

August 8, 1973.

The Saturday Review Press
380 Madison Avenue
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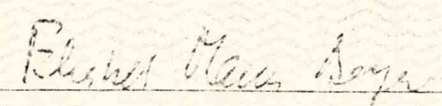
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Elisabeth Mann Borgese
Senior Fellow.

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Center for the Study of Democratic Institutions
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Dear Mrs. Graig:

We received a copy of Captain H. L. Marr's letter to you dated October 20, asking you to cancel his request to reproduce "The Prospects for Peace in the Oceans," due to lack of funds.

We ~~phoned~~ phoned him today telling him he has our permission.

Sincerely yours,

Elisabeth Mann Borgese

cc: Capt. H. L. Marr

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New York, New York 10017

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Thank you for your time and consideration.

Sincerely,

H. L. MARR
Captain, U. S. Navy

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Special Studies and Presentations Group (OP-09D)
Room 707, 801 N. Randolph Street
Arlington, Virginia 22203

Copy to:
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Center for the Study of Democratic
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Box 4068
Santa Barbara, California 93103

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December 6, 1971

Mr. Roland Gelatt
Saturday Review
380 Madison Avenue
New York, New York 10017

Dear Mr. Gelatt:

Thank you very much for your letter of December 2. I am sure Michael will be happy to know that you will run his article, and it is an interesting idea to run it together with one by my uncle, Klaus Pringheim.

Of course, it is a timeless issue, and no harm is done if the letter is published later rather than sooner. On the other hand I know Michael would be glad to see it out as soon as possible. It has already been published in German; publication in Italian, I think is imminent (if it has not already happened) and so it certainly would be nice to get it out in English while it's fresh.

With all good wishes,

Sincerely yours,

Elisabeth Mann Borgese

Saturday Review

380 Madison Avenue, New York, N. Y. 10017



Roland Gelatt
Managing Editor

(212) 983-7544

Dec. 2, 1971

Dear Mrs. Borgese:

Please forgive this tardy reply to yours of November 15. Norman Cousins's resignation has, as you can imagine, upset the usual routine here more than a little.

The debate over "Death in Venice" is a fascinating one. You will probably recall the letters from Katja Mann, Anna Mahler, and Visconti that ran in our pages last year, as well as the article by Hollis Alpert which originally set forth the film director's concept of Aschenbach-as-Mahler. Now we are in receipt not only of your brother's letter to Visconti (which takes a very different line from that of Katja Mann and Anna Mahler) but also of a letter from Klaus Pringsheim, who writes from the privileged position of having arranged the first meeting of Mahler and Mann in Munich fifty-five years ago. We have asked Professor Pringsheim to amplify his letter into a short article, and it occurs to me that we might be able to print Michael M's letter to Visconti in the same issue that we run the Pringsheim article. Would that be agreeable? Do let me know.

I hope you will keep me informed on Pacem in Maribus 3. Perhaps next year SR could be represented by an observer.

Incidentally, Norman has established an office at 866 Second Ave., New York, New York 10017.

Sincerely,

Roland Gelatt

Mrs. Elisabeth Mann Borgese
The Center
Box 4068
Santa Barbara, Cal. 93103

May 15, 1972

Mr. C. E. Richards
Saturday Review
380 Madison Avenue
New York, New York
10017

Dear Mr. Richards:

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I do not wish to subscribe to the Saturday Review, and I am therefore returning to you herewith the bill I just received from you.

Sincerely yours,

Elisabeth Mann Borgese

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BY SENATOR CLAIBORNE PELL
MAN'S LAST GREAT RESOURCE

THE OCEANS

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October 11, 1969 50¢

Saturday Review

The Subordinate Sex, by Elizabeth Janeway

THE OCEANS

MAN'S LAST GREAT RESOURCE

by SENATOR CLAIBORNE PELL

After millenniums of exploiting and often destroying the riches of the land, man is now hovering acquisitively over the wealth of the oceans that cover three-quarters of the Earth. In the no man's land of the seabed, a scramble for minerals and oil, for new underwater empires secured by advancing armies of technology, could well set a new and wider stage of world conflict.

