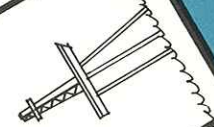


ORIGINAL

**SHELL**  
**DREDGE**

OFFSHORE



BALTIMORE

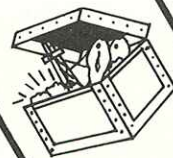
**YOU ARE SEIZED**

**ABYSSAL  
PLAINS**

**COMMON  
HERITAGE**

**CONTI-  
NENTAL  
SHELF**

**MINING  
SITE**



**LAW OF THE SEA**  
**FLOATING MONOPOLY GAME**  
**PHASE II**

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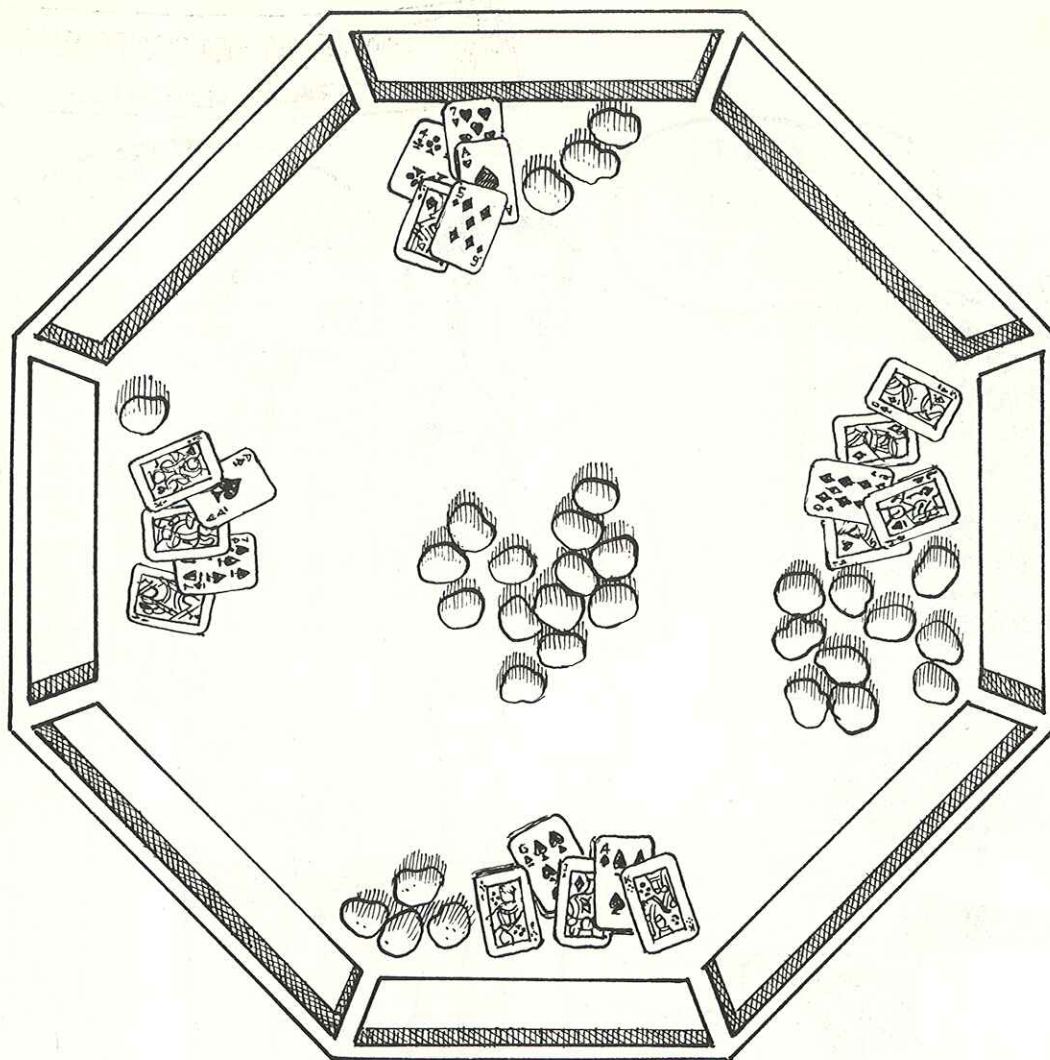
**TEXAS COASTAL  
AND MARINE COUNCIL  
JANUARY - 1975**

**ACKNOWLEDGEMENTS**

Appreciation is due Professor Gary Knight, Campanile Charities Professor of Marine Resources Law, Louisiana State University Law Center and member of the U.S. Advisory Committee to the Third U.N. Conference on Law of the Sea, for sharing his insights on the conference in an interview with the author. Much of the material in this brochure also came from the Marine Technology Society briefing on Law of the Sea held September 26, 1974, in Washington, D.C.

This publication was prepared by Jamie Frucht for the Texas Coastal and Marine Council.





## Introduction

The Third U.N. Conference on Law of the Sea (LOS) has been compared to a floating monopoly game. On hindsight, a more apt analogy would be a high stakes poker game played in downtown Caracas. Some 3000 delegates representing 140 nations grouped themselves around "the tables" in a plush highrise that could be called "The 200-Mile Club." The stakes were high—advanced technology, ocean resources and huge sums of capital (though some players had fewer chips to ante than others). Just as in poker, each player at times seemed to be in it for himself. There were very few poker faces among the group. Emotions received simultaneous interpretation with China calling Cambodian leaders a "handful of national scum" in 140 languages.

Unfortunately the players preferred talking to playing out their hands. After 10 weeks of summer (June 20-August 29) they folded their hands at Caracas with no global law of the sea treaty on the books. In fact, there were no substantive agreements of any kind. And LOS should perhaps have been called POS (Politics of the Sea).

Some of the detractors of the conference might say that it is time now for condolences and reminiscences. They'd call the goings on a "drink tank" or an exorbitant summer camp for political children. However, despite

news stories and commentaries to the contrary, many of those who were there see hope in the proceedings and have not lost courage or written off LOS. No one should be discouraged from playing the game.

A not-inconsiderable accomplishment of the conference was the universal support for a 12-mile territorial sea and a 200-mile economic zone with only semantics and a few fundamentally opposing philosophies clouding those two issues. In the original Seabed Committee 86 nations participated; the Third U.N. Conference on Law of the Sea gave some 50 new nations a chance to state their positions. Out of the weeks of general debate came constructive statements, thousands of them. Although there was no treaty text, for those who wish to construe from now till the next conference, there are working papers of textual and concrete alternatives to plow through. There will be more information to go on next time around. There also was an affirmation at the conference to meet again in March and then tentatively back in Caracas next summer for the grand finale—the signing of a global treaty.

This pamphlet attempts to put the conference in perspective, describing the BC (Before Caracas), DC (During Caracas) and AC (After Caracas) aspects of Law of the Sea.





### D C (During Caracas)

Here is an analysis of the issues and intrigues from the debris of the conference.

Three committees divvied up the main issues. The first committee was put in charge of the regime and machinery for mining the deep seabed. Committee Two was a general law of the sea committee dealing with such fundamental issues as straits, territorial seas and economic resource zones including fisheries. Committee Three was given the leftovers—scientific research and marine pollution.

At all the formal and informal working sessions General Debate reigned supreme with Cocktails in charge of reinforcements. Not surprisingly, after 10 weeks the mechanics of specific negotiating had not begun. Instead there were hundreds of thousands of pages of documents: nearly enough for every man,

woman and child plankton, if it could read, to have reading material for the next few years. The words, however, never got as far as the Drafting Committee. And so, with six years of preparatory work under its belt, the U.N. added yet another 10 weeks of preparation.

The rules of procedure were adopted on schedule by consensus. The voting procedure was known as the Australian compromise, and that was about all that was known of it. For any substantive decision to pass, it required the vote of two-thirds of States present and voting, but that majority had to constitute a simple majority of all nations participating at the conference. The procedure never had to be invoked as no substantive issues ever came to a vote. If, however, there had been a major vote, the world superpowers could not have pulled together two dozen votes on many issues.



## The Groupings

The nations are no longer aligned along traditional cold war ideologies. Instead of an East-West split, there is a North-South split with the developed nations confronting the developing ones. At the conference the powerful maritime powers, the U.S. and Russia, found themselves comrades on most issues with Australia, Western Europe, Japan and sometimes Canada on their side. The overall goals of the maritime powers and technologically advanced nations were to maximize the economic potential and efficiency of the oceans while at the same time protecting the marine environment.

Opposing them were the "Group of 77" made up of 100 nations mostly from the Southern Hemisphere and generally underdeveloped. The "Group of 77" was not an overnight discovery. For 10 years this huge interest group has been forming from nations that have traditionally been the underdogs, tugging at the short end of the stick. One day these nations awoke to the political reality that there were more of "them" than "us". In fact, they had a two-thirds majority in the U.N. They've been getting leverage from that discovery ever since.

