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PAGE 01

NC 49712

TOR1291853Z APR 75

R 291320Z APR 75
FM AMEMBASSY NAIROBI
TO RUEHC/SECSTATE WASHDC 2579
INFO RUEHDT/USMISSION USUN NEW YORK 484
RUFHQV/USMISSION GENEVA 309
RUDTC/AMEMBASSY LONDON 1992
RUEHCR/AMCONSUL MONTREAL 046
RUFNPS/AMEMBASSY PARIS 2585
RUFHRO/AMEMBASSY ROME 380
RUFHAU/AMEMBASSY VIENNA 071
BT

Geneva

Comm. III ✓

Kenya ✓

128

UNCLAS NAIROBI 3441
GENEVA FOR LOS DEL
VIENNA FOR IAEA AND UNIDO
PARIS FOR UNESCO
ROME FOR FODAG
MONREAL FOR ICAO
E.O. 11652: N/A
TAGS: UNEP, SENV, PLOS
SUBJ: UNEP: CG/III, LOS DECISION
REF: NAIROBI 3389

FOLLOWING IS FULL TEXT SUBJECT DECISION ADOPTED BY
CONSENSUS BY UNEP GC/III, APRIL 24:
QUOTE (BEGIN UNDERSCORE) THE GOVERNING COUNCIL, (END
UNDERSCORE)
(BEGIN UNDERSCORE) RECALLING (END UNDERSCORE) GENERAL
ASSEMBLY RESOLUTION 3133 (XXVIII) ON THE PROTECTION OF
THE MARINE ENVIRONMENT,
(BEGIN UNDERSCORE) BEARING IN MIND (END UNDERSCORE) ITS
DECISION 8 (II) OF 22 MARCH 1974, IN WHICH IT URGED THE
THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA
TO ATTACH IMPORTANCE TO ITS WORK RELATING TO THE PRESERV-
TION OF THE MARINE ENVIRONMENT, AND THE SUBSEQUENT STATE-
MENT MADE BY THE EXECUTIVE DIRECTOR ON BEHALF OF THE
UNITED NATIONS ENVIRONMENT PROGRAMME TO THE LAW OF THE
SEA CONFERENCE AT ITS LAST SESSION AT CARACAS, VENEZUELA,
(BEGIN UNDERSCORE) DEEPLY CONCERNED (END UNDERSCORE) THAT
THE DEVELOPMENT OF OCEAN RESOURCES, INCLUDING THE SEA
BED, NOT BE ACCOMPANIED BY DEGRADATION OF THE MARINE EN-
VIRONMENT, ITS LIFE-SUPPORTING SYSTEMS AND ITS

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PAGE 02-02

NC 49712

TOR1291853Z APR 75

RESOURCES,
(BEGIN UNDERSCORE) CONVINCED (END UNDERSCORE) THAT DRAFT TREATY
ARTICLES FOR THE PROTECTION OF THE MARINE ENVIRONMENT SHOULD BE
PRODUCED BEFORE THE END OF THE CURRENT SESSION OF THE LAW
OF THE SEA CONFERENCE IN GENEVA,
1. (BEGIN UNDERSCORE) URGES (END UNDERSCORE) THE LAW OF
THE SEA CONFERENCE TO ATTACH THE HIGHEST PRIORITY TO
ITS EFFORTS TO INCORPORATE IN THE DRAFT TREATIES
UNDER ITS CONSIDERATION EFFECTIVE PROVISIONS FOR THE
PROTECTION OF THE MARINE ENVIRONMENT,
2. (BEGIN UNDERSCORE) DIRECTOS (END UNDERSCORE) THE
PRESIDENT, ON BEHALF OF THE GOVERNING COUNCIL, TO COM-
MUNICATE THE TEXT OF THIS DECISION IMMEDIATELY TO THE
PRESIDENT OF THE LAW OF THE SEA CONFERENCE AT GENEVA.
UNQUOTE. LINDSTROM

158

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T 028318 EIA775 PAGE 01 NC 67219

TUR:200607Z MAY 75

R 200515Z MAY 75
 FM AMEMBASSY JAKARTA
 TO RUEHC/SECSTATE WASHDC 8238
 INFO RUMTBK/AMEMBASSY BANGKOK 5105
 RUMJMA/AMEMBASSY MANILA 5020
 RUMJKL/AMEMBASSY KUALA LUMPUR 3428
 RUKOSP/AMEMBASSY SINGAPORE 3337
 RUEHDT/USMISSION USUN NEW YORK 906
 BT
 C O N F I D E N T I A L JAKARTA 6054
 FOR AMBASSADOR MOORE FROM AMBASSADOR NEWSOM
 E.O. 11652: GDS
 TAGS: PLOS, ID

Geneva
 Comm. II ✓
 Indonesia ✓
 Fiji ✓
~~Philippines~~
 Philippines ✓
 Mauritius ✓

127

SUBJECT: US-INDONESIAN LOS CONSULTATIONS IN POST GENEVA PERIOD
 REF: STATE 110126

1. APPRECIATE SUMMARY OF DELEGATION REPORT ON GENEVA LOS SESSION CONTAINED REFTEL, AND PARTICULARLY POSITIVE AND NEGATIVE SCENARIOS INVOLVING INDONESIA FOR COMMITTEE II AT NEXT SESSION.
2. ONLY SUBSTANTIVE PUBLIC COMMENT FOLLOWING SESSION WAS MADE BY MOCHTAR AFTER MEETING WITH PRESIDENT MAY 19. MOCHTAR NOTED SESSION DID NOT PRODUCE NEW CONVENTION BUT THAT DRAFT UNIFIED TEXT IS A "POSITIVE RESULT". MOCHTAR SAID TWO DEVELOPMENTS OF BENEFIT TO INDONESIA WERE A) CONFERENCE DISCUSSED IN DETAIL INDONESIA'S ARCHIPELAGIC CONCEPT, WHILE INDONESIA, FIJI, PHILIPPINES AND MAURITIUS MAINTAINED COMMON ATTITUDE; AND B) ASEAN NATIONS MAINTAINED POLICY OF ONE ATTITUDE DURING CONFERENCE, MOCHTAR ADDED THAT MALAYSIA AND INDONESIA HAVE AGREED THAT COMMUNICATION BETWEEN EAST AND WEST MALAYSIA NOT AFFECTED BY ARCHIPELAGO CONCEPT.
3. ACTION REQUESTED: AS TIME PERMITS WOULD APPRECIATE FULLER REPORT ON STATE OF PLAY OF US-INDONESIAN BILATERAL DISCUSSIONS AT GENEVA AND YOUR THOUGHTS AS TO HOW WE SHOULD SEEK TO MOVE TOWARD SUCCESSFUL CONCLUSION OF BILATERAL NEGOTIATIONS ON ARCHIPELAGO/TRANSIT QUESTIONS. WE HAVE REQUESTED MEETING WITH MOCHTAR FOR ASSISTANT SECRETARY HABIB DURING HIS MAY 25-28 VISIT AND SUBJECT MIGHT ARISE THEN, NEWSOM

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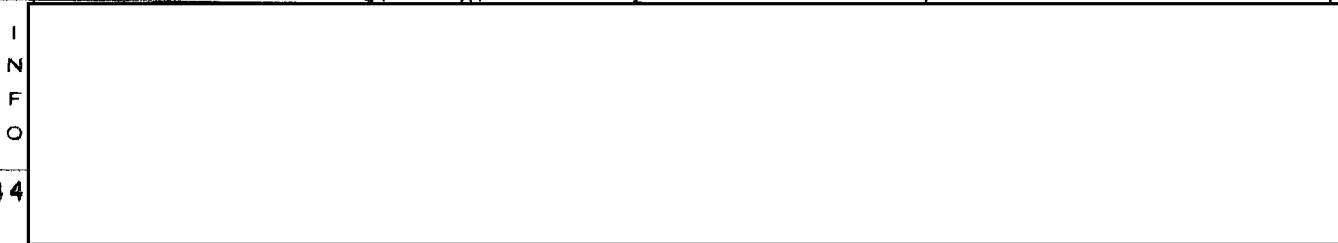
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TOR1170042Z MAY 75

Geneva

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O 170019Z MAY 75 ZFF4
FM SECSTATE WASHDC
TO AMEMBASSY YAOUNDE NIACT IMMEDIATE 4380
BT

Comm. I
Cameroon

C O N F I D E N T I A L STATE 115674

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS; ENGO PARTICIPATION IN INTERSESSIONAL WORK

REF: A. GENEVA 3410; YAOUNDE 1613

1. REFTEL B DESCRIBES LIKELIHOOD THAT APPROACH ALONG LINES DESCRIBED IN REFTEL A COULD BE MADE AT LUNCHEON TO GURC PRESIDENT AHIDJO. DEPARTMENT BELIEVES SUCH AN APPROACH COULD BE USEFUL AND REQUESTS IT BE MADE.

2. FOLLOWING POINTS SHOULD BE MADE:

A. UN LOS CONFERENCE IS OF MAJOR IMPORTANCE TO ALL NATIONS CONCERNED WITH USES OF THE SEAS. CONFERENCE HAS NOW ENTERED CRITICAL PHASE. AMONG THE MOST SIGNIFICANT NEGOTIATIONS IN CONFERENCE ARE THOSE CONCERNING THE DEEP SEABED AND PAUL ENGO PLAYED IMPORTANT ROLE IN THESE NEGOTIATIONS.

B. IT IS IMPORTANT THAT, IF THESE NEGOTIATIONS ARE TO BE SUCCESSFUL, THERE BE INTERSESSIONAL WORK BEFORE LOS CONFERENCE RECONVENES IN MARCH 1976. WITHOUT SUPPORT FOR ENGO IN THIS ENDEAVOR FROM GURC, INTERSESSIONAL WORK MAY WELL NOT TAKE PLACE.

KISSINGER

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DEPARTMENT OF STATE

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AIRGRAM

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HANDLING A-43	CLASSIFICATION UNCLASSIFIED	MESSAGE REFERENCE NO.
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TO: Department of State
 INFO: Amembassy OTTAWA
 FROM: Amconsul HALIFAX
 E.O. 11652: N/A
 TAGS: EFIS, Ca
 SUBJECT: Annual Meeting of Fisheries Council of Canada - Halifax, 1975

Geneva
 Comm. II & III
 Canada ✓

DATE: May 7/75

125

REF: *Comm*
 State 063754; Halifax 142; Halifax A-41; Halifax A-42;
 Halifax OMs of 4/2/75 and 4/21/75

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FRB	HEW	INT	LAB
NAVY	NSA	NSC	OPIC
STR	TAR	TRSY	USIA
XMB			

Comm 10

OKS/SC1 2

OKS/OTA 1

Vice-Admiral Douglas Boyle, Commander, Maritime Command, Canadian Forces, at the General Session on "After the Law of the Sea Conference," spoke on the "Role of the Canadian Forces in Fisheries Surveillance and Management". Copies of the note cards comprising his speech are enclosed for appropriate distribution by Department. The speech was accompanied with slides. If called upon to do so this office will endeavor to obtain the slides.

MANBEY

MB

Enc.: Note cards - 3 copies to Department
 - 2 copies to Embassy

reproduce 4 more

UNCLASSIFIED

CLASSIFICATION

DRAFTED BY: CJPavlovski: Consul	DRAFTING DATE: 5/7/75	PHONE NO.:	CONTENTS AND CLASSIFICATION APPROVED BY: DJSManbey: Consul General
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CLEARANCES:

1975 MAY 12 AM 10 02

FISHERIES COUNCIL

Role of Fisheries Forces
in Fisheries Surveillance
and Management by
VADM F.M.O. B. ile

Halifax A-43

6 MAY 1975

CHAIRMAN

MR. PRESIDENT-- LADIES - GENTLEMEN, AT THE OUTSET LET ME SAY WHAT

A PLEASURE IT IS FOR ME TO HAVE BEEN INVITED TO MAKE THIS PRESENTATION ON THE CONTRIBUTION WE IN MARITIME COMMAND, THROUGH OUR SURVEILLANCE, MAKE TO YOUR INDUSTRY.

I mention to all of us that we do as one Canadian Govt. with another Canadian Govt. Department - in Dept of Environment (Forestry)

THE CANADIAN GOVERNMENT WHITE PAPER, DEFENCE IN THE 70'S, SETS OUT

NATIONAL AIMS AS:-

- 1. THAT CANADA WILL CONTINUE SECURE AS AN INDEPENDENT POLITICAL ENTITY,
- 2. THAT CANADA AND ALL CANADIANS WILL ENJOY PROSPERITY IN THE WIDEST POSSIBLE SENSE,
- 3. THAT ALL CANADIANS WILL SEE IN THE LIFE THEY HAVE AND THE CONTRIBUTION THEY MAKE TO HUMANITY SOMETHING WORTHWHILE

- 2 -

(PRESERVING IN IDENTITY AND PURPOSE.

TO ACHIEVE THE AIMS NATIONAL POLICY IS MORE SPECIFICALLY DEFINED AS SEEKING TO:-

- 1. FOSTER ECONOMIC GROWTH
- 2. SAFEGUARD SOVEREIGNTY AND INDEPENDENCE
- 3. WORK FOR PEACE AND SECURITY.
- 4. PROMOTE SOCIAL JUSTICE
- 5. ENHANCE THE QUALITY OF LIFE
- 6. ENSURE A HARMONIOUS NATURAL ENVIRONMENT.

THE FIRST CONCERN OF DEFENCE POLICY IS THE NATIONAL AIM OF ENSURING THAT CANADA SHOULD CONTINUE SECURE AS AN INDEPENDENT POLITICAL ENTITY AND, IF WE EXAMINE THE THEMES FLOWING FROM THE THREE NATIONAL AIMS, ^{WE} ONE CAN ENVISAGE A MAJOR ROLE IN SAFEGUARDING CANADIAN SOVEREIGNTY AND INDEPENDENCE.

Multiple of 43

BEING USED FOR LEGITIMATE PURPOSES. BASED ON KNOWLEDGE GAINED THROUGH SURVEILLANCE OUR EQUIPMENT AND SKILLS COULD BE ^{AND COULD} USED TO POLICE OR CONTROL VIOLATIONS DETECTED.

I HAD BEEN ASKED TO SPEAK ON SURVEILLANCE "AFTER THE LAW OF THE SEA CONFERENCE". I HAVE, OF COURSE, BEEN SPEAKING ON CANADIAN DEFENCE POLICY AND THE REASONS FOR IT FORMULATED DURING 1970/71 AND PUBLISHED IN THE WHITE PAPER IN AUGUST 1971.

FOUR FIFTHS OF THE GLOBE IN WHICH WE LIVE IS COVERED BY WATER. IT HAS BEEN SAID THAT HE WHO COMMANDS THE SEAS COMMANDS THE WORLD. AS A MARITIME COMMANDER, I LIKE THAT ASSESSMENT FOR IT SHOULD CERTAINLY BRING MARITIME FORCES INTO PROMINENCE. THERE IS NO DOUBT THAT NO NATION TODAY, TAKING ACCOUNT OF MODERN TECHNOLOGY AND COSTS CAN COMMAND THE SEA ALONE

AND CERTAINLY WE IN CANADA CANNOT. HOWEVER, WE ARE A TRADING NATION AND OUR GOODS TRAVEL THE SEA LINES OF COMMUNICATION AND ON ALL THREE COASTS WE HAVE BEEN BLESSED BY AN EXTENSIVE CONTINENTAL SHELF AND THE RESOURCE WHICH IS FOUND ^{IN AND} OVER THAT SHELF. ONE SHOULD CERTAINLY CONCLUDE THAT WE MUST HAVE AN INTEREST IN THE SEAS OFF OUR COASTS FOR COMMERCIAL AND DEFENCE REASONS. EVERY COUNTRY CLAIMS SIMILAR INTERESTS OFF THEIR COASTS BUT AS THE SEA HAS BEEN THE TRADITIONAL FREE HIGHWAY OBTAINING AGREEMENT ON HOW AREAS TRADITIONALLY ACCEPTED AS FREE WILL BE GOVERNED AND CONTROLLED ^{IT DOES BEY DIFFICULT} I CAN CERTAINLY UNDERSTAND THE DIFFICULTY OF OBTAINING AGREEMENT AND WHY, THEREFORE THE LAW OF THE SEA CONFERENCE HAS HAD SUCH DIFFICULTIES. ^{IN THE LAST YEAR}

ALTHOUGH THE LAW OF THE SEA AND THE FINAL OUTCOME WILL HAVE EFFECTS, I HOPE THAT WHAT I HAVE SAID WILL HAVE SHOWN YOU THAT WE HAVE HAD A POLICY

- 7 -

Halifax A 43 Pg 4

SINCE 1971 WHICH IS READILY ADAPTABLE TO WHATEVER THE FINAL LAW IS. WE ARE ALREADY SURVEILLING AND CONTROLLING. THE EMPHASIS MAY CHANGE BUT NOT THE DUTY.

SLIDE THIS SLIDE GIVES YOU AN ILLUSTRATION OF THE ACTIVITY OFF THE ATLANTIC COAST OF CANADA. THE FIGURES IN THE FISHING BANKS ARE HIGHS AND LOWS FOR THE YEAR BUT AT ANY TIME WE HAVE ^{BETWEEN 400 AND 1000} ~~ABOUT 800~~ TRAWLERS ACTIVE OFF THE CANADIAN COAST. ^{AS SHOWN IN THIS SLIDE.} THERE ARE IN ADDITION, ALWAYS ABOUT 300 MERCHANTMEN. LAPAR 5 TIMES KEEPING TRACK OF ALL OF THIS ACTIVITY AND DOING SOMETHING ABOUT VIOLATIONS IS A TREMENDOUS TASK AND ONE REQUIRING A VERY SOPHISTICATED CAPABILITY. I AM PROUD TO BE THE LEADER OF THE ORGANIZATION HERE IN HALIFAX THAT TOGETHER WITH OUR ALLIES HAS THAT CAPABILITY.

YOU ARE ALL AWARE THAT OUR SHIPS ARE NOW REGISTERED WITH ICNAF SO THAT THEY MAY CARRY FISHERY INSPECTORS. IT SEEMED TO MAKE SENSE THAT WE

- 8 -

CARRY OUT SUCH ADDITIONAL TASKING AS WE GO ABOUT OUR OTHER TASKS OF GENERAL SURVEILLANCE AND TRAINING. THE VERY FACT THAT WE ARE NOW OFFICIALLY RECOGNIZED IS IN ITSELF A TREMENDOUS DETERRENT AGAINST DISREGARD OF REGULATIONS. OUR AIRCRAFT CARRYING OUT SURVEILLANCE, OBSERVING ANY SUSPICIOUS ACTIVITY IN THE FISHERY AREA SOON CAUSE\$ A VAST ORGANIZATION TO AC OR THE AIRCRAFT WORKING WITH THE SHIP EXTENDS ITS CAPABILITY FOR SEARCH AND FIND. AGAIN I EMPHASIZE SUCH POLICY HAS EXISTED OFFICIALLY SINCE 1971 AND TH LAW OF THE SEA IS UNLIKELY TO CHANGE THE POLICY, PERHAPS ^{IT WILL} ~~TO~~ CHANGE THE EMPHASIS.

SLIDE THIS SLIDE SHOWS YOU THE AIR AND SEA SURVEILLANCE OFF OUR EAST COAST IN THE LAST 12 MONTHS WITH SOME OF THE ACTIVITY IDENTIFIED AS FISHERY SURVEILLANCE AS A FIRST PRIORITY. I WANT TO EMPHASIZE, HOWEVER, THAT ALL OF OUR ACTIVITY IS MULTIPLE TASKED, SURVEILLANCE, TRAINING, FISHERY

9 Halifax A-43

INSPECTION, POLLUTION OBSERVATION AND CONTROL WHEN NEEDED. CONTRIBUTING
INDIRECTLY TO THE WELL BEING OF THE ENVIRONMENT YOURSELF TO
WE HOPE TO CONTINUE THESE ACTIVITIES IN SUPPORT OF OUR INDUSTRY

AND CANADA, AND I HOPE THAT ALL CAN APPRECIATE
THAT ALL THAT WE DO IS IN SUPPORT OF
VERY REAL CANADIAN AIMS AND POLICY AND,
SURELY, IF IT IS GOOD FOR CANADA, IT MUST BE
GOOD FOR ALL NATIONS, AND IT IS VERY IMPORTANT
THAT ALL CANADIANS SUPPORT THE ORGANIZATION NECESSARY
TO FULFILL THE COMMITMENT.

- Job to be done for many reasons
- ^{Pressure} Likelihood to increase ^{Legal Law abiding}
- Increasing job - Multi Tasking
- ^{Temporary} Budget Bandy for the Buck

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TOR:101107Z MAY 75

Geneva

R 100836Z MAY 75
 FM USMISSION GENEVA
 TO RUEHC/SECSTATE WASHDC 2800
 INFO RUEHDT/USMISSION USUN NEWYORK 1679
 RUEHIA/USIS WASHDC 1494

Gen. Comm.
 Comm. I, II, & III

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BT
 C O N F I D E N T I A L SECTION 1 OF 4 GENEVA 3400
 E.O. 11652: GDS
 TAGS: PLOS
 SUBJECT: LOS: SUMMARY OF CLASSIFIED DELEGATION REPORT

FROM USDEL LOS
 DEPT PLEASE PASS ALL DIPLOMATIC POSTS EXCEPT USMISSION GENEVA,
 USDEL MTN GENEVA, USDEL SALT II GENEVA
 1. SUMMARY OF DELEGATION REPORT:
 THIS REPORT SUMMARIZES THE CLASSIFIED SECTION OF THE DELEGATION
 REPORT ON THE GENEVA SESSION OF THE LAW OF THE SEA CONFERENCE. A
 FULL REPORT AS WELL AS THE UNCLASSIFIED REPORT AND RELEVANT TEXTS
 WILL BE AIRPOUCHED. THIS REPORT ALSO CONTAINS A SECTION ON
 NEGOTIATING TRENDS AND GROUP POLITICS AT THE CONFERENCE. IT
 SUPPLEMENTS AND GENERALLY DOES NOT REPEAT MATERIAL IN THE UNCLASS-
 IFIED REPORT.
 2. EVALUATION OF THE SESSION:
 AS NOTED IN THE UNCLASSIFIED REPORT, THE SINGLE TEXT DOES NOT IN
 ANY FORMAL SENSE REPRESENT A NEGOTIATED OR CONSENSUS TEXT BUT IS
 INTENDED TO SERVE AS TAKE-OFF POINT FOR FUTURE NEGOTIATIONS.
 HOWEVER, TO THE CONSIDERABLE EXTENT THAT THE TEXT REFLECTS THE
 WORK OF THE EVENSEN GROUP ON THE ECONOMIC ZONE, THE UK-FIJI TEXT
 ON STRAITS AND CONSULTATIONS ON ARCHIPELAGOES, IT IS IN SUBSTANCE
 A TEXT RESULTING FROM NEGOTIATIONS BY STATES. WE HAVE NOT AS YET
 ANALYZED THE SUBSTANCE OF THE SINGLE TEXT AND THAT REPORT WILL
 BE FORTHCOMING LATER. IN ONE SENSE, IT DOES MEASURE THE TEMPER-
 ATURE OF THE CONFERENCE IN DIFFERENT COMMITTEES IN THAT THE COMM-
 ITTEE I TEXT ON BASIC CONDITIONS OF EXPLOITATION REPRESENTS A
 RETREAT TO IDEOLOGICAL CONCEPTS ON THE SYSTEM OF EXPLOITATION TO
 BE USED IN THE DEEP SEABED, WHILE THE COMMITTEE II TEXT DOES IN-
 CORPORATE A USEFUL PORTION OF THE WORK THAT WAS DONE ON THE
 ECONOMIC ZONE IN THE EVENSEN AND OTHER GROUPS. HOWEVER, NON-
 RESOURCE ISSUES IN COMMITTEE II ARE NOT LIKELY TO BE FINALLY
 RESOLVED WITHOUT PROGRESS ON THE DEEP SEABED NEGOTIATION. CON-
 VERSELY, THE DEVELOPING COUNTRIES HAVE ALSO INDICATED THAT A

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SATISFACTORY RESOLUTION OF ECONOMIC ISSUES IN COMMITTEE II MIGHT HELP AMELIORATE THEIR RIGID POSITIONS IN COMMITTEE I, THE CONFERENCE IS CLEARLY AT THE TURNING POINT AND IT IS NOT NOW POSSIBLE TO PREDICT WHETHER AT THE NEXT SESSION THE NEGOTIATIONS WILL GO FORWARD OR WHETHER THE CONFERENCE WILL BOG DOWN ON A NUMBER OF POSSIBLE BREAKING POINTS. THE KEY QUESTION WILL BE WHETHER OR NOT GOVERNMENTS DECIDE THAT A TREATY IS SUFFICIENTLY IN THEIR INTEREST TO MAKE THE CONCESSIONS THAT CLEARLY MUST BE MADE TO DEAL WITH REALITIES. SOME OF THE FACTORS THAT WILL AFFECT THE DIRECTION OF NEGOTIATIONS AT THE NEXT SESSION INCLUDE:

A) EFFORTS TO MAINTAIN GROUP OF 77 UNITY; PARTICULARLY IN COMMITTEE I EARLY INDICATIONS OF POSSIBLE MOVEMENT TOWARD ACCOMMODATING THE INTERESTS OF DEVELOPED STATES WERE SQUELCHED BY SUCCESSFUL EFFORTS BY SOME EXTREMISTS (ALGERIA AND TANZANIA) TO PLAY UPON UNCERTAINTIES OF SOME DEVELOPING STATES AND THEIR FEAR THAT, IF DIVIDED, THEIR INTERESTS WOULD BE IGNORED BY DEVELOPING STATES. THEY HAVE ALSO BEEN ABLE TO HOLD THE GROUP OF 77 TOGETHER BY POINTING TO THE DEEP DIVISION BETWEEN THE U.S. (AND OTHER WESTERN DEVELOPED COUNTRIES) AND THE SOVIET UNION ON FUNDAMENTAL EXPLOIATION ISSUES.

B) TERRITORIALIZATION OF THE ECONOMIC ZONE; SUBSTANTIAL EFFORTS HAVE BEEN MADE BY COASTAL STATES BOTH IN THE EVENSEN GROUP AND WITHIN THE GROUP OF 77 TO INSURE MAXIMUM COASTAL STATE JURISDICTION IN THE ZONE. THIS EFFORT IS ABETTED BY A NUMBER OF LATIN STATES WHO CLAIM OR WOULD LIKE TO CLAIM 200-MILE TERRITORIAL SEAS. IT IS ALSO AIDED BY AN IDEOLOGICAL PERCEPTION OF THE ZONE ON THE PART OF MANY DEVELOPING STATES AS A NECESSARY EXTENSION OF STATE SOVEREIGNTY ALBEIT WITH EXCEPTIONS SUCH AS NAVIGATIONAL RIGHTS. THESE STATES OPPOSE THE KIND OF BALANCE OF RIGHTS AND DUTIES THAT WOULD INITIALLY LIMIT COASTAL STATE RIGHTS. THIS PERCEPTION OF COSTAL STATE RIGHTS ALSO AFFECTS THE NEGOTIATION OF EXCEPTIONS FOR TUNA, THE ISSUES OF MARINE POLLUTION AND SCIENTIFIC RESEARCH, AND THE IMPORTANT QUESTION OF WHETHER THE WATERS WITHIN THE ZONE REMAIN HIGH SEAS.

C) LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES, SOME 48 STRONG, HAVE EFFECTIVELY OPERATED AS A BLOC TO INSIST ON THEIR DEMAND OF RIGHTS OF TRANSIT TO THE SEA THROUGH NEIGHBORING STATES AND THE RIGHT TO PARTICIPATE ON EQUAL BASIS IN FISHERIES RESOURCES OF COASTAL STATES. THEY HAVE ALSO DEMANDED PARTICIPATION IN MINERAL RESOURCES IN THE ECONOMIC ZONE BUT THIS IS PRESUMED TO

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TOR:101107Z MAY 75

BE A TACTICAL MANEUVER ONLY. THE GROUP HAS SERVED TO COMPLICATE ACCOMMODATION ON A BALANCE OF RIGHTS AND DUTIES IN THE ZONE BETWEEN COASTAL AND MARITIME INTERESTS. THE GROUP OF 77 DRAFT ON THE ECONOMIC ZONE, ALTHOUGH CONSIDERABLY MORE COASTALLY ORIENTED THAN EVENSEN DRAFT, TO MEET DEMANDS OF COASTAL LDC'S, WAS REJECTED BY LANDLOCKED GROUP WHICH CONSIDERED THAT RIGHTS OF ACCESS INCORPORATED IN BOTH TEXTS WERE INSUFFICIENT. IT IS CONCEIVABLE THAT IF THE MARITIME AND COASTAL STATES CANNOT COMPROMISE THEIR DIFFERENCES ON THEIR CONCEPT OF THE ZONE, THE LANDLOCKED GDS COULD USE THEIR VOTING POWER TO BLOC AN AGREEMENT BY OPPOSING A WORKABLE TEXT, OR BY SUPPORTING A TEXT UNACCEPTABLE TO A LARGE PERCENTAGE OF OTHER STATES.

D) STRAITS AND ARCHIPELAGOES: CONSIDERABLE PROGRESS WAS MADE IN PRIVATE DISCUSSION ON THE STRAITS ISSUE, WITH A NUMBER OF DELEGATIONS INDICATING FOR THE FIRST TIME THAT THEY WOULD ULTIMATELY SUPPORT A REGIME OF UNIMPEDED PASSAGE. RESOLUTION OF ARCHIPELAGO ISSUE REMAINS AN IMPORTANT FACTOR IN ACHIEVING THE NECESSARY AGREEMENT ON TRANSIT. ON THE ARCHIPELAGO ISSUE, WE HAVE ACHIEVED SUBSTANTIAL AGREEMENT WITH FIJI AND THE BAHAMAS, WHICH HAS IN TURN, ASSISTED IN DEVELOPING A MODERATE GROUP ON STRAITS AND ARCHIPELAGOES.

