

LIST OF PEOPLE WHO SHOULD RECEIVE THE OCEAN REGIME:

1. All participants of all three Center conferences, as listed in the introduction to THE OCEAN REGIME.
2. All members of the U.N. Ad Hoc Committee, as listed in the enclosed paper.
3. 12 copies to Undersecretary General Jose Rolz Bennett .
4. 20 copies to me.

5. The following:

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21/5/69

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(comment: he + his assistant, Privat-
dozent Dr. Rauschning, organized the first
German deep sea conference in March 69).
I, Wolfgang, sent him the Regi + back in M; he should
be kept informed. 21/5/69 he was 'informally'
invited to attend PIM

— Prof. Dr. F. Zdeněk ŠLOUKA
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(the German representative to the Deep
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(head of German I/LA-group
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Revision of Bucharest
Article, (VISTA) 6/69

In August, 1967, the Government of Malta proposed to the Secretary General of the United Nations that the agenda of the 22nd General Assembly include the following item: "Declaration and Treaty Concerning the Reservation Exclusively for Peaceful Purposes of the Seabed and the Ocean Floor Underlying the Seas Beyond the Limits of Present National Jurisdiction and the Use of Their Resources in the Interest of Mankind." The ensuing discussion led to the establishment of an Ad Hoc Committee to explore the legal, economic, and technological aspects of the problems involved. The Committee put together a remarkable documentation and studied the issues in some depth. Upon its report to the 23rd General Assembly, this Assembly adopted in December 1968, a four-part resolution, establishing a Permanent Committee on the Oceans, with a rather wide mandate; proclaiming an International Decade of Ocean Exploration beginning in 1970; recommending the international regulation of anti-pollution measures; recommending studies conducive to the creation of new international machinery or regime to embody the principles of the Maltese proposition.

The Permanent Commission on the Oceans has concluded its first session. Parallel or complementary work is going on in a number of specialized agencies as well as in the ENDC which is dealing with the very important Soviet proposal for the total disarmament of the ocean floor.

The Malta proposition and its follow-up are the most exciting, and the most hopeful subject before the United Nations now or at any time. That this should happen at a time when the general world-political climate is far from encouraging is a remarkable fact.

Another remarkable feature of this ~~most exciting~~ development ~~now before the United Nations~~ is that it was initiated by a small nation, a mini-nation, with a population of hardly three hundred thousand. It is indeed encouraging that such a small nation should

play such a large role in international affairs. It shows how the power of ideas still can dwarf the power of big money or of big guns.

I should like here to outline quite briefly the main issues inherent in the Maltese proposition. They are big issues, and they must be faced imaginatively and courageously -- and promptly, or else the Maltese proposition will remain in the realm of pious hopes, whereas, in reality, the grab is on, and before we know it, it will be too late to do anything about it.

The first problem is the territorial delimitation of the area "beyond national jurisdiction," or the area of jurisdiction of the international regime. The Continental Shelf Act of 1958 extends national jurisdiction to the submerged lands of the continental shelf to a depth of 200 meters of the superjacent water, or beyond that limit where technological development permits the exploitation of the ocean floor. The Treaty is ambiguous in two ways, territorially and functionally. In a territorial sense, the boundary is left open-ended by the criterion of exploitability, which would extend the limits of national jurisdiction in accordance with technological progress, to a point which remains undefined by the vague concept of "adjacency." In a functional sense, it is not clear whether "jurisdiction" means merely the right to explore and exploit the natural resources of the continental shelf however delimited, or whether it means national sovereignty in the full sense, including the right to military use. Given these ambiguities, it is clear that the establishment of the regime necessitates a revision of the Treaty. It is equally clear that the kind of revision that may be agreed upon depends on the nature of the regime to be established. If it is a good, trustworthy international regime, nations will agree to a narrow construction of the continental shelf and their jurisdiction over it. If there is no regime beyond the limits of national jurisdiction, or one that cannot be trusted, nations will tend to extend their own jurisdiction as far out as possible.

A number of important proposals have come forth thus far: the first is, to abolish the open-ended criterion of exploitability and accept the 200 meter depth limit without qualification. It is difficult to imagine that this proposal could be accepted. Some nations would get an enormous continental shelf, others practically none, given the geological irregularities of the ocean floor. This delimitation would seem completely arbitrary.

The National Petroleum Council of the United States proposed an extension of national jurisdiction to a depth of 2,500 meters, to the edge of the abysmal slope, considered to be the natural boundary between the continental shelf and the ocean floor. This limit would not be any more acceptable than the first one: like the 200 meter depth limit, it would leave the determination of the boundary to the uncertainties and whims of marine geology.

A third proposal, put forward by the American President's Commission would combine the 200 and the 2,600 meter depth limits in such a way as to grant exclusive national jurisdiction to a depth limit of 200 meters and to consider the zone between 200 and 2,500 meters as an intermediate zone, under the jurisdiction of the international regime, but reserving to the coastal nation the right to approve any leases granted in this area by the international regime. This is more complex. But if the two factors which it combines are unacceptable separately, there is at least a possibility that they may turn out unacceptable jointly as well.

A fourth proposal, first put forward by the Yugoslav expert Juri Andrassy, would combine a depth limit with a horizontal ^{continental} shelf. Considering that the average width of all continental shelves all over the world is about 50 km, the new treaty should extend national sovereignty to a depth of 200 meters or a distance from shore of 50 km, whichever is farther. There may be variants to this proposal: the horizontal extension might be pushed out somewhat farther, let us say, to 100 km, to assuage the Latin Americans -- it would not make too much difference. The criterion,

it would seem, would come far closer to satisfying the demands of justice. A proposal, based on these same criteria, was recently introduced by the Government of Malta in the 42-nation Permanent Committee on the Oceans.

The Soviet Union would terminate national jurisdiction over the continental shelf at the outer limit of territorial waters, that is, twelve nautical miles from shore. This is a radical proposal, but simple and clear-cut. While it will be opposed by commercial interests, it may instead satisfy the demands of the military also in the Western countries: it is an old tradition for the Navies of strong maritime powers to advocate the narrowest possible interpretation of national sovereignty on the high seas: which enables them to operate as closely as possible to the shore of supposedly hostile nations. I would therefore not be surprised in the least if, in the end, something like the Yugoslav or the Soviet proposal prevailed.

A different, regional approach has been suggested by Laurence Reed in his recently published pamphlet "Ocean-Space -- Europe's New Frontier." Reed would have the countries of Western Europe claim sovereignty over the seabed down to depths of 13,500 ft. or out to a distance of 200 miles (whichever is the greater) and then pool their individual national claims under a financially independent Oceanic Development Commission -- the mission of which would be to manage the common seafloor resources on a profit-making basis. The Commission would be financed by bonus payments, rents, royalties, etc. The idea is not only to pool the resources of the seabed for intelligent exploitation purposes, but also to pool common market technologies for the common good.

If these principles of sovereignty and management were established throughout the world ocean, some 40 percent would come under such regional authorities, with 60 percent remaining available for international control. It is a relatively new approach to establishment of coastal jurisdictions, though analogous in some respects to existing regional river basin compacts. Reed further suggests that the regional authority should be responsible to a maritime *parliament*

with membership drawn from national parliaments and from companies, labor organizations, and other groups concerned with ocean exploitation.

What is certain, at any rate, is that the question of the territorial boundaries of the regime is not as important as might appear at first sight. It is clear that it will be a political frontier rather than a geological boundary. The coincidence of geological boundary and political frontier is rapidly becoming obsolete as a result of technological development. The ocean frontier is the last frontier to undergo the transformation from geological to political frontier -- and this in an age in which the political frontier, in turn, is losing its solemnity because of the advancing integration of the world community.

It should be kept in mind, furthermore, that what we want to create is not a national territorial "State" in the traditional sense but a functional regime, whose territorial boundaries are far less important and clearly defined than those of an old-fashioned nation-State. The political importance of the limit can be deflated by functional considerations and by a correct assessment of the role to be played in the development of ocean resources by multinational or international organizations whose operations are hampered rather than helped by an overemphasis on political divisions.

More important than its territorial delimitation, therefore, is the question of the functional delimitation of the international regime: the nature and the extent of its jurisdiction.

The Soviet Union advocates the establishment of a code, more or less along the lines of the Outer-Space Treaty, to govern the conduct of nations in ocean space. Considering current and forthcoming activities in outer space and in ocean space, however, a code satisfying the needs of the former would in no way suffice to regulate effectively the latter. The economic exploitation of ocean space does require some machinery, from the "supranational" implications of which the Soviet experts have been shying away thus far. I have a feeling that if such machinery were more precisely defined and described, the Soviet preoccupations might be assuaged.

The United States, though officially it has not made up its mind, tends to the advocacy of a system of registry: nations wishing to explore or exploit a certain portion of ocean floor beyond the limits of national jurisdiction would apply to an international registry office for a license which they would obtain on a basis of competitive bidding; they would pay a certain fee to the international office, which would be used by the World Bank or the Development Programme to alleviate world hunger or promote education, or for some other generally laudable purpose. This sounds simple enough -- too simple, in fact. I suspect that it raises more problems than it solves; it leaves a host of problems totally out of consideration, e.g., the problem of pollution, which is gigantic and growing from year to year. I have a suspicion, furthermore, that it might turn out completely unacceptable to the Socialist as well as to the developing nations.

The developing nations, in fact, are pressing for the establishment of suitable international machinery to embody the principles of the Maltese proposition. The agency or regime that might result from the criteria of these developing nations would by no means be supranational, nor would it infringe ^{upon} national sovereignty. Its jurisdiction, in fact, might be scaled, both territorially and functionally. On the territorial scale, the regime might issue binding regulations for the seabed, the subsoil thereof, beyond the limits of national jurisdiction; it might issue recommendations concerning the high seas, where a large body of law already is in existence; and opinions addressed to Member States concerning territorial waters and submarine areas under national jurisdiction. On the functional scale, the regime could ^{of security and pollution, to recommendations} issue anything from binding regulations in matters concerning fisheries or communications: quite a variety of rules, regulations, recommendations and opinions. The enlargement of the concept of "legislation" in this sense, its loosening up over an ever wider range of "laws" or "norms" is a general phenomenon, also at the national level. Planning transforms and enlarges the concept of law. Planning undoubtedly will play an important role in the

ocean regime. In carrying out a plan, consensus is infinitely more important than enforcement, cooperation is more productive than coercion. Thus, also the functional aspect of the problem of the regime's jurisdiction, while obviously in need of precise definitions, may be politically deflated.

A third major issue, or rather, a syndrome of issues, arises from the concept of the peaceful use of the ocean floor. Here, too, already several interpretations are in circulation. The United States tends towards a minimal interpretation, both functionally and territorially. It would limit disarmament to the banning of atomic weapons and other weapons of mass destruction while permitting "conventional arms" on the ocean floor as well as tracking devices. It would restrict such limited disarmament to the ocean floor outside the territorial shelf, however defined. The Soviet interpretation is maximal, in both senses. Disarmament should be complete -- including conventional arms -- and the ocean floor should include the continental shelf, to the outer limit of the territorial water, or 12 miles from shore. Beyond 12 miles from shore no military equipment of any kind, including tracking devices, could be installed on the continental shelf. Neither interpretation is going to prevail unqualified. But the Soviet proposal, also according to neutral and some Western experts, has many merits, and the Soviets are quite willing to further explain and spell out and perhaps modify certain details, in line with current Swedish or Canadian proposals.

