish in these waters if there were no danger of over-fishing or other damage to marine life.

On the critical issue of pollution control in this economic zone, there is some disagreement on the unilateral action a state might take.

This general consensus — and the remaining points of contention — will be contained in a draft report of the proceedings at the Caracas conference.

When the conference winds up Thursday, delegates will take the report back home to

their governments for further discussion and instructions.

At the Beesley, Canada's ambassador to Vienna and senior diplomat on the Canadian delegation to the conference, is hopeful this could lead to the drafting of a treaty by when the deliberations finish some next February.

Although there has been no agreement yet on the site of the conference's next session, there is betting among delegates here that it will take place in Vienna.

Another strong contender as a conference site is Geneva. It is anticipated that delegates would return eventually to Caracas to sign any treaty.

Aug. 26/74

NEWS WIRE CLIPPINGS

LAW OF THE SEA CONFERENCE

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Sea Law-Timin
By ED WALTERS

CARACAS, Venezuela CP — The third United Nations Law of the Sea Conference ended its last full working week Friday without deciding whether next year's international gathering will be in two parts, an idea favored by Canada.

A committee discussing the organization of the next conference, needed to complete formulation of a world-wide treaty covering protection and use of the oceans, also still has to decide where it will be held.

This conference ends officially Thursday but most work for delegates from 148 countries will be over Wednesday.

Spokesmen for the Canadian, United States and several other delegations said Geneva was generally favored for a conference in the first half of 1976, although a final decision might have to be approved by the UN General Assembly.

If the next conference is in two parts, the second gathering likely will be in this Venezuelan capital, UN sources said. However, the Venezuelan government has not yet formally invited the 5,000 delegates to return here.

FATIGUE EVIDENT

J. Alan Beesley, Canada's chief negotiator here and chairman of the treaty-drafting committee, said his delegation would prefer a two-part conference. The current 10-week session had been too long and fatigue had blunted the abilities of many delegates.

Spokesmen for the Norwegian and Malaysian delegations agreed with Beesley and said a two-part conference would provide a mid-term rest that would make completion of a treaty easier.

The treaty is to cover about 100 major points. The most important being regulations covering 200-mile economic zones off coastal states, 12-mile territorial seas, creation of an international authority to supervise the exploration and exploitation of the seabed beyond areas of coastal jurisdiction and passage through straits.

MORE

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NO BUSINESS DONE

The treaty-drafting committee met for the first time but no business was transacted.

Beesley said the 23-member committee met briefly to show that we stand ready for business should our services be required. He said it was clear the committee would receive no documents before the conference ends next week.

The committee's task is to co-ordinate and refine approved documents and resolutions into a workable treaty without altering their substance.

Constantin Stavropoulos, UN undersecretary-general, told committee members they should not be frustrated by the lack of work, a situation which might continue during the early days of the next conference.

He said he was sure there would be work later.

The question is only one when? the Greek diplomat said.

CANADIANS COMING

Allan MacEachen, Canada's external affairs minister and official head of his country's delegation, is scheduled to arrive here Tuesday night.

A Canadian spokesman said MacEachen would be accompanied by Don Jamieson, regional economic expansion minister and alternate head of the delegation and fisheries minister Romeo LeBlanc.

The spokesman said the three would meet the heads of other delegations for a first-hand report on the progress of the conference. They are to leave for Canada late Thursday.

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Sea

CARACAS, Venezuela AP — The United States wants any global treaty on the oceans to give coastal countries control over fish such as salmon that migrate from their waters.

John Norton Moore, deputy chief of the U.S. delegation to the United Nations sea-law conference here, said Sunday this was one of five issues of vital importance for the U.S. Canada also seeks such controls.

The U.S. and Canada have complained recently that stocks of salmon, which spawn in their rivers and streams and then migrate to the sea, have been adversely affected by Japanese fishing. Japan maintains distant-water fishing fleets, some of which catch salmon off the coast of the U.S., Canada and the Soviet Union.

Moore said the other key U.S. demands are:

- Unobstructed transit through international straits within the proposed 12-mile territorial limit.
 - Protection of navigation, marine scientific research and other high seas freedoms in the proposed 188-mile zone within which states would have economic control.
 - Provision for compulsory settlement of disputes and balanced international machinery for development of deep seabed resources.
 - Establishment of international and regional organizations for management of highly migratory species of fish.
- The Caracas conference of 148 countries, sponsored by the United Nations, began June 20 and enters its final week today. Delegates expect at least one more conference before a treaty agreeable to all can be worked out.



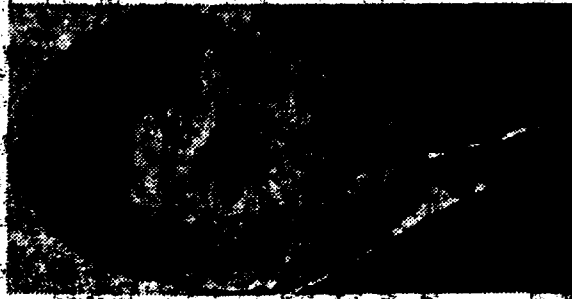
Sensitive question, says MacEachen

Canada won't seek wider sea zone

CARACAS (CP) — Canada is unwilling with the prospect of the United Nations Law of the Sea Conference and says no reason under present circumstances to unilaterally declare a 200-mile economic zone, External Affairs Minister Allan J. MacEachen said yesterday.

MacEachen said Canada "firmly expects" actual drafting of a global treaty covering use and protection of the oceans will begin at the next Law of the Sea Conference, scheduled to be held in two sessions in 1978 at Geneva and Caracas. The current conference ends today.

"I don't believe Canadian policy is fixed on circumstances in which we would declare unilateral action," MacEachen said when asked if Canada would take over ownership of its continental shelves if the next conference fails to formulate a



Allan MacEachen

treaty acceptable to Ottawa.

MacEachen, who arrived here late Tuesday with two other Canadian ministers for the final meetings of the 10-week conference, said the question of unilateral action

was a sensitive one in Canada, especially among fishermen.

Canada's aim is to achieve management control of the continental shelves with the right to set catch quotas for foreign fishermen. It also wants the power to set anti-pollution measures and supervise exploitation and exploration of the seabed within the proposed 200-mile economic zone or to the edge of the continental shelves, whichever is farthest from the coast.

"We are encouraged that we are making progress among other delegations in gaining acceptance of the limit to the edge of the continental margin," MacEachen said.

While 200 miles would enclose most of Canada's continental shelves, the zone would have to extend about 400 miles east of Newfoundland to take in the Flemish Cape, an important fishing bank and the shelf area far-

ther from the coast.

Don Jamieson, regional economic expansion minister and Fisheries Minister Romeo LeBlanc, were also part of the Canadian delegation. Jamieson said mere acceptance of the principle of an economic zone already had led to increased co-operation between Canada and other countries fishing on its continental shelves.

Jamieson said this was reflected in fish quotas agreed upon by the 14 members of the International Commission for the Northwest Atlantic Fisheries whose ships catch redfish, flounder, cod, hake and other species off Newfoundland and Nova Scotia.

LeBlanc said Canada is hopeful that other countries will agree on the need to conserve Canadian-spawned salmon.

Canada wants an end to high seas fishing for salmon but has undertaken to allow other states through whose

coastal waters the fish migrate to catch a limited number.

LeBlanc said Canada is so anxious to conserve Atlantic salmon that fishermen in parts of New Brunswick have been ordered to stop catching the fish for five years.

J. Alan Beesley, Canada's chief negotiator at the conference, said if the 148 countries involved in the conference continue the momentum built up at Caracas a treaty would be concluded next year.

But Canada "would not consider it as a disaster if a session further to that planned for Geneva were needed next year."

Under a schedule adopted by a plenary session Tuesday, the next Law of the Sea Conference will open in Geneva March 17 and adjourn May 3 or May 10. The conference is to conclude in Caracas in 1975 but no dates were set.



Too good to be true?

By GEOFFREY STEVENS

CARACAS

On paper, at least, the arrangements look just fine. The third United Nations Conference on the Law of the Sea will come to a close today amid ritual flag-lowerings, speech-making and protestations of everlasting international amity. (Whether the goodwill will extend to the representatives of China and South Africa is another question. The Chinese have taken to calling the South Africans nationalistic scum. Not the ideal way, perhaps, to make new friends.)

Then the 137 nations who met in Caracas, and possibly a few more, will reassemble in Geneva next March 17 for seven—or more likely eight—weeks, to attempt to complete the work begun here. Then they will all troop back to Caracas to sign an international agreement. No dates have been set for the signing ceremonies, but the thinking is they would be in July or August of next year.

It sounds marvellous: after 17 years of on-again-off-again negotiations, the nations of the world would in the summer of 1978 finally sign a pact to govern the use of the oceans and their resources. It sounds too good to be true. And it almost certainly is. It would take a miracle to produce an agreement by next summer, and there is no indication that a miracle is in the making.

If the 10 weeks spent in Caracas this summer have proved nothing else, it is that the process of getting 137 sovereign states to agree on anything is painfully difficult and incredibly slow. At times, they could not even agree on what it was they were supposed to be talking about agreeing on. When the conference opened on June 20, there was a widespread expectation that the conference would produce at least tentative agreement on a few issues.

But the conference's working committees were still receiving draft proposals and counter-proposals this week. Agreement on one subject—marine scientific research—actually became more remote on Tuesday as the so-called Group of 77, representing the developing nations, split into two camps.

Yesterday's plenary session illustrated the differences that persist

among some nations. It was a pro-forma session called to receive the final report of the credentials committee—a document which simply listed the nations attending the conference. Like a flash, Romania, Cuba, Yugoslavia, the Soviet Union, Algeria, Egypt and Albania objected. They took turns denouncing afresh the presence of the puppet regimes of South Vietnam and Cambodia and the Fascist regime of South Africa. Predictably, the delegates from the Khmer Republic (Cambodia) and the Republic of Vietnam reacted as though they were virgins who found themselves hauled into court on a streetwalking charge. Their governments, they insisted, were the democratic representatives of the popular will of their people. The South Africans kept their heads down and let the mud sail past.

It would be tempting to conclude the Caracas conference has been a failure. But such a conclusion would be unfair. The conference has made measurable progress, at least in narrowing areas of differences, if not in spelling out the areas of agreement. Yesterday's slanging match was the exception, not the rule—and that's progress of a sort. For the most part, the 137 delegations have negotiated calmly and patiently, groping inch by tortuous inch toward a consensus on what Sir Roger Jaekling, the leader of the British delegation, calls the central issue—the jurisdiction that a coastal state should exercise over the waters and seabed off its shores.

The leader of the Canadian delegation, J. Alan Beesley, makes the point that a number of countries, the Soviet Union in particular, came to Caracas with grave reservations and concern about the Law of the Sea negotiations. Their fears have been partially allayed and they will be able to negotiate with greater confidence in Geneva.

To be realistic, however, the chances of reaching a comprehensive agreement in Geneva are not good. The odds are subsequent conferences will be required in 1976. An agreement by the summer of 1976 is a possibility, although it is not the sort of proposition you'd want to bet your grocery money on. In the Law of the Sea there are no easy shortcuts.

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject *Don Jamieson's Visit to Sea*
Sujet

AUG 2 5 1971

Date

Publication

OTTAWA, CANADA

Conciliatory air seen at conference on sea

By *Southern News Services*

CARACAS — The third UN Conference on the Law of The Sea has seen a real movement towards conciliation on the part of participant states, External Affairs Minister MacEachen said here Wednesday.

But he reaffirmed that Canada has not retreated from its claim to

scabed resources to the limits of its vast continental shelf.

At a news conference he denied a suggestion Canada was using the issue of control over shelf resources beyond the 200-mile limit as a bargaining counter to win approval for its main body of aims.

The 200-mile limit has been fixed by many coastal states as the

boundary for their exercise of control over offshore resources. Canada holds to a minority position in advancing claims past this limit.

Asked the purpose of his visit—in company with Don Jamieson, regional economic expansion minister, and Fisheries Minister LeBlanc—in the closing week of the conference, MacEachen said it was to underline the importance Canada attaches to the conference and its outcome.

He acknowledged impatience in Canada over the time it is taking to produce a new body of laws governing control of resource exploitation, among other matters.

He said unilateral actions to secure Canada's demands has from the beginning been one of the options open to Ottawa, but asserted it would be unwise to recommend such a step at this juncture since the conference is ending one session and awaiting a further round of meetings in Geneva next year.

"Unilateral action may be justifiable and even essential in certain circumstances," he said, "but I suggest such a time is not between two sessions of an on-going conference."

J. Alan Beesley, deputy-leader of the Canadian delegation, said progress in the formulation of a new body of international law governing the oceans and seas has been fantastic. Nations have abandoned concepts they have held for centuries. These conceptual shifts now are being reflected in preliminary draft articles for a treaty package, he said.

MacEachen noted no proposal has so far been tabled dealing with the issue of revenue-sharing between coastal states and the international community in economic zonal areas.

Such a proposal is anticipated eventually, and MacEachen said if it comes it will be passed to the Canadian government for consideration.

MacEachen
ECs
FLC
FLP
DND

(5)



Fishery dispute may last "for some time"

"The main cause of the unrest" — the fishermen's dispute that has idled most of the Newfoundland deep-sea fishery most of the summer — "is the substantial decline in fish landings," the president of the Fisheries Association of Newfoundland and Labrador, AA "Gus" Etchegary, said Thursday.

And, the dispute "may continue for some time."

Mr. Etchegary, in a telegram to Alan Beasley, head of the Canadian delegation to the Law of the Sea conference in Caracas, Venezuela, said the "serious labor dispute involving the majority of our fishermen and plant workers" is caused in part by the condition of world markets and rising costs, these are not the major factors.

"It must be realized," he said, "that the existing cost-price squeeze combined with a

declining resource have placed great strain on the processors' ability to function.

"If these processors, fishermen and plant workers are expected to continue in the fishing industry, then substantial federal government financial assistance must be forthcoming to all sectors of the industry."

In the current fishery dispute, the question of fish prices apparently is the major stumbling block, and particularly the question of retroactivity. There apparently have been no developments since last weekend, when industrial relations minister brought the parties together for the first time.

A strict news blackout has been imposed at the minister's insistence.

Mr. Etchegary said the members of the Fisheries Association "are extremely disappointed and discouraged" that real progress has not been made for the protection of Canadian fishery resources.

"While we appreciate the difficulties involved in negotiating a matter of such magnitude," he said, the association is "very much aware of the tremendous impact and adverse effect on the fishing industry" due to acknowledged overfishing.

The telegram said successive federal governments "have failed either to recognize the seriousness of the effect of foreign fishing" on the livelihood of the people, or decided nothing could be done "despite the obvious need for immediate action."

Steps that had been taken to

date to prevent overfishing were "too little, too late" and unless unilateral action is taken in light of the failure of the conference "we have nothing to look forward to but continued overfishing by foreign nations."



Sea law conference ends without any agreement

CARACAS — (CP) — The third United Nations Law of the Sea Conference ended yesterday with a plea that Canada and other coastal countries avoid the temptation of unilaterally taking over continental shelf resources instead of waiting for international agreement on a global ocean treaty.

Conference president His-milton Amersinghe of Sri Lanka, while noting the general expectation that a treaty on use and protection of the oceans would be signed after next year's gathering in Geneva and Caracas, observed that the 5,000 delegates had not reached agreement on any issue.

"There has been so far no agreement on any final text or on any single subject or issue, despite the lengthy deliberations," he said.

But most of the key issues, including the desire of coastal states for an economic zone of 200 miles or more, had been identified and "exhaustively discussed" by the 137 countries participating.

"We should restrain ourselves in the temptation to take unilateral action," Amersinghe added, noting, however that it would be unreasonable "to expect governments to exercise infinite patience."

Canadian External Affairs Minister Allan MacEachen said Wednesday Canada sees no reason under existing circumstances to take unilateral action in declaring a 200-mile economic zone.

REDUCED

But MacEachen, Fisheries Minister Romeo LeBlanc and

Don Jamieson, regional economic minister, also said they are aware of a feeling among Canadian fishermen that the catch of foreign fishing ships should be reduced quickly.

The UN schedule provides for bilateral meetings among countries with opposing views before the opening of the Geneva conference March 17. The 1975 conference will be in two parts with the first adjourning in Geneva May 3 or May

10 and the second session opening here at an unspecified later date.

Meanwhile some delegates, including Canada's chief negotiator, J. Alan Beesley, already are talking about the need for an extra session between Geneva and Caracas.

"I think we'll be fortunate indeed if we get everything done in eight weeks," Beesley said.

"We must not create expect-

tations that will cause people to say the conference is a failure if we haven't completed everything in eight weeks."

FINAL POLISHING

The Caracas session next year is set aside in the UN calendar mainly as a short meeting, probably about three weeks, for final polishing and signing of an ocean treaty to be known as the Caracas convention.

Prime Minister Geir Halgrímsson said yesterday his new Icelandic government plans to extend its fishing limits to 200 nautical miles "not later than 1975."

"We will continue protecting the 50-mile limit and work for the preservation of fish stocks. For that purpose my government will immediately begin preparations, so that the extension of the fishing limit to 200 miles can take place no later than 1975," said Halgrímsson.

In a policy declaration in the Althing (parliament), he also said that his administration will ensure the security of Iceland through its membership in NATO and cooperation with the United States. The American air base in Keflavik will not be closed, which was the aim of the former leftist government.

Fisheries/Pêches

Wildlife/Faune

Pollution

Other/Autre

L.S.C

File/Dossier

Forestry/Forêts

Meteorology/Météorologie

LAW OF THE SEA CONFERENCE



World Sea Law Conference Ends With Little Achieved

CARACAS, Venezuela, Aug. 29 (Reuters)—The third United Nations Law of the Sea Conference, billed as one of the most vital debates in history, ended today with little to show beyond an agreement to meet again in Geneva next March.

Optimists had expected the 10-week conference to produce at least the framework of a new world treaty to deal with ocean pollution, fishing disputes, navigation rights and the ownership and sharing of oil, gas and mineral resources in coastal waters.

Dozens of the 3,000 delegates from nearly 150 nations and observer groups had already left before their national flags were lowered for the last time in the sunlit court of the towering high-rise conference complex here.

Now begins the accounting to governments at home. Some de-

legates maintain that their negotiating powers were watered down by the absence of clear-

Many who were new to the complicated issues bearing on laws to control exploitation of the seas have said in private that compromise on the main confrontation here between rich and poor nations can only be achieved at the ministerial level.

Delegation leaders say that divergent views on many questions have been narrowed down in group discussions outside the open conference debate.

Christopher Pinto of Sri Lanka, leading a group studying how to form an authority governing seabed minerals, also said: "A good deal of progress has been made, and a sound foundation laid for further work."

But many feel this preliminary work should have been the start that there was little to

completed in the United Nations seabed committee following the first Law of the Sea Conference in 1958 and the second in 1960.

A committee formed here to polish up texts of all draft articles for incorporation in a final treaty has had no drafts submitted and no work to do.

The goal of the conference was a treaty replacing the centuries-old concept of "freedom of the seas." The projected treaty would safeguard for future generations the once-rich fishing grounds now worked to near-exhaustion and threatened by pollution.

The envisioned treaty was also expected to guard the mineral resources against speculators and to guarantee an equitable distribution of seabed wealth.

But many were certain from the start that there was little to

chance of a consensus on a treaty framework at this gathering, the biggest international conference ever held.

John R. Stevenson, leading the United States delegation, said yesterday that the political will to negotiate was missing, mainly because of a general conviction that there would have to be further sessions.

Now hopes are pinned on government-to-government contact and negotiations by working groups before the conference resumes in Geneva.

"It's quite obvious we have some very difficult work to do before we can create a draft," said Alan Beesley, deputy head of the Canadian delegation.

But conference observers expect that a further session may be needed—and is likely to be held in Vienna later next year—before any firm plans can be made for the projected return to Caracas for signing a treaty.

Fisheries/Pêche

Wildlife/Faune

Pollution

Other/Autre

File/Dossier

Forestry/Forêts

Meteorology/Météorologie



Informal alliances

By GEOFFREY STEVENS

CARACAS
One of the intriguing aspects of the Third United Nations Conference on the Law of the Sea, which ended yesterday, was the extent to which traditional world alliances were bypassed or ignored. Countries formed informal alliances on specific issues for reasons that had less to do with history, political philosophy, language or diplomatic and military objectives than with national self-interest.

The Eastern Europeans, it is true, spoke with one voice (quite often Bulgaria's) throughout the conference, as, to a lesser extent, did the Africans, but many countries adopted a pragmatic approach. For example, Canada—and this may simply confirm the worst suspicions of those Canadians who have always suspected the worst of the Trudeau Administration—stood with Godless Communists of the Soviet Union in opposition to the God-fearing freedom-loving Americans on some issues, including national sovereignty in Arctic waters. Canada did ally itself with the United States on some questions, but not on others.

Perhaps even more noticeable than the substantive differences between Canada and the United States, however, was their difference in attitude. Ambassador J. Alan Beesley and the others on the Canadian delegation accepted that the negotiation of an international treaty would not be quick or easy. As long as they could see signs of progress—and there were such signs at Caracas—they were prepared to wait. They were less interested in getting a quick treaty than with getting a carefully considered one that all 137 nations taking part would be able to ratify. The Americans, in comparison, grew increasingly impatient as the talks dragged on and their impatience was reflected in the public pronouncements of their delegation leader, Ambassador John R. Stevenson.

This difference was very clear in two press conferences held one hour apart on Wednesday. The first was Mr. Stevenson's. The U.S. diplomat said he felt the accomplishments of the Caracas conference had been considerable, and he cited the prep-

aration of informal working papers which sketched areas of accommodation on many—but not all—issues.

He also warned, however, that the U.S. Administration is under real domestic pressure to take unilateral legislative action which would result in closing off many avenues of negotiation opened in Caracas. He made it very clear that the United States wants a treaty signed, sealed and delivered in 1975.

What was missing in Caracas, Mr. Stevenson said, was the political will to negotiate and the main reason for this was the conviction that this would not be the last session. "We must now move from the technical drafting and negotiating stage" to the political level which makes compromise possible.

The message was quite different at the second press conference, held by Canada's External Affairs Minister Allan MacEachen, Regional Economic Expansion Minister Donald Jamieson, Fisheries Minister Romeo LeBlanc and Mr. Beesley. Both Mr. MacEachen and Mr. Beesley emphasized their pleasure at the progress made in Caracas. There was no talk about speeding up the process.

"If we examined any issue before the conference," Mr. MacEachen said, "we would have no difficulty in determining movement from both ends of the spectrum. . . . I believe, based upon my consultations with delegates here, that it will be possible to draw the main lines of a treaty next year." He ruled out any unilateral action by the federal Government between now and the time the next Law of the Sea Conference opens in Geneva in March, and he refused to endorse a reporter's suggestion that Canada would act unilaterally if Geneva did not produce agreement.

The obvious explanation for this difference in attitude is that the Ford Administration in Washington is under much greater pressure—from Congress and from shipping, military, fishing and mining interests—than the Trudeau Government faces in Ottawa. The trick in Geneva will be to move quickly enough to satisfy the United States without moving so quickly that other nations will feel their legitimate interests have not been adequately weighed. It won't be easy.

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

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GLOBE AND MAIL

The Canadian delegation

By GEOFFREY STEVENS

Before the Third United Nations Conference on the Law of the Sea fades into history, a few words are in order on the subject of the Canadian delegation.

Canada sent one of the largest contingents of any of the 137 states represented in Caracas. Approximately 80 diplomats, deputy ministers, specialists of one sort or another, provincial representatives and politicians rotated through the delegation in the course of the 10-week conference. At any given time, there were about 46 Canadians. This total was only about half that of the United States, but it was larger than those of the Soviet Union and Great Britain.

They were an assorted lot; to mention just a few of the non-governmental representatives, Jack Cunningham, president of the Canadian Chamber of Fishing, Douglas Pike, assistant to the vice-president of National Sea Products Ltd., in Halifax, and Homer Stevens, president of the United Fishermen and Allied Workers Union in Vancouver.

Others who appeared briefly wearing Canadian delegates badges included Donald Munro, the Conservative MP for Esquimalt-Saanich and former career diplomat (ambassador to Costa Rica) who left Caracas concerned about the need for Canada to increase substantially its fleet of coastal patrol vessels, Stuart Leggett, the New Democratic Party MP from New Westminster, and Brian Flemming, a young Halifax lawyer and law professor who has been a consultant to the federal Government on maritime law.

Mr. Flemming is also the Liberal who came within 2,600 votes of unseating Conservative Leader Robert Stanfield in Halifax in the July election (which may have had something to do with his invitation to Caracas).

Although the Minister of External Affairs was the nominal head of the delegation, the real leadership came from J. Alan Beesley, a lawyer-diplomat (in real life he is Canadian ambassador in Vienna) who has been Canada's senior Law of the Sea negotiator for the past six years and his deputy, Paul Lapointe, head of the Law of the Sea section in the External Affairs Department.

In addition to leading the Cana-

dian delegation, Mr. Beesley was chairman of the conference's drafting committee (which, as it turned out, was not called on to draft any treaty articles in Caracas). He found himself playing two, not entirely reconcilable, roles. He was expected to promote Canada's views vigorously. At the same time, he became a sort of honest broker trying to reconcile divergent views among the 137, particularly between the developed countries and the developing nations of the so-called Group of 77.

That he in large measure succeeded in his dual role was evident from the fact that some people thought him too much the Canadian spokesman while others felt he was too much the conciliator. Brilliant would not be too extravagant a word to describe his performance.

By any yardstick, he was among the half-dozen most effective delegation leaders in Caracas.

Mr. Beesley has an ability to prevent his determination to win specific Canadian objectives from obscuring his view of the much broader purpose—to advance the frontiers of international law. As he sees it, the law must change because the nations of the world have developed new abilities—the ability to overfish, the ability to extract the resources of the seabed, the ability to do very serious damage to the marine environment.

