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Without the oceans that encircle the globe, life as we know it would be unthinkable. The sea is nearly as ancient as the earth itself, about four billion years old. The first, microscopic forms of life were born in the salty warmth of that primeval sea.

With every fish, amphibian and reptile, every warm-blooded bird and mammal, man shares these marine origins. The sea has formed us and shaped much of the land we inhabit. Sea, land and man are linked in bonds of interdependence. We even rely on the oceans for an important part of the oxygen we breathe, and for the stability of the climates that support our existence.

Man's history is equally dependent on the all-providing mother sea. Standing on its shores, primitive man must have looked out upon it with a mixture of awe, excitement and fear. But man conquered his fear of the sea. Out of necessity and sheer adventurousness he learned to harvest it for food, and to navigate its great reaches.

The ability to travel the oceans has had a profound influence on man's destiny. From the time of the Phoenicians and ancient Greeks, sailing has made possible the discovery of far-off lands, the forging of trading and cultural links between widely separated peoples, and, less happily, the creation of empires based on commercial domination or conquest.

Freedom of the High Seas

In fact it was the fierce competition among navies and commercial fleets that made necessary the first international law governing the seas. The maritime powers of the 16th and 17th centuries—Britain,

France, Spain, Portugal and Holland—battled with one another for domination of the sea lanes as they built their far-flung colonial empires, sometimes claiming sovereignty over wide expanses of water. A regime of law was needed to impose some order on their rival claims. And so in 1609, partly as a result of international debates among jurists, partly as a result of the then balance of forces, the doctrine of "the freedom of the high seas" emerged, to be accepted eventually as international practice. That practice, however, has never been quite universal or uniform.

Freedom of the high seas has meant that a nation could exercise sovereignty only over its internal waters and over a narrow belt of ocean around its shores known as the "territorial sea". The limit most generally adhered to for the breadth of the territorial sea was three miles, but from the beginning there were exceptions to this customary rule. Beyond that narrow belt were the high seas. There the freedom of the seas prevailed and the ships of the world could roam at will, subject only to the laws of their respective sovereigns. There fishing was free and open to all, and, in more modern times, all states could lay cables and pipelines and carry out scientific research without interference from others. Early on, however, freedom of the seas was limited to some extent by rules for the prevention of piracy and the suppression of the slave trade.

The two concepts of sovereignty over the territorial sea on the one hand and the freedom of the high seas on the other have remained fundamental to the international law of the sea until the present time. The legal regime based on them developed initially from state practice, that is, the