What is certain is that the problem of keeping the ocean floor disarmed is a very complicated one. It is impossible to encumber the Regime with complex military functions and controls. It is unrealistic to assume that the great powers would entrust such functions to an international organ free of veto power. There is no doubt that there is a general desire to keep demilitarized those areas which have, thus far, not been militarized, and a provision to this effect must be included in any Treaty establishing an Ocean Regime. But this is no solution. Considering the indivisibility of ocean space, it will turn out to be impossible -- or meaningless -- to keep the seabed demilitarized while atom-bomb

loaded submarines are cruising a few feet from the bottom in shooting range off the coast of "hostile" nations. Submarines, on the other hand, are part and parcel of the whole complex of armaments and disarmament. It is not likely that Nations will give up submarines while the arms race is on in the air and on the ground. The task ahead is arduous and long. Difficult though it may be, the seabed provides a unique and very challenging opportunity for a breakthrough in the disarmament discussions. For here, for the first time, the disarmament and arms control question can be taken out of its isolation, in which progress has been so discouragingly slow, and dealt with in conjunction with the establishment of a peace-system, i.e., the establishment of a regime for the peaceful exploration and exploitation of ocean resources. The hope is that as economic cooperation and interdependence grow under such a regime, the military use of the oceans will become increasingly obsolete and absurd -- and so eliminate itself.

This kind of international economic cooperation in exploring and exploiting the common ocean resources raises a twofold issue: on the one hand, the concept of common property needs to be clarified and embodied in clear and unambiguous terms of international law. On the other hand, it raises the question whether, and to what extent, the administration of common property can be shared by socialist and nonsocialist Nations.

Common property is a novel concept in international law but an ancient one in civil law, antedating the rise of capitalism and socialism. In the Middle Ages, ownership was a "bundle of rights," including the right to use. The Latin proprietas meant both "property" and "propriety," that is, property that had to be used properly. The absoluteness of property, including the right to use it a-socially or to misuse it is a symptom of degeneracy. Absolute ownership is as meaningless as absolute territorial sovereignty or absolute individualism. Property, sovereignty, and individualism have meaning only within a wider social context. They are "common" as much as "individual."

They are linked, furthermore, both in their historical origin and in their philosophical essence, and this may explain why all three of them are in crisis today. The eclipse of the era of absolute individualism is bringing a resurgence of the concept of common property in many and most different places. The validity of the concept is expanding as wealth is no longer created by ownership of land, water, or natural resources but increasingly by science and technology, by education, by organization and design, none of which is "owned" by anybody: which are common property.

According to this concept, ocean resources would not be owned by anybody: not even by the international ocean regime, which thus would not be vested with territoriality. They would be used, privately or publicly or in a combination of both, so long as they were used in the common interest as defined and planned by the competent organs of the ocean regime.

As to the possibility of socialist-nonsocialist cooperation in such a framework, the Soviet delegate to the U.N. has expressed serious doubts on several occasions during the debates of the Ad Hoc Committee and on the floor of the General Assembly. It should be noted, however, that there is no established Socialist doctrine on this subject. Nor is there any international experience that might provide a clear answer. The first hint at a positive answer is provided by the recent Yugoslav-Italian agreement for the exploitation of the Yugoslav continental shelf in the Adriatic. An American paper, the Oil and Gas Journal, concluded from this agreement that "one problem which snagged such ventures in the past -- the blending of capitalist and communist interests," had thereby been solved.

I do not think that it has solved the whole problem once and for all. But a beginning has been made, and with goodwill on all sides, based on the conviction that cooperation is more productive than competition, and with some constitutional ingeniousness, ^enow solutions will undoubtedly be found.

A year and a half ago the Center for the Study of Democratic Institutions in Santa Barbara, California, initiated a study project on all these problems. The Center held three seminars in which the Center staff was joined by international groups of experts -- Ambassadors to the U.N., scientists, representatives of oil and mining enterprises and fishery organizations. After a year of study the Center published a model statute for the ocean regime proposing concrete solutions to the problems we have just indicated -- and to a number of others. We are not the only organization that has proposed such a model statute; there are a few others in circulation. I can say without boasting, however, that ours is the most complete and complex one, attacking the problem from a systemic or ecological point of view.

In consideration of the Center's work on the law of the seas, the Center received, early this Spring, an invitation from the Government of Malta to hold an international Convocation in Malta in June, 1970, on the peaceful uses of the seas, including the ocean floor. We are now preparing this Convocation which should be attended by about 250 political leaders, scientists, and experts in the extraction of living and nonliving resources from the seas, as well as representatives of all the specialized agencies engaged in one way or another in the development of the oceans and the redistribution of wealth in the world.

The role of nongovernmental organizations (economic, scientific) in the exploration and exploitation of ocean resources is, and is bound to be, of primary importance. It is logical, hence, that they should play an important role in designing the kind of regime most appropriate to let them play this role. The Malta Convocation should give them an occasion to do just that.

Full-scale exploitation of ocean resources may still be twenty, even fifty years off. Or less. No one really knows. Technological forecasters often blow up obstacles and time-spans. Reality may be faster than imagination. It would not be wise to sit back and wait until, once again, technology overtakes

politics. Here is an opportunity -- for once -- for politics, in the architectonic sense, to move ahead of the technological imperative. Here is a chance to develop new patterns of international cooperation, on the scientific, the economic, the political level. The oceans, covering over 70 percent of the earth's surface, are vast. The problems of an ocean regime far exceed the physical boundaries of the oceans. Confronting them imaginatively, creatively, we might contribute to the progress of disarmament, development, and active cooperation in the world as a whole.

THE OCEAN REGIME. Notes prepared for an address to the Association of International Law and International Relations, Burachest, April 9, 1969.

In August, 1967, the Government of Malta proposed to the Secretary General of the United Nations that the agenda of the 22nd General Assembly include the following item: "Declaration and Treaty Concerning the Reservation Exclusively for Peaceful Purposes of the Seabed and the Ocean Floor Underlying the Seas Beyond the Limits of Present National Jurisdiction and the Use of their Resources in the Interest of Mankind." The ensuing discussion led to the establishment of an Ad Hoc Committee to explore the legal, economic, and technological aspects of the problems involved. The Committee put together a remarkable documentation and studied the issues in some depth. Upon its report to the 23rd General Assembly, this Assembly adopted, in December 1968, a four-part resolution, establishing a Permanent Committee on the Oceans, with a rather wide mandate; proclaiming an International Decade of Ocean Exploration beginning in 1970; recommending the international regulation of anti-pollution measures; recommending studies conducive to the creation of new international machinery ^{on regime} to embody the principles of the Maltese proposition.

The permanent Commission on the Oceans has concluded its first session. Parallel or complementary work is going on in a number of specialized agencies as well as in the ENDC which, at this moment, is dealing with the very important Soviet proposal for the total disarmament of the ocean floor.

The Malta proposition and its follow-up are the most exciting, and the most hopeful subject before the United Nations now or at any time. That this should happen at a time when the general world-political climate is far from encouraging is a remarkable fact. It shows that we are moving backward and forward at the same time. This probably is one of the secrets of existence. That is why the era of horrors, threatening to throw us back into the Dark Ages, is also the era of hope, promising physical and spiritual well-being for ever greater numbers of people. In the long run, the moves forward have always surpassed the moves back, or else we would still be at the dawn of history.

Another remarkable feature of this most exciting development now before the United Nations is that it was initiated by a small nation, a mini-nation, with a population of hardly three hundred thousand. It is indeed encouraging that such a small nation should play such a large role in international affairs. It shows how the power of ideas still can dwarf the power of big money or of big guns.

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international regime, nations will agree to a narrow construction of the continental shelf and their jurisdiction over it. If there is no regime beyond the limits of national jurisdiction, or one that cannot be trusted, nations will tend to extend their own jurisdiction as far out as possible.

A number of important proposals have come forth thus far: the first is, to abolish the open-ended criterion of exploitability and accept the 200 meter depth limit without qualification. It is difficult to imagine that this proposal could be accepted. Some nations would get an enormous continental shelf, others practically none, given the geological irregularities of the ocean floor. This delimitation would seem completely arbitrary.

The National Petroleum Council of the United States proposed an extension of national jurisdiction to a depth of 2,500 meters, to the edge of the abysmal slope, considered to be the natural boundary between the continental shelf and the ocean floor. This limit would not be any more acceptable than the first one: like the 200 meter depth limit, it would leave the determination of the boundary to the uncertainties and whims of marine geology.

A third proposal, put forward by the American President's Commission would combine the 200 and the 2,500 meter depth limits in such a way as to grant exclusive national jurisdiction to a depth limit of 200 meters and to consider the zone between 200 and 2,500 meters as an intermediate zone, under the jurisdiction of the international regime, but reserving to the coastal nation the right to approve any leases granted in this area by the international regime. This is more complex, and has the merit of combining, or compounding the defects and injustices of the other two.

A fourth proposal, first put forward by the Yugoslav expert Juri Andrassy, would combine a depth limit with a horizontal limit. Considering that the average width of all continental shelves all over the world is about 50 km, the new treaty should extend national sovereignty to a depth of 200 meters or a distance from shore of 50 km, whichever is farther. There may be variants to this proposal: the horizontal extension might be pushed out somewhat further, let us say, to a 100 km, to assuage the Latin Americans -- it would not make too much difference. The criterion, it would seem, would

come far closer to satisfying the demands of justice. A proposal, based on these same criteria, was recently introduced by the Government of Malta in the 42-Nation Permanent Committee on the Oceans.

The Soviet Union, finally, would terminate national jurisdiction over the continental shelf at the outer limit of territorial waters, that is, twelve nautical miles from shore. This is a radical proposal, but simple and clear-cut. While it will be opposed by commercial interests, it may instead satisfy the demands of the military also in the Western countries: it is an old tradition for the Navies of strong maritime powers to advocate the narrowest possible interpretation of national sovereignty on the high seas: which enables them to operate as closely as possible to the shore of supposedly hostile nations. I would therefore not be surprised in the least if, in the end, something like the Yugoslav or the Soviet proposal prevailed.

What is certain, on the other hand, is that the question of the territorial boundaries of the regime is not as important as might appear at first sight. It is clear that it will be a political frontier rather than a geological boundary. The coincidence of geological boundary and political frontier is rapidly becoming obsolete as a result of technological development. The ocean frontier is the last frontier to undergo the transformation from geological to political frontier -- and this in an age in which the political frontier, in turn, is losing its solemnity because of the advancing integration of the world community.

