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External Affairs
Canada

Affaires extérieures
Canada

Canada plays an important role in attacking a thorny world resources problem, 1

Bell Canada reports ding-dong business, 2

New Canadian fuel design developed in record time, 3

Parole system needs to be simplified Senate Committee told, 3

Environmental facilities construction, 4

Three alternative approaches to low-income housing, 5

Wildlife scientist wins international award, 5

Atlantic salmon stocks revive, 5

Seminar of Canada-Soviet electrical power group, 5

Canadian appointed to UNESCO post, 6

Sport whaling ban, 6

Air-traffic control simulation centre, 6

Final hockey standings, 6

Canada plays an important role in attacking a thorny world resources problem

The following passages are from an article in Geos (Winter 1973 issue), published by the Department of Energy, Mines and Resources, written by the director of that department's Resource Management Branch, Dr. D.G. Crosby, who has represented Canada at several international conferences on offshore resources:

Canada's Offshore is a vast area of great mineral-resource potential. Our continental margin is one of the largest in the world, comprising a total area of almost two million square miles, which is about half as large as Canada's entire land area of 3.85 million square miles. Canada oil and gas permits now cover approximately one million square miles, about half of our total continental margin. These have been issued in areas extending to more than 400 miles off our sea coasts and in water depths ranging to more than 3,500 metres.

By late September, 63 wells had already been drilled on these permits, another four were being drilled off the East Coast, and prospects were good for increased drilling activity not only off the East Coast but elsewhere in the Canadian Offshore, and there are plans as well for the initiation of drilling on artificial islands in the Mackenzie Delta region.

Nowadays, people tend to accept such facts and figures about Canada's Offshore as simply the reflection of ordinary, routine developments — as the result of an inevitable progress of events. Actually, the exercise of Canadian jurisdiction over the seabed resources of a continental margin comprising almost two million square miles is an example of leadership in state practice, a most important factor in the development of international law.

However, the fact that Canada has issued permits covering such extensive offshore areas does not by itself establish and maintain our jurisdictional claims to the seabed resources of these areas. Unilateral action by a state does not in itself create or even necessarily lead to international law.

It is the acceptance of that practice and the adoption of similar practices by other states that lead to customary international law.

International law is, after all, based upon the consent of states, and the fact that this aspect of consent is present not only in treaty or conventional law but as well in the development of customary law through state practice means, of course, that an element of international law is really only as effective as the degree to which it is accepted by the international community. There is, therefore, an essential corollary to the development of international law through state practice, and that is the acquiescence in that practice by other states....

Through the issuance of offshore oil and gas exploration permits covering extensive areas of our submerged continental margin, on the Continental Shelf and on the continental slope beyond, Canada has taken a leading role in the establishment of state practice in this regard. Canada's jurisdictional claims in the Offshore have been established by this issuance of Canada oil and gas permits covering extensive areas of the Continental Shelf and of the slope beyond, as well as by assertions in Parliament, at the United Nations, and in other forums.

Limits of national jurisdiction

The matter of national limits of jurisdiction over seabed resources really came into the open with the introduction of the so-called Maltese Resolution at the United Nations in 1967. This resolution resulted in the establishment of the United Nations Committee on the Seabed in the latter part