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CLASSICAL WRITERS OF INTERNATIONAL LAW AND THE ENVIRONMENT

By Forest L. Grieves*

I.

Mindful of Hegel's observation in his PHILOSOPHY OF HISTORY that man has never learned from history nor acted on principles deduced from it, the writer of this article is not so sanguine as to expect that solutions to twentieth century environmental difficulties will necessarily be found in medieval legal norms.¹ Nevertheless, many of the international legal difficulties encountered today stem from legal principles we inherited from the classical period of international law—principles that were developed to meet then current problems. Consequently, a look at the past can illuminate the background of the principles we are trying to apply in modern international efforts to control the environment. This is especially true in the areas of pollution, conservation, and jurisdiction which attracted the attention of earlier writers. Further, the perspective offered by an occasional encounter with history is of value in itself.

The United Nations, in its continuing efforts to evolve international environmental law for such areas as outer space and the earth's oceans, repeatedly faces the same kinds of legal dilemmas that concerned earlier legal scholars. At the recent Third United Nations Conference on the Law of the Sea, for example, opposing views on the basic issue of national versus international claims to jurisdiction over the seas were cast very much along lines developed by Roman jurists, as modified by the classical writers of international law. Modern nation-states are merely continuing that modifying and up-dating process as they grope for legal means of environmental control in the face of growing world-wide concern over limited resources and the apparent inability to control their exploitation. The search for a legal regime to regulate the international environment becomes more intelligible when viewed in historical context.
II.

Speaking at the Thirty-Third Annual Meeting of the American Society of International Law, Dean Pound noted: "We await a jurist with the mastery of the legal materials, the philosophical vision, and the juristic faith which enabled Grotius to set up a law of nations almost at one stroke." However, Hugo Grotius himself, often called the Father of International Law, relied very heavily on historical guidance.¹

In preparing to treat the issues of war and peace, Grotius wrote in the Prolegomena to his De Jure Belli ac Pacis:

History in relation to our subject is useful in two ways: it supplies both illustrations and judgements. (sic) The illustrations have greater weight in proportion as they are taken from better times and better peoples; thus we have preferred ancient examples, Greek and Roman, to the rest. And judgements (sic) are not to be slighted, especially when they are in agreement with one another; for by such statements the existence of the law of nature, as we have said, is in a measure proved, and by no other means, in fact, is it possible to establish the law of nations.²

Even a cursory survey of such other classical writers as Suarez, Vattel, Wolff, Gentili, Bynkershoek, Zouche, Pufendorf and Textor (the writers primarily under consideration in this study) reveals a bewildering hodgepodge of "authorities". An observation made about De Jure Belli ac Pacis is largely valid for the other authors just cited: "Here are jurists and comic poets, theologians and masters of strategy, saints and politicians, geographers and Greek gods, historians and tragedians all marching side by side, and all furnishing grist for Grotius' legal mill."³ Among all the authorities cited, however, Grotius relied surprisingly little on the more positive sources of law such as treaties, court decisions, foreign office correspondence and other official documentary records.

Whatever the source of the "illustrations and judgements," international legal norms were evolving and crystalizing during Grotius' time. Perhaps then we can find material of relevance to modern problems by examining the developing classical international law.

Classical writers probed all the then perceived causes of social conflict. Of particular interest to this study is the treatment of issues relevant to the environment. There are minor references to water pollution, somewhat more concern for conservation—especially relating to fisheries, and much interest in jurisdiction and to all the forms in which it appears, such as ownership, dominion, control, assertions of title, and claims to exclusive use. Questions of jurisdiction might not appear to be of immediate importance to
environmental problems, but in fact jurisdictional questions are the most basic of all, cutting across all other issues. If a clear lesson has emerged from modern attempts to control international environmental abuse, it is that, even if we can achieve scientific/technical agreement on the nature of a problem, we are still a long way from managing it until we can resolve the jurisdictional issues relating to who should control and be responsible for the international environment.

III.