It should be kept in mind, furthermore, that what we want to create is not a national territorial "State" in the traditional sense but a functional regime, whose territorial boundaries are far less important and clearly defined than those of an old-fashioned nation-State. Suppose, for instance, nongovernmental and intergovernmental organizations were to play an important role in the ocean regime -- a role already foreshadowed in the Outer-Space Treaty where they have responsibilities "as if they were nations." Suppose, as the main actors in the development of ocean resources, enterprises were recognized as associate members

of the regime, somewhere alongside, even though subordinated to, nation-States; that they were responsible for their actions and the dues and fees they might have to pay, no matter where they operated, whether within the limits of national jurisdiction or outside of it. In this case, the problem of the Continental Shelf and the limits of national jurisdiction -- while still needing to be solved, would be considerably deflated.

More important than its territorial delimitation thus is the question of the functional delimitation of the international regime: the nature and the extent of its jurisdiction.

The Soviet Union advocates the establishment of a code, more or less along the lines of the Outer-Space Treaty, to govern the conduct of nations in ocean space. Considering current and forthcoming activities in outer space and in ocean space, however, a code satisfying the needs of the former would in no way suffice to regulate effectively the latter. The economic exploitation of ocean space does require some machinery, from the "supranational" implications of which the Soviet experts have been shying away thus far. I have a feeling that if such machinery were more precisely defined and described, the Soviet preoccupations might be assuaged.

The United States, though officially it has not made up its mind, tends to the advocacy of a system of registry: Nations wishing to explore or exploit a certain portion of ocean floor beyond the limits of national jurisdiction would apply to an international registry office for a licence which they would obtain on a basis of competitive bidding; they would pay a certain fee to the international office, which would be used by the World Bank or the Development Programme to alleviate world hunger or promote education, or for some other generally laudable purpose. This sounds simple enough -- too simple, in fact. I suspect that it raises more problems than it solves; it leaves a host of problems totally out of consideration -- e.g., the problem of pollution, which is gigantic and growing from year to year. I have a suspicion, furthermore, that it might turn out completely unacceptable to the Socialist as well as to the developing nations.

The developing nations, in fact, are pressing for the establishment of suitable international machinery, to embody the principles

of the Maltese proposition. The agency or regime that might result from the criteria of these developing nations, would by no means be supranational, nor would it infringe national sovereignty. Its jurisdiction, in fact, might be scaled, both territorially and functionally. On the territorial scale, the Regime might issue binding regulations for the seabed, the subsoil thereof, beyond the limits of national jurisdiction; it might issue recommendations concerning the high seas, where a large body of law already is in existence; and opinions addressed to Member States concerning territorial waters and submarine areas under national jurisdiction. On the functional scale, the Regime could issue anything from binding regulations in matters of security and pollution, to recommendations in matters concerning fisheries or communications: quite a variety of rules, regulations, recommendations and opinion. The enlargement of the concept of "legislation" in this sense, its loosening up over an ever wider range of "laws" or "norms" is a general phenomenon, also at the national level. Planning transforms and enlarges the concept of law. Planning undoubtedly will play an important role in the ocean regime. In carrying out a plan, consensus is infinitely more important than enforcement, cooperation is more productive than coercion. Thus also the functional aspect of the problem of the Regime's jurisdiction, while obviously in need of precise definitions, may be politically deflated.

A third major issue, or rather, a syndrom of issues, arises from the concept of the peaceful use of the ocean floor. Here, too, already several interpretations are in circulation. The United States tends towards a minimal interpretation, both functionally and territorially. It would limit disarmament to the banning of atomic weapons and other weapons of mass destruction while permitting "conventional arms" on the ocean floor as well as tracking devices. It would restrict such limited disarmament to the ocean floor outside the territorial shelf however defined. The Soviet interpretation is maximal, in both senses. Disarmament should be complete -- including conventional arms -- and the ocean floor should include the continental shelf, to the outer limit of the territorial

water, or 12 miles from shore. Beyond 12 miles from shore no military equipment of any kind, including tracking devices, could be installed on the continental shelf. Neither interpretation is going to prevail unqualified. But the Soviet proposal, also according to neutral and some Western experts, has many merits, and the Soviets are quite willing to further explain and spell out and perhaps modify, certain details.

What is certain is that the problem of keeping the ocean floor disarmed is a very complicated one. It is impossible to encumber the Regime with complex military functions and controls. It is unrealistic to assume that the great powers would entrust such functions to an international organ free of veto power. There is no doubt that there is a general desire to keep demilitarized those areas which have, thus far, not been militarized, and a provision to this effect must be included in any Treaty establishing an Ocean Regime. But this is no solution. Considering the indivisibility of ocean space it will turn out to be impossible -- or meaningless -- to keep the sea-bed demilitarized while atom-bomb loaded submarines are cruising a few feet from the bottom in shooting range off the coast of "hostile" nations. Submarines, on the other hand, are part and parcel of the whole complex of armaments and disarmament. It is not likely that Nations will give up submarines while the arms race is on in the air and on the ground. The task ahead is arduous and long. Difficult though it may be, the sea-bed provides a unique and very challenging opportunity for a break-through in the disarmament discussions. For here, for the first time, the disarmament and arms control question can be taken out of its isolation, in which progress has been so discouragingly slow, and dealt with in conjunction with the establishment of a peace-system -- i.e., the establishment of a regime for the peaceful exploration and exploitation of ocean resources. The hope is that as economic cooperation and interdependence grow under such a regime, the military use of the oceans will become increasingly obsolete and absurd -- and so eliminate itself.

This kind of international economic cooperation in exploring and exploiting the common ocean resources raises a twofold issue: On the one hand, the concept of common property needs to be

clarified and embodied in clear and unambiguous terms of international law. On the other hand, it raises the question whether, and to what extent, the administration of common property can be shared by socialist and nonsocialist Nations.

Common property is a novel concept in international law but an ancient one in civil law, antedating the rise of capitalism and socialism. In the Middle Ages, ownership was a "bundle of rights," including the right to use. The Latin proprietas meant both "property" and "propriety," that is, property that had to be used properly. The absoluteness of property, including the right to use it a-socially or to misuse it, is a symptom of degeneracy. Absolute ownership is as meaningless as absolute territorial sovereignty or absolute individualism. Property, sovereignty, and individualism have meaning only within a wider social context. They are "common" as much as "individual." They are linked, furthermore, both in their historical origin and in their philosophical essence, and this may explain why all three of them are in crisis today. The eclipse of the era of absolute individualism is bringing a resurgence of the concept of common property in many and most different places: in the teachings of the Catholic Church, in Boodhan, in Yugoslav constitutional law. The validity of the concept is expanding as wealth is no longer created by ownership of land, water, or natural resources but increasingly by science and technology, by education, by organization and design, none of which is "owned" by anybody: which are common property.

According to this concept, ocean resources would not be owned by anybody: not even by the international ocean regime, which thus would not be vested with territoriality. They would be used, privately or publicly or in a combination of both, so long as they were used in the common interest as defined and planned by the competent organs of the ocean regime.

As to the possibility of socialist-nonsocialist cooperation in such a framework, the Soviet delegate to the U.N. has expressed serious doubts on several occasions during the debates of the Ad Hoc Committee and on the floor of the General Assembly. It should be noted, however,

that there is no established Socialist doctrine on this subject. Nor is there any international experience that might provide a clear answer. The first hint at a positive answer is provided by the recent Yugoslav -Italian agreement for the exploitation of the Yugoslav continental shelf in the Adriatic. An American paper, the Oil and Gas Journal concludes from this agreement that "one problem which snagged such ventures in the past -- the blending of capitalist and communist interests," has thereby been solved.

I do not think that it has solved the whole problem once and for all. But a beginning has been made, and with good will on all sides, based on the conviction that cooperation is more productive than competition, and with some constitutional ingeniousness, now solutions will undoubtedly be found.

A year and a half ago the Center for the Study of Democratic Institutions in Santa Barbara, California, initiated a study project on all these problems. The Center held three seminars in which the Center staff was joined by international groups of experts -- Ambassadors to the U.N., scientists, representatives of oil and mining enterprises and fishery organizations. After a year of study the Center published a model statute for the ocean regime proposing concrete solutions to the problems we have just indicated -- and to a number of others. We are not the only organization that has proposed such a model statute; there are a few others in circulation. I can say without boasting, however, that ours is the most complete and the most complex one, attacking the problem from a systemic or ecological point of view.

In consideration of the Center's work on the law of the Seas, the Center received, early this Spring, an invitation from the Government of Malta to hold an international Convocation in Malta in June 1970 on the peaceful uses of the seas, including the ocean floor. We are now preparing this Convocation which should be attended by about 250 political leaders, scientists, and experts in the extraction of living and nonliving resources from the seas, as well as representatives of all the specialized agencies engaged in one way or another in the development of

the oceans and the redistribution of wealth in the world. We are preparing a considerable body of research material -- about a thousand pages of fundamental background papers, surveys, estimates, model plans -- and hope that this material will be of some use to the United Nations in getting the international ocean decade off the ground. A private, unofficial gathering of this kind obviously is not burdened by official political responsibilities and can produce more daring and pioneering ideas than a governmental organization. We want to make sure to get a good balance between socialist, nonsocialist and unaligned countries, between developed and developing, between landlocked and maritime nations, and to have all regions of the world equitably represented.

Of course we want to have a good Romanian delegation -- the Romania Ambassador to the United Nations, Mr. Diaconescu, participated in one of our Center seminars -- and to discuss this with you, and to have your advice and cooperation has been the reason for my coming here today, apart, of course, from the pleasure of visiting, for the first time, your country, and of seeing again my friend Ambassador Brucan.

ELISABETH MANN BORGESE

Bucharest, April 1969

The Oceans are free. The mere thought of their being appropriated by any ruler however mighty, by any nation however great, has something blasphemous. The oceans are the most sublime expression on earth of what is extrahuman, superhuman. That the oceans are free is, in fact, the oldest of all international laws. Ivan the Terrible was the first to formulate it, in his own way. The oceans, he said, are "God's Road." Queen Elisabeth, in disposing of the Spanish Ambassador's complaint on the deprivations by Sir Francis Drake on the Spanish treasure fleet, is quoted as having said, "the use of the sea and the air is common to all. Neither can title to the oceans belong to any people or private persons forasmuch as neither nature nor public use or custom permitted any possession thereof." And the Abbe Gregoire noted in his memoirs: ^{recorded} Ce qui est d'un usage inépuisable ^{à tous les siècles} ou innocent, comme la mer, appartient à tous et ne peut être la propriété d'aucun ^{peuple} ~~people~~. And this is still the law today. It is the gist of the Conventions on the High Seas, adopted in 1958.

Thus the law has remained the same, but the reality it was to rule has changed - - changed past recognition.

