

G.M. June 6/78

A floundering fish war

Canada and the United States are not back at the barricades of 1812. But inglorious ineptitude on behalf of both governments has created the potential for a fish war in which the combatants do not even know where the boundaries are drawn.

Canadians Friday afternoon suddenly heard their Government telling U.S. commercial fishermen to stay out of Canadian waters. The United States retaliated by ordering Canadian fishermen out of U.S. waters and added that, under U.S. law, the ban had to apply to all border fishing — including that in the Great Lakes as well as in the two oceans — and to sport as well as commercial fishing. The Canadian Government acknowledged it could not respond to the Lakes ban because the jurisdiction (mostly recreational) happens to be provincial. Ontario Minister of Tourism John Rhodes, thinking of what a ban could do to tourist trade, remarked: "It's unbelievable that anybody would do that."

The trouble began 18 months ago when Canada and the United States declared 200-mile off-shore fishing zones. It was known from the beginning that some very strange problems were going to surface. As each country drew its lines for defining the new zones from different angles, they found themselves standing on each other's shoulders. An interim agreement permitting fishing to continue along traditional patterns was supposed to continue until a permanent agreement

was negotiated. The negotiations have been continuing for about a year.

They appear to have started to go bad when Canada's most experienced law-of-the-sea negotiator, J. Alan Beesley, went to Canberra and External Affairs Minister Donald Jamieson applied his particular personal touch. The end result was Friday's ban. Dramatic it was, but Mr. Jamieson seems to have failed to ensure that he had the tools to do the job.

First, he could not enforce a ban on recreational fishing in the Great Lakes (which he apparently did not have the wit to see coming). The nonsense of this part of the scenario was exposed in the House of Commons yesterday when Fisheries Minister Romeo LeBlanc announced that Ottawa would not do what it cannot do anyway, react to the U.S. ban in the Lakes.

Both countries have behaved incompetently. The Americans admit that they are inhibited in coming to quick across-the-board agreements by various U.S. laws. For an example, Canada wanted to establish limits on catches of pollock and scallops. The United States argued that under its law it could not limit catches until management systems were in place, and while it is working on management systems for pollock and scallops it has not yet got them. Canada, for another example, made the mistake of claiming control of waters in one area on certain grounds and in other areas on other grounds: they have failed to be consistent.

may flop before the curtain falls. While the immediate reaction from Maritime and Atlantic fishermen was favorable, for instance, the worried second thought of New Brunswick Fisheries Minister Omer Leger is that the Maritime and Newfoundland fishing industries "would be in a hell of a mess" if the United States stopped buying Canadian fish (which U.S. fishermen are now lobbying Congress to do) because 80 per cent of the Canadian catch is sold in the United States.

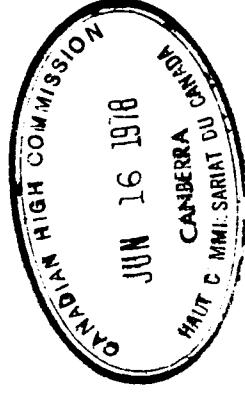
It is a silly and dangerous situation that ought to have been avoided between two of the world's friendliest countries. There should somewhere have been someone with enough sense to pick up a hot line and provide for a period of truce, during which new approaches could be made, perhaps through new negotiators. Since Canada initiated the ban, perhaps Prime Minister Pierre Trudeau should be the first to reach for the hot line.

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Fisheries and Environment Canada
Pêches et Environnement Canada

Fisheries and Environment Canada
Pêches et Mer



June 6, 1978

TO: Alan Buesley

FROM: Ron Baynes

Re: Attached Geoff Stevens column

I thought you would be interested in this analysis of
how the fish war was born.

Regards

Your file Votre référence

Our file Notre référence

In order to conserve energy
and resources, this paper
contains 45 per cent recycled
post-consumer fibre

A des fins de conservation
de l'énergie et des ressources
ce papier contient 45 pour cent
de fibres recyclées

A fine kettle of fish — and complex, too

BY GEOFFREY STEVENS

OTAWA

CANADIANS, like people everywhere, had a good chuckle over the 1975-76 Cod War between Iceland and Britain — a real-life incarnation of the fantasy world of The Mouse That Roared.

The Cod War suddenly seems a good deal less comic now that, suddenly, Canada and the United States have their very own Fish War on their hands. Like the Cod War, the Canadian-U.S. confrontation should never have happened. The normal process of diplomatic negotiations broke down so badly that Ottawa on Friday ordered U.S. fishermen to leave Canada's 200-mile fishing zone by noon Sunday — or face prosecution and possible seizure of their vessels and catches. Washington promptly retaliated.

Then, to everyone's surprise, it turned out that the U.S. action — intended to cover only the commercial fisheries on the Atlantic and Pacific coasts — inadvertently applied to the Great Lakes as well, and to recreation, as well as commercial, fishing. U.S. law does not distinguish between salt water and fresh, nor between fishing for profit and fishing for fun. "We're all horrified," said a State Department official yesterday. "But we had no choice."

It's a messy, complicated business. Once commercial fishermen in both countries get over their initial euphoria, they will realize that the diplomatic dispute has serious economic implications for their industry. Sports fishermen are alarmed. The risk of further retaliation is real. For example, roughly 80 per cent of Canada's fish exports go to the United States and Washington could, if it chose, impose countervailing duties on Canadian fish because of subsidies paid to the industry here.

