

The matter of national limits of jurisdiction over seabed resources became particularly important with the introduction of the Maltese Resolution at the United Nations in 1967. This Resolution resulted in the establishment in the latter part of that year of what became the United Nations Committee on the Seabed. The Maltese proposal called upon the United Nations to undertake the "examination of the question of the reservation exclusively for peaceful purposes of the seabed and ocean floor and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind". A Declaration of Principles Governing the Seabed, formulated by the Seabed Committee, was embodied at the 1970 Session of the UN General Assembly in a Resolution; it confirmed that there is an area of the seabed and ocean floor beyond the limits of national jurisdiction which constitutes the "common heritage of mankind", and which is not subject to national appropriation or claims of sovereignty. Thus, attention was focussed on the crucial question — what are the "limits of present national jurisdiction" over seabed resources?

The Canadian position regarding the limits of the continental shelf is based on the 1958 Convention itself, 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) and on state practice. On the basis of these three legal foundations Canada claims and exercises rights over the whole of the continental margin comprising not only the physical continental shelf but the continental slope and rise as well.

Strong opposition to the Canadian stance comes from a group of land-locked and shelf-locked countries, which group is sufficiently large to form a potential blocking third at the Conference (supposing that decisions will be taken by a two thirds majority), thereby forestalling the adoption of any proposal it cannot support. These countries favour a very restricted area of coastal state rights over continental shelf resources as they hope to maximize for themselves the benefits that might accrue from a large area of international jurisdiction over the seabed. Criteria such as the 200-meter isobath and a distance of 40 miles have been proposed by this group as limits.