

Changing Ireland

THE CHANGING OFFSHORE JURISDICTION OF THE REPUBLIC OF IRELAND

The postwar period has witnessed a veritable revolution in the attitude of coastal states to their adjacent offshore areas, due principally to a growing appreciation of the resources available in such areas (particularly petroleum, but also fish, metal nodules, gravel, sulphur etc.), but including also a desire to control certain activities in such areas, such as scientific research and the dumping of wastes. Thus there has been a rapid movement from a situation where coastal states conventionally restricted their offshore jurisdiction to a narrow three-mile strip, to one where many states have laid claim to vast expanses of offshore territory. The Irish Republic has, if anything, been in the vanguard of this movement, and the purpose of the present paper is to outline briefly the manner in which the Irish government has gradually extended its area of offshore jurisdiction in the context of evolving international thinking on the subject.

The current trend towards the extension of offshore jurisdictions was initiated in 1945 when the United States claimed exclusive control of all seabed resources in its offshore area up to a water depth of approximately 200 metres (100 fathoms). The latter figure was not entirely arbitrary, as it coincided broadly with the seaward limit of the U.S. continental shelf in the Atlantic region. This action set off a series of further unilateral declarations, and it was in order to regularise the position that the U.N. Convention on the Continental Shelf was drawn up at Geneva in 1958. This allowed coastal states to exploit seabed resources exclusively up to a water depth of 200 m — or beyond, where exploitation was technically feasible (a clause referred to as the 'exploitability criterion').

With the discovery of substantial hydrocarbon resources in the North Sea in the 1960s, some interest in Ireland's offshore areas was stimulated, and in 1969 the Irish government granted an exploration licence to the Marathon Petroleum Company with respect to three offshore areas (Fig. 1) over which jurisdiction was claimed under the 1968 Continental Shelf Act. These areas were chosen on the basis of exploration potential, and lay within the 200 m limit of the 1958 Convention. However, in 1970 the Irish government extended its jurisdiction to an area roughly coincident with the 200 m limit (Fig. 1), but with its boundary drawn to comply with the block system used for licensing.

By 1974, advancing technology had begun to seriously undermine the 1958 Convention due to the inherent weakness of the exploitability criterion, and in that year the U.N. convened a further Law of the Sea Conference (which has yet to conclude) in order to establish a more definite system of offshore jurisdiction. Changes in the Irish position since then have tended to reflect the prevailing current of thinking at this conference. Indeed, in 1974 itself, the Irish government added two separate extensions to its area of offshore jurisdiction. The first of these extended to the edge of the con-

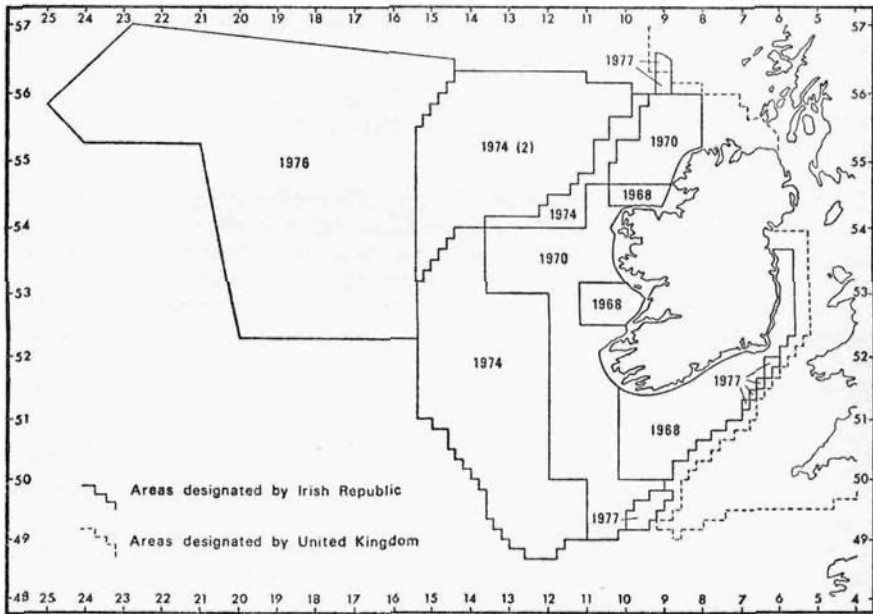


Figure 1

tinental shelf, which might be construed as the 'natural prolongation' of the adjacent landmass. However, those coastal states, such as Norway, with very restricted continental shelves, naturally objected to such a limit to offshore jurisdiction, and subsequently thinking tended towards a fixed limit of 200 nautical miles (n.m.) from shore. Again, such a figure was not purely arbitrary, as it represented the average width of the continental shelf in the Atlantic region. Accordingly, in its second 1974 designation, the Irish government extended jurisdiction to roughly the 200 n.m. limit (Fig. 1).

