

minerals

It is estimated that in another decade, more than a third of the world's production of oil and gas will come from offshore deposits, mainly on the continental shelf. Rough estimates are that 2.2 trillion barrels of offshore oil resources exist—one-hundred and fifty times more than the present world production per year.

Although oil and gas resources are believed to be confined to the areas within national jurisdiction, the international area is thought to be rich in ferro-manganese nodules, the potato-shaped mineral deposits covering vast areas of the deep seabed in the central Atlantic and Pacific Oceans. The nodules contain four elements of major significance for the world economy: nickel, copper, cobalt and manganese. In the Pacific alone, the nodules amount to about 1.5 trillion tons and are accumulating at the rate of six million tons per year.

The developing and landlocked nations in particular are concerned not to be deprived of their share of the benefits from these resources. A 1970 declaration of the United Nations, which Canada supported, confirmed that there is an area of the ocean floor beyond the limits of national jurisdiction which is "the common heritage of mankind" and subject to international regulation. Thus, once again, the crucial question is "what are the limits of national jurisdiction?"—in this case, over seabed resources.

Who should mine what and where?

Canada's position on this issue is based mainly on the only relevant international agreement, the 1958 Continental Shelf Convention, now in force and ratified by more than 40 states including Canada. This Convention which had its origin in the 1945 Truman Proclamation, made unilaterally by the United States, recognizes that coastal states enjoy exclusive sovereign rights over their continental shelves for

the purpose of exploring them and exploiting their natural resources (which include not only mineral resources but also the sedentary fisheries referred to earlier). The Canadian position also rests on the 1969 decision 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 territory) and on state practice.

One of the problems is that the 1958 Convention defined the limits of the continental shelf in a very elastic way: the outer limit can be either a depth of 200 metres or, beyond that, the depth to which the seabed resources can be exploited (known as the "exploitability test"). At the time when this test was established, the technology did not exist to mine the seabed to a depth greater than 200 metres. Now it does exist; and since the interests of the international community would not be served if any nation could march right out to the middle of the ocean and stake unilateral claims there, the exploitability test must be replaced with a more precise limit for national rights.

Canada therefore advocates—and claims to have already acquired for itself on the basis of existing law—the exclusive right of the coastal state to the seabed resources of its continental margin. Beyond this limit would lie the international seabed area, to be administered by an International Seabed Authority on behalf of all nations.

The international seabed area

Opposition to the Canadian stance on the limits of national jurisdiction comes especially from a group of landlocked countries and shelf-locked countries (those with relatively narrow shelves circumscribed by their neighbours). These states wish to maximize for themselves the benefits that would come from international control over a larger area of the seabed. For this reason, they have proposed a 40-mile limit for national jurisdiction. This group may be large enough to form a potential blocking third when the matter comes to a vote

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