

DALHOUSIE UNIVERSITY ARCHIVES DIGITAL SEPARATION SHEET

Separation Date: June 16, 2015

Fonds Title: Elisabeth Mann Borgese

Fonds #: MS-2-744

Box-Folder Number: Box 283, Folder 5

Series: United Nations

Sub-Series: UNCLoS III : correspondence

File: Correspondence with Alan Beesley

Description of items:

Copies of the following articles:

Beesley, J. Alan. "Editorial Comment: The Missing Environmental Perspective." *Earth Law Journal* I, issue II (1975): 87-90.

Beesley, Alan. "The Negotiating Strategy of UNCLOS III: Developing and Developed Countries as Partners—A Pattern for Future Multilateral International Conferences?" *Law and Contemporary Problems*, 46, number 2 (1983): 183-194.

Rowland, Wade. *The Plot to Save the World* (Toronto: Clarke, Irwin & Company Limited, 1973), 98-100.

Reason for separation:

Pages have been removed from digital copy due to copyright concerns.



Dalhousie University

COPY

International Ocean
Institute



*Encl.
Foreign Policy
Brief*

May 29, 1994

Ambassador Alan Beesley
Victoria, B.C.

My dear Alan,

It was really nice to see you after all these years, and on such a splendid occasion.

I never tire of singing your praise in my lectures on the Law of the Sea, because what you did for Canada during UNCLOS III remains truly exemplary, and students of politics and diplomacy should learn from it!

To continue our all too brief conversation, I am enclosing herewith a copy of the "Brief" I sent to the Foreign Policy Review committee.

I am off to New York, to the final farcical session of the Secretary-General's Consultations.

All the very best,

Yours as ever,

Elisabeth Mann Borgese

RECEIVED JUN 16 1994

Ms. Elisabeth Mann Borgese
International Ocean Institute
DALHOUSIE UNIVERSITY
1226 Le Marchant Street
Halifax N.S. B3H 3P7

J. Alan Beesley
383 King George Terrace
Victoria B.C. V8S 2J8

June 9, 1994

Dear Elisabeth:

It was such a great pleasure to see you again in Halifax, on an occasion which had meaning for both of us.

I was startled to hear your comments on Part XI, but now that I have read the brief you sent to me with your kind letter of May 29 (just received) I can understand your concern and disappointment at recent events. The developing countries played a very constructive and responsible role throughout the Conference, and now it looks as if we have broken trust with them.

I should be glad to learn your views on developments at the most recent Sec-Gen's "Consultations". In particular, I should be interested in knowing which of the "Good Samaritans" shares our views. (Speaking of which, I am enclosing a photo which shows that you and I have finally attained "semi halo" status.)

Let's compare notes. In the meantime my warmest best wishes.

Yours sincerely

With much affection

Alan



J. Alan Beesley
Ambassador for
Marine Conservation
Special Advisor
of the Environment

J. Alan Beesley
Ambassadeur pour la conservation
des ressources marines
Conseiller spécial
pour l'environnement

June 11/94

Dear Elizabeth:

We should "exchange
views" on the issues discussed
in these two articles, even if
it seems too late to influence
the course of events.

What we need is to
resurrect the "Group of 12"
to try again to save the
Convention.

What do you think?

Best wishes

Alan Beesley

P.S. I didn't like my citation,
which left out large chunks of
my life, such as my three years in
New York, and my last Ottawa
assignment (see above) - plus my
earlier honorary doctorate...

COPY

19 June 1994

Dr. Alan Beesley
383 King George Terrace
Victoria, B.C. V8S 2J8

Dear Alan,

Thanks for your two letters and all the printed material.

I have read it all with the greatest interest. Are you planning to put together a volume of your essays? You really should!

I was particularly interested in the 1988 piece for the workshop on Canadian oceans policy. Has this been published? Could you bring it up to date for Ocean Yearbook?

Your suggestions with regard to Part XI are all good -- so much better than what happened in the meantime!

I agree with you: the question now is: What can we do?