For what was the freedom of the seas for the ancient? It was a simple matter. It was bi-dimensional, as the pictures people painted before the invention of perspective. It was freedom to navigate, and freedom to fish, in a space, and from a supply, which were illimited. Technology has changed all that. The invention of the submarine in the late sixteenth century --/a wooden frame, covered with leather, that could be rowed under water at a depth of about 12 feet and actually was used successfully in a

series of trial runs on the Thames back in 1604 -- the laying of submarine cables in the nineteenth century, and Charles Lindberg's epoch-making flight across the Atlantic in 1924 added, so to speak a new, vertical, dimension to the freedoms of the Sea. The laws governing Navigation could easily enough be extended to cover submarine as well as surface navigation. The freedom to lay cables and the freedom to fly in ocean space were embodied in separate Conventions, still valid today. (1884, 1957)

But technology did not stop at that. The laying of cables, especially, necessitated extensive geological research. The ocean floor, covering more than 70 percent of the earth's surface, was charted and mapped, with its gorges and mountain ranges and peaks, and found to hold ^{oil and gas,} copper and zinc, manganese and nickel in untold quantities. The means to extract this wealth are rapidly being developed. Oil has been extracted successfully at a depth of 2,000 feet. The director of Research and Development of the Kennecot Corporation -- one of the major American mining corporations -- recently announced that everything was ready for large-scale extraction of manganese nodules from the ocean floor at a depth of five to six thousand feet, beginning in 1974. According to conservative estimates, within twenty years, 80 to 90 per cent of the world's metal supply will come from the oceans. Add to this that the oceans might well yield a major share for the growing world population, plancton cultivated in portions of the ocean whose temperature may be raised by atomic energy or controlled thermo-pollution, "trash fish", until recently despised and unused, but now husbanded and herded by dolphin sheepdogs and converted in floating factories into fish protein concentrate. Methods have been devised to extract

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eatable proteins even from petroleum. Every major oil company is working with a food processing company to perfect these methods and make the product palatable. It has been calculated that less than one per cent of the current oil production would be enough to supply proteins for the entire world population. Starvation could be banned from this earth. That it still exists today is in fact a moral scandal. For it is in no way an economic or material necessity. It is the consequence of gross injustice and mismanagement. It is a political-economic more than an physical-economic fact.

For whose is the ownership of all this wealth, located in no-man's land, indisputably beyond the limits of national jurisdiction?

There is a rather precise analogy between the situation in outer space and the situation in the deep seas. If you start from any national territory, and you move upward, you cross the atmosphere; you move outward, and you cross the territorial waters. Both still are under national jurisdiction. Then, from the atmosphere, you move into outer space; from the territorial waters, into the High Seas. Both are extra-national. Space law, as embodied in the Treaty on Principles Governing the Activities of States in the Exploration and the Use of Outer Space, Including the Moon and Other Celestial Bodies of 1967, in fact, has borrowed heavily from traditional maritime law. It has developed some new principles, which now are being borrowed back by maritime law. One of these is the peaceful use of outer space. The Treaty provides that

States Parties to the Treaty undertake not to place in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station such weapons in outer space in any other manner. Outer space is defined as the common province of mankind, just as the oceans are its common heritage; this principle, in space law, already implies the recognition of a community of interests, expressed in Article I of the Treaty "The exploration and use of outer space...shall be carried out for the benefit and the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind."

These very principles are now expanded and developed to apply to ocean space.

From outer space, then, you hit the moon and the other celestial bodies; from the High Seas, you hit the ocean floor. The analogy is exact. Only that the moon and the other celestial bodies are --at least for the time being -- without any direct economic interest. The ocean floor, as we have seen, is charged with explosive economic potential. ^{And potential} Only that the moon and the other celestial bodies are contiguous only to outer space, not in any way to the earth and its nations, and that it is clear, therefore, that they fall under space law, not the jurisdiction of any nation. The Treaty, in fact, establishes just that. The ocean floor, on the other hand, is contiguous both to the High Seas, in a vertical sense, and to the Nations, in a horizontal (or diagonal, slanting) sense. Thus it might be subject either to the law of the seas or to the law of the lands.

This, in fact, is the great question today, and the answer has not yet been given.

For mankind has embarked on both roads at the same time.

The course of extending to the ocean floor the law of the land was initiated with the so-called Truman doctrine of the Continental Shelf, subsequently embodied in a Treaty, Geneva, 1958, and ratified by over 40 nations. The Treaty extends national jurisdiction to the submerged lands of the Continental Shelf to a depth of 200 meters of the superjacent water, or beyond that limit where technological developments permit the exploitation of the ocean floor. The Treaty is ambiguous in two ways: the boundaries of national jurisdiction are fluid, both territorially and functionally. In a territorial sense, the boundary is left open-ended by the criterion of exploitability, which would extend the limits of national jurisdiction in accordance with technological progress, to a point which remains undefined by the vague concept of "adjacency." In a functional sense, it is not clear whether "jurisdiction" means merely the right to explore and exploit the natural resources of the continental shelf however delimited, or whether it means national sovereignty in the full sense, including the right to military uses. Being ambiguous, it is a bad treaty. Abiding by it, the great, maritime, developed nations could indeed proceed to extend the law of the land farther and deeper into ocean space. Neo-imperialism might attempt to carve up the submarine lands, the way old imperialism carved up Asia and Africa. In the process ~~when~~ the rich would become rich, the poor poorer: until large scale pollution and the science-fiction type of horrors of submarine warfare would make a waste land of

of this wonderland. The oceans would die. Poisoned. Polluted. Poisoning. Polluting. It would be just a phase in the death of our planet as a whole.

The course of extending the law of the seas to the submarine lands was initiated with the now famous proposals of the Government of Malta to the United Nations in the fall of 1967, that the agenda of the 22nd General include the following: "Declaration and treaty concerning the reservation exclusively for peaceful purposes of the seabed and the ocean floor underlying the seas beyond the limits of present national jurisdiction and the use of their resources in the interest of mankind." The ensuing discussion was one of the most exciting ever heard before the United Nations, and resulted in the establishment of an Ad Hoc Committee to explore the legal, economic, and technological aspects of the problems involved. The Committee put together a rather remarkable ^{document to date} discussion and studied the issues in some depth. Upon its report to the 23rd General Assembly, this Assembly adopted, in December 1968, a four part Resolution,

-- establishing a Permanent Committee on the Oceans with a rather wide mandate;

-- declaring an International Decade of Ocean Exploration, beginning 1970;

-- recommending the international regulation of anti-pollution measures;

-- and recommending studies conducive to the creation of a new international mechanism or machinery to embody the principles of the Maltese proposition.

The permanent Commission on the Oceans has just concluded

its first session. Parallel or complementary work is going on in a number of specialized agencies as well as in the ENDC, which, just now, is dealing with the very important Soviet proposal for the total disarmament of the ocean floor.

The Malta proposition and its follow up are undoubtedly the most exciting, the most hopeful subject before the United Nations now or at any time. That this should happen at a time when the general world-political climate is far from encouraging is a remarkable fact. It shows that we are moving backward and forward at the same time. This probably is one of the secrets of existence, of being. That is why the era of horrors, threatening to throw us back into the Dark Ages, is also the era of hope, promising physical and spiritual well-being for ever greater number of people. That is why the Vietnams of various dimensions and descriptions take place in the same international arena that is giving us the Outer-Space Treaty, the Non-Proliferation Treaty, the Antarctic Treaty and now, the Ocean Space Treaty. In the long run, the moves forward have always surpassed the moves back, or else we would still be at the dawn on history.

Another remarkable feature of this most exciting development now before the United Nations is that it was initiated by a small nation, a mini-nation, with a population of hardly three hundred thousand. It is indeed encouraging that such a small nation should play such an important role in international affairs. It shows how the power of ideas still can dwarf the power of guns and the power of money.

I should like now to outline quite briefly the main issues inherent in the Maltese proposition. They are big issues

and they must be faced imaginatively and courageously -- and promptly, or else the Maltese proposition will remain in the realm of pious hopes, whereas, in reality, the grab is on, and before we know it, it will be too late to do anything about it.

5 > The first problem is the territorial delimitation of the era "beyond national jurisdiction," or the era of jurisdiction of the international ocean regime. Given the ambiguities we mentioned just a little while ago, it is clear that the establishment of this regime ~~xxxx~~ implies a revision of the Continental Shelf Act of 1958. It is equally clear that the kind of revision that may be agreed upon depends on the nature of the regime to be established; if it is a good, trustworthy international regime, nations will agree to a narrow construction of the continental shelf and their jurisdiction over it. If there is no regime beyond the limits of national jurisdiction, or one that cannot be trusted, nations will tend to extend their own jurisdiction as far out as possible.

Four important proposals have come forth thus far: the first is, to abolish the open-ended criterion of exploitability and accept the 200 meter depth limit without qualification. It is difficult to imagine that this proposal could be accepted. Some nations would get an enormous continental shelf; others practically none, given the geological irregularities of the ocean floor. This delimitation would seem completely arbitrary.

The National Petroleum Council of the United States has proposed an extension of national jurisdiction to a depth of 2,500 meters, to the edge of the abysmal slope, considered

The Soviet Union, finally, would terminate national jurisdiction over the continental shelf at the outer limit of the territorial waters, that is, twelve nautical miles from shore. This is a radical proposal, but simple and clear-cut. While it will be opposed by commercial interests, it may instead satisfy the demands of the military also in the Western countries; it is an old tradition for the Navies of strong maritime powers to advocate the narrowest possible interpretation of national sovereignty on the high seas: which enables them to operate as closely as possible to the shores of supposedly hostile nations. I would therefore not be surprised in the least if, in the end, something like the Yugoslav or the Soviet proposal prevailed.

What is certain, on the other hand, is that the question of the territorial boundaries of the regime is not as important as might appear at first sight. It is clear that it will be a political frontier rather than a geological boundary. The coincidence of geological boundary and political frontier is rapidly becoming obsolete as a result of technological development. The ocean frontier is the last frontier undergoing the transformation from geological to political frontier -- and this in an age in which the political frontier, in turn, is losing its solemnity because of the advancing integration of the world community.

Second, it should be kept in mind that what we want to create is not a national territorial "State" in the traditional sense but a functional regime, whose territorial boundaries are far less important and clearly defined as those of an old-fashioned nation-State. Suppose, for instance, nongovernmental and intergovernmental organizations were to play an

an important role in the ocean regime -- a role already foreshadowed in the Outer-Space Treaty where they have responsibilities "as if they were nations." Suppose, as the main actors in the development of ocean resources, they were recognized as members or associate members of the regime, somewhere alongside the nation-States: that they were responsible for their actions and the dues and fees they might have to pay, no matter where they operated, whether within the limits of national jurisdiction or outside of it. In this case, the problem of the Continental Shelf and the limits of national jurisdiction -- while still needing to be solved, would be considerably deflated.

More important than its territorial delimitation thus is the question of the functional delimitation of the international regime, the nature and the extent of its jurisdiction.

The Soviet Union advocates the establishment of a code, more or less along the lines of the Outer Space Treaty, to govern the conduct of nations in ocean space. Considering current and forthcoming activities in ~~outer~~ ^{outer} space and in ~~ocean~~ ^{ocean} space, however, a code satisfying the needs of the former would in no way suffice to regulate effectively the latter. The economic exploitation of ocean space does require some machinery, from the "supranational" implications of which the Soviet experts have been shying away thus far. I have a feeling that if such machinery were more ~~precisely~~ ^{clearly} defined and described, the Soviet fears might be assuaged.

