

*Law of the Sea*

Hon. members should be reassured, in the interests of Canada, that the proposal which was put forward by Nepal and which is gaining support every day in the developing world poses no problem at all with respect to the legal status of the EEZ—the 200-mile limit. It does not bring into question sovereign jurisdiction over that zone, although I might say in passing that recent actions of the Government of Canada in giving up a significant part of that jurisdiction to the provinces may seriously tie our hands when it comes to future international co-operation for Third World development.

In short, therefore, the issue here is not in any way a legal one, but it is certainly a moral one. It is a question whether developed nations with a sea coast will limit their greed and be willing to invest a fair portion of the return from the earth's coastal resources in a common heritage fund for mankind. As someone closely involved in the debate for the establishment of a common heritage fund so aptly put it: "It is one of the greatest and most painless opportunities for international justice that has ever existed or is ever likely to exist."

What works against the success of such a proposal to share this wealth is, of course, greed and avarice. This is greed and avarice at the expense of the developing world. This leads us to the kind of situation which Dr. Leddy described to us in his speech last week. It is what the 1970 U.S. resolution had in mind. It is also the consideration which gave focus to early sessions of the Law of the Sea Conference. But Nepal's representative at the Law of the Sea Conference put it much better than I can. With this quote, I conclude:

If the Law of the Sea Conference fails, it will be because we, the participants in it, did not hold high the idea of the common heritage fund. We did not do that because in spite of our awareness of new challenges facing the earth and its inhabitants we are still victims of narrow, self interest. Look at the results. Most of mankind's share of ocean resources has been thrown into the coffers of a few rich countries.

**Mr. Joe Reid (Parliamentary Secretary to Postmaster General and Minister of the Environment):** Mr. Speaker, this government most assuredly joins with the concerns of the hon. member opposite when he speaks about the abuse of our environment all across the world. In addition, we join with him in his expression of concern for the favourable and progressive development of those nations now emerging—what is called the Third World. More particularly, I would like this evening to assure the hon. member that the government would like to express its complete agreement with the hon. member's motion when he calls on the government to "continue to work to achieve agreement on a comprehensive and broadly supported law of the sea treaty through the United Nations Conference on the Law of the Sea and that such a treaty should provide for an international seabed or ocean authority to regulate the exploitation of deep ocean minerals in an equitable manner, with appropriate roles for private, national and international entities".

● (1720)

Canada is on record. Since 1967, when Ambassador Pardo of Malta introduced before the United Nations general assembly a proposal calling for the UN to undertake the

[Mr. Penner.]

"examination of the question of the reservation exclusively for peaceful purposes of the seabed and ocean floor and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction and the use of their resources in the interests of mankind", Canada has energetically supported and pursued, in the context of those negotiations attempting to promote an over-all agreement on the use of the oceans, the principle of reserving the deep seabed beyond those limits, in the interests of mankind generally and under the term "the common heritage of mankind".

Canada was among the 35 countries on the original ad hoc committee set up by the general assembly in 1967 to conduct an examination of this issue and was also represented on the new 42-member permanent committee on the seabed formed in late 1968 to continue the work of that ad hoc group. At the 25th session of the general assembly in 1970, this committee was further expanded to comprise 86 members, exactly the same number of states which participated in the 1958 and 1960 Geneva Conferences on the Law of the Sea. At the same time the general assembly decided that a third Conference on the Law of the Sea should be held in 1973 and assigned to the expanded seabed committee the mandate of preparing for that conference. The general assembly resolution underlined that a single comprehensive convention was necessary because of the interrelationships among all ocean uses and activities. At the same time it gave the seabed committee some special tasks in preparing for the conference, in particular the completion of a comprehensive list of subjects and issues for the future convention to cover.

The decision to convene a new Conference on the Law of the Sea required lengthy and difficult negotiations in light of the wide divergence of views regarding the scope of the Conference and the priority attaching to the various issues it would have to consider. Canada was among those countries—mainly the developing states—favouring a conference broad in scope and according priority to the seabed regime as against the more restricted conference favoured by a number of other states which wanted only matters of direct interest to be included in considerations. It was and remains the Canadian view that no accommodation on the Law of the Sea issues could be successful unless it was a comprehensive accommodation on all major issues. A partial solution would be no solution at all in the long run.

In the end it fell to the Canadian delegation to chair the negotiating group seeking an accommodation among these conflicting views and to bring about agreement on the compromise resolution which was finally adopted. That resolution, introduced by the Canadian delegation on behalf of its many sponsors, called for a conference to deal with a broad range of issues, including the establishment of an equitable international regime—including international machinery—for the seabed and ocean floor beyond the limits of national jurisdiction and a precise definition of this area to be included in the term "seabed".

At the same time, the general assembly passed resolution 2749 declaring principles which would form the basis for a