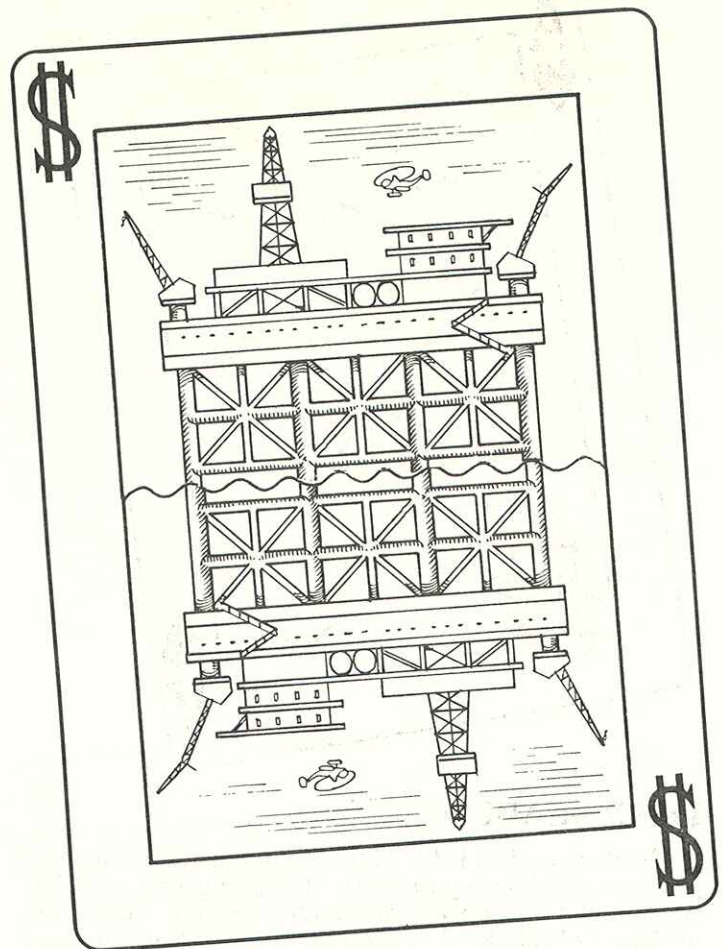
At the Caracas conference the "Group of 77" revelled in the opportunity for political participation as though making up for lost time in this 10 weeks. They seemed more bent on flexing their political muscles than attaining economic efficiency of ocean resources. Edward Miles from the University of Washington summed it up this way: "The have-nots don't calculate their gains in economic terms, especially if the gains sound like charity from the haves. They're more interested in direct and exclusive control."

The big mouth of the Third World was China who tried to be the leader of the pack though the pack itself was not monolithic. Made up of geographically-disadvantaged countries as well as lesser developed countries with coastlines, the "Group of 77" threatened to splinter into smaller groups with different interests. When things got dull or disunited, China liked flinging epithets of "hegemony, colonialism, and imperialism" at the other side, aiming the darts more at the U.S.S.R. than the U.S. China and Albania played the Katzenjammer Kids at Caracas.

There were also institutionalized regional groups such as an Eastern European group, an African group, an Asian group, a Latin American group and a WEO group (Western European and others, meaning Canada). There was a coastal State group, a distinguished lawyers group and a geographically-handicapped group. These groups were most viable when faced with such mild problems as deciding the time and place of the next meeting. However, small groups were responsible for producing working papers on dispute settlement.

During the conference the U.S. spoke softly but carried a big oar, courtesy of the Defense Department. This low profile was suspect by the "Group of 77" who expected the world's greatest maritime nation to put on a show. However, the U.S. in 6 years of preparatory work had made its position clear. We had nothing up our wet suits and were just anxious to get on with it.

What emerged from the two big groups was a dangerous dichotomy with the Southern Hemisphere pulling away from the Northern Hemisphere. When faced with such crucial issues as extension of coastal state jurisdiction, deep seabed mining, fisheries, transit through international straits, scientific research and pollution control, the conference emphasized how far apart the nations of the world really are.



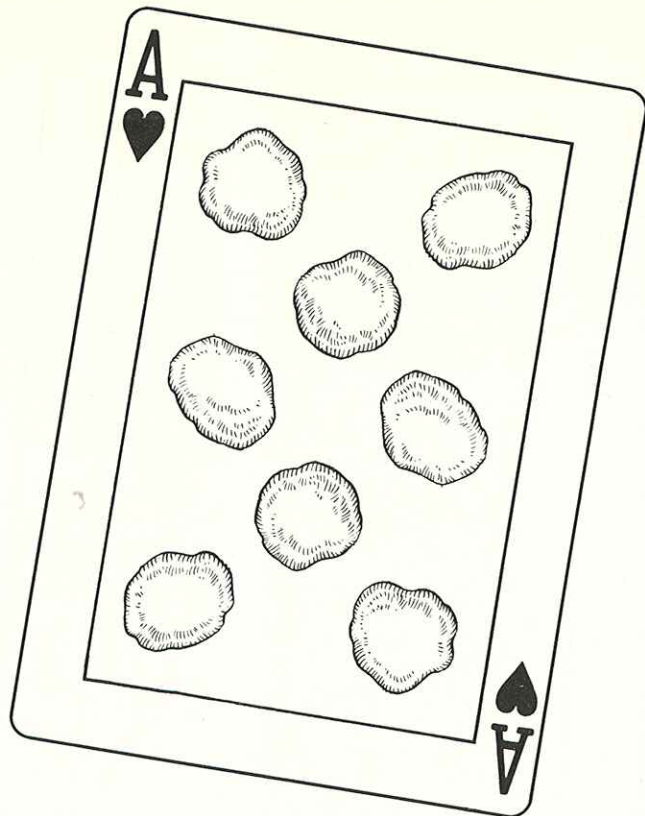
## ECONOMIC RESOURCE ZONE

The 200-mile economic zone had the most takers. At Caracas, it was like stud poker, a real gambling game. For what was the hole card? Was it complete sovereignty for the coastal State? There were fundamental differences as to what the coastal States' responsibilities should be within the zone.

To the U.S. and the other maritime powers, coastal State jurisdiction meant regulation and rights over exploration and exploitation of all living and nonliving resources within the zone. Conditional to the U.S.'s acceptance of the zone were international obligations for the coastal State. These included unimpeded transit through international straits and international standards for vessel-source pollution.

The "Group of 77," especially the Latin American nations, staked their "manhood" on bringing home from the negotiations a 200-mile economic resource zone with as few international connections as possible. Within the zone they want absolute sovereignty with the accent on rights, not responsibility. Near the end of the conference the African States submitted their proposal affirming an economic resource zone that looked suspiciously like a territorial sea. In that zone the coastal State would have scientific control and pollution control, as well as all other powers. (The developed countries had made it clear that any powers not directly granted in the treaty were to go back to the international community and not automatically fall into the clutches of coastal State jurisdiction.) In the African proposal any international aspirations were swept aside.





## DEEP SEABED

The deep seabed is the only area of the oceans not tagged for coastal State possession. The manganese nodules remain the unknown commodity of the "common heritage" of mankind. However, as a result of the conference, they may never see the light of day.

Three critical questions surround the mystery of the seabed. Who will have the right to exploit it? What regulatory authority will control the mining? And who will be benefitted and who will be hurt by the reaping?

Not surprisingly the two sides answered these questions from different vantage points depending on whether a country was a land-based producer of minerals or wanted to become a new miner of the seabed.

The developed nations envision an international seabed authority with power to issue mining licenses on a non-discriminatory basis. Private enterprise and nations would be the prime actors in the seabed. The agency would develop and enforce a detailed international mining code which would provide all the rules and regulations, a kind of blueprint for the exploiter to follow in order to bring an area of nodules into production. The issue of revenue sharing of the nodule wealth never reached debate and appears to have been a "still-born" concept of the U.S.

The lesser developed countries threw in their lot with the handful of land-based producers of minerals. Speeches given by the "Group of 77" emphasized protectionist measures rather than practical means for mining the nodules. The "Group of 77" wanted an international agency with broad powers, one closer to Pardo's concept of a "comprehensive international ocean space institution."

In this approach the agency could act as a monopoly in mining the seabed. It could also enter into contractual agreements with private companies but would have "direct and effective control at all times." The agency, with sole discretionary power, could arbitrarily restrict mining if it felt lowered prices of land-based minerals

warranted it. Mining of seabed minerals would not be a primary source of metals but would be used as a standby source to adjust any slack in production of land-based minerals or as a swing supply to control prices. In addition to production quotas, the "Group of 77" wanted provisions for price controls to be set prior to the start of any production in the seabed.

Unlike the developed countries, the "Group of 77" proposed no specific rules and regulations for mining. *Ad hoc* agreements could be drawn up or not drawn up as the agency deemed necessary. By this enterprise approach, the international seabed agency would be in sole control from the abyssal plains to the market. The fear that seabed mining would have detrimental consequences to the economies of mineral exporting countries was the rationale behind these measures for the non-mining of the seabed. Armed with a report from UNCTAD (U.N. Conference on Trade and Development) and one from the Secretariat, the "Group of 77" claimed that exploitation would be advantageous only to industrialized users of metals.

The U.S. countered these arguments by presenting a working paper which tried to convince lesser developed nations that it was erroneous to side with the handful of land-based mineral producers. Seabed mining could open up new supplies of metals (cobalt, manganese, copper, nickel) which would serve to stabilize metal prices. Even if a country did not buy the raw material, it still might import the finished product. Whosoever buys a tractor becomes a metal consumer. We are all metal consumers. Many more in the "Group of 77" buy metals than produce them.

If, because of unreasonable controls and schemes, the deep seabed were not mined and a shortage of minerals developed, the price of metals would rise. The price of manganese, a metal necessary for the production of steel, would also rise. This would hurt all nations that use steel. The underdeveloped nations, more so than the developed countries, would be affected since they are at the beginning of their industrialization and are not as adept at swallowing inflation and recovering.

