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JOHN D. MILLER

65 QUEEN STREET WEST
TORONTO, CANADA
M5H 2M5

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TELEPHONE (416) 364-1179
CABLE "SWAPAT"
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JAMES A. FRASER, CONTROLLER

MONTREAL OFFICE
625, AVENUE DU PRÉSIDENT KENNEDY
MONTREAL, CANADA H3A 1K4

OUR FILE T-300-36 SJB
YOUR REF.

April 21, 1981

Dr. Elisabeth Mann Borgese,
Department of Political Science,
Dalhousie University,
Halifax,
Nova Scotia,
B3H 4H6

Law of the Sea

Dear Dr. Borgese:

Thank you for your kind letter of April 5 and enclosures which I have read with interest.

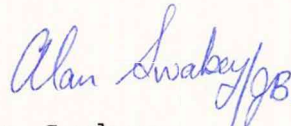
This is being written on the eve of a business trip to the Pacific area. However, I hope to comment more fully later.

I do hope the CIIA will have a transcript of your talk as I was most interested in the scenarios you pictured, in the absence of a full Law of the Sea Treaty as contemplated.

Thank you very much again for having written.

With best personal regards,

Sincerely,



Alan Swabey

Department of Political Science

Dalhousie University, Halifax, Nova Scotia, B3H 4H6, (902) 424-2396

April 5, 1981.

Mr. Alan Swabey
Swabe, Mitchell, Houle, Marcoux & Sher
65 Queen Street West
Toronto, Canada M5H 2M5

Dear Mr. Swabey:

Thank you very much for your kind and interesting letter of March 30 which readed me yesterday.

Of course I remember your intervention and your interest in the important question of technology transfer.

Unfortunately I don't have a copy of my speech because I did not write it but spoke freely from very concise notes.

I have a feeling that the elaborate provisions of Part XI and Annex III of the Draft Convention will never be applied. As far as I understand, the US is now preparing a major policy statement in which they will press for the adoption of a Convention without Part XI and without the respective Annexes. This is an unfortunate and totally irresponsible development. Whether the rest of the world will accept this breaking up of the "package" I do not know: they even may. In any case, however, I think we have to design a strategy to get a seabed authority through some other way, and there we may apply all the lessons we learned from the UNCLOS negotiations, and build a better and more viable Seabed Authority.

I would therefore be particularly interested in having your ideas and suggestions. The code of conduct is a small step in the right direction. I have a hunch that, at the same time, one should push for as much public and international R&D in as many areas as possible. The concepts of intellectual property and industrial property are in a stage of transformation, just like everything else, and we'll have to do something about it.

Since you speak German, I am enclosing copy of an article I just published in the Handelsblat, which is the equivalent of the Wall Street Journal.

With all good wishes,

Ernst Han Beyer

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625, AVENUE DU PRÉSIDENT KENNEDY
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OUR FILE T-300-36 SJM
YOUR REF.

March 30, 1981

Mrs. Elisabeth Mann Borgese
Professor of Political Science
Dalhousie University
Halifax, Nova Scotia

"The Law of the Sea - The Next Stage"

Dear Mrs. Borgese:

This is to express my appreciation for your fascinating talk on the Law of the Sea at the CIIA.

You may remember me as the person who spoke to you in German. I am sorry that time did not permit any personal discussion.

What I would really like to get hold of is a copy of your talk in writing so that I could give it the study it deserves, particularly your scenarios for the future.

I have been involved in contacts with our Canadian negotiators through the Technology Transfer Committee of CBIAC. See the enclosed literature.

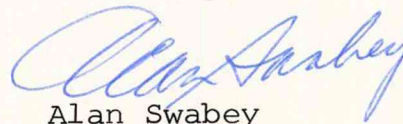
Our Committee is concerned about the technology transfer provisions. You pointed out that these were a compromise. From our point of view, however, they seem to have been arrived at by people who were not fully familiar with the implications of technology transfer and were, therefore, willing to sacrifice this particular type of private property without enough thought for the reaction of those investing in it. I believe that, although, there were a number of factors that prompted the U.S. to take another look, technology transfer was a serious concern.

Mrs. Elisabeth Mann Borgese

Looking forward to hearing from you.

Best regards,

Sincerely,

A handwritten signature in blue ink, appearing to read "Alan Swabey". The signature is fluid and cursive, with the first name "Alan" being more prominent and the last name "Swabey" following in a similar style.

Alan Swabey

Enc.