E) RELUCTANCE OF USSR AND OTHER EUROPEAN STATES TO ACCELERATE PACE OF PROGRESS: THE GROUP OF FIVE (U.S., UK, FRANCE, USSR, JAPAN) MET REGULARLY DURING THE CONFERENCE AND COORDINATED COMMENTS AND EFFORTS PARTICULARLY WITH RESPECT TO NEGOTIATION ON BASIC CONDITIONS DRAFT PAPER IN COMMITTEE I. IT IS APPARENT, HOWEVER, THAT ON DIFFERENT ISSUES FOR DIFFERENT REASONS A NUMBER OF EUROPEAN STATES, INCLUDING THE USSR AND FRANCE, PREFER THE PRESENT SLOW PACE OF PROGRESS. SOME EAST AND WESTERN EUROPEAN DISTANT WATER FISHING STATES, INCLUDING THE USSR, ARE RELUCTANT TO PUSH FOR AN AGREEMENT WHERE CONSENSUS CLEARLY FAVORS COASTAL STATE JURISDICTION OVER FISHERIES WITHIN THE ECONOMIC ZONE. FRANCE AND THE FRG ARE NOTABLY CONSERVATIVE ON DEEP SEABED ISSUES AND IN FACT THE U.S. HAS BEEN MORE FORTHCOMING THAN THEY ARE IN SEEKING TO ACCOMMODATE DESIRES OF THE DEVELOPING STATES WITH RESPECT TO THE DEEP SEABED AUTHORITY. THE UK HAS ALSO TAKEN A SOMEWHAT CONSERVATIVE APPROACH, THOUGH NOT AS PRONOUNCED AS OTHERS, IN PART DUE TO INTERNAL POLITICAL PROBLEMS AND IN PART DUE TO INTEREST IN ENSURING JURISDICTION OVER THE MARGIN.

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C O N F I D E N T I A L SECTION 2 OF 4 GENEVA 3400

F) EXCEPTIONS FOR DISTANT WATER FISHERIES: DESPITE A VARIETY OF EFFORTS AND PROPOSALS, IT WAS NOT POSSIBLE TO REACH ANY KIND OF COMPROMISE ON THE HIGHLY MIGRATORY ISSUE THAT WOULD EXCEPT ALLOCATION FROM BOASTAL STATE JURISDICTION OR EVEN ACHIEVE A NEUTRAL FORMULA THAT WOULD PROTECT OUR OPTIONS IN A REGIONAL ORGANIZATION. ALSO, THE FULL UTILIZATION ARTICLE IN THE EVENSEN TEXT, ALTHOUGH GRANTING ACCESS RIGHTS TO FOREIGN FISHERIES IN THE ECONOMIC ZONE, PROVIDES FOR EXTENSIVE COASTAL STATE REGULATION OF SUCH ACCESS.

G) CONTINENTAL MARGIN: JURISTICATION OVER THE MARGIN WHERE IT EXTENDS BEYOND 200 MILES IS CLEARLY AN ESSENTIAL ELEMENT OF AGREEMENT FOR MOST OF THE IMPORTANT BROAD MARGIN STATES, HOWEVER, IT DOES APPEAR LIKELY THAT A COMPROMISE ACCEPTABLE TO OTHER STATES CAN BE REACHED WHICH WOULD COUPLE SUCH JURISDICTION WITH REVENUE SHARING BEYOND 200 MILES. DISCUSSION OF MEANS OF REVENUE SHARING WITHOUT IMPOSING AN UNACCEPTABLE FINANCIAL BURDEN WAS DISCUSSED IN THE LAST WEEKS WITH THE U.S. PROPOSING A SYSTEM OF PAYMENT OF PRODUCTION VALUE AT WELL HEAD WHICH WOULD NOT BE OPERATIVE FOR FIRST FIVE YEARS OF PRODUCTION, AND WOULD THEREAFTER INCREASE FROM ONE PERCENT IN SIXTH YEAR TO MAXIMUM OF FIVE PERCENT IN THE TENTH YEAR AND THEREAFTER. ALTHOUGH AGREEMENT WAS NOT REACHED ON CRITERIA FOR DELIMITATION OF MARGIN BEYOND 200 MILES, FORMULAS WERE DEvised WHICH APPEARED TO HAVE GOOD PROSPECTS FOR AGREEMENT AMONG BROAD MARGIN STATES.

H) IDEOLOGICAL CHARACTER OF DEEP SEABED NEGOTIATIONS: THE MOST DIFFICULT PROBLEM AT THE CONFERENCE IS THE DEEP SEABED NEGOTIATION BECAUSE THE DEVELOPING COUNTRIES ARE NOW ACTIVELY SEEKING TO CREATE A NEW ECONOMIC ORDER WHICH INVOLVES A COMPLETE REAPPRAISAL OF THE USE OF THEIR COLLECTIVE POWER AS RAW MATERIALS PRODUCERS. THE DEEP SEABED IS THEIR FIRST GENUINE MULTILATERAL CONFERENCE OPPORTUNITY TO PUT INTO PRACTICE THEIR VERY STRONG FEELINGS ABOUT THE CONTROL AND DISPOSITION OF RAW MATERIALS. FAILURE TO OBTAIN A TREATY WOULD PRECLUDE PARTICIPATION AT LEAST IN FORESEEABLE FUTURE IN SEABED EXPLOITATION BY DEVELOPING

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COUNTRIES, AND THIS WILL PRESUMABLY BE A PART OF THE ASSESSMENT BY DEVELOPING COUNTRIES ON DESIRABILITY OF CONCLUDING AN AGREEMENT.

J) THE FOLLOWING SECTIONS SUMMARIZE THE WORK OF THE THREE MAIN COMMITTEES, AND OF THE DISPUTE SETTLEMENT WORKING GROUP.

3. COMMITTEE I: DEEP SEABEDS

PRIVATE CONSULTATIONS

A SIGNIFICANT PORTION OF COMMITTEE I'S WORK WAS CARRIED OUT IN PRIVATE CONSULTATIONS DURING THE GENEVA SESSION. A "SECRET" NEGOTIATING GROUP WAS FORMED UNDER THE CHAIRMANSHIP OF CHRISTOPHER PINTO (SRI LANKA) AT THE BEGINNING OF THE GENEVA SESSION. THE GROUP CONSISTED OF COMMITTEE I REPS, FROM SRI LANKA, ALGERIA, BRAZIL, INDIA, KENYA, PERU, SINGAPORE, TANZANIA, FRANCE, JAPAN, THE UNITED KINGDOM, THE UNION OF SOVIET SOCIALIST REPUBLICS, AND THE UNITED STATES. IN ADDITION TO THIS GROUP, THE UNITED STATES CONTINUED CONSULTATIONS AMONG THE GROUP OF FIVE AND ON SEVERAL OCCASIONS MET WITH THE EIGHT LDC MEMBERS OF THE NEGOTIATING GROUP. THE PRINCIPAL OBJECTIVE OF THE PRIVATE NEGOTIATING GROUP WAS TO ASSEMBLE THE COMMITTEE I "POLITICAL PACKAGE".

NEGOTIATING TRENDS

A) TIMING: IN ADOPTING THE POSTURE THAT THE GENEVA SESSION SHOULD BE THE FINAL SUBSTANTIVE NEGOTIATING SESSION OF THE CONFERENCE, THE UNITED STATES DELEGATION WAS VIRTUALLY ISOLATED. WHILE THE MAJORITY OF THE GROUP OF 77 APPEARED TO ATTACH A NEW SENSE OF URGENCY TO THE COMMITTEE'S WORK, THERE WAS A GENERAL UNDERSTANDING FROM THE OUTSET THAT AT LEAST ONE MORE FULL NEGOTIATING SESSION WOULD BE SCHEDULED IN 1976. THE OTHER MEMBERS OF THE GROUP OF FIVE PRIVATELY ASCRIBED TO THIS UNDERSTANDING AND WERE UNWILLING TO MOVE QUICKLY TOWARDS COMPROMISE SOLUTIONS.

B) BASIC CONDITIONS: THE LEADERSHIP OF THE GROUP OF 77 WAS EXTREMELY RELUCTANT TO ACCEPT THE PINTO DRAFT BASIC CONDITIONS (WHICH WERE HIGHLY DISCRETIONARY) EVEN AS A BASIS FOR NEGOTIATION. THE REVISED VERSION OF THESE BASIC CONDITIONS, ISSUED AT THE END OF THE SESSION, IS CLOSER TO THE 77'S POSITION.

C) EXPLOITATION SYSTEM: THE PINTO DRAFT BASIC CONDITIONS OUTLINED A RESERVATION OF AREAS SYSTEM THAT WAS MORE CLEARLY ATTUNED TO THE USSR CONCEPT WHERE STATES ACQUIRE RIGHTS IN CERTAIN RESERVED AREAS, WHILE THE AUTHORITY HAS COMPLETE DISCRETION OVER EXPLOITATION IN THE REMAINDER OF THE SEABED. WHILE THE COMBINATION OF UNITED STATES AND USSR CONCEPTS PRODUCED AN UNWORKABLE SYSTEM, WE BELIEVE THAT THE 77 CLEARLY UNDERSTOOD THE DISTINCTION BETWEEN

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THE TWO APPROACHES. THUS, THEIR REJECTION OF THE RESERVATION OF AREAS CONCEPT APPEARS TO INDICATE A PARALLEL SYSTEM, AS PROPOSED BY THE SOVIETS, IS NONNEGOTIABLE. THIS CONCLUSION IS ALSO BASED ON A SERIES OF AD REFERENDUM EXPLORATORY DISCUSSIONS CONCERNING THE BANKING SYSTEM, BEGUN BY UNDER SECRETARY MAW DURING HIS VISIT TO GENEVA (REPORTED IN FULL-LENGTH CLASSIFIED REPORT). FOR STRONG IDEOLOGICAL REASONS, THE LDC'S CONTINUE TO INSIST ON DIRECT EXPLOITATION AS THE PRIMARY SYSTEM OF OPERATION, LARGELY INTERPRET DIRECT EXPLOITATION TO MEAN WHAT WE CALL "SERVICE CONTRACTS", BUT ARE UNWILLING TO DEFINE IT AS SUCH IN THE TREATY. FOR EXAMPLE, A PRIVATE INITIATIVE ON THE PART OF ONE LDC LEADER TO FORMULATE AN ARTICLE 9 THAT ESSENTIALLY DEFINED DIRECT EXPLOITATION AS SERVICE CONTRACTS AND PROVIDED FOR A GRADUAL PHASING OUT OF A JOINT VENTURE SYSTEM INTO SERVICE CONTRACTS WAS EFFECTIVELY KILLED BY OTHER LDC LEADERS.

D) PRODUCTION CONTROLS: THE POSITION OF THE LANDBASED PRODUCERS HAS SUBSTANTIALLY DECLINED WITHIN THE GROUP OF 77. PRIVATE CONSULTATIONS INDICATE THAT, WHILE IT MAY NOT BE POSSIBLE TO NEGOTIATE A CONVENTION THAT DOES NOT PROVIDE FOR PRODUCTION CONTROL POWERS IN THE AUTHORITY, MANY LDC CONSUMERS MAY SUPPORT VERY STRINGENT PROTECTIONS IN THE DECISION-MAKING PROCEDURES FOR USING THESE CONTROLS.

E) MACHINERY: EVEN BEFORE THE GENEVA SESSION, THE GROUP OF 77 HAD APPARENTLY AGREED TO COMPROMISE ON THE STRUCTURES AND POWERS OF THE COUNCIL. THEIR NEW PROPOSAL FOR A COUNCIL WITH RESERVED SEATS FOR BOTH DEVELOPED AND DEVELOPING COUNTRIES IS THOUGHT TO BE NEGOTIABLE FURTHER TOWARDS UNITED STATES DEMANDS. FOR THE ASSEMBLY, HOWEVER, THE LDC'S CONTINUE TO INSIST ON BROAD POLICY-MAKING POWERS WHICH CAN BASICALLY USURP THE JURISDICTION OF THE COUNCIL.

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C O N F I D E N T I A L SECTION 3 OF 4 GENEVA 3400
F) SINGLE TEXTS: ALTHOUGH THE CHAIRMAN OF COMMITTEE I, PAUL ENGO (CAMEROON) WAS OFFICIALLY CHARGED WITH PREPARING SINGLE TEXTS ON THE REGIME AND MACHINERY, PINTO WAS PRIVATELY REQUESTED TO PERFORM THIS TASK. THE REVISED PINTO DRAFT, HOWEVER, WAS ONLY PARTIALLY UTILIZED BY ENGO IN THE PREPARATION OF THE FINAL DRAFT THAT WAS SUBMITTED TO THE CONFERENCE AS THE COMMITTEE I SINGLE TEXTS. IN THE PREPARATION OF THE DRAFT REGIME AND MACHINERY ARTICLES, BOTH THE UNITED STATES AND OTHER MEMBERS OF THE GROUP OF FIVE, AND KEY LDC LEADERS WERE GIVEN OPPORTUNITIES TO COMMENT IN GREAT DETAIL ON PINTO'S CONCEPT OF WHERE THE BASIC COMPROMISES MIGHT BE FOUND. GIVEN THE POTENTIALLY IMPORTANT IMPLICATIONS OF THE PINTO DRAFT TREATY FOR FUTURE NEGOTIATIONS IN C-I, IT IS APPENDED TO THE FULL-LENGTH REPORT.

G) CONCLUSION:
AS A RESULT OF THE GENEVA SESSION, IT IS NOT POSSIBLE TO PERCEIVE THE GENERAL OUTLINES OF A TREATY THAT MIGHT BE ACCEPTABLE TO THE GROUP OF 77.
THE CRITICAL ISSUE CONTINUES TO BE WHETHER THE INTERNATIONAL AUTHORITY WILL BE REQUIRED TO PERMIT STATES AND THEIR NATIONALS TO EXPLOIT THE SEABED. THE GROUP OF 77 RETAIN THEIR STRONGLY FELT AVERSION TO SUCH A REQUIREMENT AND ARE OFFERING TO PAY FOR THEIR DEMANDS BY YIELDING TO THE INDUSTRIALIZED COUNTRIES' REQUIREMENTS FOR A CAREFULLY STRUCTURED INTERNATIONAL MACHINERY.

4. COMMITTEE II - TERRITORIAL SEA, STRAITS, ECONOMIC ZONE:
THE WORK ON COMMITTEE II ISSUES SHOULD BE EVALUATED ON THE BASIS OF THE FOLLOWING:

A) THE MAJOR ISSUE-- THE ECONOMIC ZONE-- WAS CONSIDERED PRIMARILY BY THE EVENSEN GROUP, WHICH COMPLETED A COMPREHENSIVE SINGLE TEXT ON THE ZONE. OPEN DEBATE IN COMMITTEE II WAS ESSENTIALLY A HOLDING OPERATION, BUT WAS ALSO USED AS A VEHICLE FOR THINLY VEILED ATTACKS ON EVENSEN GROUP AS BEING NOT FULLY REPRESENTATIVE PARTICULARLY OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES.
B) OPEN-ENDED "INFORMAL CONSULTATIONS" WERE HELD FOR THE PURPOSE

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OF PROVIDING A FOUNDATION FOR THE CHAIRMAN'S SINGLE TEXT. THEY WERE NOT INTENDED TO BE NEGOTIATIONS.

C) SMALL INFORMAL CONSULTATIVE GROUPS HAVE BASICALLY COMPLETED SINGLE TEXTS ON A LARGE NUMBER OF IMPORTANT, BUT LESS CONTROVERSIAL ISSUES, E.G., BASELINES, INNOCENT PASSAGE IN THE TERRITORIAL SEA AND THE HIGH SEAS.

D) A PRIVATE NEGOTIATING GROUP ON STRAITS THAT INCLUDED ARAB STATES AND OTHER DEVELOPING COUNTRIES, CHAIRED BY THE UK AND FIJI, HAS PRODUCED A SINGLE NEGOTIATING TEXT THAT ENDORSES UNIMPEDED PASSAGE AND WILL PRESUMABLY BE THE BASIS FOR FUTURE NEGOTIATION. POSITIVE ACHIEVEMENT OF U.S. OBJECTIVES INCLUDE THE FOLLOWING:

A) THE EVENSEN TEXT ON THE ECONOMIC ZONE CAME OUT FAIRLY WELL ON MOST ISSUES; FREEDOM OF NAVIGATION AND OVERFLIGHT ARE PROVIDED FOR; THE TEXT INCLUDES CONSERVATION AND FULL UTILIZATION PROVISIONS ON FISHERIES; SALMON CAME OUT WELL, AND WITHOUT A MAJOR FIGHT WITH JAPAN.

B) THE UK-FIJI TEXT ON STRAITS IS A SOUND BASIS FOR NEGOTIATION.

C) OUR HARD CORE STRAITS OPPOSITION HAS BEEN REDUCED TO CHINA, ALBANIA, SPAIN, OMAN, YEMEN, DEMOCRATIC YEMEN, AND THE PHILIPPINES, WHILE SUPPORTERS OF THE UK-FIJI TEXT ARE GROWING, NOTABLY INCLUDING SOME ARABS, ARGENTINA, INDIA, KENYA, THE BAHAMAS, AND FIJI (RAPPORTEUR OF COMMITTEE II). INDONESIA AND MALAYSIA HAVE BEEN VIRTUALLY SILENT, AND MOROCCO LAUNCHED A COLONIALISM ATTACK ON SPAIN LINKED TO THE STRAITS ISSUE.

D) WE HAVE BEEN VERY SUCCESSFUL IN GETTING GOOD TEXTS ON IMPORTANT BUT LESS POLITICIZED ISSUES SUCH AS BASELINES.

E) THERE HAS BEEN NO PUBLIC DEBATE ON ARCHIPELAGOS WHILE PRIVATE NEGOTIATIONS CONTINUE.

NEGATIVE ASPECTS INCLUDE THE FOLLOWING:

A) THERE HAS BEEN NO FORMAL ADOPTION OF TEXTS OR AGREEMENT ON A COMMITTEE II PACKAGE, AND THE RISK OF UNILATERAL ACTION IS INCREASED.

B) THE GROUP OF 77 TEXT ON THE ECONOMIC ZONE CONTAINS VERY UNDESIRABLE ELEMENTS, AND IF PRESSED AT THE NEXT SESSION, COULD SEVERELY DAMAGE CHANCES OF AGREEMENT.

C) THERE IS VERY CONSIDERABLE OPPOSITION TO REGARDING THE ECONOMIC ZONE AS HIGH SEAS. TIME APPEARS TO BE ON THE SIDE OF THE TERRITORIALISTS.

D) THE LARGE GROUP OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES REMAIN FRUSTRATED, AND ISSUES OF CONCERN TO THEM HAVE NOT

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BEEN RESOLVED, THUS COMPLICATING ATTEMPTS TO REACH AGREEMENT,
E) NO CONSENSUS HAS YET EMERGED ON THE CONTINENTAL MARGIN BEYOND 200 MILES.

IT IS NOT POSSIBLE TO PREDICT WHAT WILL HAPPEN IN COMMITTEE II AT THE NEXT SESSION. A POSITIVE SCENARIO MIGHT BE BASES ON THE FOLLOWING:

- A) THE TWO KEY TREATY ELEMENTS--THE ECONOMIC ZONE AND STRAITS-- ARE VIRTUALLY COMPLETE IF THE EVENSEN TEXT ON THE ECONOMIC ZONE AND THE UK-FIJI TEXT ON STRAITS REMAIN ESSENTIALLY THE BASIS OF NEGOTIATION. MOST TECHNICAL ARTICLES ARE COMPLETED.
- B) OUR ARCHIPELAGO NEGOTIATIONS WITH INDONESIA WILL BE SUCCESSFULLY CONCLUDED--A KEY ASPECT OF THE STRAITS STRATEGY.
- C) AUSTRALIA AND ARGENTINA ON THE ONE HAND, AND THE LANDLOCKED STATES ON THE OTHER, WILL NOT BLOCK AN OVERALL PACKAGE THAT INCLUDES A COMPROMISE COUPLING JURISDICTION OVER THE MARGIN BEYOND 200 MILES WITH REVENUE SHARING BEYOND 200 MILES.
- D) THE EXTREME STRAITS STATES AND TERRITORIALISTS WILL REMAIN SMALL IN NUMBER AND WILL BE DISREGARDED.
- E) THE LANDLOCKED, PARTICULARLY THE GEOGRAPHICALLY DISADVANTAGED STATES, WILL COMPROMISE ON ACCESS TO FISHERIES IN THE ECONOMIC ZONE.

A NEGATIVE COMMITTEE II SCENARIO MIGHT BE BASED ON THE FOLLOWING:

- A) THE LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES DECIDE THAT THEY WILL NOT GET ADEQUATE RIGHTS, AND THUS SEE LITTLE POINT IN "RECOGNIZING" THE ECONOMIC ZONE AND THUS OPPOSE A TREATY.
- B) THE TERRITORIALISTS ADOPT AND SUCCEED IN A TACTIC OF APPEALING FOR GROUP OF 77 SOLIDARITY IN AN EFFORT TO UNDERMINE THE EVENSEN, OR SINGLE NEGOTIATING TEXT AS A BASIS FOR NEGOTIATION. POLITICAL EVENTS IN THE UN OR OTHER CONFERENCES COULD FURTHER ENCOURAGE EXTREME GROUP OF 77 BEHAVIOR.
- E) UNILATERAL CLAIMS IN THE INTERIM WILL (I) HAVE REDUCED THE MAJOR PRESSURE ON RESPONSIBLE STATES FOR ACHIEVING AGREEMENT, NAMELY TO ACHIEVE FISHERIES JURISDICTION, AND (II) BE SO EXTREME IN SOME CASES (E.G. A 200-MILE TERRITORIAL SEA) AS TO PRECLUDE COMPROMISE WITH THE UNITED STATES.

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C O N F I D E N T I A L SECTION 4 OF 4 GENEVA 3400
F) THE DISTANT WATER FISHING STATES ACQUIESCE IN
FACT IN UNILATERAL FISHERIES CLAIMS, AND THE MARITIME
STATES ACQUIESCE IN FACT (AVOID THE ISSUE) IN UNILAT-
ERAL CLAIMS OF CONTROL OVER NAVIGATION (E.G. TERRI-
TORIAL SEA OR "POLLUTION") CONVINCING THE MAJORITY
OF THE COASTAL STATES THAT AGREEMENT IS NOT NECESSARY
TO ACHIEVE THEIR COASTAL OBJECTIVES.

G) THERE IS INSUFFICIENT TIME TO WRAP UP ALL THE
ISSUES NECESSARY FOR INCLUSION IN THE PACKAGE.

5. COMMITTEE III-MARINE POLLUTION AND SCIENTIFIC
RESEARCH

A) MARINE POLLUTION: IN GENERAL, NEGOTIATIONS ON
NON-VESSEL ISSUES WENT WELL WITH MEANINGFUL ENVIRON-
MENTAL PROTECTION OBLIGATIONS EMERGING ON SEVERAL
QUESTIONS. MAJOR PROBLEMS ARE CONTINUING SUPPORT
FOR A DOUBLE STANDARD ALLOWING LESS STRINGENT STAN-
DARDS FOR LDC'S AND OPPOSITION TO EFFECTIVE OBLIGA-
TIONS IN DUMPING AND CONTINENTAL SHELF POLLUTION FROM
SOME LDC'S, NOTABLY INDIA AND BRAZIL. OTHER
LDC'S LED BY MEXICO, ARE MORE MODERATE AND SEEM
WILLING TO COMPROMISE ON THESE QUESTIONS.

ON VESSEL SOURCE POLLUTION BEYOND TERRITORIAL SEA, THERE
SEEMS TO BE CONSIDERABLE WILLINGNESS TO AGREE ON A
COMPROMISE BASED ON ENFORCEMENT RIGHTS ONLY, AL-
THOUGH SOME LDC'S CONTINUE TO SUPPORT COASTAL STATE
DESIRE FOR ENFORCEMENT RIGHTS IN ENTIRE 200-MILE ZONE
AND MARITIME STATES ATTEMPT TO LIMIT SEVERELY PORT
STATE ENFORCEMENT RIGHTS. MANY LDC'S PRIVATELY
INDICATED WILLINGNESS TO SUPPORT UNRESTRICTED PORT
STATE ENFORCEMENT OF INTERNATIONAL DISCHARGE STANDARDS
AS PART OF AN OVERALL ENFORCEMENT SYSTEM.

B) SCIENTIFIC MARINE RESEARCH: ALTHOUGH GREAT DIFFI-
CULTIES OBVIOUSLY EXIST IN DISTINGUISHING BETWEEN

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RESOURCE AND NON-RESOURCE RELATED RESEARCH, IT APPEARS THAT FUTURE NEGOTIATIONS WILL CENTER UPON THIS DISTINCTION, MAJOR EFFORTS WILL HAVE TO BE MADE TO NARROW THE SCOPE OF RESOURCE-RELATED RESEARCH. A PROPER PROCEDURAL APPROACH WOULD ALSO APPEAR NECESSARY WHERE RESEARCHING STATES CAN SEEK TO OPERATE UNDER AN OBLIGATION REGIME UNLESS THE COASTAL STATE TAKES AFFIRMATIVE ACTION TO REPLACE IT UNDER A CONSENT REGIME. FROM AN OVERALL PERSPECTIVE, A REGIME WHICH MAKES A DISTINCTION BETWEEN KINDS OF RESEARCH BASED UPON WHETHER IT IS RELATED TO RESOURCES, CAN BE SEEN AS A FURTHER DEFINITION OF THE NATURE OF COASTAL STATE JURISDICTION IN THE ECONOMIC ZONE.

6. SETTLEMENT OF DISPUTES

AS A RESULT OF THE WORK OF THIS SESSION, IT NOW APPEARS THAT WE HAVE A GOOD CHANCE TO OBTAIN AGREEMENT ON BINDING DISPUTE SETTLEMENT IN THE CONVENTION FOR BOTH THE DEEP SEABED AND AT LEAST FOR CERTAIN QUESTIONS (E.G., NAVIGATION) IN AREAS UNDER NATIONAL JURISDICTION. LATIN AND CANADIAN PRESSURE, HOWEVER, WILL PROBABLY NECESSITATE AN ACCOMMODATION IN AREAS UNDER NATION JURISDICTION TO PROTECT COASTAL STATE REGULATORY DISCRETION WITH RESPECT TO RESOURCES.

THERE WAS STRONG OPPOSITION TO THE CONCEPT OF THE LOS TRIBUNAL BY THE LATINS, SOVIETS, AND JAPAN, AMONG OTHERS. ON THE OTHER HAND, SOME AFRICAN DELEGATES TELL US THAT THE INCLUSION OF THE TRIBUNAL IN THE PROPOSAL FORWARDED TO THE PRESIDENT MAY HELP TO DEVELOP THE REQUISITE LDC SUPPORT FOR COMPULSORY DISPUTE SETTLEMENT. ABRAMS

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 UNCLAS SECTION 1 OF 4 GENEVA 3399
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SUBJECT: LOS: UNCLASSIFIED SUMMARY OF DELEGATION REPORT
 1, SAMMARY: FOLLOWING IS A SUMMARY OF THE DELEGATION
 REPORT ON GENEVA SESSION OF THE LAW OF THE SEA
 CONFERENCE, MARCH 17-MAY 9, 1975. THE DETAILED DELEGATION
 REPORT ON THE WORK OF THE MAIN COMMITTEES AND RELEVANT
 TEXTS WILL BE FORWARDED BY POUCH.

2. EVALUATION OF SESSION:
 A. THE PRINCIPAL VISIBLE RESULT OF THE GENEVA SESSION IS
 THE DISTRIBUTION OF INFORMAL SINGLE TEXTS COVERING ALL SUB-
 JECTS BEFORE THE CONFERENCE. THE CHAIRMAN OF THE DISPUTE SETTLE-
 MENT GROUP ALSO SUBMITTED A TEXT TO THE PRESIDENT OF THE
 CONFERENCE. THE SINGLE TEXTS WERE PRESENTED TO THE CONFERENCE
 PRESIDENT BY THE CHAIRMAN OF THE THREE MAIN COMMITTEES
 AS A BASIS FOR NEGOTIATION OF A COMPREHENSIVE TREATY. THESE TEXTS FO
 NOT RPT NOT REPRESENT AGREED ARTICLES OR CONSENSUS TEXTS BUT
 REPRESENT THE JUDGEMENT OF COMMITTEE CHAIRMEN BASED ON THEIR
 ASSESSMENT OF THE NEGOTIATION THUS FAR AS TO THE
 APPROPRIATE STARTING POINT FOR FURTHER NEGOTIATIONS
 DURING THE INTERSESSIONAL PERIOD AND AT NEXT SESSION
 IN APRIL 1976. AS SINGLE TEXTS WERE DISTRIBUTED ON THE
 LAST DAY, THE DELEGATION HAS NOT HAD AN OPPORTUNITY
 TO REVIEW OR ANALYZE THEM. A DETAILED EVALUATION WILL
 BE MADE IN WASHINGTON IN THE NEAR FUTURE BY THE NSC
 INTERAGENCY TASK FORCE. THE TEST OF THE VALUE OF THE
 SINGLE TEXT WILL BE THE EXTENT TO WHICH IT FACILITATES
 FURTHER NEGOTIATIONS.

B. THE CRUCIAL QUESTION REMAINS AS TO WHETHER THERE

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IS A WIDESPREAD GUNUINE WILL TO REACH ACCOMMODATION. WITHOUT SUCH WILL, THE SINGLE TEXT COULD PROVIDE NOTHING MORE THAN ANOTHER VEHICLE TO RESTATE OR REINTRODUCE FUNDEMENTAL DIFFERENCES.

C. IN THE JUDGEMENT OF THE DELEGATION, THE POINT HAS NOW BEEN REACHED WHEN A MAJORITY OF STATES MUST MAKE AS ASSESSMENT IN THE INTERIM PERIOD BEFORE THE NEXT SESSION AS TO WHETHER A TIMELY CONCLUSION OF AN OVERALL TREATY IS IN THEIR INTERESTS. THERE ARE PRESSURES IN MANY COUNTRIES, INCLUDING THE US, FOR UNILATERAL ACTION TO RESOLVE IMMEDIATE DIFFICULTIES, ESPECIALLY COASTAL FISHERIES, WHICH MAY FURTHER COMPLICATE NEGOTIATION OF COMPREHENSIVE TREATY. THERE APPEARED TO BE A GENERAL WILL TO NEGOTIATE ON MAJOR ECONOMIC ZONE AND POLLUTION QUESTIONS, WITH POSITIONS DRAWING MUCH CLOSER, AND TO A LESSER EXTENT WITH RESPECT TO SCIENTIFIC RESEARCH AND THE INTEREST OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES, POSITIONS ARE STILL FAR APART. THE REMAINDER OF THIS REPORT WILL REVIEW COURSE OF NEGOTIATIONS AND DELEGATION'S ASSESSMENT OF CURRENT TRANDS.

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D. TERRITORIAL SEA AND STRAITS: A SUBSTANTIAL CONSENSUS CONTINUES ON A TERRITORIAL SEA OF 12 MILES, THERE APPEARS TO BE A STONG TREND IN FAVOR OF UNIMPEDED PASSAGE OF STRAITS UNSED FOR INTERNATIONAL NAVIGATION AS PART OF A COMMITTEE II PACKAGE.