The classical references to pollution are few, and even then in a context which makes them appear to be little more than footnotes to rules of warfare. Grotius writes in Book III of his De Jure Belli ac Pacis a chapter entitled "On the Right of Killing Enemies." In that chapter he cautions:

The poisoning of springs also, though the act either is not secret or does not long remain so, is said by Florus to be not only contrary to ancestral custom but also contrary to the law of the gods; just as we have pointed out elsewhere, writers frequently ascribe the laws of nations to the gods. It should not indeed seem remarkable if there exist some such tacit agreements among belligerents to lessen the risks of war . . . .

He goes on to qualify his guideline by noting, in a section entitled "It is not forbidden by the law of nations to pollute waters in another way," that "The rule just stated has not been established in regard to the pollution of waters without the use of poison [he refers in a note to the use of corpses, asbestos, and lime] in such a way that one cannot drink from them." He cites evidence of the past customary use of such pollution, particularly against barbarians.

Neither Grotius nor any of the other classical writers discussed here appeared to express any concern for the non-intentional pollution of the environment. Their frame of reference was purposeful pollution as a possible tactic of warfare, not pollution as the by-product of an industrial world. The shift from sullying the environment to exploitation of its resources is minor, but it was most important to pre-technological societies with their limited ability to extract resources from nature. In terms of the international environment, classical writers focused their attention on the use and conservation of the resources of the sea—primarily fishing.

IV.

The classical writers viewed fish, fowl and wild animals as res nullius, a concept taken from old Roman law. The Romans had an
elaborate legal classification scheme for every "thing" (res). The philosophy of the law was based on the proposition that all things initially belonged to no one (res nullius); but as man came to terms with his environment, varying concepts of property developed. Fish, fowl and wild animals were things resistant to ownership, but could be claimed by a person if he could capture them. The meaning of the res nullius concept is that no one owns the thing in its wild state; it is simply there, free for the taking.9

In the case of fish, an important food resource, a large fishery industry appeared in the Mediterranean. Since the resource was resistant to private ownership and apparently plentiful, the developing Roman law reflected an "international" perspective and a sense of community spirit rather than a selfish nationalist orientation. The Romans supported principles such as freedom of the seas and freedom to exploit the sea's resources by all nations even after Rome became powerful enough to assert effectively a contrary position.10

As years passed, legal writers were still asserting these principles, but were discussing them in terms of God's will, a universal sense of fairness, and a rejection of human greed. The fruits of the seas were still regarded as being plentiful, but there was a growing realization that such resources were not inexhaustible—at least in certain places and times. Nations began to get caught up in the familiar international minuet of competing claims as developing navies, geographical discoveries, increased commercial relations, and growing populations focused attention on the sea.

During the seventeenth century Pufendorf addressed this growing problem of increased national interest in "international" resources. He wrote:

Such was the generosity of God towards men that He supplied them abundantly with what serves their needs. But reason prescribed to men such bounds of possession, as would leave them content upon acquiring what would be likely to meet the needs of themselves and of their dependents. Nor yet does it want them to take no thought for the future, provided their envy and craving for more then they need do not prevent others from providing for their own necessities. If any person ranges too far afield and heaps up superfluous wealth by the oppression of others, the rest will not be blamed if, when opportunity affords, they undertake promptly to bring him into line.11

Pufendorf then reiterated the common arguments for freedom of the sea. "The moral reason why ownership is not suitable to the sea," he concluded, "is drawn from the consideration that its use is
inexhaustible and therefore sufficient for the general service of all, so that it is idle to wish to assign parts of it to individuals.”\textsuperscript{12} The free use of the sea was not without qualification, however, as Pufendorf allowed: “We would certainly consider this the final argument if it were established that the sea in all its use is sufficient for all men in every part; for the purpose of introducing the right of property over things is to preserve peace in human society.”\textsuperscript{13}

So, while a free and open ocean makes sense in principle, Pufendorf is forced to admit that in the interest of both conservation and social harmony, property claims to parts of the sea and its resources also make sense. He notes that the sea is not prejudiced by use for navigation or bathing,

but there are other uses as well of the sea besides these, some of which are not entirely inexhaustible, while others are capable of giving occasion of loss to a people lying on it [\textit{e.g.}, avenues of attack or defense considerations], so that for such a reason it is not true that all parts of the sea are open to the promiscuous use of every man. Into the former class fall fishing and the collection of things that grow in the sea. Now although fishing usually yields much more in the sea than in rivers and lakes, yet it is clear that fishing can be partially exhausted and become less profitable to maritime peoples, if any and every nation should want to fish along some particular shores; especially since it often happens that fish or things of value, such as pearls, coral, and amber, are found in only one part and that not very extensive, in the sea. In such cases nothing prevents the people dwelling along that shore or neighboring sea from being able to lay a stronger claim to its felicity than those who dwell at a distance, nor can the rest of mankind rightfully hate or envy them for this . . . .\textsuperscript{14}

