

extending only to the 200-meter isobath -- the old 100-fathom line. This proposal goes back from the "limit of exploitability" conception embodied in the Continental Shelf Convention.

Canada is in the special position of having one of the most extensive continental margins on its east coast, stretching well beyond the 200-mile mark. In some places, Flemish Cap and the Grand Banks, the distance is double and more. However, on the west coast, the shelf runs out barely to 40 miles.

The Canadian position regarding the limits of the continental shelf is based on state practice, on the 1958 convention itself, and on the 1969 decisions 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-mass. On the basis of these three legal foundations, Canada claims and exercises rights over the whole of the continental margin, including the continental slope and rise as well.

Just as the coastal states have a natural advantage over the landlocked countries, so inevitably will the Maritimes have a special advantage, through the simple fact of geography, in the on-shore storage and processing of the resources from the adjacent seabed area. But, if the Maritimes and other coastal areas have this advantage, it also follows that Canada as a whole must in some way, through federal action, share in the benefits of this new extension of the area of national jurisdiction. We have here an analogy with the position of the landlocked states in sharing, under the Maltese formula, in the "common heritage" of the sea.

Common heritage
of mankind

The matter of national limits of jurisdiction over seabed resources became particularly important with the introduction of Dr. Pardo's resolution at the United Nations in 1967. This resolution led to the establishment of what became the United Nations Committee on the Seabed. The Maltese proposal called upon the United Nations to examine reserving the seabed and ocean floor and its subsoil, beyond the limits of national jurisdiction, "exclusively for peaceful purposes... and the use of their resources in the interests of mankind". The 1970 Declaration of Principles Governing the Seabed confirmed that there is an area of the seabed and ocean floor beyond the limits of national jurisdiction that constitutes the "common heritage of mankind", and which is not subject to national appropriation or claims of sovereignty. Thus, attention was focused on the crucial question -- what are the "limits of national jurisdiction" over seabed resources?