E. ECONOMIC ZONE, INCLUDING FISHERIES: NEGOTIATION OF BLANCE OF RIGHTS AND DUTIES IN 200-MILE ECONOMIC ZONE IS ONE THE THE MOST IMPORTANT ELEMENTS OF A SATISFACTORY PACKAGE. THE PRINCIPAL EFFORTS ON THIS ISSUE WERE MADE IN THE EVENSEN INFORMAL GROUP, A GROUP OF SOME 40 NATIONS FROM ALL REGIONS, CHAIRMED BY MINISTER JENS EVENSEN OF NORWAY. THE EVENSEN GROUP BEGAN WORK ON THE ECONOMIC ZONE PRIOR TO CONFERENCE AND COMPLETED WORK THIS SESSION OF A CHAPTER ON THE ECONOMIC ZONE INCLUDING FISHERIES, AND THE CONTINENTAL SHELF. WITH RESPECT TO FISHERIES THE EVENSEN GROUP TEXT INCLUDES ARTICLES ON ALL FISHERIES ISSUES INCLUDING ANADROMOUS SPECIES (SALMON) BUT NOT HIGHLY MIGRATORY (TUNA) AND IT REFLECTS A GENERAL CONSENSUS WITHIN THE CONFERENCE

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ON A COASTAL STATE JURISDICTION OVER COASTAL FISHERIES WITHIN A 200-MILE ECONOMIC ZONE, COASTAL STATES WOULD HAVE COMPREHENSIVE JURISDICTION TO MANAGE COASTAL STOCKS IN THE ECONOMIC ZONE, COUPLED WITH A DUTY TO INSURE THEIR CONSERVATION AND TO PERMIT ACCESS BY FOREIGN STATES TO FISH STOCKS IN EXCESS OF THE COASTAL STATE'S CAPACITY TO HARVEST, THE TEXT ON SALMON REPRESENTS AN ACCOMMODATION THAT CONTAINS NEW STRONG PROTECTIONS FOR THE STATE OF ORIGIN WHILE PERMITTING SOME CONTINUATION OF TRADITIONAL FISHING.

F. DEEP SEABEDS: EFFORTS IN EARLY WEEKS WHICH SEEMED LIKELY TO MOVE TOWARD ACCOMMODATION WITH DEVELOPING COUNTRIES ON KEY QUESTIONS OF BASIC CONDITIONS OF EXPLOITATION DID NOT SURVIVE PRESSURES WITHIN THE GROUP OF 77 TO RETURN TO ORIGINAL IDEOLOGICAL POSITIONS. DOCTRINAL DIFFERENCES HAVE PREVIOUSLY PREVENTED PROGRESS ON THIS SUBJECT AND GAP WAS NOT BRIDGED THIS SESSION. HOWEVER, LIMITED FLEXIBILITY WAS SHOWN IN EFFORTS TO REACH ACCOMMODATION ON BASIC QUESTIONS INVOLVED IN INTERNATIONAL MACHINERY REGARDING POWERS AND FUNCTIONS OF THE ASSEMBLY, COUNCIL TRIBUNAL, AND TECHNICAL COMMISSIONS, AS WELL AS VOTING PROCEDURES AND PROVISIONAL APPLICATION OF THE REGIME AND MACHINERY.

G. DISPUTE SETTLEMENT: TEXT FORWARDED TO THE PRESIDENT BY AN INFORMAL GROUP OF ABOUT 60 STATES SETS FORTH THE DISPUTE SETTLEMENT PROCEDURES FOR INCLUSION IN THE CONVENTION, WHILE IT PROCEEDS ON THE PRINCIPLE THAT THERE WILL BE SOME BINDING DISPUTE SETTLEMENT PROCEDURES, THERE IS NO AGREEMENT YET ON WHAT THE SCOPE OF BINDING DISPUTE SETTLEMENT WILL BE IN THE ECONOMIC ZONE.

H. DETAILED NEGOTIATIONS IN THREE MAIN COMMITTEES AND IN DISPUTE SETTLEMENT GROUP ARE SUMMARIZED IN PARAGRAPHS 4, 5, 6, AND 7.

3. FUTURE WORK PROGRAM

THE PLENARY DECIDED THAT THE FOURTH SESSION OF THE CONFERENCE SHOULD BE HELD IN NEW YORK FOR EIGHTS WEEKS COMMENCING MARCH 29, 1976. IF THE LAW OF THE SEA CONFERENCE SO DETERMINES, AN ADDITIONAL SESSION WOULD BE HELD IN NEW YORK IN 1976 WITH A FINAL SIGNING

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SESSION IN CARACAS. THE EVENSEN GROUP DECIDED TO CONTINUE ITS INFORMAL NEGOTIATIONS, BUT IT WILL NOW BECOME AN OPEN ENDED GROUP FOR ALL INTERESTED PARTICIPANTS. THE GROUP PRESENTLY PLANS TO MEET DURING THE LAST WEEK OF AUGUST AND FIRST WEEK OF SEPTEMBER, WITH POSSIBLE ADDITIONAL MEETINGS DURING THE GENERAL ASSEMBLY AND IN EARLY 1976. EVENSEN ANNOUNCED THAT THE SUBJECTS OF MARINE POLLUTION, SCIENTIFIC RESEARCH, OUTER LIMIT OF CONTINENTAL SHELF AND REVENUE SHARING WOULD BE DISCUSSED.

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UNCLAS SECTION 2 OF 4 GENEVA 3399
 4. COMMITTEE I. DEEP SEABEDS

A. GENERAL

SERIOUS NEGOTIATIONS OCCURED IN COMMITTEE I (CI) DURING GENEVA SESSION, WITH A NUMBER OF COMPROMISE PROPOSALS BEING EXPLORED, BUT THE MOST STRIKING FEATURE OF THIS SESSION WAS THE INABILITY OF THE DEVELOPING COUNTRIES, GROUP OF 77, TO MAKE CONCESSIONS ON THEIR MORE FUNDAMENTAL IDEOLOGICAL POSITIONS. ALTHOUGH THE DEVELOPING COUNTRIES WERE SOMEWHAT RECEPTIVE TO OUR BASIC CONCERNS IN THE AREA OF INSTITUTIONAL STRUCTURE AND THE NEED TO LIMIT THE AUTHORITY'S POWERS OVER EXPLOITATION, WE WERE NOT ABLE TO BRIDGE THE IDEOLOGICAL GAP ON THE EXPLOITATION SYSTEM. DESPITE A UNITED STATES EFFORT TO BE FORTHCOMING ON SOME OF THEIR DEMANDS FOR PARTICIPATION, THE DEVELOPING COUNTRIES CONTINUE TO SUPPORT THE VIEW THAT ONLY A SYSTEM IN WHICH THE AUTHORITY DIRECTLY EXPLOITS WILL PROTECT THEIR INTERESTS.

B. BASIC CONDITIONS AND THE EXPLOITATION SYSTEM
 THE UNITED STATES ENTERED THE COMMITTEE I NEGOTIATIONS AT GENEVA WITH A WILLINGNESS TO BE MORE FLEXIBLE ON ISSUES OF DIRECT CONCERN TO THE DEVELOPING COUNTRIES, WHILE AT THE SAME TIME PRESERVING ITS MOST IMPORTANT INTERESTS IN ACCESS TO DEEP SEABED MINERALS. DURING THE FIRST HALF OF THE SESSION, WE AGREED TO CONSIDER IN THE TREATY BASIC CONDITIONS OF EXPLOITATION AS OPPOSED TO DETAILED REGULATORY PROVISIONS (ON THE CONDITION THAT DETAILED REGULATIONS FOR THE PROVISIONAL PERIOD WOULD BE ADOPTED BY THE CONFERENCE). WE ALSO AGREED TO CONSIDER A SYSTEM OF JOINT VENTURES, WITH THE POSSIBILITY OF PROFIT-SHARING WITH THE AUTHORITY, AS THE SINGLE METHOD OF EXPLOITATION, AND PROPOSED A RESERVA-

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TION OF AREAS SYSTEM, UNDER THIS APPROACH, AN APPLICANT FOR A JOINT VENTURE WOULD SUBMIT TWO MINE SITES, ONE OF WHICH THE AUTHORITY WOULD DESIGNATE AS A RESERVED AREA, IN THE RESERVED AREAS, THE AUTHORITY COULD NEGOTIATE WITH APPLICANTS FOR THE MOST FAVORABLE FINANCIAL TERMS AND COMMITMENTS TO TRANSFER TECHNOLOGY, AT MID-SESSION, THE CHAIRMAN OF THE WORKING GROUP INTRODUCED A PERSONAL DRAFT OF BASIC CONDITIONS THAT FOCUSED PRIMARILY ON A CONTRACTURAL JOINT VENTURE SYSTEM THAT INCLUDE RESERVATION OF AREAS FOR BOTH STATES AND FOR DIRECT EXPLOITATION BY THE AUTHORITY, THIS ELABORATION OF APARALLEL SYSTEM (AN APPROACH IN WHICH THE AUTHORITY DIRECTLY EXPLOITS AT THE SAME TIME THAT STATES AND THEIR NATIONALS EXPLOIT UNDER A SEPARATE SYSTEM) WAS INTENSIVELY CONSIDERED BY THE GROUP OF 77, WHO EVENTUALLY REJECTED THE CONCEPT OF DESIGNATING AREAS SOLELY FOR STATE EXPLOITATION AND ALSO REJECTED THE PARALLELED SYSTEM AS ELABORATED IN THE DRAFT, THE REASONS GIVEN BY THE GROUP OF 77 FOR ITS REJECTION OF THIS CONCEPT RELATED TO THEIR IDEOLOGICAL DIFFICULTY IN ESTABLISHING TWO SEPARATE REGIMES FOR THE INTERNATIONAL AREA.

C. MACHINERY

THE COMMITTEE DEVOTED ONLY THREE FORMAL SESSIONS TO CONSIDERATION OF MACHINERY ISSUES, ALTHOUGH THE GROUP OF 77 DEVELOPED A NEW, UNIFIED POSITION ON THESE QUESTIONS, THE MOST IMPORTANT ASPECT OF THIS POSITION WAS A WILLINGNESS TO INCLUDE REPRESENTATION ON THE COUNCIL FOR DEVELOPED AND DEVELOPING COUNTRIES THAT HAVE A SPECIAL INTEREST IN THE DEEP SEABED AND TO SUBMIT THE ENTIRE EXPLOITATION SYSTEM TO THE CONTROL OF THE COUNCIL, GROUP OF 77 DID NOT REACH AN AGREED POSITION ON PRODUCTION CONTROLS APPARENTLY AS A RESULT OF THE DIFFERING INTERESTS OF PRODUCERS AND CONSUMERS WITHIN THE GROUP, THE UNITED STATES DELIVERED A STATEMENT IN WHICH WE LISTED TWELVE CRITICAL ELEMENTS OF AN ACCEPTABLE INTERNATIONAL MACHINERY.

D. SINGLE TEXTS

THE COMMITTEE CONCLUDED ITS ACTIVITIES THIS SESSION WITH THE INTRODUCTION BY ITS CHAIRMAN OF A

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DRAFT OF SINGLE TEXTS ON THE REGIME AND MACHINERY, PREPARED AS A PERSONAL EFFORT. THE CHAIRMAN OF THE WORKING GROUP ALSO PREPARED A REVISED VERSION OF BASIC CONDITIONS WHICH WAS NOT CONSIDERED BY THE WORKING GROUP, ALTHOUGH IT WAS ANNEXED TO THE CHAIRMAN'S UNIFIED TEXTS.

E. CONCLUSION
 IN MARKED CONTRAST TO PREVIOUS SESSIONS, COMMITTEE I ENGAGED IN INTENSIVE EFFORTS TO BRING OPPOSING VIEWS CLOSER TOGETHER. LITTLE PROGRESS WAS MADE IN BRIDGING THE IDEOLOGICAL GAP BETWEEN NATIONS ON THE BASIC ASPECTS OF THE EXPLOITATION SYSTEM, ALTHOUGH GREATER UNDERSTANDING WAS DEVELOPED ON THE RELATIVE NEEDS AND INTERESTS OF STATES THAT MUST BE ACCOMMODATED IN THE STRUCTURE AND POWERS OF THE INTERNATIONAL AUTHORITY.
 5. COMMITTEE II. TERRITORIAL SEA, STRAITS, AND THE ECONOMIC ZONE, INCLUDING LIVING AND NON-LIVING RESOURCES: THE BASIC STRUCTURE OF A 12-MILE MAXIMUM TERRITORIAL SEA, UNIMPEDED PASSAGE OF STRAITS, AND A 200-MILE ECONOMIC ZONE WITH SOVERIGN RIGHTS OVER LIVING AND NON-LIVING RESOURCES AND SPECIAL TREATMENT FOR ANADROMOUS SPECIES (SALMON) HAS NOW BEEN ELABORATED BY SPECIFIC TEXTS. THE COMMITTEE COMPLETED A REVIEW OF THE PAPER, DEVELOPED IN CARACAS TO REFLECT THE "MAIN TRENDS" OF THE DISCUSSIONS IN INFORMAL MEETINGS. WORKING GROUPS HAVE DEALT WITH VIRTUALLY ALL OF THE TRADITIONAL DETAILS OF THE TERRITORIAL SEA QUESTION, INCLUDING BASELINES AND INNOCENT PASSAGE, AND THE HIGH SEAS REGIME, MAKING SOME TECHNICAL CHANGES IN THE EXISTING REGIME. THE EVENSEN GROUP TEXT ON THE ECONOMIC ZONE REFLECTS A BROAD TREND OF OPINION; HOWEVER, ITS CIRCULATION WAS FOLLOWED BY EFFORTS IN THE GROUP OF 77 BY EXTREME TERRITORIALISTS TO MAKE THE ECONOMIC ZONE MORE COASTALLY ORIENTED, AND BY EFFORTS BY LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES TO SECURE GREATER RIGHTS OF ACCESS TO FISHERIES OF NEIGHBORING COASTAL STATES. ON FISHERIES, THE EVENSEN TEXT INCLUDES CONVERSATION AND FULL UTILIZATION ARTICLES AND AN ANADROMOUS (SALMON) ARTICLE PROTECTING THE INTERESTS OF THE STATE OF ORIGIN. WHILE NO AGREEMENT HAS YET EMERGED ON CONTINENTAL SHELF JURISDICTION BEYOND

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200 MILES, IT IS INCREASINGLY REGOGNIZED BY MANY MODERATES THAT COASTAL STATE JURISDICTION TO A PRECISELY DEFINED LIMIT OF THE MARGIN BEYOND 200 MILES COUPLED WITH REVENUE SHARING BEYOND 200 MILES IN THE ONLY WAY TO ACHIEVE WIDESPREAD AGREEMENT.

THE MAIN NEGOTIATING PROBLEMS FACING COMMITTEE II IN THE FUTURE ARE LIKELY TO INCLUDE THE FOLLOWING:

A. STATUS OF THE ECONOMIC ZONE. ASSUMING ALL RESOURCE AND ECONOMIC ACTIVITIES (OTHER THAN NAVIGATION, OVERFLIGHT, AND SUBMARINE CABLES AND PIPELINES) ARE SUBJECT TO COASTAL STATE JURISDICTION, AND THAT POLLUTION AND SCIENTIFIC RESEARCH QUESTIONS ARE RESOLVED, THE QUESTION IS WHETHER THE LEGAL STATUS OF THE ECONOMIC ZONE REMAINS HIGH SEAS.

B. ACCESS OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES TO FISHERIES IN THE ECONOMIC ZONES OF THEIR NEIGHBORS. THE LANDLOCKED STATES ARE NUMEROUS, AND AN INCREASING NUMBER OF STATES BOTH DEVELOPED AND DEVELOPING ARE REGARDING THEMSELVES AS GEOGRAPHICALLY DISADVANTAGED.

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 C. RIGHT OF ACCESS TO THE SEA FOR LANDLOCKED STATES, WHILE IN PRINCIPLE EVERYONE AGREES, THE STRENGTH AND SCOPE OF THE "RIGHT" IS CONTENTIOUS, AMONG CONCERNED STATES.
 D. HIGHLY MIGRATORY SPECIES (TUNA), NO COMPLETE MEETING OF THE MINDS HAS YET BEEN REACHED ON THIS ISSUE, ALTHOUGH POSITIONS ARE CLOSER, IT SEEMS THAT AN ORGANIZATION WHICH WOULD ESTABLISH MANDATORY CONSERVATION MEASURES WOULD BE BROADLY ACCEPTABLE, BUT THERE IS STILL DISAGREEMENT AS TO WHETHER OTHER MEASURES ADOPTED BY AN ORGANIZATION INCLUDING ALLOCATION WOULD BE MANDATORY.
 E. CONTINENTAL SHELF, WHAT IS STILL NEEDED IS AN ELABORATION OF A COMPROMISE ON THE CONTINENTAL SHELF THAT INCLUDES COASTAL STATE RESOURCE JURISDICTION OVER AND REVENUE SHARING FROM, PRODUCTION ON THE CONTINENTAL SHELF WHERE IT EXTENDS BEYOND 200 MILES, ALTHOUGH THERE ARE ADAMANT POSITIONS BY SOME DELEGATIONS ON BOTH SIDES OF THE ISSUE; THOSE WHO OPPOSE ANY JURISDICTION BEYOND 200 MILES, AND SOME BROAD MARGIN STATES WHO OPPOSE THE CONCEPT OF REVENUE SHARING.
 F. BOUNDARIES BETWEEN ADJACENT AND OPPOSITE COASTAL STATES AND RELATED ISLANDS PROBLEMS. IT IS INCREASINGLY RECOGNIZED THAT PRECISE RESOLUTION IN A MULTILATERAL CONVENTION OF THESE ESSENTIALLY BILATERAL ISSUES WILL BE VERY DIFFICULT, THERE IS BOTH STRONG SUPPORT FOR, AND STRONG OPPOSITION TO, COMPULSORY DISPUTE SETTLEMENT WHERE THE BOUNDARY LOCATION CANNOT BE AGREED.
 G. ARCHIPELAGOES. IT IS NOT CLEAR WHETHER AGREEMENT CAN BE REACHED ON AN OBJECTIVE DEFINITION OF ARCHIPELAGOES AND ON TRANSIT RIGHTS ADEQUATE TO PERMIT GENERAL ACCEPTANCE OF SPECIAL PROVISIONS FOR ARCHIPELAGOES.

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AGOS.

WE BELIEVE THE CONFERENCE MUST RECOGNIZE THAT IT WILL BE IMPOSSIBLE TO GO FURTHER TO ACCOMODATE EXTREME TERRITORIALISTS AND EXTREME STRIATS IF THE TREATY IS TO BE WIDELY ACCEPTABLE

WHAT MOST STATES WANT MOST OUT OF THE COMMITTEE II NEGOTIATION IS REFLECTED IN TEXTS THAT APPEAR TO HAVE WIDESPREAD SUPPORT. WHAT IS NOW UNRESOLVED ARE SPECIAL PROBLEMS OF CONSIDERABLE IMPORTANCE TO SOME STATEES ON WHICH A BALANCE REMAINS TO BE DOUND. THE CUMULATIVE TOTAL OF STATES CONCERNED WITH THESE SPECIAL PROBLEMS INVOLVES A SUBSTANTIAL NUMBER; THUS IT WILL BE NECES- SARY TO RESOLVE MOST OF THEM, INCLUDING THE STATUS OF THE ECONOMIC ZONE, TUNA, AND THE CONTINENTAL MARGIN AND THE QUESTION OF LANDLOCKED GDS CONCERNS.

NO STATE IS LIKELY TO BE FULLY SATISFIED BY THE SINGLE TEXT PREPAARED BY THE BUREAU. IF AT THE NEXT SESSION, STATES WILL ACCEPT THE SINGLE TEXT PREPARED BY THE BUREAU AS A BASIS FOR NEGOTIATIONS ADN PRESS FOR CHANGES OF CONCERN TO THEM, THERE ARE REASONABLE PROSPECTS OF SUCCESS.

IF, ON THE OTHER HAND, A COALITION FORMS OF THOSE DIS- SATISFIED THAT SEEKS TO GO BACK TO THE DRAWING BOARDS AND FIND A NEW BASIC TEXT--THE KIND OF MANEUVER THAT HAS ALREADY MANIFESTED ITSELF IN THE GROUP OF 77 ECONOMIC ZONE RECEOOENDED TEXT SUBMITTED TO THE CHAIR- MAN OF COMMITTEE II FOR HIS CONSIDERATION--THEN IT IS UNLIKELY THAT A WIDELY ACCEPTABLE TREATY CAN BE PRODUCED,

6. COMMITTEE III. MARINE POLLUTION, SCIENTIFIC RESEARCH; A, MARINE POLLUTION; THE POLLUTION WORKING GROUP IN THE THIRD COMMITTEE COMPLETED TEXTS ON MONITORING ENVORONMENTAL ASSESSMENT, AND LANDBASED POLLUTION AND MOVED CLOSE TO COMPLETED TEXTS ON OCEAN DUMPING AND CONTINENTAL SHELF POLLUTION. WHILE THESE TEXTS INCLUDE MEANINGFUL OBLIGATIONS TO PROTECT THE ENVIRONMENT, THERE CONTINUES TO BE SOME OPPOSITION TO ACCEPTING SUCH OBLIGATIONS.

ON VESSEL SOURCE POLLUTION, NEGOTIATIONS CONTINUED IN THE EVENSEN GROUP BUT NOT FINAL AGREEMENT WAS REACHED. THERE WAS A TREND HOWEVER, AGAINST ANY COASTAL STATE STANDARD SETTING IN THE ECONOMIC ZONE.

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B. MARINE SCIENTIFIC RESEARCH: DURING THIS SESSION THE FOUR MAIN TRENDS DEVELOPED IN CARACAS EVOLVED INTO THREE APPROACHES WHICH THE CHAIRMAN EULIMATEDLY CONSIDERED IN PRODUCING THE UNIFIED TEXT. THESE THREE DIFFERENT APPROACHES ARE: (1) THE PROPOSAL OF SOME STATES WITHIN THE GROUP OF 77, WHICH PROVIDES THAT ALL SCIENTIFIC RESEARCH IN AREAS UNDER COASTAL STATE JURISDICTION SHALL BE CONDUCTED ONLY WITH THE EXPLICIT CONSENT OF THE COASTAL STATE (L.13, REV.2); (2) A PROPOSAL BY MANY WESTERN EUROPEAN COUNTRIES, WITH AMENDMENTS BY A GROUP OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES, THAT MARINE SCIENTIFIC RESEARCH CAN BE CONDUCTED IF A LIST OF INTERNATIONALLY AGREED OBLIGATIONS ARE FULFILLED, SUBJECT TO DISPUTE SETTLEMENT PROCEDURES (L.28, AND AMENDMENT TO L.19); AND (3) THE SOVIET PROPOSAL, LATER DRAWN UPON BY MEXICO AND OTHERS, WHICH DISTINGUISHES BETWEEN RESEARCH CONCERNING RESOURCES AND NON-RESOURCE RELATED RESEARCH, REQUIRING CONSENT FOR RESOURCE-RELATED RESEARCH AND COMPLIANCE WITH INTERNATIONALLY AGREED OBLIGATIONS FOR RESEARCH NOT CONCERNED WITH RESECOVES (L.26 AND L.29). THE INFORMAL SESSIONS OF COMMITTEE III WERE DEVOTED MOSTLY TO THE QUESTION OF THE LEGAL STATUS OF SCIENTIFIC INSTALLATIONS AND STATE LIABILITY FOR DAMAGE CAUSED BY SCIENTIFIC RESEARCH. MEANWHILE AN INFORMAL NEGOTIATING GROUP, UNDER THE CHAIRMANSHIP OF CORNELL METTERNICH OF THE FEDERAL REPUBLIC OF GERMANY, ATTEMPTED TO INITIATE NEGOTIATIONS ON THE MAJOR ISSUES OF MARINE SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE AND IN THE INTERNATIONAL AREA. THESE EFFORTS FOCUSED MAINLY ON RESEARCH IN THE ECONOMIC ZONE, AND WERE HAMPERED BY LIMITED ATTENDENCE. THE PRIVATE NEGOTIATIONS AND NEW PROPOSALS FORMALLY INTRODUCED IN COMMITTEE III LED TO SOME NARROWING OF THE NEGOTIATING ALTERNATIVES.

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NC 594

TOR:101113Z MAY 75

R 100835Z MAY 75
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC 2799
INFO RUEHDT/USMISSION USUN NEW YORK 1678
RUEHIA/USIA WASHDC 1493

BT
UNCLAS SECTION 4 OF 4 GENEVA 3399

7. SETTLEMENT OF DISPUTES:

ALTHOUGH THERE WERE SOME MEMBERS OF THE WORKING GROUP ON DISPUTE SETTLEMENT WHO OPPOSED ANY BINDING DISPUTE SETTLEMENT PROCEDURES IN AREAS OF NATIONAL JURISDICTION (E.G., ECONOMIC ZONE), THE CONCEPT WAS SUPPORTED BY A MAJORITY OF THE MORE THAN 60 PARTICIPATING COUNTRIES, AT LEAST FOR SOME IMPORTANT ASPECTS OF THE CONVENTION SUCH AS NAVIGATION. THE QUESTION OF THE RELATIONSHIP BETWEEN THE EXERCISE OF COASTAL STATE RESOURCE JURISDICTION AND THE ACCEPTANCE OF DISPUTE SETTLEMENT PROCEDURES IS A PARTICULARLY IMPORTANT AND DELICATE PROBLEM. IT REMAINS UNCLEAR WHETHER THERE WILL BE A COMPREHENSIVE DISPUTE SETTLEMENT MECHANISM OR WHETHER, AS SOME DELEGATIONS PREFER, EACH ISSUE WILL BE DEALT WITH SEPARATELY. IT ALSO REMAINS UNCLEAR WHETHER THE MECHANISM FOR RESOLVING DISPUTES WOULD BE THE INTERNATIONAL COURT OF JUSTICE, AN ARBITRAL BODY, OR A NEW LAW OF THE SEA TRIBUNAL. A PROPOSAL FORWARDED BY THE GROUP SETS FORTH A PROCEDURE WHICH PERMITS STATES TO ELECT TO ACCEPT ONE OR MORE OF THESE ALTERNATIVES. THERE IS GENERAL SUPPORT FOR SPECIAL DISPUTE SETTLEMENT MACHINERY FOR THE DEEP SEABEDS. END SUMMARY. ABRAMS

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INFO RUFHGV/USMISSION GENEVA IMMEDIATE 280
RUTAIJ/AMEMBASSY ABIDJAN 2006
RUFNCX/AMEMBASSY LIBREVILLE 1307
BT

Geneva

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122

C O N F I D E N T I A L YAOUNDE 1613
GENEVA FOR LOS DELEGATION
E.O. 11652: GDS
TAGS: PLOS
SUBJ: LOS; COMMITTEE I NEGOTIATING TEXT
REF: GENEVA 3410 (NOTAL)

1. REFTEL FROM LOS DEL MENTIONED THAT AFTER ITS RETURN TO WASHINGTON, IT HOPED TO ASK AMBASSADOR TO MAKE APPROACH TO PRESIDENT AHIDJO STRESSING PAUL ENGO'S CENTRAL ROLE IN FIRST COMMITTEE AND SOLICITING GURC SUPPORT FOR ENGO TO CONDUCT INTERSESSIONAL MEETINGS.
2. WISH POINT OUT THAT AHIDJO AND GURC GOING THROUGH BUSY PERIOD INTERNALLY AND AHIDJO FREQUENTLY SPENDS EXTENDED PERIODS AWAY FROM YAOUNDE. HE MIGHT CONSIDER IT IMPOSITION FOR AUDIENCE TO BE REQUESTED TO DISCUSS DIRECTLY WITH HIM WHAT LIKELY SEEM TO HIM ESSENTIALLY PROCEDURAL MATTER ON SUBJECT WHOSE IMPORTANCE LOOMS LESS LARGE IN CAMEROON THAN IN U.S. AND ELSEWHERE. ENGO'S STANDING IN CAMEROON NOT RPT NOT ESPECIALLY HIGH WHERE HE ESSENTIALLY "RELEGATED" TO HANDLING LOS ISSUES WHILE COMPLETELY LEFT OUT OF FLOW OF "IMPORTANT WORK" AT FONMIN.
3. IT WOULD NORMALLY BE MORE APPROPRIATE TO TAKE THIS KIND OF ISSUE UP AT LEVEL BELOW AHIDJO, I.E., AT MOST WITH MINISTER OF STATE SECRETARY GENERAL AT PRESIDENCY PAUL BIYA. HOWEVER, FORTUNATELY, WE HAVE JUST BEEN INFORMED THAT PRESIDENT AHIDJO PLANNING HOST SMALL LUNCH FOR ASSISTANT SECRETARY DAVIS SATURDAY MAY 17. THIS MIGHT PROVIDE OCCASION FOR AMBASSADOR TO BRING MATTER DIRECTLY TO PRESIDENT'S ATTENTION, IF DEPARTMENT DESIRES APPROACH TO BE MADE TO PRESIDENT ALONG LINES REFTEL, WE WOULD HOPE TO RECEIVE INSTRUCTION PRIOR TO MAY 17 EVENT. MOORE

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TOR:130742Z MAY 75

R 122124Z MAY 75
FM AMEMBASSY OTTAWA
TO RUEHC/SECSTATE WASHDC 6412
INFO ZEN/AMCONSUL HALIFAX

Geneva

Comm. II ✓

Canada

121

BT
UNCLAS OTTAWA 1768
E.O. 11652: N/A

TAGS: EFIS ICNAF CA

SUBJECTAC FISHING: JUNE ICNAF CONFERENCE

1. DURING COMMONS QUESTION PERIOD OF MAY 9, MP MARSHALL (P.C., NEWFOUNDLAND) DIRECTED THE FOLLOWING TO FISHERIES MINISTER LEBLANC: "THE MINISTER INDICATED AT THE LAW OF THE SEA CONFERENCE THAT HE WAS REQUESTING NATIONS TO CUT THEIR QUOTAS BY 40 PER CENT, I WONDER IF THE MINISTER OBTAINED THAT AGREEMENT; ALSO CAN HE TELL THE HOUSE WHAT ACTION HE TOOK TO DISCUSS THE REDUCTION OF QUOTAS WITH CERTAIN NATIONS AND IF HE IS GOING TO SHOW LEADERSHIP IN THE SO-CALLED ICNAF COUNCIL AND DISCUSS THIS MATTER."

