can be no question that the Convention relates to the continental shelf, and not to the whole of the deep-ocean bed. In other words, the Continental Shelf Convention recognizes that there *is* an area of the seabed and ocean-floor beyond the limits of national jurisdiction.

To determine the boundary of the area beyond national jurisdiction, it will be necessary to fix a new definition of the continental shelf by international agreement. As a country with vast and promising offshore areas, Canada is intensely concerned with the development of a new definition of the shelf. The 1958 Geneva Convention obviously provides a basic point of reference. Another basic point of reference is the geographical and geological realities which underly the juridical concept of the shelf. The International Court of Justice, in the North Sea Continental Shelf Cases, confirmed the principle that the coastal state's rights over the continental shelf flow from the fact that this submarine area constitutes a natural prolongation of the coastal state's land territory. We are taking the position that the redefinition of the continental shelf must recognize coastal-state rights over the "submerged continental margin", which consists of the continental shelf and slope and at least part of the rise. Any arbitrary distance-plus-depth formula which disregarded existing international law and geographical-geological factors would be unacceptable to Canada, and doubtless to a significant group of other coastal states.

DEFINITION AND CONTROL

There is an interrelation between the ultimate definition of the limits of national jurisdiction and the nature of the regime to be developed for the area beyond. A curious "After you, Alphonse" situation characterizes this interrelation. Some states are more interested in protecting the resources of their own shelf than in benefit they might obtain under a particular regime for the area beyond. Others wish to know how much they might benefit from a particular regime for the internationalized area before deciding on the extent of seabed they wish to claim. Some developing countries might press for the broadest possible internationalized area if they succeeded in obtaining an international regime designed for their particular benefit. Some highly-developed countries might see an advantage in bringing the widest possible international area under a competitive regime in which their advanced technology would assure them of a dominant position. Many states are simply uncertain where their interests lie.

In the elaboration of a legal regime for the internationalized area of the seabed, general principles of international law must certainly apply. This does not mean, however, that it has the same status as the high sea and that the freedoms of the sea necessarily apply to the seabed. What we must do is to develop a new concept for the seabed beyond national jurisdiction, in the same way that a new concept was developed for the continental shelf.

One such new concept, that the seabed beyond national jurisdiction represents the "common heritage of mankind" is in many respects an attractive one. But, as a legal principle, it raises certain difficulties. One such difficulty is that beginning with the view that the seabed is the common heritage of mankind tends to predetermine the nature of the seabed's legal regime. It might be more constructive to begin with discussion of particular legal principles, which might lead to agreement on a comprehensive regime, rather than to seek initial agreement on a broad concept from which particular principles could then be determined. The theory of the common heritage of mankind raises so many questions as to its possible implications for other areas and other resources that the concept requires much further thought than it has so far received.

VARIOUS KINDS OF REGIME

Among the various types of legal regime for the seabed which have been suggested so far, those which involve dividing up the entire seabed and ocean-floor among the coastal states already appear to have been rejected by the international community. Those theoretical systems that do not involve national appropriation can be broadly summarized as follows:

(1) Systems under which states and their nationals would exploit seabed resources subject to an agreed body of rules but without any international control agency or machinery beyond a simple registration procedure;

(2) systems under which an international agency, or the United Nations itself, might act as a trustee in controlling exploitation of the seabed by states and their nationals;

(3) systems under which sovereignty over the seabed might be granted to the United Nations, which could itself carry on exploitation activities.

There appears to be general agreement that the regime to be adopted should ensure exploitation of the seabed in the interests of humanity and for the benefit of mankind, having regard to the special needs and interests of the developing countries. The provision concerning the special needs and interests of the less-developed countries has been written into all United Nations resolutions on this subject. Accordingly, many developing countries favor a regime or system which would be based on strong control or ownership by an international agency or by the United Nations itself.

On the question of establishing international machinery, the nature of the regime would determine whether any machinery is required and what its nature and scope should be. Even the most *laissez-faire* regime would probably require at least a central registry of licences for exploration and exploitation. Control or ownership by an international agency or the United Nations would imply the creation of international machinery of an extensive kind for which no precedent exists.

(Continued on P. 5)