We can only speculate about the extent to which men like Pufendorf foresaw the future. While international legal writers of the seventeenth century may have wondered at the increasing numbers of whaling fleets setting out from western European ports, there is no expression of particular concern in their writings. We find only uneasy concern, as in the passage cited above, for the ordered development and use of the seas. We find hints, but never bold assertions by the classical writers, that the future might overwhelm them. Could a Pufendorf have anticipated mighty whaling fleets, aided by helicopters, sonar, harpoons with explosive heads, and modern factory ships that can process a giant whale carcass in half an hour, ranging to the farthest corners of the globe, driving some species of whales to the brink of extinction?\textsuperscript{15} Could a Pufendorf have forseen the modern fleets of trawlers, using the latest fruits of man’s electronic genius and intimate scientific knowledge of ocean life-cycles,
in the relentless pursuit of varied species of fish and other ocean dwellers?

Whether or not scientific progress was anticipated, the international legal dilemmas were already becoming clear. Pufendorf's observations noted above were representative of the attempt to integrate theoretically international resources and national interest. Assertions of national interest have a tendency to be resolved in favor of the nation with the most battalions and the classical writers of international law were not unaware of this. Although each often wrote as unabashed spokesman for his own nation's interest, all were nevertheless concerned with the maintenance of some semblance of international order. This meant that they all had to face at some point the fact, later articulated by Harold Lasswell, that politics is "who gets what, when and how."

In the international context, the Lasswellian view of politics suggests that, regardless of general principles of international conduct to the contrary, nations will attempt to exert influence over the use and distribution of resources which they consider necessary to their individual well being. Roman and Greek legal scholars had to face the issues of property and jurisdiction internally; the classical writers of international law had to face them in an international context. Indeed, much of man's encounter with the international environment, as with the domestic environment, has raised questions of: Who owns what? Who controls what? Who gets the use of what?

V.

As developing international relations and the concomitant difficulties of increased contact raised cries for social order, some authority had to be found to meet the new conditions. European international legal scholars relied heavily on principles derived from Roman law, much of which was concerned with property relationships. The genesis of Roman property concepts is not entirely clear, but the predominant view was that man's history revolved around the progressive assertion of ownership claims to the world in which man found himself. *Res nullius* areas became subjected to property claims to the extent that discovery, occupation and contemporary technology permitted. For those areas not apparently susceptible to occupation, the Roman jurists devised the concept of *res communis*, or community property, open to use by all. In this category were air, running water, the sea, and the shores of the sea.

Jurisdictional positions concerning running water and seashores have largely been worked out. Air and outer space are of relatively
modern concern. Most of our history has revolved around the sea, and the principles evolved with respect to its use will be of no small relevance to air space and outer space.

Emmerich de Vattel, like the other writers of the period, attempted to explain and clarify the status of the sea. Like the others, he faced the conceptual difficulty of international common property versus national interest. The following passage illustrates the clash between ideas of free access to and use of the sea and the disruptive impact of inevitable national claims:

The high seas are not of such a nature as to admit of actual occupation, since no one can so take possession of them as to prevent others from using them. But a Nation powerful at sea might forbid others to fish in it or navigate it by declaring that it has appropriated the ownership of it and will destroy vessels which undertake to navigate it without permission. Let us see if it would have a right to do so.