2. MINISTER LEBLANC RESPONDED: "WHAT I SAID AT GENEVA WAS WHAT WILL BE PROPOSED TO THE ICNAF MEETING NEXT JUNE IN EDINBURGH, WHICH IS THAT FOREIGN FLEETS, BUT NOT THOSE OF CANADA, SHOULD REDUCE THEIR EFFORCT BY 40 PER CENT.WE WILL GO TO THIS CONFERENCE WITH A VERY CLEAR POSITION ON THIS ISSUE. I TALKED TO SOME OF THE KEY DELEGATIONS AT GENEVA ABOUT THIS VERY QUESTION AND ASKED FOR THEIR UNDERSTANDING, I MADE IT BERY CLEAR THAT IF WE ARE ASKED TO BE PATIENT, AT LEAST ICNAF WILL BE AN AREA WHERE WE WILL SEE SOME REAL PROGRESS." PORTER

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NC 60006

TOR:121155Z MAY 75

Geneva

Gen. Comm

France ✓
USSR ✓
Iraq ✓

120

R 120741Z MAY 75
FM USMISSION GENEVA
TO SECSTATE WASHDC 2825
BT

UNCLAS GENEVA 3416
EO 116521 N/A

TAGS: PLOS

SUBJ: REPORT ON GENERAL COMMITTEE AND PLENARY COMMITTEE
FROM US DEL LOS

FOR: D/LOS - PLEASE PASS ALL DIPLOMATIC POSTS EXCEPT USMISSION
GENEVA, USDEL MTN GENEVA, AND USDEL SALT II GENEVA

1. SUMMARY: GENERAL COMMITTEE RECOMMENDATION WAS ADOPTED BY
PLENARY COMMITTEE THAT FOURTH SESSION OF LOS CONFERENCE BE HELD
IN NEW YORK FOR EIGHT WEEKS COMMENCING MARCH 29, 1976. END
SUMMARY.

2. GENERAL COMMITTEE: FOLLOWING PROPOSALS WERE RECOMMENDED: (A)
THAT FOURTH SESSION OF LOS CONFERENCE BE HELD IN NEW YORK FOR
EIGHT WEEKS COMMENCING 29 MARCH 1976; (B) THAT THE DECISION RE-
GARDING SUBSEQUENT SESSIONS BE LEFT FOR THE DETERMINATION BY LOS
CONFERENCE; (C) THAT GENERAL ASSEMBLY BE REQUESTED TO PROVIDE
FOR A FIFTH SESSION IN 1976 IF NECESSARY; (D) THAT THE GENERAL
ASSEMBLY REQUEST THE SECRETARY-GENERAL TO GIVE HIGHEST PRIORITY
TO THE CONFERENCE IN PROVIDING CONFERENCE FACILITIES.

3. COMMENT ON GENERAL COMMITTEE: AMERASINGHE GAVELED THROUGH
ABOVE DECISIONS AFTER FAIRLY LENGTHY DEBATE WITH FRANCE, USSR,
IRAQ AND SOME OTHERS OBJECTING TO ANY SUGGESTION THAT CONFERENCE
HAD TO COMPLETE ITS WORK IN 1976. AMERASINGHE'S ORIGINAL IDEA,
WHICH IS NOT YET ABANDONED DESPITE GENERAL COMMITTEE ACTION, WAS
TO HAVE ONE NEGOTIATING SESSION AND THEN ANOTHER VOTING SESSION
IN 1976 FOLLOWED BY SIGNING SESSION IN CARACAS. ZULETA, UNDER
SECRETARY GENERAL FOR THE CONFERENCE, STATED THAT PERIOD JUNE 26
TO AUGUST 30 IN NEW YORK WAS AVAILABLE FOR THE CONFERENCE.

4. PLENARY COMMITTEE: LAST MEETING OF GENEVA SESSION OF LOS
CONFERENCE HELD ON MAY 9. REPORT OF CREDENTIALS COMMITTEE ACCEP-
TED WITHOUT DISCUSSION. RECOMMENDATIONS OF GENERAL COMMITTEE RE-
GARDING TIME, VENUE AND DURATION OF NEXT SESSION ADOPTED WITH AD-
DITION OF REQUEST FOR GA TO GIVE LOS CONFERENCE HIGHEST PRIORITY
FOR USE OF FACILITIES. CONFERENCE PRESIDENT AMERASINGHE APPEALED
FOR INTER-GROUP AS WELL AS INTRA-GROUP CONSULTATIONS. SECRETAR-
IAT INDICATED THAT UN WOULD BE ABLE TO PROVIDE INTER-SESSIONAL

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NC 60006

TOR:121155Z MAY 75

ADMINISTRATIVE SUPPORT. "SINGLE NEGOTIATING TEXT" PREPARED BY CHAIRMEN OF THREE MAIN COMMITTEES WAS SAID TO MARK TURNING POINT IN CONFERENCE AS PROCEDURAL DEVICE TO PROVIDE BASIS FOR NEGOTIATION.

5. UNILATERAL ACTION: AMERASINGHE MADE PERSONAL APPEAL ON BASIS OF REQUEST FROM GROUP OF 77 TO EXPRESS GRAVE CONCERN OVER CERTAIN PRONOUNCEMENTS TO EFFECT THAT IF TREATY IS NOT CONCLUDED, THEN THERE WOULD BE UNILATERAL ACTION REGARDING THE EXPLORATION AND EXPLOITATION OF THE DEEP SEABED. WHILE AMERASINGHE DID NOT FEEL CONFERENCE HAD GIVEN ITSELF ALL THE TIME NEEDED TO COMPLETE NEGOTIATION, HE SAW NO JUSTIFICATION FOR UNILATERAL ACTION. HE MADE "FERVENT APPEAL" TO ALL STATES TO REFRAIN FROM UNILATERAL ACTION IN THE DEEP SEABED THAT WOULD JEAPORDIZE CONCLUSION OF TREATY AND STATED THERE WAS "TOO MUCH AT STAKE TO ACT PRECIPITOUSLY." AMERASINGHE THEN READ LETTER FROM CHAIRMAN OF LANDLOCKED/GEOGRAPHICALLY DISADVANTAGED STATES GROUP WHICH ALSO APPEALED TO STATES NOT TO TAKE UNILATERAL ACTION REGARDING MARITIME AREAS BEYOND 12 MILES. STATEMENT BY PRESIDENT OF UNEP WAS READ INTO RECORD. -150

6. AMANDMENTS TO SINGLE TEXT: CHILE ASKED IF SECRETARIAT COULD CIRCULATE COMMENTS OR AMENDMENTS TO SINGLE TEXT IF THESE GOVERNMENTAL VIEWS WERE SUBMITTED TO U.S. U.S. EXPRESSED CONCERN ABOUT PROLIFERATION OF INDIVIDUAL STATE AMENDMENTS RATHER THAN COMMON AMENDMENTS. AFTER LEARNING OF UNPLANNED COSTS INVOLVED, AMERASINGHE RULED THAT GOVERNMENTS WOULD HAVE TO COMMUNICATE THEIR COMMENTS DIRECTLY TO OTHER GOVERNMENTS. ABRAMS

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R 121620Z MAY 75

FM AMCONSUL HALIFAX

TO RUEHC/SECSTATE WASHDC 1024

INFO RUEHOT/AMEMBASSY OTTAWA 300

RUDKPNQ/AMEMBASSY COPENHAGEN 7

BT

UNCLAS HALIFAX 150

EO 11652 NA

TAGS EFIS CA

SUBJ FISHERIES MINISTER ARGUES IN FAVOR OF CATCH REDUCTION
REF: CONGEN TEL 142, MAY 6, 1975

1, DURING COURSE OF AN INTERVIEW ON MAY 9 IN HALIFAX, FEDERAL FISHERIES MINISTER ROMEO LE BLANC IS REPORTED AS STATING THAT A SERIOUS REDUCTION IN THE CATCHES OF FOREIGN FISHING FLEETS IN THE NORTH ATLANTIC WOULD BRING ABOUT A PARTIAL EASING IN THE CRISIS FACING CANADAS FISHING INDUSTRY, (THE MINISTER WAS PREVIOUSLY REFERRING TO THE NORTH WEST ATLANTIC OFF CANADAS EAST COAST.2 HE SAID CANADA HAS THE SCIENTIFIC EVIDENCE NEEDED TO ARGUE FOR A 40 PERCENT REDUCTION IN THE FOREIGN FISH CATCH. CANADIAN ARGUMENTS WILL BE PLACED BEFORE THE INTERNATIONAL COMMISSION FOR THE NORTHWEST ATLANTIC FISHERIES (ICNAF) NEXT MONTH IN SCOTLAND.

2, LE BLANC SAID THAT ALTHOUGH ARGUING FOR A REDUCTION IN THE FOREIGN FISH CATCH, CANADA WOULD ASK THAT CANADA BE EXEMPTED. AT PRESENT HE SAID CATCHES OF CANADIAN FISHERMEN ARE DOWN AND THE FISHERY IS IN VERY BAD SHAPE,

3, ALTHOUGH HE HAS NOT SEEN THE FINISHED NEGOTIATING TEXTS OF RECENT LAW OF SEA CONFERENCE IN GENEVA, LE BLANC SAID FROM LIMITED INFORMATION AVAILABLE TO HIM, THEY SEEM TO BE GOOD NEWS FOR CANADA. OFFICIAL COMMENT WILL BE WITHHELD UNTIL CAREFUL STUDY HAS BEEN GIVEN TO ALL ASPECTS OF THE CONFERENCE. LE BLANC SAID THAT THE POSSIBILITY OF A UNILATERAL DECLARATION OF A 200 MILE LIMIT REMAINS AN OPTION FOR CANADA BUT ADMITTED THAT UNILATERAL ACTION WOULD NOT BE AN EASY TASK IN VIEW OF PROBLEMS OF SURVEILLANCE.

4, LE BLANC SAID THAT CANADA IS NOT USING THESE
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UNILATERAL ACTION ON THE 200 MILE MANAGEMENT ZONE TO OBTAIN ICNAF AGREEMENT ON A 40 PERCENT REDUCTION IN FOREIGN CATCHES, EVEN IF THERE HAD BEEN NO LAW OF THE SEA CONFERENCE, CANADA WOULD HAVE BEEN PUSHING FOR REDUCTION IN CATCHES.

5, LE BLANC SAID THAT CANADIAN OFFICIALS HAVE BEEN TALKING WITH ICNAF REPRESENTATIVES IN THE HOPE OF CONVINCING THEM OF NEED FOR A CATCH REDUCTION. HE SAID THAT MATTER WILL BE DISCUSSED AT ICNAF SCIENTIFIC DISCUSSIONS NEXT MONTH BUT ANY AGREEMENT ON CANADA'S REQUEST WILL COME LATER IN THE YEAR.

6, LE BLANC SAID THAT IF 200 MILE MANAGEMENT ZONE OBTAINED WOULD NOT BE AN AUTOMATIC CURE-ALL FOR CANADA'S FISHING INDUSTRY AS THERE WOULD BE A TIME LAG BEFORE STOCKS ARE REPLENISHED AND FISHING FLEETS REVITALIZED.
MANBEY

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~~C O R R E C T E D C O P Y~~ (MRN 3404 VICE 31)

118

FROM USDEL LOS
E.O. 11652: GDS
TAGS: PLOS

SUBJECT: LOS; EXCHANGE OF VIEW WITH FRENCH DEL ON CI AND OTHER ISSUES
1, ON MAY 8, 1975, THE FRENCH CI REP ASKED IF THE US CI REP COULD MEET WITH THE HEAD OF HER DEL CONCERNING SOME FRENCH IDEAS WITH RESPECT TO THE NEXT PHASE OF LOS ACTIVITY. PRESENT AT THE MEETING WERE GUY DE LACHERIERRE, HEAD OF THE FRENCH DEL, ROGER JEANNEL, MARIE-ANNIC MARTIN-SANE AND US CI REP RATINER,
2, DE LACHERIERRE OPENED THE CONVERSATION WITH A LENGTHY ATTACK ON INTERNATIONAL ORGANIZATIONS IN GENERAL AND IN PARTICULAR THE ATTEMPT TO ESTABLISH QTE A GLOBAL PARLIAMENT UNQTE FOR THE DEEP SEABED IN CI; THE KEY POINT OF HIS STATEMENT WAS THAT EVEN IF IT WERE POSSIBLE TO OBTAIN A SATISFACTORY TREATY IN CI, IT WOULD BE VIOLATED BY THE DEVELOPING COUNTRIES IN PRACTICE AND, THEREFORE, IT WOULD BE IMPOSSIBLE TO PROTECT THE INTERESTS OF THE US AND FRENCH NO MATTER WHAT THE TREATY SAID. HE WENT ON TO INDICATE THAT IN HIS VIEW THE BETTER APPROACH TO THE LOS WOULD BE TO NEGOTIATE LIMITED MEMBERSHIP TREATIES WITH LIKE-MINDED STATES CONCERNING ALL ISSUES IN THE LOS BUT HE SPECIFICALLY MENTIONED FISHERIES AND THE DEEP SEABED. HE DESCRIBED THESE LIMITED MEMBERSHIP TREATIES AS BEING SIMILAR TO THE FRENCH CONCEPT FOR A NEW ANTARTIC RESOURCE TREATY, THAT CONCEPT AS HE DESCRIBED IT WOULD BE THAT LIKE-MINDED STATES WOULD AGREE ON THE LEGAL REGIME AND MACHINERY FOR IMPLEMENTATION BUT OPEN BOTH THE TREATY AND THE RESOURCES TO ANY COUNTRY WHICH ACCEDED TO THE TREATY. HIS KEY POINT WAS THAT THE LIKE-MINDED STATES WOULD SET UP THE RULES OF THE GAME AND OTHERS COULD JOIN IF THEY WANTED TO PLAY BY

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THOSE RULES, IN RESPECT TO ANTARTICA HE SPECIFICALLY SAID THAT THE ORIGINAL MEMBER STATES WOULD HAVE FREE ACCESS TO ALL AREAS OF ANTARTICA INCLUDING THE TERRITORIAL CLAIMS OF OTHERS, HE DID NOT SAY WHETHER HIS GENERAL VIEWS WOULD BE THE SAME ON ACCESS TO THE RESOURCES IN ANTARTICA FOR STATES WHICH LATER ACCEDED TO THE NEW ANTARTIC RESOURCES TREATY.

3. DE LACHERIERRE SUGGESTED THAT AN APPROACH LIKE THIS IN THE DEEP SEABED MIGHT BE WORTH PURSUING AND WONDERED IF PERHAPS THE FIRST STEP MIGHT NOT BE TO DISCUSS THE MATTER AT THE GROUP OF FIVE MEETING SCHEDULED FOR TOKYO IN JULY, WITH A VIEW TOWARD INITIATING DISCUSSIONS IN THE OECD, HE SAID THAT AT FIRST IT COULD BE A GENERAL REVIEW OF LOS AND PERHAPS OUT OF SUCH DISCUSSIONS COULD EMERGE A PRE-PLANNED US/FRENCH APPROACH ALONG THE LINES DESCRIBED ON HOW SUCH OECD TALKS WOULD BE FOLLOWED UP, FOR EXAMPLE, WITH RESPECT TO FISHERIES, HE SAID THESE APPROACHES MIGHT THEN BE EXAMINED IN ICNAF AND WITH RESPECT TO DEEP SEABEDS. IT MIGHT BE NECESSARY TO ESTABLISH A SUI GENERIS GROUP WHICH WOULD INCLUDE THE SOVIET UNION. HE ALSO STATED THAT WHILE FRENCH POLICY WAS SOMEWHAT COOL TOWARD THE ATLANTIC ALLIANCE, THE FRENCH WERE STEADY SUPPORTERS OF OECD ACTIVITY.

4. THROUGHOUT THE CONVERSATION IT WAS CLEAR, AT TIMES EXPLICIT AND OTHER TIMES IMPLICIT, THAT DELACHERIERRE WAS PUTTING HIS IDEAS FORWARD AS A POSSIBLE ALTERNATIVE TO US UNILATERAL LEGISLATION IN BOTH FISHERIES AND DEEP SEABED MATTERS, BUT WITH GREATEST EMPHASIS ON THE DEEP SEABED, HE WONDERED WHETHER IF SUCH AN APPROACH WERE BEING PURSUED IT WOULD NOT ADEQUATELY PROTECT US INTERESTS IN THE DEEP SEABED AND AT THE SAME TIME PROTECT US PUBLIC IMAGE FROM CRITICISM IF UNILATERAL APPROACH WERE ADOPTED.

5. RATINER REPLIED THAT HE WOULD FULLY REPORT DE LACHERIERRE'S VIEWS TO THIS DEL, HE INDICATED THAT IT WAS UNLIKELY IN THE DEEP SEABED AREA THAT THE US WOULD ACT PRECIPITOUSLY ALTHOUGH CONGRESS WAS LITTLE LESS PREDICTABLE THAN THE EXECUTIVE BRANCH. HE DID NOT ENCOURAGE OR DISCOURAGE AN OECD STUDY

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PENDING FURTHER GUIDANCE FROM HIS DEL AND INDICATED THAT IT MIGHT BE APPROPRIATE FOR THE FRENCH TO INDICATE THEIR VIEWS TO THE GROUP OF FIVE AT THE HEADS OF DEL MEETING IN TOKYO IN JULY, IF THIS WERE DONE THE US COULD THEN USE THE INTERVENING PERIOD TO CONSIDER THE FRENCH APPROACH. RATINER QUERIED WHETHER DELACHERIERRE WAS THINKING OF A SUBSTITUTE APPROACH TO THE LOS CONFERENCE OR A CONTINGENCY COMPANION APPROACH, DE LACHERIERRE SAID QTE FOR THE TIME BEING UNQTE THIS COULD BE THOUGHT OF AS A COMPANION TO THE LOS CONFERENCE WHICH WE, THE FRENCH, WOULD OF COURSE CONTINUE TO ATTEND AND WOULD NEGOTIATE IN GOOD FAITH. RATINER QUERIED WHETHER DE LACHERIERRE'S VIEWS PARTICULARLY WITH REGARD TO THE TAKING OF AN INITIATIVE IN THE OECD, REPRESENTED FRENCH GOVERNMENT POLICY. DE LACHERIERRE REPLIED THAT IT WAS HIS INTENTION TO SEEK THE APPROVAL OF THE FRENCH GOVT FOR AN APPROACH ALONG THESE LINES AFTER HIS RETURN TO PARIS. 6, IT WAS CLEAR AT THE END OF THIS CONVERSATION THAT NEXT MOVE IS IN PARIS BUT US MIGHT EXPECT SIMILAR APPROACH AT HEADS OF DEL MEETING OF GROUP OF FIVE AND SHOULD BE PREPARED TO RESPOND. ABRAMS

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Comm. I, II, & III

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UNCLAS SECTION 1 OF 2 GENEVA 3371
 D/LOS PASS DEPT PRESS OFFICE
 USIA FOR IPS AND IBS
 FROM USDEL LOS
 E.O. 11652: N/A
 TAGS: PLOS

SUBJECT: LOS: PRESS STATEMENT BY AMB. STEVENSON

FOLLOWING IS TEXT OF STATEMENT BY AMB. STEVENSON ON WORK OF GENEVA SESSION OF LAW OF SEA CONFERENCE TO BE RELEASED AT 4 PM, MAY 9. HIGHLIGHTS OF Q&A AT PRESS CONFERENCE WILL BE CABLED SEPARATELY. USIS WILL TAPE SESSION. BEGIN TEXT.

MANY EXPERIENCED DIPLOMATS WOULD AGREE THAT THE LAW OF THE SEA CONFERENCE IS THE MOST IMPORTANT AND COMPLEX GLOBAL NEGOTIATION TO TAKE PLACE SINCE THE FOUNDING OF THE UNITED NATIONS, HOWEVER, ITS IMPORTANCE TO THE PUBLIC AT LARGE IS FREQUENTLY OBSCURED BY THE COMPLEXITY OF THE ISSUES. INDEED, THE RESPONSE OF STATES TO THE EVENTS OF THE LAST EIGHT WEEKS HERE MAY WELL MAKE A PROFOUND IMPACT ON THE FUTURE OF THE OCEANS AND MAN'S ABILITY TO USE THEM PEACEFULLY. THE ULTIMATE SUCCESS OR FAILURE WILL INFLUENCE THE VIEWS OF THOUGHTFUL MEN EVERYWHERE ON THE VERY CAPACITY OF THE ORGANIZED INTERNATIONAL COMMUNITY TO DEAL WITH PROBLEMS ON A GLOBAL SCALE IN MORE THAN GENERAL AND NON-BINDING TERMS.

AT THE END OF THE CARACAS SESSION OF THE LAW OF THE SEA CONFERENCE LAST AUGUST, I REPORTED THAT WHILE THE GENERAL OUTLINES OF THE LAW OF THE SEA TREATY HAD EMERGED, WHAT WAS MISSING WAS THE WILL TO NEGOTIATE, TO MAKE THE ACCOMMODATIONS NECESSARY TO ACHIEVE SPECIFIC AGREEMENTS.

OBVIOUSLY WE HAVE NOT REACHED THE STAGE OF ANY FINAL AGREEMENT IN GENEVA, IF I MIGHT SUMMARIZE THE SITUATION AS IT NOW APPEARS, I WOULD SAY THAT THERE HAVE BEEN TWO CONCRETE RESULTS, FIRST, THERE HAS BEEN PROGRESS, AND IN SOME CASES, SUBSTANTIAL PROGRESS

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PAGE 02

NC 58641

TOR1091558Z MAY 75

ON FILLING IN WITH SPECIFIC ARTICLES THE OUTLINES OF A TREATY, PARTICULARLY WITH RESPECT TO THE DUTIES IN A 200 MILE ECONOMIC ZONE IN WHICH THE COASTAL STATES WOULD CONTROL BOTH COASTAL FISHERIES AND NON-LIVING RESOURCES, ON OTHER SUBJECTS THE DISCUSSIONS AND NEGOTIATIONS WERE NOT AS FOCUSED ON THE ESSENTIAL ELEMENTS OF AGREEMENT AS THEY MIGHT HAVE BEEN, BUT THERE WAS NO GENERAL DEBATE, AND BECAUSE MOST OF THE MEETINGS WERE INFORMAL THERE WAS FAR LESS TALKING FOR THE RECORD THAN AT THE CARACAS SESSION.

A SECOND RESULT HAS BEEN A PROCEDURAL ONE, AND THAT IS THE SINGLE TEXTS OF TREATY ARTICLES ON VIRTUALLY ALL SUBJECTS WITH WHICH THE CONFERENCE IS DEALING THAT WERE DISTRIBUTED TODAY.

I SAY THAT THE TEXTS ARE AN IMPORTANT PROCEDURAL RESULT, BECAUSE EARLY IN THE SESSION IT BECAME EVIDENT THAT ONE OF THE THINGS THAT WAS SLOWING THE PROCESS OF NEGOTIATION WAS THE LACK OF A SINGLE TEXT WITH WHICH TO WORK IN EACH OF THE MAIN COMMITTEES, IN COMMITTEE II WE WERE, AS YOU KNOW, WORKING WITH THE MAIN TRENDS PAPER PREPARED IN CARACAS WHICH INCLUDED A NUMBER OF ALTERNATIVES OF ALL KEY ISSUES, THE SINGLE TEXT, AS THE PRESIDENT OF THE CONFERENCE EMPHASIZED WHEN HE REQUESTED THAT THE COMMITTEE CHAIRMEN PRODUCE SUCH A TEXT ON THEIR INDIVIDUAL RESPONSIBILITY, IS NOT A NEGOTIATED OR CONSENSUS TEXT. IT IS A TEXT INTENDED FOR USE AS THE BASIS FOR FUTURE NEGOTIATIONS, AND WHICH OF COURSE WILL BE REVISED AND AMENDED TO REFLECT THE AGREEMENTS AND ACCOMMODATIONS THAT WE HOPE WILL BE POSSIBLE AT THE NEXT SESSION. NEVERTHELESS, SOME IMPORTANT ASPECTS OF THE TEXT ARE IN FACT A REFLECTION OF THE LATEST STAGE REACHED IN SOME VERY PRODUCTIVE NEGOTIATIONS.

AS YOU KNOW, THIS DOCUMENT IS A LENGTHY ONE AND WAS DISTRIBUTED ONLY THIS MORNING, SO I CANNOT COMMENT ON IT AT THIS TIME, OTHER THAN TO SELCME ITS APPEARANCE AS A DEVICE WHICH MAY SERVE TO SPAED THE NEGOTIATIONS ALONG,

WHILE THE SINGLE TEXT IS ONE VISIBLE RESULT OF

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NC 58641

TOR:091558Z MAY 75

THE CONFERENCE, THERE ARE OTHER BASES ON WHICH WE MIGHT ASSESS THE WORK THAT HAS GONE ON HERE.

WE HAVE, AS YOU KNOW, AGREED ON ANOTHER FORMAL SESSION IN APRIL NEXT YEAR WITH PROVISION FOR A SECOND SESSION NEXT SUMMER IF THE CONFERENCE DECIDES THIS IS DESIRABLE, AND ON PROVISION OF CONFERENCE AND INTERPRETATION FACILITIES FOR INFORMAL INTERSESSIONAL WORK, ON SOME IMPORTANT CONTROVERSIAL ISSUES, WE HAVE NEGOTIATED TEXTS THAT COME QUITE CLOSE TO WHAT MIGHT BE GENERALLY ACCEPTABLE. ON A LARGE NUMBER OF TECHNICAL ISSUES SUCH AS BASELINES, INNOCENT PASSAGE IN THE TERRITORIAL SEA AND HIGH SEAS LAW, WE HAVE A LARGE BODY OF NEGOTIATED TEXTS. TOGETHER WITH THE SINGLE TEXTS THESE REPRESENT THE TOOLS WITH WHICH WE CAN PROCEED, WHETHER OR NOT WE DO PROCEED, AND HOW FAST, DEPENDS UPON THE ANSWER TO ONE QUESTION, AND THAT IS, ARE GOVERNMENTS WILLING TO MAKE THE POLITICAL DECISIONS ON A FEW CRITICAL ISSUES WHICH MUST BE RESOLVED TO PERMIT ACCOMMODATIONS OF FUNDAMENTAL INTERESTS? NO AMOUNT OF CONTINUING DISCUSSION WILL AVAL UNLESS, IN THIS INTERIM PERIOD, A NUMBER OF GOVERNMENTS DETERMINE THAT, IN THE INTEREST OF AN OVERALL AGREEMENT, SOME WILLINGNESS TO ACCEPT LESS THAN THEIR VIEW OF THE OPTIMUM POSSIBLE RESULT IS NECESSARY. IT SEEMS TO ME THAT WHETHER WE WISH IT OR NOT, EVENTS MAY OVERTAKE THIS EFFORT AND THE TIME WILL BE PAST IN WHICH A COMPREHENSIVE LAW OF THE SEA AGREEMENT IS POSSIBLE. YET ONE OF THE DIFFICULTIES WE HAVE FACED IN TRYING TO MOVE AHEAD IS THAT MANY DELEGATIONS DO NOT SHARE OUR SENSE OF URGENCY AND OUR CONCERN THAT UNILATERAL ACTIONS MAY OVERTAKE US.

THIS OPPORTUNITY IS NOT YET LOST, AND I FOR ONE WOULD CONTINUE TO URGE PARIENCE AND UNDERSTANDING OF THE ENORMOUS DIFFICULTY AND COMPLEXITY OF THE TASKS WE HAVE UNDERTAKEN. AT THE SAME TIME, I MUST EMPHASIZE THAT FROM THE POINT OF VIEW OF THE UNITED STATES AND OTHER COUNTRIES AT THIS CONFERENCE, CERTAIN FUNDAMENTAL INTERESTS MUST BE ACCOMMODATED. WE ARE PREPARED, AND I THINK THE RECORD OF THE MANY US PROPOSALS

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TOR:091558Z MAY 75

THAT HAVE BEEN MADE IN THE COURSE OF THESE TWO SESSIONS SHOW THAT WE HAVE BEEN PREPARED, TO ACCOMMODATE THE INTERESTS OF OTHER COUNTRIES, BUT AT THE SAME TIME, WE ARE NOT PREPARED TO ABANDON THOSE INTERESTS WHICH WE DEEM VITAL NOT ONLY FOR THE UNITED STATES BUT FOR THE WORLD COMMUNITY AS A WHOLE.

ON SOME VERY IMPORTANT ISSUES WE HAVE ARRIVED AT THE POINT WHERE, IF WE CONTINUE TO MOVE AHEAD, AN AGREED TEXT IS POSSIBLE.

ON THE ECONOMIC ZONE, THE EVENSEN GROUP, AN INFORMAL GROUP OF SOME 40 COUNTRIES MEETING UNDER THE CHAIRMANSHIP OF MINISTER JENS EVENSEN OF NORWAY, HAS MET ALMOST DAILY DURING THIS SESSION AND COMPLETED A TEXT OF ARTICLES ON THE 200 MILES ECONOMIC ZONE, INCLUDING FISHERIES QUESTIONS, THE TEXT ATTEMPTED, AND I THINK IN LARGE MEASURE SUCCEEDED, IN THE ESSENTIAL TASK OF THE ECONOMIC ZONE NEGOTIATION; TO ESTABLISH THE BALANCE OF RIGHTS AND DUTIES OF COASTAL STATES, AND OF ALL OTHER STATES, WHICH HAVE A VITAL INTEREST IN THE MANY USES OF AN AREA WHICH WOULD AMOUNT TO MORE THAN ONE THIRD OF THE WORLD'S OCEANS. NEVERTHELESS WE MUST BEAR IN MIND THAT THE LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES DO NOT BELIEVE ADEQUATE PROVISION HAS YET BEEN MADE TO PROTECT THEIR INTERESTS.

FISHERIES IS A MATTER OF GREAT CONCERN TO THE UNITED STATES AND TO MANY OTHER NATIONS AT THIS

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PAGE 05

NC 58630 ⁴¹

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 FM USMISSION GENEVA
 TO RUEHC/SECSTATE WASHDC IMMEDIATE 2773
 INFO RUEHDT/USUN NEW YORK 1672
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UNCLAS SECTION 2 OF 2 GENEVA 3371
 CONFERENCE, THE EVENSEN TEXT PROVIDES FOR THE RIGHT OF THE COASTAL STATE TO MANAGE COASTAL FISH STOCKS IN THE 200 MILE ECONOMIC ZONE, AND FOR THEIR CONSERVATION AND FULL UTILIZATION IN A WORLD WHICH HAS GREAT NEED FOR ADDITIONAL FOOD RESOURCES. MOREOVER THE EVENSEN TEXTS CONTAIN A NEW AND VERY WELCOME DEVELOPMENT OF GREAT IMPORTANCE TO OUR ENVIRONMENTALISTS AND FISHERMEN: RECOGNITION OF THE SPECIAL INTERESTS OF THE STATE OF ORIGIN IN ANADROMOUS FISH SUCH AS SALMON THAT SPAWN IN OUR STREAMS. NO AGREEMENT, HOWEVER, WAS REACHED ON THE TREATMENT IN THE ECONOMIC ZONE OF HIGHLY MIGRATORY FISH SUCH AS TUNA.