Even the most conservative estimates of resources in the seabed stagger the imagination of a world grown used to dire predictions of incipient famine and exhausted mineral resources. In the millions of miles of ocean that touch a hundred nations live four out of five living things on Earth. In the seabed, minerals and oil have been proved to exist in lavish supply. The oceans are a source of pure water and food protein; of drugs and building materials; even possibly a habitat for man himself and a key

to survival for the doubling population on the land.

Man may yet learn to use a tiny fraction of this wealth. Unless international law soon determines how it shall be shared, that fraction alone could set off a new age of colonial war. Is the deep seabed, like the high seas, common to all, or is it, like the once wilderness areas on land, open to national claim by use and occupation by the first or the strongest pioneer? The question of what is to be done to regulate and control exploitation of the seabeds is no longer an exercise for academics and global thinkers. At stake is not just the prize of great wealth; pollution or geologic accident in the ocean depths is no respecter of national boundaries.

A few years ago, "practical" men dismissed speculations about wealth in the sea as economic foolishness. It would never, they said, be economically profitable to exploit the seabeds no matter how great the riches to be found there. They underestimated the lure of gold as the mother of invention. Yet, such pessimists may well be proved right in a fashion they did not anticipate. In these pioneer years of the ocean age, the damage done sometimes seems to exceed the benefit reaped. Beaches from England to Puerto Rico to California have been soaked in oily slime. Fish and wildlife have been destroyed. Insecticides, dis-

persed in the Rhine River, killed fish and revived fears of other lethal legacies that may emerge from our casual use of waterways as garbage dumps. The U.S. Army, until deterred recently by a few alert legislators, was disposing containers of chemical agents in the Atlantic despite some predictions that severe damage to the marine environment could not be ruled out, because of either deterioration of the containers or unforeseen underwater accidents. The future disposal of increasing amounts of atomic waste is an unresolved problem. Millions of acres of offshore seabed have been leased for drilling. Largely in ignorance, we are tinkering with our greatest source of life.

The incredible magnitude of the oceans' resources can be measured by just one isolated example: the metal content of manganese nodules, for years a curiosity with no realizable value. One study of reserves in the Pacific Ocean alone came up with an estimate that the nodules contained 358 billion tons of manganese, equivalent, at present rates of consumption, to reserves for 400,000 years, compared to known land reserves of only 100 years. The nodules contain equally staggering amounts of aluminum, nickel, cobalt, and other metals. Most of these resources exist at great depths of 5,000 to more than 15,000 feet, yet within five to ten years the technology will

Senator Claiborne Pell, Democrat of Rhode Island, is a member of the Senate Foreign Relations Committee and chairman of its Subcommittee on Ocean Space. He is the author of a Senate resolution proposing principles for governing activities of nations in ocean space, and serves as Senate adviser to the U.S. delegation to the U.N. committee on uses of seabeds.



Oil rigs—"How far out may any nation undertake such exploitation?"

exist for commercial mining operations, a development that will open to exploitation virtually unlimited metal reserves. Closer to home, the University of Wisconsin discovered a deposit of manganese worth an estimated \$15-million in the shallow waters of Green Bay in Lake Michigan.

More familiar to most of us is the accelerated pace of offshore oil drilling that now extends more than fifty miles out to sea and accounts for 15 per cent of U.S. oil production. In the twelve years between 1955 and 1967, offshore production of crude oil increased from seven million to 222 million barrels. Estimates of known reserves of natural gas have more than tripled in the past fifteen years, and each advance of scientific exploration of the ocean beds brings to light new finds that would gladden the eye of the most hardened veteran of the California gold rush.

Perhaps the least developed resource, and one of critical importance to spiraling population figures, is the use of the seas for farming techniques or "aquaculture." Present methods of fishing can only be compared with primitive hunting with a bow and arrow; if fish were cultivated like livestock, the present world fish catch could easily be multiplied by five- or as much as tenfold. The production of protein concentrate and the distillation

of fresh water are still experimental in an economic sense; there is no reason to believe that they too cannot become both useful and profitable. Aquaculture could also be applied to a variety of marine plant life.

