

LAW AND ARMS CONTROL ON THE SEABED
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OPPOSITE VIEWS ON CONTROL

Those states which favor a supra-national approach to a seabed regime tend to press for strong international machinery, while states which favor a national approach tend to resist anything but the most limited machinery. On this issue there is a rather extreme polarization of views between many developing countries and certain developed countries — the Soviet Union in particular. The U.S.S.R. strongly opposes the supra-national overtones of the seabed question and has resisted the study of international machinery in the United Nations.

The Canadian Government's position on these matters is still developing. We agree that there is an area of the seabed beyond national jurisdiction. We want this area to be reserved for peaceful purposes. We consider that a workable legal regime must be developed if the seabed is to be exploited in an effective, equitable and orderly manner. And we assume that some form of international machinery will be required. In our view, the seabed regime and machinery should provide some revenue for international community purposes, while protecting the legitimate interests of *entrepreneurs* and coastal states. We intend to be flexible and open-minded in examining all possible systems, but we have serious reservations about the more extreme proposals for international ownership and control.

I should now like to turn to the question of reserving the seabed exclusively for peaceful purposes. The basic Canadian position is that the widest possible range of arms-control measures should be extended to the widest possible area of the seabed and ocean-floor.

We have argued from the beginning that this objective should be understood in the light of the United Nations Charter and other principles of international law. Use of the seabed for offensive military uses should be prohibited, and especially the deployment of nuclear weapons and weapons of mass destruction. However, its use for purely defensive purposes, especially in areas adjacent to the coast, should not be precluded. We were the first country to call for the widest possible area of the seabed to be reserved for peaceful purposes, irrespective of the area which will eventually be subjected to an international legal regime.

The Conference of the Committee on Disarmament, which has been considering this question, reached an early consensus on the desirability of extending arms-control measures to the continental shelf as well as the area beyond national jurisdiction. There was also early agreement that there should be a narrow coastal band to which the proposed seabed arms-control measures would not apply, largely on the grounds that states have sovereignty over their territorial sea. The United States and the Soviet Union, co-chairmen of the Disarmament Committee, eventually

agreed on a limit of 12 miles for this coastal band. This corresponds to the breadth of the territorial sea claimed by the U.S.S.R. and some 55 other states.

The United States and the U.S.S.R. also agreed that this coastal band or "maximum contiguous zone" shall be measured in the same way as the territorial sea. Allowance will be made for the use of the straight-baseline system which Canada has applied to long stretches of its coast, and for the status of historic waters such as Hudson Bay.

SHORTCOMINGS OF DRAFT TREATY

The results so far of negotiations on arms control on the seabed have now been incorporated in a draft treaty tabled by the United States and the Soviet Union. The major achievement reflected in the draft treaty is prohibition of the emplacement of nuclear weapons and weapons of mass destruction on the seabed and ocean-floor. We warmly welcomed this bilateral self-denying agreement by the two great nuclear powers on the most important requirement for a seabed arms-control treaty. In other respects, however, the draft treaty falls short of our expectations and those of many other countries.

In the Disarmament Committee, Canada advanced a group of interrelated suggestions for disarmament of the seabed. In summary, these suggestions involved:

- (1) The prohibition not only of nuclear weapons and weapons of mass destruction, but also of conventional weapons and military installations which could be used for offensive purposes, without, however, banning installations required for self-defence;
- (2) the establishment, beyond the 12-mile coastal band, of a 200-mile security zone to which the proposed arms prohibitions would apply in full but where the coastal state could undertake defensive activities;
- (3) the elaboration of effective verification and inspection procedures to assure compliance with the terms of the treaty, together with an international arrangement making such verification possible for countries with a less-developed underwater technology.

With the exception of the prohibition of the emplacement of nuclear weapons and weapons of mass destruction, these Canadian suggestions are not reflected in the draft treaty put forward by the U.S.A. and U.S.S.R. The co-chairmen's draft does recognize the existing right of states to observe the seabed activities of other states and it does incorporate an undertaking to consult and co-operate in removing doubts concerning compliance with the treaty. It does not, however, provide for the right of inspection and access on the model of either the 1959 Antarctic Treaty or the 1967 Outer Space Treaty.

Non-nuclear coastal states like Canada wish to be sure that there is nothing on the seabed which could threaten their security and that even permissible defensive activities on the continental shelf are limited to the coastal state concerned.

The provision in the draft treaty limiting the prohibition to nuclear weapons and weapons of mass