THE ECONOMIC ZONE IS ONE PART, ALTHOUGH CLEARLY A CRITICAL PART, OF A COMMITTEE II PACKAGE OF ISSUES WHICH INCLUDES ALSO THE RESOLUTION OF THE QUESTION OF A TERRITORIAL SEA AND UNIMPEDED PASSAGE THROUGH STRAITS USED FOR INTERNATIONAL NAVIGATION. THERE IS A CLEAR CONSENSUS IN THIS CONFERENCE FOR A 12-MILE TERRITORIAL SEA, AND GROWING PERCEPTION OF THE IMPORTANCE TO THE WORLD COMMUNITY OF FULLY GUARANTEEING UNIMPEDED TRANSMIT FOR SHIPS AND AIRCRAFT IN STRAITS USED FOR INTERNATIONAL NAVIGATION.

I SPOKE TO SOME OF YOU A WEEK OR TWO AGO ON THE ISSUE OF THE CONTINENTAL MARGIN AT WHICH TIME I SAID I BELIEVED A COMPROMISE COULD BE WORKED OUT WHICH WOULD COUPLE COASTAL STATE JURISDICTION OVER THE CONTINENTAL MARGIN IN THOSE AREAS WHERE IT EXTENDS BEYOND 200 MILES, WITH REVENUE SHARING ON PRODUCTION IN THAT AREA BEYOND 200 MILES. BY WAY OF ILLUSTRATION, WE HAVE PRESENTED A SPECIFIC IDEA WITH RESPECT TO REVENUE SHARING FROM THE CONTINENTAL MARGIN UNDER COASTAL STATE JURISDICTION BEYOND 200 MILES. AFTER FIVE YEARS OF PRODUCTION AT A SITE, THE COASTAL STATE OBLIGATION TO SHARE REVENUES WOULD

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TOR:091557Z MAY 75

BEGIN AT ONE PERCENT OF WELLHEAD VALUE AND INCREASE BY ONE PERCENT PER YEAR UNTIL IT REACHED FIVE PERCENT IN THE TENTH YEAR, AFTER WHICH IT WOULD REMAIN AT FIVE PERCENT. OUR EXPRTS TELL US THAT IF WE ASSUMED A GIVEN FIELD WOULD PRODUCE 700 MILLION BARRELS OF OIL THOUGH A 20 YEAR DEPLETION PERIOD, AND A VALUE OF \$11 PER BARRLE, THE TOTAL AMOUNT WOULD BE \$130 MILLION PER FIELD. I SHOULD NOTE THAT THE OIL AND OTHER MINERALS THEMSELVES, AND REVENUES COLLECTED BY THE COASTAL STATE WOULD OF COURSE REMAIN WITH THE COASTAL STATE, THIS PROBLEM WAS DISCUSSED SOMEWHAT LATE IN THE CONFERENCE AND I WOULD HOPE THAT THE DETAILS OF SUCH A COMPROMISE COULD BE WORKED OUT EARLY IN THE NEXT SESSION,

WITH RESPECT TO THE DEEP SEABED, WE WERE ENCOURAGED EARLY IN THE SESSION WITH THAT APPEARED TO BE A SINCERE EFFORT ON THE PART OF MANY STATES TO CREATE A REGIME WHICH WOULD SERVE THE INTERESTS OF THE INTERNATIONAL COMMUNITY WITHOUT OBSTRUCTING, OR SUBJECTING TO POLITICAL JUDGMENTS, THE DEVELOPMENT OF THE MINIERAL RESOURCES. THE INVESTMENT IN THIS TYPE OF PROJECT IS, AS YOU KNOW, AN ENORMOUS ONE, AND, IN A WORLD WHERE WE HAVE ALL FELT THE EFFECTS NOT ONLY OF SCARCITY OF VITAL FAW MATERIALS, BUT OF UNCERTAINTY OF ACCESS TO THEM, NATIONS ARE NOT PRE-PARED, IN MY UDGMENT, TO SUBJECT THEIR ACCESS TO SEABED MINERALS TO A SYSTEM OF EXPLORATION AND EXPLOITATION AND TO A DECISION-MAKING PROCESS IN WHICH THEY DO NOT HAVE REASONALBE ASSURANCES OF SECURITY OF ACCESS, AND MAY NOT BE ADEQUATELY REPRESENTED. MOREOVER, I DO NOT THINK IT WILL BE POSSIBLE, SEEN AGAINST THE BACKGROUND OF TODAY'S DEVELOPMENTS IN RAW MATERIALS MATTERS, TO AGREE TO GIVE ULTIMATE POWERS OF EXCLUSIVE EXPLOITATION TO A SINGLE NEW INTERNATIONAL ENTITY. THE UNITED STATES HAS BEEN WILLING TO WORK WITH ALL NATIONS OF THE WORLD TO ENSURE THAT A SYSTEM OF EXPLOITATION IS DEvised THAT WILL PERMIT BOTH SHARING IN THE BENEFITS AND FUTURE PARTICIPATION IN THE DEVELOPMENT OF THESE RESOURCES. SO FAR HOWEVER BASIC COMPROMISES ON THIS

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NC 58639

TOR:091557Z MAY 75

MOST DIFFICULT OF ISSUES HAVE ELUDED ALL OF US, ALTHOUGH I AM PLEASED TO SAY THAT ON SOME OF THE IMPORTANT ISSUES PROGRESS HAS BEEN MADE.

ON PROBLEMS OF MARINE POLLUTION WHICH CONCERN US ALL, I THINK THERE IS A GROWING AGREEMENT THAT POLLUTION STANDARDS SHOULD BE ESTABLISHED INTERNATIONALLY, TOGETHER WITH NEW AND EFFECTIVE ENFORCEMENT OF SUCH AGREED STANDARDS THIS IS THE ONLY WAY IN WHICH THE PROBLEM OF POLLUTION CAN EFFECTIVELY BE DEALT WITH.

I AM PARTICULARLY DISMAYED BY CONTINUING ATTEMPTS TO PLACE RESTRICTIONS ON THE CONDUCT OF MARINE SCIENTIFIC RESEARCH, KNOWLEDGE OF THE OCEANS IS IMPORTANT TO ALL OF US. GOOD SCIENCE IS FREE SCIENCE; IT IS NOT A COMMODITY THAT CAN BE PACKAGED AND PURCHASED IN PREDETERMINED QUANTITIES. THE CONFERENCE SHOULD CONCENTRATE ON MEANS TO ENSURE THAT ALL WILL ENJOY THE FRUITS OF SCIENCE, NOT ON MEANS TO RESTRICT SCIENCE FOR FEAR IT WILL ONLY BENEFIT THE FEW.

WHAT WE SOMETIMES TEND TO LOSE SIGHT OF IN THE COURSE OF NEGOTIATIONS, IS THAT WE ARE NOT HERE TO DECIDE WHAT IS YOURS AND WHAT IS MINE. WE ARE NOT CONCERNED SOLELY WITH RESOURCES, OR WITH NAVIGATION, OR WITH SCIENTIFIC RESEARCH, OR WITH POLLUTION, OR WITH FISHERIES. WHAT THIS AGREEMENT MUST DO, IF IT IS TO BE EFFECTIVE, IS TO CREATE A BALANCE OF ALL THESE MULTIPLE USES OF THE OCEANS, SO THAT WHILE INTERESTS OF COASTAL STATES ARE RECOGNIZED, THE INTEREST OF ALL IN NAVIGATION AND OTHER NON-RESOURCE USES OF THE OCEANS, AND IN THEIR PRESERVATION AS A PRODUCTIVE AND HEALTH ENVIRONMENT IS MAINTAINED.

SUCH A BALANCE OF INTERESTS IS INEVITABLY GOING TO LEAD TO DISPUTES AS TO THEIR INTERPRETATION, AND THIS CONFERENCE HAS ALSO DONE SOME NOTABLE WORK IN THE DRAFTING OF GENERAL ARTICLES, AND ALTERNATIVE POSSIBILITIES OF MEANS OF BINDING SETTLEMENT OF SUCH DISPUTES. IN THE US VIEW, BINDING DISPUTE SETTLEMENT PROCEDURES WOULD BE A NECESSARY PART OF SUCH A TREATY. OTHERWISE WE MAY SIMPLY CONVERT DISAGREEMENTS ABOUT PRINCIPLES INTO DISAGREEMENTS ABOUT INTERPRETATION.

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THERE IS SERIOUS DOUBT THAT THIS WOULD
SERVE ANYONE'S INTEREST.

THIS IS A SOMEWHAT LENGTHY ASSESSMENT
OF WHAT HAS TRANSPIRED HERE, BUT IT SEEMS TO ME
IMPORTANT NOT TO LOSE SIGHT OF THE PROGRESS WE HAVE
MADE SIMPLY BECAUSE THESE NEGOTIATIONS HAVE NOT YET
RESULTED IN AGREED TREATY ARTICLES IN ALL AREAS.

IT MAY BE THAT THE REASON THAT MORE FUNDAMENTAL
AGREEMENTS WERE NOT REACHED HERE HAD LESS TO DO WITH
THE WILLINGNESS OF STATES TO MAKE THEM THAN WITH THE
FACT THAT THE PACE OF PROGRESS DID NOT EARLIER LEAD
US TO THE POINT WHERE SUCH AGREEMENTS WERE ESSENTIAL
TO FURTHER PROGRESS, CERTAINLY, IT IS DIFFICULT TO
OVER-ESTIMATE THE DIFFICULTIES INHERENT IN A NEGOTIATION OF
SOME 140 STATES ON MATTERS OF VITAL NATIONAL
INTEREST TO MANY.

I AM HOPEFUL THAT THE COMMON PURPOSE THAT HAS
SUSTAINED THIS DIFFICULT NEGOTIATION THROUGH ITS
EARLY STAGES IS INTACT. THAT PURPOSE IS OUR SHARED
CONVICTION THAT LAW, NOT ANARCHY, WILL BEST SERVE
MAN'S FUTURE IN THE OCEANS, THE REAL PROBLEMS OF
NATIONS AND THEIR CITIZENS THAT MAKE THIS NEGOTIATION
DIFFICULT WILL NOT DISAPPEAR IF WE DO NOT
SUCCEED, THEY WILL GET WORSE. THERE ARE BASIC
DIFFERENCES OF NATIONAL INTEREST AND THE SENSE OF
URGENCY OF RESOLVING OUR OCEANS PROBLEMS, AS WELL
AS BASIC DIFFERENCES OF PERCEPTION IN HOW BEST TO
PROTECT COMMON INTERESTS, BUT NONE, I THINK, WOULD
WILLINGLY CHOOSE THE COURSE OF CHAOS IN WHICH EVEN
GREAT POWER PREVAILS AT GREAT COST. END TEXT ABRAMS

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NC 59959

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Geneva

R 120728Z MAY 75
 FM USMISSION GENEVA
 TO RUEHC/SECSTATE WASHDC 2823
 INFO RUESQI/AMEMBASSY QUITO 118
 RUESMO/AMEMBASSY MEXICO 663
 RUESLM/AMEMBASSY LIMA 302
 BT

Comm. II (Fisheries) ✓

Ecuador ✓
 Peru ✓
 Chile ✓

C O N F I D E N T I A L
 LIMITED OFFICIAL USE GENEVA 3414
 FROM USDEL LOS
 E.O. 11652: N/A

116

TAGS: PLOS EFIS EC

SUBJECT: LOS; TUNA TALKS WITH ECUADOR

1. BRIEF MEETING WAS HELD ON MAY 8 BETWEEN ECUADOREAN (AMB, VALENCIA, SR. AYALA) AND U.S. DELS (AMB, MOORE, AMB, CLINGAN, POLLOCK AND MARTIN) TO DISCUSS POSSIBILITY OF FURTHER BILATERAL OR REGIONAL CONSULTATIONS TOWARD REACHING COMMON APPROACH TO TUNA IN LOS FORUM AND INTERIM APPLICATION.
2. IT WAS AGREED INFORMAL CONTACTS WE HAVE HAD PRIOR TO AND DURING GENEVA SESSION HAVE BEEN HELPFUL IN PROMOTING UNDERSTANDING OF OUR RESPECTIVE POSITIONS. IT WAS REGRETTED DIVERSE APPROACHES FROM MANY COUNTRIES AND GROUP PREVENTED FINDING COMMON SOLUTION IN EVENSEN GROUP. FURTHER IT WAS AGREED SOME TIME WOULD BE NEEDED TO STUDY SINGLE TEXT PROVISION.
3. AYALA STATED WE SHOULD CONTINUE DISCUSSIONS KEEPING IN MIND GOE POSITION OF COASTAL STATE RIGHT TO CONTROL AND REGULATE HIGHLY MIGRATORY SPECIES (HMS). VALENCIA SUGGESTED IT WOULD BE WORTH-WHILE TO HAVE DISCUSSION INCLUDE OTHER INTERESTED STATES OF REGION. HE AGREED TO AMB. MOORE'S SUGGESTION WE SHOULD FIRST CONSIDER COMMON LOS TREATY PROVISION FOR HMS AND THEN CONSIDER WHETHER BASIS EXISTS FOR INTERIM APPLICATION. HIS PREFERENCE WAS FOR GREATER ELABORATION IN THE LOS PROVISION THAN IN THE LAST U.S. NEUTRAL DRAFT ARTICLE.
4. AYALA COMMENTED THAT IN AN INFORMAL REGIONAL CONSULTATIVE GROUP ECUADORIAN REPRESENTATIVES WOULD BE ABLE TO SPEAK FLEXIBLY WHILE AT SAME TIME IN CAPACTIY OF GOE OFFICIALS. AYALA RESPONDING TO A QUESTION OF AMB. MOORE RE TIMING OF A REGIONAL MEETING SAID THE UNGA SESSION IN OCTOBER WOULD BE CONVENIENT.
5. IT WAS AGREED THAT THE U.S. SHOULD DISCUSS THIS MATTER WITH OTHER INTERESTED STATES AND ECUADOR WOULD BE DISCUSSING THIS PRO-

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NC 59959

TOR:121001Z MAY 75

POSAL WITH PERU AND CHILE. RETURNING TO THE QUESTION OF WHETHER AN LOS ARTICLE SHOULD BE GENERAL OR DETAILED, VALENCIA AND AYALA AGREED THAT THE GENERAL APPROACH HAD ADVANTAGES IF THE STATES OF THE REGION WERE IN PRIOR AGREEMENT AS TO DETAILED PROVISIONS WHICH BE ADOPTED IN THE REGION, FINALLY IT WAS AGREED WE WOULD STAY IN CONTACT ON PLANNING FOR A LATER MEETING.

7. COMMENT: ECUADOREANS CONTINUE TO REACT POSITIVELY TO OUR SUGGESTIONS DESIGNED TO PROMOTE AGREEMENT. THEY HAVE CLEARLY SIGNALLED THAT REGIONAL APPROACH WOULD ALLOW THEM GREATER FLEXIBILITY THAN WOULD BILATERAL AGREEMENT. NEVERTHELESS, ECUADOR STILL HAS IN MIND GREATER COASTAL STATE CONTROL OVER TUNA WITHIN 200-MILE ZONE THAN ACCEPTABLE. FURTHER, QUESTION WHETHER OTHER STATES CURRENTLY FISHING IN THE REGION UNDER IATTG AGREEMENT WOULD BE INVOLVED IN FUTURE DISCUSSIONS WAS NOT DIRECTLY ADDRESSED. OUR POSITION IS THEY MUST BE INVOLVED IN DISCUSSIONS BUT, TACTICALLY, WE WOULD PREFER TO HAVE MEXICO ARGUE THIS POINT WITH OTHER LATINS IF THEY WILLING TO DO SO. ABRAMS

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NC 59976

TOR:121041Z MAY 75

Geneva

R 120723Z MAY 75
 FM USMISSION GENEVA
 TO RUEHC/SECSTATE WASHDC 2822
 INFO RUQMAT/AMEMBASSY ATHENS 619
 RUQMGU/AMEMBASSY ANKARA 871
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 C O N F I D E N T I A L GENEVA 3413
 FROM USDEL LOS
 EO: 11652: GDS
 TAGS: PLOS
 SUBJ: LOS: TURKISH VIEWS



Comm. II ✓

Turkey ✓

Greece ✓

Iraq ✓

Oman ✓

The Yemens ✓

Morocco ✓

1, AMBASSADOR MOORE AND DEL REP DEROCHE MET ON MAY 8, 1975 FOR OVER ONE-HOUR DISCUSSION OF BROAD-RANGE OF LOS ISSUES WITH AMBASSADOR YOLGA AND FIVE OTHER MEMBERS OF THE TURKISH DELEGATION; TURKEY INDICATED IN DETAIL FULL RANGE OF LOS CONCERNS, AS EXPECTED, AEGEAN DISPUTE WITH GREECE CONTINUES TO DOMINATE THEIR LOS POLICY. TURKEY SEEMS TO UNDERSTAND IMPORTANCE OF RESOLUTION OF THESE ISSUES WITH GREECE PRIOR TO THE NEXT SESSION OF THE LOS CONFERENCE AND FOR ITS PART SEEMS TO SEEK OPPORTUNITY FOR BILATERAL RESOLUTION OF DISPUTES. THE FIRST ISSUE RAISED BY TURKEY WAS THE TERRITORIAL SEA EXTENSION AND THE TURKISH PROPOSAL TO MAKE ANY SUCH EXTENSION CONTINGENT UPON AGREEMENT WITH ANY NEIGHBORING STATES. TURKEY CONFIRMED THAT THE PROPOSAL DID NOT ENVISAGE AN EXTENSION BEYOND 12 MILES, AND FLATLY STATED THAT IF GREECE EXTENDED HER TERRITORIAL SEA BEYOND ITS PRESENT LIMITS WITHOUT PRIOR CONSULTATION AND NEGOTIATIONS WITH TURKEY, THE US WOULD BE FACED WITH "ANOTHER CYPRUS SITUATION" OF CONFRONTATION AND POSSIBLE HOSTILITY ELSEWHERE IN THE AEGEAN. AMBASSADOR MOORE RESPONDED THAT THE US'S PRIMARY INTEREST WAS IN ITS TWO FRIENDS AND ALLIES WORKING OUT A MUTUALLY ACCEPTABLE SOLUTION TO THEIR PROBLEM AS SOON AS POSSIBLE AND IF AT ALL POSSIBLE PRIOR TO THE NEXT SESSION OF THE LOS CONFERENCE. DESPITE THE FAIRLY INSISTENT TURKISH PRESSURE FOR COMMITMENT OF US SUPPORT (WHICH PRESSURE WAS CONTINUED ON EACH SUBSEQUENT ISSUE RAISED BY THE TURKISH SIDE), THE US SIDE PROMISED TO REPORT THE SUBSTANCE OF THE DISCUSSIONS TO WASHINGTON AND REITERATED THE DESIRABILITY OF THE PARTIES WORKING OUT A MUTUAL SOLUTION PRIOR TO THE NEXT SESSION OF THE LOS CONFERENCE.

2, AMBASSADOR MOORE INQUIRED WHETHER THERE HAD BEEN ANY TALKS BETWEEN GREECE AND TURKEY ON THE TERRITORIAL SEA ISSUE OR WHETHER THERE WAS ANY PROSPECT THAT THIS ITEM MIGHT BE ADDED TO THE AGENDA

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PAGE 02

NC 59976

TOR1121041Z MAY 75

OF ANY PROPOSED TALKS ON THE CONTINENTAL SHELF BOUNDARY DISPUTE, TURKEY'S RESPONSE SIGNALLED TURKEY'S WILLINGNESS TO HOLD BILATERAL DISCUSSIONS WITH GREECE ON THIS AND OTHER LOS ISSUES, AND POINTED OUT THAT GREECE HAD TAKEN THE CASE TO THE I.C.J. IN WHAT THEY DESCRIBED AS A FAIRLY PEREMPTORY FASION AND HENCE, FROM TURKEY'S PERSPECTIVE, IT WAS GREECE THAT WAS UNWILLING TO NEGOTIATE, 3, THE TURKS NEXT RAISED THEIR CONCERN THAT THE CONTINENTAL SHELF NOT BE SUBSUMED IN THE ECONOMIC ZONE CONCEPT AND THAT "THE NATURAL PROLONGATION" DOCTRINE SURVIVE IN THE NEW TREATY. WHILE MOST OF THE TURKISH DISCUSSIONS IN COMMITTEE II ON CONTINENTAL MARGIN ISSUE SEEMED TO RELATE TO BROAD MARGIN CONCERNS, THIS CONVERSATION INDICATED THAT THE REAL TURKISH CONCERN WAS EITHER TO IGNORE THE PRESENCE OF THE GREEK ISLANDS IN DELIMITING THE TURKISH SHELF OR TO SLIDE THE TURKISH CONTINENTAL SHELF UNDER THE GREEK ECONOMIC ZONE IN SOME FASION.

4, THE TURKS NEXT RAISED THE ISSUE OF COASTAL ARCHPELAGOES AND THE US SIDE RESPONDED BY ASSURING THEM OF OUR CONTINUED OPPOSITION TO THIS CONCEPT AS CLEARLY INDICATED DURING COURSE OF ARCHPELAGO NEGOTIATIONS.

5, THE TURKS NEXT RAISED THE QUESTION OF ISLANDS, AND AGREED WITH THE US SUGGESTION THAT THE PROBLEM WAS REALLY TWO-FOLD, NAMELY, THE QUESTION OF MARITIME SPACE ENTITLEMENT FOR ISLANDS, AND THE QUESTION OF DELIMITATION. AFTER EXTENSIVE TURKISH EXPLANATION OF STANDARD TURKISH POSITION ON THESE ISSUES, THE US POINTED OUT THAT WE HAD REMAINED INACTIVE ON BOTH ISSUES; IT WAS EXPLAINED THAT ANY PUBLIC US TILT TO EITHER GREECE OR TURKEY ON THESE QUESTIONS MIGHT ONLY EXACERBATE THE SITUATION AND LESSEN THE PROSPECT FOR SATISFACTORY MUTUAL SOLUTION. TURKISH PRSSURE FOR US COMMITMENT OF SUPPORT SEEMED SIGNIFICANTLY LESS INSISTENT ON THIS ISSUE THAN ON MOST OTHERS.

6, THE NEXT QUESTION RAISED WAS THE TURKISH PROPOSALS ON SEMI-ENCLOSED AREAS. AMBASSADOR YOLGA EXPLAINED THE PRIVATE TURKISH INITIATIVE WITHIN COMMITTEE II INFORMAL NEGOTIATIONS GROUP STRUCTURE TO WORK OUT COMMON TEXTS WITH IRAQ AND OTHER SPONSORS OF THE SEMI-ENCLOSED SEAS PROPOSALS FROM THE CARACAS MAIN TRENDS PAPER, THE US SAID THE GENERAL US CONCERN WAS WITH SEMI-ENCLOSED SEA CONCEPT AND ITS POTENTIAL USE AS A VEHICLE FOR INTERFERING WITH NAVIGATIONAL FREEDOM. IN REVIEWING THE BLUE PAPER #13 WHICH RESULTED FROM PRIVATE TURKISH CONSULTATIONS, THE US POINTED OUT THE DIFFICULTIES WITH DEFINING ACCESS TO SUCH SEAS IN TERMS OF "PASSAGES

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PAGE 03-03

NC 59976

TOR1121041Z MAY 75

TRADITIONALLY USED" BECAUSE OF THE POTENTIAL CARRY-OVER PREJUDICE TO STRAITS NEGOTIATIONS AS WELL AS THE POTENTIAL DIFFICULTIES ON MARINE POLLUTION ISSUE. IT WAS POINTED OUT THAT THE PROPONENTS OF SEMI-ENCLOSED SEA HAD NEVER MADE IT CLEAR THAT THE INTENT WAS TO LIMIT THE RIGHTS ONLY AS BETWEEN THE RIPARIAN STATES. THE TURKISH SIDE AGREED THAT IT WAS NOT THE INTENT OF THESE PROPOSALS TO ENABLE THE RIPARIAN STATES IN A SEMI-ENCLOSED SEA TO IN ANY WAY ALTER WHATEVER BALANCE IS STRUCK BETWEEN THE RIGHTS OF THE COASTAL STATES AND THE INTERNATIONAL COMMUNITY IN TERRITORIAL SEAS, ECONOMIC ZONES, ETC. THE TURKISH SIDE MADE IT CLEAR THAT THE SOLE INTENT WAS TO IMPOSE OBLIGATIONS, AS BETWEEN THE RIPARIAN STATES IN THE REGION, TO COOPERATE IN THE EXERCISE OF COASTAL STATES RIGHTS. THE TURKISH REPS MADE NOTES ON POSSIBLE DRAFTING CHANGES IN THE BLUE PAPER ON THE BASIS OF THE FOREGOING EXPLANATION.

7. AMBASSADOR MOORE TOOK THE OPPORTUNITY IN THE CLOSING MOMENTS OF THE CONVERSATION, TO POINT OUT THE RELATIVE SUCCESS OF UNIMPEDED TRANSIT OF STRAITS IN THIS SESSION, AND THE RELATIVE ISOLATION OF STRAITS OPPONENTS WITH EMPHASIS ON OMAN, THE YEMENS, AND MOROCCO (THOUGH POSSIBLY NOW SHIFTING POSITIONS). IT WAS CLEAR THAT THE TURKISH SIDE RECEIVED THE SIGNAL THAT THEIR HELP ON THE STRAITS ISSUE WITHIN THE MOSLEM WORLD WOULD BE APPRECIATED.

8. DURING THE COURSE OF THE CONVERSATION IT WAS MADE EXPLICIT BY TURKISH REPS IN RESPONSE TO QUESTIONS FROM AMB. MOORE, THAT TURKISH NAVIGATIONAL AND SECURITY CONCERNS IMPLICIT IN TERRITORIAL SEA EXTENSIONS BY GREECE WERE MORE IMPORTANT THAN THE RESOURCE INTERESTS AT STAKE ALTHOUGH THE RESOURCE INTERESTS WERE ALSO VERY IMPORTANT. ABRAMS

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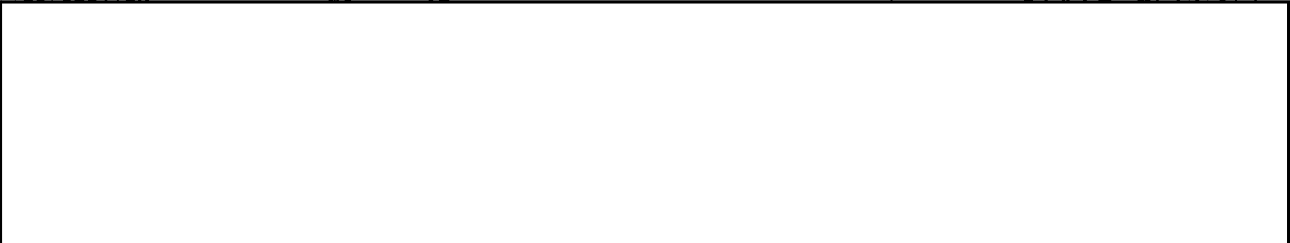
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Liberia

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R 120720Z MAY 75
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC 2821
INFO RUTAMA/AMEMBASSY MONROVIA 79
BT
CONFIDENTIAL GENEVA 3412
FROM USDEL LOS
E.O. 11652: GDS
TAGS: PLOS

SUBJECT: DISCUSSION WITH THE SOLICITOR-GENERAL OF LIBERIA ON LOS
1. AMBASSADOR JOHN NORTON MOORE HOSTED LUNCH FOR SOLICITOR-GENERAL
ROLAND BARNES DURING LAST WEEK GENEVA SESSION LOS CONFERENCE. IN
GENERAL EXCHANGE OF VIEWS BARNES INDICATED HE SUPPORTED U.S.
NAVIGATIONAL OBJECTIVES AND THAT LIBERIA HAD SOUGHT TO AMELIORATE
GROUP OF 77 POSITION ON COASTAL STATE STANDARD SETTING FOR SHIP
POLLUTION IN SPECIAL AREAS BY STRICTLY CONFINING NUMBER OF SUCH
SPECIAL AREAS.
2. BARNES INDICATED HE WOULD LIKE SPECIFIC U.S. SUGGESTIONS ON
WHAT POSITION OAU MIGHT TAKE ON SINGLE NEGOTIATING TEXT. MOORE
PROMISED A PROMPT RESPONSE AFTER WE HAD OPPORTUNITY TO EXAMINE
TEXT. ABRAMS

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R 120709Z MAY 75
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC 2819
INFO RUMJGM/AMEMBASSY COLOMBO 14
RUTADE/AMEMBASSY YAOUNDE 400
BT

C O N F I D E N T I A L GENEVA 3410
FROM USDEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: COMMITTEE I NEGOTIATING TEXT

1. DELEGATION REPORT ON GENEVA SESSION LOS CONFERENCE (AIR POUCH) CONTAINS DESCRIPTION OF DISPUTE BETWEEN PAUL ENGO, CHAIRMAN, FIRST COMMITTEE AND CHRISTOPHER PINTO, CHAIRMAN FIRST COMMITTEE WORKING GROUP, AND INDICATES DIFFERENCES SETTLED AMICABLY ALTHOUGH UNIFIED NEGOTIATING TEXT NOW BEFORE GOVERNMENTS IS ENGO VERSION RATHER THAN PINTO VERSION. LATTER WOULD HAVE BEEN MARKEDLY BETTER FOR U.S. THAN FORMER. IN DINNER CONVERSATION 9 MAY, PINTO TOLD U.S. CI REP (RATINER) THAT AS PART OF THEIR RECONCILIATION, ENGO HAD AGREED TO GIVE PINTO WIDE LATITUDE TO BRING BACK IMPORTANT PARTS OF PINTO TEXT AT NEXT SESSION OF CONFERENCE PROVIDED THIS CAN BE DONE GRACEFULLY AFTER SUFFICIENT PRELIMINARY DEBATE SO IT DOES NOT APPEAR THAT PORTIONS OF ENGO TEXT ARE BEING REMOVED IN WHOLESALE MANNER.