To understand what has happened, it's necessary to go back two years — to the late winter and spring of 1976 when Canada and the United States (and Mexico, for that matter) had a common problem — serious overfishing off their coasts, particularly in the Atlantic and particularly by Eastern European fleets.

Acting separately, but in concert, Washington and Ottawa decided to extend their fisheries jurisdictions 200 miles offshore. This was to enable each country to set a total allowable catch for each species of fish, to give priority to its own fishermen, and to enable it to bar foreign fishing vessels unless their countries had signed agreements undertaking to limit the take.

The Fisheries Conservation and Management Act came into effect in the United States on March 1, 1976; it provided for the 200-mile zone to be implemented one year later. In Canada, legislation was not necessary. The

then External Affairs Minister, Allan MacEachen, simply announced on June 4, 1976, that the Government would, by order-in-council, establish a 200-mile fishing zone, effective Jan. 1, 1977.

Mr. MacEachen's statement brimmed with optimism. "Canada is better prepared than perhaps any other country for extension of fisheries jurisdiction," he told the Commons. "... We have done the necessary technical preparation. We have already concluded much of the necessary negotiation with the major distant-water fishing states concerned. And, above all, we have the expertise and determination to carry through and implement our extended jurisdiction in an effective way — without rancor, without confrontation, and without prejudicing the hope we all share with the world that a multilateral solution to fisheries problems can be ultimately found..."

At the time, there seemed to be abundant reason for Mr. MacEachen's optimism. Even before the Government had successfully negotiated agreements with most of the major countries fishing in Canada's prospective 200-mile zone — the Soviet Union, Poland, Norway, Spain, Portugal and France. They would respect Canada's jurisdiction and limit their catches.

All that really remained was to work out a few complex, but essentially housekeeping, details with Canada's good friend and neighbor, the United States.

There were three main aspects to the negotiations, which began in the fall of 1976. One was the question of maritime boundaries — where to draw the lines out to sea that would separate the U.S. 200-mile zone, on the one hand, from the Canadian 200-mile zone, on the other hand. Another was the negotiation of a permanent, reciprocal fisheries agreement under which Canadian and U.S. fishermen would be able to continue to fish in each other's waters, while respecting the quotas laid down by the other country; this involves a number of intricate arrangements on such things as enforcement and arbitration of disputes. The third aspect of the negotiations was to reach an interim fisheries agreement that would be in force until a permanent agreement had been concluded and ratified, and that would cover those areas of the Atlantic and Pacific which were claimed by both countries, pending settlement of the maritime boundaries.

Knowing the negotiations with Washington would be tricky, particularly on the maritime boundaries, Mr. MacEachen made a shrewd move. He brought J. Alan Beesley back to Ottawa to take charge of the Canadian side of the negotiations. Mr. Beesley, the head of the Canadian delegation among the United Nations Law of

the Sea Conference, is one of the most knowledgeable and respected of world diplomats on matters involving international sea law.

Although Mr. Beesley had been Canada's ambassador in Vienna for only a year when Mr. MacEachen's summons arrived, back to Ottawa he came. He was to wear three hats: chief negotiator on Canada-U.S. maritime boundaries; head of the Law of the Sea delegation; and legal adviser to the minister. To give Mr. Beesley a rank commensurate with his responsibilities, Mr. MacEachen sought Treasury Board approval to create an additional position as assistant under-secretary of state for External Affairs (one notch below the undersecretary, or deputy minister).

On Sept. 14, 1976, however, Prime Minister Pierre Trudeau shuffled his Cabinet. He removed Mr. MacEachen from External Affairs and returned him to his old job as President of the Privy Council and Government House leader. Into External came the current minister, Don Jamieson.

Sources in External Affairs trace the trouble in the Canada-U.S. negotiations to this shift of ministers. They say Mr. Jamieson distrusted experts, enjoyed high-level diplomatic manoeuvring, and wanted to take charge of the negotiations with Washington himself. Take charge he did, for a time. The 1977 interim agreement, negotiated in 1976, which permitted Canadian and U.S. fishermen access to the waters of the other country, was largely the work of Mr. Jamieson and his opposite number in Washington, the then Secretary of State, Henry Kissinger.

The sources say, however, that Mr. Jamieson did not understand the issues, principles and problems in the maritime boundaries question and made a botch of the Canadian case. "At one time, it looked as though the minister had given away the *Swingers Bank*," says one source. (The *Swingers Bank* is the richest fishing ground on the east coast; its ownership is very much in dispute.)

Alan Beesley found himself in an extremely awkward position. He was a MacEachen man and found Mr. Jamieson — if you'll pardon the pun — a very different kettle of fish. He was an assistant undersecretary of state, but he had lost one-third of his mandate. Officials who know him say he was distressed by the way Mr. Jamieson was conducting the negotiations. (Mr. Beesley is exceedingly circumspect, but his unhappiness still showed through. Less than two weeks ago, he testified before a parliamentary committee on the work of the most recent Law of the Sea session at Geneva. Most committee members were more interested in the Canada-U.S. negotiations, but Mr. Beesley reminded them several times, politely but pointedly, that his mandate did not extend to those issues and problems.)

At any rate, it became apparent soon after Mr. Jamieson's arrival at External Affairs that Mr. Beesley's presence did not give the minister great joy or comfort. Knowing what was expected, Mr. Beesley submitted his resignation as assistant undersecretary. It was accepted and he was offered his pack of several ambassadorial posts. He chose Canberra, where he went as High Commissioner at the end of last summer (still retaining his Law of the Sea responsibility). Why Australia? "Because," says an official, "it's the farthest post we have away from home."

