

SWARAJYA

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SEARCH FOR A SEA LAW

SINCE THE DAWN of history, Man has waged wars to gain control over resources on and under the earth. With the advance in science and technology, Man is now in a position to exploit the vast wealth the dark unfathomed caves of ocean bear and is poised for a struggle to gain control over them. As 70% of the globe is covered by seas as against the 30% constituting the land surface, the ocean resources have been computed to last several thousands of years. Such attractive prizes cannot but whet the appetite of the strong and powerful nations to grab them under one pretext or other. If humanity should be saved from the bitter past experience of colonialism and war it is necessary that an orderly and equitable arrangement should be made for sharing the ocean wealth which belongs to humanity as a whole.

The world has been struggling to formulate a rational and acceptable law relating to the seas ever since 1958, when the first U.N. conference on the subject was held. The second conference met in 1960, the third in 1964 and the fourth conference is now in session in New York from the 2nd August of this year. Though a comprehensive treaty relating to the ocean has so far defied achievement,

agreement has already been reached on a few items raising hopes of more successful results at this session. The dangers flowing from failure to reach agreement should be apparent to every nation. So far, each country had exercised whatever control it could over the seas. The rich and powerful nations may be able to exploit resources under the sea and the seabed, depriving the other States of their legitimate share of wealth. Conflict of interest between bigger States *inter se* may trigger off confrontation, skirmishes and ultimately wars. It is, therefore, in the interest of international peace and of equitable distribution of sea wealth that an agreed treaty should be adopted at the present conference.

Let us first examine the areas of agreement already reached. In the past, territorial waters extended up to three miles from the coast of the littoral States. The maritime States like Britain, France and the Netherlands had insisted on this limit, as they wanted unrestricted right of passage for their vessels carrying lucrative trade with the colonies. Coastal batteries in those days could not fire cannon balls more than three miles and willy-nilly the coastal States had to accept the position. During the

early sessions of the conference, the coastal States insisted on a 12-mile territorial jurisdiction which was first resisted by the bigger States but later, conceded up to 6 miles. It is, therefore, a matter of gratification that an agreement has been reached extending the territorial sovereignty of States up to 12 miles from the coast. However, the allied problem still awaits solution. There are about a hundred narrow straits between six and 24 miles wide and the right of passage through these straits has caused considerable disagreement. While the maritime States insist on the right of free passage through such waters coastal States object to the passage of war ships and submarines through these straits as prejudicial to their safety. The conference is yet to resolve the difference.

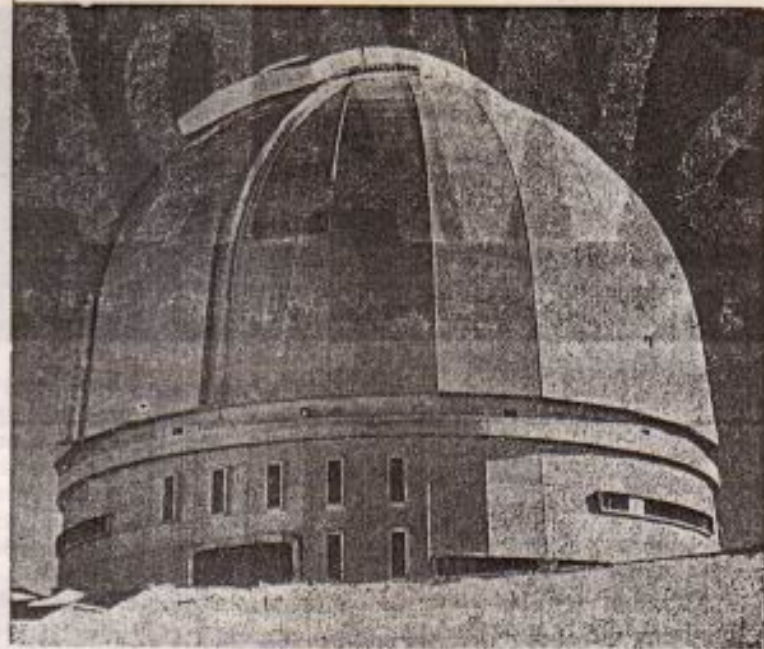
There is also general agreement with regard to the 200-mile economic zone over which the coastal States will have fishing, mining and other rights. They are entitled not only to exploit the economic zone but also to grant licences to others for such purposes. Here again, the question how these vast resources should be exploited has not been solved. While the developing countries are in favour of an International Sea-Bed Authority which would grant licences, control all rights to production and determine prices, etc., the United States is anxious to preserve, at least partially, the facility of mining to private companies which have invested heavily in off-shore mining and other equip-

nt. A compromise on this issue is vital for the success of the conference. Again, the claim by land-locked countries to share in the ocean wealth and to have a right of access to the sea is providing a hurdle. India, while recognising the claim of land-locked countries to share in the ocean wealth considers transit right as a matter for bilateral negotiations between the countries concerned.

India staked a claim that the territorial waters and economic zone should apply to the archipelago such as the Andaman islands. But the Big Powers have resisted the extension of the doctrine to islands like the Andamans which they describe as "mid-ocean archipelago". India has also supported the establishment of a Law of the Sea Tribunal to deal with commercial disputes concerning exploitation of sea-bed minerals without jurisdiction to review the decision of the International Sea-Bed Authority or to interfere in matters within the exclusive territorial waters or economic zone of the coastal States. The U.S., while supporting the proposal for a tribunal, however, felt that the tribunal should have jurisdiction over the economic zone as well. In fact, any treaty or law, without provision for an impartial tribunal to adjudicate on disputes and to give binding decisions will remain a dead letter.

Self-interest like adversity brings strange bed-fellows. The alignment in the 157 countries attending the conference on the law of the seas cuts across all known international groupings. The United States and the Soviet Union find themselves in happy company. The U.K., Norway, Greece and Japan have identical interests on many issues. The mineral producing States like Peru, Chile, Zambia and Zaira are naturally worried about the competition from off-shore mining. In such circumstances, a unanimous decision on many issues is well-nigh impossible. The conference, which is scheduled to go on till the 16th September, will have to strain every nerve to achieve the maximum consensus if it should save the world from chaos.

— R. Venkataraman
(14-8-76)



"Eye" LOOKING INTO THE UNIVERSE: A special astrophysical observatory of the USSR Academy of Sciences, having the world's biggest telescope, is situated in Northern Caucasus at an altitude of 2,100 metres. The tower of the observatory has a revolving 1,000-ton dome and a 36-ton visor. Housed in the tower are also many technical services and a unique vacuum installation for periodical polishing the mirror with aluminium.—(USSR Consulate, Madras)



This new British constant potential X-ray therapy unit, the "Therapax 150", has been developed for the treatment of superficial skin diseases. It is seen here undergoing clinical trials in a London hospital and a number of orders for the equipment have already been placed by Britain's Department of Health and Social Security. The "Therapax 150" is intended for use in superficial and medium voltage therapy. The tube shield, which is freely movable in all directions can be clamped in the selected position.—(BIS)