He takes a conceptual approach to the Law of the Sea. Until now, he says, the law has been based on one concept—the freedom of the high seas. This single concept is being supplanted by three quite different ones—the common heritage of the world's oceans (meaning all nations, including those that are landlocked, must share the riches of the seas and the responsibility for preserving them), the right of coastal states to exercise jurisdiction over economic zones off their shores, the need to manage ocean space on a rational international basis.

These three new concepts are reflected in working papers produced in Caracas and Mr. Beesley says he feels there is a very good chance a draft treaty, in which they will be incorporated, will be completed next year. If he is right, he may soon be able to do something he has not been able to do for the past six years—spend the summer with his 12-year-old son.

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Looking back on Caracas

By GEOFFREY STEVENS

OTTAWA

A few random thoughts discovered lurking in the back of the mind upon returning home after two weeks at the Law of the Sea Conference in Caracas . . .

If there was any lingering doubt that the Department of External Affairs is Canada's spokesman on matters involving the oceans, their users and protection, the Caracas conference removed it. Three years ago, Jack Davis, the then Minister of the Environment and Fisheries, started to create a section on maritime law in his department and appointed an advisory committee under Maxwell Cohen (now the Canadian chairman of the International Joint Commission). Recognizing a threat to its pre-eminence when it saw it, External Affairs nipped Mr. Davis's ambitions in the bud. The advisory committee was quietly transferred to External—losing, in the opinion of one of its members, much of its influence in the process.

Civil servants from seven other ministries (including Environment) were members of the Canadian delegation in Caracas, but they reported to the two senior External men—J. Alan Beesley and Paul Lapointe. The same pecking order was obvious when the three Canadian ministers arrived in Caracas last week. External Affairs Minister Allan MacEachen was the star attraction; Regional Economic Expansion Minister Donald Jamieson and Fisheries Minister Romeo LeBlanc played supporting roles. The new Environment Minister, Jeanne Sauv , did not make the trip . . .

Mr. MacEachen made a promising debut in Caracas, his first official appearance as External Affairs Minister. In private meetings with leaders of other delegations, he was well-briefed, low-key and amusing. He impressed correspondents from a number of countries at a press conference with his grasp of the broad issues (if not the details) before the conference. He also won a cautious compliment from a diplomat who watched him in action: "Not bad at all, for a novice."

Venezuela takes pride in having become the most stable democracy in South America in the 16 years since it returned to free elections. Yet one wonders how stable the country really is.

The Venezuelans were deathly afraid that the Law of the Sea conference—with about 2,000 delegates from 137 countries—would attract violence. They had cause: earlier in the year, a bomb, attributed to terrorists, exploded in the Parque Central, the complex where the conference was held.

Armed guards, generally reading comic books or listening to transistor radios, were posted on every floor of the Caracas Hilton Hotel. Uniformed police and military police were everywhere at the Parque Central. The sight of some of these 18 and 19-year-old boys spinning their revolvers, Western-style, was more than a little disconcerting. So was the discovery of "vigilantes" (unofficial policemen) hiding in the bushes at the Hilton with sawed-off shotguns. . . .

The dangers of having too many ill-trained armed guards were illustrated by a tragic incident which occurred in Caracas during the conference, but was not related to it. A young girl, the daughter of a wealthy family, was kidnapped by three men in a car. A "vigilante" saw it happen, commandeered a car driven by a Portuguese man, and chased the kidnap vehicle at high speeds down a crowded expressway.

Eventually, the kidnapers lost control and crashed into a guardrail. The pursuing "vigilante," jumped out and opened fire, wounding the driver of the getaway car. The kidnapers returned the fire, wounding the Portuguese. At this point, a couple in a car going the other way on the expressway thought they recognized the kidnapers' car and feared their own daughter had been kidnapped. They slammed on the brakes and ran across the expressway. Both were run down and killed by passing cars.

The toll: two innocent people dead, two people (one of them innocent) wounded. The girl was safe, but hysterical. The other two kidnapers escaped. . . .

Finally, an exchange overheard at a Canadian cocktail party as the guests were moving into a room for the screening of a film on Canadian salmon. The petite wife of an American diplomat turned to an American Soviet delegate. "If you are alone, why don't you join our group?" The Russian accepted, saying: "We're both super powers. Why not?"



WHO OWNS THE SEA?

Canada made major gains at Law of the Sea meeting

By PATRICK MARTIN
Special to The Star

CARACAS
When asked several months ago what would be Canada's priority at the United Nations Law of the Sea Conference, two federal cabinet ministers gave two very different answers.

Jack Davis, then minister of fisheries and environment, said our first concern would be "to achieve exclusive jurisdiction over our offshore fish at least to a distance of 200 miles."

He spoke of Canada's desire to uphold the principle of conservation, controlled by the coastal state.

Donald Macdonald, minister of energy, mines and resources, said at the same time that "our highest priority will be to achieve jurisdiction over our entire continental margin." The margin is that part of our land mass which lies beneath the surface of the water before falling off to the great ocean depths. In a number of places off Canada's east coast it extends to more than 400 miles. This entire structure, Macdonald said, must be considered Canadian.

While Davis may quietly smile because of the success Canada is enjoying in claiming jurisdiction over offshore fish, Macdonald can only grimace at the lack of success in the matter of the margin. And while neither issue stands as Canada's only success or only failure, they indicate the kind of issues we can hope to win and the kind we are likely to lose.

Over at last

The Caracas session of the third United Nations Conference on the Law of the Sea is over at last. The 10-week session which concluded recently was the first of what will likely be three meetings to set the law for three-quarters of our planet, that area covered by the ocean. The next meeting is scheduled for March in Geneva.

While on the surface this just-completed session may not seem to have been successful, all 137 countries were able to clearly identify their

interests, state their priorities, recognize their allies and begin to negotiate compromise solutions on all matters expected to form a new treaty.

By virtual consensus the nations of the world are agreeing that a coastal state should enjoy the economic benefits of all resources in a 200-mile zone adjacent to its coast. This agreement will allow Canada exclusive control over all fisheries and mineral resources within that 200 miles.

Canada and its allies have successfully argued that this same zone should also involve the control of marine research and pollution standards. In an interview, the head of the Canadian delegation, J. Alan Beesley, put the case this way: "The coastal state must have the right to ensure specific standards within its zone of interest."

Such control, opposed by a small number of maritime and researching nations such as Great Britain and Japan, would enable coastal states to establish higher standards for ship construction and navigation. They also would permit the coastal power to determine the type and quantity of research conducted in its zone and may require that all data be turned over to that state.

New limits

The oldest controversy in sea law has been over the extent of a nation's territorial waters. Since 1958, many nations have unilaterally extended their territorial waters beyond the previously recognized three miles. At the conference, a breadth of 12 miles was agreed upon with very few objections. Canada extended its limits to 12 miles during the 1960s.

The new limits will bring within national jurisdiction a great number of straits used for international navigation. Because of this and because the old concept of "innocent passage" is likely to be redefined to safeguard environmental interests, a number of maritime powers fear that passage through these narrow waterways may be unduly restricted.

Because of the importance which the United States and the Soviet Un-

ion attach to freedom of passage through these straits, it is likely that the principle of coastal control will be modified somewhat. The U.S. and U.S.S.R. are likely to concede many other issues in order to ensure free movement of their military fleets.

It does appear that Canada has succeeded in having international straits defined as only those which have been "traditionally used" for international passage. Canada's Northwest Passage, which has not been a route for international transit, thus would escape such open access.

The principle that the Arctic islands, like Indonesia and the Philippines, constitute an archipelagic state, is not meeting significant opposition. The waters of such groupings would be considered internal and provide the country the right to control the entire area as it would its major land mass.

New authority

Beyond the zones of national jurisdiction there exist considerable mineral resources. The conference has agreed informally on a new international authority responsible for regulating the development of the deep sea bed.

This Canada has more or less achieved its objectives of coastal controls, territorial jurisdiction, protecting the Arctic and Northwest Passage and determining the conditions of an international authority. But it has yet to succeed on two important issues.

Energy Minister Macdonald referred to the 1958 Geneva Convention on the Continental Shelf when he said that jurisdiction over Canada's entire margin was a priority. That 16-year-old convention gave every coastal state jurisdiction over its continental shelf, the submerged edges of the continental mass. Canada wants that convention upheld.

But the definition of "shelf" in 1958 was inadequate. Most countries today believe the doctrine of the 200-



mile economic zone has replaced it. Canada agrees but also insists that where our continental margin extends beyond 200 miles seaward we should have jurisdiction over that too. Because very few countries have shelves broader than 200 miles, few are sympathetic to this position.

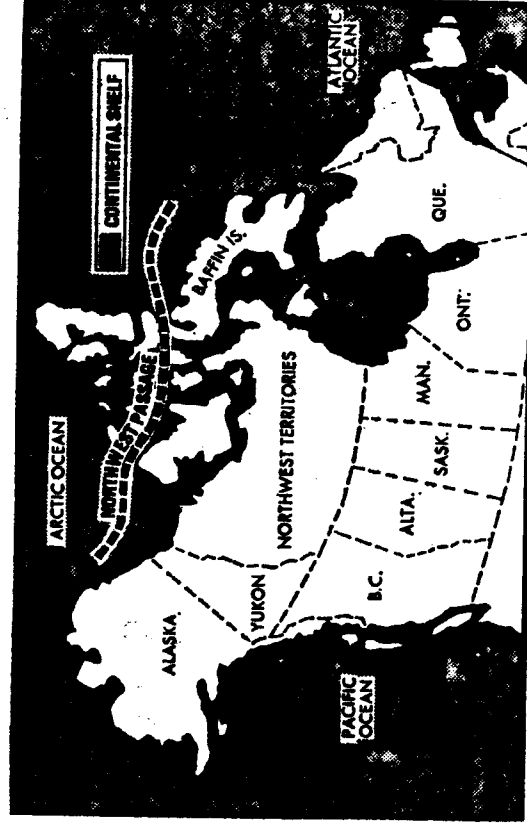
Moreover, at least two of the dozen nations which do have broader margins reject the Canadian position. Kenya, with a very wide margin, said, "we cannot support a proposal which will benefit only a handful of nations at the expense of the others."

Canada has only one hope of salvaging this objective. If we can generate sufficient interest in a principle of revenue sharing, we may yet succeed. But such a proposal would have to provide that most of the revenue from resources in that part of the margin beyond 200 miles be turned over to an international authority. Such a proposal may not be acceptable to other nations with broad margins and may still not be enough for the developing nations without them. They may very likely insist upon common ownership of these resources, similar to that of the deep sea bed.

Other failure

The other Canadian failure is to have salmon fishing banned on the high seas. Canada believes that the salmon is in danger of depletion, and contends that the coastal states in whose rivers salmon spawn must assume control of all fishing for them.

Most nations, however, support the idea that since salmon spend their adult lives at sea, that their conservation is a joint responsibility. In addition, many nations fear that making an exception from the economic zone and high seas concepts will jeopardize the doctrine.



— Star map by Frank P. Teskey

FROM SEA TO SEA

Canada's coastline gives her a big stake in new sea laws

Canada a welcome mediator

A game of chicken at sea

By Jeff Endrest

UNITED NATIONS, New York: The Law of the Sea Conference, which resumed its marathon session here Monday, is the hottest game in town with some of the cageiest and most conservative players in the international poker game.

The stakes are high because for most of the 137 countries trying to negotiate a new, comprehensive convention to regulate the uses of the oceans, the issues are bread and butter.

It is a game of chicken between traditional maritime giants and cocky, developing aspirants for equality and a new world economic order. It is a continuing and potentially fatal drama in which Canada plays the role of a self-styled, but welcome mediator between the powerful and righteous on the one hand, and the power-hungry and moralistic on the other.

Every country of the world, bordering on oceans or landlocked, has something at stake. It is a conference where the relatively basic concept of freedom of the high seas is under attack from a proliferation of new maritime states with new resources but great hopes and needs.

It is an argument about the future surrounded by the depletion of mineral resources on land, the advance of underwater technology, the exhaustion of fishing beds, maritime pollution and the anticipated scramble for presumed, or real, underwater riches, which few have the technology and money to exploit but many have the desire and need to possess.

It is a situation which calls for a convention that would

break new ground in international law.

It is a stage in the negotiations, or better yet posturing, in which the difference between success and failure will almost certainly mean a difference between peace and war for future generations.

Everybody readily agrees that the New York session is "crucial" if a just, viable and durable agreement is going to be achieved in the foreseeable future. But it is also recognized that a few countries, with extreme nationalist self-interest, could become a menace to the rest of the future world.



It is a toss-up between compromise satisfying no-one and a failure damaging all. The prospect of failure injures up visions of land quarrels extended to oceans. The conference is a realization of the fact that the law of the sea issue is not one of the UN's responses to world problems. Food, population, housing and a new world economic order are others.

The seas cannot be regarded in isolation. But many countries still do, and therein lies the dilemma.

After 15 weeks of frustrating meetings at Caracas and Geneva over the past two years, the New York session started pleasantly on the note that there now was a single negotiating text of a 497-article convention which needed to be finalized, signed, rat-

tified and adhered to for the international community to live up to its promise that the bottoms of the seas are a common heritage of mankind.

But it has not started that way. China practically rejected the negotiating instrument before the conference in favor of a resumption of another general debate which would enhance the prospects of the Third World countries against the real or presumed hegemonic tendencies of the superpowers. The Soviets pointedly reminded the conference that agreement on some issues must await completion of all others.

And Saudi Arabia suggested that it is pretty hopeless to try for a 137-country consensus on a highly complex and expensive package deal, without having China, the Soviet Union and the United States first agreeing on some principal issues which should form the very foundation of the proposed single convention. Peking and Moscow don't talk to each other about the time of day, let alone about the future of the seas.

The trouble with this conference is that it defies existing political alliances and institutions. Although the bulk of the countries would accept the 12-mile territorial sea and 200-mile economic zone principles, there is no agreement on issues such as innocent passage through international straits, or even the economic zones, or the proposed international regime for the exploitation of other extension.

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the seabed beyond national jurisdiction. But these, and many others, are made contingent on the former, and vice-versa.

In these circumstances, several countries, including Canada, have taken unilateral measures, especially on fisheries, which some consider damaging to the conference and others view as a reminder that time is running out.

The conferees in New York vow that if there is "meaningful" progress this time, a comprehensive, single law of the sea convention could be wrapped up in one more, but probably two, additional sessions this and next year.

But Ambassador J. Alan Beesley of Canada, who is the working head of the Canadian delegation, adds that as the chairman of the drafting committee of the conference he has been totally unemployed thus far. He also acknowledged that the appearance of agreement by his group could be interpreted as undue pressure by some, so he proposes to make haste slowly.

There are public expressions of hope that the "good guys" at the conference will call the bluff of the procrastinators. But there also are many private misgivings about the "fear" of the major naval powers of releasing a last boat and landing in a pre-fo-a-l situation in which they are best equipped to rebound for the world's undersea riches.

Meanwhile, the UN has eight more weeks to play the game and maintain its credibility. But then again, there is always a chance for another extension.

Free transit big issue at Sea Law talks

By KEVIN DOYLE

UNITED NATIONS — Shipping rights in

international straits and the quest for acceptable ways of sharing revenues from development of coastal-zone resources have emerged as two of the most contentious issues at the UN Law of the Sea conference here.

Alan Beesley, Canadian ambassador to Vienna and head of Canada's delegation to the talks, said in an interview several compromise solutions are under intense study.

But none of the proposals has come near acceptance by the more than 150 countries taking part in the discussions.

The question of straits arises basically because of a developing accord on the extension of state sovereignty over territorial seas to 12 miles from three and the establishment of a 200-mile offshore economic zone for coastal countries.

Both measures would mean that many waterways now considered international straits would fall under national jurisdictions

in any new sea law treaty.

Big shipping countries such as the United States, the Soviet Union and Britain are concerned that coastal states whose jurisdiction is extended in this way would impose conditions which make unimpeded passage by foreign vessels impossible.

The shipping countries want an assurance that such straits will continue to be treated as international waterways and that vessels will be allowed free transit. They say any marine passage used by vessels for international transit should automatically become an international strait.

The countries which would gain jurisdiction over these straits, however, want authority to enforce pollution-prevention measures and to take other safety precautions.

The issue is important to Canada because it the shipping countries' position were accepted it might mean a big sea-going country would try to make the Northwest Passage an international strait simply by using it as one, after more sophisticated ice-breaking technology is developed.

Canada considers the Northwest Passage its territorial water, in effect, and particularly vulnerable to pollution damage because of heavy ice congestion there.

Canada proposed several years ago that one per cent of the profit from such development be shared internationally but other rich countries refused to agree. The Canadians also seem willing to grant certain fishing rights to landlocked countries.

Proposals are before the conference, which opened Monday and continues until May 8, to share part of the revenues from the areas between the edge of the 200-mile shelves where they exceed 300 miles.

Argentina, formerly one of the fiercest opponents of such a system, is indicating privately it might be prepared to agree.

But Australia remains adamantly opposed on the basis that it is impossible to develop a satisfactory formula for revenue-sharing that is fair to all countries concerned.

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FINANCIAL TIMES of Canada

Pact on seabed mining unlikely

By Les Whittington
Times Staff

Since June 1974, when the United Nations Conference on the Law of the Sea opened in Caracas, a single question—that of a 200-mile economic jurisdiction for coastal nations—has dominated the proceedings.

Now, J. Alan Beesley, Canadian ambassador to Austria, who heads Canada's delegation, says on this issue there is a good chance the 17-nation gathering will reach an agreement—not in the current talks in New York, then in additional sessions later this year or in 1977.

But agreement on whether there is international cooperation for the mining of minerals from the region 200 miles beyond territorial waters is far less likely. In the long run, that question may prove as significant for Canada's economy as a settlement of the 200-mile limit debate.

"If the conference finds it is on any one issue, it will be over the mining of the seabed," observes Brian Flemming, a lawyer with Stewart MacKeen & Covert, Halifax, who specializes in the law of the sea at Dalhousie University.

At stake are the rights to mineral resources of the international seabed lying beyond the proposed 200-mile zone controlled by coastal states.

These resources on the deep-ocean floor consist mainly of potato-shaped polymetallic nodules rich in copper, nickel, cobalt and manganese and are



The Valdivia is one of the world's most modern exploration ships

apparently accumulating at the rate of 6 million tons a year. The total volume is estimated at many trillions of tons and as much as 1.5 trillion tons in the central Pacific Ocean alone.

What countries should mine these resources and how the proceeds should be divided has become one of the most contentious issues at the Law of the Sea Conference—and one with important implications for the future of Canada's mining industry.

More than any other, the seabed debate has split the conferences between the "haves"—the industrialized nations of the West—and the "have-nots"—the developing nations of the Third World.

Shared resources

Invoking the principle of "the common heritage of mankind," the developing nations want the proceeds from seabed resources to be shared among the world's nations, probably through an international seabed authority that would control both mining and distribution of revenues.

In response, the industrialized countries in a position to undertake the mining of the seabed, such as Japan, the U.S., and West Germany, have expressed some willingness to compromise on revenue sharing. But their main purpose lies in securing rights to mine the seabed.

The often ideological dispute between rich and poor nations makes it doubtful that a solution to the seabed issue will be found. That failure, suggests one Ottawa source, eventually could be disastrous for Canada's min-

Without an international agreement, uncontrolled production of minerals from the seabed would benefit a few industrialized countries unlike Canada, have the technology and immense capital needed ahead with deep-ocean mining.

Such developments could lead to large increases in the amount of certain minerals for sale on the market, hurting Canada's export and aggravating Canada's balance-of-payments problem.

Among Canada's mineral exports the most likely to be affected is because its price is highly sensitive to changes in world supplies. The price of nickel, though subject to less fluctuation than cobalt, could also be adversely affected.

Though there are numerous knowns regarding the technology and profitability of seabed mining, it is estimated that three such mining operations could be in the early 1980s. These could be expected to weaken world prices for Canada's mineral exports.

Canadian officials are confident that, without an international agreement, some Canadian companies may be shut out of efforts to exploit ocean floor resources. Internationally-supervised development, however, would enable Canada to participate fully in seabed mining activities.

U.S. authorities, under pressure from a number of international consortia grouped around U.S. mineral interests, probably will permit mining of the international seabed if the session of the Law of the Sea



A television camera is launched for undersea exploration of nickel-bearing

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Sujet

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Law of the Sea

Seabed mining disputed

By Les Whittington
Financial Times News Service
Since June, 1974, when the United Nations Conference on the Law of the Sea opened in Caracas, a single question — that of a 200-mile economic jurisdiction for coastal nations — has dominated the proceedings.

Now, J. Alan Beesley, Canadian ambassador to Austria, who heads Canada's delegation says on this issue there is a good chance the 157-nation gathering will reach an agreement — if not in the current talks in New York, then in additional sessions later this year or in 1977.

But agreement on another issue — international co-operation on the mining of minerals from the ocean floor beyond territorial waters — is far less likely. In the long run, this question may prove as significant for Canada's economy as a settlement of the 200-mile limit debate.

"If the conference founders on any one issue, it will be over the mining of the seabed," observes Brian Fleming, a lawyer with Stewart MacKeen and Covert, Halifax, who specializes in the law of the sea at Dalhousie University.

At stake are the rights to mineral resources of the international seabed lying beyond the proposed 200-mile zone controlled by coastal states.

Many trillions

These resources on the deep-ocean floor consist mainly of potato-shaped poly-metallic nodules rich in copper, nickel, cobalt and manganese and are apparently accumulating at the rate of 6 million tons a year. The total volume is estimated at many trillions of tons and as much as 1.5 trillion tons in the central Pacific Ocean alone.

What countries should mine these resources and how the proceeds should be divided has become one of the most contentious issues at the Law of the Sea Conference—and one

with important implications for the future of Canada's mining industry.

More than any other, the seabed debate has split the conference between the "haves" — the industrialized nations of the West — and the "have-nots" — the developing nations of the Third World.

Invoking the principle of "the common heritage of mankind," the developing nations want the proceeds from seabed resources to be shared among the world's nations, probably through an international seabed authority that would control both mining and distribution of revenues.

Immense capital

In response, the industrialized countries in a position to undertake the mining of the seabed, such as Japan, the U.S., and West Germany, have expressed some willingness to compromise on revenue sharing. But their main purpose lies in securing rights to mine the seabed.

The often ideological dispute between rich and poor nations makes it doubtful that a solution to the seabed issue will be found. That failure, suggests one Ottawa source, eventually could be disastrous for Canada's mining industry.

Without an international agreement, uncontrolled production of minerals

from the seabed would be left to a few industrialized countries which, unlike Canada, have the technology and immense capital needed to go ahead with deep-ocean mining.

Such developments could lead to large increases in the amount of certain minerals for sale on the world market, hurting Canada's export sales and aggravating Canada's balance-of-payments problem.

Among Canada's mineral exports, the most likely to be affected is cobalt because its price is highly sensitive to changes in

world supplies. This price of nickel, though subject to less fluctuation than cobalt, could also be adversely affected.

Though there are numerous unknowns regarding the technology, costs and profitability of seabed mining, it is estimated that three or four such mining operations could exist by the early 1980s. These could be sufficient to weaken world prices for some of Canada's mineral exports.

Canadian officials are concerned that, without an international seabed agreement, some Canadian companies may be shut out of efforts to exploit ocean floor resources. Internationally-supervised development, however, would enable Canada to participate fully in seabed mining activities.

U.S. authorities, under pressure from a number of international consortia grouped around U.S. mining interests, probably will permit mining of the international seabed if the current session of the Law of the Sea Conference fails to resolve the issue.

For these reasons, Canada has found itself somewhat aligned with the developing nations on the seabed question. However, Canada has sought a middle ground which would lead to negotiated agreement rather than continuing dispute.

Outer limit

Canada has also advocated that, for the purposes of defining a country's coastal jurisdiction on natural resources, the outer limit be taken as 200 miles or the extent of the continental margin — whichever is further.

On the west coast, Canada's continental margin is only about 40 miles wide, but on the east coast, it extends in places to 400 miles.

A number of states who are landlocked or whose continental shelves are considerably narrower than

Canada's have urged instead that the convention adopt a 40-mile limit for jurisdiction over resources. Other countries would set the limit at 200 miles, regardless of the width of a country's continental margin. These countries argue that the continental shelf limit might expand national control of coastal zones to an extent that would interfere with the mining efforts of the international seabed authority.

How ever the limits of national jurisdiction finally are defined, Canada wants international cooperation that will stimulate orderly

production of minerals from the seabed.

The extent of that cooperation, according to Ambassador Beesley, will be one of the essential acid tests for the success or failure of the Law of the Sea Conference.

Seabed nickel pushed by U.S.

Canada lobbies to protect mines

By PAUL WHITELAW

Journal Washington Bureau

UNITED NATIONS—Despite efforts to downplay the issue at home, Canada is actively lobbying at the current ON Sea Law conference

against an American proposal to promote seabed mining

in line with Ottawa's policy. Canadian diplomats here say they are optimistic that the threat to land-based mining can be resolved satisfactorily through negotiations.

However, one leading conference draft negotiating text was written into the conference draft negotiating text

earlier this year, the production "goal" is termed a production "limit." The catch comes with a sentence that the annual growth in seabed production would not exceed market growth, "provided that the computed increase shall be at least six per cent."

It demand actually rose by six per cent, the effect on Canada's existing mines would not be damaging. But Ottawa projects the growth rate at 4.2 per cent.

Any excess/seabed production would be at the expense of profits from land-based mines and jobs in Canada's nickel industry centre around Thompson, Man., and Sudbury, Ont.

Canada's hope that the Americans will eventually drop or moderate their proposal. But it could have a

worded. But it could have a

conference, is innocuously made public at an earlier

spring session of the Sea Law

The U.S. mining proposal,

not out to skin the Canadian

cat.

Henry Kissinger—on the

main issue—that the U.S. is

assured by Secretary of State

Mr. MacEachen said earlier this year that he had been

received from Washington.

potentially devastating effect

on land-based mines in Canada, the world's largest producer and exporter of the

commodity.

Washington is pushing the

establishment of an international production goal on the

ocean floor that in the view of

Canada and a number of other countries, would exceed the annual growth in

demand for the metal.