By the time Mr. Beesley left Ottawa, it had become apparent to everyone that the negotiations would require the attention of a team of full-time negotiators. On Aug. 1 last year, Mr. Jamieson appointed Marcel Cadieux, a former undersecretary of state and former Ambassador to Washington, as special negotiator. The U.S. negotiator is Lloyd Cutler.

The boundary negotiations have made some progress, but they have been marked by stubbornness, even intransigence, on both sides. The greatest problem is in the Gulf of Maine-Georges Bank area on the east coast. Canada and the United States start from different premises. Canada insists on the principle of equidistance — in other words, the boundary should be drawn straight out from a point halfway between the two countries. Washington, on the other hand, treats the Georges Bank as a "special circumstance", or as a natural prolongation of the U.S. continental shelf. As a result, Ottawa and Washington have laid overlapping claims to 12,000 square miles of the Atlantic — an area which takes in the northeasterly one-third of the Georges Bank.

International law being murky on the subject of maritime boundaries, both countries are free to be utterly inconsistent in their claims — and both are. For example, the United States, while rejecting equidistance on the east coast, claims it on the west — in the interior of the Dixon Entrance — and in the Arctic — in the Beaufort Sea. Canada, however, rejects equidistance in these areas and claims meridian or treaty lines. (Canada also rejects equidistance in negotiations with France to determine a maritime boundary around St. Pierre and Miquelon. St. Pierre and Miquelon, says Canada, are a special circumstance, a prolongation of Canada's continental shelf.)

It is a moot question whether the Canada-U.S. maritime boundaries can be resolved by negotiation. Some officials are optimistic; others predict the dispute will wind up in some form of third-party arbitration.

The current Fish War stems, in part, from Canada's unhappiness with the 1977 interim fisheries agreement and its desire for major improvements in the 1978 fishing season, and, in part from Washington's inability to make concessions. This inability is the result of both judicial and legislative restraints.

On the West Coast, Washington has to live with a court decision which, in effect, awards to Indians in the state of Washington about half of the salmon that Canadian fishermen had expected to take in U.S. waters.

Letters

Inco still active in ocean mining

Your May article entitled "Will Sundry survive the impact of ocean mining?" was a comprehensive and interesting review of an important issue. The answer to the question, we believe, is "Yes."

The article incorrectly states that Ocean Management Inc., of which Inco is a part, announced that it would discontinue its seabed mining venture. We are still involved in a feasibility study and believe that this potential new source of nickel will begin to complement existing land based production as competitive market forces permit. We have and will continue to express this view publicly and to appropriate governments.

Canada can be proud of the role played by its delegation, headed by Ambassador Alan Beesley, in the UN Law of the Sea conference. Without this leadership, the interests of land based producing nations would not have been clearly and effectively advocated.

A.P. Statham, Vice-Pres.
Inco Limited

KILBORN



Kilborn Engineering Limited is pleased to announce the election of Mervyn A. Upham as Chairman of the Board. Mr. Upham, a professional engineer, is a graduate of Queen's University, Kingston, Ontario; Mount Allison University, Sackville, New Brunswick and the Canadian War Staff College.

Mr. Upham has been the President of International Minerals & Chemical Corporation (Canada) Limited and has reached the normal retirement age of IMC corporate officers. He remains with IMC as Chairman of the Board and Consultant.

Mr. Upham is widely known for his extensive experience in the development of new mines in Canada, the United States and overseas over the past thirty years.

He is Immediate Past President of The Mining Association of Canada, a member of the National Advisory Committee on the Mining Industry and a Director of the Centre of Resource Studies, the 1979 recipient of the INCO Medal presented annually by the Canadian Institute of Mining and Metallurgy for his outstanding contribution to mining and metallurgy in Canada, and recently received an Honorary Doctor of Laws degree from Mount Allison University for his contribution on a worldwide scale to mineral resource development.

Kilborn is a wholly employee-owned Canadian company operating across Canada and internationally, providing a full range of consulting engineering services, including Project Management, Engineering, Procurement, and Construction Management on major projects in the Mining, Metallurgical, Petrochemical, Environmental and Urban Planning fields.

the Canadian Mineral Processors.

One point with which I would like to take issue with this report occurs in paragraph four, where the report states that "Nor did there appear to be a representative of the Met Soc present to answer the questions of CMP members."

Since this infers strongly that Met Soc had not been communicating well with CMP, I would like to inform you of the following facts to set the record straight:

1. In the August 1978 meeting of the board of directors of The Metallurgical Society, the CMP representatives told the board that they would be circulating a ballot for the Met Soc/CMP affiliation referendum before the CMP annual meeting, which would also contain a letter prepared by the CMP executive explaining the ramifications of affiliation.

Met Soc offered to help prepare this letter but this was not taken up, presumably because CMP have many members who are also members of, and knowledgeable of, Met Soc.

2. The letter and ballot form were issued on Oct 23, 1978.

3. In December, more than one month before the CMP annual meeting, I offered as president of Met Soc, to address the membership of CMP at the time of the vote for or against affiliation, and to answer questions from the floor.

This offer was declined by CMP because again they felt that sufficient of the membership present were members of Met Soc. In fact, some of those present are members of the Met Soc board of directors.

4. Therefore, and as an alternative to being present at CMP's meeting, I wrote a letter ... to be used at CMP executive's discretion to explain completely Met Soc's position.

I hope this letter explains Met Soc's position with regard to liaison between the two groups.

