

The Resources of the Continental Shelf

Just prior to the middle of the century, it became apparent that the submerged area bordering certain continental land-masses contained a significant wealth of mineral resources, including substantial oil and gas deposits, the economic value of which has yet to be fully ascertained but is undoubtedly large.

The doctrine of the continental shelf had its origin in the 1945 Truman Proclamation which stated that: "The Government of the United States regards the natural resources of the subsoil and seabed of the continental shelf beneath the high seas but contiguous to the coast of the United States as appertaining to the United States, subject to its jurisdiction and control". As mentioned above, this unilateral proclamation of the United States began a new trend in state practice which resulted, after only a little more than a decade, in the adoption of the only relevant international convention, the 1958 Continental Shelf Convention.

The Convention, which is now in force, having been ratified by more than 40 states (including Canada), recognizes that coastal states enjoy exclusive sovereign rights for the exploration and exploitation of the seabed resources of their continental shelves and that these rights belong to the coastal state irrespective of that state's capacity to extract the seabed resources.

However, the 1958 Convention adopted very elastic limits for the juridical continental shelf, that is, the area of the continental shelf over which coastal states actually enjoy exclusive sovereign rights. Thus the inner limit of the juridical continental shelf is the edge of the territorial sea, which, according to national claims, ranges from 3 to 200 miles in breadth. The outer limit is a double one: it can either be a depth of 200 meters or beyond that the depth which will admit of the exploitation of the underlying resources. This latter formula has usually been referred to as the "exploitability" criterion.