It is clear that the use of the high seas for purposes of navigation and fishing is innocent in character and inexhaustible; that is to say, one who sails the high seas or who fishes therein injures no one, and the sea in both these respects can satisfy the needs of all men. Now, nature does not give men the right to appropriate things the use of which is innocent and the supply inexhaustible and sufficient for all; for since each one can obtain from the sea, as common property, what will satisfy his wants, the attempt to make oneself sole master of it and to exclude others would be depriving them unreasonably of the blessings of nature. As the earth, in its uncultivated state, did not furnish the human race, when it had multiplied greatly, with all necessary and useful products, it was found convenient to introduce the right of ownership, so that each one might apply himself with greater success to cultivate the share which fell to his lot, and to increase by his industry the various necessities of life. That is why the natural law approves of the rights of private ownership, which put an end to the common property of primitive times.20

Vattel goes on to explain that the high seas cannot be claimed as property, that they must remain free and open for common use because of their vastness and inexhaustible nature. Any attempt to assert a claim Vattel regarded as very serious, and noted: “Since, then, the right of navigating and fishing on the high seas is common to all men, the Nation which undertakes to exclude another from that advantage does it an injury and gives just cause for war; for nature authorizes a Nation to repel an attack; that is, to resist with force any attempt to deprive it of its rights.”21

He does acknowledge, as did Pufendorf, Grotius and others, that the special conservation status of certain exhaustible resources
fish, shells, pearls and amber, for example) might allow for national claims. "A Nation may appropriate such things," he wrote, "as would be hurtful or dangerous to it if open to free and common use; and this is . . . why the Powers extend their sovereignty over the seas along their coasts, as far as they can protect their rights."22 He saw no problem with the high seas, however, as that area was vast enough for everyone.23

Whether or not we accept Vattel's premises concerning natural law and property rights, his stand was typical of what other writers were saying;24 and the thrust of his arguments made sense in the context of contemporary international politics. Nations had been maneuvering against one another in asserting claims to the use and control of the seas, the most ambitious being Spanish and Portuguese pretentions to dividing up the world's oceans in the 15th and 16th centuries. In fact, the young lawyer Hugo Grotius first attracted attention by writing a legal opinion supporting the Dutch East India Company in the battle with the Portuguese over the right to trade with the Indies in the 17th century.25

While these writers were attempting to establish some sense of international legal order for the sea by treating it as a common resource, they were simultaneously undercutting that concept by acknowledging the right of littoral states to make claims to the borders of the sea. This conflict could perhaps be papered over for the time being, but the inexorable advance of history would see nations developing increased technical capabilities for using the sea and its resources. As means and opportunity to exploit the sea expanded, so did nations' interest in asserting claims over it.

VI.

The classical writers could be relatively smug in their view of the high seas as res communis because no country had either the means or the national need to claim the oceans. In fact, the writers attempted to demonstrate the physical impossibility of claiming chunks of water, examining such issues as geometric subdivision in reference to the stars, the problem of effective occupation, and the maintenance of impossibly large fleets—all by way of arguing that such claims would serve no purpose anyway. Of the two uses of the seas conceivable to them, navigation and fishing, the former was a non-prejudicial use and the latter depended upon a resource that moved freely through the oceans and hence could not be contained by man's jurisdictional claims. Finally, they mocked the absurd claims that various nations had made to parts of the oceans.28
The narrowness of the legal doctrine articulated by these writers is explained, naturally enough, by the limited use to which the seas had been put over the centuries. A modern study of sea law suggests that "perhaps the first innovation in ocean use to raise serious questions about rights of access was...the exploration and exploitation of the continental shelf."27 This innovation spurred and was spurred by interest in military uses and the scientific search for protein foods and for minerals. In more recent years attention has focused as well on the issues of pollution and conservation. The resolution of all these issues hinges ultimately on the nature of the regime that can be established for international areas such as the seas and the air. United Nations efforts to bring order to outer space and to the seas, as indicated below, bring to light some of the problems in creating such a regime.