Speaking personally, I am not greatly disappointed with the outcome, because we have now a formal liaison between the two groups which I hope will work to the benefit of all members concerned.

S.H. Melbourne
President, Met Soc

Bell medal draws thanks

I certainly was pleased and honored to be a recipient of your B.T.A. Bell Commemorative Medallion.

My sincere thanks and best wishes for the continued success of your publication.

H.V. Pyke, Manager
Dome Mines Limited

It was an honor to receive the B.T.A. Bell Commemorative Medallion on the occasion of your 100th year of publication.

This is a most handsome medal and one I am proud to receive.

F.E. Burnet
Chairman, Cominco Ltd.

I have received my B.T.A. Bell Commemorative Medallion and very much appreciate having been included in your list of recipients. The medallion is a handsome one, and I am delighted to have it.

Harold Fargey
Exec. Vice-President
Cominco Ltd.

Met Soc/CMP communications

My attention was drawn recently to an article which appeared on page 35 of the March issue of the Canadian Mining Journal, regarding the discussions that have been proceeding between The Metallurgical Society of CIM and

Mr. Melbourne's letter did outline and answer specific areas of concern to CMP members. He also encouraged both groups to work more closely together whether or not affiliation was approved.

- Ed.

Inside look at seabed meeting: a step forward, two steps back

MON DEC 18 1978 AD H

By **BARBARA HASTINGS**
Advertiser Staff Writer

KA'U — Personalities, gamesmanship and what might be called temporary unholy alliances were as much a part of the Law of the Sea workshop held here last week as the issues themselves.

It was a group of men, all convinced of their own reasonableness, jockeying for a concession here, an agreement there. If anything was different when they left the Big Island, it wasn't clear.

They came to talk about deep-sea mining, apparently the most difficult area in

news analysis

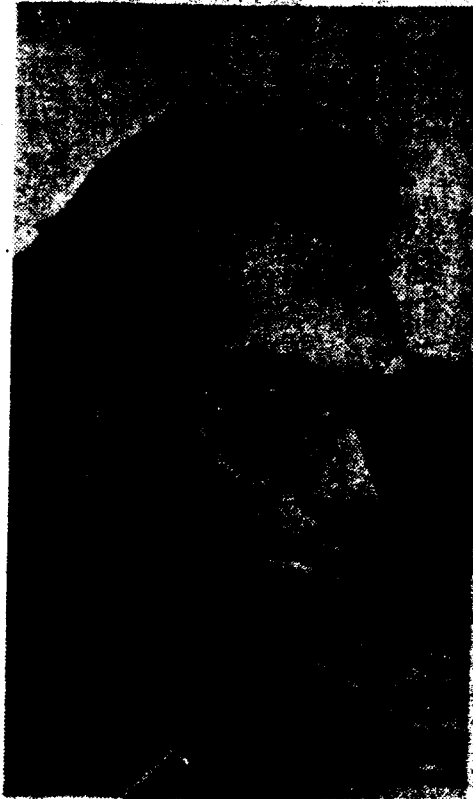
negotiating an international treaty. For five days, these industrialists, diplomats, academics and lawyers were closeted at the Aspen Institute here to argue about who owns sea minerals and who has the right to exploit them.

The argument isn't new; it's been going on for at least a decade. But progress seems to be in a "one step forward, two steps back" situation.

Hawaii's Law of the Sea Institute, along with the national Oceanic Society, engineered the workshop in an attempt to open up dialogue about the sea mineral issue.

Exploiting these sea minerals is only one part of a package of issues involved in the United Nations Law of the Sea conference. As the conference approaches its eighth session next spring, it appears no closer to a resolution of this issue.

Third World countries have chosen this seabed mineral question as a means to equalize riches and technology between them and industrial nations.



Pinto of Sri Lanka

While these things have already been agreed to, there is no treaty yet covering them since many of the participants in the U.N. conference feel they compromised on those issues to get what they want on the seabed issue. They are determined that any treaty signed will cover all issues.

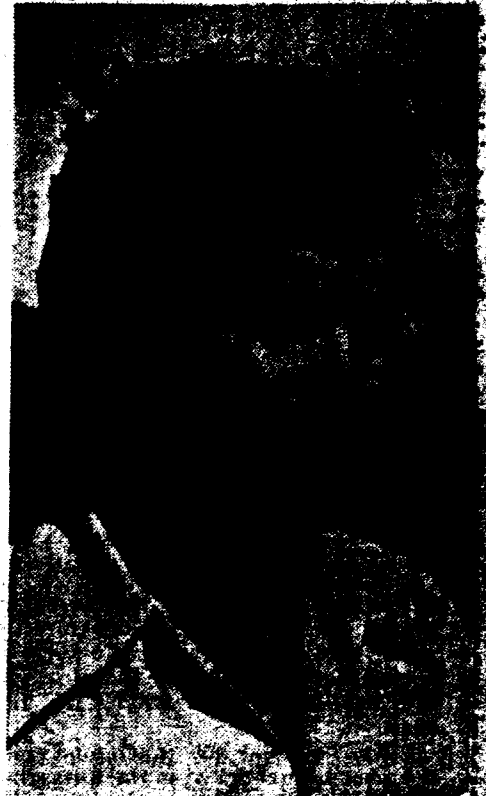
The workshop sessions, which were closed to the press, reportedly got fairly heated at times.



Enga of Cameroon

mentioned in a book connecting him with the ship *Glomar Explorer* and retrieval of a sunken Soviet submarine.