The United States, though officially it has not made up its mind, tends to the advocacy of a system of registry: ^{Under} Corporations wishing to explore or exploit a certain portion

of ocean floor beyond the limits of national jurisdiction would apply to an international registry office for a licence which they would obtain on a basis of competitive bidding; they would pay a certain fee to the international office, which would be used by the World Bank or the Development Programme to alleviate world hunger or promote education, or for some other generally laudable purpose. This sounds simple enough -- too simple, in fact. I suspect that it raises more problem than it solves; it leaves a host of problems totally out of consideration -- e.g., the problem of pollution, which is gigantic and growing from year to year. I have a suspicion, furthermore, that it might turn out completely unacceptable to the Socialist as well as to the developing nations.

The developing nations, in fact, are pressing for the establishment of suitable international machinery, to embody the principles of the Maltese proposition. The agency or regime that might result from the criteria of these developing nations, would ~~xxx~~ by no means be supranational, nor would it infringe national sovereignty. Its jurisdiction, in fact, might be scaled, both territorially and functionally. On the territorial scale, the Regime might issue binding regulations concerning the seabed and what is below the seabed; recommendations concerning the high seas ~~xx~~ or superjacent waters, where a large body of law already is in existence; and opinions addressed to Member States concerning territorial waters and submarine areas under national jurisdiction. On the functional scale, the Regime could issue anything from binding regulations in matters of security and pollution to recommendations in matters con-

cerning fisheries or communications.: quite a variety of rules, regulations, recommendations and opinions. The enlargement of the concept of "legislation" in this sense, its loosening up over an ever wider range of "laws" or "norms" is a general phenomenon, also at the national level. Planning transforms and enlarges the concept of law. Planning undoubtedly will play an important role in the Ocean Regime. In Carrying out a plan, consensus is infinitely more important than enforcement, cooperation is more productive than coercion. Thus also the functional aspect of the problem of the Regime's jurisdiction, while obviously in need of precise definitions, may be politically deflated.

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What is certain is that the problem of keeping the ocean floor disarmed is a very complex one. It is impossible to encumber the Regime with complex military functions and controls. It is unrealistic to assume that the great powers would entrust such functions to an international organ free of veto power. There is no doubt that there is a general desire to keep demilitarized those areas which have, thus far, not been militarized, that is, the seabed and what is below it and a provision to this effect must be included in any Treaty establishing an Ocean Regime. But this is no solution. Considering the indivisibility of Ocean space it will turn out to be impossible -- or meaningless -- to keep the sea-bed demilitarized while atome-bomb-loaded submarines are cruising a few feet from the bottom in shooting range off the coast of "hostile" nations. Submarines, on the other hand, are part and parcel of the whole complex of armament and disarmament. It is not likely that Nations will give up submarines while the arms race is on in the air and on the ground. The task ahead is arduous and long. The only hope is that as economic cooperation and interdependence grow under the Ocean Regime, the military use of the oceans will become increasingly obsolete and absurd -- and so eliminate itself.

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Common property is a novel concept in international law but an ancient one in civil law, antedating the rise of capitalism and socialism. In the Middle Ages, ownership was a "bundle of rights," including the right to use. The latin *proprie tas* meant both "property" and "propriety," that, property that had to be used properly. The absoluteness of property, including the right to use it asocially, or to misuse it, is a symptom of degeneracy. Absolute ownership is as meaningless as absolute territorial sovereignty or absolute individualism. Property, sovereignty, and individual rights have meaning only within a wider social context. They are "common" as much as "individual." They are linked, furthermore, both in their historical origin and in their philosophical essence and this may explain why all three of them are in crisis today. The ecclypse of the era of absolute individualism is bringing a resurgence of the concept of common property in many places: in the teachings of the Catholic Church, in Boodhan, in Yugoslav Constitutional law. The validity of the concept is expanding as wealth is no longer created by ownership of land, water, or natural resources but increasingly by science and technology, by education, by organization and design, none of which is "owned" by anybody: which are common property.

Now, according to this concepts ocean resources would not be owned by anybody: not even by the international Ocean Regime, which thus would not be vested with territoriality. They would be used privately or publicly or in a combination of both, so long as they were used in the common interest as defined and planned by the competent organs of the ocean regime.

As to the possibility of socialist-nonsocialist cooperation in such a framework, the Soviet delegates have expressed serious doubts on several occasions during the debates of the Ad Hoc Committee and on the floor of the General Assembly. It should be noted, however, that there is no established Socialist doctrine on this subject. nor is there any international experience that might provide a clear answer. A first hint at a positive answer is provided by the recent Yugoslav-Italian agreement for the exploitation of the Yugoslav continental shelf in the Adriatic. An American paper, the Oil and Gas Journal, has this comment: "One problem which snagged such ventures in the past -- the blending of capitalist and communist interests -- apparently was solved last July. Yugoslavia, in a move to alleviate its chronic capital shortage, passed a law allowing foreign participation of up to forty-nine per cent in Yugoslav industrial enterprises. The law provides for the joint enterprises to be run by committees with equal representation from foreign firms. The share of foreign workers in the Yugoslav economy, however, will not be allowed to rise above five per cent. The tax on foreigners' profits will 'never

be above thirty-five per cent' and will be lower if more than the prescribed minimum of twenty per cent is reinvested in Yugoslavia."

Far be it from us to assume that this agreement sets a precedent for the solution of the whole problem. But a beginning has been made, and with good will on all sides, based on the conviction that cooperation is more productive than competition, and with some constitutional ingeniousness, new solutions will undoubtedly be found.

There is no doubt that membership in the ocean regime must be universal. No nation, large or small, developed or developing, landlocked or maritime, should be excluded. Membership in the United Nations should not be required as a condition for membership in the ocean regime.

This raises the question of the relationship between this regime and the United Nations. There is general agreement that the Regime cannot be the United Nations whose structure -- with the one-nation-one-vote system in the General Assembly and the veto in the Security Council -- is not suited for the tasks that must be assumed by the Regime. The Regime must be independent of the United Nations, yet it must be in some way associated with it if it is to strengthen, not to weaken, the United Nations. It must emanate from it. It must be legitimized by it. It must be structured in such a way as to coordinate all the activities that are concerned with the oceans in all of the U.N. agencies and committees.

Considering the vastness and complexity of its tasks, the Regime cannot be a "specialized agency"; on the contrary, it must synthesize certain aspects of the activities of all specialized agencies. It will have features of a corporation,

a business, a cooperative, a government. It will be both governmental and nongovernmental, acting in a sphere where public international law and private international law have long since begun to blend. It must be administratively efficient. It must be the trustee for all mankind. It must give maximum opportunity for participation.

It is obvious that within the United Nations family there is no single organ that meets all these special requirements. Hence, the regime must be sui generis. Certainly it must use everything it can use -- in legal precedents -- and there are many, and of many different kinds -- in existing organizations, and ongoing efforts. But it must not shy from innovation where innovation is needed.

A year and a half ago the Center for the Study of
In
Democratic ~~EXX~~stitutions initiated a study project on all these problems. We had three seminars in which our staff was joined by international groups of experts -- Ambassadors to the U.N., scientists, representatives of oil and mining corporation and fishery organizations. After a year of study we produced a model statute for the ocean regime proposing concrete solutions to the problems we have just indicated -- and to a host of others. We are not the only organization that has proposed such a model statute; there are a few others in circulation. I can say without boasting, however, that ours is the most complete and the most complex one. It is too late now for me to try to summarize it for you. I think our most original contribution is in the attempt to constitutionalize the concept of common property and to find new principles of representation in an international assembly in a world community

in 1968, the Center received an invitation from the Government of Malta to hold an international Convocation in Malta in June 1970 on the peaceful uses of the seas, including the ocean floor. We are now preparing this Convocation which should be attended by about 250 political leaders, scientists, and experts in the extraction of living and nonliving resources from the seas as well as representatives of all the specialized agencies engaged in one way or another in the development of the oceans and the redistribution of wealth in the world. We are preparing a considerable research material -- about a thousand pages of fundamental background papers, surveys, estimates, model plans -- and hope that this material will be of use to the United Nations in getting the international ocean decade off the ground. A private, unofficial gathering of this kind obviously is not burdened by official political responsibilities and can produce more daring and pioneering ideas than a governmental organization. We want to make sure to get a good balance between socialist, nonsocialist and unaligned countries, between developed and developing countries, and between landlocked and maritime countries, and to have all regions of the world equitably represented.

Of course we want to have a good Romanian delegation -- the Romanian Ambassador to the U.N., Mr. Diaconesto, participated in our Center seminars resulting in the model statute -- and to discuss this with you and to have your advice and cooperation has been the reason

for my coming here today , apart, of course, from the pleasure of visiting, for the first time your country and of seeing again my friend, Ambassador Bručan.

Disputed(?)

Filed

The oceans, Lords and Gentlemen, are free. No man thought that they could be "appropriated" by any ruler born with, by any nation, no matter how vast the empire has since they blasphemed. The oceans, in fact, are the most ^{sublime} expression of an end of what is above human, super human, indomitable. That the oceans are free is, in fact, the oldest of all international laws.

Back in the 16th Century, Queen Elizabeth ^{called} the oceans "God's Road" - *domage ho'ra*, and Queen Elizabeth I of England, in disposing of ^{the} Spanish Ambassador's complaints on the depredations by Sir Francis Drake on the Spanish treasure fleet, is quoted as having said: "The sea and the air is common to all. Neither can title to the oceans belong to any people or private person, nor in the nature of public law ~~is~~ a custom, permission or possession thereof."

This is still valid today, and the ¹⁹⁵⁸ Convention on the High Seas provides that "The High Seas being open to all nations, no state may validly purport to subject any part of them to its sovereignty."

That the law provided - but it would it was to prove, changed, and is changing in more rapidly.

The High Seas, governed by that law as a mighty body of water, that ~~is not~~ separates our nations people, a challenge to what my respondents, that need great great. Sea-faring nations people have ^{provided} the great Humber's, greatest merchants, explorers; sea-faring people are free. Republics ~~are~~ ^{as} are the oceans of modern people: *Tycoon* or *baron* is law.

~~But the air above the seas is not for the birds, nor for trees.~~

But the Freedom of the Seas is a simple matter, ^{and unambiguous} it is not. There is no quibbling and haggling. The freedom of the seas means it is free to navigate - and that is the plan of man for all. And it is free-

to fish -- and to supply in the market. ~~The air above the~~
The ^{boundary} ~~limit~~ of the ocean self-depending, or more or less so. Permitted water might
explain the fish in the eye could see; a's sail boat could come in a day or two; or
a fish and cannot come ~~short~~ short -- A day or two with the sail. No matter what
condition an adapts, "horizontal water" over a suitable portion of the
boundary ocean.

The air above, for instance, but for the bird, not for man. And to
High sea, but as eye to all nations' extension, a few miles & depth --
a deep & a light of the sun seems best. Belts, heat, there may
be the various g'ls, as continental, pressure, ^{and} mermaid, &
Ocean world as impassable to man's unconscious as the Milky way.