Nor is the potential confined to what we can extract from the seas or the seabed. In crowded England, serious plans have been developed to build entire cities just off the coast. Offshore airports may solve the demand for large tracts of jet-age space near such large coastal cities as New York and Los Angeles. Some Americans, quick to take advantage of the legal confusion that reigns beyond coastal waters, have planned to build independent islands atop seamounts and reefs outside the three-mile limit. Indeed, a romantic notion, but one with, it is suspected, the more prosaic aim of avoiding the restrictions of domestic law concerning gambling and taxes. One such venture has been restrained by the courts on the grounds that the reefs and seamounts attach to the seabed on the continental shelf, and are, therefore, under U.S. jurisdiction. In another case, a year or so ago, the United Nations was presented with an application for permission to extract minerals from the bed of the Red Sea in an area fifty miles from the coastal states. The Secretariat dodged this thorny question, citing lack of authority to act.

Such claims are no longer isolated or frivolous. Much of the wealth of the oceans is now both proved and exploitable beyond that part of the continental shelf once considered to mark the practical limit of exploitation and national claims. This Pandora's box is as full of political hazards as it is of manganese. Parts of the Gulf of Mexico became such a forest of drilling rigs that an agreement was necessary to clear shipping lanes. This spring, the Dominican Republic granted a single oil concession covering some three-quarters of a million acres of offshore seabed, and many other small coastal nations are looking for an economic bonanza in the leasing of drilling rights. Under what safety and pollution regulations will such developments take place? How far out may any nation grant such leases or undertake such exploitation?

In short, diplomats and politicians who five years ago looked backward to the slow evolution of mining the sea and found nothing to engage their immediate concern have been overtaken, as is frequently the case in this day, by the less stately pace of technological change. If the know-how of ocean exploitation has gathered momentum of its own, the same cannot be said for any reasoned approach to orderly development under a regime of law.

Two years ago, faced with the prospect of orbiting weapons in the legal void of space, nations did agree on a treaty to limit the uses of outer space. Similar concern has not been so evident in the realm of ocean space, perhaps because people are so used to taking marine environment for granted.

A less charitable view might suggest that one of the inhibiting factors is the prospect of making a good deal of money, an incentive not present at the moment in space, except for the manufacturers of hardware here on Earth.

Yet, the oceans offer no less a fearsome stage for escalation of the arms race. The seabed already abounds with a multiplicity of sounding devices and other defensive technology. High "mountain" ridges in the ocean bed offer tempting sites for the deployment of nuclear weapons, and there is no reason why the Soviet Union and the U.S. might not soon be planting ABMs eyeball to eyeball on the Atlantic ridge. Thanks in large part to initiatives in the United Nations, the question of arms control in the seabed is under discussion at the Conference of the Committee on Disarmament in Geneva. Last spring both the Soviet Union and the U.S. offered differing proposals to ban the emplacement of weapons of mass destruction on the seabed; proposals that hopefully could forestall

this new escalation of the nuclear race.

If the prospect of a new arms race on the ocean floor precipitated efforts to focus world attention on the problem, there is no lack of other and equally explosive possibilities for conflict. How far may the claims and undertakings of coastal states extend seaward? By whose permission, if any, is exploitation of the ocean deeps undertaken? Who is entitled to the proceeds, and who is to establish and enforce rules governing the safety of such exploitation? There have not been, as yet, any murders or muggings on the ocean floor. If there were, what law would apply? No one knows. The laws of the high seas, which have evolved over so many centuries of our casual passage across their surface, are not wholly applicable by extension to the ocean floor.

In a study of the full range of our national interests in marine resources, made public early this year, a special Presidential Commission on Marine Science, Engineering, and Resources noted, rather matter-of-factly, that the threat of "unbridled international competition for the seas' resources may provoke conflict," and recommended a series of international agreements that would create new legal political frameworks for the exploitation of the mineral resources underlying the deep seas. There is no lack of proposals for such a regime; their specifics are as various as the magnitude of the interests involved.

