



Bulletin

Vol. 24, No. 49

December 3, 1969

LAW AND ARMS CONTROL ON THE SEABED

"Mankind's recent 'giant step' into outer space has captured the public imagination in a way no pioneering venture has ever done before," the Secretary of State for External Affairs, Mr. Mitchell Sharp, told the International Law Association in Toronto on November 5. Conquest of the "ocean space" of their own planet, however, might, he said, present men with "a more immediate challenge and perhaps even greater promise for the future". Advances in marine science and technology were "making the seabed and ocean-floor accessible to the scientist, the entrepreneur and, inevitably, to the military planner".

The rest of Mr. Sharp's speech follows:

If the predictions of "standing-room only" on the earth in 100 years time come true, we may be pushed into the sea. At the very least, a protein-hungry and mineral-short world will be increasingly seeking to exploit the natural resources of the ocean. A new colonial scramble for the seabed is by no means an academic possibility. Nor is the extension of the arms race to the ocean-floor.

The world still has the opportunity to achieve a new order of international co-operation under the sea. Governments are going to need all the help they can get from those who are interested in how international law is made and those who have ideas about what international law ought to be.

The international community focused its collective attention on the seabed in 1967 when Malta put before the United Nations General Assembly a proposal calling for the reservation exclusively for peaceful purposes of the seabed and ocean-floor beyond the limits of present national jurisdiction, and for the use of their resources in the interests of mankind. I should like first to deal with the suggestion that the resources of the seabed beyond the limits of

CONTENTS

Law and Arms Control on the Seabed	1
Weather Knows No Boundaries	3
Births, Marriages, Deaths	3
SHAPE Essay Contest Winner	3
Canadian Indian Art at Expo 70	4
Crime Statistics	4
Coal Into Coke	4
Domestic Exports	4

national jurisdiction should be used in the interests of mankind, and later with the "peaceful uses" element.

The basic questions that have to be answered can be briefly stated: How far does or should the national jurisdiction of coastal states extend? What legal regime should be developed to govern the exploration and exploitation of the resources of the area beyond the continental shelf, that is, beyond the limits of national jurisdiction? And what international machinery, if any, will be required to give effect to this legal regime?

PROBLEM OF CONTINENTAL SHELF

At present, it is clear that coastal states enjoy exclusive sovereign rights for the exploration and exploitation of the resources of their continental shelves. These rights do not depend on occupation or on any express proclamation. No one may explore or exploit the continental shelf without the express consent of the coastal state, even if the coastal state itself is not conducting such exploration or exploitation. How the continental shelf should be defined for this purpose is much less clear.

The Convention on the Continental Shelf drawn up at Geneva in 1958 left the legal continental shelf with elastic inner and outer limits. The inner limit is the edge of the territorial sea, which, according to national claims, ranges from three to 200 miles in breadth. The outer limit is a double one, being a water depth of 200 meters or, beyond, to whatever depth will allow exploitation of the underlying resources. However elastic this definition may be, there