

Sharing the sea's bounty

Canada will be represented at an informal meeting at head-of-delegation level in Geneva at the end of February to discuss the most contentious issue before countries participating in the third Law of the Sea Conference – the exploitation of the mineral resources of the deep seabed and ocean floor. Invitations were issued by the United Nations at the request of Norway in January. A senior officer of the Department of External Affairs, J. Alan Beesley, is expected to be in Geneva for the meeting. Mr. Beesley, who has headed Canada's working delegations at previous meetings on the law of the sea, is a lawyer and has worked with Jens Evenson, who initiated the meeting, and other jurists on preparation of acceptable texts on the main issues before the Third Law of the Sea Conference. Mr. Beesley recently returned from a visit to Brazil, Peru and Columbia with the Secretary of State for External Affairs and had the opportunity to discuss law of the sea questions with officials in those countries.

Sea law of the seventeenth century was essentially serving colonial, military and commercial interests. Not until after the Second World War did it become apparent that the resources of the oceans and protection of the marine environment should also be part of the law of the sea. With the oceans taking up 70 per cent of the earth's surface, the value of multilateral action and the need to establish a legal system are now imperative.

Canada supports the establishment of strong international machinery which would be beyond any national jurisdiction to manage the resources of the seabed. These resources were declared by the United Nations General Assembly in 1970 as constituting the common heritage of mankind. Canada strongly supports the idea of a mechanism that would provide for developing countries to share in the benefits that would be derived from the sources of the seabed, particularly the landlocked and least developed among them.

This country believes that the international authority and legal régime should not be just a licensing system but, through its operating arm, could participate in the actual exploration



and exploitation of the seabed. An idea put forward by Canada at the Caracas meeting in 1974 was for some type of joint venture between the authority and states or private enterprise. The Canadian mining industry has already expressed interest in participating in any ventures in this area.

Agreements in force

Owing to serious depletion of fish stocks, Canada extended its fisheries jurisdiction to 200 miles from the coast effective January 1, 1977 (see *Canada Weekly* dated November 17, 1976). Several fishing states have operated off the Canadian coast for many years. Agreements were concluded last year with Norway, Spain, Portugal, Poland and the U.S.S.R. An earlier agreement had been made with France in 1972.

In addition, because of mutual interest in the off-shore boundary areas on both the Atlantic and Pacific coasts, discussions took place in Los Angeles in January between Canadian and United States officials. Both countries have many small communities along their coasts which are dependent on fishing for their livelihood and for food.

The terms Canada has applied in the negotiations permit fishing within the 200-mile zone for any resources surplus to Canadian harvesting capacity. Conservation and management measures must also be established this year to provide for rebuilding of the stocks. For 1977, Canada has accepted as regulations, decisions by the International Commission for the North Atlantic Fisheries Convention (ICNAF) as part of the area they cover is within Canada's 200-mile zone.

Marine pollution

A new conception of a 200-mile economic zone for coastal states, which received support at earlier meetings of the Law of the Sea Conference, could help Canada to take more preventive action within the zone against the problem of marine pollution. Examples of oil spills along the North Atlantic coast this winter have shown the dangers to marine life and damage to coastal areas which they can cause.

In accordance with international law, Canada exercises sovereign rights over its entire continental shelf, which, in some cases, reaches beyond the 200-mile limit. At Geneva in 1975, Canada indicated that, if agreement could be worked out, it would be prepared to share revenues from exploitation of non-living resources of the continental shelf beyond 200 miles for the benefit of developing countries.

Although progress has seemed slow the law of the sea is one of the most complex subjects that nations have tried to establish as international law. The first and second Law of the Sea Conferences took place in 1958 and 1960; the third opened late in 1973. A review of the sessions in the last three years, at Caracas, Geneva and New York, shows how very broad the problems are but there have been some shifts in positions and a consensus has been reached on a number of points in the various committees.

The informal discussions in Geneva, beginning February 28, may provide some re-thinking on how to handle the common heritage of mankind, and could be helpful to negotiations when the conference sessions resume in New York next May. (A.T.H.)