The original property divisions, in which earlier writers saw man participating, stopped when all of the earth's surface susceptible to occupation had been divided. Modern man has the capability to go further. To preclude an "Oklahoma land-grab" mentality from taking over as nations race to beat others to new claims, some clear international legal guidelines are needed to control the potential for serious conflict. Without waiting for a latter-day Grotius, we can try to make the legal heritage of the classical writers relevant to the present and the future. We need not become entangled in old notions of natural law or rationales for the genesis of property claims; the basic issue in modern times is who will have authority over, who will have control of, international areas.28

The old legal notions of res communis and res nullius offer a framework within which the international environment can be regulated. For obvious political reasons, nations in the past have tried to support both concepts. Support of the res communis position was easy when nations had neither capability to nor interest in occupying the seas. Nations could insure their rights of free access to the seas by insisting that they be treated as a common resource. Simultaneously, a strong element of res nullius runs through the thinking about international areas like the seas. Philip Jessup argued some years ago that there was little practical difference between the two concepts because "under either theory it remains generally true that the sea is free to all..."28 That view was perhaps true before the technology of the twentieth century increased nations' ability to expand into and even under the oceans. While much of that ability still exists mainly on paper, international law must be ready to help avoid the inevitable conflicts if possible, or at least resolve them after they arise.
The *res nullius* concept implies susceptibility to occupation or ownership. It has been the rationale for claiming a license to exploit living resources of the sea and for expanding national control over the seas. The cavalier attitudes of some states toward their "right" to take as many animals from the sea as they can get, the unilaterally-declared "conservation zones" many miles out into the sea, and the hungry national maneuvering vis-à-vis the continental shelf and deep sea beds show that international attitudes on the *res communis/res nullius* status to international areas have not been solidified. Modern sea law rests in part on both of these concepts—*res nullius* serving as a basis for such claims as those to territorial waters and the continental shelf while *res communis* continues to militate against appropriation of the high seas.

The *res nullius* concept suggests obvious consequences—the weaker, less developed nations will lose out in any future "grab" for the oceans, and the powerful, technologically advanced nations may end up fighting. The *res communis* concept, on the other hand, posits that international areas are incapable of exclusive appropriation by any state, and that exploitation of such areas must fall under some kind of international authorization. The difficulty with the community concept is that community ventures all too often yield to dominant national interests, as much of the history of the United Nations and other multinational organizations reveals.30

Nations have become increasingly urgent in advocating the *res communis* status for international areas.31 The *Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies*, which went into force in October, 1967, is one example.32 The *res communis* concept clearly underlies the following articles:

Article 1. The exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind.

Outer space, including the moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies.

There shall be freedom of scientific investigation in outer space, including the moon and other celestial bodies, and States shall facilitate and encourage international co-operation in such investigation.

Article 2. Outer space, including the moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.
Critics might suggest that the res communis attitude is a cloistered virtue at this point, because access to the heavens is as limited now as it was for the high seas when the classical writers were trying to clarify the status of the oceans. The real test will come when some nation discovers vast oil fields on the moon and invents a supertanker for use in space. Rather than predict gloom for the future, however, it makes sense to examine current efforts of states to adopt a legal regime that will guide them into the future with a minimum of international conflict. An example of these efforts was the preparation for the Third U.N. Conference on the Law of the Seas in Caracas, Venezuela, where major attention focused on the sea bed. There seems to be strong interest in extending the res communis idea to the sea bed. The General Assembly Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, Beyond the Limits of National Jurisdictions, declared:

1. The sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as the area), as well as the resources of the area, are the common heritage of mankind.
2. The area shall not be subject to appropriation by any means by States or persons, natural and juridical, and no State shall claim or exercise sovereignty or sovereign rights over any part thereof.33

While the Caracas session of the U.N. Conference on the Law of the Sea did not produce agreement on substantive issues, the session nevertheless represented an effort to confront sea law problems. The idea of res communis, the "common heritage of mankind," can assist in modern attempts to solve the international problem of maintaining global order. Until the "property" status of the oceans is clarified and accepted by all, there will be continuous potential for international instability. We cannot deal coherently with pollution and conservation while the taking from and dumping into the "no man's land" of the oceans are "free" and uncontrolled. The res communis concept gives us a vehicle for stabilizing and guiding the use of international areas, because it militates against the unilateral and often uncontrolled exploitation of "international" resources extracted from and under the seas.

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**FOOTNOTES**

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However, if our ecological predicament is as desperate as some scientists claim, perhaps even historical musings are worth a try! Contemporary efforts by scholars, national governments and agencies, and international organizations to meet the environmental challenge are not lacking. See, e.g., F. Grieves, *International Law, Organization and the Environment: A Bibliography and Research Guide*, 1974 (University of Arizona, Institute of Government Research).


