

The 1960 conference also failed to come to a conclusion, but only by one vote. Since that time, a number of countries have taken unilateral decisions on a 12-mile limit.

In 1970 Canada, for instance, established a 12-mile territorial sea. In the same 1970 amendments to the Territorial Sea and Fishing Zone Act, Canada laid down the legislative basis for proclaiming exclusive fishing zones "adjacent" to its coast. Subsequently, by Order-in-Council, fishing zones were established on Canada's east and west coasts.

The Contiguous Economic Zone

There is also general agreement that some area beyond the territorial area should be under the jurisdiction of coastal states. The 1958 Continental Shelf Convention gave economic and managements rights to the limit of the 100-fathom mark or to the "Limit of Exploitability" of the coastal shelf. 100 fathoms was well beyond exploitability on the basis of the technology developed at the time. In the years since the continental shelf convention was drafted, technology has advanced to the point where it can be foreseen that there is virtually no limit, due to the depth of water, of the area that can be exploited, if not today, at least in the near future.

Some 148 states with very different geographical dimensions and attributes are eligible to come to Caracas. Of these, 39 are land-locked. Particularly, the latter look with great interest to the concept put forward some years ago by the Maltese representative at the United Nations, Dr. Arvid Pardo. He argued that beyond the territorial sea and economic zones the exploitation of the seabed should take place for the benefit of all states. The land-locked states quite naturally wish to limit the economic zone of the coastal states as much as possible. They have put forward the idea of a limited 40-mile zone or one extending only to the 200-meter isobath--the old 100-fathom line. This proposal goes back from the "Limit of exploitability concept" embodied in the Continental Shelf Convention.

Canada is in the special position of having one of the most extensive continental margins on its east coast, stretching well beyond the 200-mile mark. In some places, Flemish Cap and the Grand Banks, the distance is double and more. However, on the west coast, the shelf runs out barely to 40 miles.

The Canadian position regarding the limits of the continental shelf is based on state practice, on the 1958 Convention itself, and on the 1969 decisions of the International Court of Justice in the North Sea Continental Shelf cases, which defined the continental shelf as the submerged natural prolongation of the continental land mass. On the basis of these three legal foundations, Canada claims and exercises rights over the whole of the continental margin, including the continental slope and rise as well.

Just as the coastal states have a natural advantage over the land-locked countries, so inevitably will the Maritimes have a special advantage, through the simple fact of geography, in the on-shore storage and processing of the resources from the adjacent seabed area. But if the Maritimes and other coastal areas have this advantage, it also follows that Canada as a whole must, in some way, through federal action, share in the benefits of this new extension of the area of national jurisdiction. We have here an analogy