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A Few Preliminary Considerations
on
The Conservation and Development of the Oceans
for the
SCHLOSS KLESSHEIM MEETING on PROBLEMS OF WORLD SOCIETY

The United Nations has declared the seventies the First International Decade of Ocean Exploration. This year the Third United Nations Conference on the Law of the Sea is getting under way in Caracas to revise the law of the sea and establish new institutions for the rational management of ocean space and resources.

The outcome of this conference is doubly important. It will determine the fate of the oceans which cover over 70 percent of the earth's surface and on which all life on earth depends. And it will have to create a new type of international organization apt to enhance development and peace.

The fate of the oceans today is endangered by a proliferation of technologies intensifying traditional uses of ocean space and resources and introducing many new ones. The oceans' living resources whose renewal in the past was keeping pace with artisan methods of fishing, are beginning to fall behind in the race with new, industrialized methods of exploitation. The maximum sustainable yield is being reached much sooner than had been anticipated even a few years ago. The last few years have registered a decline in the world's total fish ~~resources and this is a trend which will~~

catch, and this at a time when the world's population is fast growing and especially the poorer nations depend on the productivity of the oceans for by far the largest part of their animal protein requirements.

Shipping has increased both in size and number of vessels. Freighters and tankers, carrying half a million of dead-weight and more, are crowding international waterways and straits. Collisions and groundings are on the order of the day, releasing vast quantities of pollutants into the ocean. Underwater storage tanks and floating superports are built to accomodate this novel form of maritime traffic. All these installations are prone to accidents, vulnerable to sabotage, and, at any rate, designed for a certain percentage of regular loss and waste, accumulating in the oceans as pollution.

We are at the beginning of a revolution in mineral mining in which the oceans are playing an eminent role. Offshore oil production today accounts for about 20 percent of the world's total oil production. It is estimated that this will rise to about 50 percent over the next two decades. The recovery of manganese nodules from the deep ocean floor of the Pacific and the industrial processing of manganese, nickel, cobald and other metals in practically unlimited quantities, is just beginning. The ecological consequences of the extraction and processing of these metals are not known at present.

The urbanization and industrialization of the coasts, discharging huge amounts of organic and inorganic waste into the oceans through rivers and pipelines; the industrialization of agriculture, generating run-offs of chemical fertilizers and the discharge of DDT which reaches the oceans through the atmosphere; the swelling of tourism and the recreational uses of ocean space; the use of the oceans for human habitats,

whether under water or on artificial islands, all contribute to an alteration of the balance between land and sea. Factories are being moved out to sea; oil refineries are placed on offshore platforms; airports are put on artificial islands. New energy resources and technologies, fuelling a hydrogen economy, will be ocean-based rather than land-based.

The military are moving into the oceans. Strategic weapons systems, ~~basically~~^{easily} targetable on land by high flying spy planes or satellites, become invulnerable under the protection of the opaqueness of the seas and with the added advantage of mobility. The "second strike capacity" of the great powers resides today in the oceans.

Ocean science, finally, has been developing at a spectacular rate during the last two decades. The discovery of sea-floor spreading and continental drift has added new dimensions to our understanding of the history and nature of our planet. The impact of this science both on industrial and military uses of the oceans is going on apace.

There is at present no law, national or international, to regulate these new and challenging uses of the oceans. Existing international machinery is totally inadequate.

If unregulated, the intensification of old uses and the addition of so many new uses of the oceans will engender conflict and waste on a scale unknown in the past: problems which affect the health of the oceans and the survival of man. Problems which are truly transnational in scope and must be solved internationally.

This, then, is the challenging task now before the Conference

on the Law of the Sea: to minimize conflict and pollution in the oceans; to maximize benefit from its boundless resources for all nations, and especially the developing ones; and, to this end, create comprehensive institutions for the rational management of ocean space and resources.

There are at present two trends with regard to the law of the sea.

One is the extension of national jurisdiction over resource management in areas adjacent to the territorial sea. This must be respected as a matter of self-protection on the part of weak and developing nations against the inroads of the industrialized nations which, at present, are taking far more than their fair share of the oceans' living resources.

The other is the extension of international competences to deal with matters of transnational scope. The Twenty-fifth General Assembly of the United Nations has declared the resources of the seabed beyond the limits of national jurisdiction to be the common heritage of mankind. This concept is germinal for a fundamental rethinking of development strategy, based no longer on "aid" and the antiquated distinction between "donor" and "recipient" nations but on sharing in resources that are common heritage of mankind.

The two trends are not necessarily contradictory. Their harmonization, interlinking national and international competences in a new way, is the task now before the Conference on the Law of the Sea. The establishment of comprehensive, operational ocean institutions in no way contradicts the principle of sovereign equality of all nations. On the contrary, it is only by participating, through such institutions, in the making of decisions directly affecting their own ecology and economy, that the smaller and weaker nations can reassert their sovereignty;

it is through participation in international scientific and technological programs, through international institutions, that they can hasten the transfer of science and technology essential to development.

Global responsibility dictates the following minimum considerations as part of a world strategy to save the oceans for development and peace.