In the U.S. proposal that

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The U.S. mining proposal,

"control, or no control at

session within three years, have been deadlocked over

resources of the oceans and

rules under which they would

operate.

Charles Elliott, a director

and past president of the

Mining Association of Canada who is an observer on the

Canadian delegation, says he

doubts production—in the

immediate future—could increase at the proposed

American goal of six per cent

a year.

But he notes that a growth

in seabed mining that merely

corresponds to actual increase in demand "could affect expansion" of land-based mines in Canada.

Noting that it is a personal

opinion that might not be

shared by the Canadian mining industry, he also suggests that a rapid expansion of ocean mining "could discourage investment in new land

mines."

Mr. Elliott believes seabed mining could be competitive in price with new land-based mines in which nickel is extracted from laterite, not found in Canada but in a number of other countries.

However, setting international production "controls" that exceed the gross in world demand would create a protected market for the seabed production.

Negotiations at the current Sea Law conference, the fifth

725

Law of the Sea Conference No agreement on treaty yet

By GEORGE KITCHEN
UNITED NATIONS (CP) —
The curtain comes down today
on the United Nations' marathon Law of the Sea Conference but it may be raised again next spring.

The fifth session of the long-running conference will wind up with a brief plenary meeting and a report on progress in the search for an international agreement to cover use of the seas and their resources.

The indications are that still another session may be held in mid-May, either in Geneva or New York. African states, or their principal overseas missions at the UN, are pressing for the convenence of another New York meeting.

Delegates had hoped that 1976 would bring agreement on an international treaty to govern shipping rights, use of offshore fisheries and other resources, marine pollution, scientific marine research and the harvesting of mineral-bearing ores on ocean floors.

PRIZE ELLUSIVE

But the big prize eluded the 157 participating countries and their 2,500 delegates in the five long and hard negotiating sessions held since 1974 in New York, Geneva and Caracas. The current session here opened Aug. 2.

The principal stumbling block this time is a sharp conflict between developing countries and industrial states on how to mine seabed minerals, estimated to be worth about \$3 trillion. The revenue would be shared by all countries.

But the conference, though deadlocked, is far from failure, says J. Alan Beesley, Canada's chief delegate and generally regarded as one of the ablest dip-

lomats in the long history of sea law negotiations.

"This conference has not been a waste of time," said Beesley, former Canadian ambassador to Austria. "People are going away with a very relaxed attitude."

In an interview, he ticked off areas in which he felt the conference and its fifth session made progress: fisheries rights, marine pollution, continental shelf margins, scientific marine research and the rights of landlocked and geographically disadvantaged states.

He conceded there was virtually no progress on the question of mining the mineral-bearing nodules, rich in nickel, manganese and other metals, on the deep seabed.

Developing countries want control of the mining to be left with the assembly of a new international authority where, by virtue of their numbers, they would have a voting majority. The industrial states want the authority's council to exercise control.

Beesley noted that, either way, the assembly could override the council in its decisions.

Canada, as a major exporter of nickel with sales valued at \$868 million in 1974, had expressed fear that unrestricted seabed mining of the metal would ruin Canada's nickel-mining industry.

Inco Ltd., formerly International Nickel of Canada Ltd., is the world's largest nickel producer, with operations in Copper Cliff, Ont.; Thompson, Man., and elsewhere. Falconbridge Nickel Mines Ltd. in Falconbridge, Ont., and Sherritt Gordon Mines Ltd., in Fort Saskatchewan, Alta., are other leading Canadian producers.

United Nations parley adjourns, still split over rules for seabed mining

By Bob Cohen

NEW YORK — The third United Nations conference on the Law of the Sea has adjourned until spring on a grumble and a prayer.

The grumble: the seven-week fifth session that wound up here Friday didn't achieve more.

The prayer: that proposed informal, ocean resources in international waters small-group talks between now and the opening of the sixth session here in May will help break the conference's major logjam.

The international community has been meeting under UN auspices since December 1973 to write a set of rules for man's activities in the five-sevenths of the globe covered by oceans.

The conference has produced a document called the Revised Single Negotiating Text (RSNT).

That RSNT contains about 400 articles and there is broad concurrence on many of them.

When delegates of 133 nations came to New York Aug. 2, there was an ir-reconcilable split over the proposed rules for mining the seabed under international waters. The split was still there as they headed home on the weekend.

The conference pretty much agreed there should be an International Seabed Authority (ISA) to oversee deep ocean mining. It agreed the ISA should have an operating arm to pick potato-sized nickel- and copper-laden nodules from the sediments of the deep sea bed.

The developing nations argue that ocean resources in international waters are the common heritage of all mankind. They say those resources should be the sole property of the ISA and that all mining revenues should go to the ISA for international distribution.

The developed nations insist state and privately owned concerns should have access to the seabed resources and should be able to profit from them.

The seabed mining talks have been held in the conference's Committee One, whose chairman, Paul Engo of Cameroon, told the conference Friday:

"The most difficult problem of all is: should the new system of exploitation provide for a guaranteed permanent role in seabed exploitation for state parties and private firms?"

"Or should such a role be considered only at the option of, and subject to, conditions negotiated by the authority?"

"Or again, should their role be conceived of as essentially temporary to be phased out over a defined period of time agreed to beforehand?"

"We have reached our valley of decision. We can proceed no further without a positive manifestation of political will that will enable us to adopt with confidence one or another of the three basic approaches suggested during the conference.

"There appears to be no indication that the proponents of any will accept the others. We thus find ourselves at an impasse. It can only be resolved through a change in the positions and attitudes that go to create this situation."

Too unwieldy

J. Alan Beesley, Canada's permanent sea-law authority and deputy head of the Canadian delegation here, hopes the answer can be Norwegian cabinet minister Jens Evensen and his "Evensen group."

As Beesley sees it, small, informal negotiations — "people speak more freely" — between now and spring on the seabed issue are necessary to break the impasse.

"It would serve no purpose to come here without them," he said. "You can't make new law with 150 people sitting around talking to each other. It's too unwieldy."

Evensen, he points out, was able to move the conference toward consensus on exclusive economic zones and marine pollution.

The Norwegian invited sea-law experts from 25 or 30 nations to discuss the issues more as informed individuals than as representatives of states.

The discussions were translated into proposed sea-law treaty articles and had significant impact.

Evensen and his group, says Beesley, have "never looked at Committee One. If the group is sufficiently representative, (its conclusions) would carry a lot of weight."

The group's report, almost by definition, is "a text nobody loves. Both sides will say they don't like it but it will get them drawn into negotiations."

"I can't predict the results but I don't see any way of resolving the problem without inter-sessional negotiations such as the Evensen group."

"With the right chairman, it's worth a try. It would be irresponsible not to try."

Beesley says the fifth session "could have done a lot more to help the momentum of the conference."

"On a range of issues, we didn't do much. On others (continental margins, economic zones, marine pollution) we did quite well. I'm not discouraged. I really feel we made progress on some of the issues that looked so difficult three years ago."

Holding back

"If we didn't have Committee One, I would say we inched forward."

But the conference had Committee One and it was clear from corridor conversation here during the week that the seabed mining impasse was back-logging up a lot of other things: the prof-its and geographically disadvantaged state access to economic zones; navigation in zones and through international straits.

"They might become easier," said one observer. "A lot depends on solutions to Committee One."

"Committees Two and Three are in so much of a deadlock that they're holding back coming. They're holding back."

"If you're making progress, you're reluctant to finish the job because they're not moving next door."

The treaty-writing job, according to Canadian thinking, cannot be done piecemeal. States prepared to concede in one area might want concessions in another.

They were not about to sign a succession of mini-treaties that would rob them of their leverage.

So, it is argued, when you talk about a Law of the Sea treaty, you are talking about whole cloth. As far as Alan Beesley is concerned, it is a bolt that must be loomed to the finish.

If the conference ultimately broke up, he says, all it would have succeeded in doing was "laying the ground rules for a tremendous series of disputes."

A host of nations might rush to declare 200-mile territorial zones. Others might make a grab for the seabed. "We've gone too far to pull back."

Southern News Services

Journal
Sept 20/76

Globe & Mail. Sept 21/76

A minority view

By GEOFFREY STEVENS

OTTAWA
I'm reminded of the moron jokes when I was a kid. Why did the moron stop hitting himself on the head? Because it felt so good when he stopped.

That observation, from J. Alan Beesley, the head of the Canadian delegation to the United Nations Law of the Sea Conference, was a pretty good summary of the way most of the participants felt as the conference session ended in New York on Friday. Relief that the long session was finally over—mixed with disappointment that the session had accomplished so little and a troubled awareness that the dream of a world treaty may prove to be beyond their reach.

What follows may, therefore, be a minority view, a personal prediction.

I think they're going to make it. I think there is going to be a comprehensive global treaty on the use and exploitation of the sea and seabed. It can't happen this year (the conference has adjourned until next May). It probably won't happen next year. But it could happen by the end of 1978, or in 1979.

My optimism springs, perversely, from the failure of the New York session. Specifically, from the deadlock that emerged in New York between the developed and developing nations over the powers and function of the proposed international seabed authority, most importantly over the role (if any) that multinational mining companies are to play in the exploitation of the deep seabed.

The trouble with the earlier sessions of the conference was that they were too diffuse. Delegations from 133 nations were trying to grapple simultaneously with hundreds upon hundreds of issues, some of them trivial, but many of them crucial, and most of them unfamiliar. For example, it takes a long time for negotiators to come to grips with what is involved in the notion that coastal states should have the right to declare 200-mile "exclusive economic zones" off their coasts. Would those waters be regarded, in law, as high seas, as territorial waters, or as something in between.

At the first three sessions, the delegates grappled with unfamiliar concepts, reaching a consensus on some and getting virtually nowhere

on others. What the most recent New York session did was to give the conference a focus, to force everyone to concentrate on one paramount issue: the mining of the international deep seabed.

The session did nothing to narrow differences on this issue, but, as the delegates in their small working groups discussed various aspects of the issue, a conviction began to grow. It was a conviction that if only they could somehow resolve the seabed issue, the other issues would fall into place. Such issues as navigation through international straits, rules for marine scientific research and marine pollution, revenue-sharing on the continental shelf, and so on.

Can the big issue be resolved? Yes, but it's going to take major political decisions by many governments—decisions to compromise. This failure to make political decisions has been responsible for the slow pace of the law of the sea negotiations over the past two years and for the current impasse on the seabed.

A compromise on the seabed will have to accept two things. First, the minerals of the seabed rightfully belong to the whole world. Second, at present the only people with the technology to mine the seabed are the multinational consortia. The solution would seem to be for the international authority to permit the multinationals (and state-owned corporations) to start mining the seabed, to require them to share their technology with other countries and with the authority, and ultimately to shift the bulk (or all) of the exploitation to the authority itself.

What happens if the seabed impasse cannot be broken and there is no comprehensive treaty? There are three main possibilities. More unilateral action by any nation strong enough to take it. A series of mini-treaties covering those lesser issues on which agreement can be achieved. Or, conceivably, a group of moderate nations (three, six, a dozen, or more) could draft a comprehensive treaty, and invite others to add their signatures. A number of countries would probably never sign, but even a semi-global treaty would be better than nothing.

For the time being, however, don't write off the possibility of a full, global treaty.

Informal contact could help get law of sea agreement

3/46
By Bob Cohen
Southam News Services

NEW YORK — The third United Nations conference on the Law of the Sea has adjourned until next spring on a grumble and a prayer.

The grumble: That the seven-week-long fifth session which wound up here Friday didn't achieve more.

The prayer: That the proposed informal, small-group talks between now and the opening of the sixth session here next May will help break the conference's major logjam.

The international community has been meeting under UN auspices since December, 1973, to write a new set of rules for man's activities in the five-sevenths of his globe that comprise the oceans.

Some agreement

The conference has produced a document called the Revised Single Negotiating Text.

That RSNT contains about 400 articles, and there is broad concurrence in a healthy proportion of them.

But when delegates from 133 nations came to New York last Aug. 2, there was an irreconcilable split over the proposed rules

for mining the seabed in international waters.

That split was still there as they headed home last weekend.

The conference has pretty much agreed that there should be an International Seabed Authority (ISA) to oversee deep ocean mining operations.

It has also agreed the ISA should have an operating arm, the enterprise, to pluck porous, potato-sized nickel- and copper-laden nodules from the sediments of the deep sea bed.

The developing nations argue that ocean resources in international waters are the common heritage of all mankind. They submit those resources should be the sole property of the ISA and that all mining revenues should go to the ISA for distribution in the international community.

The developed nations insist state- and privately-owned concerns should have access to the seabed resources, too, and should be able to profit from them.

The seabed mining talks have been held in the conference's First Committee. First Committee Chairman Paul Engo of Cameroon told the conference Friday:

"The most difficult problem of all . . . is this: Should the new system of exploitation provide for

a guaranteed permanent role in sea-bed exploitation for states-parties and private firms?

"Or should such a role . . . be considered only at the option of, and subject to, conditions negotiated by the authority?

"Or again, should their role be conceived of as essentially temporary to be phased out over a defined period of time agreed to beforehand?

"We have now reached our valley of decision. We can proceed no further without a positive manifestation of political will that will enable us to adopt with confidence one or other of the three basic approaches . . . suggested during the conference.

One answer

"There appears to be no indication that the proponents of any will accept the others. We thus find ourselves in an impasse. . . .

It can only be resolved through a change in the positions and attitudes that go to create this situation."

Who, and what, can work the magic of change?

J. Alan Beesley, Canada's pre-eminent sea law authority and deputy head of the Canadian delegation here, hopes the answer can be Norwegian cabinet minister

Jens Evensen and his "Evensen group."

As Mr. Beesley sees it, small, informal negotiations—"people speak more freely"—between now and next spring on the seabed issue are absolutely necessary to break the impasse.

"It would serve no purpose to come here without them," he said. "You can't make new law with 150 people sitting around talking to each other. It's too unwieldy."

Mr. Evensen, he points out, was able to move the conference toward consensus on exclusive economic zones and marine pollution.

The Norwegian invited sea law experts from 25 or 30 nations to talk through the issues more as informed individuals rather than as representatives of their states.

The discussions were translated into proposed sea law treaty articles and had significant impact.

Mr. Evensen and his group, says Ambassador Beesley, have "never looked at Committee One. . . . If the group is sufficiently representative, (its conclusions) would carry a lot of weight."

The group's report, almost by definition, is "a text nobody loves. Both sides will say they don't like it, but it will get them drawn into negotiations.

"I can't predict the results . . . but I don't see any way of resolving the problem without inter-sessional negotiations such as the Evensen group.

"With the right chairman, it's worth a try. . . ."

Mr. Beesley says the fifth session "could have done a lot more to help the momentum of the conference."

Delegates and governments had been frustrated by its snail's pace, but that frustration would be beneficial if it prompted resolution and action next spring.

Is he optimistic or pessimistic about the conference's prospects for ultimate success?

"I have to be a little bit schizophrenic. On a range of issues, we didn't do very much. On others (continental margins, economic zones, marine pollution), we did quite well.

"I'm not discouraged. I really feel we made progress . . . on some of the issues that looked so difficult three years ago."

CITIZEN
Sept. 23/76

Law Of Sea Talks Wind Up Today But Spring Session Will Be Held

challenge under international law.

States plan to proclaim 200-mile offshore fishing zones over the next few months. "From the Canadian point of view, the developments in fisheries are extremely important," Beasley said.

The concept of a 200-mile economic zone for coastal states was challenged in the conference by landlocked states—those with little or no share in the offshore resources of their coastal neighbors.

Beasley said both sides now are close to agreement. The right of landlocked states to surplus fish catches was recognized. When there was no surplus, the coastal state was to act in good faith in taking into account the needs of its landlocked neighbor.

On the growing problem of marine pollution, coastal states failed to win the right to set standards in their territorial waters. Those standards would be set by the international authority established in the final sea law treaty. But the coastal states would have enforcement rights.

"We think this is a sensible compromise," Beasley said. Canada appears to have won its point—in the absence of any opposition—in its insistence that coastal states have the right to set pollution standards in ice-infested waters, such as the Canadian Arctic.

"This concept was not attacked and, if that holds, this means international acquiescence," Beasley said.

Nickel Mines Ltd. in Falconbridge, Ont., and Sherritt Gordon Mines Ltd., in Fort Saskatchewan, Alta., are other leading Canadian producers.

The Canadian delegates proposed that seabed mining of nickel be limited by a complex formula based on world sales and adjusted annually. They won support from several potential nickel-producing states, including Indonesia, Brazil and Madagascar.

The United States, which opposes any restriction, suggested seabed mining of nickel be limited to six per cent a year.

Beasley, who is chairman of the conference's 23-member drafting committee, takes the view that the world cannot return to the status quo prevailing before the negotiations started in 1974, no matter what national interests are involved.

He holds that previous laws governing the sea no longer are applicable and states now are committed to drafting new laws.

He suggested that a series of sessions negotiating meetings be held before the next session opens.

The conference had developed the concept of a 200-mile offshore economic zone for coastal states and that unilateral actions which have resulted from it, have led Beasley to feel that the 200-mile fishing zone is here to stay and will withstand any

regarded as one of the ablest diplomats in the long history of sea law negotiations.

"This conference has not been a waste of time," said Beasley, former Canadian ambassador to Austria. "People are going away with a very relaxed attitude."

In an interview, he ticked off areas in which he felt the conference and its fifth session made progress: fisheries rights, shelf margins, scientific marine research and the rights of landlocked and geographically disadvantaged states.

He conceded there was virtually no progress on the question of mining the mineral-bearing nodules, rich in nickel, manganese and other metals, on the deep seabed.

Developing countries want control of the mining to be left with the assembly of a new international authority where, by virtue of their numbers, they would have a voting majority.

The industrial states want the authority's council to exercise control.

Beasley noted that, either way, the assembly could override the council in its decisions, Canada, as a major exporter of nickel with sales valued at \$866 million in 1974, had expressed fear that unrestricted seabed mining of nickel would ruin Canada's nickel-mining industry.

Inco Ltd., formerly International Nickel of Canada Ltd., is the world's largest nickel producer, with operations in Copper Cliff, Ont.; Thompson, Man., and elsewhere. Falconbridge

UNITED NATIONS (CP)

The curtain comes down Friday on the United Nations' marathon Law of the Sea Conference but it may be raised again next spring.

The fifth session of the long-running conference will wind up with a brief plenary meeting and a report on progress in the search for an international agreement to cover use of the seas and their resources.

But still another session will be held May 15 in New York. African states, with their principal overseas missions at the UN had pressed for the convenience of another New York meeting.

Delegates had hoped that 1976 would bring agreement on an international treaty to govern shipping rights, use of offshore fisheries and other resources, marine pollution, the harvesting of mineral-bearing ores on ocean floors.

But the big prize, eluded the 157 participating countries and their 2,500 delegates in the five long and hard negotiating sessions held since 1974 in New York, Geneva and Caracas.

The current session here opened Aug. 2.

The principal stumbling block this time is a sharp conflict between developing countries and industrial states on how to mine seabed minerals. It is estimated to be worth about \$3 trillion. The revenue would be shared by all countries.

But the conference, though deadlocked, is far from failure. Says J. Alan Beasley, Canada's chief delegate and generally

The Arctic exception

By GEOFFREY STEVENS

OTTAWA
Twice in recent weeks, the question of whether to authorize Dome Petroleum to begin drilling for oil and natural gas in the Beaufort Sea in the Western Arctic has come before the federal Cabinet. Twice (most recently last Thursday), the Cabinet has delayed a decision.

The issue is a difficult one. Dome has already spent more than \$100-million in anticipation of being permitted to proceed. It is in the Government's interest to find out how much oil and gas there may be under the Beaufort; this knowledge will influence a host of other energy decisions. On the other hand, the project raises some very real environmental concerns in the Canadian North. It also worries the Americans who are concerned about the possibility of trans-border pollution affecting the waters off Alaska. Canadian and American officials have already held one meeting and another is planned.

There's another complication. This is the effect that permitting Dome to start drilling would have on one of Canada's important objectives at the United Nations Conference on the Law of the Sea. Since the first conference session in Caracas in 1974, Canada has been arguing strenuously—and with some success—that the ice-infested Arctic is not an ocean like the others, that its delicate ecology requires it be given special treatment in international law.

Essentially, Canada is seeking the authority to establish and enforce construction standards for all vessels entering the Canadian Arctic. These standards would be a good deal more rigorous than those which, it is proposed, would be set by international agreement for shipping in other waters. In other words, what Canada wants is international acceptance of the unilateral action taken by the 28th Parliament when it enacted the Arctic Waters Pollution Prevention Act.

Canadian negotiators are delighted with a provision in the Single Negotiating Text which is currently being discussed at the third Law of the Sea session in New York. This provision would, if it were written into a global treaty, give coastal states the right to establish laws and regulations to protect the marine environment in areas where particularly severe climatic conditions create obstructions or exceptional hazards to navigation and where pollution of the marine environment

... could cause major harm to or irreversible disturbance of the ecological balance".

Ambassador J. Alan Beesley and other members of the Canadian delegation, however, fear that Canada could lose this so-called "Arctic exception" if drilling were permitted in the Beaufort Sea. External Affairs Minister Allan MacEachen said much the same thing in an interview in New York last week. The drilling, he said, "would impose an extra obligation on our negotiators to explain". They would have to explain why, if the Arctic is as fragile as Canada claims it is, the Government is prepared to allow an offshore drilling operation despite the warnings of environmentalists. There is no guarantee that countries which have supported Canada on the issue would buy the explanation.

This makes the Beaufort Sea decision an even more crucial one for the Cabinet. It is one of those situations where a decision to delay a decision can be viewed as a positive step.

Another tough political decision that may soon confront the Cabinet concerns the claim advanced by Canada and other broad-shelf countries to ownership of the non-renewable resources of the full continental shelf. Although this claim has a basis in existing international law, there is no guarantee it will be confirmed in a Law of the Sea Treaty; the broad-shelf countries command only 40 to 45 votes (out of about 140 countries taking part in the negotiations).

In an attempt to gain wider support, Canada made a vague proposal in Geneva last spring under which it offered to share with the rest of the world an unspecified portion of the revenue realized from oil or minerals in the area between 200 miles (the outer limit of the proposed economic zone) and the continental margin. Most of the broad-shelf countries (with the notable exception of Australia) are prepared to offer some form of revenue-sharing, but they are going to have to come up with much more specific proposals.

The Cabinet may well have to make a decision on revenue-sharing before the New York session concludes on May 7. Given that Canada has the second largest (after Australia) continental shelf in the world, this could be one of the most far-reaching decisions it makes this year.

Subject

Sujet

Date Publication

Coastal nations asked to await global treaty

By Ed Walters

Canadian Press staff writer

CARACAS — The third United Nations Law of the Sea Conference ended Thursday with a plea that Canada and other coastal countries avoid taking over continental shelf resources without a global treaty.

Conference president Hamilton Amersingbe of Sri Lanka noted expectation that a treaty on use and protection of the oceans would be signed after next year's gathering in Geneva and Caracas. But he observed that the 5,000 delegates had not reached agreement on any issue "despite the lengthy deliberations."

"We should restrain ourselves in the temptation to take unilateral action," Amersingbe added.

External Affairs Minister MacEwen, Fisheries Minister LaBlanc and Regional Economic Minister Jamieson said they know Canadian fishermen feel the catch of foreign fishing ships should be reduced quickly.

The three ministers arrived late Tuesday for the conference's final sessions and left for Canada late Thursday.

The Canadian proposal, supported by most Latin American countries and 17 African states, calls for a 12-mile territorial sea and an additional zone extending to the edge of the continental shelf or 198 miles, whichever is the greater distance from the coast.

Most other countries support the 200-mile economic zone in principle but do not want coastal states to have the power to halt vessels of other countries suspected of polluting the seas.

LaBlanc said Canadian fishermen would likely be unhappy about waiting another year for agreement on a 200-mile economic zone "but it's a slow process."

MacEwen said the government realizes unilateral action would be unwise with international negotiations continuing.

The UN schedule provides for bilateral meetings among countries with opposing views before the Geneva conference opens March 17. The 1975 conference will first adjourn in Geneva May 3 or May 10 and re-open later at Caracas.

Some delegates, including Canada's chief negotiator, J. Alan

Beesley, already are talking about an extra session between Geneva and Caracas.

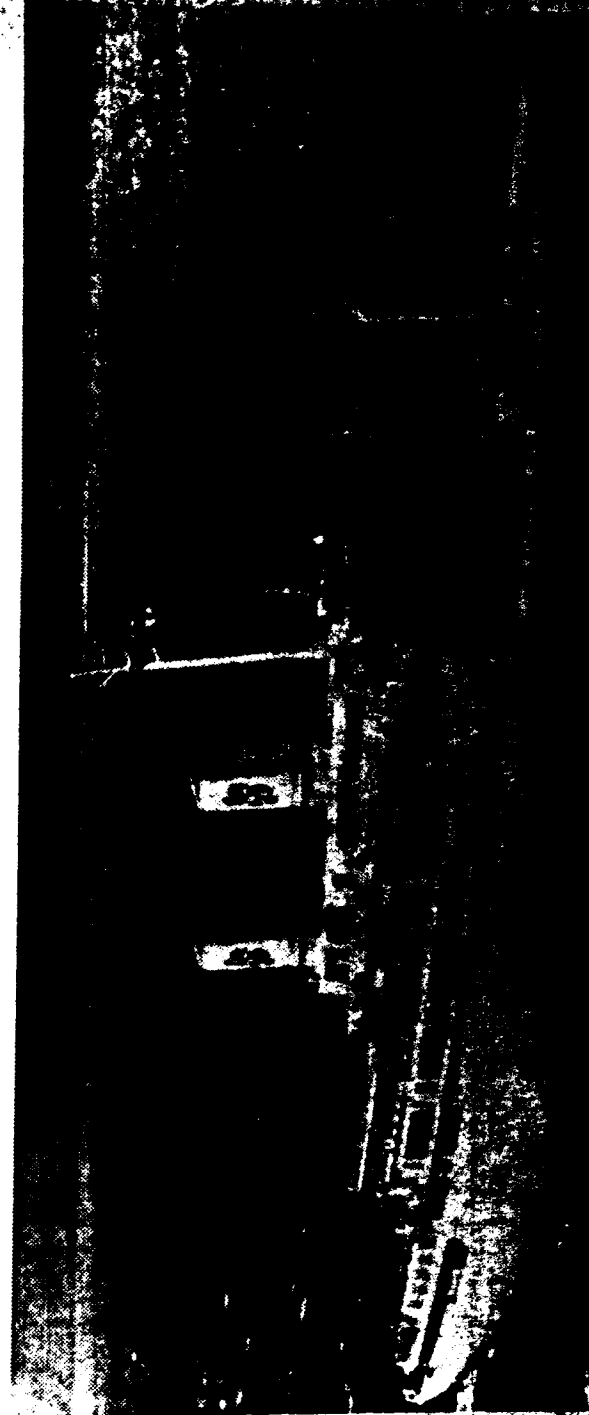
"I think we'll be fortunate indeed if we get everything done in eight weeks," Beesley said.