The highest ranking at the meeting were those most talked about, and talked to: U.S. Ambassador Elliot Richardson, who was only here for the first session of the workshop, "has presidential aspirations," said several. He waffles on issues, others claimed.



Beesley of Canada

ests of the Third World, despite its own industrialized status.

Canada, however, also has land-based nickel mining, (nickel is one of the main minerals in the manganese nodules on the sea floor) and is therefore accused of aligning itself with the Third World merely to protect its own position as a supplier of a scarce commodity.

However, Canada also has a company,

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Subject Law of the Sea Institute Workshop
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Agreements have been reached on other sensitive issues in the package, things like 12-mile territorial seas, the 200-mile economic limit, freedom of navigation and passage through straits.

But after five days of discussions here, it appeared that the rift over deep ocean minerals remains wide — so wide that some participants threatened the rest of the package would be in jeopardy if the seabed issue isn't solved.

A few left the workshop saying that an international agreement is closer at hand as a result of the discussions. Others said it was never further away.

"It's the same that's been argued for 10 years, but with more and more ambiguity of language to cover over the differences," said one of the workshop participants.

Some said, "Let's scrap all of the seabed mining proposals and start over."

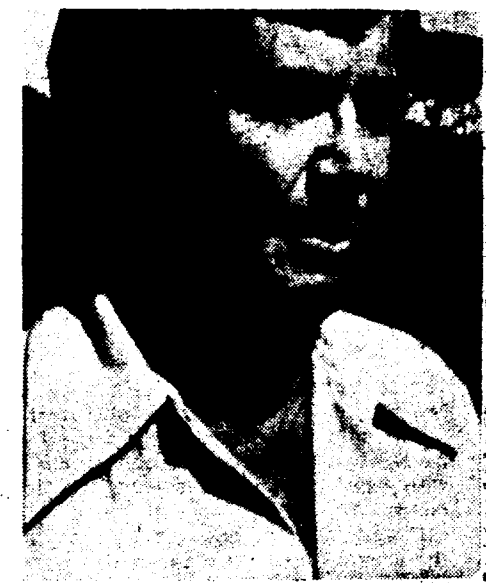
Others said, "If you do that, and we don't get what we want on sea minerals, we no longer agree on the 12-mile limit, 200-mile zone, freedom of navigation."



Pinto of Sri Lanka



Engo of Cameroon



Beesley of Canada

While these things have already been agreed to, there is no treaty yet covering them since many of the participants in the U.N. conference feel they compromised on those issues to get what they want on the seabed issue. They are determined that any treaty signed will cover all issues.

The workshop sessions, which were closed to the press, reportedly got fairly heated at times — an industry lawyer attacking a diplomat from Canada, accusations about motivations. Outside, they talked less strongly, with the industry lawyer denying he made the comments about Canada that at least four others claimed he had.

Inside the sessions, there was feigned indignation, pretended optimism or pessimism and, more than a few times, real anger.

Outside, the participants seemed to say those things that would best advance their own positions and cast doubts on the motives of others.

Everyone seemed to have a little piece of information about another, including sex lives. One is a womanizer, another an industry puppet, this one a manipulator and that one not really to be trusted.

These men interested in the Law of the Sea are sponges for information about each other. For example, a recent article in Honolulu magazine that mentioned John Craven, head of the Law of the Sea Institute, made the rounds of several participants, as did word of his name

mentioned in a book connecting him with the ship Glomar Explorer and retrieval of a sunken Soviet submarine.

The highest ranking at the meeting were those most talked about, and talked to. U.S. Ambassador Elliot Richardson, who was only here for the first session of the workshop, "has presidential aspirations," said several. He waffles on issues, others claimed.

Paul Bamela Engo, ambassador from Cameroon and an important factor in the U.N. negotiations, (a man whom Ocean Magazine referred to as a "meddlesome chairman" of one of the U.N. conference's important committees) was the subject of much cocktail gossip, but he was also considered one of the key people to sway at the meeting.

A man who had the respect of most of the participants was Christofer Pinto, Sri Lanka's ambassador to West Germany and formerly his country's delegate to the U.N. Law of the Sea Conference. Pinto is generally described as the most articulate advancer of the Third World position.

Perhaps because he was the highest-ranking diplomat to spend the longest amount of time at the workshop, J. Alan Beesley, Canadian high commissioner to Australia and delegate to the U.N. conference, was the most-often discussed in poolside or dinner conversations.

Canada is in a unique and probably uncomfortable position in the negotiations — it generally supports the inter-

ests of the Third World, despite its own industrialized status.

Canada, however, also has land-based nickel mining, (nickel is one of the main minerals in the manganese nodules on the sea floor) and is therefore accused of aligning itself with the Third World, merely to protect its own position as a supplier of a scarce commodity.

However, Canada also has a company, INCO (formerly International Nickel), which would like to see seabed mining go forward, although not at the speed other mining companies would.

Beesley and Canada were accused of things like "becoming suddenly moral." Others defended Beesley, who has almost two decades of experience in United Nations sea issues, as "sincere."

Much comment was made, too, about U.S. Congressman John Breaux, D-La., who spent most of his stay at the workshop not in the sessions but at the pool, despite often blustery winds.

But what of the issues?

They seem as far from resolution as ever. An added feature, not new, but newly discussed, was that of unilateral sea mining contemplated by several nations. Developing nations, with the support of at least Canada, promise to react strongly to such moves. West Germany has reportedly just introduced such a measure in its parliament and the United States is expected to renew a measure that died last year in Congress. Japan and others are expected to follow.

