

Law of the Sea Meeting: A Wet Blanket for Ocean Research

The final preparatory session for next year's 130-odd-nation Law of the Sea Conference ended quietly on 24 August in Geneva, but its deliberations regarding ocean research have stirred up a fuss among those concerned with the meeting's scientific aspects. At issue is whether the United States will succeed in getting some current restraints on ocean research removed, and whether the U.S. position favoring maximum freedom of research really goes far enough. On both counts, some oceanographers here are unhappy.

At the meeting, which was the last of its kind before all nations gather in Santiago, Chile, next year to draw up a new international code for the oceans, the United States and the Soviet Union were virtually alone in advocating freedom for scientific research. Less developed countries, and even some advanced nations such as Australia and Canada, want states that border on the oceans to have the power to prevent foreign research vessels from plying their waters out to 200 miles. While it is conceivable that a policy maximizing freedom of research might be adopted at the conference next year, at the moment this looks very unlikely. If, as seems very possible, the coastal state control position is adopted, "It would cause great hardship and slow down the progress of science and make it much more difficult to do research in these fields," says John Knauss, Provost for Marine Affairs of the University of Rhode Island and a scientific adviser to the U.S. delegation.

Attempting to understand the diplomatic jargon of proposed articles for a future Law of the Sea treaty is like scrutinizing tea leaves; but, the research issue, although complex, is understandable. Three major controversies have arisen, according to Knauss, other scientists, and State Department spokesmen who were there.

► The first has to do with the increasing likelihood that some sort of international governing body will be established to regulate exploitation of the seabeds of the deep ocean, which are believed to contain vast mineral wealth. Knauss says that it was "suggested" during the seabeds meetings that this body have a role in ocean scientific research beyond any limits of national jurisdiction. But he added that he was "not worried" that if the organization had such a role, it would be at all powerful.

► Second is the issue of who should control scientific research in the so-called "economic zones" of the oceans, which would extend outward from the coast for 200 miles and which are likely to become recognized as a new type of national jurisdiction. The U.S. position, attempting to maximize the researchers' freedoms, places the responsibility for certifying that a vessel is doing only open research—and not military intelligence, or proprietary industrial work—on the country under whose flag she sails. Under the U.S. proposal, that nation would notify the coastal state of all plans and give it plenty of time to have its own scientists on board the research vessel, examining data, and learning the implications of any offshore discoveries for the coastal nation. Although fine for scientists, this proposal apparently made little headway at Geneva this summer. Instead, less developed countries preferred proposals which stated the opposite:

that the coastal state shall have control over who is permitted to do scientific research off its shores in the 200-mile economic zone. One State Department spokesman newly returned from Geneva explained the differences between the two positions: "If we were to write to Chile announcing our intent to do research within 200 miles of her shores they might never answer, and we would not be able to proceed. Under our proposal, they don't have to answer." He added that under the less developed nations' proposal, a country could turn down U.S. requests to do research offshore for no reason whatever, "just arbitrarily."

Knauss stated that the controversy is a serious threat to oceanography because the 200-mile limit which the diplomats are discussing encompasses most of the continental shelves and 37 percent of the world's ocean area. Moreover, the continental shelves are pretty pieces of real estate as far as science goes: researchers in physical and biological oceanography, geology, and plate tectonics all vitally need data from these regions. "There's more science per square acre there than anywhere else in the oceans," Knauss said. The United States has apparently not won converts to its pro-research position.

► A third controversy that arose in Geneva concerns the fate of drilling the deep sea floor. Under existing international law, the coastal state must give its consent for any scientific drilling into the ocean floor on the continental shelf, and the U.S. position is that this should continue. Deep-sea drilling is thus the one exception to the U.S. philosophy of maximum freedom for scientific research. Some scientists have suggested that the reason for this is that the Department of the Interior wants to keep all sea floor drilling—which would include drilling for oil and natural gas reserves—as regulated as possible. Another explanation is that the Department of Defense wants the power to prohibit foreigners from drilling in the sea floors off U.S. coasts.

Whatever the reason, the scientists don't like it. Knauss says, "My preference would have been that one could put the obligation on the part of the nation sponsoring the drilling." William Nierenberg, Director of Scripps Institution of Oceanography, was more outspoken. In the last weeks of the conference, Nierenberg urgently cabled John Stevenson, the head of the U.S. delegation in Geneva, urging him to rewrite the scientific drilling proposals so they would resemble the other, maximum freedom of research provisions in the U.S. position. And, in an apparent reference to not only the drilling controversy, but the likelihood of some international governance of high seas research and research in the 200-mile economic zone, he added: "We see uncertainties and draft positions that would make oceanic scientific research an impassible administrative swamp if approved and implemented."

Obviously, not until the delegates meet in Santiago next year for the formal conference will the issue of immersing ocean science in "an impassible administrative swamp" be resolved. But at the end of the summer session, anyway, the future prospects for maximum freedom of oceanic research look grim.—DEBORAH SHAPLEY