2. IN SEPARATE CONVERSATION YESTERDAY BETWEEN ENGO, UNDER SECRETARY MAW, AMB, STEVENSON AND CI REP. (RATINER) ENGO INDICATED WILLINGNESS TO FOSTER HOLDING OF INTERSESSIONAL CI WORK ON DEEP SEABED REGIME AND MACHINERY. HE SAID THAT HIS GOVERNMENT WAS NOT LIKELY TO SUPPORT ANY EFFORT ON HIS PART TO ENGAGE IN INTERSESSIONAL WORK UNLESS IT WERE DECIDED BY THE PRESIDENT. ON U.S. DEL RETURN TO WASHINGTON, WE HOPE TO SEND SEPARATE CABLE TO YAOUNDE ASKING AMB, TO MAKE APPROACH TO HEAD OF STATE STRESSING CENTRAL ROLE ENGO NOW PLAYS IN CI AND IMPORTANCE TO U.S. OF FULL CAMEROON SUPPORT FOR AN ENGO INITIATIVE TO CONDUCT INTERSESSIONAL MEETINGS AMONG CI LEADERSHIP. FOR TIME BEING, NO ACTION REQUESTED IN YAOUNDE OR COLOMBO.

ABRAMS

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PAGE 01 -02

NC 55110

TDR:060613Z MAY 75

R 060400Z MAY 75
 FM AMEMBASSY MUSCAT
 TO RUEHC/SECSTATE WASHDC 1104
 INFO RUFHGV/USMISSION GENEVA 15
 RUEHDT/USMISSION USUN NEW YORK 19

Geneva

Comm. II ✓

Oman ✓

112

BT
C O N F I D E N T I A L MUSCAT 523

E.O. 11652: GDS
 TAGS: PLOS, MU
 SUBJECT: GMANI POSITION ON STRAITS ISSUE
 REF: MUSCAT 506

SUMMARY: OMAN GOVT FOR NOW IS STICKING BY ITS INNOCENT PASSAGE POSITION ON TRAFFIC THROUGH STRAITS. FONMIN INDICATES OMAN WILL HOLD TIGHT TO THIS UNLESS IT BECOMES CRYSTAL CLEAR OMANIS ALONE ARE ISOLATED IN THIS STANCE. END SUMMARY.

1, MINSTATE FOR FOREIGN AFFAIRS ZAWAWI RAISED SUBJECT WITH AMBASSADOR MAY RIISAYING HE HAD WELCOMED OUR RECENT EXCHANGES AND THAT ONANGOV HAS HELD SEVERAL IN-HOUSE DISCUSSIONS ON SUBJECT. POINTS EMBASSY HAD MADE WERE UNDERSTOOD AND APPRECIATED. NONETHELESS HIS GOVERNMENT HAS DECIDED TO MAINTAIN ITS POSITION FAVORING INNOCENT RATHER THAN FREE TRANSIT THROUGH STRAITS IN VIEW OF ITS CONCERNS ABOUT HORMUZ.

2, ZAWAWI SAID OMAN UNCONVINCED ITS CONCERNS CAN BE PROPERLY PROTECTED EXCEPT THROUGH INNOCENT PASSAGE FORMULATION. IT IS INSTRUCTING ITS DELEGATION AT GENEVA TO STICK TO STANCE IT HAS TAKEN CONSISTENTLY AT CARACAS AND GENEVA. AT SAME TIME, ZAWAWI ADDED, OMANDEL WILL WEHKOME CONTINUED GENEVA CONTACT WITH SOME MEMBERS OF USDEL RE POSSIBLY FAST-MOVING DEVELOPMENTS THIS MATTER AS LOS CONFERENCE MOVES ALONG.

3, IT MAY BE SIGNIFICANT THAT ZAWAWI ADDED OMAN MIGHT BE PREPARED TO RECONSIDER IN THE EVENT IT BECAME CERTAIN THAT LOS MEMBERSHIP AS A WHOLE WAS AGREED ON FREE PASSAGE FORMULATION WITH APPROPRIATE SAFEGUARDS PROTECTING ADJACENT STRAITS STATES. THAT IS, IF OMAN ALONE WERE ISOLATED, IT MIGHT CHOOSE TO RECONSIDER. BUT GOVERNMENT DOES NOT WANT TO MAKE PREMATURE CONCESSIONS. HE REPEATED THAT WITH RESPECT TO FRIENDLY STATES SUCH AS U.S., OMAN IN PRACTICE WOULD INTERPRET INNOCENT PASSAGE AS IF IT WERE FREE PASSAGE, AND ACKNOWLEDGED THAT FOR FORESEEABLE FUTURE OMAN IN ANY CASE WOULD NOT POSSESS ABILITY TO ENFORCE PROVISIONS THAT INNOCENT PASSAGE ENTAILS.

WOLLE

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TO RUEHC/SECSTATE WASHDC IMMEDIATE 2636
INFO RUEHDT/USMISSION USUN 1646
BT

*Geneva
Procedural*

110

C O N F I D E N T I A L
LIMITED OFFICIAL USE GENEVA 3221
EO: 11652: N/A
TAGS: PLOS
SUBJ: LOS: CREDENTIALS COMMITTEE
REF: STATE 103984

1. LOS CREDENTIALS COMMITTEE MET FOR 90 MINUTES 5 APRIL AND SLIGHTLY AMENDED BUT APPROVED SECRETARIAT TEXT WHICH NOW STATES THAT THE COMMUNICATIONS RECEIVED FROM THE QUOTE FORMER GOVERNMENT OF THE REPUBLIC OF VIETNAM AND FORMER GOVERNMENT OF KHMER REPUBLIC ARE INVALID UNQUOTE. (VERBATIM TEXT NOT AVAILABLE BUT ABOVE CONFIRMED BY THREE PARTICIPANTS.)
2. CHINA MADE SHORT STATEMENT BUT INCLUDED NO REFERENCE TO ANY NEW CREDENTIALS FOR GKR OR SVN. IVORY COAST MADE BRIEF STATEMENT STATING THAT HAD SOUTH AFRICA ATTENDED THE CONF THEIR CREDENTIALS WOULD HAVE BEEN CHALLENGED. (COMMENT: EXECUTIVE SECRETARY HALL SAID LATER THAT HIS CONVICTION IS IVORY COAST STATEMENT WAS FOR RECORD AND NO FURTHER MOVE ON SOUTH AFRICA IS ANTICIPATED AT THIS SESSION. END COMMENT.) ISRAEL WAS NOT MENTIONED. ABRAMS

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NC 54630

TOR1051719Z MAY 75

R 051628Z MAY 75
FM USMISSION GENEVA
TO SECSTATE WASHDC 2627
BT
UNCLAS GENEVA 3210
E.O. 11652: NA
TAGS: PLOS

*Geneva
Committee II*

109

SUBJ: LOSI COMMITTEE II FORMAL SESSION MAY 2
1. COMMITTEE II MET IN FORMAL SESSION MAY 2 TO RECEIVE
ECUADOR PROPOSAL (L,88) ON 200-MILE TERRITORIAL SEA.
TEXT IS TRADITIONAL TERRITORIALIST POSITION IN ALL SIGNI-
FICANT RESPECTS.
2. CHINA, MADAGASCAR, GUINEA, BISSAU, GUINEA, URUGUAY,
BRAZIL AND PERU SUPPORTED GERRITORIALIST POSITION IN ECUDAREAN
TEXT. PERU AND BRAZIL WERE LESS STRIDENT THAN IN
PAST. CHINA SPOKE OF 200-MILE MARITIME JURISDICTION; ENGLISH
INTERPRETATION DID NOT MENTION TERM TERRITORIAL SEA IN CONNECTION
WITH PRC POSITION.
3. MOROCCO MADE LONG STATEMENT ON SPANISH ENCLAVES ON SOUTH
SIDE OF GIBRALTER STRAIT, WHICH MOROCCO DOES NOT RECOGNIZE
AS SPANISH TERRITORY. INTERVENTION AND SPANISH REPLY REPORTED
SEPTEL.
4. NORTH KOREA SUPPORTED TERRITORIALIST POSITION AS A MEANS
TO END SUPERPOWER DOMINATION OF THE OCEANS AND ATTACKED U.S.
BY NAME, REFERRING TO PUEBLO INCIDENT AND U.S. DOMINATION
OF SOUTH KOREA. ALBANIA GAVE STRONG DIATRIBE
AGAINST SUPER POWER HEGEMONY AND ALSO NAMED U.S.
5. GREECE SURPRISINGLY SUPPORTED ECUDOR TEXT IN PRINCIPLE
ALTHOUGH NOTING SOME MINOR CHANGES WOULD BE NEEDED.
GREEKS PRIVATELY TOLD US THAT THEY
STILL SUPPORT 12-MILE TERRITORIAL SEA AND THAT THERE WAS
SOME MISUNDERSTANDING ABOUT THEIR STATEMENT.
6. HUNGARY AND PARAGUAY OPPOSED ECUDOR TEXT ON GROUNDS
THAT LAND-LOCKED STATES INTERESTS NOT ADEQUATELY PROTECTED.
HUNGARY LAMENTED RETROGRESSIVE STEP OF INTRODUCING SUCH A
TERRITORIALIST TEXT AT THIS STAGE OF NEGOTIATION. PARAGUAY
INDICATED THAT THEY COULD ACCEPT ECUDOR TEXT IF LAND-
LOCKED ACCESS TO RESOURCES GUARANTEED. ABRAMS

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NC 54694

TOR:051832Z MAY 75

R 051530Z MAY 75
 FM AMCONSUL GUAYAQUIL
 TO RUEHC/SECSTATE WASHDC 3906
 INFO RUESQI/AMEMBASSY QUITO 4396
 RUFHGV/USMISSION GENEVA 9

Ecuador

108

BT
 C O N F I D E N T I A L GUAYAQUIL 0757
 GENEVA FOR LOS DELEGATION
 EO 11652: GDS
 TAGS: PLOS EFIS EC US
 SUBJ: U.S. FISHING VESSEL A.K. STROM
 REF: QUITO 2814 AND 2831; DEPT 095869;
 GENEVA 3010

1. DURING MAY 5 CONVERSATION WITH CONGEN, NAVY LT. JORGE JARAMILLO SANDOVAL VOLUNTEERED INFORMATION THAT U.S. TUNA VESSEL A.K. STROM HAD BEEN FISHING IN ECUADOREAN-CLAIMED WATERS ABOUT TWO WEEKS AGO. JARAMILLO, WHO IS COMMUNICATIONS INSTRUCTOR AT SALINAS NAVAL BASE, SAID THAT STROM HAD BEEN IN RADIO CONTACT WITH ECUADOREAN AUTHORITIES CONCERNING ACCIDENT AT SEA OF ECUADOREAN VESSEL. STROM HAD BEEN UNABLE RENDER ASSISTANCE,

2. JARAMILLO STATED THAT HE HAD SPOKEN VIA RADIO WITH STROM MASTER CAPTAIN DAVID RICO, HIS FRIEND FOR FOURTEEN YEARS, CONCERNING ASSISTANCE IN A VISA CASE REGARDING A RELATIVE OF JARAMILLO. JARAMILLO SAID THAT STROM HAD SAILED NORTH ABOUT TEN DAYS AGO BECUASE TUNE DEPARTED ECUADOREAN-CLAIMED WATERS ABOUT THAT TIME.
 DEWITT

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TOR:051626Z MAY 75

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FM USMISSION GENEVA
TO SECSTATE WASHDC 2625
BT
UNCLAS GENEVA 3207
FROM US DEL LOS
EO: 11652: N/A
TAGS: PLOS
SUBJ: LOS: STRAITS

Geneva
Comm. II
Straits - many countries
107

1. SUMMARY. COMMITTEE II INFORMAL WORKING GROUP OF THE WHOLE DEBATED STRAITS MAY 1 WITH TREND IN FAVOR OF UNIMPEDED PASSAGE. END SUMMARY.

2. STATEMENTS IN FAVOR OF UNIMPEDED PASSAGE MADE BY ARGENTINA, ~~USA, UK, UNITED ARAB EMIRATES, NETHERLANDS, IRAQ, JAPAN, LIBERIA, ISRAEL, BAHAMAS, ICELAND, FRG, INDIA, SAUDI ARABIA, BAHRAIN, USSR, UKRAINE, BULGARIA, MONGOLIA, GDR AND CUBA.~~

3. STRONG STATEMENTS IN FAVOR OF INNOCENT PASSAGE AND AGAINST UNIMPEDED PASSAGE MADE BY CHINA, ALBANIA, YEMEN, DEMOCRATIC YEMEN, PHILIPPINES, SPAIN AND OMAN, EGYPT, OPPOSED OVERFLIGHT. GREECE DEFENDED INNOCENT PASSAGE.

4. CANADA, NORWAY AND CHILE CIRCULATED A MEMORANDUM OPPOSING THE APPLICATION OF A STRAITS TRANSIT REGIME TO INTERNAL WATERS. NORWAY ARGUED STRONGLY IN FAVOR OF UNIMPEDED TRANSIT, SPECIFICALLY INCLUDING WARSHIPS, BUT SAID THE AREAS WITHIN ITS STRAIGHT BASELINES HAD BEEN DECLARED BY THE ICJ NOT TO BE INTERNATIONAL STRAITS. CANADA AND CHILE ARGUED THAT STRAITS REGIME SHOULD APPLY TO STRAITS "NORMALLY" OR "CUSTOMARILY" USED FOR INTERNATIONAL NAVIGATION. THE UK AND ARGENTINA OPPOSED THE EXCLUSION OF STRAITS OVERLAPPED BY INTERNAL WATERS FROM UNIMPEDED TRANSIT, AS WELL AS A LIMITATION TO STRAITS "NORMALLY" OR "CUSTOMARILY" USED FOR INTERNATIONAL NAVIGATION.

5. ~~INDONESIA~~ REFERRING TO RECENT ACCIDENTS, DISCUSSED SPECIAL POLLUTION PROBLEMS IN THE STRAITS OF MALACCA, AND THE CONSEQUENT NEED FOR COASTAL STATE REGULATION, WHICH NEED NOT HAMPER OR IMPEDE PASSAGE BUT DID NOT OPPOSE UNIMPEDED TRANSIT.

6. ARAB STATES AND SOVIET BLOC SPOKE IN FAVOR OF DISTINGUISHING BETWEEN STRAITS CONNECTING TWO PARTS OF THE HIGH SEAS AND STRAITS CONNECTING THE HIGH SEAS WITH THE TERRITORIAL SEA OF A FOREIGN STATE, WHILE ISRAEL AND FRG OPPOSED THE DISTINCTION. ABRAMS

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Geneva

Comm. II & III

Tunisia ✓
Uganda ✓
Group of 77 ✓

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INFO RUEHDT/USMISSION USUN NEW YORK 1637
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UNCLAS SECTION 1 ⁺²⁶³ OF 3 GENEVA 3195
FROM US DEL LOS
E.O. 11652: N/A
TAGS: PLOS

SUBJECT: LOS: ECONOMIC ZONE

1. SUMMARY: THIS CABLE TRANSMITS TEXT OF 1 MAY 1975 LETTER FROM AMB, KEDADI OF TUNISIA, CHAIRMAN OF GROUP OF 77, TO AMBASSADOR GALINDO POHL, CHAIRMAN OF COMMITTEE II, ENCLOSEING A WORKING PAPER ON THE EXCLUSIVE ECONOMIC ZONE, AN OPPOSING LETTER TO GALINDO POHL FROM UGANDA ON BEHALF OF THE LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES CRITICIZING THE TEXT, AND ARTICLES SUBMITTED BY THEM,

2. WHILE KEDADI TEXT FOLLOWS THE APPROACH OF THE EVENSEN GROUP PAPER, THERE ARE NO SPECIFIC ARTICLES ON INSTALLATIONS OR FISHERIES (OTHER THAN LANDLOCKED AND GDS ACCESS) AND THE WORDING OF ARTICLE 2(C) IS BROADER AND CONTAINS NO QUALIFYING CROSS-REFERENCE "AS PROVIDED IN THIS CONVENTION." PARTICULAR ATTENTION IS INVITED TO ARTICLE 2(D), ARTICLE 3, THE LAST PORTION OF ARTICLE 7(II), AND THE STATEMENT THAT THE ECONOMIC ZONE IS NOT HIGH SEAS IN ARTICLE 8, THE RIGHTS OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES UNDER ARTICLE 5 ARE MORE ELABORATE AND PERHAPS STRONGER THAN IN THE EVENSEN TEXT. ONE MIGHT SPECULATE THAT THE TEXT AS A WHOLE IN EFFECT REFLECTS AN ATTEMPT TO ACCOMMODATE DISSATISFACTION WITH THE EVENSEN TEXT BY EXTREMEN COASTAL STATES AND AN EFFORT TO ACCOMMODATE LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES. THE LATTER ARE, HOWEVER, NOT SATISFIED.

3. TEXT KEDADI LETTER: BEGIN TEXT - I HAVE THE HONOUR TO TRANSMIT TO YOU A WORKING PAPER DATED 30 APRIL 1975 CONTAINING DRAFT ARTICLES ON THE EXCLUSIVE ECONOMIC ZONE. THE PAPER WAS PREPARED ON THE BASIS OF DISCUSSION IN THE GROUP OF 77 OVER THE PAST SEVERAL WEEKS. AS THE DISCUSSIONS HAVE NOT BEEN CONCLUDED, THE PAPER DOES NOT REPRESENT A CONSENSUS OF THE GROUP. NEVER THE LESS, IT DOES

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REFLECT A CROSS SECTION OF POSITIONS HELD BY STATES MEMBERS OF THE GROUP OF 77 AND AS SUCH IT MAY PROVE TO BE OF SOME ASSISTANCE TO YOU IN PREPARING A NEGOTIATING TEXT ON THE ITEMS DEALT WITH BY YOUR COMMITTEE. END TEXT,
4. TEXT OF DRAFT ARTICLES TRANSMITTED BY KEDADII: BEGIN TEXT - WORKING PAPER ON THE EXCLUSIVE ECONOMIC ZONE - (THE FOLLOWING TEXT IS SUBMITTED BY THE CHAIRMAN OF THE GROUP OF 77 TO THE CHAIRMAN OF COMMITTEE II ON BEHALF OF THE GROUP OF 77, FOR HIS INFORMATION. DISCUSSIONS ARE CONTINUING ON SEVERAL ASPECTS CONTAINED IN THE TEXT AND CONSEQUENTLY THE DOCUMENT CANNOT BE CONSIDERED AS REPRESENTING THE FINAL POSITION OF THE GROUP OR OF ANY STATE MEMBER OF THE GROUP OF 77.)

ARTICLE 1

COASTAL STATES HAVE THE RIGHT TO ESTABLISH BEYOND AND ADJACENT TO THEIR TERRITORIAL SEAS AN EXCLUSIVE ECONOMIC ZONE WHICH SHALL NOT EXTEND BEYOND 200 NAUTICAL MILES FROM THE BASELINES FROM WHICH THE BREADTH OF THE TERRITORIAL SEA IS MEASURED. THIS ARTICLE IS WITHOUT PREJUDICE TO ARTICLE...PERTAINING TO THE CONTINENTAL SHELF

ARTICLE 2

COASTAL STATES EXERCISE IN AND THROUGHOUT THE EXCLUSIVE ECONOMIC ZONE:

- (A) SOVEREIGN RIGHTS FOR THE PURPOSE OF EXPLORING, EXPLOITING, CONSERVING AND MANAGING THE NATURAL RESOURCES, WHETHER RENEWABLE OR NON-RENEWABLE, OF THE WATER COLUMN, AND SEABED AND SUBSOIL,
- (B) SOVEREIGN RIGHTS WITH REGARD TO OTHER ACTIVITIES FOR THE ECONOMIC EXPLORATION AND EXPLOITATION OF THE EXCLUSIVE ECONOMIC ZONE, SUCH AS THE PRODUCTION OF ENERGY FROM THE WATER, CURRENTS AND WINDS, BUT WITHOUT PREJUDICE TO THE PROVISIONS OF PARAGRAPH 7 BELOW,
- (C) (I) EXCLUSIVE JURISDICTION WITH RESPECT TO AUTHORIZATION, REGULATION AND CONTROL OF THE MARINE ENVIRONMENT INCLUDING POLLUTION CONTROL AND ABATEMENT.
- (II) EXCLUSIVE JURISDICTION WITH RESPECT TO AUTHORIZATION, REGULATION AND CONTROL OF SCIENTIFIC RESEARCH,
- (III) EXCLUSIVE JURISDICTION WITH RESPECT TO THE ESTABLISHMENT AND USE OF ARTIFICIAL ISLANDS, INSTALLATIONS, STRUCTURES AND OTHER DEVICES, INCLUDING CUSTOMS

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FISCAL, HEALTH, PUBLIC ORDER AND IMMIGRATION
REGULATION PERTAINING THERETO.

(D) OTHER RIGHTS AND DUTIES COMPATIBLE WITH THE PROVI-
SIONS OF THIS CONVENTION,
COASTAL STATES HAVE THE POWER TO MAKE AND ENFORCE REGU-
LATIONS RELATING TO THE ABOVE RIGHTS AND JURISDICTION,

ARTICLE 3

(A) THE RIGHTS TO RESOURCES RECOGNIZED OR ESTABLISHED
BY THE PRESENT CONVENTION OF A TERRITORY WHOSE PEOPLE
HAVE NOT YET ATTAINED EITHER FULL INDEPENDENCE OR SOME
OTHER SELF-GOVERNING STATUS RECOGNIZED BY THE UNITED
NATIONS OR A TERRITORY UNDER FOREIGN OCCUPATION OR
COLONIAL DOMINATION OR A UNITED NATIONS TRUST TERRITORY
OF A TERRITORY ADMIN-
ISTERED BY THE UNITED NATIONS SHALL BE VESTED IN THE INHA-
BITANTS OF THAT TERRITORY, TO BE EXERCISED BY THEM FOR THEIR
OWN BENEFIT AND IN ACCORDANCE WITH THEIR OWN NEEDS AND RE-
QUIREMENTS.

THE ABOVE PROVISION SHALL APPLY IN EVERY WAY TO THE PALES-
TINIAN LIBERATION MOVEMENT AND THE LIBERATION MOVEMENTS
RECOGNIZED BY THE ORGANIZATION OF AFRICAN UNITY, WHO ARE
ENGAGED IN ARMED STRUGGLE TO RECOVER THEIR TERRITORY.

(B) IN NO CASE MAY THE RIGHTS REFERRED TO IN PARAGRAPH 1
BE EXERCISED, PROFITED OR BENEFITED FROM, DIRECTLY OR
INDIRECTLY, OR IN ANY WAY INFRINGED BY A METROPOLITAN
OR FOREIGN POWER ADMINISTERING OR OCCUPYING SUCH
TERRITORY OR PURPORTING TO ADMINISTER OR OCCUPY SUCH
TERRITORY.

WHERE A DISPUTE EXISTS WITH REGARD TO A TERRITORY UNDER
FOREIGN OCCUPATION OR COLONIAL DOMINATION SUCH RIGHTS
WILL NOT BE EXERCISED UNTIL AND WHEN THE DISPUTE WITH
THE COLONIAL DOMINATING POWER HAS BEEN DEFINITELY SETTLED IN
ACCORDANCE WITH THE PERTINENT RESOLUTIONS OF THE GENERAL
ASSEMBLY OF THE UNITED NATIONS WHICH CONTEMPLATE SAFE-
GUARDING OF TERRITORIAL INTEGRITY, THE PROMOTION OF DE-
COLONIALIZATION AND THE RECOVERY OF TERRITORY.

(C) REFERENCES IN THIS ARTICLE TO A TERRITORY INCLUDE
CONTINENTAL AND INSULAR TERRITORIES.

ARTICLE 4

IN EXERCISING THEIR RIGHTS AND THEIR JURISDICTION UNDER

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THIS CONVENTION AND IN MAKING AND ENFORCING REGULATIONS PERTAINING THERETO COASTAL STATES SHALL HAVE DUE REGARD TO THE RIGHTS OF OTHER STATES IN THE EXCLUSIVE ECONOMIC ZONE AS SPECIFIED IN THIS CONVENTION.

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ARTICLE 5

(I) (A) LANDLOCKED STATES AND DEVELOPING GEOGRAPHICALLY DISADVANTAGED STATES HAVE THE RIGHT TO EXPLOIT THE LIVING RESOURCES OF THE EXCLUSIVE ECONOMIC ZONE OF NEIGHBORING COASTAL STATES IN ACCORDANCE WITH THIS ARTICLE AND SHALL BEAR THE CORRESPONDING OBLIGATIONS. DEVELOPED LAND-LOCKED AND DEVELOPED GEOGRAPHICALLY DISADVANTAGED STATES SHALL HOWEVER ONLY BE ENTITLED TO EXERCISE THEIR RIGHTS WITHIN THE EXCLUSIVE ECONOMIC ZONES OF NEIGHBORING DEVELOPED COASTAL STATES.

(B) IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (II)B BELOW, NATIONALS OF NEIGHBORING LANDLOCKED STATES SHALL ENJOY EQUAL RIGHTS AS NATIONALS OF COASTAL STATES, OR A RIGHT THAT WILL ENSURE A FAIR AND EQUITABLE SHARE OF THE LIVING RESOURCES OF THE EXCLUSIVE ECONOMIC ZONES, AND BEAR SIMILAR BUT NON-DISCRIMINATORY OBLIGATIONS AS NATIONALS OF THE COASTAL STATE.

(C) IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (II)B BELOW, NATIONALS OF NEIGHBORING DEVELOPING GEOGRAPHICALLY DISADVANTAGED STATES SHALL ENJOY A RIGHT THAT WILL ENSURE A FAIR AND EQUITABLE SHARE OF THE LIVING RESOURCES OF THE EXCLUSIVE ECONOMIC ZONE AND BEAR SIMILAR BUT NON-DISCRIMINATORY OBLIGATIONS AS NATIONALS OF A COASTAL STATE.

(II) A. THE ABOVE-MENTIONED RIGHTS OF NATIONALS OF LAND-LOCKED OR GEOGRAPHICALLY DISADVANTAGED STATES CANNOT BE TRANSFERRED TO THIRD PARTIES BY LEASE OR LICENSE, BY ESTABLISHING JOINT COLLABORATION VENTURES, OR BY ANY OTHER ARRANGEMENTS. THE FOREGOING SHALL NOT HOWEVER PRECLUDE LANDLOCKED STATES AND DEVELOPING GEOGRAPHICALLY DISADVANTAGED STATES FROM OBTAINING TECHNICAL AND FINANCIAL ASSISTANCE FROM THIRD STATES OR COMPETENT INTERNATIONAL ORGANIZATIONS.

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B. BILATERAL, SUBREGIONAL OR REGIONAL ARRANGEMENTS SHALL BE WORKED OUT FOR THE PURPOSE OF ENSURING THE ENJOYMENT OF THE RIGHTS AND CARRYING OUT THE OBLIGATIONS IN PARAGRAPH (I) OF THIS ARTICLE INCLUDING WHERE APPROPRIATE, SPECIFYING THE AREAS IN THE EXCLUSIVE ECONOMIC ZONE WHERE SUCH RIGHTS WOULD BE EXERCISED. NOTHING IN THIS ARTICLE SHALL PRECLUDE STATES IN A REGION OR SUBREGION FROM ENTERING INTO ARRANGEMENTS FOR REGIONAL EXCLUSIVE ECONOMIC ZONES FOR EXPLOITING THE RESOURCES THEREIN.

ARTICLE 6

(A) FOR THE PURPOSE OF THESE ARTICLES "DEVELOPING GEOGRAPHICALLY DISADVANTAGED STATES" MEANS DEVELOPING COASTAL STATES WHICH:

- (I) FOR GEOGRAPHICAL REASONS CANNOT CLAIM AN EXCLUSIVE ECONOMIC ZONE, OR
- (II) FOR BIOLOGICAL OR ECONOLOGICAL REASONS, EXCLUSIVELY NATURAL IN CHARACTER, DERIVE NO SUBSTANTIAL ECONOMIC ADVANTAGE FROM EXPLOITING THE LIVING RESOURCES OF THEIR EXCLUSIVE ECONOMIC ZONES AND WHOSE RIGHTS OF ACCESS TO LIVING RESOURCES ARE ADVAEESLY AFFECTED BY THE ESTABLISHMENT OF EXCLUSIVE ECONOMIC ZONES BY OTHER STATES.

(B) FOR THE PURPOSE OF ARTICLE 5, A LANDLOCKED OR GEOGRAPHICALLY DISADVANTAGED STATE IS "NEIGHBORING" J COAS CSTATE IF:

- (I) IT SHARES A COMMON BORDER WITH THE COASTAL STATE, OR
- (II) IT IS ADJACENT TO THE COASTAL STATE, OR
- (III) BOTH IT AND THE COASTAL STATE LIE WITHIN OR BORDER A CLOSED OR SEMIENCLOSED AREA, OR
- (IV) IT IS SITUATED WITHIN REASONABLE PROXIMITY OF THE COASTAL STATE, TAKING INTO ACCOUNT ALL THE RELEVANT GEOGRAPHICAL CIRCUMSTANCES PERTAINING TO THE REGION.

ARTICLE 7

(I) ALL STATES, WHETHER COASOAL OR NOT SHALL ENJOY IN THE EXCLUSIVE ECONOMIC ZONE THE RIGHT OF FREEDOM OF NAVIGATION AND OVERFLIGHT THE RIGHT TO LAY SUBMARINE CABLES AND PIPELINES AND OTHER LIGITIMATE USES OF THE SEA RELATED TO NAVIGATION AND COMMUNICATIONS, SUBJECT TO THE PROVISIONS OF THIS CONVENTION.

(II) IN EXERCISING THEIR RIGHTS AND PEFORMING THEIR DUTIES WITHIN THE EXCLUSIVE ECONOMIC ZONE UNDER THIS CONVENTION, STATES SHALL HAVE DUE REGARD TO THE RIGHTS AND DUTIES OF

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THE COASTAL STATE AND IN PARTICULAR TO ITS SECURITY INTERESTS IN THE EXCLUSIVE ECONOMIC ZONE.

ARTICLE 8

8. IN CASES WHERE THE CONVENTION DOES NOT ATTRIBUTE WITHIN THE EXCLUSIVE ECONOMIC ZONE, RIGHTS OR JURISDICTION TO THE COASTAL STATE OR TO OTHER STATES AND A DISAGREEMENT ARISES IN CONNECTION WITH THE INTERESTS OF THE COASTAL STATE AND ANY OTHER STATE OR STATES, SUCH DISAGREEMENT SHOULD BE RESOLVED TAKING INTO ACCOUNT EQUITY, THE NATURE OF THE EXCLUSIVE ECONOMIC ZONE WHICH IS NOT PART OF THE HIGH SEAS, AND IN LIGHT OF ALL RELEVANT CIRCUMSTANCES, INCLUDING THE RESPECTIVE IMPORTANCE TO THE PARTIES OF THE INTERESTS INVOLVED AS WELL AS TO THE INTERNATIONAL COMMUNITY AS A WHOLE. END TEXT.