I hear from colleagues returning from South East Asia that Djalal is having a very hard time trying to "sell" the Resolution and Agreement, and that there is mounting opposition. It seems, Thailand, the Philippines, and Malaysia have already decided to vote against the adoption of the Resolution on July 27. From the United Nations Secretariat I hear that also Venezuela is very unhappy with the document. Be this as it may, I think we can take it for granted that there will not be any consensus, and that there will be States who will vote against.

Now this means that we shall have two regimes: that of the Convention as changed by the "Agreement," which will be binding for all those States which have voted in favour of the adoption of the Resolution and which may become provisional members of this provisional regime. The States opposing the adoption of the Resolution will be bound by the Convention such as it was adopted in 1982, has been ratified by 61 States and enters into force on November 16.

That is a pretty messy situation, to say the least.

If the United States can, and probably will, vote in favour of the adoption of the Resolution, it certainly cannot sign the Agreement, inasmuch as signing the Agreement signifies consent to be bound by the Convention, and consent cannot be given by the State Department without the consent of two-thirds of the Senate!

The United States may also become a provisional member of a provisional regime, and many other States may follow this example, including Europe (except Germany, which will accede), Japan, and the other Pioneer Investors, except the Russian Federation which will vote against, for the obvious reason that they do not want to pay anything! This example, too, may be followed by a number of other countries!

In spite of the mounting opposition, I still think it likely, alas, that the Resolution will have a majority of votes and pass.

Ways and means then should be found to get an appropriate body to request an advisory opinion from the ICJ on the legality of the procedure which, I think, flagrantly violates the Vienna Convention on the Law of Treaties.

In this messy situation, would it not be in the long-term interest of Canada to abstain from the vote on the adoption of the Resolution? Would that not be the minimum of decency?

The problem is: nobody cares at all. I have been talking and corresponding with a lot of people in all parts of the world. What you generally get is: What does it matter; there is no sea-bed mining anyway. This really is not a legal question, it is a political accommodation!

To my mind it is a serious and dangerous erosion, not only of the law of the seas, but of international law and the law of treaties. It is a further degradation of the United Nations system, and I am very unhappy about it!

Let me know what you think, after having studied all the pros and cons!

Warmest regards,

Yours as ever,

Elisabeth Mann Borgese

COPY

May 24, 1998

Ambassador Alan Beesley
383 King George Terrace
Victoria, BC V8S 2J8

Dear Ambassador Beesley,

Please find enclosed a short paper on the ratification of the Law of the Sea that Dr. Elisabeth Mann Borgese asked me to mail to you.

Your truly

Robert L. Race
Director
International Ocean Institute - Canada

Enclosures:

Canada and the United Nations Convention on the Law of the Sea: The need for Ratification



Dalhousie University

FAXED

International Ocean
Institute

FAX TRANSMISSION

TEL: +1 902 494 6623

FAX: +1 902 494 2034

To: Alan Beesley **Date:** May 25, 1998
Fax #: 250 595 1163 **Pages:** 5
From: Robert L. Race,
Director
IOI-Canada
Subject: Ratification of UNCLOS

Dear Mr. Beesley,

Please find attached a copy of a briefing that Dr. Borgese asked me to send to you. I placed a copy in the mail yesterday but it is slightly different from this more recent version.

Yours truly,

CANADA AND THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA THE NEED FOR RATIFICATION

The United Nations Convention on the Law of the Sea, which was adopted in 1982 and entered into force in 1994, has been called "a Constitution for the Ocean." It has been hailed as the most important international agreement since the establishment of the United Nations.

This is an appeal to the Government of Canada to ratify this Convention. It is an appeal to the people of Canada to support this initiative and let the Government know.

One of the cornerstones of Canadian foreign policy has been Canada's support of the Third United Nations Conference on the Law of the Sea (UNCLOS III). Canadian involvement was extensive and was credited with being successful in achieving Canadian objectives and in providing support for a more equitable and progressive international order. Yet in 1998, Canada remains one of the few states not to have ratified the resulting Convention.

