

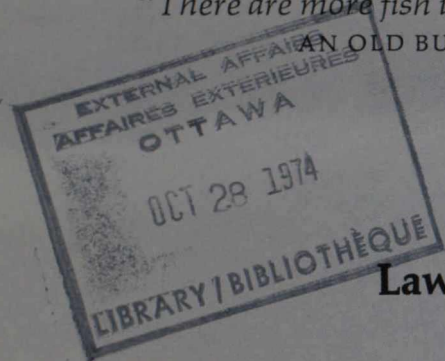
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Oct. 1974
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CANADA

TODAY / D'AUJOURD'HUI

"There are more fish in the sea than ever came out of it."

AN OLD BUT THREATENED ADAGE.



Law and the Sea

THE SEA is enormous. We all live on islands, surrounded by the sea. It is the source of all life — of the oxygen we breathe, the water we drink, the salt we eat. The first life forms were complex molecules of protoplasm, not quite plants, not quite animals, born in the sea. The blood in our veins is salty, and we are homesick the first time we hear the ocean's roar.

Most of the earth's wealth comes from the sea. Oil comes from the bodies of plants and animals buried under the fine-grained sediments of former seas; hundreds of millions of dollars of gold, tens of millions of dollars of silver are dissolved in every cubic mile of sea water, and the bottom of the sea is littered with nodules, the size of potatoes, of manganese, nickel, copper and cobalt.

The sea feeds half of mankind.

Canada is sea-conscious. It is washed by three oceans (one of which is frozen most of the time), the greatest fishing banks in the world are off its east coast, and there are submerged oil fields in adjacent waters. It is concerned that man has no common international law to regulate the use of the sea.

Until very recently it was assumed that the sea was inexhaustible and indestructible. Grotius, the Dutch Jurist, proclaiming the Freedom of the High Seas in 1609, wrote: "... most things become exhausted through 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 underestimated man's ingenuity. Now he drills in the sea for oil and gas, he sends out floating factories that reap fish the way a combine reaps a wheat field, and soon he will mine it for minerals. He has destroyed whole species of whales, has spilled oil over thousands of square miles and has dumped DDT and mercury into the oceans and threatened whole ecocycles.

Grotius held that no man, or nation, owned the high seas, that the seas beyond territorial limits were there for whoever had the technology to use them. For Grotius, a Dutchman, it was a natural point of view; it unconsciously favoured the maritime nations — sea-faring nations could catch fish and navigate to distant lands to trade.

Today it is clear that Grotius' simple rule needs drastic revision. This past summer the Third United Nations Conference on the Law of the Sea was held in Caracas, Venezuela, to try to agree on rules that would permit the people of the world to use the sea equitably without destroying it and themselves. In this issue, we report on these deliberations and on Canada's view of the sea.