The mining industry sees the "Group of 77's" proposal as a dangerous effort to "obstruct rational dialogue." They feel the underdeveloped countries have proposed a scheme that would not be used to mine the deep seabed but could serve to inhibit or prevent such mining. Price fixing, production control and *ad hoc* agreements would take away the incentive (read as profit) and security of investment necessary to go out and invest the quarter to half billion dollars it takes to set up a commercial mining and refining operation.

The plan proposed by the underdeveloped countries would put clamps and restrictions on a pioneering industry at a time when the world should be encouraging the conditions for the mining. The mining industry feels that the world is counting its nodules before they're hatched (dredged) and is greatly overestimating the competition from the sea. As one participant of the conference observed, "The sea will not put the land out of business."

Chairman Engo from the Seabed Committee saw the confrontation differently. "The major choice for us as a generation is between exploitation by the new international authority and the *de facto* monopoly of a few technologically developed countries." The conclusion he reached was that "we can no longer tolerate a world dominated by a privileged few to the detriment of all others."

On this one issue alone, the mining of the seabed, Committee One prepared a set of 21 versions of the draft treaty articles. The process of negotiation to reconcile the two sides never began.



## Fisheries

There is strong impetus for changing the existing common property status of fish as this has led to gross mismanagement with some stocks being depleted while others are being underfished. The proposed 200-mile economic resource zone would nationalize a lot of fish and affect more people than any other issue being considered. Most countries are for it with only the conditions adding different seasonings to the zone. Even within one large nation such as the U.S., there is frequently a split between interests of different regions on this issue. For example, in the U.S. the tuna industry is against the 200 miles while the New England and Pacific Northwest fisheries are for it.

Russia will go with the zone provided she has guarantees of access to foreign fisheries that she is now utilizing. The U.S. did an about-face in regard to the fishing zone. Before Caracas we were positing the species approach. Now we are going with a 200 mile zonal policy that borrows its management principles from the species approach. We want exclusive rights to regulate fish in our economic zone. We do not, however, claim the exclusive right to fish the zone. There is a distinct difference between these two similar sounding statements. According to the U.S. policy, if the U.S. can't fish the maximum sustainable yield, there would be an obligation to let foreign fishermen in via bilateral agreements. There would also be provisions to let neighboring landlocked states fish in certain areas of the zone. Through international bodies conservation guidelines would be established. The U.S. would also impose a ban on the fishing of anadromous species beyond coastal State jurisdiction, thus protecting our salmon stocks. There would be some monetary compensation given to the coastal State for fish caught in its economic zone by foreign fishermen.

The U.S. position, firmly based on the principles of optimum utilization and access, is well-founded. The principles have been reiterated by the International Court of Justice in its Britain-Icelandic decision which came out against Iceland's self-declared 50 mile exclusive fishing zone. In the cod-war settlement, the Court made the point that a coastal State could not unilaterally declare an exclusive economic zone for fishing. A coastal State had the obligation to negotiate with foreign fisheries based on proof of economic dependence and long-established use of area.

The "Group of 77" wanted the 200 mile fisheries zone but with no obligation to let other countries in. They wanted all rights and no declared responsibilities.

If the law of the sea treaty is not signed, there will still be 200 mile fishing zones. In August the Senate's Commerce Committee reported out a bill (S.1988) sponsored by Senator Warren Magnuson that, if passed, would establish unilaterally a 200 mile fishing zone. It requires the State Department to negotiate treaties with other countries that have historically fished our waters and sets aside funds for administration of the Act.

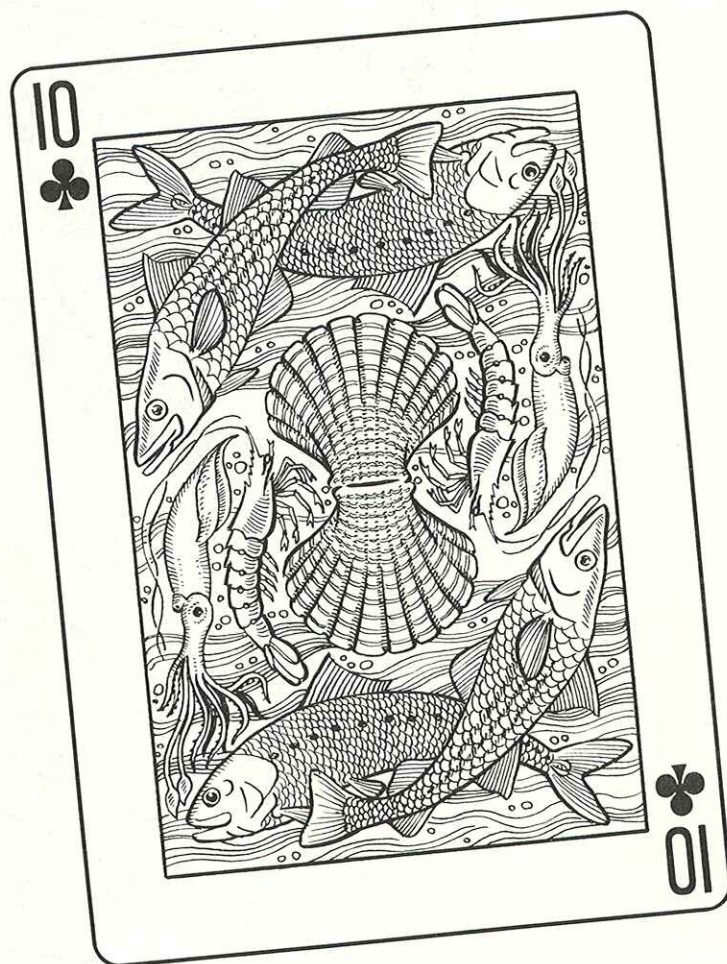
The risk of unilateral moves is that some states may do the same without guarantees for foreign fishermen and with severe fees imposed. The European Economic Community tried to endorse the preferential fishing zone but could not do so unanimously. The United Kingdom, wanting to keep its kippers safe for Englishmen, may declare an exclusive fishing zone.

On the bright side is the U.S.-Brazil experience. For an annual fee of \$200,000 paid to the Brazil government, a limited number of U.S. boats are licensed to fish at certain times of the year in specified areas off Brazil. The tuna industry, as the shrimp industry has already done,

may be faced with buying their way into foreign fisheries.

Judging by the resistance to an LOS treaty, it would seem that such legislation and bilateral treaties are the wave of the future. However, if they come too fast, before LOS meets in March, the wave could dash any hopes of an international treaty. Timing is all important. Opponents of unilateral U.S. action at this time say that an interim fish conservation measure proposed in Bill HR 15619 may be preferable. It would implement Article 7 of the Geneva Convention of Fishing and the Living Resources of the Sea. By allowing the U.S. to establish quotas on endangered species, it would incorporate management-control policies while also adhering to international law.

Whether a 200 mile zone is created from international treaty or coastal State usurpation, its implementation will be another kettle of fish. Will the U.S. summon the Seventh Fleet to stop Maine lobsters from becoming Red?





## Navigable Straits

The U.S. is saddled with a non-negotiable condition—the right of unimpeded transit, overflight and submerged passage through international straits. It is the Defense Department that pushed us into this condition. Several years from now, as the capability of long-range ballistic missiles increases, whether to surface or not to surface, will be less important. For the present, however, the issue is real.

Russia, too, is equally intransigent now that it too has a navy and nuclear fleet. The Chinese delegation delighted in reminding the Russians that in the 1958 Convention on the Continental Shelves, Russia had insisted on warships securing prior authorization before crossing straits. Since then Russia has acquired a nuclear fleet, and her perspective has shifted 180°.

The "Group of 77" is willing to let conventional merchant vessels pass but nuclear vessels and super-tankers are not given such clearance. The developing countries want the vessels to give advance notice before crossing straits.

Neither side seems able to command the two-thirds majority needed to get their strait regime passed. As a result the current rule of "innocent passage" that states that ships may go through straits so long as their activities are not "prejudicial to the peace, good order or security of the coastal state" will probably prevail out of inertia.





## Freedom of Scientific Research

Scientific research was dealt one of the weakest hands at the conference. Scientists are not a strong lobbying force; they bring no tangible gifts of oil or nodules. They have one strong ally in the Defense Department which carries on scientific research. Even though a member of the National Science Foundation was on the U.S. advisory force and negotiating team, the consensus of many oceanographers was that science was irrelevant at the conference, if not dead. Only a handful of developed countries carry out 90 percent of the ocean research. The rest of the coastal States feel they have "been burned" by lending their coasts to research vessels and scientific teams that sleuth without sharing any apparent benefits with the coastal State.

The developed countries are against the current "consent regime." Under that regime (established by Article 5(A) of the Convention on the Continental Shelf) scientists must secure the consent of the coastal State before doing research on the shelf, but "the consent must not normally be withheld." In practice the plan fails since consent is often withheld or made so conditional that only a fish could work with it. For example Russia tries to separate the continental shelf from the water column above it when other nations want to study off her coast.

The developed countries want research to be as free as possible with the continental margins accessible to the world's scientists. In place of the "consent regime" they've proposed a number of obligations for the research state including respecting a coastal State's resource interests, advance notification, complying with internationally-agreed environmental standards, participation of coastal State's scientists and data sharing.