As could be expected, the differences among nations reflect political power and geographic accident. In a letter to the Spanish ambassador in 1580, the first Queen Elizabeth of England wrote that "the use of the sea and air is common to all, neither can a title to the ocean belong to any people or private persons, forasmuch as neither nature nor public use and custom permit any possession thereof." The Queen may have had in mind the Treaty of Tordesillas, signed a little more than a century earlier by Spain and Portugal, dividing all the world's oceans between them. That treaty did not survive the emergence of a superior naval power, and the Queen's views of freedom of the seas prevailed.

Four centuries later, the same dispute has been revived beneath the seas. There are those who would carve up the shelf and the seabed among the major maritime powers, and there are others who would insure freedom of the ocean beds beyond a narrow claim of national jurisdiction equivalent to the customary three-mile or twelve-mile claim of jurisdiction over territorial waters on the surface.

The three-mile limit claimed by the U.S. is the measure of a cannon shot in

the eighteenth century. It may be regrettable that nothing so simple as a cannon shot was used to determine an equivalent measure on the seabed, since efforts to date—with more sophisticated standards—have only compounded the confusion that began in 1945 when the U.S., largely at the behest of the oil industry, unilaterally extended its sovereignty to include the bed of the continental shelf (that portion of the submerged land mass that extends at relatively shallow depths seaward, in some places for more than a hundred miles). Other nations followed, and in 1958 an international Convention on the Continental Shelf declared that a nation's jurisdiction over the shelf extends to a depth of 200 meters (about 650 feet) or "beyond that limit to where the depth of the superjacent waters admits of the exploitation of the natural resources." For coastal nations with extensive shelves, it was the most painless territorial conquest in history. Few then suspected that effective exploitation of resources would soon take place far deeper than 200 meters, or that the "exploitability" clause of the convention—as interpreted by the oil industry and others—would, in effect, grant a license to move in the ocean beds to the limits of a nation's power to defend its claims.

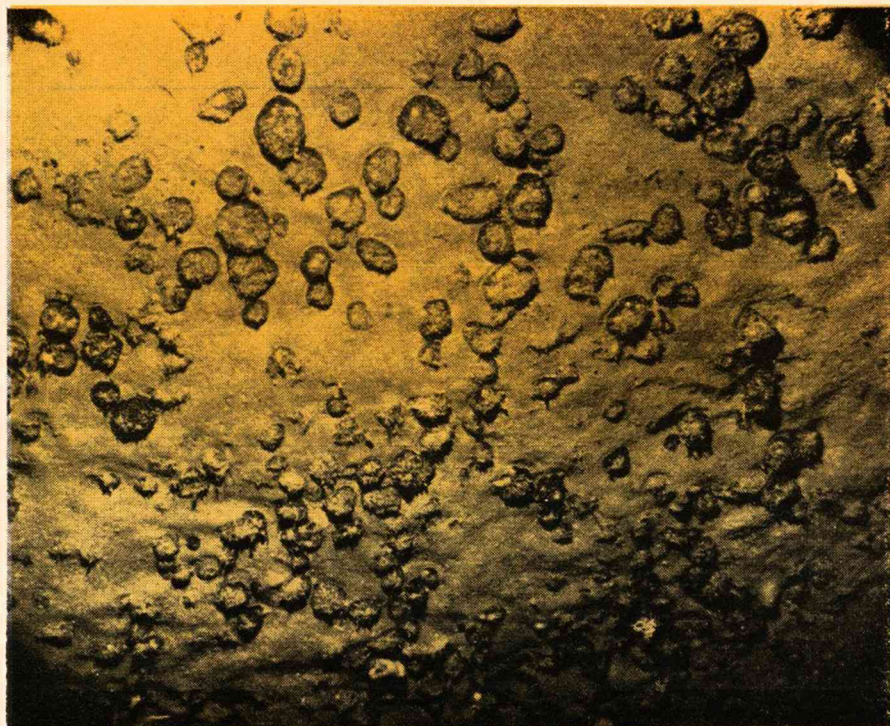
Strategic interest in what goes on in the seabeds off our shores further complicated efforts to decide whether our national interests would be best served by limited claims—as in the waters

above—or by a more expansive goal. Yet the same rationale of maximum maneuverability, which is the basis of the jealously guarded right of freedom of the seas, argues equally strongly for a narrow claim of jurisdiction on the seabed. Beyond that narrow band, our own military, like their opposite numbers in the Kremlin, would prefer to trust to luck and muscle in making the best of all possibilities. The oil industry has no such dual interest; it wants to carry the flag as far as effective exploration permits.

