

appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the régime of internal waters. Account may nevertheless be taken, where necessary, of economic interests peculiar to a region, the reality and importance of which are clearly evidenced by a long usage. Baselines shall not be drawn to and from drying rocks and drying shoals.

2. The coastal State shall give due publicity to the straight baselines drawn by it.

3. Where the establishment of a straight baseline has the effect of enclosing as internal waters areas which previously had been considered as part of the territorial sea or of the high seas, a right of innocent passage, as defined in Article 15, through those waters shall be recognized by the coastal State in all those cases where the waters have normally been used for international traffic."

This recommendation is acceptable to the Canadian Government as reflecting the decision of the International Court of Justice in the *Anglo-Norwegian Fisheries Case*. The Canadian Government agrees that the employment of straight baselines as outlined by the Commission should be recognized universally as being a proper means of establishing the datum-line for measuring the territorial sea or contiguous zone, in appropriate cases.

(c) *Continental Shelf*

"Article 67:

For the purposes of these articles, the term 'Continental Shelf' is used as referring to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres (approximately 100 fathoms), or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas."

In its final report on the Law of the Sea (United Nations Document A/3159) the International Law Commission stated that it "accepted the idea that the coastal state may exercise control and jurisdiction over the continental shelf, with the proviso that such control and jurisdiction shall be exercised solely for the purpose of exploiting its resources . . ." The Commission believed, however, that the legal boundary of the continental shelf should be a fixed limit in terms of the depth of the superjacent waters because a boundary defined in terms of the admissibility of exploitation as the Commission's first draft of 1951 proposed, would "lack the necessary precision and might give rise to disputes and uncertainty". The 200-metre depth was selected by the Commission as the limit of the continental shelf because it considered that this depth is where the continental shelf in a geological sense "generally" comes to an end and that the limit proposed would be sufficient for all practical purposes at present.

Against the contingency that exploitation of the seabed at depths greater than 200 metres might prove technically possible the Commission recommended at its eighth session that the continental shelf in the legal sense might be considered as extending beyond the 200-metre depth mark to areas at greater depths where the superjacent waters admit of the exploitation of the resources of the seabed of these areas.

This additional provision reintroduces the uncertainty which led the Commission to favour a fixed limit in terms of the depth of superjacent waters for determining the legal boundary of the shelf. It is considered that the foreseeable possibilities of exploitation at greater depths than 200 metres might be provided for without sacrificing the element of certainty concerning the extent of States' rights to exploit the resources of the seabed. It is understood that in 90 percent of instances, excluding polar regions, the edge of the continental shelf is well-defined geographically. It is suggested, therefore, that in these cases the