The "Group of 77" wants sovereignty over their 200-mile economic zone to be total. That means exclusive rights "across the board." Scientists submitting to a "consent regime" would be left at the mercy and whim of coastal State regulation and rejection. The rationale for such rejection was stated and overstated by China. "In the hands of the superpowers, free research is only a tool for continuing their maritime hegemony and to forward their aggression and plunder."

Under the "consent regime" scientists would find themselves engaged in bureaucratic busy work, often more fatal to creative research than the bends. Before taking so much as a core sample from a shelf, a scientist would need permission. Caught between the moods and currents of countries, scientists would find very little time for actual research. Duration of grants would be consumed in gaining consent. Ambassador Stevenson, the chief U.S. delegate, sees the "consent regime" as a direct threat to continued scientific research since much research would be hindered, prevented or priced out of existence.

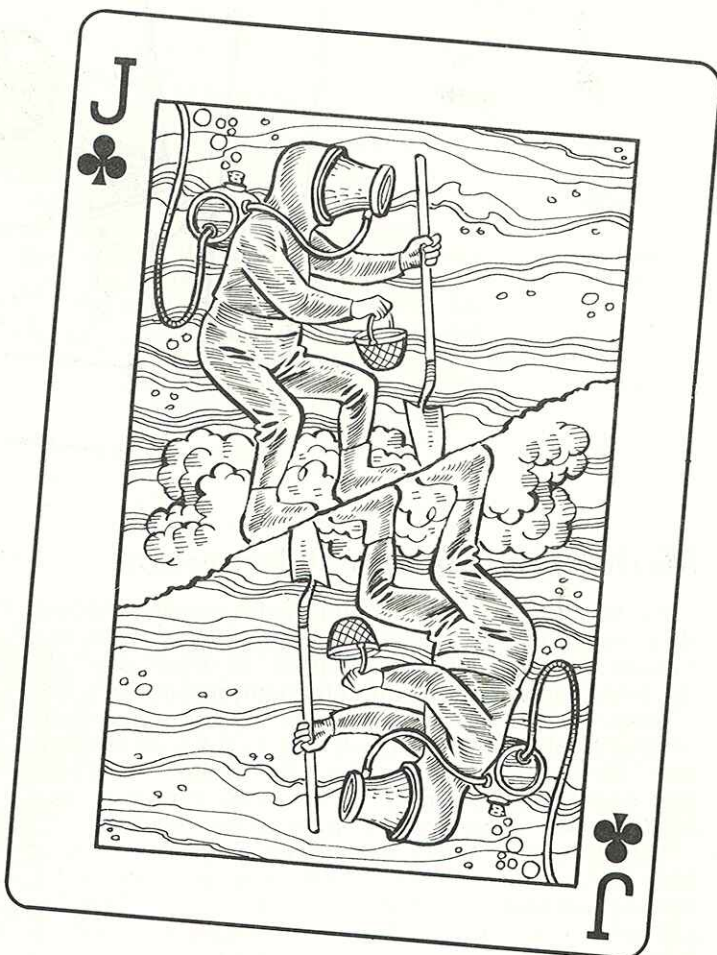
Oceanographers could become an endangered species. There is no law at this time regulating research in waters above the continental margin since the 200 mile zone is a recent figment of coastal States' imaginations. If this area and the margins are withheld from the scientists, 90 percent of all fish, most of the oil and gas reserves and a treasure chest of fascinating phenomena would be closed to research. Oceanographers would find themselves in an "intolerable" profession.

In the high seas scientists would also find themselves hamstrung. The "Group of 77" in a surprise move proposed that the powers of the international seabed authority be expanded to include exclusive control over all scientific research in the area not under national jurisdiction.

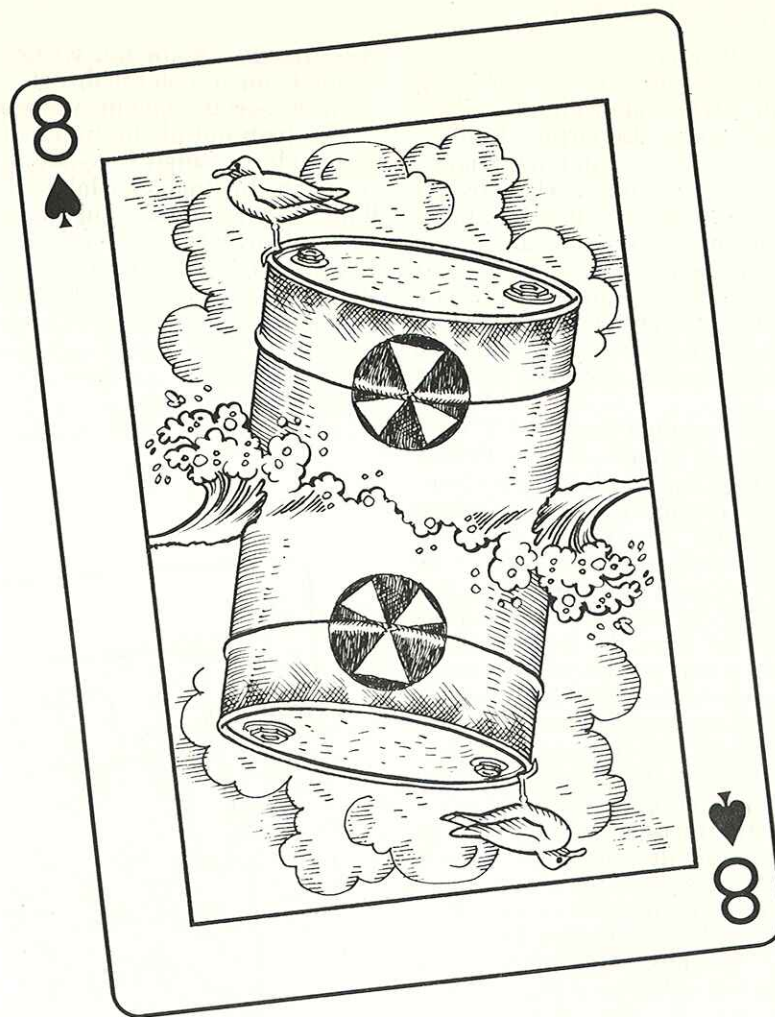
As bad as these situations are, without a law of the sea treaty, scientists would fare far worse. If economic

resource zones are not written into a treaty but come about from unilateral thrusts, those 200 miles will be even more nationalistic and sensitive.

The path out of the impasse might be some form of "technology transfer" to plug in other countries to the research. In time, coastal States would have a crop of their own scientists and might not be so wary of the breed. However, at the conference, no real energy was applied to explaining the process of "technology transfer." It remains elusive as all the other international solutions.







## Marine Environmental Protection

At the conference protection of the marine environment began slowly and never progressed as far as discussion of international creation of standards, the liability issue or the dispute settlement mechanism. The "Group of 77" seemed to be waiting for a later conference to discuss pollution. It was as if the theme song was "We'll clean up tomorrow." Environmental protection was the "red herring" of the conference used as a kind of cover to amass more political concessions.

The developed countries, fearing a proliferation of pollution standards that might impede navigation, wanted international standards to be enforced by flag and port states. Only under an emergency situation as, for example, if a coast were in imminent danger, could a coastal State enforce the controls.

Witnesses to the conference agree that lack of political will also stymied the conference. Disarmament and balance of trade, for example, have higher priority in statesmen's minds. In suspension now, LOS is in the hands of international marine lawyers, ambassadors and, when you come right down to it, technocrats. Until the heads of state get involved, LOS will tread water and go nowhere. Maybe if you sent two or three dozen heads of state or ministers to a remote inhospitable island, gave them enough danish and rations for a few weeks, they could agree on some general principles which could then be given to the technocrats to translate into draft treaty language.

Another major flaw in the conference, according to international law professor Gary Knight, is that it pitted old classical rules of international law against modern economic life. The match was not equal. "It was an attempt to squeeze a modern, high powered problem into an archaic international legal system. It squeezes in there and nothing happens." You cannot feed the complex problems of LOS to parliamentary procedure. The game must be adapted to modern times.

In the opening weeks of the conference there was a suspense in the air as delegates wondered who would bid what and what would be accomplished. Midway through the proceedings it became obvious that not much would be accomplished. The delegates then felt free to relax, talk freely and overflow with ideologies and ideals. The fact that there was to be another session in 1975 gave many countries an excuse to sandbag, be tentative and prolong the discussions in the hope of gaining concessions. Psychology was an important part of the game. Trying to negotiate in the early sessions might have set a dangerous precedent.

Only at the eleventh hour will countries buckle down and begin serious negotiation. For that reason the March session in Geneva may be more successful. Negotiations will have to begin in earnest from day one. (Hopefully the promise of another session in Caracas in 1975 will not stall the delegates some more.) Now that the ideals and general principles have been aired, the conference can get down to a more "pragmatic dialogue" in March.



## What Went Wrong?

The conference was large to the point of unmanageability. There were just too many issues and too many kibitzers. With over 100 items on the agenda covering a range of legal, political, economic and social problems, the task was herculean. If the conference could have been put into "manageable packages" LOS might have made some headway. However, the big maritime nations felt that all the issues were interrelated and so had to be handled in a "package deal" simultaneously. A nation had to take into consideration what other players might do before deciding what to do itself. The U.S. could not be for the 200-mile economic zone until it was sure of the status of scientific research, passage through straits, pollution control and dispute settlement within that 200 miles. We wanted a full house or nothing.