And what of the small nations who believe, not unreasonably, that the riches of the seas should not be left up for grabs by the already rich and powerful?

It was this prospect, as well as the looming threat of a new weapons race, that two years ago brought forth two different proposals for an international regime for the seabed. In the United Nations, the government of Malta introduced a resolution that would place the riches of the sea under international administration to be used for the benefit of mankind. In the U.S. Senate, I introduced a treaty, based in part upon the Treaty on Outer Space, and one that would, in my judgment, deal more realistically than does the Maltese proposal with the competing economic and political interests in ocean space.

Other detailed proposals have been made—by the National Petroleum Council at one end of the spectrum, (Continued on page 62)



The metal content of manganese nodules (above) amounts to billions of tons—"Even the most conservative estimates of resources on the seabed stagger the imagination."

The Oceans

Continued from page 21

and by the Commission to Study the Organization of Peace, the World Peace Through Law group, and the Center for the Study of Democratic Institutions in Santa Barbara at the other. Neither of these opposing views, whether favoring unilateral action by the U.S. or advocating extensive internationalization of the seabed, is entirely practicable.

The oil industry advises a clubby agreement among the major maritime powers extending their jurisdiction by their own actions to the limits of their technological capacity for exploitation at least to that point where the continental slope meets the abyssal ocean floor. Such a claim would encompass most of the known wealth and would, they argue, neatly delimit the lines of jurisdiction and so insure maximum stability. What might happen in the event of the emergence of a powerful nonmember of the club is not clear, but history provides some clues. In advocating such an approach, the National Petroleum Council piously noted that it "is in the best interest of the United States whether or not it is in the best interests of the American oil and gas industries." So pleased is the industry with this act of statesmanship that the publisher of the *Oil Daily* felt impelled to comment editorially that "we rather doubt there is a record of a more high-minded, patriotic, and statesman-like position involving comparable interests in the whole range of the industrial economy."

Those proposals that advocate in-

ternational administration of the resources of the sea, or of the profits from their exploitation, also suffer from practical defects, however useful their purpose may appear in theory. Only a few nations, most particularly the U.S., possess both the technology and the financial capability to proceed with the exploitation of the oceans. The financial risks and investments are enormous, and it is unlikely—and unreasonable—to expect that they would be assumed for altruistic purposes. It is clearly essential that any exploiting company be assured of security of tenure and the right to profits.

Adequate protection of economic incentive and investment security is not, however, irreconcilable with the thought that these resources should also provide some revenues for the common benefit of mankind. Ambassador Arvid Pardo of Malta once estimated that at the present rate of development, annual revenues could reach \$6-billion by 1975, if a regime such as he proposed were established by 1970. His figures assume that the fees paid would be the equivalent of those now paid to national governments for offshore drilling leases, and that they would cover all exploitation beyond the relatively narrow confines of a 200-meter depth or a lateral distance from the shore of twelve miles. Such a sweeping concept of internationalization is not likely to prove acceptable, but his estimate paints a tantalizing picture of the measure of funds that could be generated by licensing fees even on a much more limited scale.