THE HIGH COMMISSIONER

Conferences — and an idle

By JOHN BRYANT

"IT keeps me running to do this job", the High Commissioner said.

John Alan Beesley, QC, has a curriculum vitae that reads like an international conference itinerary or, as he feels sometimes, like an airline schedule.

Not only is he Canada's High Commissioner to Australia, Papua New Guinea and the Solomons, but he is also the leader of Canada's delegation to the Law of the Sea Conference meeting regularly in New York and Geneva. He goes to these conferences usually twice a year for periods up to six weeks, with in-between consultations in America and Europe.

"Airlines I know", he said, adding that while his life was organised to meet these demands, it was ironic that it meant he could not enjoy to the extent he would like the very things that had attracted him to Australia and led to his request for the posting.

It was his professional interest in the many common problems that Canada and Australia share plus his family's love of the outdoors that attracted him to Australia. He was brought up in an outdoor atmosphere in Canada, and one of his first investments on arrival here was in a four-wheel drive vehicle. "I hardly ever get time to use it", he said.

Canberra being a couple of hours from the sea and the snow, the family, wife Margaret Ruth, daughter Teresa Ruth, 19, and son Steven Alan, 17, go skiing and

ruefully that sometimes when he has found the great outdoors it has left him well aware of the fact — like the time he was swept out by a rip at Noosa Heads or when he almost drowned while trying to learn scuba diving on the coast and his snorkel leaked.

Mr Beesley's informal style away from his duties has sometimes led to what he terms strange vibes. In Vienna once his young son's interest in a stamp led the ambassador to take off from the residence and head down the Kartnerstrasse, one of Europe's most elegant streets, in a pair of cut-off jeans. He said he got similar vibes during a camping trip when he walked with Australian friends into a country club in rural New South Wales shod in thongs.

His love of playing the drums (his family gave him a full set to bring to Australia) also has led to the occasional flurry. Once when he was working with the International Labour Organisation while posted in Geneva he couldn't resist playing the drums at an ILO dance. He was Gene Krupa-ing along happily when a Canadian delegation full of ministers and high officials walked in. After one of them joked about moonlighting he decided he would not volunteer on the drums again. Despite this, he says he was prevailed upon to play the drums at last year's Canada Day Ball in Canberra and this episode ended up in a combo of drums, saxophone and piano.



Mr Beesley

meet the gentleman from The Canberra Times", Mr Beesley once went to a famous London tailor during a European posting and asked him for three suits suitable for an undertaker. "They have since proved very useful in my official duties", he said.

One gets the impression talking to this alert, articulate man that the high activity involved in the innumerable conferences attended and delegations led is also what keeps his mind running on issues such as conservation, sea law, unemployment, nuclear energy.

He lived in Victoria, British Columbia, "where we cut roses every New Year's Day to make snow-bound Canadians envious". Private

his interest in foreign policy into the Canadian Foreign Service, a move he says he has never regretted. His most recent previous assignment was in Ottawa as Legal Adviser and Assistant Under-secretary of State for External Affairs.

Mr Beesley says he loves his work but is troubled about so often leaving his family and his many duties in Canberra. "But I must say this, and it's no myth or soft soap, we find Australia so warm and friendly it's compensation and makes me feel a bit better when I'm away".

He added that the warm welcome given to all foreign diplomats in Australia was very important to these people. "Diplomats can deal with the hard facts of whatever is involved at a posting, but they are sensitive about their families being uprooted and disadvantaged. In Australia diplomats are not made to feel like outsiders or oddities", he said.

At the same time most diplomats were well aware that special treatment they received was meant as an honour to their country and were conscious of the danger of ego-tripping at international forums behind a placard with their country's name emblazoned on it. Style also can have its pitfalls, as Mr Beesley tells in a story against himself. At an international conference in Canada he showed the other delegates a bit of Canadian informality and thrust by dismissing credentials-showing and sweeping his large delegation from the pavement into the conference chamber.

Each side thought he belonged to another but in fact he turned out to be a "rummy" (drunk) who had been swept up in the entrance. "He made us all feel pretty silly, but it broke the ice in a rather tense negotiation", Mr Beesley recalls.

At another conference a Canadian Indian delegate insisted on all the delegates clapping hands and singing his tribal "name-song" as a mark of ethnic respect. The Indian then led them off into an old pop ditty, "Hey good-lookin', say what's cooking". They all broke up in laughter at the send-up and it developed into a constructive conference. Such law-making conferences, Mr Beesley said, entailed difficult and serious negotiations often requiring an 8- to 12-hour day and incidents like this helped lighten the atmosphere.

Generally Mr Beesley sees most of the problems around at the moment as no real joke.

Unemployment in the Western world he regards as a threat to democracy and a shattering, humiliating experience for youth. The energy crisis he believes raises profound problems for Canada and Australia in particular as between them they own 50 per cent of the world's known uranium reserves. Conservation, "keeping a world we can all continue to live in", is never far from his mind.

At home, he sees the threatened separation by Quebec as a grave problem for the Canadian federation. "The Canadian nation is a noble experiment in people of different languages and cultures living together and is worth a lot of

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and an idle four-wheel-drive

his interest in foreign policy into the Canadian Foreign Service, a move he says he has never regretted. His most recent previous assignment was in Ottawa as Legal Adviser and Assistant Undersecretary of State for External Affairs.