The "Group of 77" responded negatively to such proposals. They felt that pollution control is a luxury that only the more advanced nations can and should afford. It is a question of priorities with them. The developing countries' first priority is to develop their resources, not to clean up the pollution that is largely a by-product of industrialized nations.

The "Group of 77" wanted the rules and regulations to stay within the coastal States' jurisdiction and not be conferred on a global basis. The huge gap between developed and developing nations in financial and technical ability to carry out environmental protection has led the latter to propose a "double standard" for pollution control. Attached to any general obligation to protect the marine environment, the "Group of 77" wanted phrases excusing them from such practices. Qualifiers such as "in accordance with national environmental practices and/or economic standards," "use of the best practicable means," and "in accordance with their na-

tional environmental practice" would mean that any protection would be at a coastal State's discretion.

The "double standard" mentality provoked the Executive Director of the U.N. Environmental Program, Maurice Strong, to say that he was "alarmed by the tendency to consider economic resource zones as in effect equivalent to the territorial sea." The outcome to such an equation would be that "important environmental and equity considerations shall have been swept aside."

The U.S. fears situations of extremes developing. For example, one nation might impose a stringent pollution zone such as Canada's current 100 mile pollution zone. In that zone the coastal State could stop and board vessels in the name of pollution control. Under coastal State jurisdiction, some other nations, for example Latin American countries, wanting to spur their economic development, might throw pollution control to the winds and adopt very lenient, almost non-existent pollution policies. The result would be an ocean, that doesn't know its supposed to speak 138 different dialects, absorbing and spreading the pollution throughout.

No one as yet has undertaken a cost-benefit analysis of advantages to keeping the ocean alive. Vessel polluters point their prows at land-based polluters and complain, "Why not clean them up first? They do 90 percent of the ocean pollution." (Land-based sources of pollution are exempt from international controls.) Meanwhile the law of the sea is heading toward regressive pollution policies. In the next few years dredging of the seabed will begin, as well as chemical processing at sea. A fleet of supertankers without double bottoms will be commuting from superport to superport. And the delegates to law of the sea are playing a low-hand game with marine protection. Unfortunately, the ocean and its resources aren't bluffing.





## From Now 'Til March

The chances of improving the hands in March will depend on what the delegates do at home through their respective governments from now till March.

There are two courses open. First each LOS delegation is to return home with anecdotes and explanations of what they did not accomplish and why. They will try to extract some political commitment from the heads of state. Without such high level instructions, there can be no negotiation, only debate. In the U.S. for instance, without this commitment there could be no ratification by our Congress of any LOS treaty. The Defense Department would not let a treaty get by that did not insure free transit through straits. The mining industry would not let one pass that turned over our free enterprise system to an international monopoly that could control prices and production in the seabed.

The second course is for intrasessional negotiations to take place among states with the same general ideas but different emphases in an effort to consolidate ideas and iron out differences. For example, the U.S. will probably sponsor meetings in foreign embassies of consumer nations to try to convince them of the rightness of our seabed proposals. There will be intense international lobbying.

There is a third course that is in direct confrontation and contradiction with the other two. Senate Bill (S1988) which would unilaterally extend U.S. fisheries out to 200 miles is an example of this third option. Many elements of the fisheries industry and the mining industry watched the dying bubbles of LOS and came away convinced there would be no LOS treaty. From their viewpoint then, unilateral legislation is the only way to go.

In the next few years, technology will be in place to mine the seabed. Companies such as Summa Corp. (owned by Howard Hughes), Kennecott Copper (part of consortium made up of companies from Britain, Canada and Japan) and the already mentioned Deepsea Ventures Inc. will not undertake the huge plunge and investment without some guarantees of security of investments and leases. The American Mining Congress Bill seeks those guarantees from our government.

The mining industry will be lobbying madly to convince the Congress and President that it is in the national interest that this country begins the seabed mining and not depend on other countries for our strategic metals. They might well succeed in persuading the President and Congress since the country is experiencing real uncertainty now from the power of the Organization of Petroleum Exporting Countries (OPEC) under similar circumstances.

If industries that have the technology do not get the U.S. unilateral backing, there are two other options open to them. They could go over to foreign flags or sell their technology to foreign nations. According to James Johnson of the Treasury Department, it is not inconceivable that in the next decades the world could see the appearance of outlaw vessels mining the seabed with "Pirate H<sup>2</sup>" playing Errol Flynn.

Unilateral legislation by Congress is risky, though. Ambassador Stevenson, chief U.S. delegate, feels that such action would "have the effect of foreclosing many avenues of negotiation which have opened up this session."

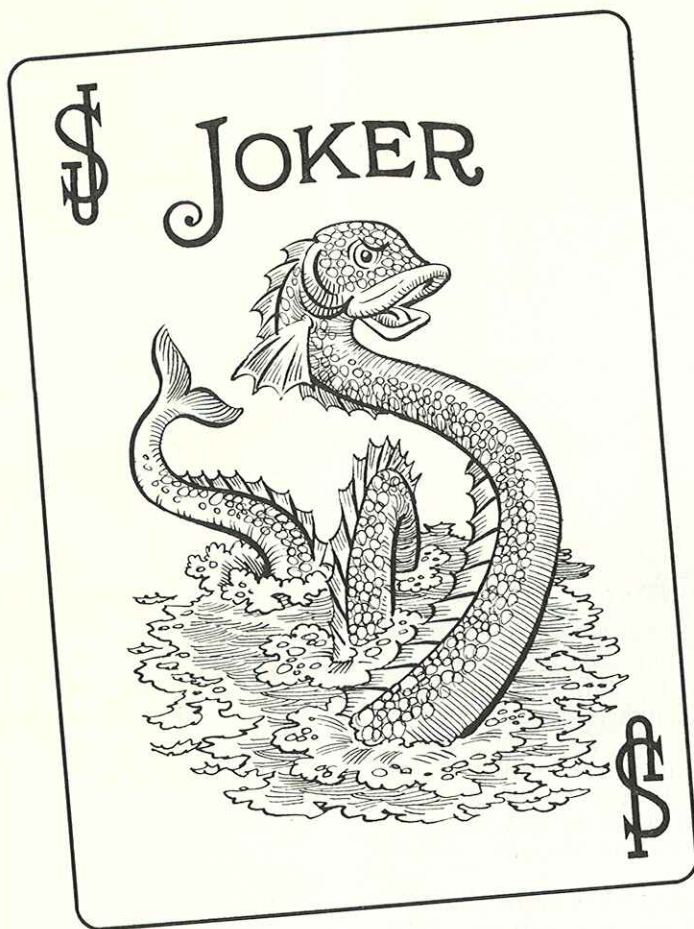
It is not only industry, however, that is advising this third option. Some international lawyers and other thoughtful pessimists who took part in the Caracas experience, say that they will put their energies into getting management-oriented legislation. To them, the odds of a treaty are so slim and the need for some order and regime in dealing with the world's oceans so great, that

they want to work toward that end by practical means. They want to influence the process of customary international law by having good legislation and practices emanate from our shores. For example, a fisheries bill that was not protectionist in nature but emphasized management of fish and reciprocity with other nations might serve as an example to other nations. In the same way, a regime for seabed mining that would stress revenue sharing and reciprocity might have a positive input to the creation of an international mining regime.

Along the same lines, Cecil Olmstead of Texaco Oil Corporation, has a vision of the U.S. creating a model treaty to be drawn up by Congress and enacted as statute at some future date, say the end of 1976. This would cover any possibility of the act preempting a LOS treaty. Also, one of the advantages to such an exemplary act would be the involvement of both the executive and Congress who up to now have only played LOS cursorily, if at all.







## Prognosis

The year of LOS will be 1975. It's then or never in those crucial eight weeks in Geneva. If in 1975 a draft treaty is not agreed upon, LOS will be eclipsed by outside circumstances. However, in the on-going process of world events, law of the sea will occur, not as a neat treaty, but as customary international law and regional practices that have been forced upon us.

It will not be as civilized as the route of international treaty where differences in interpretation can be resolved by commissions and courts. Instead, as one observer has commented, "Power will push agreements not law." After the ebb and flow of greed, "a stability will come about and that's the law." The current policy on the continental shelves was formed by this grab and shove diplomacy in which *de facto* becomes *de jure*.

One or two wars can probably be expected in this slow organic process which could take 20 years. Already there are eruptions offshore prompted by lack of LOS. Some of the friction between Cambodia and South Vietnam can be traced to conflicting oil claims on the continental shelf. The territorial imperative is talking. The Yellow Sea and the East China Sea will be carved up to feed its appetite. If the territorial sea swells to the outer

12 mile limit, more than 100 international straits would become coastal State property. Coastal States are also grabbing for their economic zones as though these were bargain days in the oceans. The North Sea has already been "merchandized" multilaterally by members of the European Economic Community to help provide energy to Europe. H.T. Chao, spokesman for the geographically-handicapped nations, observing the rapacious activity at the conference and beyond, said, "It's the greatest land grab in the history of mankind."

