

# Contents **Common Resources**

## *Law of the Sea, Outer Space, and Antarctica*

Edited by

**John Norton Moore**

### PART I

#### *Law of the Sea*

1. Jurisdiction and Control on the High Seas Adjoining Territorial Waters

Yonart 9

*Philip C. Jessup*

2. The Hydrogen Bomb Tests and the International Law of the Sea

McPhee 23

3. The Geneva Conference on the Law of the Sea: What Was Accomplished?

25

4. U.S. Ocean Policy: the Truman Proclamations

37

*Ann L. Heflick*



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## Contents

### Foreword to American Classics in International Law IX

*W. Michael Reisman*

### Introduction 1

*John Norton Moore*

## PART I

### Law of the Sea

- 1 Jurisdiction and Control on the High Seas Adjoining Territorial Waters 9  
*Philip C. Jessup*
- 2 The Hydrogen Bomb Tests and the International Law of the Sea 43  
*Myres S. McDougal*
- 3 The Geneva Conference on the Law of the Sea: What Was Accomplished 51  
*Arthur H. Dean*
- 4 U.S. Oceans Policy: the Truman Proclamations 78  
*Ann L. Hollick*
- 5 The Regime of Straits and the Third United Nations Conference on the Law of the Sea 110  
*John Norton Moore*
- 6 Power, Mobility and the Law of the Sea 164  
*Elliot L. Richardson*
- 7 A Geographical Primer to Maritime Boundary-Making 182  
*Robert W. Smith*
- 8 The Regime of Warships Under the United Nations Convention on the Law of the Sea 202  
*Bernard H. Oxman*

- 9 **The Marine Environment and the 1982 United Nations Convention on the Law of the Sea** 258  
*Jonathan I. Charney*
- 10 **Strengthening the Law of the Sea: The New Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks** 285  
*David A. Balton*
- 11 **Straight Baselines: The Need for a Universally Applied Norm** 322  
*J. Ashley Roach and Robert W. Smith*
- 12 **The Territorial Temptation: A Siren Song at Sea** 367  
*Bernard H. Oxman*

## PART 2

*Outer Space*

- 13 **The Enjoyment and Acquisition of Resources in Outer Space** 403  
*Myres S. McDougal, Harold D. Lasswell, Ivan A. Vlasic, and Joseph C. Smith*
- 14 **Arms Control—Outer Space** 524  
*Norman A. Wulf*
- 15 **Outer Space Law** 532  
*Robert A. Ramey*

## PART 3

*Antarctica*

- 16 **The Antarctic Settlement of 1959** 587  
*Robert D. Hayton*
- 17 **New Stresses on the Antarctic Treaty: Toward International Legal Institutions Governing Antarctic Resources** 615  
*Steven J. Burton*

18 Recommended Measures Under the Antarctic Treaty: Hardening  
Compliance with Soft International Law 710

*Christopher C. Joyner*

Index 755

Let the reader of the volume encompassing this collection of "American Cases" think a habit, if not the obsession of "American Exceptionalism," a kind of explanation of its genesis and purpose is to order. Every state has a state in international law but few, from their very inception, have been as conceptualized and articulated—about making it and trying to publicly justify themselves to the rest of the world—as has the U.S. Indeed, its Declaration of Independence of 1776 with its "self-styled Natural Law justifications" was in effect an appeal to the world community of the time. Later Benjamin Franklin, on receiving a copy of Vattel's *Law of Nations*, allowed that "the circumstances of a rising state needs it necessary frequently to consult the law of nations." In 1791, the Supreme Court acknowledged that "the United States had, by taking a place among the nations of the earth, become amenable to the law of nations." Thomas Jefferson, then Secretary of State, said that international law was "an integral part" of the law of the land. Three years later, the Court said the law of nations, holding that "[w]hen the United States declared their independence, they were bound to receive the law of nations in its modern state of purity and vigor." But this warm embrace of international law was not unambiguous and may be contrasted, still later, with the ambivalence toward the outside world, expressed in George Washington's Farewell Address.

Now has the focus on international law been confined to those in the government from the earliest days of the republic until now. American international

1. Frederick Wharton, *The Revolutionary Diplomatic Correspondence of the United States* 74 (W. H. editor under direction of Congress, 1874).

2. *Johnson v. Georgia*, 2 U.S. (2 Dall.) 45 (1793).

3. *Ware v. Hides*, 3 U.S. (3 Dall.) 199 (1796).

4. George Washington, *The Address of General Washington To The People of the United States on His Declining of the Presidency of the United States* (Sept. 19, 1796), reprinted in *The Papers of George Washington: Documents in Law, History, and Diplomacy* (The Law Library of Congress Project; DOCUMENTS IN LAW, HISTORY, AND DIPLOMACY) (The Law Library of Congress) ("The nation which indulges towards another a habitual hatred, or a habitual contumacious and degree of awe. It is a slave to its animosity or to its affection, either of which is sufficient to lead it away from its duty and its interest... As treaties to preserve peace in international wars, such attachments are particularly alarming to the truly independent and sovereign states.")