

WHO OWNS THE OCEANS?

**The United Nations
and
the international
community
in search of
a new law
of the sea**

**by
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FOR centuries the oceans were regarded as "belonging to no one" (*res nullius*) and as subject to the principle of the freedom of the seas enunciated in 1609 by an exponent of international law, the celebrated Dutch jurist Hugo Grotius. The eventual result was that they were taken over, exploited and divided up by the then powerful maritime nations which set about building navies for the discovery and appropriation of "new worlds" and unknown seas.

With the passage of time, and primarily for reasons of defence,



national custom and practice found formal expression in the rule that a coastal state had sovereign rights up to a distance of three miles from its shores, the maximum range of a ball fired from a cannon of that period. Beyond that limit the principle of freedom of the seas applied.

More recently, the long-accepted idea that the seas are an inexhaustible source of living resources and a suitable receptacle for all the waste and rubbish dumped into them has been challenged. Some developing countries have taken unilateral action to extend their zones of sovereignty to the 200-mile limit so as to exploit and protect their own fishing stocks. Other, industrially developed, countries have extended their jurisdiction to the continental shelf in the hope of exploiting its mineral resources.

The United Nations organized two Conferences on the Law of the Sea—one in 1958 and the other in 1960—at which the main concern was to establish limits for the territorial sea and to lay down principles for the conservation of the seas and their biological resources, in addition to discussing more tra-

ditional problems relating to shipping and communications.

But the seas continued to be seen as a potential source of exploitable wealth, providing they are properly managed. Recent investigations of the sea-bed beyond the zones of national jurisdiction and at great depths have resulted in the discovery of mineral resources such as nodules of manganese and have led industrially developed countries to create new technologies for exploiting them.

It was with that specific prospect ahead that in 1967 Malta's representative at the United Nations General Assembly proposed that immediate steps be taken to regulate the use of sea-bed mineral resources and ensure that they were exploited for peaceful purposes and for the benefit of all mankind.

It was feared that with the aid of technological progress, the industrially developed nations, enjoying strategic superiority, would scramble for resources of this kind located beyond the limits of national jurisdiction and use them for their own exclusive benefit, and to the detriment of the developing countries. ▶