Amersingbe said delegates should go to Geneva determined to begin hard negotiations immediately.

"Somewhere there must be a solution that will produce a treaty whose terms will be fair and just, especially to the weaker nations, and one that would be respected, honored and scrupulously observed by all nations," Amersingbe said in summing up the work of the conference.

While it was possible to discern the beginnings of agreement on such questions as the 200-mile economic zone, territorial seas and international straits, there was no answer in sight to the problems of landlocked states and those considered at a geographic disadvantage, the president said.

Other questions of special interest to Canada, especially ownership of the Northwest Passage and high-seas fishing for salmon, were barely touched on here.



Second cruise ship for Isle waters

American Hawaii Cruises, operator of the S.S. Oceanic Independence, said yesterday that a second ocean liner, the S.S. Constitution, shown here, will begin interisland cruises next summer. The

Constitution, a sister ship to the 230-passenger Oceanic Independence, was acquired from Atlantic Fair Lines and will be refurbished before beginning weekly cruises with stops at the islands of Maui, Hawaii, Kauai, Niihau, Oahu and Molokai. The Independence can accommodate 200 passengers and 100 crew members. Her first month-end is scheduled for West Coast waters.

...the ship is expected to be ready for service by the end of the year. The new ship will be a 230-passenger vessel, similar in size to the Independence. It will be a sister ship to the Independence and will be used for interisland cruises.

Law of the Sea

U.S. 'hedging' on pact upstages meeting here

Oct. 6, 1981

HONOLULU ADVERTISER



Thomas A. Clingan Jr.
U.S. not stalling



Hasjim Djalal
"Chaos and confusion"

By Barbara Hastings
Advertiser Science Writer

What if most of the world's nations held a picnic. They all argued over the menu, then as everything settled down, one nation — the United States — decided it wasn't sure if it liked what was on the menu after all.

That's the Law of the Sea situation. Just when the United Nations conference, which has been going on for 10 years, appeared close to a final draft of a new international treaty for behavior in the oceans, the Reagan administration said, "Wait, we want to review it all over again."

That was earlier this year. This week, delegates to the Law of the Sea Institute Conference are meeting at the Prince Kuhio hotel to discuss the implications of a Law of the Sea treaty for the Pacific basin. But the conference has been upstaged by Washington's unexpected "review."

President Reagan will get a set of options next week from the review committee. One could be for Washington to withdraw from the international negotiations. Another option could be to seek substantive changes in the already negotiated text.

Law of the Sea scholars are trying to figure out the Reagan move and proof of the growing concern about the treaty is shown by the number of participants here. Previous sessions like this have drawn 150. This one has 350.

The administration's areas of concern include deep-seabed mining — of importance to the Pacific Basin and Hawaii, which hopes to see a processing plant here, because of huge deposits of manganese nodules.

But this call for a review has put many U.S. allies in a difficult position. Many fear Washington will abandon the treaty and seek "mini-treaties" with like-minded countries to mine the sea.

This is a major concern of Japan. Naohiro Kumigai of the Foreign Ministry said just that yesterday.

"Japan is in a very difficult dilemma," he said, because if Washington decides not to participate in the treaty negotiations, "do we go along with the United States or choose to go on the other side?" He said this would be a critical choice

for his country, because its security depends on the United States.

However, if Japan casts its fate with the United States, it would be in a squeeze — Japan's poor in natural resources and depends on many Third World nations for these resources.

These Third World nations support the Law of the Sea negotiations on seabed mining.

In fact, the United States is talking to other "like-minded nations" (mainly Japan and Western European states) about the possibility of bilateral or mini-treaty actions. But U.S. delegate Thomas A. Clingan Jr. said this wasn't being done to thwart the treaty. He said U.S. seabed mining law requires that Washington seek reciprocating agreements with friendly nations.

"I know a lot of people in the conference feel we're stalling while we try to put into effect" some mini-treaty type agreements, Clingan said, "but it's not true."

Ambassador Hasjim Djalal of Indonesia warned that mini-treaties between the United States and its allies "will only incite like-minded countries of opposing views to write mini-treaties of their own. That means chaos and confusion."

Everybody thought the seabed mining issues were solved, Djalal said, and then the Reagan administration announced its review.

He said Indonesia would like to cooperate with the United States, and supported the delay while Washington undertook its review. But that review is still incomplete and, Djalal said, "I have the feeling that now it is not easy for us to cooperate and I'm afraid the feeling — you asked me the feeling, I think the word is 'exasperation' — is beginning to set in."

He said the negotiations will go ahead without the United States, if necessary. He criticized Washington for singling out the seabed-mining issues. The proposed treaty is a whole package of compromises among nations, and "there are so many issues whose solutions have been extremely beneficial to the U.S.," Djalal said. "The danger is one only looks at one particular item, building up a mountain there, and forgetting the other parts."

Clingan and Djalal agreed that if a few nations strike mini-treaties, mining

companies would be reluctant to operate under them. Banks are conservative and wouldn't lend millions to mining companies that plan to operate outside the jurisdiction of a majority of the world's nations, Clingan said.

Djalal added that such mini-treaties couldn't guarantee the investments of these companies.

While some of the strongest supporters of the proposed seabed-mining text claim there is nothing to renegotiate even if the United States demands it, Roy Lee of the United Nations Legal Counsel indicated there is.

"There is really no alternative either for the United States or for the world community but to work out a compromise," Lee told the meeting yesterday.

Later he quoted U.N. conference President Tommy Koh, who said there cannot be any compromise in fundamental concepts of the treaty. Among those fundamentals, Koh listed the voting system set up within the Security Council, limits on how much of the manganese nodules can be mined, and how the Enterprise, the U.N. operation which will also do mining, will be financed.

U.S. delegate Clingan said "we have problems in all these areas," and Reagan must decide which ones to focus on if Washington continues to be a participant.

"There are going to be important changes recommended," Clingan said.

Clingan added that while other delegates threaten to call for changes in other parts of the text that benefit the United States, "I don't hear those people trying to reopen these other issues."

Many of the other treaty sections are supported by and would benefit the United States. Of particular importance is the right of passage for military vessels through straits, and other navigation rights. The proposed 200-mile economic zone, which gives a coastal nation control of organic and mineral resources is a plus for the United States, too.

The meeting will continue through Thursday, with separate sessions scheduled on living resources or fishing in the South Pacific, manganese nodule mining, boundary demarcation — which is being hotly debated along the Asian side of the Pacific — and scientific research.

Sea Law Delegates Told National Energy Policy Stinks

Helen Alton
Star-Bulletin Writer

The good news wasn't much better than the bad news presented during the opening session yesterday on Pacific energy and economic development from Hawaii's offshore by a group of delegates to a national conference on energy policy. The delegates, gathered by invitation of a group of energy policy makers in the state, met in a room at the Sheraton Hotel in Honolulu. The delegates, who included representatives from the U.S. State Department, the U.S. Navy, the U.S. Atomic Energy Commission, and the U.S. Geological Survey, were told that the national energy policy is "stinking" and that the U.S. has allowed itself to be vulnerable to energy disruption.

But he said the state isn't giving up on OTEC and other financial strategies are being explored. "The opportunity to industrialize energy in the Pacific is clearly at hand," he said.

MYRON NORDQUIST warned, however, "Don't expect anything to happen in Washington in the next six months energy seek for the next six months."

An author, attorney and former U.S. State Department official, Nordquist said, "Most of the energy—the traditional—are in the hands of a few and are being hoarded and controlled."

"We will continue to have a national energy policy until Congress does something," he said, adding that it is vital. "It is almost criminal that the U.S. has allowed itself to be vulnerable to

energy disruption. "The U.S. has not faced up to its vulnerability," he said.

Nordquist also questioned, "Can the U.S. afford to build up the defense department and cope with high interest rates and continuing inflation and lack of business community confidence in the economic well-being of the U.S.?"

The national energy policy at this point is in a state of flux and will probably be revised.

THE ANNUAL CONFERENCE of the U.S. Energy Council, based in Washington, D.C., was held in Honolulu after four days of sessions in the Prince Hotel. The U.S. Energy Council is the main body in the U.S. for energy policy and the Pacific region. Although the United States is

viewing the proposed new regulations with specific concerns for American seabed mining interests, speakers pointed out yesterday that there isn't likely to be any ocean mining for a long time because the risks are greater than potential returns.

John H. Fife, an ocean engineer at Texas A & M University and former president of Deep Sea Ventures, said a competition and study of seabed mining is under way.

"The U.S. has a lead in year U.S. collaboration," he said. "The rest of the world is waiting for the U.S. to lead." He said that the U.S. has a lead in seabed mining and that the U.S. is the only country that has a lead in seabed mining.

July conference

BECAUSE OF the constraints by manganese nodules mining, he said. "There will be no business. And then the U.S. makes this the basis on which it hopes to reject the rest of the world's seabed mining interests."

Jose Lopez of Mexico, an international scholar, said that the U.S. has a lead in seabed mining and that the U.S. is the only country that has a lead in seabed mining.

"The U.S. has a lead in seabed mining and that the U.S. is the only country that has a lead in seabed mining."

HONG KONG...

...writing himself as a special...

...the U.S. has a lead in seabed mining and that the U.S. is the only country that has a lead in seabed mining.

Oct. 3/81

Reagan's Over Sea

By Nelson Aldrich
Star-Baltimore Special

A U.S. State Department official said yesterday that the United States will not be a party to a new international convention on the law of the sea unless it provides the means for the Reagan administration to ensure that the proposed new international law is not a threat to the United States' interests.

But an aide in the worldwide coalition at the Prince Rufo Hotel was laughing when John E. Rubin, director of the Office of Ocean, Law and Policy, finished his talk.

"The issue before the United States is how the United States interests in access to seabed mineral resources, in military and commercial aviation, in fishery resources, in marine scientific research and in the marine environment can best be served," Rubin said.

"In answering this question the United States must be mindful of the important questions of principle as well as foreign policy and other interests, which are raised by this negotiation."

"Despite all the disclaimers, this is a real bad news," responded Ambassador Szekeley, a member of Reagan's delegation to the international law of the sea convention and adviser on ocean law to Mexico's foreign minister.

"I cannot hide the impression these statements give us of a very negative nature," Szekeley said, adding that "a terrible, terrible injustice will be inflicted on mankind as a whole" if America pressed for major changes in the treaty.

THE CONVENTION is scheduled to resume meetings March 8 in Stockholm with the expectation of approving the long-negotiated rules for international use of the ocean. But the negotiating nations were brought into a frenzy earlier this month when the Reagan administration called for a review of the treaty, citing major concerns, particularly provisions dealing with mineral resource development.

Delegates to the Honolulu conference of the Law of the Sea Institute are talking of little else. They are expressing deep concern over what will happen if the United States doesn't join the world community in signing the treaty or requests major alterations to compromises already agreed upon by American negotiators.

Representatives of Third World nations insist that no fundamental changes can be made to the treaty, but it isn't even known at this point whether America will go back to the negotiating table. "This is being worked on the next few days," Rubin said. Rubin, who has been a member of the U.S. delegation to the convention, said the White House is preparing a report to the president which will recommend whether the

U.S. Sees No Gain in New Law

The United States will not gain anything from the new law of the sea convention, according to a senior State Department official. The official said that the United States will not be a party to the convention unless it provides the means for the Reagan administration to ensure that the proposed new international law is not a threat to the United States' interests.

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Law of Sea Delegates Wonder: What Will the U.S. Do?

By Helen Altorn
Star-Bulletin Writer

An "America first" attitude by the Reagan administration poses an unspoken threat to the new Law of the Sea — the first international management system for a resource of such in the history of mankind, said a group of world leaders in the reform movement said here yesterday.

However, they said they expect the international treaty to be adopted next spring, with or without the United States, and formally signed later in the year with the "Caracas Conference on the Law of the Sea."

Establishment of a new order governing use of the oceans, which cover 70 percent of the earth, is regarded as imperative for world peace and stability with broad rules delineating marine resources, industrial environment, transportation, conservation and scientific research.

The Reagan jolted the United Nations Conference on the Law of the Sea, called this year by demanding the final stage of the draft on the day of its adoption after years of patient negotiations and compromise.

The United States will be the only nation opposing the treaty, said a group of world leaders in the reform movement said here yesterday.

There is no alternative but for the United States and the world com-

munity to work out a compromise," he said, stressing the far-reaching implications of the treaty for world peace and security.

The world's leading authorities on the ocean are attending the four-day conference, including some of the chief members and leaders of international delegations to the Law of the Sea drafting convention.

They said the U.S. action in pulling back after near agreement on the draft was particularly surprising since all of America's negotiators to the international convention have been Republicans, and they have agreed with compromises on some of the major issues.

Some of the most highly regarded members of the U.S. negotiating team have been "fired" by Reagan, they said.

The Law of the Sea Institute, an international forum for information exchange on rules for use of the sea and its resources, is based at the University of Hawaii and directed by John P. Clavel with an international executive board.

Hawaii was selected for the institute's annual conference this year to focus on the importance of the Pacific Basin to world peace and stability and the importance of the Law of the Sea on Pacific island and great states.

IMPLICATIONS of the new Law of the Sea for foreign policy, national security and economic development issues in the Pacific were discussed by a panel yesterday chaired by Ambassador J. Alan Beasley of Canada.

Beasley has been involved with the movement for a new Law of the Sea

for 13 years and is chairman of the drafting committee.

In an interview after the formal discussions, Beasley said he believes the international convention "will go ahead without the U.S.A." and adopt the Law of the Sea draft next spring.

"I don't feel emotional about it — that there goes 13 years of my life — but I am still hanging in there hoping we can persuade the U.S.A.," he said.

He predicted a "proliferation of disputes if the convention goes down the drain."

Ambassador Masjim Djajal of Indonesia, vice chairman of his country's delegation to the Law of the Sea Conference, said during the panel discussion that the result of no agreement "will be confusion, chaos and perhaps confrontation."

He said Indonesia isn't completely satisfied with the proposed treaty but accepts it on the basis that "it is the maximum that we can achieve to provide growth stability and peace."

HE SAID MANY compromises have been reached in 13 years of hard negotiations and it isn't clear that fundamental issues will be solved. "It's a process, and compromise, and it's possible to reach an agreement," he said.

He said the changes in the Law of the Sea are "a good thing" and "will bring about the necessary changes for the world. This is not the course of action we would like to see."

And he added, "I can speak for Indonesia. If the vice chairman for

the American delegation cannot speak for his government, who can at this point of the delicate negotiations?"

Djalal's statement was aimed at Thomas A. Clingan Jr., a fellow panelist who teaches law at the University of Miami and is vice chairman of the U.S. Law of the Sea delegation.

Clingan had prefaced his statement to the delegates, saying, "I take no position on the acceptability of the draft convention one way or the other, but assume its content as the basis for our discussion."

He described differing views in the United States on how it perceives its role in the Pacific, suggesting that from one perspective, "the notion that broad, comprehensive programs and institutions, and the negotiations that produce them, necessarily create results that are less than optimal from the American point of view."

HE SAID HE believes "there are many positive elements in the new Law of the Sea for the nations of the Pacific. There are many gains and the pace of negotiating has been rapid. The most part has been agreed upon. The things were not finally agreed upon, but they are being agreed upon."

He said the Law of the Sea is "a good thing" and "will bring about the necessary changes for the world. This is not the course of action we would like to see."

And he added, "I can speak for Indonesia. If the vice chairman for

the Law of the Sea convention, said Japan will lose many of its interests through the "revolutionary change of the new order..."

"But it is more profitable to have stability as soon as possible," he said, adding, "if the purpose of the policy is to secure peace of the world, the Law of the Sea conference provides that opportunity."

While favoring the international treaty, however, Rumagal said Japan faces a "difficult choice" of whether to go with the United States or the other side if America decides to withdraw from the negotiations.


He said this is an "important choice" in Japan's foreign policy because of questions of security versus the need for crude oil and guaranteed passage in waters controlled by underdeveloped nations.

AMERICA APPARENTLY is more disenchanted with the "Asian heritage" concept of the proposed treaty, which envisions creation of an International Authority to control exploitation of seabed resources, including manganese nodules.

An International Enterprise would be established with the right to exploit the resources for the benefit of the "common heritage of mankind."

"Sure it sounds futuristic," Beley said.

However, he said, "It is in the national interest of the states to work out a civilized law of behavior. Regulations are necessary to reduce chances of conflict and tension, and therefore the likelihood of an outbreak threatening world peace, stressed.



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1982-1983

ADMISSION INFORMATION

APPLICATIONS ARE BEING ACCEPTED

Sea law: Diplomatic and low-key bargaining is order of the day at Waikiki meet

It was like watching a pinball machine. More than 300 international specialists on oceans gathered in Waikiki last week bouncing ideas and rumors off each other.

It may have been a Rube Goldberg-type machine, which has a lot of parts and action, but in the end nothing gets done, or a machine that scores points. Undercurrents were pulsing, rumors were being absorbed as hard fact and politicking was heavy during the four days of the Law of the Sea Institute Conference.

The papers and the sessions seemed to be a backdrop for the larger goal of diplomatic low-key bargaining, as representatives from 20 countries picked each others brains, dropped hints here and rumors there.

Some of the participants in the Waikiki conference were official delegates for their countries to the United Nations Law of the Sea Conference, others were advisers to delegations, academics and industrialists. They listened carefully to each other, for the Waikiki conference was an informal one, not an official U.N. session, so comments were more open, less couched in diplomacy.

For more than 10 years, the international community has been attempting to hammer out a wide-ranging law for use of the sea. If this United Nations Law of the Sea treaty should ever be passed, it would be the most comprehensive international document ever to be successfully negotiated. As a matter of fact, it's probably the most comprehensive package ever attempted by the international body.

And the United States' role in this treaty-making had been a facilitating one, trying to keep the conference moving, mediating here, conciliating there. The United States has not always been happy with aspects of the proposed treaty, but it has always been in the center of the negotiations, compromising when necessary.

As Robert B. Krueger, a prominent California-based international lawyer pointed out, "We should remember that the United States was the driving force behind the commencement and continuance of the law of the sea negotiations."

Krueger was saying it should be remembered because it is the United States that is currently holding up progress on the Law of the Sea negotiations. The Reagan administration is reviewing



barbara
hastings

Advertiser science writer

the entire package — some 400 articles — but is specifically concerned about the proposed rules on deep-sea mining.

However, as Krueger noted, some of the very seabed mining issues "which the Reagan administration now finds so objectionable were, in fact, proposed by the United States" back in 1970.

Krueger told The Advertiser he's afraid the United States may be painting itself into a corner, that it should get back to the negotiating table. He told a congressional committee a couple weeks ago that the United States "must instruct and prepare a team for negotiation in the very near future."

Krueger's implication may have been that the present negotiating team should be replaced. Some of his comments were certainly being construed that way during the Waikiki conference last week.

Krueger himself said he'd heard a rumor he's being considered to head the U.S. delegation, which is currently headed by James Malone. Malone, who was not at the Waikiki conference, was subject of another, widespread rumor, that he is to be replaced.

Besides Krueger, two other names cropped up as possible successors to Malone: Bernard Oxman, who recently resigned from the delegation to take a post at Berkeley, and Thomas Clingan Jr., who is currently on the team.

It may have been significant that all three were at the Waikiki meeting. When Oxman gave an impassioned speech from the floor of one session, more than one participant suggested he was politicking.

Clingan was in a perhaps unenviable position, since he's still on the negotiating team and had to be somewhat cautious and circumspect in his comments. He declined to offer personal opinions about the Reagan administration's action and what its effect might be on the treaty negotiations.

He did say that if the U.S. team went back to the negotiations at all, it would be asking for important changes in the document, changes that other delegations say are impossible.

More and more nations are taking the position that the conference can and will go on without the United States.

Another recurring theme at the Waikiki conference was that the United States may be forced to accept the seabed mining aspects of the proposed treaty, even if it is never passed.

"By treaty or by custom," explained one delegate. In international law, there is what's called customary law — that which is accepted. If a large number of the world's nations accept the provisions of the deep seabed mining proposals in the text, it doesn't have to become a treaty to become law. The International Court often rules in areas of customary law.

The deep seabed mining parts of the Law of the Sea treaty would regulate how and who would be able to tap the mineral resources of the sea in international waters.

At the base of the Reagan administration's review of the Law of the Sea is a philosophical issue, in keeping with the changing attitude in Washington — that the United States is going to be more concerned about its national interests in foreign policy.

Just Friday, Navy Secretary John Lehman, speaking in Los Angeles, said, "Perhaps the American people have tired of their long years of sacrificing U.S. national goals and interests for the greater supranational interests of the world's community of nations."

This new attitude, more than the administration's re-evaluation, is what worries many of the international sealaw specialists. After all, it's not that a Republican administration is merely disagreeing with the actions of a previous Democratic president. The Law of the Sea negotiations began under Richard Nixon, continued through Gerald Ford and Jimmy Carter. Chief negotiator, even during the Carter regime, was Republican Elliot Richardson.

So the Reagan administration's stance on the Law of the Sea has been called arm-flexing by some, posturing by others and a harbinger of dramatic foreign policy shift by still others.

N.Y. Times
MARCH 6, 88

NATO Holds Firm

BRUSSELS

Euphemisms and platitudes suitable for sampler embroidery have so overcome NATO discourse that the straight message scarcely gets through.

Interest at the alliance summit meeting this week focused on the compromise that substitutes the phrases "up to date" and "where necessary" for "modernization" of short-range nuclear weapons after medium-range missiles are withdrawn under the I.N.F. treaty.

"Modernize" is an old euphemism that means making new and supposedly better weapons. The Germans oppose any commitment at this stage of uncertainty on where arms control and East-West relations are going, and on the consequences for the alliance.

Further, Bonn is mesmerized by a euphemism of its own, "singularity," by which it means being exposed to a greater nuclear risk than its allies. This is asserted on the grounds that if short-range atomic blasts were launched by East or West, they would hit mostly Germany. Of course, Germany, at the center of the central front, is most exposed to any possible war in Europe, and all the allies, indeed all the world, faces nuclear danger.

Fearful of being caught on the wrong side of what Britain's Prime Minister Margaret Thatcher unfortunately called a nuclear "firebreak," the West Germans seek "risk-sharing," another euphemism meaning they don't like being up front. But risk-sharing is what the alliance is all about, despite the unavoidable facts of geography.

Because these fuzzy words cover unresolved arguments on how alliance strategy should evolve in changing circumstances, the press zeroed in on them at the summit. And

Under eye-glazing platitudes.

that mattered because the real purpose of the meeting was not to reach new decisions but to make a public demonstration of allied agreement on some immediate, crucial points.

One was to show Moscow that President Reagan will speak with alliance support when he visits Mikhail Gorbachev. For all their bickering, Europe and the U.S. remain fully committed to their mutual defense pact.

In addition, the allies sought to impress on Mr. Reagan that he must keep their views in mind when dealing with Moscow, and not get swept away by personal visions. No more Reykjavik surprises was the clear demand.

For the U.S. Senate as it considers the treaty eliminating medium-range nuclear missiles, the point was to show what a blow to the alliance would result from a failure to ratify without encumbering amendments.

In effect, the meeting did what it set out to do. There wasn't any drama. Mr. Reagan read, hoarsely, a flat little homily on the virtues of unity, smiled and disappeared. Mrs. Thatcher, with her precise enunciation, lectured resoundingly on the need to keep up defenses even while encouraging Mr. Gorbachev to go on reforming and opening his country.

There are differences of emphasis on how to read and react to Mr. Gorbachev's Soviet Union. But even the

most skeptical no longer deny that he is seeking substantial change; even the most optimistic don't pretend they can foresee what will come of it. Essentially, there is agreement that remarkable new opportunities may be appearing, and that it is too soon to be sure how to pursue them in safety.

The sense of disappointment at what seemed showcase diplomacy came mainly because of the burgeoning debate among experts on whether NATO. There is no new strategy to take account of shifting winds and there has been much talk about the need to study and plan for what they bring.

But the alliance clearly is not ready for that. It may be just as well to wait for a new U.S. administration, a new treaty halving Soviet and American arsenals of intercontinental missiles, and at least a start to test prospects for conventional arms cuts in Europe.

A 16-nation alliance of democratic states, all with domestic politics to think of, moves ponderously. A fair-weather challenge ahead may be the most difficult NATO has yet faced. Displaying a solid base to start from is helpful even though issues looming on the horizon have yet to be tackled.

A certain consolidation that emerged at the summit has been overlooked. It was revival of the old Kennedy language about "the European pillar of the alliance," underscored by the presence of both the President and Prime Minister of France. That doesn't mean France is about to reintegrate its forces, but it does reflect that strains between the concepts of "Atlantic" and "European" defense have waned. It is a reassertion they are complementary, not contradictory.

Under the eye-glazing platitudes, NATO is holding firm. Predictions of decay are vastly premature. □

vestor confidence comes from the belief that the country has a government with a clear set of rules and objectives," argues Chamber President Stan Roberts. "The budget was the last straw—and this continuing situation has been frightening."