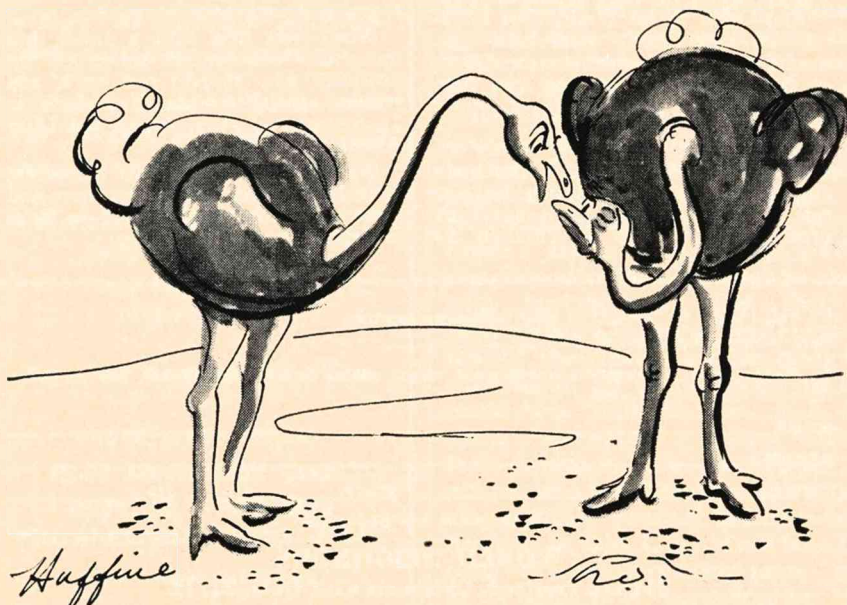
Another practical defect in some of the proposals for international admin-

istration of the ocean beds, and one even closer to the bedrock of practicality in the present political climate of the world, is that it is simply not realistic to expect any great power to surrender to an international body control of a resource in which its national security interests are so substantially involved unless those interests are fully recognized and protected. Any international regime must be responsive to the realities of power or be doomed to failure.

Despite substantial and specific differences, most advocates of some international regime share a common purpose: to avoid an underseas land grab; to forestall a new nuclear arms race; to control marine pollution and, by extension, other actions that might upset the ecology of the oceans; and to insure some equitable distribution of the wealth for the common benefit of mankind. The same philosophy was stated earlier by President Johnson when he said, "Under no circumstances, we believe, must we ever allow the prospects of a rich harvest in mineral wealth to create a new form of colonial competition among the maritime nations. We must be careful to avoid a race to grab and to hold the lands under the high seas. We must ensure that the deep seas and the ocean bottoms are, and remain, the legacy of all human beings."

As a result of the initiative of Malta, the United Nations created a temporary, and now permanent, forty-two nation subcommittee of the General Assembly to deal with the seabed. Meetings of the subcommittee and its working groups have focused attention on the need to know more about our marine environment; gradually there has been a distillation of basic principles that seem essential to the orderly evolution of a body of law, however minimal. But it is evident that the sea that divides has yet to unite mankind, to paraphrase Longfellow. Except for occasional propaganda forays among the developing nations, the Soviet Union has taken the view that the least done, the better. Some Latin American states have made claims of jurisdiction extending out 200 miles on the seabed as they have also claimed a 200-mile territorial sea in the water above. Other small coastal nations, once in favor of internationalization, are now hoping to get richer quicker by leasing drilling rights off their coasts.

Technology, however, does not await the resolution of political differences, and we are fast approaching a point where the pace of exploitation may govern, rather than be governed by, sound political judgments. If there are, as seems likely, fewer risks in supporting at least a minimal international



"Well, stupid, close your eyes when you stick your head in the sand."

regime than in a wide-open scramble for control of the seas, it is necessary that we soon agree on some basic principles to serve as guidelines until a treaty can be negotiated.

First among these principles, and one that is embodied in the treaty I have proposed, is the recognition that the seas shall remain the heritage of mankind, open to all nations for peaceful purposes, and not subject to national appropriation by any.

To resolve the boundary problem, the treaty would set the limits of national jurisdiction at a depth of 550 meters or a lateral distance from the shoreline of fifty miles, whichever is greater. The depth measure encompasses most of the geographic shelf. The lateral measure assures those nations with little or no shelf, the security of determining what goes on in the ocean depths within that distance of their shores.

The treaty further proposes that exploitation of the seabeds beyond this limit be licensed by an independent international body to be established by the United Nations. Such a body would be constituted to reflect the realities of power and interest of the major nations. The World Bank is one example of an international body not directly under the aegis of the U.N. and in which both political power and technical expertise are adequately represented so decisions may be both informed

and enforceable in terms of practical support. Licenses would be granted for extensive periods to insure security of tenure; the fees paid for the licenses would be used for an agreed international purpose.