Canada's provisional membership in the International Seabed Authority will expire on November 16, 1998. Unless Canada ratifies the United Nations Law of the Sea Convention before that date, an important chapter in Canadian foreign policy will come to a close.

The purpose of this brief is to consider the following issues: 1) To determine the position of the Canadian government on ratification; 2) to determine why ratification has not occurred; and 3) to determine the costs to Canada if ratification does not occur soon.

Canada's current position on ratification of the Convention

Canadian support for the UNCLOS was extremely strong throughout the entire period in which it was negotiated. Former Prime Minister Pierre Trudeau has recently written on the importance he attached to the Convention, both in terms of protecting Canadian ocean interests and as an instrument of international cooperation.

During the election campaign leading to its 1993 victory, the Liberal Party of Canada made it clear that they favoured the ratification of the Convention. In the "Red Book", they publicly stated their commitment to ratify the Convention. In Chapter 4, it was written that "[w]e will ratify the Law of the Sea Convention." They repeated this position when they identified the need for Canada to assist in the resolution of the "many emerging global issues". To do so, they promised that their government would foster "the development of such multilateral forums and agreement, including an improved Law of the Sea."

On March 15, 1994, in one of his first speeches on Canadian foreign policy, Foreign Minister, Andre Ouellet declared that Canada would soon ratify the Convention. His successor, Lloyd Axworthy also clearly stated his intention to have Canada ratify the Convention. Speaking in the House of Commons on February 29, 1996, he stated that the government was committed to "fulfil the mandate of the law of the Sea".

In addition to public statements of support, the intention to ratify is enunciated in the Government's official statement on Canada's role in the world: "The Government has already announced that we would ratify the UN Convention on the Law of the Sea soon, and is reviewing domestic legislation to bring it into conformity with the provisions of the Convention with a view to proceeding with ratification." This was reaffirmed in the 1996 throne speech when the government once again stated that "Legislation to ratify the UN Straddling Stocks Agreement and the Law of the Sea Convention will be presented to Parliament."

It is clear from the foregoing that the official position of the current Canadian Government is to ratify the Convention. Yet there is still no sign of when this will be undertaken. Through the Oceans Act, the Government has passed legislation that harmonizes Canadian maritime boundaries with the Convention, but the Act itself does not make any reference to ratification.

Why has ratification not occurred?

Following the victory of the Progressive Conservatives of Brian Mulroney in 1984, the Canadian Government began to lose interest in the Convention. Officially, the Government explained its reluctance to ratify as due to the opposition of most of the industrial states to the deep-sea bed mining elements of the Convention (Part XI). However, Mulroney's foreign policy direction was strongly oriented towards the United States, and as the American Government was opposed to the Convention in its original form, it was unlikely that the Canadian Government was willing to antagonize the Americans over the issue of ratification .

However, by the mid-1990s, the Conservatives had been defeated and Part XI of the Convention had been rewritten to the satisfaction of practically all western states. The Clinton Administration stated its support for the revised Convention and asked the Senate to ratify it. However, given the Republican control of the Senate and the central position held by Jesse Helms in particular, it is unlikely that it will do so in the foreseeable future. The question remains as to why Canada has not ratified.

To a large degree, Canadian attention to the Convention has been eclipsed by the ongoing East Coast fishery crisis. There is little doubt that when the federal government concerns itself with ocean related matters, its attention is on the issue of fisheries and has been so since at least 1989. Canadian efforts to react to the fishing crisis have been a combination of unilateral and international cooperative actions. Yet many of these actions have resulted in direct and indirect harm to the Canadian position on the Convention. Most harmful was the Canadian amendment of the Coastal Fisheries Protection Act. The amendment unilaterally extended Canadian jurisdiction over fisheries beyond the 200-mile EEZ limit, as provided for in the Convention. This unilateral extension was the basis for Canadian action against foreign fishermen operating in the Nose and Tail of the Grand Banks. It justified the seizure of the Spanish fishing vessel Estai on March 9, 1995. As a result of this, on March 28, 1995 the Spanish Government filed an application to institute proceedings against Canada in the International Court of Justice (ICJ). The Canadian government has responded that the Court does not have jurisdiction over the issue because of a reservation made by Canada on May 10, 1994. The Court will rule on Canada's

