

unilateral actions of one or more states eventually accepted and followed by others. It was not until 1958 that the law of the sea was codified, and to some extent modified, by the then independent nations of the world in the four Geneva Conventions of that year.

This freedom of the seas served colonial powers well. It allowed their vessels to go where they pleased and generally to do what they pleased, except within the narrow territorial seas of other states; and even there they had the right of "innocent passage" for peaceful purposes, such as trade.

At the same time, however, while freedom of the high seas served the narrow interests of the major maritime powers of the day, it served wider international interests as well. It helped preserve peace and order at sea. It stimulated commerce. It opened the minds of men to intellectual horizons other than their own; and it established that we do indeed live in a small and interdependent world. Properly understood and applied, the freedom of the high seas represents one of the greatest achievements of international law and cooperation, and remains as important as ever today to the nations of the world.

In actual practice, however, freedom of the high seas too often has meant freedom for those states with the might to exercise it. Too often the narrow interests it served outweighed the wider ones. And above all, too often it has failed to take into sufficient account new needs and developments.

After Grotius

The author of the high seas doctrine, the Dutch jurist Grotius, wrote in 1609:

"Most things become exhausted with promiscuous use. This is not the case with the sea. It can be exhausted neither by fishing nor by navigation, that is to say, in the two ways in which it can be used."

Grotius was right, for his time. He isn't anymore.

During and even before the three decades since 1945, man has found other uses for

the sea besides fishing and ordinary navigation. Today we are:

- drilling the seabed for oil and gas;
- transporting huge quantities of oil and other noxious substances across the oceans in giant tankers or other ships;
- developing means of mining the abyssal seabed for minerals such as nickel, copper and cobalt;
- using the sea as a dumping ground for human and industrial wastes, nuclear wastes, and such noxious materials as nerve gas and mustard gas left over from war;
- exploring the ocean depths with complex scientific equipment, gaining knowledge that can be used for peaceful or military, or purely scientific or commercial purposes.

Even that traditional use of the sea, fishing, has been utterly transformed. Once a



HUGO GROTIVS.

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FROM THE COLLECTION OF MR. GERALD BODNER

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