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24 January 1983

Dr Elizabeth Mann Borjese
C/- The International Ocean Institute
PO Box 524
VALLETTA MALTA

Dear Dr Mann Borjese

We met in 1975 at the UN Law of the Sea Conference.

I have maintained my interest in the subject and enclosed is a copy of a recent article by me.

I should be most grateful if you would please tell me if you are still continuing your research on Law of the Sea matters, particularly relating to the common heritage concept.

Also, now that the Law of the Sea is completed, do you have any plans for expanding the concept of the common heritage, for example, to include the Antarctic?

Yours sincerely

(Dr Keith D Suter)
International Law Adviser

Encls

DALHOUSIE UNIVERSITY ARCHIVES DIGITAL SEPARATION SHEET

Separation Date: August 26, 2016

Fonds Title: Elisabeth Mann Borgese

Fonds #: MS-2-744

Box-Folder Number: Box 100, Folder 33

Series: United Nations

Sub-Series: Correspondence regarding the International Ocean Institute

File: 'S' miscellaneous correspondence

Description of item:

Item is a photocopy of the following article:

“Implications of the new UN Law of the Sea Treaty.” *Australian Fisheries* (November 1982): 46-49.

Reason for separation:

4 pages removed from digital copy due to copyright concerns.

UNU OUSAK

国連海洋大学
(United Nations Maritime University)

基礎調査・研究
(basic research and study)

- 沿岸管理部門
(section of coastal management)
- 海洋環境保護部門 (海洋汚染防止を含む)
(section of the protection of the marine environment) (including prevention of marine pollution) — *social impact on world population.*
- 漁業資源部門
(section of fishery resources)
- 鉱物資源部門
(section of mineral resources)
- 海洋エネルギー部門
(section of marine energy)
- 海運部門
(section of marine transportation)
- 港湾部門
(section of ports facilities)
- 海洋科学調査部門
(section of marine scientific research)
- 海洋技術移転部門
(section of the transfer of marine technology)

— aquaculture

プロジェクト活動
(Project activities)

Legal aspects
institutional requirements
integration in development
strategy
social impact

技術訓練コース ----- 大学修了者, 各国政府官吏など
(technological training course) (post-graduate students, government officers etc.)

国際会議, シンポジウム又はセミナーの開催
(holding of international conferences, symposium or seminar)

情報センター, データセンター
(information center, data center)

事務局
(secretariate)

Mr. Saigo
Mayor of Yokohama City

SUHI KAZUO

The
Environmental Coalition

F.O.R...N.O.R.T.H...A.M.E.R.I.C.A...E.N.C.O.N.A

1101 Fourteenth St. NW - Suite 1000
Washington, DC 20005 (202) 289-5009
November 30, 1982

HAND DELIVER

Hon. Ronald Reagan
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

In a few days, representatives of some 150 countries will meet in Jamaica to sign the Final Act of the new Treaty on the Law of the Sea.

As you know, signature of the Final Act does not constitute signature of the Treaty. We wish to commend you on your announcement that the United States will sign the Final Act and urge you to adhere to that position. After all, such signature is but a notarial function, signifying agreement that the text is in fact the one adopted at the last negotiating session of the Conference on the Law of the Sea in March and April, and approved in the various official languages of the Conference in September. Refusal to sign would be looked upon by many as an act of petty irritation and would be harmful to American interests.

Moreover, signature of the Final Act confers on the United States the privilege of participating as an observer in the work of the Preparatory Commission, which will make plans for setting up and operating the Seabed Authority, after signature and ratification by enough countries. The Preparatory Commission will have power to draw up rules and regulations governing entry into deep seabed mining exploration by states and private corporations during the transition period. These rules and regulations will, in all probability, become the permanent operating regulations for actual exploitation after the exploratory period has passed.

It is important, therefore, that those who wish to see ocean mining proceed, at the proper time and under proper safeguards, make every effort at the sessions of the Preparatory Commission to develop rules and regulations which will make the financing of ocean mining possible.

The United States can exert a very powerful influence at the Commission sessions, if it participates as an observer. We urge you to reconsider the position taken by your Administration thus far against participation and make it known that we will indeed take part in the work of the Commission. This does not commit the United States in any way to sign the Treaty, nor commit your Administration to recommend to the Senate that it ratify it. A clear-cut declaration to that effect could easily accompany the announcement of participation as an observer.