Technology has changed all that. The first submarine was designed
by a British Mathematician and gunner, William Bourne, in 1578. It was
a completely enclosed boat, with wooden framework, covered with waterproof
leather, that could be submerged and raised under its own power. Such
a boat was actually built and launched by a Dutchman, ^{in 1605} who measured it successfully
during repeated trials in the Thames, at depths 12 to 15 feet beneath the surface.
This is the first ascent of "Polux" -- the evolution requires three centuries and
a half. Truly the Victorian Union did give of it for world's longest submarine
fleet, not in London which seems serious, and Great Britain - Paris. The
Bourne project was far beyond her extension to come with marine project.
The freedom of the High sea has to be ~~diminished~~ ^{the} reduced, dimension.

But then, in 1866, the first successful transatlantic telegraph
cable was completed. In the year Heart's Content, New Foundland, the Valence
Dubland. Since that time, submarine telegraph cables have been laid
all over the world -- follows by telegraph cables, ^{and} poor line, and for an end
cable pipe line. A third freedom had to be added to the ~~freedom of~~
traditional 2 (scripture and law) that is to freedom of the cable ~~and~~ ^{and}

submarine cables and pipelines. This is discussed by the Convention for the
Protection of Submarine Cables signed in 1884.

Then, in May 1927, Charles Lindbergh crossed the Atlantic,
to make his spectacular flight across the Atlantic -- and address
a fourth dimension to the "speed of light", actually, it ~~speeds~~ ~~is~~
for everybody, to see the distance above the High Seas. This
idea embodied in the 1958 Convention on the High Seas: Article 4
for ~~the~~ ^{primary} ~~part~~ ^{part} of the ocean bed.

In the meantime, however, other developments have taken
course.

The laying of cables, especially necessitated in extension and
detailed study of the ocean floor. Mountain ranges were discovered,
volcanoes, and deep gorges; it all was charted and mapped;
but what was more: it was discovered that, just as the continent,
the submarine lands were -- cover over 70 percent of the globe's
surface -- held minerals like cobalt, manganese, zinc, gold, iron,
and oil, and natural gas, in suitable quantities.

Our map of these submarine lands are still very approximate --
of the shape of representation that terrestrial maps had reached over 250
years ago. Our technology, both for the exploration and exploitation
of submarine wealth, are still rudimentary. By 1958 it was
difficult to think of any exploration and exploitation beyond a
depth of 200 meters. The social and political order, also looks the
same, is of a heroic or pioneer, shape. How is

How is the order to develop: where is the wealth to be?

Two courses are open to mankind: One is to extend the
boundaries of the land, to the submarine land: that is, a heavily developed,

developing nations would appropriate the large portions of the submersible land and subject them to their national sovereignty.

The other course is to extend the law of the seas, adding a fifth provision to the ambodien - 6 1958 Convention,

by declaring that the ocean floor and its resources belong to mankind as a whole, are God's road, and cannot be appropriated by any Nation.

At present this is the great debate today: Marshall's the ambodien - both courses - and which will win, is a yet undecided. It depends, of course, on the political climate of the great powers. Whether we prefer disorder and cooperation, or law and resources cold war, and ultimate disaster.

The course of extending the law of the seas is indecisive in the Prime Doctrine of the Continental Shelf and its international recognition in the Independent Continental Shelf Act of 1958. According to the doctrine, the submersible areas adjacent to a nation, down to a depth of 200 meters, ^{is considered} constituted by continuation of that nation's territory and is subject to national jurisdiction; and the resources of the sea belong to the state ~~with the~~ sovereignty of that nation. That ^{side} has been left by the present part of the ambodien but beyond a limit of national jurisdiction - the main but, free; but so that the nation should not miss anything, precisely a cooper has been left in the law; that is, a claim, extends to the limit of the territory beyond the 200 meters depth limit where technological

5

development would exploit of a resource of the sea floor possible.
The continent shelf from the open ocean. The Cas of the Coast could penetrate
deep and deep into the unknown area.

deep in the international waters of the Pacific Ocean,

270 miles due west of the state of Washington, an extinct
submarine volcano was discovered in 1950. Cobb Sea Mount is scientifically
important and geologically unique: From a 9000 foot-deep basin it rises
to within 112 feet of the surface. The advantage of an extension of the Cas of the Coast
would be occupy this submarine volcano, and thereby extend our jurisdiction of U.S.
sovereignty. Vice Admiral Thomas Caldwell, director of the U.S. Navy
Anti-Sub Marine Warfare Program, recently called it an "ideal" location,
which would furnish an excellent means for developing legal concepts of
territorial and occupation of real estate on the sea floor. A
preliminary evaluation of the Sea Mount has been made for 9 possible
manned-in-bottom bases, and other similar studies have been proposed.

This would be the next step in the direction of extending to
the Cas of the Land to the land and the sea. Conquest, occupation: the carrying
~~up of the sea~~ of a new race for colonial empire, the carrying up of
the vast lands of the interest of powerful nations, for nations
people. The consequences are too often to be disastrous. For
the sea floor is an ecological whole. And it must be, unregulated
occupation, exploitation and industrialization of the sea floor,
with its drilling and spilling, pollution, and explosions would mean
a mockery of the traditional for freedom of the sea: Free international
navigation, depletion, sea floor and floor, and thus more, the
freedom of the sea; ~~the~~ ~~equally~~ ~~communication~~ ~~system~~ ~~imperfect~~, cables and pipes,

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mainly use of the atmosphere about international waters. The Colonial
Council of the Overseas States has to deal of the ocean, being a clear,
by an few days, to deal of the planet as a whole.

The other course, that is, the extension of the
law of the sea to the ocean floor, has been initiated by the new program
proposed by the Republic of Maldives to the U.N. General Assembly,
last November - almost a year ago. When Maldives proposed that

the law of the sea, beyond the limit of national jurisdiction, is
to be the common property of mankind

- that it is not subject to national jurisdiction
- that it should be used for peaceful purposes only
- that it remains closed or should be developed cooperatively,
not competitively, and for the benefit of developing nations.
- that an international regime should be created, composed
of, a number of the United Nations, to guarantee the principles,
to be the basis, and for the development of the common
ocean resources.

The program was received with maximum approval;
and an ad hoc committee was set up, to study its
implications, and to make its recommendations to the next
General Assembly. The ad hoc committee has had three
sessions - two in New York, and one in Rio de Janeiro, and, with
the help of the U.N. Secretariat, and a great number of specialist
experts, is almost done, and will be ready to report to the
the development of the program, by my report, and must remain to be considered

On the basis of what it is almost certain that - ^{the} if ^{the} present
 political events permit - a resolution will be adopted, adopted
 in broad general terms, the basic principle of the Malherbe proposal;
 extending the mandate of the Ad Hoc Committee to study the ^{on conditions of} technical
 of the "Regime", and proclaiming a international decade of Open Exploration
 - 1970.

In the same line, however, private organization - The American
 Committee for the Study of Mexico, Santa Fe - are a work - a private
 organization see as work prior to the San Francisco Council that adopted
 in Charter of the United Nations, - to studying the problem and
 begin to work on proposals.

The Centre for the Study of Democratic Institutions
 has been an area of some of the work on this problem, and has
 just published a proposal, but this is probably the most complete
 and most detailed that has been done here.

The problem involved in setting up a organization based
 on the "Malherbe principle" are very difficult and complex - more
 than so the right approach to the strategy.

The urgency is a very real one: if one thinks of the
 story of Bell's invention - or the possibility of ^{being applied to other} ^{in other} ^{some} sites
 and ~~work~~ ^{at all} the other of any "adventurous" nation - this are ~~not~~
 the only way to discover how the Centre to be ~~developed~~ ^{developed} off by ~~means~~
 Central - and do by any of the first ~~Central~~ ^{Central} ~~development~~ ^{development} ~~action~~ ^{action} ~~at an~~
 level - and a great deal of "white heat" will be there. The urgency
 is a very real one, if one thinks of the accelerating rate of technological
 development and the possibility that, ^{being} ^a ^{appropriate} ^{work}, the
 technical development could ^{appropriate} ^{development} ^{within} ^{the} ^{next} ²⁰ ^{years}, at
 the world of ~~the~~ ^{the} ^{increasing} ^{the} ^{gap} ^{between} ^{these} ^{times} ^{and} ^{these} ^{times}.

The possibilities of success of the movement are not unbounded: first
the general political climate, and the identification of the objectives.

But if we move ahead, we without must have firmness of ideas -
the potentialities of the organization, - let us call it the
New Republic, or the Republic of the People as exactly.

- They are exactly economically.
- They are exactly politically.
- They are exactly for the point of view of the development of society.

and.
→ Let us have a look at some of the problems of the involved -
extending to the very floor.

The biggest problem is that all the many problems we
have to deal with are so interdependent that you have to solve them
all or you can solve none: ~~that is an apparent~~ It would be
helping simply to say: Here we have a piece of steel - the
the floor - which belongs to nobody. We have it in kind & metal,
mineral, diamond, which help to belong. Let's set up an agency to
sign of labor and collect rent and royalties, and use them to finance
the agency itself, and then to balance or to be the help for welfare.
and let's keep it detail together.

The first difficulty is that the price of steel is independent
and open-ended. To determine the establishment of the Agency requires a revision
of the 1958 Contract and the Contract itself. This is very heavy ground indeed -
but its value depends precisely on the kind of "Republic" or "Agency" we are going to have.

organizing a coalition Goldberg and of Space Co. my set of pattern
to the future activities of Walmart.

Economically, one of you learn out of consideration the considerable wealth
created by offshore drilling of petroleum, or what is now considered
"contaminated" shells and helping to be control when we think
the revenue of an open extract royalties on a normal scale is
estimated run by 1 to 6 billion dollars yearly, hardly 5 year
ago to create of the equivalent. This is to be from from by the entire
part of Walla, with introduction to propose to the U.S.

Another expert, predicts that with John Mer, predicts that within
20 years almost all of the supply of metals will be from
70 and 99 percent will come from the Ocean, and the
metals will be cheap and will be abundant the we know.
Somebody else is revaluing the energy industry to be so fast
predicted.

There is a vicious debate going on, between optimists and
pessimists in the sphere: The optimists claim that presently
available technology is adequate to produce and control,
and the pessimists attacking them as their "conscience"
"inspire": but it is the battle between these two schools
of thought is over, the it is the narrowed down to one

"We don't know what's
for there. The key, other
if we don't we wouldn't
know how to keep it up."

small issue of very limited time: The optimists think
all this will happen within the next 5 years. The pessimists predict,
it will take 20. But it is likely that the wealth of the U.S.
Walmart. As usual: no one can agree, or it may be destroyed.

Politically, propaganda is being spread because there is a change in the economic
interest and ideal interest concern, when it is not clear to the public and we have to create an interest and

Equival to level of national jurisdiction. If it is a free, trans-territory regime,
 when both have early access to same deposit of the continental shelf and
 their jurisdiction; if it is an independent regime, the law does not extend over
 or jurisdiction as far as possible: that is, the industrial and commercial
 interests both part in this deposit. But ~~that~~ to find complete ~~with~~ to
 future, National have the interests, in other words industrial
 and commercial one: that show all National interests. Then, concerning
 energy, part to a opposite direction: ^{in production} to form of ^{price} necessary definition of national
 jurisdiction in the sea: what would leave the free to spend in class of
 permit to the other of adjoining nation. It is to permit strictly, the
 "technical question" of the regime is a very complex one, involving
 technological, industrial, and national aspect.

