

Law of the Sea: The Emerging Regime of the Oceans

PROCEEDINGS

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Edited by John King Gamble, Jr.
and Giulio Pontecorvo

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Foreword

Giulio Pontecorvo

We are accustomed to saying that the Law of the Sea Institute is a cottage industry that over the years has outgrown the cottage—but we do not aspire to become a factory. Our aim is to focus on the crucial ocean policy issues and then to maximize the interchange between the speakers and the other participants. It is for this reason that last year we introduced small discussion groups. This experiment enjoyed a favorable response and we will continue it.

In our programs we have tried to anticipate issues as they emerge from the realm of purely academic discussions to the realm of policy issues requiring decision making by nations. Several such items are identified in this book; let me note just two of them. One is the question of mutual assistance in ocean affairs; the second is represented in the person of Senator Edmund Muskie, whose thoughts appear as Chapter 18 of this book.

Historically there has been a strong tendency to conceptualize assistance programs in a simple framework. Two illustrations of this predisposition are the idea held by many in the developed states that assistance programs may be regarded as a market price, a price that has to be paid for a right or privilege that can be supplied by the developing country. Similarly, many in developing states have looked to education and training programs that will provide people with skills as a sufficient condition for economic development.

In this book we will open up these simple conceptualizations to include both ideological and technical considerations, and these will be considered in a case study of how assistance programs are actually working in the Indian Ocean.

The second issue I would call your attention to grows out of the structure of the American political system. Our diplomats representing the executive branch carry on the processes of daily contact and negotiations between nations. But in any significant development, such as a general revision of the law of the sea, the residual power to accept or reject agreements lies in the United States Senate. Senator Edmund Muskie, one of the most powerful voices in the Senate, gives us a clear view of the concerns of the Senate and the criteria by which that body will evaluate the handiwork of our diplomats.

Finally, let me remain in character and conclude by noting one purely academic distinction that may be useful in clarifying issues. Most analyses in the social sciences utilize static models. These models lead men to an understanding of a given system, and once a hard-won understanding is achieved, it is, as Keynes described so well, hard to displace in people's thinking. But the crucial element that must be considered in establishing a stable regime for the oceans is that the system is dynamic. The next decade will see major technological changes in how the oceans may be used and also in the value of ocean space. Accommodation to both these dynamic forces—technological and economic—must be an integral part of the diplomatic process.

Giulio Pontecorvo
Columbia University