(Ocean Space as a Whole)

- minimum worldwide standards are required with regard to the avoidance of pollution in the marine environment;
- technology which can seriously affect the natural state of the marine environment must be subjected to international control;
- global marine institutions must elaborate ^{minimal inter-}~~minimum inter-~~national standards to cope with the interaction between major peaceful uses of the sea;
- global minimum standards of biological and economic management of fishery resources must be elaborated and regionally implemented, and special international protection must be accorded to slowly reproducing marine species, such as sea mammals;
- international law must recognize the fundamental ecological and economic unity of ocean space;
- coastal states and the international community must share the control and management of the oceans in accord with the principle of the common heritage of mankind;
- the rights ^{of states in ocean}~~of states in~~ ocean space must be harmonized with the emerging world interest;

(Ocean Space Within National Jurisdiction)

- precise limits to national jurisdiction are required, and vital public international interests, such as navigation, scientific research and overflight, must be internationally protected within the limits of national jurisdiction;
- coastal states have obligations within their jurisdiction to manage the ocean environment and living resources in a manner conforming at least to minimum international standards;
- states lacking the financial or technical capability to enforce minimum international standards must be given assistance by the international ocean institutions;

(Ocean Space Beyond the Limits of National Jurisdiction)

- ocean space, including the seabed, beyond the limits of national jurisdiction, should be considered the common heritage of mankind;
- land-locked and shelf-locked states must be given the opportunity to take part in the exploitation of ocean resources and must share in the benefits derived therefrom;

(International Machinery)

- the international machinery must provide a general forum for the accommodation of national interests in ocean space, set standards and regulate the peaceful uses of ocean space, manage and exploit living resources of the sea and explore and exploit nonliving resources beyond the limits of national jurisdiction, and provide for an equitable sharing of the benefits;
- regional bodies should assist in fulfilling these functions;
- decision-making should reasonably reflect the wishes of the majority of the world population;

- decision making should, to the extent possible, be interdisciplinary, including science, industry, and the service sector;

- the ocean regime should provide for the compulsory settlement of disputes.

APPENDIX I

Appeal for Action to Save the Mediterranean Sea

Action is urgently required to save the Mediterranean Sea.

The urbanization and industrialization of its coasts, especially on the northern shores; the intensification of tanker traffic, the discovery of oil, the dramatic increase of tourism, the intense militarization of the area, all converge in generating a degree of pollution that seriously endangers this sea whose peculiar hydrological conditions render it particularly vulnerable, and threatens the health of the inhabitants of the area. Planless overfishing is depleting its living resources. The Mediterranean is a sick sea, and unless drastic steps are taken in the near future, it may be a dead sea.

The Mediterranean is also a uniquely beautiful sea, a gem in whose perfection nature and history have collaborated. It is the common heritage of some of the world's greatest and oldest civilizations, and not only all the peoples around its shores but mankind as a whole has a vital interest in its salvation.

Cooperation to this end is stifled by political antagonisms, erupting in wars, by differences in economic systems, and by opposing interests of the developed nations, mostly in the north, and the developing nations on its south shores.

The salvation of the Mediterranean requires restraints on the part of the industrialized nations, development on the part of the poorer nations, and harmonization of national, regional, and global interests.

Immediate steps should be taken

- (1) to monitor levels of pollution and initiate action to

APPENDIX II

Summary

The oceans, occupying 70 per cent of the earth's surface, are the greatest and most continuous life support system of the biosphere. As recipient of waste from land and atmosphere as well as from man's incipient activities on the seabeds, they also are the most endangered part of this biosphere. While rivers and lakes can be flushed clean, the depths of the oceans cannot be so cleansed. Inorganic, resistant pollutants may accumulate in the oceans for millions of years, till the oceans' waters and beds renew themselves in the process of the earth's macro-metabolism.

The fate of the oceans today is endangered by a proliferation of technologies intensifying traditional uses of ocean space and resources and introducing many new ones. Living resources are being exhausted by overfishing and pollution; the urbanization and industrialization of coast lines, the "marine revolution" extending the industrialization of the continents deep into the oceans, are threatening the health of the marine environment and the very survival of man.

The United Nations has convened a Conference on the Law of the Sea to bring the slow evolution of law into line with the rapid development of technology and its transnational implications; to minimize the harmful effects of the marine revolution and harness its economic potential for the benefit of all peoples, especially in the developing nations.

If it is to succeed, this Conference must give rise to new, comprehensive ocean institutions able to

-- give legal and economic content to the concept of the common heritage of mankind;

-- ensure the conservation of the common heritage for future generations;

-- ensure the full participation of the developing nations in the management of the common heritage and in the benefits derived therefrom;

-- harmonize global, regional, and national interests in ocean space and resources;

--reconcile and balance the multiple peaceful uses of ocean space and resources;

-- develop a science policy for the oceans apt to bridge the gap between science, economy, and politics;

-- develop a disarmament and arms control policy for the oceans, benefiting from the awareness that many of the technologies and institutional arrangements needed to monitor and control pollution in the oceans have also an arms control effect.