A second problem is the independence have to horizontal
 dimension of the sea floor, however defined, and its vertical dimension,
 that is the superjacent water. What happens on the sea floor necessarily
 affects to what ecology of the water above: the independence of the sea
 floor affects fishery, aquaculture, ^{mineral resources}, ^{recreation}, and navigation. It is
 therefore clearly understandable to assume that the "Regime" of the sea
 could ~~never~~ have care of any of the working resources of the sea floor,
 being ~~the~~ the maximum activities to other ^{as an} organization, or ~~the~~
 This leaves clear that a host of contradictions, conflicts, and great
 many ~~flows~~ ^{problems} result. The first is that the effects of all
 the Regime must depend, as long as it "has not" been ~~set~~
established in order of an ecology of the sea.

The third problem is the demarcation of the sea floor; or, rather,
 the point of keeping a demarcation. Here too, the boundaries of the problem, does
 seem to clear circumstances, ~~help~~ to dissolve much like uncertainty. For an the,

an product relat. n complex by the interdependence between military technology and technology + general, which scientific or industrial. ~~The same instrument as~~ ^{the} ~~same~~ instrument as that of scientific exploration and app's. ~~to~~ How can a "Pope" control the current and prevent this to return?

A recent complex - areas, open, free to interdependence of ocean floor and suspension water. It may indeed turn out impossible -- or meaningless -- to keep the sea-bed demilitarized while a low-level coastal surveillance are coming a few miles from the bottom in striking range off the coast of "hostile" nations. As long as there are submarines, there'll be "test-range" shaves cut in the ocean floor, and tracking devices installed in the ocean floor. In military terms, the ocean floor and the suspension water are a ^{part} interconnection of the ~~land~~ ^{land} and atmosphere.

Submarines, however, are part and parcel of the whole complex of armament. Nations will not relinquish their submarines which engage in a continuous race on long runs in the air, and in sub space. This is the kind of interdependence -- the interdependence of the military armament -- that prohibits any hope of long solutions of the problem of "ocean warfare."

Now, considering all this form of interdependence: geographic or territorial -- that is the geographic and the vertical sense, and functional -- that is to say that all marine activities are linked to our needs and limited to land-based activities -- it becomes obvious that the jurisdiction of the Region must be concerned to a rather wide sense: Thus, the extent of the Law of the Sea is the ocean floor which is expansive also, to some extent at least, to the continent of various-water.

But, it appears to the organizer of the problem must be systemic: it cannot be partial or piecemeal.

What is the kind of organization we have in mind, to cope with the complex
problem, I would think rather considerable power? How does it relate to
relation to the United Nations -- is it a strengthen of United Nations,
not to weaken it?

There is previous agreement that the Regime Council be the United
Nations, other structure -- not the one -- but -- one -- not system, to General
Assembly and the Security Council -- it not suitable for tests like the
Assignment to Regime. The Regime must be independent from the United Nations;
yet it must be in some way associated with it, it must emerge from it, it
must be legitimized by it.

It must be independent and not a part of the coordination of all
activities concerned with the ocean, all the agencies and committees ^{all independent}
and of the family of organizations, these ^{and all independent}
agencies, and committees are of an ^{and non-procedural} amalgam ^{intern. organization}
variety. From UNESCO, FAO, ECOSOC, to the International Atomic Energy Agency,
World Bank, WHO, Food and Agriculture Organization, etc. These organizations run into the hundreds.

Considering the vastness and complexity of the task, the Regime Council
possibly be a 'specialized agency'; a body, I would say, that be
central aspect of the activities of all specialized agencies. It will have
features of a corporation, a business, a Cooperative, a government.
It will be both governmental and non-governmental: both a sphere
where public international law and private international law be by now
begin to blend. It must be administratively efficient. It must
be the structure for all measures. It must give maximum opportunity
for participation. It must reconcile social and economic concerns.
It must serve the interest of the developing and developed, of the
Western and Eastern nations.

It must be independent -- Can this be kept precedent,

in early organization and early effort, but I want not shy from innovation when innovation is needed.

So I've try to project out an organization, app to extend the reach of it over of the sea to it over floor, & example of precedent come to mind.

The first one is the Outer Space Treaty, a Treaty on Principles Governing the Activities of States in the Exploration and the Use of Outer Space, including the Moon and other Celestial Bodies, signed -
 January 27, 1967. There ~~are~~ ^{is} some exact correspondence of you start from any national territory, and you move to the direction of outer space, or to on land, and to outer space, & other, you pass the atmosphere, & to on land, the territorial waters on the other. Both still fall under national jurisdiction.
 From the atmosphere you pass into outer space, & you to territorial water you pass out to high seas. Both are extra-territorial; they cannot be appropriated by any nation. In this, space law be borrowed from the Law of the sea; he developed and spelled out a number of its principles; ~~and~~ ^{and} the Law of the sea is now borrowing back. For outer space you hit the Moon and other Celestial bodies. For the high seas you hit the sea-bed and ocean floor. ~~The law~~ ^{It} ~~is~~ ^{has} ~~been~~ ^{been} ~~developed~~ ^{developed} for the Moon and the Celestial bodies, and transcribe them to them of outer space, including the ocean floor. A number of principles, reports scientific cooperation, to nationalities of vessels, & obligation of mutual aid, as applicable. For the time as the present differences: but military and economic.

to
it is - for him key - considerably easier to keep the man and
the other cabinet sides developed than to keep the other floor developed.

The other floor, furthermore, ^{socially} an explosive economic potential; under
open, the man and the other cabinet heads are not -- or not yet.

If one considers this economic potential, that is, that Nations
should cooperate in one industrial-economic sector which, however,
and that the type of cooperation must be structured: ^{in a specific, better} ^{national, enterprise or}
cannot feel the influence all the sides of the national economy, ^{in independent country,}
another set of precedents come to mind, and that is, the European

Community, especially the Treaty contributing to European Coal and Steel Community.

There are, of course, great differences between the European Coal and Steel
problem to early paper, and is globe-encompassing one problem of

the last fifteen. Under Europe set a closely knit unit but a man
or less common interest, cultural, social and economic policy.
The world is not. But the, there are some remarkable similarities.

Coal and steel are things in our lives in
super super-merch potential of the Europe nations. The merge
of the French and German coal and steel production
we thought is essential to see the potentials of what between
these two nations and therefore to be essential of peace and
development - Europe.

Coal and steel are, more or less of yesterday. The ocean,
the ocean floor (and out you) are essential to sea and
peace tomorrow. The Soviet Union and the United States are
players approximately to not in the world as long as France
and Germany play in Europe. A merge of the industrial

activities in the debt sector, and, therefore, possible, in space, based on
a Treaty age that will allow, however to be out of the Cold War,
and of my 2 hrs. Chapter in general history.

So, here is some precedent.

Do you think that the activities of the "Old Regime" require
very special skills and techniques, while, at the same time, they must
benefit all nations, developed and underdeveloped, you had an available
set of precedent, that is, the ^{substantive} organization dealing with atomic energy.

The Charter of the International Atomic Energy Agency contains many
provisions that are applicable to the status of an Old Regime;
that is of particular interest in that it deals with developed and developing
nations, if the ^{associated} socialist and free-enterprise nations
is a particular sphere of economic very important activities.

Europe, on the other hand, where membership is restricted to
western, free-enterprise, and highly developed nations, sets another
interesting precedent, that this is that of "Common property," based
on the Eureka treaty, all financial interests in the property of
the Community, and there is a set of elaborate provisions that
spell out this concept. From one of the basic principles of the
Old Regime comes the main resource of the ocean floor ^{regions of} ~~and the~~
~~highlands of the world for~~ and to high seas and beyond the
limit of national jurisdiction as to Common property of mankind,
there has to some thing to be learned for the treaty too.

A study of the United Nations Development Programme, the
Charter of the World Bank, F.A.O. A World Health organization,
may provide other ideas - especially if you remember that they all are concerned in

one way or another but certainly overlapping but that of the OCEAN regime,
and that that relation may, in some way be coordinated.

But there is one basic issue in what there is no precedent,
in what the drafters of a statute for an Ocean Regime must
have a better idea of. The issue is the composition of a responsible
and efficient international assembly.

~~When he presented his proposal, Ambassador Parola stated:~~

"It would only be obvious that it is hardly likely that those
countries that have already developed a technical capability to
exploit the ocean floor would agree to an international regime
of it were administered by a body where smaller countries, and of
course, had the same voting power as the larger states or the former

was."

This is a situation: suppose that, between two alternatives:

Extends to one of us down to ~~the~~ ~~ocean~~ floor, or the ~~ocean~~ floor to
the ocean floor, ~~meaning~~ ~~check~~ the latter alternative, and ~~decide~~
to set up a "Regime" to administer it, ~~then an, age,~~ ~~three~~ ~~check~~
~~age~~ a regime that would, necessarily, ~~include~~ ~~considerable~~ ~~more~~
power and ~~scope~~ of ~~more~~ ~~real~~, ~~able~~, ~~resources~~, and ~~may~~ ~~than~~
any international (government) organization existing ~~now~~ ~~for~~: ~~There~~ ~~is~~
a ~~gap~~, ~~the~~ ~~option~~ ~~is~~ ~~what~~ ~~to~~ ~~check~~. ~~The~~ ~~regime~~ ~~could~~ ~~be~~
set up ~~by~~ ~~the~~ ~~human~~ ~~community~~. ~~The~~ ~~same~~ ~~is~~ ~~the~~ ~~concept~~
of technical cray. or democracy. ~~One~~ ~~would~~ ~~begin~~ ~~that~~ ~~it~~
~~technical~~ ~~and~~ ~~order~~ ~~by~~ ~~the~~ ~~Coastal~~ ~~States~~ ~~would~~ ~~be~~ ~~good~~ ~~groups~~,
and ~~just~~ ~~is~~ ~~the~~ ~~health~~ ~~of~~ ~~the~~ ~~ocean~~, ~~it~~ ~~is~~ ~~one~~ ~~purpose~~ ~~of~~ ~~measures~~, ~~to~~
~~good~~ ~~no~~, ~~but~~ ~~there~~ ~~would~~ ~~be~~ ~~a~~ ~~democratic~~ ~~control~~ ~~over~~ ~~their~~
~~activities~~. ~~How~~ ~~the~~ ~~world~~ ~~would~~ ~~work~~ ~~out~~, ~~a~~ ~~difficult~~ ~~prediction~~: ~~it~~
~~would~~ ~~be~~ ~~the~~ ~~best~~ ~~as~~ ~~well~~, ~~at~~ ~~least~~ ~~of~~ ~~real~~ ~~present~~; ~~but~~ ~~in~~ ~~order~~, ~~how~~

is that neither the socialist countries, nor the technologically underdeveloped countries would accept a unit system. In a system.

