

# *Who Owns the Ocean?*

by JOHN T. TETLEY

THE planet earth is said to be approximately 70 percent ocean and 30 percent land. Who owns the land? Who owns the earth? Who owns the ocean? There are two basic concepts—one that ocean and land are unowned to begin with, the other that they are owned in common by all.

Consistent with either view is the concept that land becomes private property by right of the priority that he who gets there first, gets! This is the law of the jungle or survival of the fittest. Future private ownership of land, after priority, stems from force, inheritance, gift or purchase. The underlying title basis, however, remains the right of priority.

From whence comes this right? Who may bestow it? Custom and habit have established a land tenure system based fundamentally on priority of occupation. Later another condition arose in connection with "working" the land, but this in a sense is also a priority.

In the U.S. title deeds to land always use the term "tenant" to imply that there must be a paramount owner. Who? All of the people in common! Also in the U.S. each state is considered sovereign. The constitution of the State of New York, for example, states; "The people, in their right of sovereignty are deemed to possess the original and ultimate property in, and to all lands within the jurisdiction of the state."

If we accept the principle that the earth is owned equally by all its inhabitants, then some provision must be made for exclusive occupancy and use of a specific portion. It does not seem possible to administer such a system on a world-wide basis, but within national boundaries land tenure could be granted on the basis of the annual rental value being paid to an administrative body to provide for necessary governmental services. The severance value of natural resources could be handled in the same way.

This would take care of the 30 percent of earth which is land, but what of the 70 percent of ocean surface?

For a long time there was, I believe, a more or less general understanding that nations had jurisdiction over a sea area extending for a limited distance from their shore line. Then a few years ago the United States claimed title to resources of the entire continental shelf as it extends from the mainland. Other nations followed suit and claimed offshore areas extending many miles beyond the old three or twelve mile limit.

These claims of ownership of ocean resources are increasing in importance as facilities for exploitation develop and hold promise of the further availability of undersea resources, especially minerals, oil, fish and other kinds of food.

If we accept the no-ownership concept then anyone may exploit the undersea resources beyond the prescribed national "boundaries," and disregard the rights of all others. If these undersea resources belong in common to all, how may they be utilized so that all may benefit?

It is possible, I understand, to set boundaries around an area at sea as accurately as on the land. Therefore, it would be possible to permit an individual or business concern to lease a specific area for undersea exploitation.

From who would such a lease become available? Who would represent all the people? Does this sound impractical? I believe an administrative group consisting of a limited number of representatives from several nations and business officials rotated at intervals, could collect what would be equivalent to royalties. The fund thus received, less cost of administration, could be distributed in a manner which would, as far as possible, benefit mankind.

Simple? Of course not. However, if this principle is valid, the details and mechanics of operation could surely be agreed on by fair minded "experts." The alternative will result in endless claims, force, fraud and clashes between developers and governments.

I strenuously oppose the suggested plan for the United Nations to control and regulate operations, also the alternative sometimes referred to as "freedom of the sea," where any country may sail, fish, or "mine" beyond its recognized national jurisdiction. This free-for-all negates the fundamental equal right of all inhabitants to the use of natural resources whether in the ocean or on the land.

We ought to come to an understanding of "undersea resource ownership" and establish an equitable administration before a situation develops that will be as chaotic as our present land tenure system.

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