Provision is also made in this treaty for the settlement of disputes by a panel appointed by the International Court of Justice, and the treaty draft also envisions an international sea guard, the equivalent of our Coast Guard, to which nations might contribute or lend research and scientific vessels for exploration and to supervise the observance of established standards of safety and pollution controls. Finally, the treaty proposes international regulation of the disposal of atomic waste.

In sum, the treaty provides a sensible and practical means of regulating a resource that is no respecter of national boundaries any more than are the air waves; it ensures a limit on national territorial claims as we have already done in Antarctica; it limits the nature of activities in an area of common danger as we have done in outer space; and it should, someday, become as unremarkable as all the many international agreements that now govern air traffic, maritime lanes, radio frequencies, international mails, and all the incidents of everyday living now taken for granted.

Perhaps most important, it assures

incentive for development by technologically advanced nations, while making available a source of funds to benefit poor nations. If there is any single critical issue on this planet, it is not nuclear bombs or ABMs; it is the vastly greater explosive force of billions of men living ever closer to the edge of famine.

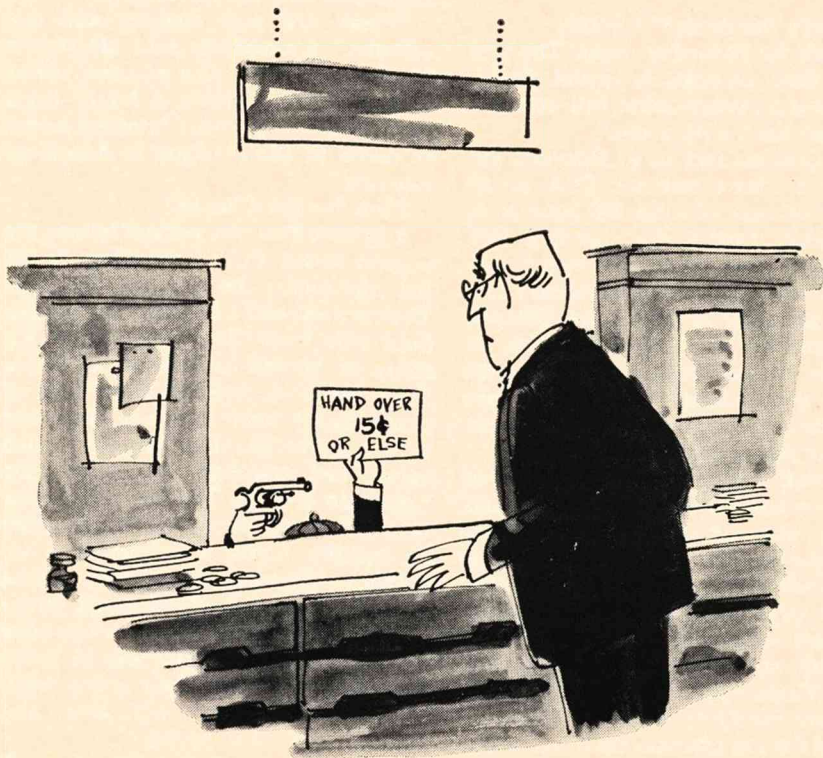
It is inconceivable that this last great resource of our planet should not ease the grip of poverty and hunger on much of the Earth. And how tragic it will be if a few centuries hence, these vast oceans that nourish life should become the instrument of our death, a not impossible end. Could those of our early settlers who first viewed the Great Lakes possibly imagine a day—a few short years in the sweep of history—when Lake Erie would become a lifeless testament to the unbridled depredations of men and machines? And, if they had foreseen such consequences, would they then have sought a rule of law to control the license of man? As we view the now abundant oceans around us, it is something to think about. The answers, one way or the other, may not be long in coming.

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C. Total paid circulation	572,414	598,189
D. Free distribution by mail, carrier or other means	22,076	22,554
E. Total distribution	594,490	620,743
F. Office use, left-over, unaccounted, spoiled after printing	42,115	39,901
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WILLIAM D. PATTERSON, Publisher



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