The costs associated with the absence of Canadian ratification are significant. First, Canada is forfeiting the right to fully participate in the newly emerging global ocean regime. Since the Convention has come into force, Canada, along with other non-ratifying states, has been allowed to participate on the International Seabed Authority only on a provisional basis. Besides Canada, the current list of such states are: Bangladesh, Belarus, Belgium, Laos, Nepal, Poland, Qatar, Switzerland, Ukraine, United Arab Emirates and the United States. However, this status will be terminated on November 16, 1998. **This means that Canada will not have a voice on any future deliberations of the Authority.**

Canada has also already forfeited the opportunity to place a Canadian Judge in the International Tribunal on the Law of the Sea in Hamburg or Canadian representatives on many of the new institutions developed to support the Convention. For example, the Canadian Government could not nominate a candidate to the Commission for the Delimitation of the Continental Shelf. Given the size of Canada's Continental Shelf, having a Canadian voice on the Commission could have served Canadian interests.

Beyond the immediate costs caused by non-ratification, Canada will also pay a price in its foreign policy. The tradition of Canada as an active supporter of multilateralism in the conduct of its foreign policy has been a source of pride for Canadians and of admiration from other states. These traditions are so fully engrained in the action of Canadian diplomats that as recently as December 1997, Canada supported and was a co-sponsor of General Assembly Resolution A/52/L.26 regarding the Convention. What was somewhat bizarre was the fact that this resolution not only asked all states to harmonize their domestic legislation with the Convention, but it also called on all states that have not yet done so to ratify it. Thus Canada co-sponsored and voted on a resolution that was directed against itself!

All Canadian governments since the end of World War II have been strong supporters of a universally accepted set of rules for the conduct of peaceful relations in the international system. It has been a core value in the conduct of all Canadian foreign policy. Yet Canada now risks being shunted to the sidelines regarding international ocean relations. The Convention has achieved an acceptance that is unprecedented in the modern era. Thus the costs of not ratifying the Convention are severe.

Now is the time to ratify.

reservation in June 1998.

The Canadian government believes that if it ratifies the Convention, its case against Spain will be weakened. However, this concern overlooks the fact that since the Estai was seized, the Convention on Straddling Stocks and Highly Migratory Stocks was successfully negotiated in August 1995. Among other important articles, this Convention provides for the management and control of the fisheries beyond the EEZ. As such, Canada now has a multilaterally accepted means for the protection of its fish stock beyond the 200-mile limit. **To be a party to the U.N. Convention on the Law of the Sea and the Implementation Agreement on Straddling Stocks and Highly Migratory Stocks, which is based on, and reinforces this Convention, would strengthen, not weaken, Canada's position in the ICJ proceedings.** Nevertheless, the Canadian government appears to be waiting until the case is resolved before ratifying the Convention. If the Canadian reservation is dismissed and Canada is required to go to Court, the case could drag on for years. The question then arises as to what the cost would be to Canada if this is the case.

Costs of Non-ratification to Canada

Canada is now one of the few countries not to have ratified the Convention. As of April 1, 1998, 125 states have ratified it. Of the remaining 60 states most are either land-locked, or are among the poorest of the Third World, or are one of the newly independent former Soviet Republics. Outside of these types of states, the only other ones of any significance that have not ratified are the United States, Turkey and Canada.

The costs associated with the absence of Canadian ratification are significant. First, Canada is forfeiting the right to fully participate in the newly emerging global ocean regime. Since the Convention has come into force, Canada, along with other non-ratifying states, has been allowed to participate on the International Seabed Authority only on a provisional basis. Besides Canada, the current list of such states are: Bangladesh, Belarus, Belgium, Laos, Nepal, Poland, Qatar, Switzerland, Ukraine, United Arab Emirates and the United States. However, this status will be terminated on November 16, 1998. **This means that Canada will not have a voice on any future deliberations of the Authority.**

Canada has also already forfeited the opportunity to place a Canadian Judge in the International Tribunal on the Law of the Sea in Hamburg or Canadian representatives on many of the new institutions developed to support the Convention. For example, the Canadian Government could not nominate a candidate to the Commission for the Delimitation of the Continental Shelf. Given the size of Canada's Continental Shelf, having a Canadian voice on the Commission could have served Canadian interests.