However, the idea of a 200 n.m. limit was hotly disputed by those countries which argued that they should have at least some share in those portions of the 'natural prolongation' of their landmasses extending beyond this limit. To further complicate the issue, these states claimed that jurisdiction should not simply relate to the continental shelf, but to the continental *margin*, including the continental shelf, slope, and rise (the latter being composed of sediments derived from the shelf and dumped at the foot of the continental slope: Fig. 2). They thus argued that coastal states should have a share in the seabed out as far as the ocean floor.

Such an arrangement would be particularly favourable to Ireland, since the presence of the Faeroe Plateau extends the limits of the continental margin to a point approximately 850 km from the northwest coast (the area between the plateau and the Irish continental shelf being floored with rise sediments). Given that possession confers a stronger bargaining position, the Irish government in 1976 extended its jurisdiction to the limits of the continental margin on the west side of the Faeroe Plateau (Fig. 1), thereby giving a total offshore designated area over seven times the land area of the Irish Republic.

At the time of writing, the Law of the Sea Conference seems likely to

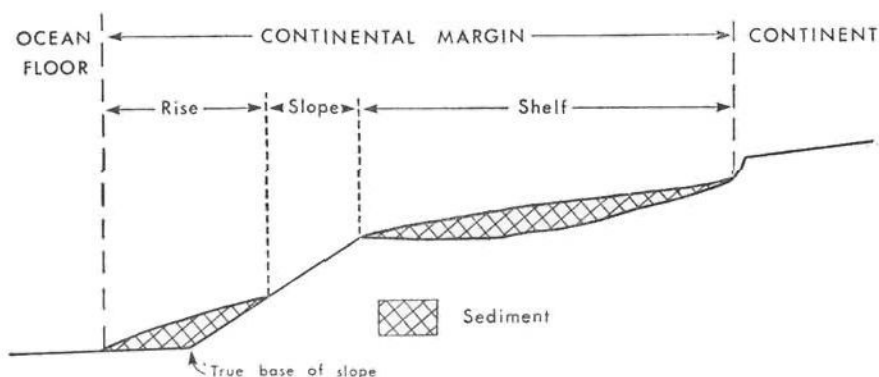


Figure 2

agree to a system whereby there would be a 12 n.m. limit on the territorial sea (within which the coastal state has complete sovereign jurisdiction), and a 200 n.m. exclusive economic zone (within which the coastal state would have exclusive access to all economic resources). Beyond this, the resources of the continental margin would be divided between the coastal state and the proposed International Seabed Authority according to a formula on which agreement has yet to be reached.

Up to 1976, the Irish government's designations were entirely concerned with the area off the west coast, where there is no immediate competing interest. Since then attention has turned to establishing a median line with the United Kingdom, and in order to expedite the process, the government in 1977 made a number of controversial designations. Prior to this, a 'safety margin' had been maintained between the two areas of jurisdiction, but the 1977 designations brought them in contact with each other at several points, and indeed in one area off the Donegal coast (Fig. 1) the Republic actually claimed some territory previously claimed by the U.K., stretching as far as where Ireland believes the median line should lie. This will act as the test case which will decide the basis on which the eventual median line will be established.

One remaining area of contention concerns the status of Rockall, which is being disputed by Denmark as well as Ireland and the U.K. However, the issues involved in this case are too complicated for consideration here (see C. R. Symmons, 'The Rockall dispute', *Ir. Geogr.*, 8 (1975), 122-6).

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RECENT TRENDS IN SCHOOL ENROLMENTS IN BELFAST

In recent years the population of Belfast has been diminished by heavy and persistent out-migration. The continuing violence has caused many people to move to less troubled areas outside, while redevelopment of inner areas has displaced population to outer parts of the city as well as beyond its boundary. According to the 1978 mid-year estimate of the Northern Ireland