The pressure to change economic tactics also makes sound political sense. Pollster Allan Gregg, president of Decima Research Ltd., says that the Liberals worsened their image problems when they left their Meach Lake meeting with only stand-pat bromides. He says that Canadians are shifting away from a fascination with leadership and placing greater emphasis on a party's capacity to solve problems. Not only that, the new Decima data points out an unprecedented gap between Canadians' overall satisfaction and their expecta-



tions. At the same time, Canadians are increasingly gloomy about the current situation, but their general outlook is becoming more optimistic. "This means that Canadians do not want to believe that the situation is permanent: they want to believe that today is as bad as it's ever been and as bad as it's ever going to get," insists Gregg. "So it's clear that the Liberals have to be seen as doing something that addresses the problem—they must send a demonstrable and dramatic signal to show that they are turning this mess around. And it will start to turn around."

The Liberals realize that they can only save their political lives by salvaging the economy. To that end, they have been privately musing about a variety of rescue operations. There are proposals to target more aid to specific groups,

such as homeowners who have been hard hit by interest rates. Bureaucrats are quietly preparing major reports on the Canadian experiment with price and wage controls during the mid-1970s. There are suggestions that billions of dollars should be plunged into such noninflationary projects as transportation upgrading. This spending might be coupled with price and wage controls. Tax incentives—an approach that has the support of the business community—could be designed for such specific sectors as high technology in return for voluntary wage restraint. But, since cabinet does not want to trigger more inflation, members must still agree on the type and the scope of any schemes.

For his part, Prime Minister Pierre Trudeau has been soothing his nervous

Secret plots to control the seas

By the time it closed last week, the Sea-Law conference at the United Nations had become a melodrama rivalling anything playing on Broadway. It carried a plot twisted by deception and double cross, and the cast of characters included the old and cunning Soviet delegate, Semyon Kozyrev; Ronald Reagan's ambassador, James Malone, in the villain's role; and Canadian Ambassador Alan Beesley, with the patience of a scholar, the conviction of a priest and a pirate's eye for tactical advantage. But this was no fiction. It was a real and sometimes ferocious contest for power and wealth, and the treaty adopted last week after a decade of talks will have vast consequences for decades to come.

In years of laborious negotiation the controversy had been wrung out of many of the treaty's terms. The extension of coastal states' territorial seas to 12 miles from three was widely accepted, as was the 200-mile economic zone already declared by Canada and many other countries. For the big naval and shipping powers there was a new guarantee for freedom of navigation. Canada benefits from a grant of seabed resources out to the edge of the continental shelf—far beyond even the 200-mile limit in some places—and the right to set anti-pollution standards over Arctic waters.

Arduous and even audacious diplomacy had achieved a fragile balance on all these issues. What almost killed the whole treaty was the dispute over the gleaming prospect of seabed minerals—billions of dollars worth of fist-sized nodules rich in nickel, cobalt, copper and manganese. For rich industrial countries, the ocean floor was a potentially secure source of needed resources. For poor, developing countries, it was a promising source of new wealth. At issue were their conflicting claims for control over those resources.

By early last year, a settlement between rich and poor seemed to be at hand. The draft treaty called for a special UN authority to regulate seabed mining and charge royalty-like fees for redistribution to poor countries. In addition, a new UN enterprise would have a right to join private consortia or state companies in seabed mining ventures. But the plot thickened when Ronald Reagan took over the presidency in Washington and quickly announced a complete review of the deal by the United States. Last January, Washington declared its new demands: private corporations (mostly American) must have a freer run at seabed exploitation,

caucus with pleas for patience. But cabinet members say that although Trudeau firmly supported MacEachen's strategy throughout the winter, he has now started to pay close attention to contrary arguments. Still, Canada will probably wait until the seven-nation summit in France early next month to discover if U.S. President Ronald Reagan is determined to stick with his policy of high deficits and high interest rates. If Reagan relents, drastic Canadian policy changes may not be required. If Reagan does not agree to lower interest rates, Trudeau is likely to compare strategies with his summit partners and begin an economic review. If that happens, the heaviest betting is that MacEachen's pride will go—before a fall from power becomes inevitable. ♣

MacEachen's

with less hindrance from the UN.

Meanwhile, the Americans spent last summer quietly canvassing other metal consumers—Japan and European powers—about ditching the UN treaty altogether in favor of a mini-treaty among themselves to carve up the likeliest mine sites before anyone else could even put to sea with their own projects. Hence, the suspense when the Sea-Law meetings resumed in New York this spring: what concessions would it take to persuade the Americans to stay with the UN treaty? Would the caucus of underdeveloped countries—the so-called Group of 77—stand for such concessions? And how many allies would follow the Americans if they rejected the compromises of the past decade?

As if scripted, the plot remained a

instincts of Washington and the Western Europeans—had suddenly and secretly asked itself into the club of mini-treaty states. On the floor of the conference, Kozyrev was attacking the treaty on the grounds that it favored the United States. Behind the scenes, he was asking Malone for a piece of the mini-treaty action. It was far from being the only case of diplomatic deception during the conference, but it *was* among the most startling. When news leaked out, Western delegations could only surmise that Moscow—sensing a Washington pull-out—decided it did not want to be left in the UN authority as its largest financial contributor. Indeed, Kozyrev openly complained that with Washington outside the treaty, only the smaller European countries with seabed mining programs would be

77, turned the gesture aside. It was too late, he declared, "to rescue what is beyond rescuing."

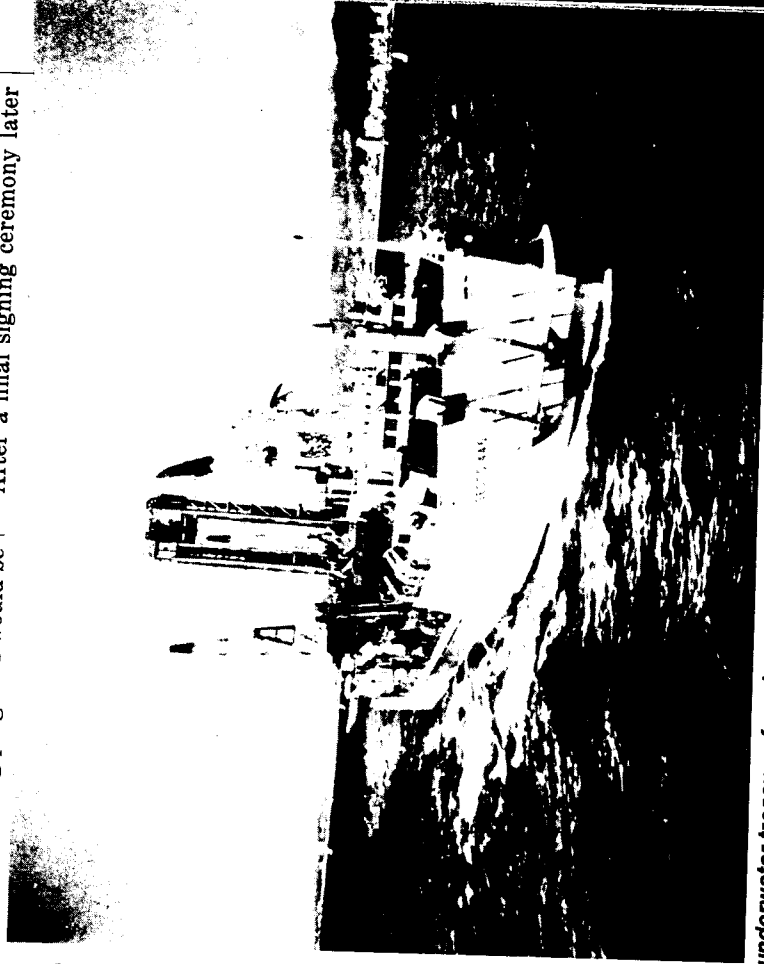
In the roll-call vote that followed, the treaty was approved 130-4, with 17 abstentions—most of those from the Soviet bloc along with Britain, West Germany, Italy and the Netherlands. The United States, Venezuela, Israel and Turkey voted against.

Throughout the seabed dispute, Canada balanced its own conflicting interests. As the world's largest land-based nickel producer, it pressed for controls on excessive seabed production. But it also had to defend the interests of Inco and Noranda, which belong to seabed consortia. In any event, seabed mining is not likely to become commercial until the turn of the century.

After a final signing ceremony later



JILL KREMENTZ



Contestant Beesley and SEDCO 445 in search of underwater treasure: ferocious melodrama twisted by deception and double cross

mystery until the final hours. Having set Friday as their deadline for decision, the conference began with a marathon closed-door session Monday. Among the interlocking issues at play was a Canadian provision governing fish stocks that straddle the 200-mile limit. Beesley's concern was with foreign fleets that honor the letter of the 200-mile law but over-fish just beyond the line of Canadian control. He was opposed by Kozyrev of the Soviet Union. In the end, Canada withdrew its amendment, thus avoiding the risk of spawning votes on other issues that could divide and wreck the conference.

By then, however, a greater threat to the project had arisen. The Soviet Union—long a proponent of the Sea-Law treaty and critic of the capitalist

left to finance the authority and the UN's own mining enterprise.

The Group of 77—actually now more than 100 countries—continued to offer concessions to the Europeans and Americans in the closing days, some based on compromises drafted by Canada and other middle powers. The Americans, however, stolidly refused to swing behind the treaty. Then, on the night before the final day, word emerged that Malone was ready to negotiate on the basis of one of the middle-power compromises.

In the morning, Beesley took up this last hope and urged both sides to reconsider the compromise formula. In a tantalizing reply, Malone called that "something to be considered." But Peru's Alvaro de Soto, spokesman for the

this year, the omnibus treaty will take effect when 60 countries have ratified it. The impact of the U.S. absence from the treaty at this point is problematic. Since most countries already honor the treaty, Washington might be forced to seek bilateral agreements with them to cover such points as U.S. naval access to straits choked off by 12-mile limits. Beesley doubts any U.S. firms will embark on seabed mining until their bankers can be sure their investments will be safe from legal challenges either in U.S. courts or in the International Court of Justice. Ultimately, this or a future U.S. administration may find it better to be part of an imperfect treaty than to be a pariah with its free-enterprise principles intact.

—JOHN HAY in New York

The Canadian and Australian mining industries have much in common. In this the first of a new series on the countries with which Australia competes for minerals markets, the Canadian High Commissioner in Australia, Mr A. BEESLEY and his First Secretary, Metals, Minerals

and Energy, JEAN-YVES TREMBLAY, outline the role of the mining industry in the Canadian economy, cover relations with Australia and present a brief outlook for the future.

Healthy growth forecast

Fierce, but friendly, competition with Australia

Historical Background

ON THE BANKS of the St. Lawrence, more than 400 years ago, the French explorer Jacques Cartier heard Indians tell of gold and precious stones that abounded in this New World. Cartier was disappointed. The stones he took back to France turned out to be "fool's gold" — iron pyrite, but with traces of gold in it.

The same disappointment was experienced a few years later in the 16th century by the Arctic explorer Martin Frobisher. He carried tons of rock from Baffin Island back to England only to find it was worthless. But while neither Cartier nor Frobisher lived to know it, the tales of Canada's mineral riches were prophetic as Canada is today the world's largest trader in minerals.

Samuel de Champlain, early in the 17th century, brought a mining engineer, Master Simon, with him on his second journey to the St. Lawrence; this expedition discovered silver and copper occurrences although neither was significant. These and subsequent discoveries led to early settlement and development efforts but mining developments came slowly in those days.

In the 1700's, the coal deposits of Cape Breton began to be worked. Iron was found, mined and smelted for local use in what is now Quebec. Silver, lead and copper discoveries were made in what is now Northern Ontario. The comprehensive reports of Samuel Hearne on vast stretches of the Northwest Territories for the Hudson's Bay Company from 1769 to 1772 were later to spur mineral-hunting in these regions.

After the turn of the 19th century, mining boomed in Northern Ontario where earlier blasting operations in the building of the Canadian Pacific Railway accidentally led to the great



MR BEESLEY

nickel-copper deposits of the Sudbury Basin. Other areas where mining activity boomed were in North-western Quebec copper-gold area, at Cobalt in 1903 where rich deposits of silver were found as a result of accidental blasting by a railway construction crew also. By 1920 coal and iron ore mines were supporting a steel industry, and zinc and nickel refining began in Ontario. Development of the copper-zinc discoveries at Flin Flon began. In 1929, Canada was producing 90 percent of the world's nickel.

A pause occurred (except for gold) during the depression. Then radium and uranium were found at Great Bear Lake. Canada's mines were then called on to supply a large part of the Allied requirements in World War II. Vast iron ore reserves were discovered and major developments took place in the Quebec-Labrador area; uranium developments in Ontario and Saskatchewan catapulted Canada to the top rank in atomic metal; scores of base metal mines were opened up across the country, including a large lead-zinc mine at Pine Point in the Northwest Territories and a second major nickel complex in Manitoba.



MR TREMBLAY

The Economic Significance of the Mining Industry Today

There are about 300 operating mines some 230 mills, 16 smelters and 15 refineries in Canada, producing more than 60 different commodities. The mining industry accounts for about 8 percent of all new capital investment in Canada. Crude minerals account for about half of all rail freight tonnage and half of all inland waterway freight. The 1979 value of Canadian mineral production was \$27 billion, equal to about 8.5 percent of the Gross National Product. Minerals and their fabricated products are shipped to some 100 countries, the United States taking over 60 percent of the total value of exports which was \$13.6 billion in 1978 (equivalent to about 26 percent of the total Canadian commodity export value).

The average weekly wage and salary in the mining sector was \$374.73 in 1978, the second highest among all major industries. These wages and salaries were paid to approximately 120,000 Canadians employed directly in the mining industry.

Continued next page

The Canadian Mining Industry and the World

Canada ranks first on a per capita basis, and third on an absolute basis among the major mineral producing countries. It is the western world's leading producer of asbestos, nepheline syenite, nickel, potash and zinc and ranks second as a producer of cobalt, uranium, gold, gypsum, molybdenum, selenium, silver, titanium and uranium.

Because of a limited domestic market, the Canadian mineral industry depends to a great extent on foreign markets. Non-fuel minerals and metals exports during 1978 were valued at \$8.6 billion while imports were estimated at nearly \$3.2 billion. However, the relative importance of mineral exports as contributors to the balance of trade is diminishing.

Canada's mineral prosperity is tied primarily to the North American continent. The U.S.A. is Canada's major trading partner in minerals, receiving about 61 percent of our exports and supplying 60 percent of our imports. The U.S.A. is of particular importance as a market for our semi-manufactured mineral products, taking 82 percent of such exports. Proponents on both sides of the border have recently advocated some form of economic unity between Canada and the U.S.A.; while such proposals are only exploratory in nature, Canada's minerals will continue to be of great strategic importance to the American economy.

Although Canada produces some 60 different minerals, it is nevertheless dependent on imports for about 15 percent of its oil consumption and for minerals such as phosphate rock, bauxite, tin, chromium and manganese.

Governments and the Canadian Mining Industry

a) Jurisdictions

The Federal Government has broad powers in fiscal and monetary policies, trade and external affairs. It also has responsibility for mineral affairs in the Yukon and Northwest Territories and other areas falling under its jurisdiction.

The provincial governments own the mineral resources within their boundaries, and have broad powers that affect the management and rate of development of these resources.

While consensus on all policy issues is difficult, the trend has been towards

increasing consultation between the two levels of government; consultations at ministerial level have been fairly intense in recent years, notably over the areas of taxation and petroleum pricing.

b) Taxation

Fiscal policy towards the mineral industry in Canada is fairly complex and has been a most controversial item of debate between the provincial and federal governments.

There are three kinds of taxes applying to the mining industry: federal income tax, provincial or territorial income tax and provincial or territorial mining tax. The first two are levied on the income up to and including the prime metal stage while the third is levied on the income from mining only.

The effective Federal Income tax rate is 27 percent, while provincial rates and royalties vary from province to province and mineral to mineral. The Federal legislation provides for writing off exploration expenditures and development costs at a rate of 30 percent per annum. It also provides for an earned depletion deduction of \$1 for every \$3 of eligible expenditures (exploration, development and depreciable assets for a new mine or expansion). In most provinces the effective rate is around 9 to 11 percent. Some provinces provide a 25 percent allowance between 9 and 25 percent to encourage mining companies to upgrade their output by smelting and refining their minerals.

In recent years, the Federal Government reduced its rate of corporate income tax to provide more room for provincial, income taxes. Since 1974, provincial mining taxes and royalties are no longer deductible for federal tax purposes. The change was introduced to counteract a trend which would have led to a serious erosion of the federal tax base. Unfortunately, the mining industry in some provinces in particular was seriously affected by these changes.

Policies

Canadian mineral policy has focused on one area in particular; further processing. A great deal of effort took place in the early 1970's to elaborate mineral policy goal and objectives. The principal goal was defined as optimum benefit for Canada from the use of minerals. A set of objectives was

spelled out; the most important in terms of economics, are: security of supplies for domestic requirements, contribution to regional development, increased returns from exports, opportunities for further processing and promoting increased Canadian ownership and control of the industry.

Needless to say, the spectrum of mineral policy objectives required intense consultations with provincial governments and the industry. However, the problems recently faced by most of the mining industry in terms of depressed world prices and markets, made it difficult for governments to concentrate on the policy objectives enunciated earlier; massive lay offs, underutilisation of capacity and the like, took priority in terms of problems requiring government attention. Nevertheless, some sectors of the industry have and should continue to improve as a result of stricter environmental legislation in the U.S.A. (notably in the case of zinc and copper) where it is becoming increasingly difficult to engage in smelting activities and in Japan which has been hit particularly hard by the escalation of oil prices. Aluminium smelting in Canada is also an activity which should benefit from shortages of electric power in some areas of the U.S.A.

Sector Profiles of the Industry

It would not be realistic to attempt to present a comprehensive description of the Canadian mining industry in this brief paper. The following sector profiles were selected because of their economic significance for Canada and Australia, one of our major competitors.

Coal

Canada is the world's sixth largest exporter of coal with some 40% of production exported. In recent years, approximately 90% of Canada's metallurgical coal exports has been shipped to Japan. Canadian production of all types of coal in 1979 was 33 million tonnes worth \$858 million, bituminous coal accounting for about 17 million tonnes. Alberta and British Columbia in Western Canada together produced some 73% of total Canadian output. Approximately 85% of all coal is produced by surface methods.

However, Canada is a net importer of coal; these imports (15 million tonnes in 1978) from West Virginia and Pennsylvania, are shipped mostly

to Ontario for use in power generation and steelmaking. High transportation costs and inadequate terminal facilities for Western Canadian coal have so far prevented the large-scale development of this market.

Coal is used to produce 11% of the total energy supply in Canada. Thermal coal exports have so far been limited but should assume a growing importance as consumer nations begin to diversify away from oil as an energy source.

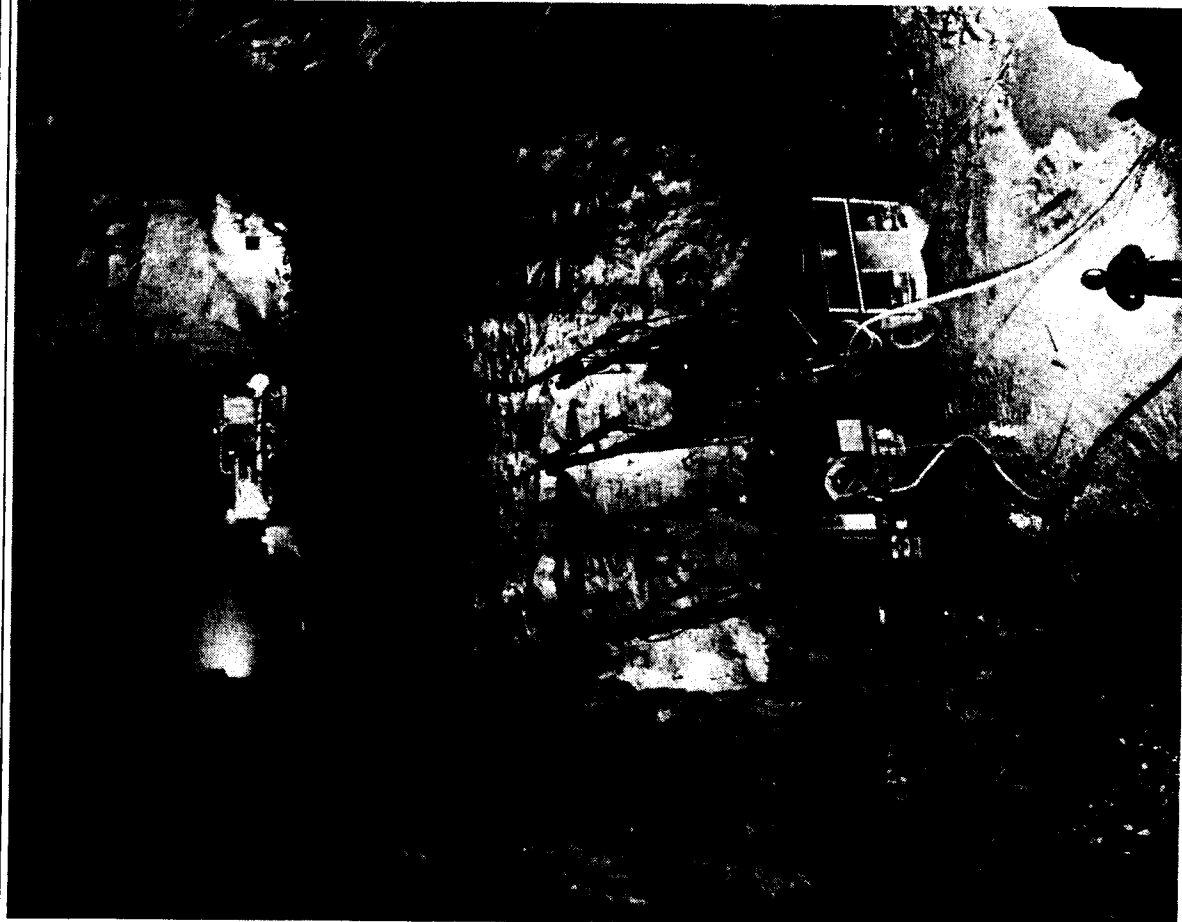
Although Canada possesses only about 1% of the world's known coal resources, this small percentage represents hundreds of billions of tonnes, and should support domestic needs and exports for centuries.

Uranium

Canada's six operating uranium mines produced some 20% of total world output in 1978, i.e. 6,800 tonnes U. (One metric ton of elemental uranium (tonne U) = 1,299 short tons of uranium oxide or yellow cake (U3O8).) Of this total, only some 800 tonnes of U were required for domestic use. Most material for export is processed to the form of uranium hexafluoride (UF6) prior to export.

Canadian uranium is mostly marketed on the basis of long-term contracts for supply at prices that are renegotiated annually. All such contracts and prices must be reviewed by the Atomic Energy Control Board, taking into account such things as adequate safeguards against non-peaceful use and the long term domestic requirements. The majority of deliveries recently have been destined for Europe and Japan but the material is generally delivered to the U.S.A. for enrichment.

Exploration for uranium in Canada has expanded significantly over the past six years to a level where some \$90 million was spent in 1978. About half of these expenditures have occurred in Saskatchewan, where several significant discoveries have been made. It has been reported that the discoveries made in the province have an average grade of 30 pounds a ton compared with world average commercial deposits of 3 pounds a ton. They even surpass the important discoveries of the Northern Territory of Australia where grade is around 8 pounds per ton. With the exception of Midwest Lake, none of the deposits discovered on the south-east rim of the



Underground copper mining in Canada

Lake Athabaska basin is more than 500 feet deep. According to private sources, capital and operating costs could be as low as \$10 per pound of uranium oxide which should at least be on par with Northern Territory operations and could be bettered only by South African producers for whom uranium is a by-product of gold.

Iron Ore

In normal circumstances, producers shipments of iron ore average about 60 million tonnes in Canada of which exports are about 45 million tonnes. The U.S.A., Western Europe and Japan respectively take around 59%, 32% and 7% of our total exports. However, new iron ore demand in Canada is being met by imports from the United States where investments were made in the mid 70's by the major Canadian

steel producers. This situation results from the fact that the major production facilities in north east Canada are captive sources of iron ore for the U.S. steel industry. Being captive sources has the advantage that our iron ore industry has been relatively well sheltered from the vagaries of world iron ore markets. For example, the price for pellets to North America consumers increased 22% (from 54.6 to 66.71 cents a unit cif Lake Erie) between the end of 1977 and August 1979. In European and Japanese markets, the prices of iron ore increased by only 5 to 9% in 1979 due to the competitive nature of these markets.

A number of mines have closed in Ontario over the last few years; these mines are not being replaced and as a result, some 300 iron ore workers have lost their jobs in 1978 and another

1,300 will be losing their jobs in 1979 and 1980. These closures are due to the depletion of reserves, surpluses in production or the threat posed by increasing world demand for direct shipping ore such as found in plentiful quantities in Brazil and Western Australia.

Nickel

Canada's long held position as the world's leading nickel producer is based entirely on deposits of the sulphide type. The nickel industry consists of three major companies that mine and process ore through to the refined metal stage and some small producers that ship concentrates to the major producers for treatment. Inco is the largest producer of nickel and is also a major producer of copper and precious metals. The company accounts for about 80% of Canada's nickel production and has some 15 mines in Ontario and 4 in Manitoba.

Canadian nickel production usually averages between 230,000 and 275,000 tonnes of metal but a drastic decline of 46% was recorded in 1978 because of a strike that lasted almost 9 months at Sudbury, Ontario, a dispute that cost Canada more lost man-hours than any strike in its history. Production is almost entirely exported as domestic consumption only amounts to some 10,000 tonnes a year. Exports are in the form of refined metal, nickel oxide and unrefined products such as matte. Our major clients are the U.S. (refined and oxides), U.K. and Norway (matte for refining).

By mid-year 1978 employment at Canadian nickel mines had decreased to about 21,500 from the 26,000 level of mid-1977.

Canadian production of nickel in all forms is expected to increase to 390,000 short tons by the year 2000. Reserves in 1975 were 7.9 million short tons.