Beyond the immediate costs caused by non-ratification, Canada will also pay a price in its foreign policy. The tradition of Canada as an active supporter of multilateralism in the conduct of its foreign policy has been a source of pride for Canadians and of admiration from other states. These traditions are so fully engrained in the action of Canadian diplomats that as recently as December

1997, Canada supported and was a co-sponsor of General Assembly Resolution A/52/L.26 regarding the Convention. What was somewhat bizarre was the fact that this resolution not only asked all states to harmonize their domestic legislation with the Convention, but it also called on all states that have not yet done so to ratify it. Thus Canada co-sponsored and voted on a resolution that was directed against itself!

All Canadian governments since the end of World War II have been strong supporters of a universally accepted set of rules for the conduct of peaceful relations in the international system. It has been a core value in the conduct of all Canadian foreign policy. Yet Canada now risks being shunted to the sidelines regarding international ocean relations. The Convention has achieved an acceptance that is unprecedented in the modern era. Thus the costs of not ratifying the Convention are severe.

Now is the time to ratify.

RECEIVED MAY 29 1998

IDV/BEESLEY, ALAN

TELEFAX No

von/de/from

an/à/to

DR. J. ALAN BEESLEY, O.C., Q.C.

(250) 595-1163

ROBERT L. RACE

DIRECTOR, J.O.J. WALTHAM

1-902-494-2034

Favorit
Datum
Date

1447 29/98

Unsere Ref.
Notre réf.
Our ref.Ihre Ref.
Votre réf.
Your ref.Anzahl Seiten
Nombre de pages
Number of pages 15

Dear Mr. Race:

Attached is one of a series of speeches I have given on the need for ratification. Please pass it on to Elizabeth

Thanks & Best wishes

Alan Beesley

P.S. I'm giving another - rather a hard-hitting one - in Vancouver on June 2 for Queens Day

DALHOUSIE UNIVERSITY ARCHIVES DIGITAL SEPARATION SHEET

Separation Date: June 16, 2015

Fonds Title: Elisabeth Mann Borgese

Fonds #: MS-2-744

Box-Folder Number: Box 283, Folder 5

Series: United Nations

Sub-Series: UNCLoS III : correspondence

File: Correspondence with Alan Beesley

Description of items:

Copies of the following speech:

Beesley, J. Alan. "Purposes and Principles or Platitudes and Pronouncements" (1996).

Reason for separation:

Pages have been removed from digital copy due to copyright concerns.

IDV/BEESLEY, ALAN

TELEFAX No

von/de/from

an/à/to

J. ALAN BEESLEY
 (250) 575-1163

ROBERT L. RACE
 1-902-494-2034

Favorit
 Datum
 Date
 Date

Unsere Ref.
 Notre réf.
 Our ref.

Ihre Ref.
 Votre réf.
 Your ref.

Anzahl Seiten
 Nombre de pages
 Number of pages

13

Dear Mr Race:

Attached is a copy of the speech I shall be delivering
 in Vancouver to-day for "National Access Day."

I should appreciate it if you would pass copies to Elizabeth
 and Ron Neil Donald (only).

Thanks

Best wishes

Alan Beesley

DALHOUSIE UNIVERSITY ARCHIVES DIGITAL SEPARATION SHEET

Separation Date: June 16, 2015

Fonds Title: Elisabeth Mann Borgese

Fonds #: MS-2-744

Box-Folder Number: Box 283, Folder 5

Series: United Nations

Sub-Series: UNCLoS III : correspondence

File: Correspondence with Alan Beesley

Description of items:

Copies of the following speech:

Beesley, J. Alan. "The International Constitution for the Oceans: Canada and the Rule of Law" (1998).