Mr Beesley says he loves his work but is troubled about so often leaving his family and his many duties in Canberra. "But I must say this, and it's no myth or soft soap, we find Australia so warm and friendly it's compensation and makes me feel a bit better when I'm away".

He added that the warm welcome given to all foreign diplomats in Australia was very important to those people. "Diplomats can deal with the hard facts of whatever is involved at a posting, but they are sensitive about their families being uprooted and disadvantaged. In Australia diplomats are not made to feel like outsiders or oddities", he said. At the same time most diplomats were well aware that special treatment they received was meant as an honour to their country and were conscious of the danger of ego-tripping at international forums behind a placard with their country's name emblazoned on it. Style also can have its pitfalls, as Mr Beesley tells in a story against himself. At an international conference in Canada he showed the other delegates a bit of Canadian informality and thrust by dismissing credentials-showing and sweeping his arge delegation from the pavement into the conference chamber. One rather battered looking "delegate" kept making irrelevant, loud

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At home, he sees the threatened separation by Quebec as a grave problem for the Canadian federation. "The Canadian nation is a noble experiment in people of different languages and cultures living together and is worth a lot of effort", he said.

Mr Beesley is deeply aware of

held in common by Canada and Australia.

"We are a like people inhabiting large, similar countries and our good feelings about each other are reflected in our co-operation and common stands internationally", he said. This meant a continuing process of close consultation.

"I'm convinced that both countries will be deeply involved in the future in issues of global importance stemming from world demand for scarce natural resources, the need for stability of markets for primary products, shortages of energy, environmental constraints and the threat of nuclear proliferation.

"We do have a lot in common: we're both members of the Commonwealth and are Federal States deeply committed to Western parliamentary democracy; we share a common language; neither of us is a great power and we both have a vast, sparsely settled inhospitable territory which contains a tremendous wealth of natural resources. Both possess a good level of knowledge and expertise, but we are both also dependent on export earnings from primary and mineral products and face tough competition in export of manufactured products. Thus we are both developing as much as developed nations still grappling with the problems of the '70s, inflation and unemployment".

And Mr Beesley, with his background in international negotiations, would be the first to concede that the coming scenario of the '80s is likely to keep the conference schedule going at a beat that even a Gene Krupa might find

What about the harp seals?

QUESTIONS of conservation and the environment will get Alan Beesley, QC, to his feet, striding his office like a courtroom advocate, quick in speech, making his points rapidly.

Closely associated with the complexities and controversies surrounding Canada's legislation to delimit and preserve fishing zones which had been heavily exploited internationally, and with the 1970 legislation to regulate activities in the Arctic to counter pollution, Mr Beesley is well briefed.

Asked, "But what about the harp seals?" Mr Beesley fired back, "It is not a legitimate conservation issue; the seals are under no threat of extinction.

"I think my credentials are there", Mr Beesley said, waving a hand toward a shelf of bound volumes of his speeches to international forums. "Three-quarters of those speeches are on the preservation of the environment and the conservation of living and non-living resources in the sea and on land. I feel deeply involved".

Baby harp seals were cuddly, and media exploitation made their

deaths graphic to many people. The wiping out commercially of whole species of fish did not attract the same sort of attention. "And whaling as an issue would be more credible if equal attention was given to the vast commercial endangerment of their food resource, the Antarctic krill", Mr Beesley said. "I would like to see a 'Save the krill' movement".

He added, "Man doesn't live just to benefit the environment, but it is vital to conserve it so that man and other creatures can survive together".

Mr Beesley said he had just returned from a trip to the Northern Territory, where he had become interested in such wildlife as the water buffalo and the dingo. He had talked to people there who wondered what should be done about such species, which many regarded as a pest while others considered they should be preserved.

The interview ended as the interviewer, with memories of mis-spent youth shooting kangaroos, wild duck, grebe and so on for sport in the old Australian way, felt the practised art of a QC turning the case around.

WORLDWIDE

Sea treaty may be almost home and dry

Canada achieves most of its objectives

By Vanya Walker-Leigh

PARIS
THE NEGOTIATING session of the United Nations Law of the Sea Conference, which opened this week in New York, may be the last. After six years of wrangles, a treaty may be in sight.

This at least is the assessment of Canada's deputy delegation head, Alan Beesley, who is also Canadian High Commissioner in Australia.

Beesley told The Post in a recent interview at the end of the last LOS session in Geneva that key breakthroughs had been achieved there. Not only the adoption of a series of compromises on difficult issues, but the complete rewriting of the draft treaty — now contained in a "revised negotiating text."

This is good news for Canada. Beesley says that over the six years, Canada has managed to achieve most of its main objectives — sometimes against very tough opposition from other Western states.

Strict navigational and environmental rules have

been drawn up for ice-covered waters (the Arctic), and there is a complex balance of duties for coastal, flag and port states to protect the marine environment.

Canada started out quite alone in pushing these two items, according to Beesley. Also significant is the recognition that the Northwest Passage is different to other straits — and needs different rules.

The 200-mile fishing zone, strongly opposed by the long-distance fishing nations such as East Germany, U.S.S.R. and Japan, has already been absorbed into the laws of many countries — and is proving a boon to the Atlantic provinces.

Canada also won special provisions to protect salmon when they migrate out of Canadian waters — they are still considered as Canadian fish.

The rules agreed on this spring on the Continental Shelf, beyond the 200-mile exclusive economic zone, give Canada extensive rights. Furthermore, there is a good chance that Canadian

proposals for "revenue sharing" from oil production beyond the 200 miles will be accepted. Revenues would be redistributed to developing countries.

