

of a precise agreed boundary for the area beyond national jurisdiction, which makes it difficult for states to determine their position on the regime to be developed for that area. Conversely, of course, the present uncertainty about the nature of the regime which will apply beyond the limits of national jurisdiction also makes it difficult for states to decide what their position should be concerning a precise agreed boundary for that area. And, finally, to complicate an already complex situation, there exist also for many states serious unresolved questions as to how the ultimate decisions regarding the precise boundary and the regime may affect their whole range of interests in the defensive, economic, social and scientific uses of the sea.

The Canadian delegation believes that some at least of the difficulties created by the uncertainties just discussed can be obviated or reduced in a number of ways.

The first step in this process would be to adopt a gradual but positive approach which does not insist upon the elaboration in one single exercise of a full blown legal regime and attendant apparatus or machinery. Only in this way, we believe, will it be possible to achieve agreement in an area involving such basic uncertainties with respect to decisions of such far-reaching consequences. The proposal is not original; it has been made before by Canada and by other delegations, and it was reflected in much of the debate during the Committee's last session. However, the need for such an approach stands out with far greater cogency today in the light of the Committee's experience thus far. This does not mean that the Committee must content itself with only the lowest common denominator; but let us at least begin from that lowest common denominator. Let us concentrate our efforts on the synthesis of legal principles achieved in the Legal Sub-Committee last year. Let us proceed from these to the adoption of a statement of fundamental legal principles which is sufficiently balanced and comprehensive to provide the foundation for an international regime, while at the same time remaining flexible enough to admit of further development under various forms, without material prejudice to differing positions and points of view. Let us, while making this step with respect to principles, consider basic propositions with respect to the regime itself and then the machinery required to give it effect.

In this connection, Mr. Chairman, the Canadian delegation is in general agreement with the propositions enunciated by the distinguished representative of the United Kingdom in the First Committee on November 4, 1969. We also agree that these propositions should be considered in the Plenary Committee with a view to securing a consensus on the nature of the international regime. Perhaps these goals may seem too modest to some delegations. If our past experience is an accurate yardstick, however, then the immediate choice before us is not between half a loaf or a whole loaf, but rather between no loaf at all or half a loaf now with a promise of more to come.