

The waiting oceans

These rules are intended to be applied to operations such as navigation, fishing and mining, as well as to the ownership of the many resources (both living and non-living) in the subsoil, on the seabed, in the sea above, on the seas' surfaces, and in the airspace above. In short, it purports to regulate tridimensional space and nearly all the human activities that can or might take place therein — a venture of some magnitude, surely!

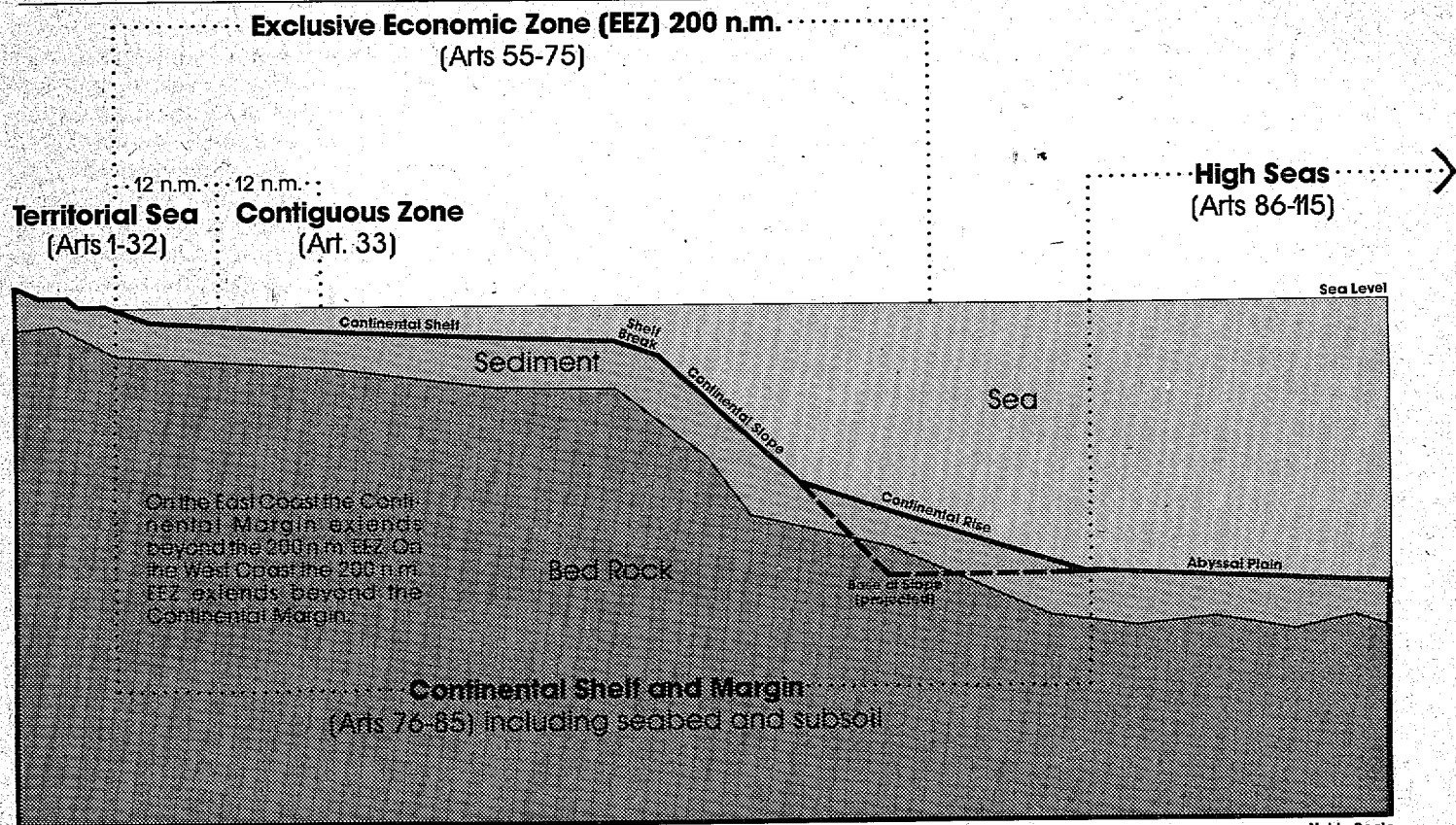
The Convention goes even further: it provides for the sharing of the proceeds of exploitation of seabed and subsoil resources beyond coastal state jurisdiction with states which may lack the technology to embark on deepsea ventures, or which, having no coastline, have no basis for any sort of maritime claim. In adopting this position, the Convention seeks to consecrate, for the first time in a universally applicable agreement, the notion that that which is not national is to be considered as "The Common Heritage of Mankind."

In addition, the Convention deals with Archipelagoes, International Straits, Maritime Research and the Protec-

resources within the *Exclusive Economic Zone*. Within the *Territorial Sea*, as part of the EEZ, the only limitations to complete national sovereignty relate to the "innocent passage" of aircraft, ships and submarines, the latter being required to travel on the surface showing their flag. "Passage," in this context, is to be "continuous and expeditious," whether to reach waters beyond the Territorial Sea, or to gain port.

Within the Territorial Sea and the *Contiguous Zone*, the coastal state may apply such control and sanctions as may be required to prevent such infringements of its customs, fiscal, immigration and sanitary laws as may have an impact within its territory or on its Territorial Sea.

The EEZ, extending out 200 nautical miles, is subject to exclusive state jurisdiction in all matters relating to exploring, exploiting, conserving and managing the natural resources, living and non-living, above, on, in or below the sea itself. Limited coastal state jurisdiction can extend beyond the 200 mile EEZ to a distance that is determined in accordance with a number of factors including depths,



1 nautical mile (or n.m.) i.e. a minute of longitude
1 n.m. = 6080 ft. = 1.852 km.
therefore 200 n.m. = 240 miles approximately = 370.4 k.m.

Adapted from *RESOURCES UNDER THE SEA*, E.M. & R., 1977.

tion of the Marine Environment. An all-embracing document, if there ever was one, and one which, under Article 309, allows of no reservations or exceptions, unless specifically provided for in particular articles. In these prescribed circumstances, how is Canada, for example, or any other coastal state, for that matter, expected to handle its "off-shore" jurisdictions, and what role can it play on the High Seas?

Finding the fence on the sea

The accompanying diagram tells part of the story. The coastal state exercises sole authority over the economic

slopes and even the thickness of the sediment. At no point, however, does this extension beyond the 200 nautical miles extend beyond the Outer Edge of the Continental Shelf (Article 76). Within this extended area, coastal state law is restricted in its application to regulating exploration for and exploitation of the mineral and other non-living resources on the seabed and subsoil, as well as the living organisms belonging to sedentary species on or under the seabed.

Special provision is made, in Articles 63 to 67, for conserving, managing and harvesting highly migratory spe-