Reason for separation:

Pages have been removed from digital copy due to copyright concerns.



Dalhousie University

FAXED

International Ocean
Institute



FACSIMILE TRANSMISSION

To: Mr. J. Alan Beesley
Fax No 250 595 1163

From: Elisabeth Mann Borgese
Fax No. 1 902 868 2455

Date: June 7, 1998

Subject: Retification letter

Dear Alan,

I loved your speech. It is great.

I have now cut our letter. It was too long -- and am leaving for Europe. I have asked a young colleague Prof. Rob Huebert at the University of Alberta -- who had drafted the original longer version -- to follow up on everything and see to it that the document is published, and couriered to Axworthy and Anderson before the end of the month.

Rob will be in touch with you.

If you want to make any changes in the text -- there is time: Please feel free. And please suggest other names to Rob: People who you think should sign!

I'll be back on July 1

All the best -- and let us hope that it works!

Yours as ever,

CANADA AND THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA THE NEED FOR RATIFICATION

The United Nations Convention on the Law of the Sea, which was adopted in 1982 and entered into force in 1994. It has been hailed as the most important international agreement since the establishment of the United Nations.

This is an appeal to the Government of Canada to ratify this Convention. It is an appeal to the people of Canada to support this initiative and let the Government know..

One of the cornerstones of Canadian foreign policy has been Canada's support of the Third United Nations Conference on the Law of the Sea (UNCLOS III). Canadian involvement was extensive and was credited with being successful in achieving Canadian objectives and in providing support for a more equitable and progressive international order. Yet in 1998, Canada remains one of the few states not to have ratified the resulting Convention.

Canada's current position on ratification of the Convention

During the election campaign leading to its 1993 victory, the Liberal Party of Canada made it clear that they favoured the ratification of the Convention. In the "Red Book", they publicly stated their commitment to ratify the Convention. In Chapter 4, it was written that "[w]e will ratify the Law of the Sea Convention." They repeated this position when they identified the need for Canada to assist in the resolution of the "many emerging global issues". To do so, they promised that their government would foster "the development of such multilateral forums and agreement, including an improved Law of the Sea."

On March 15, 1994, in one of his first speeches on Canadian foreign policy, Foreign Minister, Andre Ouellet declared that Canada would soon ratify the Convention. His successor, Lloyd Axworthy also clearly stated his intention to have Canada ratify the Convention. Speaking in the House of Commons on February 29, 1996, he stated that the government was committed to "fulfil the mandate of the law of the Sea".

In addition to public statements of support, the intention to ratify is enunciated in the Government's official statement on Canada's role in the world: "The Government has already announced that we would ratify the UN Convention on the Law of the Sea soon, and is reviewing domestic legislation to bring it into conformity with the provisions of the Convention with a view to proceeding with ratification." This was reaffirmed in the 1996 throne

speech when the government once again stated that "Legislation to ratify the UN Straddling Stocks Agreement and the Law of the Sea Convention will be presented to Parliament."

It is clear from the foregoing that the official position of the current Canadian Government is to ratify the Convention. Yet there is still no sign of when this will be undertaken. Through the Oceans Act, the Government has passed legislation that harmonizes Canadian maritime boundaries with the Convention, but the Act itself does not make any reference to ratification.

Why has ratification not occurred?

Following the victory of the Progressive Conservatives of Brian Mulroney in 1984, the Canadian Government began to lose interest in the Convention. Officially, the Government explained its reluctance to ratify as due to the opposition of most of the industrial states to the deep-sea bed mining elements of the Convention (Part XI). However, Mulroney's foreign policy direction was strongly oriented towards the United States, and as the American Government was opposed to the Convention, it was unlikely that the Canadian Government was willing to antagonize the Americans over the issue of ratification.

By the mid-1990s, the Conservatives had been defeated and Part XI of the Convention had been rewritten to the satisfaction of practically all western states. The Clinton Administration stated its support for the revised Convention and asked the Senate to ratify it. Given the Republican control of the Senate and the central position held by Jesse Helms in particular, it is nevertheless unlikely that it will do so in the foreseeable future. The question remains as to why Canada has not ratified.

