

It has long been recognized that, to protect national interests and establish world stability, laws must govern commercial and military activities beyond the terrestrial borders of countries. Now the exploitation of the seas has been complicated further by problems such as the polluting of the oceans. It is imperative to develop international agreement on the jurisdiction of nations and an understanding of the rights and responsibilities of all parties beyond these agreed limits.

A historical perspective of the problem may be helpful. In 1609, Dutch jurist, Hugo Grotius, established the concept of doctrine that the seas should be free to all nations. Problems in this doctrine were many but were substantially reduced in 1702 when Cornelius Van Bynkershonk published a report, generally agreed to, that allowed for national sovereignty to extend a distance protected by shore-based cannons. One can see that this was only a temporary solution, especially in light of the land based projectiles now capable of striking anywhere in the world.

In 1958, the first United Nations Conference on the Law of the Sea was convened in Switzerland and produced the first set of modern limits of control of seas near a country's borders. The conference used the concept of "continental shelf" as the principle definer of national jurisdiction. Unfortunately, at that time the concept continental shelf was not well defined or agreed upon.

A series of meetings on the Law of the Sea have been held nearly every year subsequent to the early 1970s. In 1982, 130 of 151 countries present agree to a new Law of the Sea Treaty. Only 4 countries openly opposed the signing: The US, Turkey, Israel, and Venezuela. Each felt private corporations that were best suited to develop the mining of the sea floor might be penalized to the point that their ventures would be unprofitable, and thus abandoned if this version of the Law of the Sea Treaty was ratified. Many of the abstaining votes were by countries with well developed technologies capable of exploiting various resources of the seas.

The scenario in the simulation game we will work through today is far from trite. Several noted scholars have predicted a situation capable of pivoting the world toward global conflict based on valuable offshore economic resources (such as oil, gas, and mineral deposits) as well as food resources and pollution issues. A 'gold rush' in the ocean can easily be envisioned. The question remains of the consequences.

Scenario

Time: Present

Situation: All prior treaties and laws of the sea have collapsed. Throughout the world, a series of greed and “might is right” prevails. Many technologically superior nations are planning programs to exploit previous minerals, energy, and food resources from the world’s oceans. The United Nations feels that the only potential for a negotiable solution capable of averting conflict rests in their organization. In a last ditch effort, the United Nations has selected four representative countries from a cross-section of its membership to attempt a compromise in the form of a new “Law of the Sea”. These five representative countries must develop a solution. The entire world is concerned that, if this conference is not a success, world war may be eminent as several countries are poised to set their plans into operation.

Conferees are only expected to draft the major concepts of their plan. Details will be worked out during negotiations, however time is of the essence.

The conference and negotiations must address the following topics:

- How far from any country’s boundaries can militarily defensible borders extend?
- How far can any country extend its economic boundaries?
- What happens when two countries’ defensible or economic boundaries overlap?
- Since some countries are more technologically advanced than others, should the oceans be free economic zones for any country or corporation to manage as its resources allow? Or should the information and profits from the ocean’s exploitation somehow be divided? If so, how (i.e. to whom and how much)?
- Who will settle disputes when they arise?

Your table will serve as one of the five countries in the negotiation. Each table will receive a brief description of their country detailing characteristics such as military strength, proximity to ocean, and world standing. As part of the introduction, you will be expected to give your country a name and be prepared to summarize your country to the other 4.

Time line:

- Exercise overview*
- Country assignment, review, and naming*
- Strategy session I*
- Conference opening statements*
- Strategy session II*
- Conference debate*
- Strategy session III*
- Treaty writing*
- Follow-up writing*

Strategy sessions will take place at your lab tables with the members of your country- you will use this time to outline where you stand and form what you want to express to the other countries. Ambassadors may converse with another country in private. It is perfectly permissible to create or dissolve working alliances during the conference. The outcome of world harmony and cooperation in dealing with the seas is the main objective. Some issues you will want to consider during the strategy session are:

- Where your country stands on each of the five topics

- Your country’s priorities (i.e. what is the most important aspect of each item? Are there areas that are non-negotiable?)
- What the country is willing to give up in order to compromise and reach an agreement.

