

Mr. Chairman, the proposal made yesterday by the distinguished delegate of Italy is consistent with Canada's view of the limits of national jurisdiction. We recognize, however, that the hypothesis proposed by Italy may present some difficulty for some other delegations. In the circumstances, there is a second suggestion which the Canadian delegation would like to make as a possible means of helping us to find a way around the difficulties we face. We referred a few moments ago to the intimate interrelationship between the determination of the limits of national jurisdiction and the determination of the regime which will govern the area beyond. Recently the Secretary of State for External Affairs of Canada described this interrelationship as being of the "après vous, Alphonse" variety. What may result from this routine, of course, is that the exaggerated courtesy of Alphonse and his companion may leave them both bowing at the door ad infinitum, neither one of them being willing to precede the other. The Seabed Committee, however, has little choice in the dilemma as between the question of the boundary and the question of the regime. Although it is beyond the powers of the Committee to establish the precise limits of national jurisdiction, it is within our powers and indeed an essential part of our mandate to elaborate and recommend principles which will form the basis of a regime for the area beyond.

Accordingly, the second suggestion which my delegation wishes to make is intended to help clarify the uncertainty arising out of this relationship between the boundary and the regime, so that the Committee can more readily address itself to the elaboration of fundamental legal principles underlying the regime. My delegation made this same suggestion previously, in the First Committee of the 24th General Assembly, but it is one which could most appropriately be considered in the Legal Sub-Committee of the Seabed Committee. Let us in that forum study the possibility of accepting the principle that every ocean basin and seabed of the world shall have a percentage of its area reserved for the benefit of mankind. Let us ensure that in our future discussions the interests of all our countries are involved in an equal degree. It may be that we could not only move forward in the elaboration of legal principles but also establish some useful guidelines for the eventual redefinition of the limits of national jurisdiction by adopting a new approach in which we would proceed landward from the centre of every ocean and sea in the world and reserve out of each some considerable percentage of the underwater acreage for exploitation under a regime dedicated to the interests of humanity as a whole. In terms of providing immediate benefits to the developing and land locked nations, this approach would be infinitely more effective than any now being considered since it would encompass areas in smaller and shallower seas which are already being exploited. Under other approaches these areas would not fall within the region beyond national jurisdiction but would remain for the exclusive benefit of the riparian nations.

Moving on, Mr. Chairman, we wish to refer very briefly to two concepts which have occupied much of the time of the Legal Sub-Committee in the past. The first is the concept that the seabed beyond national jurisdiction has the same status as the superjacent waters and that the freedoms of the high seas apply to the seabed below. There is, as delegations are aware, a theory of so-called "creeping jurisdiction"