Aluminium

Canadian production of primary aluminium ingot was 1,048,469 tonnes in 1978. The industry employs about 20,000 people. Alcan is the largest producer and operates four smelters in Quebec and British Columbia. It operates a 1,258,000 tonne alumina plant at Jonquiere, which supplies 70% of company smelter requirements; the balance is imported primarily from Australia and Jamaica.

Canada has no sources of bauxite and is totally dependent on imports

for raw materials. However, Alcan and Pechiney completed a test program in 1978 and have started a feasibility study on a pilot plant to extract alumina from sources such as clay. The Canada Centre for Mineral and Energy Technology has examined potential domestic raw material sources and has identified promising candidates such as coal mining wastes, anorthosite and ash from coal fired power plants.

Rising energy costs will greatly enhance the competitive advantage of aluminium producers such as Australia and Canada where abundant sources of coal or hydroelectric power are available.

Lead

Canadian mine production of lead in 1979 was 316,000 tonnes. Domestic consumption is about 110,000 tonnes a year (partly from secondary sources) and exports amount to about 300,000 tonnes a year, of which half is in the form of ores and concentrates. Ores and concentrates go mostly to Japan and the main markets for refined lead are the U.S.A. and the U.K.

Employment at mines, smelters and refineries producing lead is approximately 11,000.

Zinc

25 to 30% of all zinc consumed in the western world comes from Canadian mines, which in turn makes Canada 90% reliant on foreign markets. Refining capacity is currently sufficient to process 50% of domestic mine production. Total employment in the zinc industry is roughly 8,000 at mines and 2,000 at refineries.

11 mining properties and 4 smelter projects are presently underway or under consideration and Cyprus-avnil Corporation is conducting a feasibility study for a zinc-lead smelter at its properties in the Yukon.

In 1979 Canadian mine production was 1,148,000 tonnes and metal production was around 495,000 tonnes. Record levels of zinc metal can be anticipated over the next few years as domestic processing increases. This expected increase in processing is made possible by events in consuming countries like Japan where an increase of 50% in the cost of electric power is expected and where power accounts for 70% of the cost of zinc refining (4,500 Kwh per tonne of metal). In the U.S.A. domestic zinc processing capacity has been reduced by 50% and

imports of zinc metal have increased by 80% over the last few years.

Canadian Mineral Interests in Australia

A number of large Canadian corporations have fairly substantial interests in Australia. Amongst the most important are Alcan, Cominco, Noranda and Placer Development. Alcan of Australia Limited, 70% owned by Alcan Aluminium operates a smelter at Kurri Kurri where capacity will be increased to 130,000 tonnes a year. Alcan also owns 21.4% of Queensland Alumina through Alcan Queensland Pty. Ltd.

Cominco's presence in Australia is represented by Aberfoyle Limited which is involved in tin mining and diamond exploration.

Noranda Australia is currently conducting studies on its Kooongarra uranium deposit in the Northern Territory.

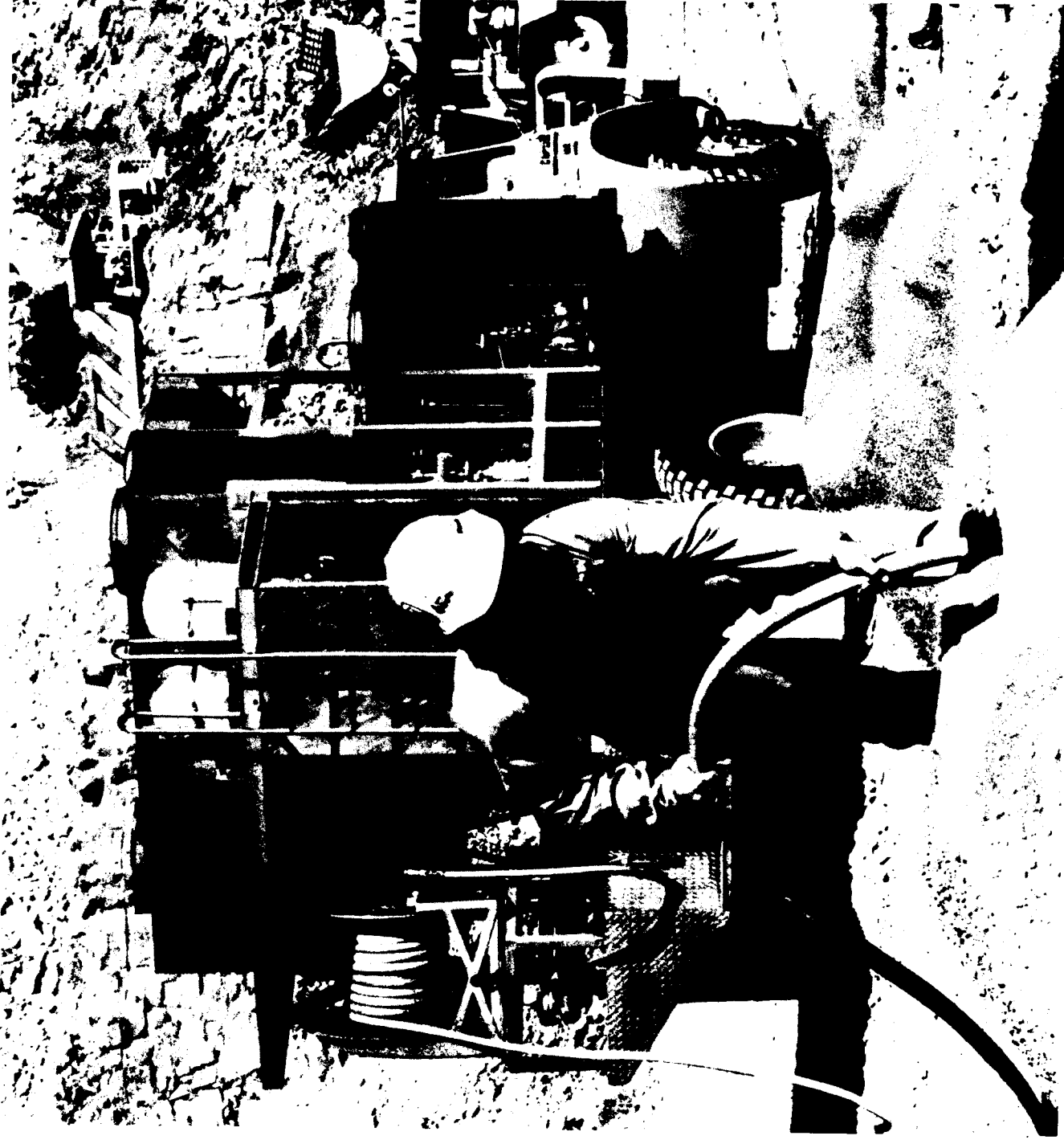
Recent Trends

Both the mining and mineral processing industries in Canada enjoyed one of the best years of the decade in terms of operating revenues and net profits in 1979, even though volume of output dropped for a number of major metals. Total value of production reached an all-time high of \$27 billion. The most startling changes of the year occurred in the gold industry where long abandoned mines were reopened and existing mines were expanded. The price trend was welcomed as Canada is the western world's second largest gold producer.

Mineral exports, which represented 30.9% of total domestic exports in 1970, represented only 28.7% in 1979, even though many metals experienced a price boom. Crude mineral exports as a percentage of total mineral exports increased from 54.6% in 1970 to 61.8% in 1979, indicating a smaller share of exports in fabricated forms where value and benefits to Canadians would be greater.

Relations with Australia

Canada and Australia, both former British colonies, have a great deal in common. One of the important common features of our countries is that both are the major exporters of minerals to world markets. The competitive nature of this important economic activity is well illustrated by the fact that both countries have established mineral specialist positions at their re-



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spective diplomatic missions in Canberra and Ottawa. However, the competition, although fierce, is very frank and friendly. In multilateral fora such as UNCTAD, the International Energy Agency and the OECD, our respective delegates have adopted fairly similar positions on various issues such as commodity agreements, energy and mineral policies. This situation results from the fact that both nations are developed exporters amongst participants which for most part are either developing countries, exporters of raw materials or industrialised importing countries.

Brief Outlook

Forecasters expect skyrocketing capital expenditures in the Canadian mining industry. Warnings of economic recession seem to do little to dampen the plans of the industry, particularly in the energy fields — coal, uranium and oil sands. Mining companies have recently indicated intentions to spend some \$18 billion through 1985. Investment intentions and recent financial reports surely reflect the health and the confidence of the industry as it seems to recover well from the stagnation of the previous few years. A recent survey indicated that profits of base metals companies rose by 160% in 1979. The decline in the value of the Canadian dollar was surely an important factor in the recovery of this heavily export oriented sector, as well as more encouraging taxation policies by governments and improving markets in general.

A recent development which could have serious long-term adverse implications for Canada and other exporters of nickel, copper and cobalt (as well as manganese) relates to the likelihood of subsidized competition in the early 90's from "mining" of manganese nodules on the deep ocean seabed beyond the limits of national jurisdiction. The advent of new technology, coupled with the near completion of a draft UN treaty regime applicable to the deep ocean seabed, could provide the basis of competition from a new source for the markets of existing and potential land-based producers of these minerals. The major concern of Canada and other "land-based producers" arises out of the determination of the major consuming countries who together account for 80 to 90 percent of the consumption of the four

main minerals found in manganese nodules, to become the major miners of the seabed, and thus their own suppliers of these minerals. A serious dispute has arisen in the Law of the Sea Conference over the demand of the major consumer countries for the inclusion in the proposed treaty of a nickel production "floor", which would constitute a guaranteed treaty right for seabed miners to produce up to a stated level of nickel tonnage during specified periods, irrespective of market conditions. If, through this device, the major consumer/seabed miner states are able to become their

own major suppliers in a relatively short time span, there could be a serious dislocation of international markets, and a severely adverse effect upon existing and future land-based producers of these minerals. There is a good possibility, however, that a compromise can be negotiated in the March Session of the Law of the Sea Conference in New York, on the basis of a more realistic guaranteed "floor", (as proposed by the land-based producers) which would provide a fairer basis for competition between land-based mineral producers and seabed mining countries.

EXPORT NOW

News

Mining export award

Deputy PM to present 1980 prize

AS PART of the Government's national three-year Export Now campaign, the Australian Mining Industry Council, in association with the Trade Development Council and the Department of Trade and Resources is again organising the presentation of an award this year to recognise the mining sector's contribution to national export earnings.

The first award was made last year to Comalco Limited, the world's largest producer of bauxite.

In making the award, the judges took into consideration the company's difficulties in achieving satisfactory results in spite of structural changes to the international bauxite market and increasing competition from other bauxite suppliers.

The award is a 10in high work in bronze and brass by Melbourne architect and sculptor, Michael Meszaros. It is valued at about \$1000.

The judges were also so impressed with the performance of R.B. Mining, a small, privately-owned company, that they awarded it a Special Commendation.

The judges said that they were particularly impressed by the firm's use of technological innovation, trade and marketing promotion and active market searching.

Applications have been called for the 1980 award.

The award will be presented to an individual firm or organisation in the

mining industry which, regardless of size, has demonstrated over a period of years outstanding enterprise, skill and initiative in the field of mineral exports and mineral development. The award will be presented at the annual general meeting of the Australian Mining Industry Council in Canberra on May 19, by the Deputy Prime Minister and Minister for Trade and Resources, Mr Anthony.

Achievements to be considered in judging the award include:

- (1) Innovative techniques employed to win overseas sales or contracts:
 - Efforts to determine specific requirements of countries for grading consultancy, engineering, contracting, etc.
 - Design of special packaging.
 - Evaluation of competitive exports and/or services.
 - Product research (as distinct from quality control).
 - Allocation of scarce management and other resources to ensure continuing overseas business.
 - On-site training of overseas sales and other personnel, e.g., apprenticeship schemes.
 - Incentive to domestic staff to acquire proficiency in foreign languages and qualification in export practice.
- (2) Promotion techniques employed overseas.
- (3) Environmental and Sociological Initiatives.



N.D.P. LEADERSHIP CONTESTANTS ROSEMARY BROWN AND ED BROADBENT
Formidable competition from an unexpected source.



CHARLES MITCHELL—CP

guys who come to a party with smelly socks. But after all, we are a very important coastal state."

At the last meeting in Caracas in 1974, about the only points of agreement were that the laws of the sea are outdated and that unless they are changed soon, there will be a series of unilateral "sea grabs." Most of the traditional maritime powers—including Britain and the U.S.—adhere to the three-mile territorial limits set out originally by the range of 18th century coastal batteries even though they now favor a twelve-mile territorial limit. But several Latin American countries including Mexico, Peru and Ecuador have claimed jurisdiction within a 200-mile limit.

"Economic Zone." Canada, too, has taken several unilateral actions. In 1964, Ottawa established a nine-mile fishing zone beyond the territory limit. (The U.S. first protested the move, then followed suit.) Then, in 1970, Canada extended its territorial limits to twelve miles and set up 80,000 sq. mi. of exclusive fishing grounds, including the Gulf of St. Lawrence, the Bay of Fundy and Queen Charlotte Sound. After the U.S. tanker S.S. *Manhattan* navigated the Northwest Passage in 1969, Ottawa laid claim to jurisdiction—though not sovereignty—over arctic waters for 100 miles off the coast to protect the frail environment of the north from potential foreign polluters.

Canada has won considerable support for that claim in Caracas and Geneva, in part because the Arctic is so highly vulnerable to ecological catastrophe, and partly because other nations—chiefly the Soviet Union—stand to benefit from any Canadian precedent. Canada is also supporting the widely

the nations of the world have intermittently been trying to write a new law of the sea. Last week in Geneva, the process seemed to be finally reaching a make-or-break point as more than 2,000 delegates from 137 countries argued and haggled over the central issues of the debate.

"Sea Grabs." For Canada, as much as for any nation, the outcome is crucial. Ottawa's 57-man delegation, operating on a lavish, \$1,000,000 budget, is attempting to make major territorial and jurisdictional claims beyond and around the world's longest coastline. This position is curiously at odds with Canada's usual internationalist stance on the world stage—a fact that little perturbs the delegates themselves. Says J. Alan Beesley, who doubles as ambassador in Vienna and Canada's law of the sea expert: "I know that we are still being regarded here as the upstarts, the

ALLEN GRANE



AMBASSADOR J. ALAN BEESLEY AT THE LAW OF THE SEA CONFERENCE IN GENEVA

but if elected, "I will get some weekends to spend with my family, listen to Bach or read novels."

The only problem with that pleasant and sensible arrangement is that Broadbent now has competition for the job, and the final decision will not be made by the party's brass, but by 1,500 or so voting delegates. Last week, Lorne Nyström, 28, the bright, gregarious M.P. for Yorkton-Melville, announced that he will run for the leadership. Former M.P. John Harney, who ran third at the last such convention in 1971, is expected to announce his candidacy soon. Neither is likely to win—Nyström because of his youth, Harney because he lost his seat in last July's election—but Broadbent could face more formidable competition from an unexpected source. She is Rosemary Brown, 44, a chic, articulate, Jamaican-born member of British Columbia's Legislative Assembly. She has been campaigning hard for the leadership for the past month, and is "taking the party by storm," in the words of one provincial leader. Brown promises a "strong campaign, based on a commitment to socialism, feminism, the preservation of our natural resources, the protection of our environment, and for the rights of workers and all people." She says it with so much conviction that Broadbent may yet have to choose between his weekends and his job.

THE SEA

Defining the Limits

The ocean, declared the Dutch jurist Hugo Grotius, "is common to all, because it is so limitless that it cannot become the possession of anyone." That was nearly 400 years ago. Today, with the depletion of world fish stocks, the rush for many undersea minerals and a dawning sense of the fragility and finiteness of the marine environment, there is a growing desire to control and own the resources of the oceans. Since 1958,

shared goal of a twelve-mile territorial limit and a 200-mile "economic zone" that would give coastal nations power over how offshore waters are fished and exploited for minerals.

What is really making waves in Geneva, however, is Canada's insistence that maritime nations have full economic control over their so-called continental margins, the slope that extends beyond the continental shelf to the ocean-floor plain. In Canada's case, this would for example stretch 640 miles into the Atlantic and would be the equivalent of about 40% of the country's land mass. "It is simply too much, too unilateral, too greedy," says one of the British delegates. Comments a Dutch specialist: "It makes a sham of the avowed purpose of this conference to share marine resources with the havens." Although some 40 states support the proposal the chances of winning the necessary two-thirds majority support seem slim.

"New Urgency." Canada is also pushing for a ban on salmon fishing in international waters, claiming that a salmon spawned in Canadian waters remains Canadian wherever it may subsequently travel—and that as a result, harvesting should be under Ottawa's control. Says one senior Canadian official in Ottawa: "We've got to make a big noise about it, because it is vital to our interests and there is not much support for it." Apparently aiming to promote its cause, the Canadian delegation last week flew in 150 lbs. of smoked salmon and New Brunswick crab meat and threw a party that, even by Geneva standards, was of potlatch-like proportions.

Few, if any, delegations are willing to predict a successful outcome of what

may be a last attempt to codify a universal sea law. Beesley himself finds that the early part of the Geneva talks (the conference will last another five weeks) has not been particularly discouraging.

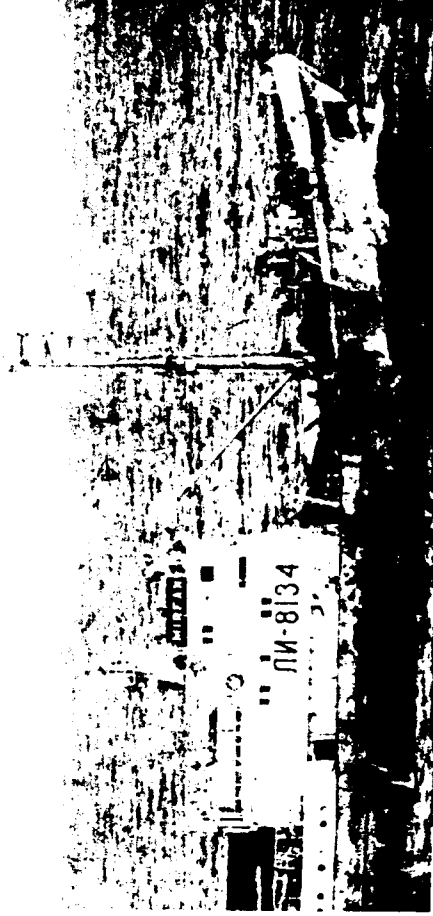
"The harsh polemics of the previous meetings have turned into genuine negotiations," he says. "In the dozens of committees, working groups and informal talks, there is a new sense of urgency." The problem is that the whole conference could founder on an issue such as the free passage of ships through straits narrower than 24 miles—especially since a one-third vote can block any major measure. But so far, says Beesley, "the votes have not been pressed, and that's why I remain relatively optimistic."

FINANCE

Power Play

Since he took over as chairman in 1968, Montreal Financier Paul Desmarais has aggressively built Power Corp., once a Quebec hydroelectric power supplier, into the largest investor-owned industrial holding company in the country, with assets estimated at some \$500 million. The second-ranking industrial holding company is Toronto's Argus Corp. Ltd., which was set up in 1945 by a group led by Beer Tycoon E. P. Taylor and today is reckoned to be worth around \$200 million. Last week in a daring move that startled most businessmen and puzzled some, Desmarais' Power Corp. announced that it would attempt to take over Argus—and immediately ran into a solid wall of resistance thrown up by the older firm's controlling interests.

CANADIAN FORCES



CANADIAN FORCES HELICOPTER SURVEYING RUSSIAN FISHING VESSEL

TIME, APRIL 7, 1975

CANADA

If successful, the takeover could bring about a concentration of wealth and financial clout unprecedented among Canadian holding firms. Under the leadership of President John A. ("Bud") McDougald, Argus is a profitable but cautious giant that specializes in holding relatively small but significant interests in a select number of blue-chip firms. Among Argus' major holdings: a 23.6% interest in Dominion Stores Ltd., Canada's largest supermarket chain; 16.9% of Donmar Ltd., the country's biggest diversified maker of packaging and construction materials; 21.2% of Hollinger Mines Ltd., which in turn has a controlling interest in Noranda Mines Ltd.; 15.6% of Massey-Ferguson Ltd., one of the world's major farm machinery manufacturers; and 47.7% of Standard Broadcasting Corp. Ltd., which operates Toronto's CFRB radio and Montreal's CIAD.

Unlike Argus, Power Corp. customarily goes after outright majority control of firms covering a far more diversified front. Power Corp.'s main operating subsidiary is Canada Steamship Lines, Ltd., which it wholly owns. Power Corp.'s portfolio also includes a 37% interest in the forest products firm of Consolidated-Bathurst Ltd., which also controls Dominion Glass Co. Ltd., 56.5% of Winnipeg's Investors Group whose subsidiaries include The Great-West Life Assurance Co. and the Montreal Trust Co., 51.2% of Toronto's Imperial Life Assurance Co. of Canada and 53.1% interest in Vancouver's Laurentide Financial Corp. Ltd. Through another firm, Gesca Liée, Desmarais also owns or controls Montreal's *La Presse*, *Montréal-Matin* and three other Quebec dailies. With extensive business interests in Quebec, Manitoba and British Columbia, notes a Power Corp. official, "there's a big hole in the middle—in Ontario—and that's where Argus has its strength."

Serious Obstacle. Power Corp. prepared its offer in secret—"the stock market didn't get a whiff until we were ready," says one executive, and then, after Desmarais personally met McDougald to tell him about the bid, announced its intentions. This week the company planned to mail out offers to 1,517,252 holders of Argus common stock (a Power Corp. subsidiary already owns 175,484 shares, a 10.3% interest). Power will offer \$22 each for the shares, which closed out the week on the Toronto Stock Exchange at 19½, up from 15¼ before the takeover attempt was announced—an indication of the market's strong interest in Power Corp.'s offer. Power Corp. also will offer \$17 for each of the 6,770,944 class C, nonvoting Argus shares that ended the week at 14½, up from 12¾ before the announcement. The total cost, if Power Corp. succeeds in buying all the outstanding shares:

MAN WITH A MISSION

B Y R O N G R A H A M

OUTSIDE THE UNITED NATIONS on First Avenue in New York, television crews squatted in the sun like Calcutta beggars, waiting to thrust their cameras and microphones toward any likely twenty-five-second comment. Fighting had started near the Falkland Islands, and the peace initiative had moved from Alexander Haig, the American secretary of state, to Javier Perez de Cuellar, the UN secretary-general. Sweat glistened on the makeup of the ABC correspondent. According to his report, however, the real heat was on the famous glass-and-marble UN secretariat building in the background. The effectiveness of the world body was once again in question.

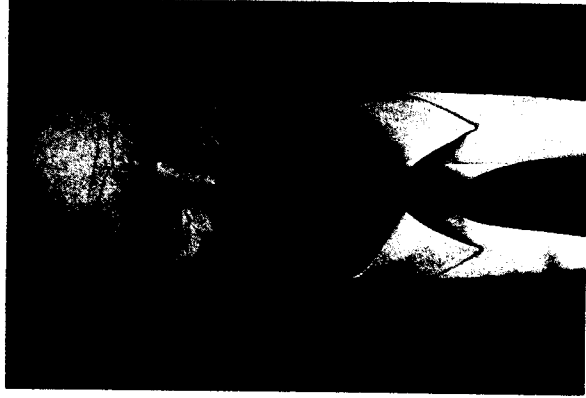
Typically, the United Nations had been handed someone else's failure and expected to accomplish the improbable — quickly. Typically, a Gilbert-and-Sullivan war in the south Atlantic had lent news value to an organization that can boast of having eradicated smallpox, trained 100,000 teachers in the Third World, and banned nuclear weapons from outer space. Even the diplomats in the delegates' lounge succumbed to the gossip of battles and negotiation, perhaps as relief from their more mundane discussions.

In a boardroom on the north side of UN Plaza, the senior staff of the permanent mission of Canada was devoting part of its regular Tuesday morning meeting to the crisis. The eight men and two women considered contingency plans in case Canada were called upon to provide peacekeeping personnel in the Falklands — a likelihood, considering that Canada is the only UN member to have participated in almost every similar operation.

"All the more likely because of our familiarity with the extreme climate — an argument that didn't work with the Middle East, perhaps, but I'm sure it will be used," joked Gérard Pelletier, an unpretentious man with the grand title of ambassador extraordinary and plenipotentiary and permanent representative. "It's still a bit early to say, but we have to prepare for the question as to whether we want to be the ones."

Pelletier had a more immediate concern this April day: a vote coming up in the emergency special session of the general assembly. It had been called by a majority of the 157 members and was only the seventh such session since the United Nations was founded in 1945. The emergency was not in the Falklands, or in Afghanistan, or in Central America. It had to do with the question of Palestine, and that fact touches on the tensions and uncertainties at the heart of the institution.

Normally the general assembly meets between mid-September and December. But in July, 1980, in anticipation of Israel's annexation of Jerusalem, the Arab nations and their African and Asian sympathizers (most of the 123 "non-aligned" member nations) convoked the seventh emergency session. The



HAVING SPENT

a year as Canadian ambassador to the United Nations,

Gérard Pelletier

believes "there

is a need to

come back to

earth about what

the UN can do."

Otherwise

every UN initiative

is bound to

become "another

occasion for

disappointment and

disillusionment"



composition of that majority helps explain why the Middle East, Namibia, and, to some extent, Kampuchea, have become the obsessions — some say poisons — of the UN's political work. The 1980 resolution, which Canada opposed as one-sided and unrealistic, included a provision that the session be merely "temporarily suspended."

Twenty-one months later, despite Israel's recent return of the Sinai to Egypt, the emergency session was resumed. The resumption was triggered by Israel's disbanding of municipal councils on the West Bank and other grievances in the occupied territory. Some thought the Arabs were abusing the resolution convoking the emergency session. Perhaps so, but it was the Arabs' way of expressing their frustration with the United States veto in the security council, the executive arm of the system. Under the UN charter, only the fifteen-member council has the power to act in matters of peace and security, whether by directives or sanctions or expulsions, and any action needs the concurrence of the five permanent members: the U.S., the U.K., the U.S.S.R., China, and France.