The second option is to adopt a democratic-parliamentary system, some have to be international issues. In the case, both the one-man-one-vote system, which is a basic principle of democracy, seems to be the alternative, or some of one-vote-one-vote system, which is the pattern of the other pillar of a federal-democratic order. Compromise has been proposed, and on this half a vote to a developed nation, half of underdeveloped nation, and require a $\frac{2}{3}$ majority for any decision. The issue since to be raised. Open Question is the international community. Does the unit system proposed? Would it be possible? Would it be acceptable and practical? Other method has been proposed - some of the simple, some of the complexly complicated - I suggest the vote basis not account number of people, G.P.P. Factor, Consumption of Energy and other factors; but to come from a unit weight system of weights. The unit is the very principle itself of "weights to vote" is proposed for the first time advantage to be met. The point which he has raised in his decision making part - why do we have to come to a unit of the unit.

In general have you to have an order of weights to vote. In an international, democratic representative assembly. No solid ground can be accepted. System applied to present unit of for members, relative consumption, etc.

The third option is that of recognizing that parliamentary representative democracy has reached a dead end; and that no principle has to be discovered.

This is the best possible principle plan of democracy. Direct democracy, election through to few-man, idea doesn't seem to be made by all citizens. While the political community suffers the dimension of a few-man, a number

and state of development, simply as an official & international
organization, not a body of members, & its capacity to be able to carry out

its work, and a state of development which allows it to have a
to be open up. No matter how far you get on, the traditional principles
the ground to be made clear.

of enterprises, situated in the management of investors, financial management in their project, etc.
 and that enterprises, universities, and corporations and companies, in fact must
 participate in the decision-making process of government. It is the Council's role to participate,
 responsibility and initiative are the important incentives for progress,
 that co-operation, ^{has} that produces the competition, that co-operation is more important
 the co-operation. It is a Council that these principles held both at national
 and at international level, and my view, to put in body to ~~advance~~ ~~advance~~
~~a research~~ gap, or research to contribute below the level of ad-

Let us return to the other regions, what we want to be a
 republic of the Day too, imbued in the spirit of freedom that has
 always existed for it since and under a new ^{free} Republic of
 the 19th century.

Let us stay close to the reality of high-level principles
 of development, and become very practical. The Republic of the Day,
 if not made, has always been popular by high product people.

How would the principle of "participatory democracy"
 apply to the construction of a "New Republic"?

The answer lies in the important national interest by the
 establishment of a ^{Public} Commission on Governmental Development & Economic
 Principles - let us say by the joint work of the U.N. Development
 Programme, or the International Atomic Energy Agency. But the
 42 years since the North American request to an international
 Market Assembly, based on the principle. It is, 42 years
 has the ^{public} Home, a Church, elements for the U.N. Assembly,
 elected by the U.N. Assembly, on a regional basis - then an even
 precedent for that. The 42 years have all the ^{interest}, organized, inter-governmental

they are based on the principle of representative democracy. This is a
 second point. Representative, parliamentary democracy is a very slow
 body. Because of the size of political committees -- also the out-of-
 nationally managed dimension & slow progress, 200 or 400 million inhabitants;
 because of the form of party system, no other is it equivalent and
 ministerial cabinet and would be subject to a problem for management
 in the second half of a 20th century: In practically all countries, in
 fact, political parties are split right through, a very important issue here.
 A third reason for the breakdown of a parliamentary-representative system,
 is the growing impotence of non-political, economic, social and
 technological issues on politics; in fact, the growing interdependence
 between domestic and foreign policy. Then, I think, as it has
 risen -- then may be other -- for what is parliamentary-representative
 system is at the end of it better can be a national law, and,
 more recently, is applicable at an international level.

A new transition is needed: a change in that for direct
 to representational democracy, and this is already recognized --
 broad term: A new transition for representational democracy
 to participational democracy, a experiment, at the moment, ^{participational}
 France and Yugoslavia. It's just enough, really. It is the
 recognition that modern government is not only a political dimension, but
 also economic, social, & cultural dimension as well. It is the
 recognition that you can't represent men only on the basis of "piece of land"
 or "units of herbs", but as a ^{man as a person} ~~man as a person~~ could be an able
 Christ, produce. Man is not one-dimensional etc. It is the recognition
 that man is not participational ~~to be done~~ not only in a political, but also in a social manner

and non-governmental organizations engaged in the activities of working
towards the other floor, - the people who actually do the work and in some
ways - and you put the light in a vessel like a chamber.

The you have all the international organizations - intergovernmental &
non-governmental - and then at the top of the - engaged in fishing,
and cooperation - and you put the light in a vessel like a chamber.

Chamber. The you have all the scientific organizations engaged
in marine geology, marine biology, meteorology, ^{hydro} geology, deep sea
oceanic work, ^{land} energy, products, for distribution, and also not, and you
put the light in a vessel like a chamber. Now you have a Nation, the
international community, the expert, technical and scientific.

There are your characters - for which a contribution is a new way,
like which a play - and now you engage them in dialogue.

You set out to make the any decision made by the majority
requires a majority of the political chamber - so to speak, the
system of the system - and of the Chamber the a complete

in the matter. You put a reality - biomass system:

Problem of fisheries, to be decided by the political Chamber, and
the fishing chamber; ~~public~~ ~~economic~~ ~~scientific~~ ~~political~~
to be decided by the political Chamber and the Chamber
of scientific: ~~the~~ ~~political~~ ~~chamber~~ and the, of course, every day

to be put on par with the of Commission - you see the old problems of democracy

To complete your system, you have to have a
special maritime Commission, like what was done by NATO, but
a Cooperation and of intergovernmental international negotiations
and intergovernmental organizational work has a standard, which

Setting, description. a 1000, and down, & other new Controller of public work, at 11 am time. Problem, New and always L.

[The remainder of the page contains extremely faint, illegible handwriting, likely bleed-through from the reverse side of the paper.]

They don't have help to international Court of Justice at the Hague.
There is still scope for resolution in the E. European Community
has precedent to set a solid precedent.

We have no time out of the breadwinner to allow to those
branch of government: to coordinate, if you want, in legislation, and
the judiciary. Part of the program is to discharge the financial
effectiveness: this provides ^{an instrument} Security Development and
Development, a former branch has to be added, and the
Planning. A European Planning Agency ^{of expert, economic, business} could be partly appointed
by the Commission, partly elected by the Assembly as a whole. And
the chief or secretary general of all the organisations of E.C.E. forces,
University, engaged in the redistribution of wealth is to have some to
be made out of ex officio.

That would have the case of public of coordination
with the activities of E.C.E. they are in the interest.

Last, not least, your general has to be an efficient
secretary ~~and~~ in an efficient international Civil Service,
has your own job done in conditions of
the recruitment of a Minister. But it is not an
specialized agencies.

^{for the reason}
Since an organization may give more complicated
than it is. At the end, we have also in a Model
Statute for it, spells it out in very particular -- and this
decisions in no way, but more complicated than the Statute
of any of the specialized Agencies of the World Bank.

It is considered that the Treaty Constituting a European Coal and Steel Community.

There are a number of advantages inherent in the creation of such a organization.

First, it would solve the fundamental problem of what it would be created: that is, the security, the conservation, and the development of the ocean and the resource. It would create a considerable amount of new wealth, by giving to Europe a security for the instruments, without which technological development would inevitably be slowed down, and it would facilitate the redistribution of the wealth.

Second, all this would happen in a sphere where Nations would have to give up nothing of what they have: neither materially nor ideologically, neither economically nor politically. For the permanent relations and cooperation between the States of the Region would be in products they are not now producing, and they could not produce without the cooperation ^{under the instruments} of the Region. No idea of national sovereignty would be surrendered, but a new sovereignty would be created in a proper and functional sphere, what does not belong to the nation now, but is the man's bond.

Third, it would not require ^{any} modification of the United Nations Charter nor Amendment to any of the Statute of any of the existing specialized agencies or other intergovernmental organizations. All these Charter does ^{already} ~~statute~~ ^{contains} ~~enables~~ ^{enables} States which are the members of Committees Commissions, the organizations, can cooperate with them on the circumstances, and to propose and put in their Statute or Charter any request. This is very important, for the creation of a Peace Regime requires a revision of the Charter, it would be impossible. A new Cooperation to ensure

If United Nations Charter comes into effect under present political circumstances, and if it has called, it would create new problems for it come possibly solve,

Fourth, the establishment of the executive would not only set a pattern for the future administration of nations, it would, practically, open new ways for evolutionary transformation of the United Nations into a world government.

Give the importance of creating such a government by Charter Review,

the possibility of this evolutionary process of political relevance.

The ~~decisive~~ decisive breakthrough would be the creation of an international assembly, based on the principle of participatory democracy.

Let us imagine that ~~the~~ the ~~world~~ world ~~assembly~~ assembly is established, & set as we have described it, in ~~the~~ the ~~world~~ world ~~assembly~~ assembly, and that it begins. It functions; it makes decisions that don't stop.

Communist agents in Communist developed nations against democracy, a new state agent ^{the new decision-making process, to control, to be open and transparent, to be complete or to make...} Marxists. It replaces the traditional political representation of the world community.

international assemblies were able to achieve. Let us assume

that the U.N. Assembly gradually expands into a world assembly. For instance, it regulates of outer space, disarmament. This could be done by adding to it regular bi-camera system other chambers of specialists.

And continuing the decision-making process requires the inclusion of new chambers, the political chamber, elected by the U.N. Assembly, and

the Competent fundamental chambers. No matter how many fundamental chambers you have, it never has complete it process; The system is very flexible, and hence allows also for regrouping of fundamental chambers, & its functions and their major regions.

The U.N. Assembly itself would gradually assume the role of an electoral body. When it prohibits the most important role of control play, it is control that, from the Competent or

then to hand over of the on-site - one - one - system, it could now evolve into
 a efficient or accepted system of legislation itself.

The Security Council, of course, has been changed already by
 United Nations Security Council. It has ~~been~~ membership has been enlarged,
 and its functions, more or less officially, as a regional body. It might of
 course be enlarged upon, and ~~perhaps~~ perhaps, could be used as
 a regional body, well. But one, it could evolve into the
 first, political character of any other government system, what, a
 fair suggestion should be decided by the General Assembly - It may
 be Security Council is now. The veto would not ever have to be
 abolished, in fact. It would fall into obsolescence.

A similar evolution could be envisaged for the
 international judiciary system. Let us assume the

existence of a maximum Court, patterned on the European Court
~~of Justice~~ and set up by the Treaty of the Coal and Steel Community.

Like the latter, it would be a sort of Economic ^{High} Tribunal
 adjudicating issues between ~~states~~ state and economic organization,
 or between economic organization. The International Court of Justice

at the Hague finds confusion of a sort in business of adjudicating
 issues between sovereign states, ~~that~~ a Third International
 Court is likely to be created in a foreseeable future,
 patterned upon, as a European precedent, to adjudicate
 Human Rights issues. Before this Court, not only Nations
 and organization, but also individuals would have a standing.

Other Courts might be added: a mass, in fact, of them
 as branches of international law. Eventually they might all
 furnish a handle of any World Court. Each court might delete
 one of its members, and for a sort of World Supreme Court, to coordinate