Sandifer, *Rereading Grotius in the Year 1940*, 34 *American J. of International Law* 459 (1940). A critic of the Grotian penchant for history comments: "Reluctance to break with the past explains not only the terminology but also the lack of clarity, the prolixity and irrelevance of the De Jure, its tendency to pile up quotations from past authorities for every statement, even if it also helped to obtain for the book a greater influence . . . ." See F.H. Hinsley, *Sovereignty* 187 (1966).


3 Sadifer, *supra* n. 3, at 460.

4 2 H. Grotius, *supra* n. 4, at 653.

5 *Id.*

6 *Id.*

A good discussion of the Roman views on property appears in P. Fenn, *Justinian and the Freedom of the Sea*, 19 *Am. J. of International Law* 716 (1925). The ancient Greeks did not have the same classification of *res* as the Romans, but apparently viewed fish and wild animals in much the same way. *Id.* at 719 note.

10 *Id.* at 716-17. These principles were supported by such men as Polybius, Cicero, Seneca, Plautus and Ovid.


12 *Id.* at 561.

13 *Id.* at 561-62.

14 *Id.* at 562. He cites Vergil here: "Not every land bears everything; India sends us her ivory, the soft Sabaeans their frankincense."

15 For an international legal discussion of the fate of the whales, see Grieves, *Leviathan, the International Whaling Commission and Conservation as Environmental Aspects of International Law*, 25 *Western Political Quarterly* 711 (1972).

17 For a discussion of this point see Crichton, Grotius on the Freedom of the Seas, 53 Juridical Rev. 226 (1941). At 226 he cites John Westlake to the effect that “a door was opened for the introduction into international law under the name of the law of nature of no small part of the private law of Rome on obligation as well as property.” See Collected Papers of John Westlake on Public International Law 10, 134 (1914).

18 See Ruddy, Res Nullius and Occupation in Roman and International Law, 36 U. Mo. at Kansas C.L. Rev. 274 (1968).

19 See Wiel, Natural Communism: Air, Water, Oil, Sea and Seashore, 47 Harv. L. Rev. 425. At 425 he cites the Justinian view.


21 Id.

22 Id. at 107.

23 He wrote: “If the free and common use of a thing of this nature were hurtful or dangerous to a Nation, the care of its own safety would authorize it in subjecting, if it could do so, the object in question to its sovereignty, so as to subject its use to such precautions as prudence might dictate. But this is not the case with the high seas, on which one may sail and fish without harm or danger to anyone. Hence no Nation has the right to take possession of the high seas, or claim the sole right to use them, to the exclusion of others.” Id. at 106.

24 See, e.g., 2 Grotius, supra n. 4, at 189-91; 2 Pufendorf, supra n. 11, at 565-66; 2 Gentili, De Jure Belli Libri Tres 90-92 (1612 ed. J. Rolfe transl. 1933); and 2 Textor, Synopsis of the Law of Nations 65-67 (1680 ed. J. Bate transl. 1916). Other writers such as Richard Zouche, Cornelius van Bynkershoek and Christian Wolff also saw the high seas as common property open to all. In fact, the only notable spokesman against the mare librum (free sea) concept was the Englishman John Selden, who asserted a theory of mare clausum (closed sea) and tangled with Grotius in the famous “battle of the books.” For a discussion of this controversy see P. Potter, The Freedom of the Seas in History, Law, and Politics Ch. 4 (1924).


26 See supra n. 24.


28 Roman jurists drew a distinction between imperium and dominium, but the theoretical quagmire of ownership versus jurisdiction can be avoided simply by regarding the issue as one of authority over an international area. See Fenn, supra n. 9, at 716-21. For a discussion of the history of sovereignty linked with notions of property, see R. Hawtrey, Economic Aspects of Sovereignty (1930).


30 There are at least two other organizing concepts that can be put forth for international areas. One would be a continuation of some version of the current situation, with the exact legal status of areas of international interest left unclarified. A second concept would be to accept the idea of contiguity, which in the case of the oceans would subject them (and the ocean bed) to a division based on adjacent land territory. For a discussion of this latter idea see W. Friedmann, The Future of the Oceans 4-5 (1971).