5. TEXT UGANDA LETTER: BEGIN TEXT - ON BEHALF OF THE GROUP OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES OF THE GROUP OF 77, I HAVE THE HONOUR TO CONVEY TO YOU THE FOLLOWING POINTS:

A) THE GROUP WISHES TO INFORM YOU THAT IT HAS VERY SERIOUS RESERVATIONS ON THE PAPER SUBMITTED BY AMBASSADOR KEDADI ON BEHALF OF THE GROUP OF 77. IN THE VIEW OF THE GROUP OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES OF THE GROUP OF 77, THE PAPER EMANATING FROM THE GROUP OF 77 DOES NOT EQUITABLY REPRESENT THE INTERESTS OF THAT GROUP.

B) ON THE OTHER HAND, THE GROUP OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES OF THE GROUP OF 77 WISHES TO EMPHASIZE TO YOU THAT THE TWO PAPERS SUBMITTED BY AMBASSADOR FRANZ WEIDINGER ON BEHALF OF THE GROUP OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES CONTAIN THE WIDELY ACCEPTABLE VIEWS AND INTERESTS OF THE GROUP OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES OF THE GROUP.

IT IS THEREFORE, THE HOPE OF THE GROUP ON WHOSE BEHALF THIS LETTER IS ADDRESS TO YOU THAT IN PREPARING THE SINGLE NEGOTIATING TEXT FOR THE SECOND COMMITTEE YOU WILL RELY ON THESE PAPERS TO DETERMINE THE INTERESTS OF THE GROUP IN QUESTION. END TEXT.

6. TEXT OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES: Approved For Release 2002/08/21 : CIA-RDP82S00697R000300090005-3
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BEGIN TEXT - REGIME ON THE LIVING AND NON-LIVING RESOURCES OF THE ECONOMIC ZONE

NOTE: THESE DRAFT ARTICLES DO NOT NECESSARILY REPRESENT THE FINAL POSITION OF THE MEMBERS OF THE GROUP OF LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES ON THE QUESTION OF THE ECONOMIC ZONE AND DO NOT PREJUDICE THEIR POSITION ON PREVIOUS OR FUTURE DRAFT PROPOSALS.

ARTICLE 1

SUBJECT TO THE PROVISIONS OF THESE ARTICLES COASTAL STATES SHALL HAVE THE RIGHT TO ESTABLISH, ADJACENT TO THEIR TERRITORIAL SEA, AN ECONOMIC ZONE WHICH SHALL NOT EXTEND BEYOND ... NAUTICAL MILES FROM THE BASELINE FROM WHICH THE BREADTH OF THE TERRITORIAL SEA IS MEASURED, COASTAL STATES MAY EXERCISE IN THAT ECONOMIC ZONE, RIGHTS FOR THE PURPOSE OF EXPLORING AND EXPLOITING THE NATURAL RESOURCES, WHETHER LIVING OR NON-LIVING, OF THE WATER COLUMN, THE SEABED AND SUBSOIL.

ARTICLE 2

IN EXERCISING THEIR RIGHTS RELATING TO THE ECONOMIC ZONE, COASTAL STATES SHALL PAY DUE REGARD TO THE RIGHTS OF OTHER STATES IN THAT ZONE.

ARTICLE 3

ALL STATES, WHETHER COASTAL OR NOT SHALL ENJOY IN THE ECONOMIC ZONE THE RIGHT OF FREEDOM OF NAVIGATION AND OVERFLIGHT, THE RIGHT TO LAY SUBMARINE CABLES AND PIPELINES AND OTHER LEGITIMATE USES OF THE SEA RELATED TO NAVIGATION AND COMMUNICATION, SUBJECT TO THE PROVISIONS OF THIS CONVENTION.

ARTICLE 4

LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES SHALL HAVE THE RIGHT TO PARTICIPATE IN THE EXPLORATION AND EXPLOITATION OF THE LIVING AND NON-LIVING RESOURCES OF THE ECONOMIC ZONES OF COASTAL STATES IN ACCORDANCE WITH THE PROVISIONS OF THESE ARTICLES.

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ARTICLE 5

1. LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES SHALL NOT TRANSFER THEIR RIGHTS UNDER ARTICLE 4 TO THIRD STATES, EXCEPT WHEN OTHERWISE AGREED UPON BY THE STATES CONCERNED.
2. THE PROVISIONS OF PARAGRAPH 1 OF THIS ARTICLE SHALL NOT PRECLUDE LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES FROM OBTAINING TECHNICAL OR FINANCIAL ASSISTANCE FROM THIRD STATES, OR FROM INTERNATIONAL ORGANIZATIONS, FOR THE PURPOSE OF ENABLING THEM TO ENJOY THEIR RIGHTS IN THE ECONOMIC ZONES.

ARTICLE 6

ACTIVITIES CARRIED OUT PURSUANT TO THESE ARTICLES BY LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES WITHIN THE ECONOMIC ZONE OF A COASTAL STATE SHALL BE SUBJECT TO THE RELEVANT REGULATIONS OF THE COASTAL STATE PROVIDED THAT THESE REGULATIONS ARE APPLIED WITHOUT DISCRIMINATION AND ARE CONSISTENT WITH THE PROVISIONS OF THESE ARTICLES AND THE AGREEMENTS TO BE CONCLUDED UNDER THEM.

ARTICLE 7

1. EQUITABLE ARRANGEMENTS FOR THE PURPOSE OF THE EXERCISE OF THE RIGHT REFERRED TO IN ARTICLE 4 SHALL BE WORKED OUT BETWEEN A LAND-LOCKED, OR GEOGRAPHICALLY DISADVANTAGED STATE AND THE NEIGHBOURING COASTAL STATE OR STATES.
2. NEIGHBOURING COASTAL STATE SHALL MEAN A STATE WHICH IS ADJACENT TO OR SITUATION IN THE (CLOSE) VICINITY OF THE LAND-LOCKED OR GEOGRAPHICALLY DISADVANTAGED STATE CONCERNED.

ARTICLE 8

IF A NEIGHBOURING COASTAL STATE IS GEOGRAPHICALLY DISADVANTAGED THE ARRANGMENTS REFERRED TO IN ARTICLE 7 SHALL BE WORKED OUT WITH ONE OR MORE OF THE NEXT ADJACENT

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OR OTHER COASTAL STATES OF THE REGION TAKING INTO ACCOUNT THAT THE RIGHTS OF PARTICIPATION IN THE ECONOMIC ZONES SHALL BE EQUITABLY DISTRIBUTED.

ARTICLE 9

1, THE TERM "REGION" AS USED IN THESE ARTICLES SHALL MEAN THE GEOGRAPHICAL AREAS COVERED BY THE REGIONAL ECONOMIC COMMISSIONS OF THE UNITED NATIONS.

2, THE EXERCISE OF THIS RIGHT SHALL BE SUBJECT TO THE PRINCIPLE THAT DEVELOPED LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES SHALL ONLY PARTICIPATE IN THE ECONOMIC ZONES OF DEVELOPED COASTAL STATES.

ARTICLE 10

1, COASTAL STATES, LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES WITHIN A SUB-REGION SHALL, AT THE REQUEST OF ANY OF THEM, ENTER INTO NEGOTIATIONS WITH A VIEW TO CONCLUDING ARRANGEMENTS FOR THE ESTABLISHMENT OF SUB-REGIONAL ECONOMIC ZONES ON A BASIS OF EQUALITY.

2, THE TERM "REGIONAL" OR "SUB-REGIONAL" ECONOMIC ZONES MEANS ECONOMIC ZONES CREATED BY A GROUP OF THREE OR MORE NEIGHBORING STATES WHETHER OR NOT THEY ARE PARTIES TO AGREEMENTS OF ECONOMIC INTEGRATION FOR THE PURPOSE OF JOINT EXPLORATION AND EXPLOITATION OF SUCH ZONES.

ARTICLE 11

IN EXERCISING THEIR RIGHT UNDER ARTICLE 4 RELATING TO LIVING RESOURCES LAND-LOCKED STATES SHALL BE ENTITLED TO EXPLORE AND EXPLOIT THE LIVING RESOURCES OF THE ECONOMIC ZONES OF THE COASTAL STATES CONCERNED ON AN EQUAL AND NON-DISCRIMINATORY BASIS, AND GEOGRAPHICALLY DISADVANTAGED STATES ON AN EQUITABLE BASIS, WITH SUCH COASTAL STATES.

ARTICLE 12

1, THE RIGHT REFERRED TO IN ARTICLE 4 RELATING TO THE EXPLORATION AND EXPLOITATION OF NON-LIVING RESOURCES OF THE ECONOMIC ZONES OF THE COASTAL STATES CONCERNED SHALL BE IMPLEMENTED BY THE ESTABLISHMENT OF JOINT VENTURES OR BY ANY OTHER FORM OF PARTICIPATION ON AN EQUITABLE AND ECONOMICALLY MEANINGFUL BASIS.

2, THE PARTICIPATION REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE SHALL BE DEEMED TO BE EQUITABLE AND ECONOMICALLY MEANINGFUL IF THE LAND-LOCKED OR GEOGRAPHICALLY DIS-

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ADVANTAGED STATE CAN OBTAIN AT LEAST ... PER CENT OF THE
TOTAL OF THE NON-LIVING RESOURCES EXTRACTED ANNUALLY
IN THE ECONOMIC ZONE OF THE COASTAL STATES CONCERNED.
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SUMMARY: COMMITTEE I - PLENARY MET APRIL 25 TO HEAR PROGRESS REPORT OF WORKING GROUP CHAIRMAN AND COMMENTS ON MACHINERY TO FACILITATE PREPARATION OF SINGLE TEXT BY CHAIRMAN. GROUP OF 77 PRESENTED POSITION WHICH WAS LATER AUGMENTED BY LANDBASED PRODUCERS WHO EMPHASIZED NEED FOR PRODUCTION CONTROLS (GROUP'S OFFICIAL STATEMENT DID NOT DEAL WITH ISSUE). MEETING CONTINUED APRIL 28 WITH SU (CI) REP. MAKING DETAILED INTERVENTION ON BEHALF OF CERTAIN DEVELOPED COUNTRIES. END SUMMARY.
1. COMMITTEE I (CI) PLENARY MET APRIL 25 UNDER CHAIRMANSHIP OF PAUL ENGO (CAMEROON) TO HEAR PROGRESS REPORT OF WORKING GROUP BY PINTO (SRI LANKA) AND COMMENTS ON MACHINERY TO FACILITATE PREPARATION OF SINGLE TEXT BY C-I CHAIRMAN.

2A. PINTO OUTLINED PLAN OF WORKING GROUP, CONSISTING OF THREE PHASES: CLARIFYING LEGAL CONCEPT OF JOINT VENTURE; RECONCILING VIEWS TO DETERMINE COMMON GROUND FOR CONSTRUCTION OF JOINT VENTURE; AND REFLECTING JOINT VENTURE CONCEPT IN TREATY ARTICLES. ANONYMOUS PAPER (CAB 12) PRESENTED TO FOCUS DISCUSSION OF BASIC CONDITIONS TAKING ACCOUNT OF L.6, L.7, L.8, L.9 AND L.12 LED TO ATTEMPT TO RECONCILE VIEWS. PINTO EMPHASIZED CAB.12 NOT NEGOTIATED AS COMPROMISE TEXT, BUT EFFORT TO FORM BASIS FOR COMPROMISE. HE FELT NEGOTIATIONS ARE PROCEEDING AS RAPIDLY AS COULD BE EXPECTED.

2B. PINTO OUTLINED TERMS OF CAB.12 AS SEEKING TO ACHIEVE SECURITY OF TENURE, A FAIR RETURN ON INVESTMENTS MADE, MAXIMIZING BENEFITS TO THE AUTHORITY, AND ELABORATING OBJECTIVE CRITERIA FOR RULES AND REGULATIONS TO BE PROMULGATED BY AUTHORITY. ALSO INDICATED DOCUMENT L.7 WAS INSPIRATION OF CAB.12. PINTO SUGGESTED TWO BASIC ISSUES REMAIN OUTSTANDING: USSR PROPOSALS ON RESERVATION OF AREAD (L.12), AND BANKING SYSTEM PROPOSED IN

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PAGE 02

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INFORMAL WORKING GROUP. HE SAID EFFORTS ARE CONTINUING TO RECONCILE VIEWS OF CAB.12, AND IMPORTANCE OF MACHINERY TO NEGOTIATION ON BASIC CONDITIONS WAS EVIDENT.

3. PERU REP (DESOTO) PRESENTED POSITION OF GROUP OF 77. HE BEGAN BY CHARACTERIZING CAB.12 AS APPLICABLE ONLY TO CONTRACTUAL JOINT VENTURES WHILE POSITION OF 77 IS THAT AUTHORITY SHOULD HAVE BROAD FLEXIBILITY TO USE OTHER MODALITIES AND MUST EXERCISE DIRECT AND EFFECTIVE CONTROL AT ALL TIMES. US REP, (CI) (RATINER) LATER STATED FOR THE RECORD THAT CAB.12 DOES NOT IN ITS ENTIRETY DEAL EXCLUSIVELY WITH CONTRACTUAL JOINT VENTURES.

4. ON MACHINERY, PERU REP INDICATED AUTHORITY SHOULD HAVE AN ASSEMBLY, COUNCIL, OPERATIONAL ORGAN, AND DISPUTE SETTLEMENT MECHANISM.

4A. THE ASSEMBLY WOULD BE COMPOSED OF ALL MEMBERS, MEET ANNUALLY, ESTABLISH GENERAL POLICY AND GUIDELINES FOR AUTHORITY'S FUNCTIONING, BE THE QTE SUPREME ORGAN OF THE AUTHORITY UNQTE, POSSESS ALL POWERS NOT SPECIFICALLY GIVEN TO OTHER ORGANIS, AND WOULD ACT BY TWO-THIRDS MAJORITY PRESENT AND VOTING.

4B. COUNCIL WOULD BE SMALLER ORGAN, EXECUTIVE DOBY OF AUTHORITY, MEET ON A PERMANET STANDING BASIS AND TAKE MAIN DECISIONS, INCLUDING THOSE RELATING TO ARTICLE 9 OF REGIME. COUNCIL WOULD AUTHORIZE ANY DIRECT EXPLOITATION BY AUTHORITY AND ANY CONTRACTS WITH OTHR ENTITIES FOR EXPLOITATION. COMPOSITION OF COUNCIL WOULD BE PRIMARILY ON BASIS OF EQUITABLE GEOGRAPHICAL REPRESENTATION, BUT TAKING ACCOUNT OF UDE REPRESENTATION OF SPECIAL INTERESTS INVOLVED OR SPECIALLY AFFECTED BY ACTIVITIES IN THE INTERNATIONAL SEABED ARE. 77 REJECT ANY VETO SYSTEM IN COUNCIL, PERMANENT MEMBERS OR WEIGHTED VOTING.

4C. OPERATIONAL ORGAN, CALLED THE NETERPRISE, WOULD BE SMALL EXPERT DOBY TO UNDERTAKE ACTIVITIES UNDER ARTICLE 9, ENTER INTO CONTRACTS OR ASSOCIATIONS REGARDING ACTIVITIES IN AREA AND RELATED ACTIVITIES, AND WOULD BE SUPERVISED BY COUNCIL.

5. PERU REP INDICATED QUESTION OF ADVERSE EFFECTS OF SEABED PRODUCTION ON LAND-BASED PRODUCERS OF METALS FOUND ON SEABED WOULD BE DISCUSSED LATER. (77 HAD NOT

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BEEN ABLE TO AGREE ON THIS ISSUE DUE TO SPLIT BETWEEN
CONSUMERS AND PRODUCERS.) SUBSEQUENTLY, ZAMBIA,
CHILE, GUATEMALA, MOROCCO AND OTHERS EMPHASIZED NEED FOR
PLANNING COMMISSION TO CONTROL PRODUCTION, WHILE SUB-
s 488,8 39 77 POSITION.

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6. STATEMENTS CONTINUED APRIL 28 WITH US REP (CI) (RATINER) GIVING STATEMENT ON BEHALF OF US AND OTHER DEVELOPED COUNTRIS. US REP (CI) SET FORTH TWELVE CRITICAL ELEMENTS TO BE ACCOMMODATED TO SATISFACTION OF ALL IF SINGLE TEXT IS TO BE VIEWED AS BASIS FOR FURTHER NEGOTIATIONS. THESE ELEMENTS INCLUDED LIMITING COMPETENCE OF AUTHORITY TO ACTIVITIES DIRECTLY RELATED TO EXPLORATION AND EXPLOITATION OF RESOURCES OF INTERNATIONAL AREA; LIMITING POWERS AND FUNCTIONS OF AUTHORITY AND ITS ORGANS TO THOSE EXPRESSLY PROVIDED; BALANCED POWERS AND DECISION-MAKING PROCEDURES IN ASSEMBLY TO RESPECT ESSENTIAL RIGHTS OF SMALLER GROUPS OF MEMBERS WITH MECHANISM TO POSTPONE DECISIONS IF MINORITY WISH TO SEEK ADVICE OT DISPUTE SETTLEMENT ORGANI AS TO LEGALITY OF CONTEMPLATED MEASURES; COUNCIL STRUCTURE RECOGNIZING SPECIAL INTERESTS OF CERTAIN STATES WITH VOTING ARRANGEMENTS TO PROTECT CRITICAL INTERESTS OF STATES; FUNDAMENTAL RESOURCE POLICIES ELABORATED IN BASIC CONDITIONS WITH CIRCUMSCRIBED PROCEDURE FOR PROMULGATING RULES AND REGULATIONS; EXCLUSIVE COUNCIL MANDATE TO EXERCISE AUTHORITY'S POWERS AND FUNCTIONS RELATING TO EXPLORATION AND EXPLOITATION; THREE SEPARATE TECHNICAL EXPERT COMMISSIONS FOR RULE MAKING, SUPERVISION AND CONTRACTING FUNCTIONS UNDER COUNCIL'S SOLE SUPERVISION; EFFECTIVE DISPUTE SETTLEMENT MACHINERY; SECRETARIAT SUBJECT TO CONFLICT OF INTEREST PROVISIONS OF TREATY AND PENALTIES; SELF-SUFFICIENT FINANCING OF AUTHORITY WITH BORROWING POWER DURING INITIAL YEARS; AND PROVISIONAL APPLICATION.

7. CHAIRMAN PROCEEDING NOW TO DRAFT SINGLE TEXT. COPY OF US STATEMENT POUCHED TO DEPT. ABRAMS

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 TO SECSTATE WASHDC 2611
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 C O N F I D E N T I A L GENEVA 3193
 FROM USDEL LOS
 E.O. 11652: GDS
 TAGS: PLOS

104 Geneva
 [Redacted]

Comm. I ✓
 Group of 77 ✓
 Many Countries ✓

SUBJECT: LOS: C-I INFORMAL WORKING GROUP MEETING APRIL 25, 1975
 SUMMARY: COMMITTEE I (CI) WORKING GROUP APRIL 25 HEARD GROUP OF 77 POSITION ON DRAFT SINGLE TEXT BASIC CONDITIONS, U.S. RESPONSE PROVOKED HEATED DEBATE. PRIVATE CONTACTS WITH GROUP OF 77 LEADERSHIP SUGGEST MEETING MAY HAVE HELPED TO ENCOURAGE GROUP OF 77 TO CONTINUE WORKING UNTIL END OF SESSION. END SUMMARY.

1. CI INFORMAL WORKING GROUP UNDER CHAIRMANSHIP OF PINTO (SRI LANKA) MET APRIL 25 TO CONTINUE EXCHANGE OF VIEWS ON INFORMAL DOCUMENT CAB.12, DRAFT SINGLE TEXT ON BASIC CONDITIONS. WORKING GROUP HAD NOT MET FOR FOUR DAYS TO ALLOW 77 TO COORDINATE THEIR POSITION.

2. PERU/REP (DESOTC) PRESENTED POSITION OF GROUP OF 77. GROUP FLATLY REJECTED USSR PROPOSAL ON RESERVATION OF AREAS, WHICH HAD BEEN INCORPORATED IN SUBSTANCE FROM C.1/L.12. GROUP QTE COULD NOT SUPPORT UNQTE SUBSTANCE OF U.S. BANKING SYSTEM FOR RESERVATION OF AREAS AS PRESENTED IN PARAS. 7 AND 19 OF CAB.12. THE IDEA OF FINDING METHOD TO PROVIDE AUTHORITY WITH MORE DATA ON THE AREA WAS NOT EXCLUDED, LEAVING SLIGHT ROOM FOR USING PART OF BANKING IDEA. GROUP INSISTED THAT ENTIRE AREA SHOULD BE SUBJECT TO SAME BASIC PRINCIPLES AS INCLUDED IN REGIME ARTICLES. GROUP WOULD GO ALONG WITH ADDING CRITERIA TO BASIC CONDITIONS IN CAB.12 BASED ON C.1/L.7, BUT THOUGHT CRITERIA IN PARAS. 16-21 OF CAB.12 WERE TOO FAVORABLE TO CONTRACTOR AND RECOMMENDED KEEPING ONLY TITLES OF PARAGRAPHS FOR TIME BEING. GROUP ALSO CONSIDERED LIST OF AREAS IN WHICH RULES AND REGULATIONS WOULD BE PROMULGATED BY THE AUTHORITY TO BE NON-EXHAUSTIVE, AND THOUGHT PARA. 8 ON CRITERIA FOR ACCESS TO THE AREA GAVE AUTHORITY TOO LITTLE DISCRETION. PERU REP. CONCLUDED BY EMPHASIZING GROUP OF 77 REMAINED OPEN TO A DIALOGUE AND DOOR WAS OPEN FOR NEGOTIATION TO MEET LEGITIMATE NEEDS OF ALL STATES.

3. PINTO SUMMARIZED GROUP OF 77 POSITION AND HIGHLIGHTED MOVEMENT OF GROUP IN THAT ELABORATION OF CRITERIA IN BASIC CONDITIONS

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NC 54407

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WOULD NOW BE ACCEPTABLE, SUBJECT TO MODIFICATION. PINTO ALSO AGREED WITH PERU REP. STATEMENT THAT BASIC CONDITIONS WOULD APPLY TO CONTRACTUAL JOINT VENTURES, LEAVING OTHER MODALITIES (I.E., SERVICE CONTRACTS) UNRESOLVED ISSUE.

4. U.S. C-I REP (RATNER) INTERVENED TO EXPRESS PROFOUND DISAPPOINTMENT OF U.S. DEL THAT COMPROMISES OFFERED BY DEVELOPED COUNTRIES WERE REJECTED IN THREE CRITICAL RESPECTS. U.S. C-I REP INDICATED IT WAS TOO LATE IN NEGOTIATION FOR DOORS TO BE OPENED FOR NEGOTIATION AND VIEWS OF LARGE NUMBERS OF DEVELOPED STATES TO BE REJECTED. DEVELOPED COUNTRIES HAD HOPED BREAK IN WG MEETINGS TO ALLOW 77 TO COORDINATE WOULD RESULT IN EFFORTS TO MEET HALFWAY, BUT STATEMENT INDICATED 77 HAD NOT MOVED IN CONCEPTUAL TERMS FROM POSITION IN CARACAS. U.S. C-I REP SPECIFICALLY EMPHASIZED NEED TO ELABORATE CRITERIA IN BASIC CONDITIONS NOW.

5. CHINA, BRAZIL, PERU, TANZANIA, TRINIDAD AND TOBAGO, BARBADOS AND ALGERIA INTERVENED TO EXPRESS IN STRONG TERMS SUPPORT FOR 77 POSITION AND EXPRESS CONSTERNATION AND SURPRISE AT U.S. STATEMENT. STRONGEST ATTACK WAS ON CONCEPT OF SPLITTING AREA FOR MULTI-NATIONALS AND STATES IN ONE PART AND AUTHORITY IN OTHER PART. 77 CLAIMED THEY HAD MADE REAL CONCESSIONS WHILE DEVELOPED COUNTRIES HAD NOT MADE SIGNIFICANT CONCESSIONS.

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 TO RUEHC/SECSTATE WASHDC 2610
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 FROM USDEL LOS
 E.O. 11652: N/A
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Geneva



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SUBJECT: LOS: GENERAL COMMITTEE MEETING OF 2 MAY

- SUMMARY: GENERAL COMMITTEE APPROVED CONCEPT OF HOLDING INFORMAL CONSULTATIONS AND NEGOTIATIONS DURING INTERSESSION AND UN WILL PROVIDE SUPPORT SERVICES AS AVAILABLE IN NEW YORK OR GENEVA. DATE AND VENUE OF NEXT SESSION WAS DISCUSSED BUT NO DECISION WAS TAKEN; IT WILL BE CONSIDERED AGAIN 7 MAY. IN ABSENCE OF INVITATION BY ANY LDC TO HOST CONFERENCE N.Y. OR GENEVA APPEAR INEVITABLE. END SUMMARY.
- LOS CONFERENCE PRESIDENT (AMERASINGHE) CHAIRED GENERAL COMMITTEE (GC) SESSION 2 MAY TO CONSIDER TWO AGENDA ITEMS: (A) DATE AND VENUE OF NEXT SESSION AND, (B) INTER-SESSIONAL WORK.
- A, NEXT SESSION: ACCORDING TO UN SECRETARIATE (RUTLEDGE) IF IT IS DECISION OF CONFERENCE TO MEET EARLY IN 1976 THE FOLLOWING SCHEDULES ARE AVAILABLE WITHOUT SERIOUS DISRUPTIONS OF EXISTING COMMITMENTS TO OTHER MEETING:
 - GENEVA 19 JAN - 5 MAR (7 WEEKS)
 - NEW YORK 2 FEB - 9 APR (8 WEEKS)
 AND POSSIBLE EXTENSION WITH REDUCED FACILITIES UNTIL 23 APRIL.
- REMARKS BY REPS OF REGIONAL GROUPS REVEALED THAT FEW HAD FOCUSED SERIOUSLY ON ISSUE SO AMERASINGHE ALLOWED MORE TIME FOR CONSULTATION ON QUESTION OF VENUE AND TIMING AND GC WILL MEET AGAIN ON 7 MAY TO CONSIDER ISSUE. AFRICAN, ASIANS AND LAS STILL PREFER HOLDING CONFERENCE IN LDC BUT THERE HAVE BEEN NO OFFERS YET BY ANY LDC TO BE HOST. AMB. STEVENSON STATED U.S. CONCERN ABOUT LENGTH OF SESSION, (8 WEEKS IS MINIMUM), AND SAID THAT POSSIBILITY SHOULD EXIST FOR EXTENSION IF NECESSARY.
- B, INTERSESSIONAL WORK. AMERASINGHE URGED GC TO APPROVE CONCEPT OF INFORMAL CONSULTATIONS AND NEGOTIATIONS WITHIN AND AMONG GROUPS. NO MANDATE WAS REQUESTED BUT EARLY NOTIFICATION BY GROUPS TO SECRETARIAT WAS ASKED FOR PLANNING PURPOSES. WITH EXCEPTION OF PERU ALMOST ALL GC MEMBERS AGREED TO THIS PROPOSAL IN

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PRINCIPLE. IT WAS FURTHER AGREED THAT SECRETARIAT WOULD RECEIVE AND DISTRIBUTE ANY COMMENTS BY GOVERNMENTS ON THE SUBSTANCE OF THE UNIFIED TEXTS.

6. AMB. STEVENSON SUPPORTED HOLDING NEXT SESSION AS SOON AS POSSIBLE AND, TO SUSTAIN MOMENTUM, HE URGED LOGISTIC SUPPORT FOR INTER-SESSIONAL WORK. HE SAID THAT SUCH WORK IS PARTICULARLY IMPORTANT SINCE THE UNIFIED TEXTS WILL CHANGE THE CHARACTER OF THE NEXT SESSION. CONSULTATIONS COULD PROVIDE OPPORTUNITIES TO AGREE ON SINGLE AMENDMENTS RATHER THAN BE FACED WITH A PROLIFERATION OF AMENDMENTS. FURTHER, MORE EFFICIENT WORK AT NEXT SESSION COULD BE EXPECTED IF RESULTS OF WORK OF INFORMAL GROUPS COULD BE AVAILABLE AT ITS OPENING RATHER THAN DEVELOPED DURING THE CONFERENCE SESSION ITSELF.

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 INFO RUEHDT/USUN NEW YORK 1635
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 TAGS: PLOS

Geneva

Comm. I, II, & III

102

US ✓
 USSR ✓
 Pakistan ✓
 Evensen Group ✓
 Group of 77 ✓
 West Germany &
 Many other countries ✓

SUBJ: UNCLASSIFIED WEEKLY SUMMARY, WEEK ENDING MAY 2
 1. SUMMARY: WORKING GROUPS CONTINUED MEETING DURING WEEK ALTHOUGH PACE IS WINDING DOWN AS CONFERENCE AWAITS SINGLE TEXTS FROM CHAIRMEN OF THE THREE COMMITTEES NOW EXPECTED TO BE GIVEN TO CONFERENCE PRESIDENT TUESDAY. PRESENT EXPECTATION IS THAT CONFERENCE WILL END WITH PLENARY SESSION FRIDAY MORNING MAY 9, WITH SINGLE TEXT DISBRIUTED THEN WITHOUT DEBATE. END SUMMARY
 2. COMMITTEE I (DEEP SEABEDS) HELD THREE FORMAL SESSIONS TO CONSIDER ISSUES IN MACHINERY ARTICLES, A SUBJECT THAT HAD NOT PREVIOUSLY BEEN DISCUSSED ON RECORD AT LOS CONFERENCE. DEVELOPING COUNTRIES SPEECHES GENERALLY FOLLOWED GROUP OF 77 POSITION THAT NOW INCLUDES CONCEPT OF SPECIAL INTEREST REPRESENTATION ON COUNCIL AND LOCATION OF MOST SPECIFIC POWERS, AS WELL AS SUPERVISORY FUNCTION OVER ENTERPRISE IN COUNCIL. US DELIVERED STATEMENT THAT STRESSED NEED FOR CHECKS AND BALANCES IN MACHINERY, PROTECTION OF MINORITY INTERESTS AND RESTRICTIONS ON ASSEMBLY'S POWERS.
 3. CI WORKING GROUP HELD ONE MEETING TO DISCUSS GROUP OF 77 POSITION ON CHAIRMAN'S DRAFT OF BASIC CONDITIONS. 77 SPOKESMAN FLATLY REJECTED USSR PROPOSAL FOR RESERVING AREAS EXCLUSIVELY FOR STATES AND CRITICIZED, BUT DID NOT REJECT, US PROPOSAL FOR BANKING SCHEME. SINGLE TEXT OF REGIME AND MACHINERY ARTICLES NOW UNDER PREPARATION AND PRIVATE CONSULTATIONS ON IT ATE EXPECTED TO CONTINUE UNTIL MIDDLE OF NEXT WEEK.
 4. COMMITTEE II: INFORMAL CONSULTATIVE GROUPS ON SPECIFIC ISSUES CONTINUED DELIBERATIONS DURING PAST WEEK.