To a large degree, Canadian attention to the Convention has been eclipsed by the ongoing East Coast fishery crisis. The Canadian government believes that if it ratifies the Convention, its case against Spain will be weakened. However, this concern overlooks the fact that since the Estai was seized, the Convention on Straddling Stocks and Highly Migratory Stocks was successfully negotiated in August 1995. Among other important articles, this Convention provides for the management and control of the fisheries beyond the EEZ. As such, Canada now has a multilaterally accepted means for the protection of its fish stock beyond the 200-mile limit. **To be a party to the U.N. Convention on the Law of the Sea and the Implementation Agreement on Straddling Stocks and Highly Migratory Stocks, which is based on, and reinforces this Convention, would strengthen, not weaken, Canada's position in the dispute with Spain, the EU and Portugal who are already parties to the Convention, so ratification by Canada would have an immediate positive impact on the dispute.** Nevertheless, the

Canadian government appears to be waiting until the case is resolved before ratifying the Convention. The case could drag on for years. The question then arises as to what the cost of non-ratification then would be..

Costs of Non-ratification to Canada

The costs associated with the absence of Canadian ratification are significant. First, Canada is forfeiting the right to fully participate in the newly emerging global ocean regime. Since the Convention has come into force, Canada, along with other non-ratifying states, has been allowed to participate on the International Seabed Authority only on a provisional basis. Besides Canada, the current list of such states are: Bangladesh, Belarus, Belgium, Laos, Nepal, Poland, Qatar, Switzerland, Ukraine, United Arab Emirates and the United States. However, this status will be terminated on November 16, 1998. **This means that Canada will not have a voice on any future deliberations of the Authority.**

Canada has also already forfeited the opportunity to place a Canadian Judge in the International Tribunal on the Law of the Sea in Hamburg or Canadian representatives on many of the new institutions developed to support the Convention. For example, the Canadian Government could not nominate a candidate to the Commission for the Delimitation of the Continental Shelf. Given the size of Canada's Continental Shelf, having a Canadian voice on the Commission could have served Canadian interests.

Beyond the immediate costs caused by non-ratification, Canada will also pay a price in its foreign policy. The tradition of Canada as an active supporter of multilateralism in the conduct of its foreign policy has been a source of pride for Canadians and of admiration from other states. These traditions are so fully engrained in the action of Canadian diplomats that as recently as December 1997, Canada supported and was a co-sponsor of General Assembly Resolution A/52/L.26 regarding the Convention. What was somewhat bizarre was the fact that this resolution called on all states that have not yet done so to ratify it. Thus Canada co-sponsored and voted on a resolution that was directed against itself!

Canada now risks being shunted to the sidelines regarding international ocean relations. The Convention has achieved an acceptance that is unprecedented in the modern era. Thus the costs of not ratifying the Convention are severe.

Now is the time to ratify.

June 9, 1998

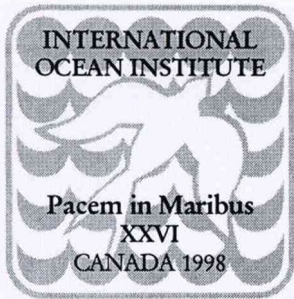
Dr. Edgar Gold Q.C.
c/o P. A. Cooper
P.O. Box 12 Roma Street
Brisbane, QLD 4003
Australia

Dear Dr. Gold,

Please find enclosed a copy of Dr. Alan Beesley's speech, "Purposes and Principles or Platitudes and Pronouncements" which Professor Elisabeth Mann Borgese asked me to forward to you.