Below is information about all 5 countries that will attend the conference. Each country will be given more detailed information and **may choose to expand on that..**

Country #1: A land-locked country with a single river deep and wide enough to be used as a shipping port. The river is the natural border between two other countries, neither of which is in attendance at the conference. The nation has no navy, but a sizeable army, and is considered stabilizing in the region. Its medium-sized population is well educated and its royal family has been in power for centuries.

Country #2: A coastal country that is very poor. The nation is recently formed and democratic in its ruling. They have no military strength besides a nominal internal police force.

Country #3: A small island nation that depends on fishing for its livelihood. The country has a small military used mostly to patrol its fishing grounds. It has warned other nations that they consider a two hundred mile fishing zone around the island as part of their sovereignty. No nearby nations are in attendance at the conference.

Country #4: A medium sized island country that has a powerful navy. It currently has technical superiority to most other world powers.

Country #5: A large country with few good ports to support its underdeveloped, principally agricultural and limited industrial economy. However, despite this, the country has a strong military including a powerful navy.

1: Country assignment, review, and naming

During your country review, you will decide on an ambassador who will speak on your behalf at the conference debate, a spokesman for your country during the opening statements, a representative to speak with other countries, and a secretary. You may also delegate other members of your country to be (and act accordingly) president, monarch, citizen, etc. Your TA will serve as a moderator.

Review the information on your assigned country and in the space below give any additional information your country would like to add about themselves to this sheet, including a name! Also during this time use the nametags given to you identify which country you represent at the conference. There is a map at the front of the room- choose one person to draw the location and outline of your country.

Make notes on the following page on any additional information provided about the other countries during the opening session/ country introduction.

Additional Information about your country:

Additional Information about other countries:

Country 1: _____

Country 2: _____

Country 3: _____

Country 4: _____

Country 5: _____

2. Strategy Session 1 (~10 minutes)

Use this first strategy session to determine where you stand on the 5 main topics. Fill in your stance on each of the 5 issues below, keeping in mind your country and their best interest. Following this strategy session, each country will have 3 minutes to share these stances with the rest of the conference.

- How far from any country's boundaries can militarily defensible borders extend?

- How far can any country extend its economic boundaries?

- What happens when two countries' defensible or economic boundaries overlap?

- Since some countries are more technologically advanced than others, should the oceans be free economic zones for any country or corporation to manage as its resources allow? Or should the information and profits from the ocean's exploitation somehow be divided? If so, how (i.e. to whom and how much)?

- Who will settle disputes when they arise?

3. Conference opening statements (~20 minutes)

State your position on the 5 topics to the conference. Make notes here of any information from the other countries.

Country 1: _____

Military Borders: _____

Economic Borders: _____

Border Overlap: _____

Free Economic Zone: _____

Disputes: _____

Country 2: _____

Military Borders: _____

Economic Borders: _____

Border Overlap: _____

Free Economic Zone: _____

Disputes: _____

Country 3: _____

Military Borders: _____

Economic Borders: _____

Border Overlap: _____

Free Economic Zone: _____

Disputes: _____

Country 4: _____

Military Borders: _____

Economic Borders: _____

Border Overlap: _____

Free Economic Zone: _____

Disputes: _____

Country 5: _____

Military Borders: _____

Economic Borders: _____

Border Overlap: _____

Free Economic Zone: _____

Disputes: _____

6. Strategy Session III

Now you have heard the other 4 countries state their positions and have all debated the 5 topics, use this time to finalize which (if any) you need to or are willing to compromise on and which areas are most important to you. Space is provided below to make notes on the five topics to present at the treaty writing.

- How far from any country's boundaries can militarily defensible borders extend?

- How far can any country extend its economic boundaries?

- What happens when two countries' defensible or economic boundaries overlap?

- Since some countries are more technologically advanced than others, should the oceans be free economic zones for any country or corporation to manage as its resources allow? Or should the information and profits from the ocean's exploitation somehow be divided? If so, how (i.e. to whom and how much)?

- Who will settle disputes when they arise?

7. Treaty writing

The conference will reconvene to write a treaty, with one law or rule for each of the five points. If an agreement cannot be reached on a particular portion of the treaty, the majority will rule. After the writing each country will decide if they agree to the treaty and sign it on the board or if they refuse to sign. The country may not decide to only sign a portion of the treaty! One representative from the conference will keep written record of the treaty on the front whiteboard as it is written.