The evolutionary formation of LOS will become an empirical study. Dr. Seymour Brown of the Brookings Institute, observing the process, feels that the emergence of international corporations equal in strength and influence to some governments will affect law of the sea. "We would prefer greater management by international institutions, however, powerful corporations are less likely to be willing to be governed by international or even national governments. A mixed or eclectic approach is most likely in the next decade." (Newsletter on Economic Potential of the Ocean, July 1974) Who could successfully convince a large corporation such as Summa that they should lose their assets for the good of mankind?

Some people feel that no treaty would be preferable to a regressive one. At the conclusion of the conference Arvid Pardo, the man who first imagined the "common heritage" of mankind and initiated the resolution for Law of the Sea at the U.N., said in an aside that was more an obituary, "I suppose it would be better if there were no conference and no treaty at all."

The worst that could happen would be for the "Group of 77," their national egos piqued, to meet on their own ground and sign an LOS treaty reaffirming the "common heritage" of mankind. In that case they might feel justified in shelling a vessel or two that was using the *res nullius* route in mining the seabed in international waters. When the two-thirds vote comes around, if the large maritime powers are not part of the yes count, the treaty will have no holding power. It could precipitate wars.

If a treaty is never signed, the world will go on in its mal-distributed, polluted way. It will survive. Through customary use a 12-mile territorial sea and 200-mile economic zone will be established. The oil industry will have to negotiate leases to drill offshore with individual coastal nations. They're experts at it. With production licked, transportation would be the only thorn in their side, and the Defense Department is seeing to navigation. The New England and Pacific Northwest fisheries will be managed with a 200-mile zone resulting in less foreign competition. Scientists will find themselves hamstrung in obtaining consents from coastal nations and may want to go into a more feasible occupation, like selling used cars.

In playing LOS, the nations were very liberal in bestowing rights. However, when speaking of responsibilities, they played it close to their chests. The U.S. position, as stated by Ambassador Stevenson, was clear, "If the rights of coastal States are defined, so must the duties be defined." The world may have been drawing to an inside straight in trying to get all nations to agree on all issues in one treaty.

It is said that the ratio of optimists to pessimists going into the conference was 5 to 1, and exiting, was 1 to 2. Hopefully the world will have better hands and more luck in March, for LOS, like poker, is a game of skill and chance. The preliminary betting of the early rounds is over. Soon the strategic betting of the final round begins. If governments do not try to hedge their bets with unilateral moves, the world may yet see some great 'action' in Geneva next year.



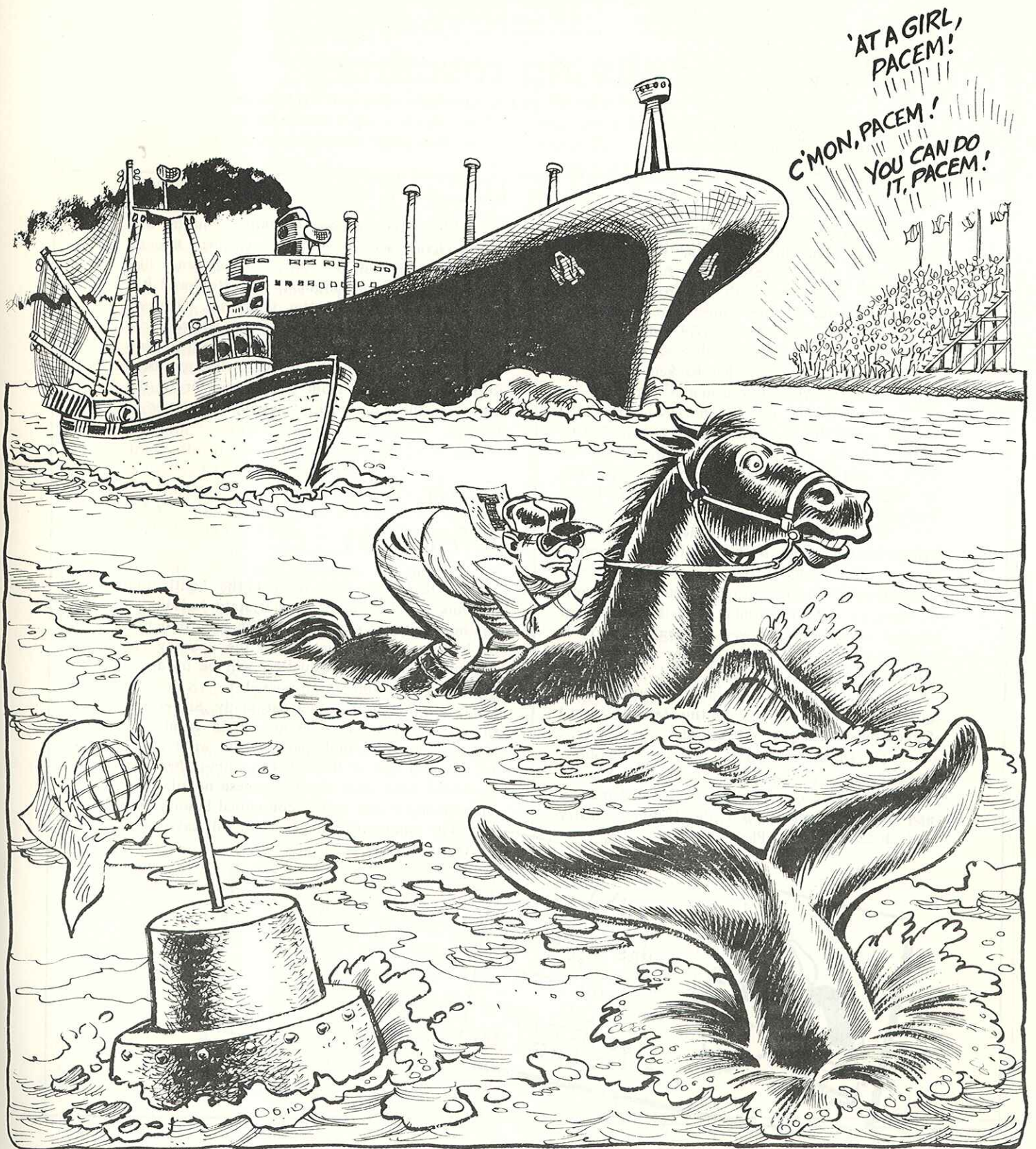
### **Postscript (Geneva Downs)**

The Geneva LOS conference will be an opportunity for a new brochure and analogy. Let's try the races. The season will begin March 17, 1975 and lasts for eight weeks. The LOS "racing form" will be well-circulated in advance so that the past performance record of those in the running will be known. Because LOS has the largest number of starters in history (all the world's countries but two) many entrants may get lost at the gate. Also the U.N. is known for being one of the sloppier, slower tracks.

Seasoned observers of the world races know you cannot sprint through international negotiations. (The stallion, Henry K. from the State Department Stables, is an exception, a once in a lifetime horse.) Usually in international negotiations the pace is slow. To go the distance with LOS could take years.

Most countries are putting their money on that beautiful creature, Pacem-in-Maribus (Peace in the Oceans) touted by the Center for the Study of Democratic Institutions. The mare, from the Seven Seas Stable, has been in training for the race in Geneva for seven years and should be sufficiently warmed up and in top form. One of the great Latin American jockeys will probably be up. Although the odds are against her winning or even placing, let us hope for the sake of the world that she finishes strongly in Geneva.





'AT A GIRL,  
PACEM!  
C'MON, PACEM!  
YOU CAN DO  
IT, PACEM!



## B C (Before Caracas)

(This background material is borrowed from the Texas Coastal and Marine Council's first brochure, "Law of the Sea—Floating Monopoly Game." That brochure of May 1974 was largely the result of a Symposium on Law of the Sea dealing with Texas' stake and stroke in LOS.)

### First Play : nonliving resources

Who will be the referees? Who will govern the exploration and exploitation of the nonliving resources of seabed and subsoil adjacent to the coasts? Entwined in this play is the net of coastal state jurisdiction: How far does it go? What responsibilities and rights does it entail for coastal states?

#### DC's

So far the U.S. has shown that it is flexible. We came into the game with the plan that coastal states have exclusive resource rights out to the 200-meter depth, and from that point out to the end of the continental margins an international body should have administrative authority. In response however, to LDC temperament, U.S. policy has backed away from international control of continental margins.

In a middle round, in 1972, the U.S. delegation to the Seabed Committee conceded to broad coastal state economic jurisdiction to explore and exploit seabed resources with the qualification of five international provisions curbing coastal state power.

By multilateral agreement the following points must be guaranteed. 1. unimpeded passage through navigable straits. 2. international constraints for protection of marine environment. 3. integrity of investments "with just and prompt compensation given in event property is expropriated." 4. revenue sharing of bonuses. (Here the U.S. is being a good sport since initially much of the international revenues will come from U.S. continental margin.) 5. compulsory dispute settlement.

The Department of Interior does not object to this game plan since it would protect our seabed for our own drilling of oil, natural gas and sulphur reserves. But the fishing industry feels differently. (See Play 3.)

#### LDC's

"If I were a lesser developed country and didn't have access yet to my own mineral resource, what would I do at a conference like that?" asked one economist. "I'd stonewall it."

The LDC's did better than that. They set up a game winning play called *economic resource zone* which is all inclusive, allowing them to hold and run with all living and nonliving resources 200 miles seaward from their coasts or to the edge of the continental margin, whichever is further.