The United States has an interest in access to the minerals of the deep seabed, among other interests. There is legitimate doubt whether our domestic legislation, authorizing such mining unilaterally, can provide the security of investment our companies will need for such work.

There is legitimate doubt also whether the interim agreement concluded in September with industrial countries intended to mitigate conflict over mining site claims will provide the necessary financial security.

It seems more likely that an overwhelming majority of countries will sign and ratify the big Treaty during the next few years and that it will become prevailing international law. If so, the consortiums in which our companies participate will be obliged to operate, if at all, under the Treaty. The rules and regulations, which will be adopted by the Preparatory Commission, will determine to a large extent whether they will consider it possible to do so.

We are not arguing, at this time, for American signature to the Treaty itself. That may be for other Administrations and other Senates to consider in due course. They will no doubt approach that responsibility, taking into account the many advantages the Treaty will provide, and which your Administration has explicitly recognized: security for oil and gas exploration and exploitation; military and commercial navigation and overflight; maritime personnel and property; the living resources and marine environment; scientific research; dispute settlement; and ocean mining itself.

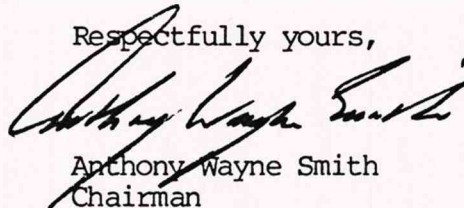
For the present, the issue is participation as an observer in the work of the Preparatory Commission, with a view to getting the best possible regulatory interpretations of the text, in order to make deep seabed mining feasible, under secure and financially acceptable conditions, by the mining consortiums in which our companies participate.

Hon. Ronald Reagan
November 29, 1982
Page three

In our judgment, most, if not all, of the remaining objections you have expressed concerning the treaty can be met by the rules and regulations which the preparatory Commission has authority to adopt.

Now is the time, in our judgment, for your Administration to get into the deliberations of the Preparatory Commission as an observer and work for regulations which will make it possible for the American mining industry to engage in ocean mining, under the Treaty, if, as, and when it becomes clear that this is the only way it can operate.

Respectfully yours,



Anthony Wayne Smith
Chairman

AWS/pbj

Copies to:

Secretary of State
Special Representative of
the President - United
Nations Conference on the
Law of the Sea
Public Chairman - Advisory
Committee on the Law of
the Sea

P.S. For identification, the Environmental Coalition for North American (Encona) is one of the oldest alliances of persons connected with labor, environmental and other citizen organizations. It has supported environmental and labor participation in the Advisory Committee and Delegation on the Law of the Sea for over a decade. In varying numbers from time to time, its participants have included persons associated, at high levels, with practically all of the environmental organizations in the country and with some of the larger labor unions. At present such persons, participating as individuals, are associated with the United Steel Workers, Communications Workers (Telephone), National Audubon Society, National Wildlife Federation, Natural Resources Defense Council, World Wildlife Fund and others. We can give powerful support to the efforts to get regulations, which will be helpful to this country, in ocean mining.

ANTHONY WAYNE SMITH
ATTORNEY AT LAW
DISTRICT OF COLUMBIA
NEW YORK

1101 Fourteenth St. NW - Suite 1000
Washington, DC 20005 (202) 289-5000
May 5, 1983

Ms. Elisabeth Mann Borgese
Department of Political Science
Dalhousie University
Halifax, N.S. Canada B3H 4H6

Dear Elisabeth,

How goes your teaching? What further writing? Did you get my letter of January 20?

My schedule looks too crowded for the Dalhousie Conference on June 21-24, though I could weaken if I got my expenses covered.

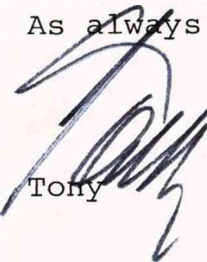
Concern for the Law of the Sea has declined even further in the last two or three months. We are in for a prolonged holding action.

One of our colleagues suggested recently that if a compressed natural gas tanker blew up in an Algerian port and strict laws were passed in Algeria to prevent a recurrence, the oil companies might take an interest again. That is about where we are.

Meanwhile, meetings like Dalhousie are very important.

Let me hear from you. With warm regards,

As always,



Tony

ANTHONY WAYNE SMITH
ATTORNEY AT LAW
DISTRICT OF COLUMBIA
NEW YORK

1101 Fourteenth St. N.W.
Suite 1000
Washington, D.C. 20005
January 20, 1983

Dear Elisabeth,

Your warm and cordial note was more than welcome. And the fine picture of you and your friends.