Still, a resolution passed by the general assembly bears the weight of world opinion and some moral force. So when Michael Kergin, the Canadian mission's political counsellor, heard alarming reports about the resolution being prepared, he spent many hours in the corridors and lounges, trying to get the draft toned down. He was particularly concerned about a threat to review Israel's status within the UN: any such ostracism would sever dialogue, prompt the Israelis to toss the UN peacekeeping force from the area, and encourage the U.S. to cripple the UN politically and financially. The resolution was expected to be as inflammatory and impractical as its predecessor, and so Canada would not support it.

Canadian votes on Mideast questions are always accompanied by an explanation, partly because of the sensitive domestic interest, partly because of the fine line between the legitimate rights and concerns of Israel and of the Palestinians. Canadian support of the June 26 resolution condemning Israeli actions in Lebanon, for example, did not mean Canadian recognition of the PLO; nor did Canadian opposition to the more polemic Arab resolutions mean Canadian approval of Israel's annexation of Jerusalem.

This delicate balance required that Canada's explanation-of-vote be drafted by the Mideast desk of external

affairs in Ottawa, after consultations with the mission in New York; then approved by the secretary of state for external affairs himself before delivery by Canada's ambassador to the UN. Except for keynote addresses and disarmament statements, the Mideast explanations are the only matters that go routinely to the highest level.

The vote came the next morning, April 28. By the time resolution A/ES-7/L.3 reached the floor of the general assembly — a vast and vaulted auditorium whose subdued lighting gives some intimacy to the giant abstract murals and overhead glass booths — the lobbying had finished and the government at home had pronounced.

There would be no surprises. The speeches were a form, not a debate, instructive only to those who could pick up a nuance in the Egyptian abstention. The U.S. would vote against this "ill-inspired, offensive document that will reinforce an attitude of cynicism toward the general assembly." Jordan would vote for "this draft which would help alleviate the plight of the suffering people in the area."

While Surinam and Cameroon delivered their wisdom, Ambassador Pelletier and Michael Kergin sat at the desk marked "CANADA" — between "BYE-LORUSSIA" and the exit — waiting for last-minute approval of Canada's statement by External Affairs Minister Mark MacGuigan, who was in a caucus meeting. Kergin looks like a Clark Kent who no longer believes in the existence of Superman. Three times he walked down to the secretarial table beneath the marble podium to move Canada to the bottom of the speakers' list, to gain time and the slight advantage that comes with speaking near the vote. No delegation could be expected to change its mind on hearing Canada's carefully crafted, even-handed opinion, but at least the hall would be full and the coffee klatches breaking up.

At last the president of the assembly, Ismat Kittani of Iraq, called upon the distinguished representative of Canada. Gérard Pelletier of Victoriaville, Québec, read the explanation-of-vote in a soft, elegantly accented English. Canada deplored the increase in tension, expressed concern, and counselled restraint, but it could not support any preconditions that would undermine the prospects of a negotiated settlement in the region.

"If we are serious about trying to promote a settlement," Pelletier said, "should we not be focusing more on helping the parties eliminate the obsta-

cles that are keeping them from finding solutions of their own? Unfortunately draft resolution number A/ES-7/L.3 does little to break from the polemics of the past . . . There are many elements in paragraphs 1, 7, 8, 9, 10, 11, 14, 15, and 17 which we simply cannot support and consequently we must vote against the resolution."

(Pelletier appreciated Canada's tradition of brief, unrhymed speeches, though at the staff meeting the day before, he had initiated an effort to increase intellectual vitality and philosophical perspective in the next assembly's statements. "Our speeches sound more appropriate to a board of administration than to a world forum for policies," he had explained. "We owe it to Canada to display our rationale more. On the Middle East, for example, we have a well-defined position, but we need something with more depth.")

Pelletier's reasoned and reasonable explanation contrasted sharply with the next — and last — speaker. Yehuda Z. Blum, the permanent representative of Israel, knew that the vote would go against his country. The emergency session was a travesty, he said, "by the forces of international lawlessness that have taken control of this organization and that ride roughshod over the charter, the rules of procedure of the general assembly, elementary propriety, and basic logic." The UN itself was "a Kafkaesque body that is eagerly divorcing itself from the realities of the world . . ."

"I request a roll-call be taken," he concluded, "so that the list of those voting for the despicable concoction can stand as a roll of dishonour and as a lasting monument to the shamelessness of the moral perverts as well as of the cynics who use them to divert attention away from such trouble spots as Kampuchea, Afghanistan, Poland, Lebanon, and Iraq. It will also attest to the spinelessness of many of those who, while fully realizing the real intention of this draft, will still not vote against the mendacious concoction for reasons of expediency, selfishness, greed, or sheer moral cowardice."

The draft resolution was put to a roll-call vote. Each country was called and answered yes, no, or abstention, while green, red, or yellow lights appeared beside its name on huge electronic boards. Resolution A/ES-7/L.3 carried — eighty-six for, twenty against, thirty-six abstentions — to join some 300 similarly worded resolutions previously adopted. The emergency session was once again "temporarily suspended."



"AFTER MY FIRST year," says Pelletier, "I can tell my team, 'You've contributed to my education, but I won't be a dead weight anymore.'"

Left to right:
Richard Saint-Martin,
Michael Kergin,
Susanne Park,
Reid Morden,
Pelletier, Rod Bell,
Margaret Ford,
Paul Ranger,
Chris Thomson,
Carl Pedersen

SOMETHING IS ROTTEN IN THE DREAM

of Dag Hammarskjöld. Acrimony has never been far from the halls of the UN — as those who remember Khrushchev's shoe-thumping can testify — and wars of words are preferable to military combat, but a disenchantment is evident even in the eyes of the tourists who pour through the nickel doors presented by Canada. The 1950s aesthetic of the main lobby is as sparse and cold as an airport (especially since the introduction of the metal-detection security). The secretariat building resembles a hospital; the dingy-coloured walls look in need of paint. The general assembly and the three council chambers are more pleasing, but the esoteric pompousness coming over the earphones in six languages quickly drive visitors back to the gritty reality of Manhattan. This is a building in which days have been spent arguing over "a" and "the."

"People say that we're supposed to be a world government," Pelletier laughs, "and I say, come on, where the hell did you get that idea? We're just an embryo of a world parliament, without any powers."

The UN charter envisaged giving the security council a military staff committee responsible for the strategic direction of armed forces provided by all members, to put world might behind world law. That idea fell before the disagreements of the permanent powers. They perceived the obvious: a weapon of that sort could be twowedged, and so no nation would be prepared to hand over some of its sovereignty to it. In the case of the Falklands, for example, neither Britain nor Argentina was ready to obey anything from the security council unless it was advantageous.

That does not mean that the outbreak of fighting was the fault of the UN or that its talk is useless. World opinion does have an impact on national governments. A security council resolution for peace in the Falklands did give an incentive to negotiations, and the UN claims to have kept some seventy crises from going to war. On occasion each of the super-powers has found the UN a useful public forum, and the institution's continuing life has meant that something like it doesn't have to be re-invented with every arising feud. Resolutions on human rights and decolonization have evolved from a paper consensus to a real consensus over time; in practice, every nation has become accountable for its actions before world judgement. National legislation

has been altered, and public consciousness has been raised. Even the more pernickety arguments over words and phrases have been reflections of real philosophical differences as often as they have been smokescreens.

The UN's problems begin when the entire system gets caught up in the bitter rhetoric of a political fight, whether East versus West, North versus South, black versus white, or Arab versus Jew. Heavy-handed attacks on Israel have appeared in resolutions about refugees or women, for example, and solutions to indigenous social problems have been lost in the political skirmishing.

Jeanne Kirkpatrick, the chief U.S. delegate, warns of the consequences: "If this organization, which was established to seek, maintain, and strengthen peace, is used to make war by other means . . . then the purposes and structures of this organization are transformed." Elsewhere she added that the UN already breeds "conflict extension, exacerbation, and polarization." The Americans themselves, however, have not been shy about using the UN for a little flag-waving and Commie-bashing, and Kirkpatrick is not reluctant to engage in mutual hair-pulling. It's been suggested, for example, that she supplied the Israeli ambassador with most of his rhetoric.

"If the Middle East were only four million people against a hundred million, mostly poor and not yet organized," Pelletier muses, "I don't think the institution would spend thirty-five to forty per cent of its time on the conflict. It's really the East-West conflict that uses this to have their own exchanges indirectly through a third party. If it wasn't this, I'm afraid it would be something else."

Or, as Brian Urquhart, the under-secretary-general for special political affairs and a thirty-seven-year veteran of the UN, puts it: "This organization is like San Francisco. It is built on a geopolitical fault, namely the split between East and West. And when that fault trembles, the whole city is in panic."

American disenchantment with the United Nations is not new, though it may be more profound under Ronald Reagan's conservatives. What is new is the majority that feeds the anti-Israeli flames, often burning the U.S. in the process. In its first twenty years the UN was a very western place with a very western view of the world. Decolonization in the 1960s tripled UN membership, and the new majority brought its own interests and perspectives. The institution is still learning how to work

with that fundamental change.

"The Third World has a majority in the house," Pelletier explains. Fit, compact, and confident in a dark-blue suit, he engages in ideas with the same pleasure, thoroughness, and lack of inhibition with which he smokes his Gitanes to the butt. "The Third World has come of age, and it is preoccupied here because this is the place where it can hope to accomplish something. Canadians can understand that because we're a middle power. Small and middle powers have a special taste for multilateral forums, where they're not faced with a huge partner who can tell them to go to hell. If there are twelve around a table, they can hope for a settlement or a compromise. That's very frustrating for a great power like the United States. But I hope they would act a bit more like grown-ups and accept the game.

"The other day one of my former colleagues in the cabinet asked me how it is that he thinks so little of the UN. I said, 'That's simple, you're a North American, so you're exposed to what the American media are disgorging.' But if the UN didn't resemble the world, that would be very wrong, because the world is what it's supposed to mirror."

WHAT EXACTLY IS CANADA'S PLACE IN

this mirrored world? The Canadian mission works hard to maintain its excellent relations with Third World delegates, but it takes care not to isolate the Americans, whom one external affairs official calls "a weird bunch." Canada plays its traditional role of honest broker, using its common ground of industrialization, trade, and defence to prod the U.S. toward a more positive attitude. In fact, Pelletier believes the Americans are more aware of Canada at the UN than in the world at large. Recently Jeanne Kirkpatrick invited him to an exclusive luncheon in her Waldorf Tower apartment simply because, she explained to her high-powered guests, "I like him."

"That means I can pick up the phone and call her directly if I need to," says Pelletier. "And the Americans seek out our views because they know the Third World talks to us more freely, with less fear. But everyone here has to cater to the U.S. It pays twenty-five per cent of the bills, after all. It can affect the course of almost every issue. The Soviet Union only plays a half-role. It's on the sidelines on so many issues that its presence isn't felt a quarter as much."

Canada's presence was firmly established at the UN's founding in San

Francisco and in the glory days of Lester Pearson's Nobel prize, but Pelletier's appointment last year was seen as a renewal of commitment because of his intimacy with the prime minister. Third World diplomats were said to have been pleased to have a member of Canada's "kitchen cabinet," and took the appointment as another indication of Trudeau's dedication to disarmament and the North-South dialogue. That was indeed the primary idea behind his appointment, says Pelletier, and again he denies the rumours that he was put in place to lobby for Pierre Trudeau as secretary-general of the UN.

"That was never true. As he said at the time, 'I want out of one tough job, so do you think I would seek a tougher one?' He had problems of conscience about leaving in 1979. It's as difficult to leave politics as it is to enter."

They met in 1940. Pelletier had been conscripted under the National Registration Act (which he had taken personally because it applied to those born on or before June 21, 1919, his birthday), but the scars of the tuberculosis he'd had as a teenager got him discharged early. He went to work for a student organization in Montréal. Trudeau was about to trek by foot and canoe into the Abitibi region when they encountered each other by chance on the street. Despite some critical barbs they had flung at each other in editorials in student newspapers, and despite the difference in backgrounds, they recognized a meeting of minds.

Pelletier was the youngest of eight children. His father died when Gérard was nine, leaving the family in hard circumstances. "I am a child of the first depression," he says. "My sisters worked, we had the house and some insurance, there was never misery, but it wasn't easy. Trudeau was the first millionaire I had ever met, and he was my own age! Millionaires were mythical creatures. But we met on the point of both feeling confined by the milieu of Québec. We both wanted to 'open the windows,' though we had arrived at that by different means."

Pelletier's route had been through the *collège classique* where he became involved in the Jeunesse Étudiante Catholique, a student association opposed to the very conservative and nationalist thinking of the period. He was the first at his college to list journalism as his intended profession, mostly because he enjoyed persuading people about ideas. His work in the student movement took him to Paris, where Trudeau was studying, and their

friendship blossomed during the late 1940s and early 1950s when they marched in the famous Asbestos strike, founded *Cité Libre* magazine, and talked politics in Pelletier's kitchen till dawn.

Pelletier worked as a reporter specializing in social questions for *Le Devoir*, Montréal's influential daily, then became director of *Le Travail*, the paper of the Confederation of National Trade Unions. In 1961 he was appointed editor of *La Presse*, a position of considerable power in Québec. In 1965 the federal Liberal Party, seeking to bolster its scandal-shaken Québec caucus, approached Jean Marchand, Pelletier, and Trudeau to run for parliament.

"I wasn't supposed to get into politics with Marchand and Trudeau," Pelletier says. "I felt I had much more influence on the destiny of the province and the country as editor of *La Presse*. But four months before the election the administration threw me out over a disagreement about my hiring authority. I no longer had an excuse, even though I didn't think I was particularly gifted for politics. I found it rough going."

Pelletier never appeared very happy or effective in the partisan tumble of the House of Commons, as an MP, as secretary of state, or as minister of communications. He was frustrated by the knowledge that he could never change anyone's mind in debate; he found the repetitious and often-irrelevant speeches a drain on his time and perhaps on his intellect; and five nights a week he had to put in three solid hours of reading documents and reports to do a decent job as minister.

"I've found it difficult to accept any job that doesn't allow me to read books," he says. "The UN is an easier parliamentary life. For one thing, I don't have to sit there all the time. The ambassador is only expected to show up for certain questions, like the explanation-of-vote, and if I want to hear a particular speech, I can listen to it in my office. There is less demand on an ambassador's time, since a dozen other people from the mission can go to the seat. The team is like a collective member of parliament, so the burden is shared and there is a larger net to catch information."

There is also less heat on the individual. Pelletier still winces at the memory of his visits to western Canada in 1969 to promote the Official Languages Act. He was abused as a "fanatic" to the point that he became a liability to the party; his shock and discouragement no doubt strengthened his resolve to get

out of politics after ten years. He was planning to return to journalism in 1975 when Trudeau said he needed someone as ambassador to France. Pelletier had never been attracted to the formalities of diplomacy, but he reflected on the serious political tensions between Canada and France over Québec and then accepted. He moved on to the United Nations last August.

"There's no doubt that the UN is a preoccupation with the prime minister. And I was ready for a new challenge. The challenge in Paris is no longer political. It is about trade and economics, and they are not my particular set of tools. Here the main problem is to evolve a political consensus and a political will. Multilateral diplomacy is as different from bilateral diplomacy as the automobile industry is from the textile industry."

"Here at the UN, the whole world is in half a square mile, and there is no protocol involved. If I want to know about the Falklands, I can call Tony Parsons, the British delegate, whereas in Paris I could never have communicated that way with *Sir Nicholas Henderson*, the British ambassador. It might not last long, but for the time being I'm excited by that. Maybe it's the old journalist in me. There is an immediacy here that is more equivalent to a newsroom at a large daily than to a national parliament."

That is Pelletier's compensation for being on a shorter leash than in France. The complexity of issues at the UN, their domestic and international repercussions, and the closeness of the mission to Ottawa mean that decision-making power remains centred in external affairs. No statement is made in New York without a phone call to Ottawa. But the ambassador can often turn that closeness to his advantage.

"As every journalist knows, the volume and quality of the information you possess is a great factor in the influence you can exert. We have tremendous sources of information here, since there's a kind of working agreement among the 'perm reps' to talk freely among one another. We can shout back to Ottawa. Come on, wake up, this is the position you should adopt. If it's complicated, I can catch a plane and go up to discuss the matter."

To the question of whether he wouldn't have more influence as minister of external affairs, Pelletier replies: "I suppose I know I have easy access to the prime minister. I might not be conscious of it, but maybe that plays a role. He's wanted me here, and I've known

him a long time, and I've persuaded him of a certain number of things during my life, as has he with me. Maybe that's the outlet, but I don't even fully realize it."

Pelletier is careful to follow proper form, to defer to assistant deputy ministers and wait upon the minister's approval. The prime minister, for his part, must weigh his ambassador's opinions against all the competing voices and interests in government. But the two men share an intellectual history as much as they share the gesture of tapping their foreheads with their fingertips when emphasizing a point. Their friendship has given renewed vitality and clout to the Canadian mission.

"WE USUALLY THINK OF CRISIS AS A

sudden shock, a surprise, a burst of violence, an invasion," Pierre Trudeau said to the House of Commons in June, 1981. "Obviously, the world needs to prevent such incidents, when prevention is possible, and to contain them, when they occur. It must be understood, however, that such incidents usually result from pent-up tension. They are the flash-points of deep-seated problems. If the world hopes to prevent such shocks, we have to deal with the basic conditions which cause them. The only effective way to manage a crisis is to go to its roots."

That was the message Trudeau took to the summits in Ottawa, Cancun, Nairobi, and Melbourne, and it was the mandate Gérard Pelletier took to the UN. Peace and prosperity were not to be separated from economic interdependence and social justice, and the UN was to be the forum for "global negotiations" as well as for crises.

The idea is not new. The rise of the Third World majority focused attention on North-South imbalances, and in 1964 the first UN conference on trade and development was held in Geneva. The aim was to go beyond direct assistance into the areas of trade, finance, and investment. The seventy-seven developing nations that attended saw the international trade-and-payments system as advantageous to the developed nations which had created it, and they formed the Group of 77 to coordinate their efforts for change.

Meanwhile, the vast preponderance of UN money, time, and personnel had shifted from political and security issues to economic and social ones. Some of the agencies spawned are known by their acronyms alone: UNICEF (children), UNESCO (culture), WHO (health), ILO (labour), IMF (money).

Many are hardly known at all: UNHCR (refugees), UNIDO (industrial development), UNEP (environment), WIPO (intellectual property). Most of these agencies report to the general assembly through the economic and social council (ECOSOC), along with a myriad of regional commissions, functional commissions, sessions and standing *ad hoc* committees that deal with everything from breast-feeding to human rights.

After the actions of the OPEC cartel in 1973, the Group of 77 broadened its demands. The developing nations proposed a "new international economic order" which would change the structures of the international economic system, stabilize the prices of commodities they exported, assure better access to markets for their manufactured goods, provide better access to technology for their industrial development, and improve the volume and terms of development assistance. But the debate bogged down in confrontation, division, and the bitter atmosphere of a world recession.

The Americans are particularly hostile to the "new international economic order." They see it as a ruse to drain them of their wealth, subject them to OPEC-like cartels on raw materials, drive up their unemployment, and sap their strength in the existing institutions where they have the votes. Moreover, they see the attack as directed against the West alone, since the Soviet Union has refused to participate in any such talks despite being notoriously stingy in aid and trade. The Americans prefer to confine negotiations to pragmatic matters in more specialized and private forums such as GAIT or the IMF. The Group of 77, which now includes some 125 members, insists that the sectoral talks be extended to the "global negotiations" in a universal forum that is not weighted to protect the status quo.

As usual, Canada sees its role in the middle, as a "bridge-builder." While an ally and industrial partner of the U.S., it is linked to the Third World through the Commonwealth, "la Francophonie," in trade, and as a resource-producer itself, bound to foreign capital and technology. For reasons of both altruism and self-interest, Canada is pushing for change within existing institutions and at the UN. In Ottawa there is an ambassador for North-South relations, Larry Smith, who co-ordinates the policies of all departments and international bodies with the government's broad position. And Reid Morden, Canada's deputy permanent representative at the

UN, has in his office safe an immense black folder "which sets out a very detailed negotiating position on all the items on the agenda."

The first priority is to get the negotiations going. "We admit there's a risk," says Morden, "but we think the risk is worth taking because we should be trying to manage the global economy better. Even if we can't see the other shore, we should at least put out from port and see how bad the storms are. We believe that the decisions should be taken by the existing institutions, but we're prepared to sit here and thrash it out.

"Broad multilateral negotiations anywhere are an imperfect art. The Group of 77 goes through soul-deströying clashes to find its common denominator, and its spokesman is given a very limited and inflexible mandate. The Americans take everything to the highest level of their national security council, and their mandate becomes inflexible because of the difficulty of getting it changed. So it's a very slow process on both sides."

Morden is also a vice-president of ECOSOC, the fifty-four-member council that presides over economic and social matters. Though its responsibilities have proliferated, the council has been hampered by its limited membership. The Group of 77 prefers to take its major issues to the general assembly, where its majority is assured and everyone has an equal say. That same pressure for universal representation makes the UN the best organization for the North-South dialogue. Conferences like Cancun and New Delhi are useful in getting the global negotiations on the track, but the negotiations themselves have to include the voices and interests of everyone.

"Everybody wants to put his two cents in, and that is important," Morden insists. "The thrashing out of issues and the articulation of national interests within the Group of 77 force an examination of the real issues. Every meeting allows new bits of perception. That is the North-South dialogue, and it's going on in all sorts of places even if the global negotiations aren't moving."

"The \$64,000 question is how to get the Americans to the table," Pelletier adds. "If there is no political will on both sides, you can achieve nothing here. How can you generate political will? The Third World generates it among themselves. The Group of 77 has a left and a right and a centre, just like the western group, but the developing countries need to gang up together much more than we do. This is



ALAN BEESLEY
had been working
toward a "global
constitution of
the oceans" for
fourteen years
when the 1982
law of the sea
conference - which
was expected to
lead to a treaty -
ended in discord.
"Nobody really
loves a Boy Scout,"
he said, "except
little old ladies
crossing the street"

their first and last resort. They generate new ideas and push them because they believe in the place.

"That is a danger. If the Americans act like spoilt children — 'they said bad things about us, so let them go to hell' — that will only aggravate the illness they want to cure. Others will assume the dominant position intellectually, and those who impress international public opinion are those who win. The Third World was bound to take over the votes, but now it's taking over intellectually. That is not necessary."

THE IMPORTANCE OF POLITICAL WILL

was demonstrated during that same week in April. After eight years of negotiation, the third UN conference on the law of the sea held its final meetings. The first conference had been held in Geneva in 1958. The 1982 conference was expected to complete the work of defining territorial seas, economic zones, rights of passage, and title to sea-bed resources. Some of those issues had eluded international agreement for hundreds of years, but at last a treaty looked possible.

"The work of the law of the sea is almost as important as the creation of the United Nations itself," says Pelletier. "The idea of a 200-mile economic zone and the principle that sea-bed resources are 'the common heritage of mankind' are almost revolutionary. People had the vision of starting the law of the sea, and that's what we use to promote the global negotiations. It's absolutely normal that things like that don't take place in seven or eight months."

Alan Beesley, Canada's ambassador to the law of the sea conference, works out of the mission offices. He was exhausted; he'd been involved with this "global constitution of the oceans" for fourteen years. As chairman of the drafting committee of the conferences, he had been working late nights and early mornings trying to bring the conference to a consensus, a unanimous agreement that would not necessitate a vote. The week had been a frenzy of proposals, concessions, disappointment, and deals. The years of effort were coming down to a squabble over the nodules of nickel, cobalt, copper, and manganese on the ocean floor.

The question of who owns sea-bed resources had almost been resolved more than a year earlier. A UN agency would regulate the mining and distribute royalties to the Third World under the principle of the "common heritage of mankind." A second UN agency

would participate with private and public corporations in sea-bed mining. But shortly before the draft convention was ready, in March, 1981, the Reagan administration pulled back because of pressure from American mining interests and perhaps also because of its own distrust of the UN.

Reagan had come to office believing that the UN had been captured by the Third World and the Communists, and that there was little to be gained there. The American ambassador to the UN is a member of cabinet, and so the American mission tends to be an operational arm of the White House with minimal give-and-take of ideas. Jeane Kirkpatrick, who has compared the UN with death and taxes, engaged in a kind of "damage-limitation exercise," matching rhetoric with rhetoric and abuse with abuse, until she perceived that there were points to be scored by playing the game with more finesse, particularly in the economic area.

The Americans' reversal on the law of the sea was greeted with stunned outrage. In the hope of saving the convention, though, the conference took the unusual step of waiting for the Americans to reassess their position. When the talks resumed this March, the Americans returned with sixty-six proposed amendments that could never satisfy the Group of 77. Worse, reports leaked out that the U.S. was secretly trying to negotiate a mini-treaty with other industrialized powers to divide the sea-bed resources among themselves.

"Mini-powers like Canada play a much more open game than the major powers," says Pelletier. "With the law of the sea, all our cards were on the table all the time. When four of our allies — Britain, Germany, France, and the United States — decided to sidestep the whole goddamn operation on a basic matter, we were furious."

Such openness is the basis of Canada's respect at the UN, and Alan Beesley used the respect to organize a working lunch with ambassadors from the Nordic countries, Australia, New Zealand, Austria, Switzerland, and Ireland to attempt a compromise position between the Americans and the Group of 77. Their proposals evolved as document L104.

"We were sticking our necks out," Beesley explained in the delegates' lounge. "We weren't reflecting our ideal national positions. We were trying to arrive at an independent judgement of what was negotiable, to occupy the middle ground and thereby draw the

others into a dialogue. They were not talking to each other, they were exchanging monologues."