Yours sincerely,

Ying Watt
Administrative Assistant



Dalhousie University



FAXED
FACSIMILE TRANSMISSION

To: Alan Beesley
383 King George Terrace, Victoria, British Columbia
Fax: 1 250-595-1163

From: Madeleine Coffen-Smout, Co-ordinator
International Ocean Institute, Dalhousie University, Halifax, Nova Scotia
Fax: 1 902 494-2034

Date: Tuesday, December 15, 1998
Re: PIM XXVI
Page: 1 of 2

Dear Ambassador Beesley,

Although it seems that we don't have any press releases which quote you, I have gone through the newspaper articles which we have here, and there is one which has a sentence attributed to you. I am therefore attaching a copy of the article. I wonder whether it is the one you were referring to. It is quite possible that there was coverage of the conference which we never saw, as the media people didn't collect cuttings for us - the articles which we have are all from just the local press.

I hope you find it of interest. Some of the media coverage of the conference was somewhat distorted, but I trust that you've not been hideously misquoted!

Yours sincerely,

Madeleine Coffen-Smout

DALHOUSIE UNIVERSITY ARCHIVES DIGITAL SEPARATION SHEET

Separation Date: June 16, 2015

Fonds Title: Elisabeth Mann Borgese

Fonds #: MS-2-744

Box-Folder Number: Box 283, Folder 5

Series: United Nations

Sub-Series: UNCLoS III : correspondence

File: Correspondence with Alan Beesley

Description of items:

Copies of the following newspaper article:

Madill, Dale. "Oceans Draft Declaration Hits Snag." *Chronicle-Herald* (Halifax, Nova Scotia), December 4, 1998.

Reason for separation:

Pages have been removed from digital copy due to copyright concerns.



Dalhousie University

FAXED

International Ocean
Institute



FACSIMILE TRANSMISSION

TO Alan Beesley
FAX 250-595-1163

FROM Robert Race, Director
International Ocean Institute – Canada, Dalhousie University

FAX 902-494-2034

RE Law of the Sea Training

DATE February 28, 2000

PAGES 1

Dear Ambassador Beesley,

Thank you for your willingness to instruct our training programme participants in Law of the Sea. I hope that you will be able to give us a positive confirmation in due course.

The Course will run from 29 May to 4 August. The first week is Introduction and Oceanography. The second module covers LOS, UNCED and other conventions. We start with Law of the Sea and allocate two days, Monday and Tuesday 5-6 June, before moving on to UNCED.

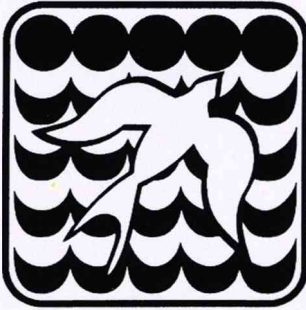
The Course Director will be Dr. Noel Brown who was formerly with UNEP in New York. Perhaps you know him.

We will be selecting 18 participants from the application received so far. We will have 9 women and 9 men. I will send you a complete listing of participants and final syllabus later in March.

We will of course be making all arrangements for your travel and accommodations. Mr. Francois Bailet, who you may have met at PIM XXVI in Halifax in 1998, will be the Assistant Director and will liaise with you on your requirements and details.

Yours sincerely,

FAXED



International Ocean Institute

IOI – Canada
1226 Le Marchant St.
Halifax, Nova Scotia
CANADA, B3H 3P7

To: H.E. Alan Beesley

From: François BAILET – IOI Canada

Fax: +1-250-595-1163

Pages: 12

Phone: n.a.

Date: Wednesday, March 29, 2000

Re: IOI 2000 Training Programme

CC: n.a.

Your Excellency,

I must begin by expressing my gratitude and enthusiasm to you for accepting to lecture on the Law of the Sea to our 2000 Training Programme in Halifax (N.S.), Canada.

Please find enclosed the current draft of the course syllabus within which you will note that we have scheduled two days of Law of the Sea lectures: Monday, June 5 and Tuesday, June 6, 2000.

The International Ocean Institute – Canada will cover all your transportation and accommodation costs for this event. If you would be so kind as to inform me, at your earliest convenience, of your travel requirements so that I may instruct our agents to establish a tentative itinerary for your review.

In the meantime, I remain at your disposition.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'F. BAILET'.

François N. Bilet
Project Coordinator
Assistant Course Director
International Ocean Institute - Canada