The pro-treaty people here have settled down to a long-term campaign for eventual signature and ratification.

The multilateralists and unilateralists within the Administration were locked in battle for two years, and the unilateralists won.

Enclosed is a copy of a letter I sent President Reagan as Chairman of the Environmental Coalition for North America, an alliance of persons associated with labor and environmental organizations which I have in effect been representing during my twelve years of work with the Law of the Sea Conference.

I serve also as a member of the Board of Directors of Citizens for Ocean Law, of which Elliot Richardson is Chairman, which has been pushing unsuccessfully for US participation as an ~~Advisor~~ *Observer* in the Preparatory Commission.

There will be a new Administration in two years, whether Republican or Democratic, and we shall see what happens then.

I am setting up a Consultative Group on the Law of the Sea with the endorsement of the Environmental Coalition (Encona) with a view to cooperation among the pro-treaty people on the US Advisory Committee and Delegation and a larger group including labor and environmentalists. I invite you to be a participant; please let me know.

If the LOS Institute or the DOSP has funds to contribute to Encona (tax-deductible) for my expenses, I would go to the Conference in June. Can you work it?

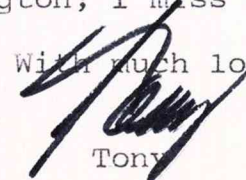
In fact, I would be interested in representing the Institute and/or the Programme in Washington as correspondent or attorney if they have any use for such representation. What about that?

Incidentally, the Auto Workers are not mentioned in the post-script of my letter to the President because they could not get clearance in time, but they are part of Encona and agree with the content; except that they want a public corporation for seabed mining!

Some think the mining problems will solve themselves via the joint venture route. What a pity we could not put your joint venture ideas over five years ago.

You should get me up to Halifax or come to Washington; I miss you.

With much love,



Tony

Department of External Affairs



Canada

Ministère des Affaires extérieures

IDA-988

OTTAWA, ONTARIO
K1A 0G2

September 8, 1983

Professor Elisabeth Borgese
Department of Political Science
Dalhousie University
Halifax, Nova Scotia
B3H 4H6

Dear Professor Borgese:

Thank you for providing us with a copy of your study on interaction between the Seabed Treaty and the Convention on the Law of the Seas. It is useful to have drawn together under a single cover pertinent information and your researcher is to be complimented on his work. We were pleased to note and concur with your identification of arms control verification as a crucial and difficult issue in terms of the Seabed Treaty.

Mr. Dennis Snider of the Arms Control and Disarmament Division has been appointed as an adviser to the Canadian Delegation during the Review Conference. Subject to his primary responsibilities in this regard, Mr. Snider would be pleased to accept your invitation to attend the seminar as an observer.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "G.J. Smith".

G.J. Smith
Director
Arms Control and Disarmament
Division

299 First Avenue
Ottawa, Ontario
K1S 2G7

Professor Elisabeth Mann
Borgese
Department of Political Science
Dalhousie University
Halifax, Nova Scotia.

tel: 613-233-7133.

2 February 1983.

Dear Professor Borgese,

I am writing to you after talking to King Gordon yesterday while we were standing outside Parliament on a 'Refuse the Cruise' vigil ! (Actually, King introduced us about a year ago during a short car-ride from External Affairs into town here).

I am starting on a project which I have been wanting to do for some years: write a short book for general readership about the Law of the Sea Conference. I don't know whether you have seen Safe and Sound: Disarmament and Development in the Eighties, which I wrote about a year ago as a 'popular version' of the Thorsson report. It will, anyway, be about the same length and format; and the External Affairs Department is giving me access to its material, as well as financial support -- but at an arm's-length relationship, as with Safe and Sound.

So I hope very much to have an opportunity to talk with you about the Convention and the whole conference, before long. Your excellent article in the UNA Bulletin last September stirred up a number of questions; and I would like to learn more about Pacem in Maribus, and also your views on regional cooperation. King said that the Mexico meeting last October was a good one.

There is a possibility that I will be in Halifax on March 4 and 5 at an International Defence and Aid meeting organised by Tim Shaw and others. Or, I understand, you may be coming to Ottawa the following week for the CCIC conference to which Ramphal and Inga Thorsson are coming. Is it possible to meet for a talk on one or other occasion ?

with best wishes,

yours sincerely,

Clyde Sanger.
Clyde Sanger.