### Fouls, penalties, infractions

LOS rumor has it that the continental margins will fall under coastal state jurisdiction as the territorial seas swell. Offshore production of hydrocarbons, which is on the upswing (35 percent of world's production will be produced offshore by 1980 as compared to 18 percent today), would be hoarded nationally. Since most of the petroleum reserves are found within the submerged continental margins, the wind would be knocked out of the sails of common heritage. It would leave only the manganese nodules free of nationality and in the communal bounty grab bag. The common heritage slogan will have lost a lot of its stuffing.





## Second Play : deep seabed

In this play the DC's and LDC's square off and face each other in the area beyond coastal state jurisdiction. The high seas, formerly free, either belong to no one or everyone. Will there be an international referee to decide who gets to go where, do what and keep what?

Both sides hurl common heritage slogans here, but there is an essential difference in the stroke. When the LDC's say the sea belongs to everybody, they imply international ownership of minerals of the deep seabed which means you don't go in and grab without first okaying it with an international body. The common heritage implied by the DC's cohabits with profit and a revenue sharing follow-through.

### DC's

Though the international body would be powerful and oversee all mineral exploitation, the DC international seabed regime actually has a low profile — only able to grant leases to mining rights on sea floor and levy taxes on resources recovered with the proceeds channeled into an international kitty for LDC's. The regime would not operate for its own account. It would only regulate those activities which are "mutually exclusive, economically and biologically wasteful." Anything else regulated by an International Seabed Authority (ISA) would be considered INTERFERENCE.

WHO WOULD BE ALLOWED TO MAKE KEY PLAYS IN INTERNATIONAL COMMUNITY? Simple. Anyone. Licenses would be issued on a non-discriminatory basis. In actuality, the hard minerals of international seabed would be developed by private entities, states or groups of states under a licensing system administered by ISA with revenue sharing of profits.

A seabed regime with monopoly powers is unacceptable to the U.S. In ISA decision-making, the U.S. wants blocking power in the hands of any three of the six most important industrial nations. The five qualifiers of the first play also hold true for Play 2.

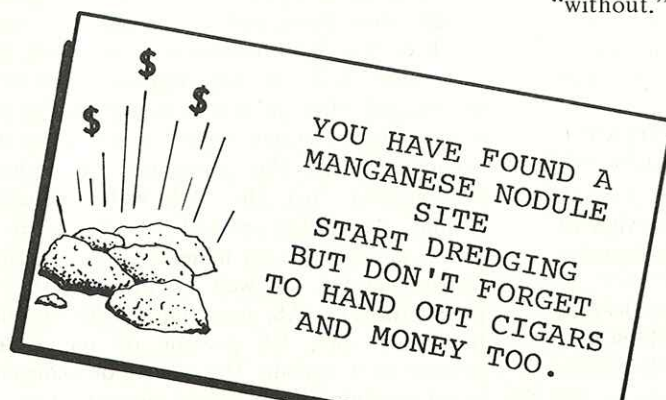
### LDC's

The LDC's have a highly sensitive, almost allergic reaction to minerals in the ocean. Many LDC's such as Chile, Brazil, Zaire, Peru, Kuwait and Libya exist on the exportation of one land-based mineral. They'd just as soon suppress competition from the ocean's floor. They fear dislocation of their economies if the ocean warehouse is opened up.

LDC's lack both the capital and know-how to gather the manganese nodules and would therefore be at an unfair disadvantage. The rich would get manganese nodules and the LDC's would get poorer. For that reason LDC's favor an international seabed authority that could act in partnership with private enterprise, use them as "service contractors," or compete with them. What is even more likely to happen though is that the seabed authority would assume monopoly powers by licensing itself to mine the seabed floor.

The ISA, or "cosmo-corporation" would cater to the little guy and would have power to control marine production and impose price-fixing on the ocean's floor.

The LDC's fear that the big maritime nations might extend colonialism fathoms deep by leasing the ocean floor. To prevent this, they want a one nation-one vote decision making structure within the ISA. This would give LDC's a considerable clout, and might leave the DC's "without."





## Fouls, penalties, infractions

Though manganese nodules are a submerged issue now, with a boost from technology they will soon surface with fanfare and tumult. Rivalry among technologically powerful nations decked out in multimillion dollar barges and equipment, rooting around in the lower depths and making conflicting claims to rich mineral sites could create more skirmishes.

Expropriation is a foul the U.S. is also afraid of. If mining begins without the sanction of an LOS treaty, an International Seabed Authority may subsequently claim mining sites for the international community. Recent painful bruises from copper industry seizures in Latin

America have made the U.S. industries cautious about developing the deep seabed without some guarantees for the investment.

Even if guarantees are made, they can be broken. Countries that fail to live up to bargains might be penalized by embargos. The only trouble with embargoing is that other nations can embargo back.

The DC's are treading water now, but are ready and willing to dive in and make a "killing." The theme song of the next decade may well be: "You take the continental shelf and I'll take the high seas..." Meanwhile the LOS clock is running out.



SHE MAY LOOK LIKE A POTATO-SIZED LUMP,  
BUT WE LOVE HER ANYWAY.

## deep seabed : sideline scuffle

Complicating LOS is competition from a minor league, the mining industry of America. The hard mineral men don't want to wait while the world sits on its moratorium pending an LOS treaty. The mining industry contends that we should be working towards alternative solutions in case LOS fails.

Towards that aim they are seeking unilateral action by lobbying for passage in Congress of the American Mining Congress Bill, whereby the U.S. government would underwrite for 40 years investments of capital and equipment that the industry spends, as well as giving mining interests right to lease blocks of ocean floor for \$50,000.

Imagine the hype: "RESOURCES AVAILABLE TO ALL WHO WISH TO EXPLOIT THEM! Just step right up folks with your technology and capital. \$50,000 will get you and your family a prime view of the lovely Abyssal Plains and a field of manganese nodules just ripe for the picking!"

One of the would-be developers is Deepsea Ventures, Inc., a subsidiary of Tenneco. To show how serious they are, they've already applied \$100 million dollars to the problem with a Pacific mine site in the

offing and a processing plant in the Gulf area, contiguous with the Texas petroleum refinery complex. They envision a harvest in about five years of anywhere from 1 million dry tons of manganese nodules per year to 10 to 15 million tons (dredged up).

So far only two things stand in the way of a game winning unilateral play by the mineral men: 1. the technology will not be in place for a couple more years, and 2. it's patently illegal now as a result of that U.N. moratorium on seabed mining.

The U.S. is not against implementation of provisional parts of seabed regime dealing with mineral exploitation. The government sees it as an international "practice" for the problems in technology and management that the ISA will eventually have to handle. Also deep seabed mining could reduce the U.S.'s dependence on mineral imports from politically fragile nations, as well as improve the balance of payments. The U.S. now imports 98 percent of all its manganese ore, 84 percent of its nickel, and 92 percent of its cobalt. The mining of manganese nodules could possibly avert a world mineral crisis.



# Third Play : fisheries

The two leagues lined up in their fishing fleets are trying to catch the most and the best fish. It's a contest between the species play of the DC's vs. the zonal play of the LDC's.

## DC's

In the species play there are three distinct categories of fish:

1. resident species — such favorites as pollacks, shrimp and flounder live in the water column over the continental shelf practicing a local, seasonal migration and enjoying a lifetime tenure by the coasts.

2. anadromous species — salmon, sea-run trout, sturgeons, shad, all begin in earnest in fresh water streams, go to the brackish waters of estuaries and then overcome by instinct take to the high seas living a wide ranging life. They finally return to the primal streams to spawn and die.

3. pelagic fish & mammals — last but not least, tunas, marlin, highly migratory species (the whale, runs with this gang) spend their entire lives in transit often in transoceanic world cruises.

Fishermen from the U.S. go after all three kinds. The U.S. wants to have its salmon and eat some tuna too. Not because of altruism to fish, but for protection of the U.S. fisheries, the species approach has been put forth.

As the species play has been proposed, a coastal state would be given control of resident species as far out as fish may be found. If the coastal state cannot harvest all the fish, by the principle of maximum utilization, other states would be invited to have a go at it. This holds true for anadromous species too, with control weighted to the state where the fish spawn, thus protecting species while they are en route from sea to river. It makes good sense economically since fish weigh more at the end of their travels, and it is also an incentive for coastal states to do a little stream cleaning, taking whatever steps are necessary to maintain the fresh water environment.

Pelagic species are another kettle of fish. The rationale behind international treatment of pelagic species is that their reproduction and migration is not concentrated in space or time. Since their migration is far ranging, the vessels that fish them must be able to migrate as well for the best economic yield. But here the U.S. play is blocked by the arbitrary nets of a 200-mile fishing zone adhered to by LDC's.

## LDC's

LDC's claim ownership of the living resources that swim within 200 miles of their shores. Effective blocking is used—offending ships are seized. The U.S. fleet has been stopped by this play. Iceland and Britain have been engaged in this kind of skirmish in the "cold war" because Iceland claims a 50-mile fishing zone.

Firmly backing the zonal play are the Organization of African Unity, Santo Domingo Declaration, Norway, Canada, Indonesia, Spain, India and Kenya.

In terms of current international law, the 200-mile economic zone is indefensible, but LDC's are adamantly sticking to their unofficial 200-*de facto* miles.