On seabed mining, Canada has successfully pushed two key points — that developing and developed countries which are landbased producers of the four minerals contained in seabed "nodules" (copper, cobalt, manganese and nickel) should have separate representation on the council of the proposed International Seabed Authority which would oversee mining on behalf of the world community.

Canada also won support for measures to protect its nickel mining industry from excessive seabed production. For each three million tons of seabed mined, the yield would theoretically be 37,800 tons of nickel, 36,000 tons of copper, 7,800 tons of cobalt and 750,000 tons of manganese.

The U.S. Bureau of Mines forecasts point to world nickel consumption of only 1.2 million tons by 1990, while Canadian output is expected to reach 340,000 tons. Uncontrolled seabed mining could theoretically wipe out a good chunk of Canada's (and other nickel producers') market.

While the U.S. originally strongly opposed any ceiling on seabed mining, tough negotiations with Canada eventually resulted in a "ceiling" formula agreed in April, 1978, which would allow seabed nickel only a share of the world market.

Canada has been about the only major industrialized country not to have been preparing legislation which would allow the 50 firms

Pressure from U.S. industry obliged the U.S. government to drop its opposition to seabed legislation two years ago — though the bills in Congress still have some way to go before emerging as law. Since then, various West European governments have been holding consultations to prepare laws if the U.S. bill emerges.

These countries and the U.S. have also been rumored to have engaged in negotiations for a "mini-treaty" they would sign among themselves if the UN conference failed.

These moves have been bitterly contested by developing states — but Canada has won support as the "good guy."

But there are also some minuses for Canada in LOS. So far, it has not won rules which impose strict manning, equipment and construction standards on ships entering its territorial waters.

Beesley still sees plenty of tough negotiations ahead of the issues which will dominate the New York session — scientific research at sea, seabed mining and the composition, voting rights, and powers of the proposed Seabed Authority, as well as transfer of technology by private industry to the Authority and royalties charged to mining companies.

But a LOS Treaty now looks within reach — and when it is finally signed in Caracas, perhaps next year, it will certainly be a huge diplomatic achievement of the world community — and a shot in the arm for the much maligned UN.



Strict navigational rules for ice-covered waters.

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

SubjectLAW OF THE SEA.....
Sujet

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Bring back Beesley

BY GEOFFREY STEVENS

Hon. Flora MacDonald,
Secretary of State
for External Affairs,
Peatson Building,
Sussex Drive,
Ottawa.

Dear Minister:

You — a globetrotting Cape Breton lass temporarily landlocked in Upper Canada — share my concern, I'm sure. I speak, of course, of the Law of the Sea.

LOS (as it is known to its aficionados) is a whole marvelous world of exclusive economic zones, innocent passage, archipelagic sea lanes passage, geographically disadvantaged states, trend line values, equidistance principles and anomalous stocks (not to be confused with catadromous species).

Naturally, Canadians are fascinated by every nuance. Why, just the other day I got a letter from a lady in Saskatoon who begged: "Please, Mr. Stevens, write more about the delimitation of the continental margin. My daughter can't get to sleep at night without her 2,500-metre isobath."

Well, ma'am, I've tried. How I've tried. I've followed the LOS conference to Caracas in 1974, to Geneva in 1975, to New York in 1976 and since then there've been a couple of sessions every year in Geneva or New York. It's been hard slogging, but I've never complained. I've persevered until I've managed to build up a reasonably impressive collection of Swiss watches and used ticket stubs from Broadway plays and South American bullfights.

What concerns me is that it may be ending. In New York a couple of weeks ago, they decided that enough is almost enough. They agreed that next year's meetings in New York and Geneva will be "decision-making" sessions. They think they'll have a global treaty ready to be signed in Caracas by the end of 1980.

This time, they seem to be serious. All the hundreds, probably thousands, of dedicated diplomats who have devoted their

careers to LOS will be redundant. Worse, so will I. I thought of making a fast switch from the Law of the Sea to another United Nations preoccupation, the Law of Outer Space, but, in truth, once you're hooked on mangrove sediments it's hard to get worked up about ozone layers.

Thoroughly distraught, I got ahold of Alan Beesley, your High Commissioner in Canberra and head LOS negotiator. What he said made my blood run cold. Ninety per cent of the issues have been resolved. There's a better than 50-50 chance that it will end next year.

Is there no hope? I beseeched him. Well, there are still a few problems, he replied. I brightened. There's a nasty little issue between Canada and the United States on production controls for nickel mined from the seabed. There's Sri Lanka's effort to circumvent Article 76 and extend its continental margin by taking in the southwest portion of the Bay of Bengal Fan. And there's a lot of controversy over the status of underwater ridges — the outcome of which will determine whether Iceland can claim most of the mid-Atlantic.

As encouraging as these examples of discord are, I have the feeling that Mr. Beesley, who's been at it longer than almost anyone in the world, is starting to weary of the game. "After 10 years of negotiations," he says, "I'm beginning to tire in the stretch."

Miss MacDonald, I implore you. Bring Alan Beesley home from Canberra. Ship him out to Jasper or some other fancy lodge. See that he gets lots of rest and fresh air and a glass of warm milk before bed. When he goes stir-crazy, send him back to the trenches of the Law of the Sea with orders to fight the good fight for another 16 years.

If you'll do that, Minister, I'll treat you to a bullfight in Caracas, a play in New York and a fancy dinner in Switzerland.

Redundantly yours,
etc., etc.