Some of L104's proposals were incorporated into a new American set of thirty-six amendments, but still the gap was great. The focus of divisions became the preliminary investment protection (PIP) concept, in which the U.S. sought guarantees for investments its companies had already made in sea mining. The Group of 77 made a major concession in accepting this qualification of the "common heritage of mankind" to get an agreement, only to find the Americans holding out for more. "The Group of 77 felt it had negotiated a draft convention," Beesley continued, "painful step by painful step, always by consensus. It never used its numbers to force a vote on anything, and it made many, many concessions on every issue. There were not many major concessions from the great powers. At first the great powers said, 'Give us freedom of navigation as a trade-off for resources.' But at the end of the road, they're saying, 'Now we want the lion's share of resources too.' And the Group of 77 is wondering where it will stop."

The end of the road came on April 30. The delegates from 151 countries, observers, spectators, and the press moved from the sunny morning into conference room 1 in the basement of the United Nations. The old bulls and young studs talked loudly, with the tense excitement of the last day of university. Some took Polaroids of each other as souvenirs. Around the podium a crowd pressed upon the youthful and popular Tommy Koh of Singapore, the conference president, with requests and suggestions that delayed the 10:30 start to 11:50. At last the meeting was called to order. Koh's first piece of business was to read a letter from James Malone, the American delegate, requesting a vote on the convention.

The consensus had failed. The miracle everybody was hoping for hadn't materialized. There was a hush of disappointment in the room. Alvaro de Soto of Peru, spokesman for the Group of 77, asked for a suspension of the meeting so that his group could consider the implications of the American letter. With the U.S. out, there was a possibility that the Group of 77 would withdraw its concession on PIP and the whole treaty would start to unravel.

Alan Beesley took the floor to beg the U.S. and the Group of 77 to take one more look at L104, the compromise position of the "good Samaritans." Ma-

lone replied that he would give Canada's request "careful consideration," but de Soto said it was "too late to rescue what was beyond rescue."

Out in the corridor, Alan Beesley was subdued. His eyes twitched with fatigue. The U.S. had seemed prepared to accept his L104 proposals as the package for compromise, but now the chance had passed. Moreover, there were rumours that the Soviets were planning to withdraw their support for the convention because they didn't want to be saddled with the costs of the new UN sea-bed agencies without the Americans. Though the Soviets had been critical of the West's unilateral action on territorial waters in the past, they were now planning unilateral action of their own. And perhaps they were trying to get into the Americans' mini-treaty.

"We seem to have lost both the U.S.A. and the U.S.S.R.," Beesley said, "which is ironic since it was them we most wanted to get on board. They would have given a financial base and a stability to the treaty. They are the two countries that can least afford to stay outside the convention. They need the freedom of navigation, the fishing rights, the guarantees to their sea-bed investments. I know of countries that have put a lot of their time, money, and expertise into this treaty, and they are annoyed, even bitter. I don't think the Russians and the Americans can assume that these countries will extend all the benefits of the treaty to these super-powers under bilateral arrangements. There could be disputes popping up all over the world. And the Americans could use this as an excuse to pull out of the North-South dialogue. It's not a happy situation."

The meeting resumed at 3:20. The room was close with men and cigar smoke in the hot glare of TV lights. Israel, angry about a reference to national liberation movements, launched a procedural vote against Tommy Koh, and the entire hall laughed when the results were announced: one for, 143 against, two abstentions. The deputy foreign minister of the Soviet Union, Semyon Kozyrev, waved his country's name-plate in the air and yelled, "No, no, no!" about another procedural matter until Koh silenced him with a stern ruling. The spokesman for the Group of 77 said that the developing countries would support the convention as it stood, despite the unilateral concessions in it. Finally the American ambassador requested the recorded vote. With "very much regret," Tommy

Koh asked the delegates to push the green, red, or yellow button that would signal their votes on the electronic panels overhead.

The vote was 130 for, four against, seventeen abstentions. The U.S. and Israel voted against. The Communist bloc, Great Britain, and Germany abstained. Canada joined the vast majority of the Group of 77 in voting for the convention.

"Even if the super-powers stay out forever, this is a major success," said Alan Beesley. "It's just not a complete success. I believe they'll come in. They can't have their little view of the law, particularly since they aren't in agreement themselves. We're seeing fourteen years of negotiations frustrated, but by no means going down the drain."

WHAT ALAN BEESLEY EXPERIENCED

has been called the arrogance of the super-powers toward world opinion. That arrogance is nowhere more evident or critical than on the disarmament issue. The threat of nuclear annihilation may be the most important item on the agenda of the UN: not only does it affect everything from North-South economics to the Mideast fuse, it is the ultimate test of the UN's credibility. Nothing more clearly displays the ideals and limitations of the organization. Though UN resolutions and conferences and studies have had success in controlling nuclear weapons in outer space, on the sea-bed, and by the non-proliferation treaty of 1968, these have been mostly declaratory and dependent on bilateral talks between the U.S. and the U.S.S.R. The UN's second special session on disarmament, which met this June and July, was able to focus public attention on the problems and thereby give impetus to the political will, but in the end it had to conclude that almost nothing had been accomplished with the broad principles and priorities agreed to at the first special session in 1978.

That did not discourage Arthur Menzies. A career diplomat who was once ambassador to China, Menzies has been Canada's ambassador for disarmament since 1980. Based in Ottawa, where he coordinates government policy with all related talks, Menzies was in New York for the special session. Like Beesley, he consults regularly with Pelletier but reports directly to external affairs because of the range and intricacy of his mandate.

"People get impatient with these long, drawn-out, laborious negotiations," he said in his long, drawn-out,

laborious way of speaking. "Peace doesn't always descend like a dove. The developing nations would like a timetable to be adhered to by the negotiating countries, but it is not realistic or feasible to say that the world will be totally disarmed by the year 2000. It's more sensible to set out the broad priorities and then have another review conference in four or five years, and so on. Negotiations on arms control are of a cyclical nature. There are ripe and unripe periods.

"I'm hopeful that the negotiations on strategic weapons will result in actual reduction, not just limitation. A great deal will depend on a bilateral agreement on verification, and trust is difficult between open and closed societies. But I wouldn't be in this job if I weren't hopeful. This organization is the best the world has been able to achieve. And sometimes, with many compromises, there are achievements."

The dependence of the UN's achievements on the political will of the super-powers forged an odd alliance between the diplomats and the half-million demonstrators who paraded in New York in June. The domestic politics of the American peace movement probably had more impact on President Reagan than all the moral exhortations made at the UN. To an extent, therefore, ban-the-bomb movements have been brought in from the cold everywhere, to give support to the diplomatic manoeuvres that in turn can aid and inspire them. Part of Arthur Menzies' job is to encourage the world disarmament campaign through seminars, studies, and publicity. In May, for instance, the UN Association in Canada and the Ontario Institute for Studies in Education sponsored a three-day conference in Toronto as preparation for the special session on disarmament. Both Menzies and Pelletier participated.

More often than he would prefer, Gérard Pelletier spends his weekends in Canada, addressing yet another UN association meeting or Rotary Club or student assembly. He sees boosting public morale about the UN as one of his three main duties as ambassador. (The other two are providing a stimulating environment and an intellectual overview for his staff.) His priorities leave him little time for the pleasures of New York or for quiet evenings of reading in his Park Avenue apartment.

"I like being closer to developments in Canada, and I enjoy being closer to our four children and our grandchildren in Montréal, but this is not a profession that allows you to enjoy a city

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HEADQUARTERS

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very much. My wife worked in the film business in New York and loves it, but I think we've been to one play, one film, and a few concerts in a year. I've just come back from the trip that every Canadian ambassador makes to the Mideast, to wave the flag with our peace-keeping force there, and I might have to go to Geneva or Vienna from time to time, and there is always a heavy burden of lecturing in Canada."

At the Toronto conference Pelletier paid tribute to the grass-roots movements that would put pressure behind the second special session on disarmament, but his main message was a warning. "This session by itself will not affect great changes. There is a need to come back to earth about what the UN can do, or else this session will become another occasion for disappointment and disillusionment. The United Nations has very little power, except to influence public opinion."

It was not a message that the audience of greying peaceniks and young idealists wanted to hear. Like children who collect Halloween pennies for UNICEF, they want to believe in a UN that can order peace; they're bound for disenchantment every time a Falklands crisis fails to be resolved, every time the Mideast issues drain the energy of the organization, every time an Afghanist invasion cripples the hope for disarmament. Their expectations are well-intentioned but not true to the nature of the institution.

"We need to dream of a more united world in which nations would abandon part of their sovereignty," Pelletier repeats, "or the UN would just be a queen's bench court where the delinquents are brought. Myths are good and necessary, but huge numbers of naïve and idealistic people believe the myths exist. The dream of the UN as a world government was never alive because the realists never believed it would happen. Perhaps the dream is most alive in terms of development. The UN is a presence in the developing countries, and in a way that is the dream."

It is not difficult to be cynical about the hypocrisy of the Americans, the duplicity of the Soviets, and all the silk-suited, Third World ambassadors who arrive in limousines to plead the cause of their starving children. Nor is it difficult to be cynical about the morass of bureaucrats and paper, the fad of world conferences, the financial irresponsibility of 157 nations, and the sheer incompetence that impedes the flow of food and assistance to the destitute of the world. In the end, though,

the glory of the UN may be in its details, its driest speeches, its least-noticed directives that cause a well to be built in Somalia or a refugee to be housed in Thailand.

While the TV crews were outside the UN telling of the dismal fate of the secretary-general's peace initiative on the Falklands, men and women were meeting in committee in the basement to adopt resolutions on the advancement of women and to discuss the report of the human rights commission dealing with situations in Equatorial Guinea, the occupied Arab territories, South Africa, Chile, Poland, El Salvador, Guatemala, Uganda, Bolivia, and Mauritania. More useless talk? It's been estimated that the number of disappearing persons was halved after a UN resolution drew attention to the problem, even though no country was named specifically. The commission's report also heralded the achievement, after nineteen years of effort, of the UN declaration on the elimination of all forms of intolerance and discrimination based on religion or belief.

Meanwhile the Canadian mission was lobbying about satellite broadcasting; about reforms in humanitarian relief programmes and peacekeeping logistics; about a commission on crime that would deal with the exchange of prisoners, alternatives to incarceration, and the first standardization of prisons around the world; and about dozens of other issues that make up eighty per cent of the UN's work but never make the evening news.

That the UN's reputation should depend on the success or failure of one peace negotiation is as much a danger to the organization as the gap that exists between its nobler sentiments and the harsher actions of its members. As long as emergencies like the Falklands are able to overshadow long-term efforts like the global negotiations, the UN risks being seen as a fire-chaser, as ineffectual as the old League of Nations, and the root causes of war will never be adequately tackled. Profound change can come only with the political will of the sovereign states, particularly of the super-powers; and if it does come, it will come slowly, with little glamour.

Gérard Pelletier, looking ahead to the opening next month of the thirty-seventh general assembly, and back on his first year at the UN, concluded: "Anyone offered a chance to place a pin in a better position in the haystack or put three little grains of sand together has no right to refuse. That's about what I'll do in my period here." ─

Environment

Once Britannia ruled the waves, but now it's not so simple

The current round of United Nations Third Law of the Sea Conference, which opened in New York last month, must be the most horrendous labyrinth of law, economics and pure power politics ever confronted by man or journalist. At its simplest, it is the largest multilateral conference in history: 148 nations trying to reorganize the management of the planet's last frontier. The world has coasted on the principle of "freedom of the seas" since the early 17th century; the problem today is that one country's freedom is frequently another's pollution—or fish. Maritime laws have become so contradictory that one, all-embracing new international law must be written. For the first time, Canada really has something to lose—fish, minerals and sovereignty along the longest coastline in the world. To protect those interests, it has enunciated a "custodianship" philosophy of the seas: that no one is more capable of protecting marine environment than coastal states, separated by national economic zones stretching 200 miles into the sea.

The facts required to sell this position are handled by John Alan Beesley, 48, Canada's ambassador to Austria and deputy leader of the conference delegation. (External Affairs Minister Allan MacEachen is the nominal head.) The boyishly handsome, informal Beesley (he's been known to appear on Vienna's elegant Kartnerstrasse in cutoff blue jeans) is also chairman of the conference's drafting committee, charged with actually writing the new laws. The son of a BC civil servant, Beesley grew up in the interior of BC and practised law in Victoria for five years before moving to Ottawa. "I never really wanted to be anything but a diplomat," he says. After three-year postings in Tel Aviv and Geneva, he returned to Ottawa and in 1971 became legal adviser to the Department of External Affairs, just when Canada's Arctic attitudes were changing. A year earlier, parliament had passed the Arctic Waters Pollution Prevention Act, extending its territorial sea from the traditional three miles (the distance of an old cannon shot) to 12 miles, and pollution jurisdiction 100 miles in the Arctic. The timing was not accidental. The 1968 discovery of oil and gas at Prudhoe Bay confirmed what the world already suspected: that Canada's position was based as much on future resource wealth as on respect for Arctic ecology. Says Beesley: "I had to open a special filing cabinet for protest notes."

Beesley: selling say-so on the seashore

The notes came mainly from traditional Maritime powers—the United States, Great Britain and France—which had the power and wealth to profit from "freedom of the seas." Russia supported Canada's legislation (it was similar to their own undisputed claim to the North East Passage), but elsewhere stood firm with the United States in advocating unconditional rights of passage through international straits. Canada's point is that the North West Passage has never been an internationally trafficked waterway.

Shortly after the act was passed, Beesley, Jean Chretien, then Minister of Northern Development, and others were invited to spend an informal weekend at Oxford, England, with top-level Britons and Americans, chatting about the Arctic. In that hypnotic atmosphere of sherry, roses and old books, the foreigners hoped to melt Canada's rigidity. The Canadians were having none of it. Apparently, the silences were howling, but thereafter Canada's Arctic position was taken a lot more seriously.

One justifier of this new territorial imperative is the environment. Unless something drastic is done soon, predicts Norwegian explorer Thor Heyerdahl, the oceans will be dead in 50 years. If the oceans die, so does man. The link is phytoplankton, tiny organisms that generate half the planet's oxygen. When the sun can't cut through the oil slicks to them, they die. And so goes the food chain.

In New York, Canada is claiming the resources of the continental shelf (it extends 650 miles in some places) and protectorship of the endangered Atlantic salmon. "But," says Beesley, "we always accepted that countries that traditionally fished in those waters should be entitled to the surplus catch." The diplomatic tightrope act is reconciling the demands of the poor and landlocked countries, who think this is too much, with Canadian fishermen who think it's not enough. Although percentages are still undetermined, the government has agreed to share with poorer nations revenue from resources found between the end of the 200-mile economic zone and the edge of the continental margin—regulated by a UN Seabed Authority. The poorer countries are lobbying for a stronger authority to further rights they can't support with power. The powerful want the freedom to keep what they have. "Unless we see radical developments in the UN," says Beesley, "it simply isn't practicable that all the complexities of the living resources also be managed by an international authority. We may come to that, but in the meantime something has to be done to stop overexploitation and it's our view that coastal states have the greatest interest in rational management."

Speculation on the freedom of the seas is limitless. Will 148 nations be able to crystallize the present negotiating text by the end of the upcoming session (May 7)? Will a new law-of-the-sea make any difference?



ALL KREMENTZ

Says Dr. Arvid Pardo, the former Maltese ambassador to the UN, "any agreement will be so watered down it will be virtually indistinguishable from nonagreement." But, counters Beesley, "in any system of law, any right carries with it an obligation. The difficulty about the law of the sea to us was that rights were affirmed, but no obligations, no duties. This made it a sort of free-for-all for major powers. We think those days are over." SUSAN LUMSDEN

Trouble on the wire

Back in 1972, at an international electrical congress in Paris, Soviet researchers stunned the West with results of a 10-year study of workers exposed to high-voltage transmission lines. Long-term exposure to electromagnetic fields, the Russians reported, slowed speech and response mechanisms, impaired sexual performance and adversely affected the cardiovascular and central nervous system. Initially skeptical, power companies in the United States and Europe immediately launched their own studies. Last month in Albany, New York, in hearings before the state's Public Service Commission, two prominent American scientists indirectly confirmed the Soviet findings—and added to them.

The commission, an autonomous body with final powers of arbitration, is hearing applications from three state utility companies to construct a 765-kv line to the Quebec border, to pick up power from James Bay. But based on the evidence presented, the publicly appointed body may have ample reason to deny the applications. According to Drs. Robert Becker and Andrew Marino, both of Syracuse Veterans' Administration Hospital, fields generated by high-voltage lines act as biological stressors. "Since all living organisms have their own electrical control systems, and are linked directly to nature's electric and magnetic fields, any prolonged increase in the natural field strength produces stress." Taken one step further, their research suggests that people living along high-voltage rights-of-way may eventually suffer symptoms already recorded under lab conditions: hypertension, hormonal imbalance, and changes in metabolism. Other equally eminent researchers testified that electromagnetic fields may impair the function of cardiac pacemakers.

So far, the only Canadian utility to take notice of the hearings has been Hydro-Quebec. On behalf of the American petitioners, the corporation sent consultant Louis Cohen to testify that in 10 years of experience with extra-high-voltage transmissions (and some 2,500 miles of 735-kv lines), Hydro-Quebec has yet to receive one serious complaint. But, countered Marino: "I find such an argument unreasonable. Just because the public is not complaining about the depletion of atmospheric ozone or the contamination of watersheds by chlorinated hydrocarbons doesn't mean it's not happening." GLORIA MENARD



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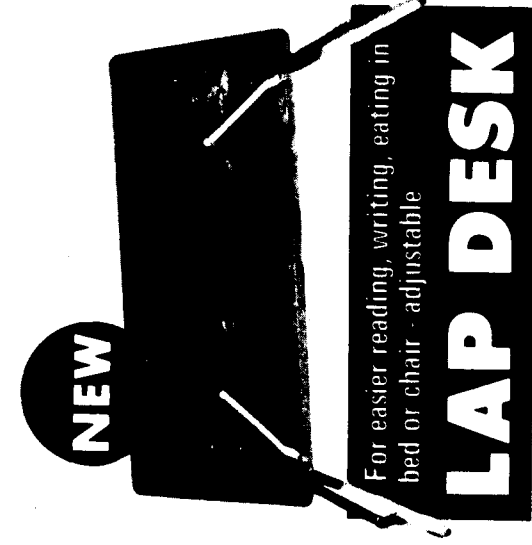
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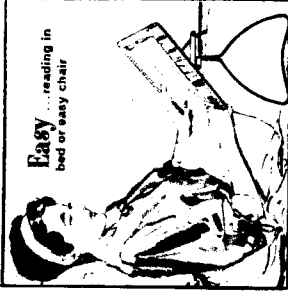


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to the most sensational murder trial in years—and which has become, as well, a signal event in Toronto's moral history.

For all its grisly revelations, the trial of construction worker Saul David Betesh, 27, and bodyrub-parlor bouncers Werner Gruener, 29, Robert Wayne Kribs, 29, and Josef Woods, 27, will not easily equal the high drama of the Passion Play acted in the streets of Toronto last August. Eight days after the body of the 12-year-old Portuguese-Canadian was found in a green plastic bag on the roof of Charlie's Angels, a Yonge Street bodyrub parlor, some 15,000 people, mostly of Portuguese descent, marched on City Hall and the provincial legislature. They demanded official action to sniff out what they declared was a festering marketplace of massage parlors and nude-encounter emporia that had overrun the south end of the city's main drag. The boy's death also provoked closet vigilantes who heaped misdirected abuse on the city's entire homosexual community.

It was hardly surprising that four days and 147 candidates were needed to select a jury. Dozens summoned had already reached a verdict. Others were disqualified when they admitted blanket prejudice against homosexuals or people who work in bodyrub parlors. Finally eight men and four women were selected for the distasteful task ahead, and were sent home for 10 days while lawyers argued in closed, or *voir dire*, hearings about admissibility of evidence. And at 245 Yonge Street, public outrage had done its work. Like nearly all of its 40 exploitive kin, Charlie's Angels was no more.

CHERYL HAWKES

Sunken treasures

Far beyond the ocean shores, three miles beneath the waves, lie abyssal plains long considered wasteland—inhabited only by mud-roving sea spiders, anemones and bristle worms. Then two decades ago, an exciting scheme surfaced for mining “nodules”—mineral-rich, potato-sized rocks clustered on the seabed. Suddenly, the barren depths became a vast cornucopia. Although technology today still doesn't exist to harvest significant quantities of nodules, American-based mining consortia are racing for solutions—and nations are immersed in debate over who should own the deep-sea wealth.

Early in February, a special two-week session of the United Nations Law of the Sea Conference (Los) will open in New York, with 150 nation-participants trying to resolve the vexing question. The meetings have special implications for Canada, since nodule mining could become major competition for our land-based nickel operations that produce 40% of the world's supply. The February session is a prelude to the seventh Law of the Sea Conference in March in Geneva. The upcoming talks are crucial since, after nearly five years of snail-paced debate, consensus has been reached on almost all key issues—the 200-

mile limit, freedom of navigation, scientific research in coastal waters, and pollution controls—save the major impasse of deep-sea mining. Many nations are now growing restless with the endless talk, and failure to resolve the remaining issue could mean no world treaty at all, which would seriously undermine the credibility of the UN as a forum for discussion.

Dissent within the UN over deep-sea mining involves two camps: the so-called Group of 77, which now includes 110 mainly developing countries; and the industrial countries of the West, including the United States, France, West Germany, Japan and the USSR. The Group of 77 favors setting up an International Seabed Authority to mine the nodules and share the revenues among them. Their claim is based on a resolution passed by the UN in 1969 decreeing sea-floor resources “the common heritage of mankind.” Meanwhile, major American companies have invested more than \$100 million in researching nodule mining and steadfastly

An artist's rendition of both an under-sea mining operation and the interior of a nodule, and Beechey (below): who rules the seabed?



JOE SALINA

The case of the not-so-fine kettle of fish

The sight of a native fisherman poised to spear his prey or working his nets in the rivers of northern British Columbia is a common one, a legacy from centuries ago when Indians depended on salmon for both food and currency. Now, however, such pastoral scenes are blotched by turmoil and resentment in a community near Hazelton, BC, where 12 natives from the Gitksan and Carrier bands have been charged with illegally selling their catch.

Although Indians may only take salmon to feed themselves, they have customarily ignored the ban on selling the fish, and enforcement had been nominal until last summer when the federal fisheries department—claiming that illegal selling was endangering some species—sent five undercover agents into Hazelton on a six-week operation. As well as the 12 Indians they netted a non-native "poaching ring,"



that had been buying eight-pound salmon by the truckload for one dollar each and selling them in BC and Alberta for as much as two dollars a pound. The two white men pleaded guilty and were fined \$700 each (maximum penalty is \$5,000 or a year in jail), but the natives decided to fight and hired Vancouver lawyer Stuart Rush, former counsel for American Indian fugitive Leonard Peltier. Late last month he had won one acquittal, because the undercover agent was too zealous in laying the charge, and lost one conviction, which he plans to appeal.

Ultimately, the tribal council wants the law changed. They point to a 65% unemployment rate and a yearly social assistance bill of more than one million dollars as proof of the need for commercial fishery and perhaps a cannery. Fisheries officials say investment in the coastal commercial fleet is already high, and the quality of salmon low, but the 4,200 Indians are counting on a trump card of their own design. Last November they declared sovereignty over 22,000 square miles and all the resources therein—including, of course, the resources that swim.

KEITH WATT

guard their technological know-how in carrying out the task. The United States and several other countries favor the common-heritage concept in principle, but also insist on privately owned mining sites. So determined are the Americans in defending this stance that, at the close of the sixth Law of the Sea session last July, U.S. representative Elliot Richardson called for a comprehensive review of U.S. interest in LOS and threatened to pull out, after a contentious negotiating text on deep-sea mining had been drawn up without American approval.

Canada's stance on deep-sea mining lies somewhere in the middle. Although industrialized, Canada sides with the Group of 77, wanting strict controls over ocean resources established so its mineral exports won't be threatened by seabed mining. But Canada must also protect the private interests of such Canadian companies as INCO and Noranda Mines, both actively involved with the American-based nodule consortia.

The scramble for nodule mining should begin in earnest around the mid-1980s. Initial sites will probably be in the tropical Pacific Ocean, where nodule fields are the richest. There, each black, misshapen nodule contains some 30 different minerals, including four that evoke keen industrial interest: nickel, copper, cobalt and manganese. Over millions of years, nodules have formed after minerals collect on the sea floor and clump together through a complex chemical process around a nucleus—a shark's tooth, for instance, or most likely a fragment of another nodule—much as pearls develop.

Nodules were first discovered by the

British HMS Challenger expedition, the first oceanographic research cruise back in 1872-76, but it was not until 1958 that nodules were recognized for their potential profits. It was a bright, young California marine student, John Mero, who first proposed nodule mining in his PhD thesis. Today, six international mining consortia are competing for nodules, and Mero has acted as consultant for all of them. Competition is stiff, since no one consortium is in the lead. "It's like a horse race," Mero says. "The players may change position many times."

Late last month, a converted drill ship, SEDCO 445, set off for a secret destination near Hawaii, where its crew planned to test nodule mining at a three-mile depth—a first in mining research. The ship belongs to Ocean Management Inc., 25% owned by INCO Ltd. A highly sophisticated "vacuum cleaner" will suck nodules from the seabed.

Canadian delegates at Geneva will be led by a veteran of LOS sessions, Alan Beestley, now Canada's High Commissioner in Australia. He and External Affairs Minister Don Jamieson, a Newfoundland-lander with an avid interest in sea affairs, will suggest limits for nickel production in the deep sea based on 100% of the annual rise in total world demand for the mineral during the first seven years of operations, and 50% thereafter (the Informal Composite Negotiating Text produced at the last session set a limit of 60% after seven years). Canadians will also insist that deep-sea mining not be heavily subsidized, which would result in unfair competition for our land-based operations.



UN ambassador on disarmament among 68 named to Order of Canada

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

Alan Beesley, Canada's ambassador and permanent representative to the United Nations Committee on Disarmament in Geneva, Switzerland, will be invested as an officer of the order at a ceremony next April. // 24

Also appointed officers of the order are Gordon Bennett, a former cabinet minister in the Prince Edward Island government, Mitchell Sharp, a former Liberal cabinet minister, and wildlife artist Robert Bateman.

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



Alan Beesley: Disarmament ambassador to receive country's highest honor in April. // 24