## Fouls, penalties, infractions

If countries do get control of fisheries for the full 200 miles, and then are unable to harvest all the fish themselves, this adds up to an uneconomical, unnutritious loss of fish catch to the world. Shrimp live only one year. "Territorial Pride" becomes an extravagance in territorial waters when poor handling of the fisheries could lead to loss of world protein.

A new angle on LOS hinges on research which may turn fish hunting into fish farming and management. Management is a must. With use of new equipment such as electronic hunting devices that monitor exact locations of schools of fish, fish stocks are being dangerously depleted. The score of haddock catch vs. man is a good example and warning. "In Icelandic water, the combined British-Icelandic haddock catch was 110,000 tons in 1961. Now it is just over 40,000 tons." Some team members are not playing fair. One serious foul is pulse fishing as practiced by the U.S.S.R. where one overfishes a stock into near extinction. The whale is in danger of this from certain Japanese players.

Fear of a 200-mile fishing zone could lead to a rash of unilateral moves. At the symposium, Robert Mauermann, executive secretary of the Texas Shrimp Association, brought the problem



# Fourth Play : navigable straits

For this play, the DC's bring out their strongest players – the Navy and maritime boys. The LDC's confront them with their prize possessions – their crucial straits with political undertow and their unpolluted coasts.

## DC's

The U.S. wants rights to pass from one side of a strait to another. The U.S. Defense Department has a legitimate, healthy phobia when it comes to navigable straits. With an extended territorial sea, some LDC's might try to expand their rights to include not only resource jurisdiction, but regulation of navigation and overflight, as well.

Also national security depends on the use of the seabed floor for implementation of antisubmarine warfare tracking and detection devices. Here the U.S. is going beyond established law in asking for rights of submerged passage.

The U.S. will not play ball unless naval and commercial vessel mobility is guaranteed through navigable straits. *This one play cannot be lost.*

To counteract or at least submerge LDC's fears about accidents resulting in damage to coastlines, the U.S. team is proposing that nations accept strict liability for any damage such as spills. Rules and regulations for vessels and aircraft using straits are to be written by international organization, with rules enforced by the coastal states.

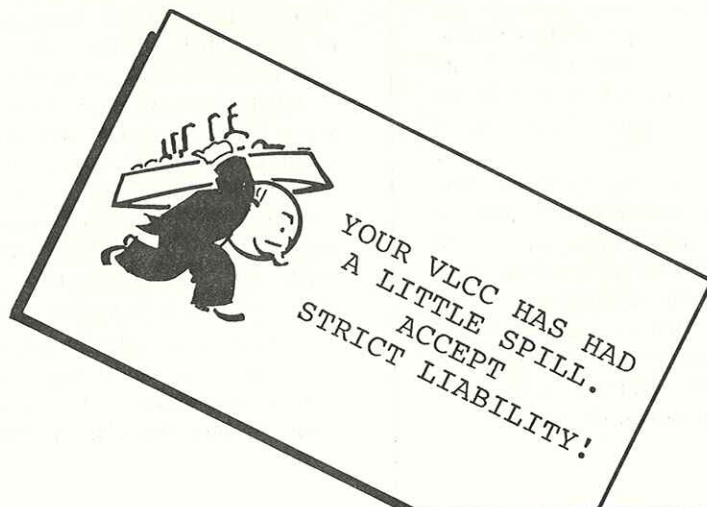
## LDC's

Unhappy about U.S. demands, particularly suspicious of VLCC's (wondering how innocent the supertankers are with their potential for massive oil spills), and prompted by fear of pollution and military confrontations off their coasts, LDC's want to give coastal states discretionary powers as to "who goes there."

## Fouls, penalties, infractions

Key blocking plays among political leaders who control navigable straits could create a string of "Berlin Corridors" around the world. Such detours could add penalties of time and cost to defense and commercial voyages and lead to war, since the world's navies, like all omniscient beings, will go where they will.

MARITIME INJURY: "If controlling nations closed only three key straits in Southeast Asia, for example, (Makassar, Malacca and Torres) raw materials for Japan would have to pass all the way around Tasmania – a displacement that would force dramatic changes in the value of the yen and ultimately in the entire world monetary balance."





# Fifth Play : freedom of scientific research

In this play, the second string, a bunch of scientists, come out in wet suits, bearing ocean samples, underwater test tubes, and apolitical back strokes. They are met by LDC heckling.

## DC's

The U.S. would like an international body to mildly control scientific research of the seabeds, instead of leaving it up to the unilateral whims of coastal states.

Both the U.S. and U.S.S.R., on the same team, favor a *laissez-faire* attitude toward scientists with removal of all restrictions on research on the continental shelves. Responsibility would be put on the flag nation to notify the country off whose coast the team will be scientifically prowling. The scientists will supply the country with an agenda of proposed research in advance so the coastal state can send its own team of scientists on board to examine data, implications and repercussions.

This approach puts the burden of proof on the researcher to show that research is valid and not a front for military intelligence or economic development.

The U.S. is prepared to supply the LDC's with technical assistance (e.g., education and equipment) to enable them in the future to compete in the scientific events.

This play is running a distant third to navigation and resource acquisition plays.

## LDC's

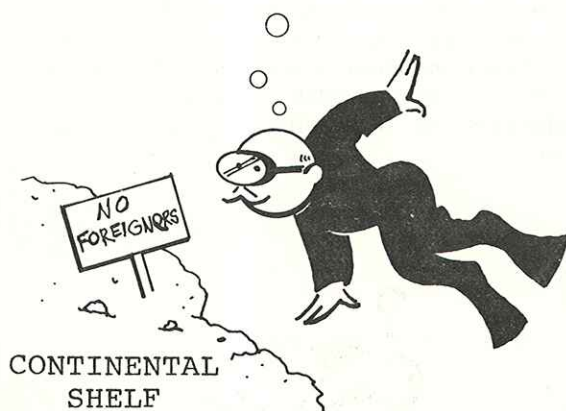
The LDC's are packed on this play. Australia, Canada and practically everyone else joins them, leaving only the U.S. and Russia out in left field.

LDC's claim ownership of their continental shelves, with the implicit right to refuse scientific snooping. To them scientific research is in cahoots with an advanced technology which uses data to exploit and get rich off the LDC's. Scientists are not those "innocents abroad" but powerful team members, and *Science* is a lucrative play. It does no good for the LDC's to have raw data supplied them if they don't have the interpretative talents to digest and use the data. The odds are in favor of the LDC's holding on to scientific control in the economic resource zone.

## Fouls, penalties, infractions

If the continental shelves are declared off limits to scientists, the world could lose a chance at one of the greatest underwater laboratories. As one scientific advisor to the U.S. delegation remarked, "There's more science per square acre there than anywhere else in the ocean."

Scientists who usually work best by the formula, "find good men and turn them loose," may find themselves the lackies of some international organization that can restrict their curiosity. Can such a team work under a regime telling them what to look at and study, or will they get stifled in record time? Will the scientists be relegated to the bench to come on only after the more profitable plays have been made by the heavies — the oil and mineral super boys?





# Sixth Play : marine environment protection

Though the oceans are being divided up, they are a geological and ecological whole and so are immune to political boundaries drawn up by political realtors. The question arises, should the protection of the marine environment be dealt with nationally or internationally.

## DC's

The U.S. wants the big multilateral play with pollution laws established by the international community to avoid proliferation of national pollution controls. The international standards would strike a balance between environmental protection and economic necessity (navigational interests). The ISA would restrict itself to pollution control of seabed mineral exploitation and vessel pollution, leaving land-based pollution to another forum. The international pollution laws would be at a minimum within coastal state jurisdiction with standards enforced by the state in whose economic resource zone activity takes place.

## LDC's

The LDC's fear the potential pollutant power of VLCC's and other critters man has put into the oceans. They want to issue pollution directives within their territorial water, which means out to 200 miles.

Canada, though not an LDC, has unilateral pollution controls giving her the right to prosecute polluters in her Arctic waters. She wants to hang on to this protection until the international community can come up with something better that can be enforced.

## Fouls, penalties, infractions

The fans of the game have thrown everything into the oceans including radioactive drums, huge oily shrouds and solid wastes too potent for the land. Unfortunately the restless currents throw these spoils back in our faces. Oysters on the half shell are now seasoned with concentrates of DDT that are 70 percent greater than levels found in the ocean. By degrading the oceans, we risk losing not only the world's largest food chain and best swimming hole, but also 70 percent of the world's supply of oxygen which comes from the photosynthesis of the plankton. These creatures may not appreciate being dumped upon. And unfortunately, the world cannot allocate oxygen or shut its lungs on Sunday.

Environmentalist Burgess Griesenbeck questioned, "Why throw the worst things in the world in the place we know least about?" At the symposium he recommended that we bestow on ocean dumping the same concern now given to

navigation; that is, charter, plot and predict the dumping routes, just as if we were dealing with the "Queen Mary."

If there are no international standards for supertanker construction and safeguards, the "very large crude carriers" may find themselves at the mercy of unilateral tackles. A VLCC while navigating through the territorial waters of country "A" might have to meet standards of so many feet, and so many feet less going past country "B" might have to be green while navigating by country "C", and blue while passing the coast of country "D", and might get captured while passing country "E."

Also, when the deep seabed mining begins in two to three years a whole new pollution issue may be dredged up, with the potential to turn the deep seabed into an underwater Appalachia. Unbiased environmental studies must be undertaken to show effects of deep ocean mining.





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