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CUSSION ON ECONOMIC ZONE EXHAUSTED LIST OF SPEAKERS AFTER TWO SESSIONS. NO DETAILED DISCUSSIONS OF VARIOUS PROVISIONS IN MAIN TRENDS PAPER ON THIS ISSUE TOOK PLACE. TWO SESSIONS ON INNOCENT PASSAGE IN TERRITORIAL SEA DID ALLOW FOR COMPLETE CONSIDERATION OF THESE PROVISIONS IN MAIN TRENDS PAPER. SUBSTANTIVE DIFFERENCES STILL EXIST ALTHOUGH GROUP DID ENDORSE NUMBER OF UNCONTROVERSIAL PROVISIONS. CONSIDERATION OF HIGH SEAS PROVISIONS WAS COMPLETED WITH PRINCIPAL ISSUE OF WHETHER ECONOMIC ZONE WILL OR WILL NOT BE HIGH SEAS, NOT DISCUSSED. MEETING ON ISLANDS PROBLEMS INDICATED POLARIZATION BETWEEN THOSE STATES SUPPORTING FULL MARITIME JURISDICTIONAL ENTITLEMENT FOR ALL TERRITORY REGARDLESS SIZE OR POPULATION AND THOSE FAVORING DIFFERENTIAL TREATMENT BASED ON VARIOUS FACTORS. SESSIONS ON LANDLOCKED STATES DESIRE FOR FREE TRANSIT TO SEA ENDED IN DEADLOCK. LANDLOCKED STATES FROM ALL REGIONS STRONGLY PRESSED CASE FOR INTERNATIONAL RECOGNITION OF RIGHT TO HIGH SEAS AND COMMON HERITAGE AREAS. TRANSIT STATES, PARTICULARLY PAKISTAN, REMAINED ADAMANT IN OPPOSITION TO SUCH RECOGNITION. DISCUSSION ON ENCLOSED AND SEMI-ENCLOSED SEAS ENDED IN CONFUSION WITH NO AGREEMENT ON DEFINITIONAL PROVISIONS. STRAITS DISCUSSION WAS LARGELY REITERATION OF PRIOR POSITIONS OF MARITIME STATES AND STRAITS STATES. HOWEVER, LARGE MAJORITY OF STATES PARTICIPATING SPOKE IN FAVOR OF UNIMPEDED TRANSIT OF INTERNATIONAL STRAITS AND TREND IS NOW STRONGLY IN FAVOR OF UNIMPEDED TRANSIT.

5. EVENSEN GROUP HELD THREE SESSIONS ON CONTINENTAL MARGIN, DISCUSSING ALTERNATIVE (A) OF ARTICLE 26 (POUCH DEPT), ATTEMPTING TO DEFINE THE MARGIN AND WAYS OF DELIMITING IT AND ESTABLISHING BOUNDARY REVIEW COMMISSION. DRAFT WAS SUPPORTED BY SEVERAL WIDE MARGIN STATES PLUS TRINIDAD AND TOBAGO, WEST GERMANY, SINGAPORE, JAPAN, AND SOME OTHERS WHICH SEEMED WILLING ACCEPT NATURAL PROLONGATION OF LAND MASS, BEYOND 200 MILES, AS PART OF THE SHELF REGIME. HOWEVER, THEY CRITICIZED VAGUENESS OF DEFINITION. NIGERIA STRONGLY OPPOSED EXTENSIONS BEYOND 200 MILES AND REFERRED TO POSITION OF OAU. USDEL OPPOSED DEFINITION ON GROUNDS THAT IT WAS TOO IMPRECISE AND WOULD GIVE COASTAL STATE JURISDICTION OVER ENTIRE

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RIGHTS OUT TO GREAT DISTANCES. US INTRODUCED AMENDMENT FOCUSING ON DELIMITATION OF SUBMERGED PROLONGATION OF LAND MASS. CHILE INTRODUCED ANOTHER AMENDMENT WITH THRUST IN SAME DIRECTION. AMB STEVENSON MADE PRESENTATION IN EVENSEN GROUP AND ALSO AT BRIEF PRESS CONFERENCE WEDNESDAY ON REVENUE SHARING AS MEANS OF ACCOMMODATING INTERESTS OF BROAD MARGIN STATES IN JURISDICTION OVER THE MARGIN BEYOND 200 MILES WITH INTERESTS OF OTHER STATES WHICH OPPOSE ANY EXTENSION OF JURISDICTION BEYOND 200 MILES. AS TO METHODS, HE STATED THAT ON BALANCE US PREFERRED SYSTEM OF PRODUCTION PAYMENTS ON VALUE OF RESOURCE AT WELL-HEAD AND INDICATED THAT FOR PRELIMINARY DISCUSSION US HAS SUGGESTED FIGURE OF ONE PERCENT ESCALATING OVER A PERIOD OF YEARS TO FIVE PERCENT, WITH NO PAYMENT IN FIRST FIVE YEARS IN ORDER TO PERMIT RECOVERY OF INITIAL COSTS. HE NOTED DIFFICULTIES WITH SYSTEM OF PROFIT SHARING INCLUDING NECESSITY OF UNIFORM ACCOUNT SYSTEM TO ASSESS COSTS ON UNIFORM BASIS, ENDORCEMNT, UNCERTAINTY OF PAYMENT, AND DIFFERENCES OVER CONCEPT OF PROFIT. NEW ZEALAND PROPOSED REVENUE SHARING ON BASIS OF PROFIT SHARING. AUSTRALIA STRONGLY OPPOSED REVENUE SHARING ON GROUNDS IT ALREADY HAS SOVEREIGN RIGHTS OVER THE AREA. SOVIET UNION OPPOSED REVENUE SHARING ON GROUNDS IT WOULD NOT BE POSSIBLE IN SOCIALIST SYSTEMS. SEVERAL DEVELOPING COUNTRIES SAID REVENUE SHARING SHOULD NOT APPLY TO THEM.

6. COMMITTEE III: (A) MARINE POLLUTION: IN THE TWO WORKING GROUP MEETINGS ON THE DUMPING ARTICLE, AGREEMENT WAS REACHED ON THREE PARAGRAPHS, CALLING FOR THE ESTABLISHMENT OF BOTH NATIONAL AND INTERNATIONAL STANDARDS TO PREVENT POLLUTION FROM DUMPING, AND PROVIDING FOR "EXCLUSIVE" COASTAL STATE AUTHORIZATION OF DUMPING OFF ITS COASTS, WITHIN UNSPECIFIED LIMITS TO BE NEGOTIATED AT A LATER TIME. FOOTNOTES TO THE AGREED TEXT INDICATE THAT "DUMPING" IS INTENDED TO HAVE THE SAME SCOPE AS IT DOES IN THE 1972 DUMPING CONVENTION, AND THAT THE USE OF THE TERM "EXCLUSIVE" IS NOT INTENDED TO LIMIT THE JURISDICTION OF PORT OR COASTAL STATE TO ESTABLISH STRICTER OR ADDITIONAL CONDITIONS ON DUMPING WITHIN THE AREAS WHERE COASTAL STATES HAVE JURISDICTION.

(B) MARINE SCIENTIFIC RESEARCH: DISCUSSION CONCLUDED

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PAGE 04-04

NC 54477

TOR:051510Z MAY 75

ON TIEM RELATING TO RESPONSIBILITY AND LIABILITY WITH A TEXT WORKED OUT BY AN INFORMAL NEGOTIATING GROUP. DISCUSSION THEN MOVED TO DISCUSSION OF L.12, THE GROUP OF 77 TEXT ON TECHNOLOGY TRANSFER. NUMEROUS AMENDMENTS WERE OFFERED BY DEVELOPED COUNTRIES WHICH WILL BE CONSIDERED AT AN INFORMAL NEGOTIATING GROUP. METTERNICH CHAIRMAN OF THE INFORMAL SESSIONS ON MARINE SCIENTIFIC RESEARCH, RETURNED TO GERMANY BECAUSE OF A DEATH IN HIS FAMILY. IN HIS ABSENCE, FEW INFORMAL CONSULTATIONS HAVE OCCURRED.

8. DISPUTE SETTLEMENT: WORKING GROUP ON DS COMPLETED ITS WORK FOR SESSION WITH ADOPTION OF FOUR AGREED INTRODUCTORY ARTICLES AND TWO ANNEXES. ONE ANNEX SETS FORTH REMAINING ARTICLES FOR COMPREHENSIVE DS CHAPTER; SECOND ANNEX PROVIDES ILLUSTRATIVE PROVISIONS FOR FUNCTIONAL APPROACH WITH DIFFERENT PROCEDURES FOR DIFFERENT ELEMENTS OF TREATY. PROCEDURES INCLUDE CONCILIATION ARBITRATION AND LOS TRIBUNAL.
ABRAMS

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107

R 051035Z MAY 75
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC 2605
INFO RUDKBT/AMEMBASSY RABAT 229
RUDKMDQ/AMEMBASSY MADRID 818
RUEHDT/USUN NEW YORK 1634

BT
C O N F I D E N T I A L GENEVA 3185
FROM USDEL LOS
EO 11652: GDS

TAGSI PLOS
SUBJ: LOS: MOROCCAN INTERVENTION ON STRAITS AND
ON ENCLAVES

1. IN SOMEWHAT RAMBLING DISCOURSE, MOROCCAN CHIEF
OF DELEGATION GHARBI ATTACKED SPANISH PRESENCE IN
ENCLAVES OF CEUTA AND MELILLA, HE POINTED OUT
SPANISH ENCLAVES WITHIN MOROCCAN TERRITORY HAD
STATUS IDENTICAL TO ISLAND OF GIBRALTAR. GHARBI
REFERRED TO VIOLATION OF MOROCCAN TERRITORIAL SEA BY
SPANISH NAVAL VESSELS WHICH ATTACKED PATROL BOATS OF
MOROCCO. HE STATED SPANISH COULD CONTROL STRATEGIC
TRAFFIC THROUGH GILBRALTAR BY ESTABLISHING INTER-
CEPTION LINES BETWEEN SPANISH MAINLAND AND ENCLAVES.
WHILE MOROCCO SUPPORTED INNOCENT PASSAGE OF STRAITS,
THEY HAD NO AMBITION TO "LORD OVER" MARITIME TAFFIC.
GHARBI STATED THAT COLONIAL OCCUPATION OF NECLAVES
CONSTITUTED PERMANENT SECURITY THREAT TO MOROCCO,
AT THE SAME TIME, HE INDICATED THAT IF THERE WAS NO
HARM, "THERE WAS NO NEED FOR CONSTRAINTS" IN CON-
NECTION WITH THE STRAIT OF GIBRALTAR. SPANISH
EXERCISED RIGHT OF REPLY; IN LOW-KEY FASHION,
THEY INDICATED THAT THEY RESERVED THEIR POSITION.

2. COMMENT:

THIS IS FIRST PUBLIC INDICATION BY MOROCCO OF FLEX-
IBILITY ON STRAITS PASSAGE. MOROCCO'S ATTACK ON
SPANISH WAS OBVIOUSLY INTENDED TO CONVEY MESSAGE
THAT MOROCCANS NO LONGER HOLD IDENTICAL VIEWS WITH
SPANISH ON REGIME OF PASSAGE IN STRAITS OF GIBRALTAR.
DELEGATION BELIEVES THAT INTERVENTION ON THE RECORD
WILL MAKE IT MORE DIFFICULT FOR ARAB STATES TO

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PAGE 02-02

NC 54336

TOR:051221Z MAY 75

LEND UNQUALIFIED SUPPORT FOR HARD-LINE SPANISH
POSITION THAT ONLY EXISTING REGIME OF INNOCENT
PASSAGE SHOULD APPLY TO STRAITS OF GIBRALTER,
ABRAMS

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Geneva

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Comm. I, II, & III

Many Countries

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BT
C O N F I D E N T I A L GENEVA 3176
FROM US DEL LOS
DEPT PASS ALL DIPLOMATIC POSTS
EO 11652: NA

TAGS: PLOS

SUBJ: CLASSIFIED SUMMARY

SUMMARY: WHILE SOME WORKING GROUP MEETINGS CONTINUED DURING WEEK PRINCIPAL EFFORT WAS DIRECTED TOWARD ENSURING BEST POSSIBLE OUTCOME IN DRAFTING OF CHAIRMAN'S TEXTS IN EACH COMMITTEE. CONFERENCE PRESIDENTS PRESENT PLAN IS TO RECEIVE TEXTS FROM COMMITTEE CHAIRMAN ON TUESDAY, WHICH WILL THEN REQUIRE TWO DAYS FOR TRANSLATION, AND THEY WILL THEN BE DISTRIBUTED WITHOUT DEBATE AT PLENARY FRIDAY.

2. COMMITTEE I (DEEP SEABEDS):

IN ADDITION TO COMMITTEE I (CI) FORMAL MEETINGS ON MACHINERY, CI LEADERSHIP HAS BEEN INVOLVED THIS WEEK IN REVIEWING DRAFT SINGLE TEXT PREPARED BY PINTO (CI WORKING GROUP CHAIRMAN) AND IN PROPOSING AMENDMENTS. GROUP OF 5 HELD SEVERAL MEETINGS TO COORDINATE COMMENTS ON PAPER, ALTHOUGH USSR DEL DECLINED TO JOIN IN PROCEDURE OF SUBMITTING COMMON AMENDMENTS. (FRANCE, UK AND JAPAN AGREED IN GENERAL WITH US AMENDMENTS TO PINTO PAPER AND SUBMITTED SEPARATELY ONLY A FEW SPECIFIC CHANGES). PRIVATE NEGOTIATIONS ON ARTICLE 9 (EXPLOITATION SYSTEM) AMONG LDC LEADERSHIP RESULTED IN NO NEW PROPOSALS AND DEL NOW CONSIDERS IT UNLIKELY THAT ANY SERIOUS NEGOTIATION WILL OCCUR FOR REMAINDER OF SESSION.

3. COMMITTEE II (TERRITORIAL SEA, ECONOMIC ZONE) ARCHIPELAGOES:

ON MONDAY, CHAIRMAN GALINDO POHL CONVENED GROUP CONSISTING OF US, UK, USSR, INDONESIA, FIJI, AND BAHAMAS TO DISCUSS POSSIBLE ARCHIPELAGIC ACCOMMODATION. DISCUSSION REVEALED THAT INDONESIA WAS

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PAGE 02

NC 54311

TOR:051204Z MAY 75

STICKING TO PRESENT HARD LINE, AT SECOND MEETING GROUP WAS EXPANDED TO INCLUDE JAPAN, MAURITIUS, PHILIPPINES AND PAPUA NEW GUINEA, PHILIPPINES AND TO SLIGHTLY LESSER EXTENT INDONESIA TOOK ADAMANT POSITION SUPPORTING DRAFT PREPARED BY THEM. US AND OTHER MARITIME STATES TOOK UNITED AND FIRM POSITION ON OBJECTIVE DEFINITIONAL AND REGIME PRINCIPLES. BAHAMAS INTRODUCED DRAFT CONTAINING 18 PRINCIPLES WHICH CLEARLY EMBODIED MIDDLE-OF-ROAD POSITION. STRAITS: PUBLIC STRAITS DISCUSSION REVEALED STRONG SENTIMENT FOR UNIMPEDED PASSAGE ALTHOUGH QMAN, YEMEN AND SPAIN TOOK EXPECTED (UNYIELDING) POSITIONS IN FAVOR OF INNOCENT PASSAGE. INDIA, LIBERIA, BAHAMAS AND SEVERAL ARAB STATES SPOKE IN FAVOR OF UNIMPEDED PASSAGE IN STRAITS. CONTINENTAL MARGIN: US HAS BEEN WORKING WITH CANADA, NORWAY, ARGENTINA, AUSTRALIA, AND NEW ZEALAND TO FIND ACCEPTABLE DEFINITION FOR CONTINENTAL MARGIN BEYOND 200 MILES. WHILE NO AGREEMENT HAS BEEN REACHED, WE DO BELIEVE THAT CONCERNED STATES ARE NOT FAR APART. REACTION TO US PROPOSAL FOR REVENUE SHARING BEYOND 200 MILES WHICH IS COUPLED WITH COASTAL STATE CONTINENTAL SHELF JURISDICTION BEYOND 200 MILES HAS BEEN GENERALLY FAVORABLE. VIEW IS GROWING THAT REVENUE-SHARING PROVIDES ONLY BASIS FOR ACCOMMODATING VIEWS OF THOSE WHO WISH TO HALT COASTAL STATE JURISDICTION AT 200 MILES AND THOSE WHO INSIST ON RETAINING RIGHTS TO BROAD CONTINENTAL MARGIN. WE UNDERSTAND SINGLE TEXT ON COMMITTEE II ISSUES IS NEARLY COMPLETED AND CHAIRMAN WILL BE ADDING HIS PERSONAL INPUT OVER WEEKEND, BUT IS UNDER VERY HEAVY PRESSURE ON SUBSTANCE FROM MANY DELS. CURRENT PLAN IS TO SUBMIT FINAL TEXT TO PRESIDENT AMERASINGHE NEXT TUESDAY.

4. COMMITTEE III (MARINE POLLUTION): PRIVATE NEGOTIATING GROUP COMPLETED WORK ON OCEAN DUMPING ARTICLE WHICH WILL NOW GO TO LARGE WORKING GROUP. ARTICLE INCLUDES ALTERNATE TEXT ON APPLICATION TO THE COASTAL STATE OF INTERNATIONAL STANDARD BECAUSE OF INDIAN INSISTENCE ON NOT BEING BOUND BY

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PAGE 03-03

NC 54311

TOR:051204Z MAY 75

SUCH STANDARDS. EVENSEN GROUP COMPLETED DISCUSSIONS ON VESSEL SOURCE POLLUTION, STANDARD SETTING, AND FLAG AND PORT STATES ENFORCEMENT. BROAD OPPOSITION TO COASTAL STATE STANDARD SETTING CLEAR WITH ONLY AUSTRALIA AND MEXICO SUPPORTING EVEN LIMITED COASTAL STATE RIGHTS. DISCUSSIONS ON PART STATE ENFORCEMENT ELICITED STRONG SUPPORT FOR US POSITION THAT PORT STATE ACTION MAY BE TAKEN AGAINST DISCHARGE VIOLATIONS REGARDLESS OF WHERE THEY OCCUR. SUPPORT CAME FROM CANADA, AUSTRALIA, MEXICO, INDIA AND SOME OTHERS WITH A FEW MARITIME STATES INCLUDING THE UK, USSR, AND FRG IN OPPOSITION. EVENSEN GROUP WILL DISCUSS QUESTION OF COASTAL STATE ENFORCEMENT MONDAY.

5. WORKING GROUP ON DISPUTE SETTLEMENT COMPLETED ITS WORK FOR SESSION. WORK PRODUCT TO BE SENT TO CONFERENCE PRESIDENT AND CONSISTING OF FOUR AGREED INTRODUCTORY ARTICLES ON DS AND TWO ANNEXES - ONE SETTING FORTH REMAINING ARTICLES FOR COMPREHENSIVE DS CHAPTER AND OTHER PROVIDING ILLUSTRATIVE PROVISIONS FOR FUNCTIONAL APPROACH - RESULTED FORM DIFFICULT, LAST MINUTE AGREEMENT WITH SOVIET UNION. IN PRIVATE DISCUSSIONS, SOVIETS TOOK POSITION (1) THAT SUBMISSION OF PROPOSED SINGLE TEXT WAS PREMATURE SINCE ONLY FOUR ARTICLES WERE GENERALLY ACCEPTED AND (2) THAT TEXT DID NOT REFLECT SOVIET VIEWPOINT. THEY RESTATED VIEW THAT DS SHOULD APPLY IN TWO INSTANCES: COMPULSORY ARBITRATION FOR FISHERIES DISPUTES AND TRIBUNAL FOR DEEP SEABED (ALTHOUGH SOVIETS STATED THEY WERE NOT REJECTING CDS ON OTHER ECONOMIC ZONE ITEMS). SIGNIFICANT DEVELOPMENT IN GROUP'S DISCUSSION OF AGREEMENT WAS CHILEAN-ARGENTINE (AND GROUP'S) REJECTION OF PERUVIAN EFFORT TO EXEMPT ALL DISPUTES ARISING UNDER CONVENTION WITHIN TERRITORIAL SEA, ECONOMIC ZONE AND CONTINENTAL SHELF FROM DS. IN REJECTING PERUVIAN FORMULA, ARGENTINA STATED THAT IT WOULD ACCEPT EXCEPTION FOR NAVIGATION FROM GENERAL DOMESTIC JURISDICTION EXCLUSION.

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PAGE 01-01

NC 53883

TOR:040146Z MAY 75

R 031300Z MAY 75
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 UNCLAS GENEVA 3170
 FROM USDEL LOS
 E.O. 11652: NA
 TAGS: PLOS

Geneva

Comm. II

Evanson Amendment

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99

SUBJ: LOS: COMMITTEE II-U.S. AMENDMENT TO CONTINENTAL SHELF TEXT
 1. FOLLOWING AMENDMENT PRESENTED AT EVENSEN GROUP MEETING
 ON MAY 1: QUOTE-AMENDMENT TO ALTERNATIVE A OF ARTICLE 32
 THIRD REVISION, CORR, 1
 --THE COASTAL STATE SHALL MAKE PAYMENTS IN RESPECT
 OF THE EXPLOITATION OF THE NON-LIVING RESOURCES OF THE
 CONTINENTAL SHELF SEAWARD OF 200 NAUTICAL MILES FROM THE
 BASELINE FROM WHICH THE BREADTH OF THE TERRITORIAL SEA
 IS MEASURED.
 --THE RATE OF PAYMENT SHALL BE 1PCT OF THE VALUE OF
 PRODUCTION AT THE SITE COMMENCING IN THE SIXTH YEAR OF
 PRODUCTION, SHALL INCREASE BY 1PCT ANNUALLY FOR THE NEXT
 FOUR YEARS OF PRODUCTION AT THAT SITE, AND SHALL BE 5PCT
 THEREAFTER, PRODUCTION DOES NOT INCLUDE RESOURCES USED
 IN CONNECTION WITH EXPLOITATION.
 --ANNUAL PAYMENT SHALL BE MADE TO (THE AUTHORITY)
 (INTERNATIONAL AND REGIONAL DEVELOPMENT ORGANIZATIONS
 AFFILIATED WITH THE UNITED NATIONS), TO BE DISTRIBUTED
 ON AN EQUITABLE BASIS FOR THE BENEFIT OF DEVELOPING
 COUNTRIES. UNQUOTE. DALE

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PAGE 01

NC 53557

TOR:030740Z MAY 75

R 022136Z MAY 75
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 TO RUEHC/SECSTATE WASHDC 2590
 INFO RUKOBT/AMEMBASSY JAKARTA 191
 RUMJMA/AMEMBASSY MANILA 231
 RUEHCR/AMEMBASSY NASSAU 21
 ZEN/AMEMBASSY SUVA UNN
 BT
 C O N F I D E N T I A L GENEVA 3167

Geneva
Comm. II
Archiepelagos



FROM USDEL LOS
 ED: 11652: GDS
 TAGS: PLOS

SUBJ: LOS: MEETING ON ARCHIPELAGOS

1. A THIRD INFORMAL MEETING OF STATES ON THE QUESTION OF ARCHIPELAGOS WAS HELD ON APRIL 30 FOR THE PURPOSE OF AGAIN BRIEFING AMBASSADOR GALINDO POHL, COMMITTEE II CHAIRMAN, ON THE VITAL ISSUES OF DELEGATIONS. PRESENT WERE THE SAME EIGHT STATES WHO ATTENDED APRIL 29 MEETING: UNITED STATES, UNITED KINGDOM, SOVIET UNION, JAPAN, ~~FIJI~~, ~~INDONESIA~~, ~~PHILIPPINES~~ AND THE BAHAMAS AS WELL AS MAURITIUS AND PAPUA-NEW GUINEA.

2. INDONESIA BEGAN THE DISCUSSION, STATING THAT THE FOUR-POWER DRAFT SUBMITTED BY THE ARCHIPELAGIC STATES (INDONESIA, PHILIPPINES, JIJI, AND MAURITIUS) REPRESENTED CONSIDERABLE COMPROMISE ON THEIR PART, ADDING THAT THEY WERE OPEN TO ADDITIONS, DELETIONS OR ALTERATIONS. THE PHILIPPINES THEN INTERVENED WITH THEIR USUAL POSITION, I.E. THAT THEY TREATED ALL WATERS WITHIN ARCHIPELAGIC BASELINES AS INTERNAL WATERS OVER WHICH THE ARCHIPELAGIC STATE EXERCISES SOVEREIGNTY. THEY REPORTED THEY WERE WILLING TO GRANT INNOCENT PASSAGE TO COMMERCIAL VESSELS THROUGH CUSTOMARY NAVIGATIONAL ROUTES, BUT FOR NON-COMMERCIAL VESSELS, INCLUDING WARSHIPS, PASSAGE WOULD BE RESTRICTED TO SUITABLE SEA LANES, DESIGNATED BY THE ARCHIPELAGIC STATE, SUBJECT TO PRIOR NOTIFICATION AND CONSENT. PREVIOUS AUTHORIZATION AND CONSENT WOULD ALSO BE REQUIRED FOR ALL OVERFLIGHT OF THE ARCHIPELAGO.

3. MINISTER ADDERLEY OF THE BAHAMAS SUBMITTED A LIST OF 18 PRINCIPLES, BASED ON THE EARLIER BAHAMIAN DRAFT, OUTLINING BASICALLY THE U.S. POSITION ON REGIME OF ARCHIPELAGOS. JAPAN MADE A STRONG INTERVENTION, SUGGESTING THAT THERE SHOULD BE OBJECTIVE AND REASONABLE CRITERIA FOR DESIGNATING ARCHIPELAGOS, A LAND-WATER RATIO OF 1:5, A MAXIMUM LENGTH OF BASE LINES OF 80 Nautical Miles.

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PAGE 02-02

NC 53557

TOR:030740Z MAY 75

MILES, UNIMPEDED TRANSIT THROUGH TRADITIONAL ROUTES, AND INNOCENT PASSAGE THROUGH OTHER ARCHIPELAGIC WATERS, AND RECOGNITION BY THE ARCHIPELAGIC STATE OF TRADITIONAL-RIGHTS OF NEIGHBORING STATES IN NEWLY-DESIGNATED ARCHIPELAGIC WATERS, INCLUDING TRADITIONAL FISHING RIGHTS,

4. THE UNITED STATES STATED THAT A BALANCE MUST BE STRUCK BETWEEN RIGHTS AND DUTIES OF EACH GROUP, AND OUTLINED THE U.S. POSITION. THE SOVIET UNION THEN INTERVENED TO CHALLENGE THE PHILIPPINE POSITION, SUGGESTING CRITERIA SIMILAR TO THOSE OF THE UNITED STATES, AND TO RECOMMEND THE BAHAMA DRAFT AS A BASIS FOR NEGOTIATION; PAPUA-NEW GUINEA REP NOTED THAT THE CRITERIA SUGGESTED IN THE BAHAMA DRAFT WOULD SUIT ALL OR MOST OF THE REQUIREMENTS OF PAPUA-NEW GUINEA, AND FINALLY THE UNITED KINGDOM SUPPORTED THE SOVIET PROPOSAL THAT THE BAHAMAS DRAFT BE USED AS A BASIS FOR NEGOTIATION.

5. CHAIRMAN GALINDO POHL THANKED ALL DELEGATIONS FOR MAKING CONCISE STATEMENTS, STATING THAT THE BUREAU WAS NOW IN A MUCH BETTER POSITION TO DRAFT A NEGOTIATING TEXT. DALE



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PAGE 01

NC 52403

TOR: 020304Z MAY 75

Geneva

Comm. I ✓
West Germany ✓
U.S. ✓
Group of 77 ✓
Group of 5 ✓



R 020013Z MAY 75
FM SECSTATE WASHDC
TO RUFHOL/AMEMBASSY BONN 2434
RUFHGV/USMISSION GENEVA 0182
BT
CONFIDENTIAL STATE 102552
E.O. 11652: GDS
TAGS: PLOS, GW

SUBJECT: LOSI FRG INQUIRIES ON DEEP SEABED NEGOTIATIONS
1. FRG EMBASSY MINISTER HANSEN AND COUNSELOR SCHMELING CALLED AT THEIR REQUEST ON UNDER SECRETARY MAW ON APRIL 30 TO INQUIRE ABOUT U.S. VIEWS ON DEEP SEABED NEGOTIATIONS AT LOS CONFERENCE IN GENEVA, HANSEN SAID THAT FRG DELEGATION AT GENEVA CONFERENCE HAD EXPRESSED CONCERN TO BONN ABOUT U.S. ATTITUDE ON DEEP SEABED REGIME AND SPECIFICALLY WHETHER U.S. NO LONGER SUPPORTS APPROACH CONTAINED IN U.S. PROPOSAL CONTAINED IN L,6 OF AUGUST 13, 1974. HANSEN SAID FRG DELEGATION REPORTS THAT GROUP OF 77 WAS NOT ACCEPTING "PINTO PAPER" AND LDCS HAVE REJECTED ANY FORM OF MIXED SYSTEM SO THAT EXPLOITATION, IN LDC VIEW, MUST BE CARRIED OUT ONLY ON BASIS OF SERVICE CONTRACTS. HANSEN SEEMED CONCERNED THAT U.S. MIGHT NOW BE WILLING TO AGREE TO SUCH A SYSTEM. HANSEN SAID THAT THERE WAS SERIOUS CONCERN OVER LACK OF COMMUNICATION AMONG GROUP OF 5.
2. UNDER SECRETARY MAW STATED THAT HE HAD MET WITH SMALL GROUP OF LDCS WHILE IN GENEVA AND HAD DISCUSSED PROBLEMS OF DEEP SEABED REGIME NEGOTIATIONS IN GENERAL, CONCEPTUAL TERMS AND THAT U.S. REPS HAVE SINCE HAD FURTHER DISCUSSIONS WITH MEMBERS OF GROUP OF 77 TO DISCUSS POSSIBLE SOLUTIONS. MAW STATED THAT HE HAD TOLD LDC REPS THAT WE SOUGHT FAIR AND REASONABLE CONDITIONS FOR EXPLOITATION OF DEEP SEABED AND THAT U.S. HAD MADE CLEAR THAT WE COULD NOT AGREE TO GIVING INTERNATIONAL AUTHORITY FULL, UNLIMITED POWERS IN AREA. MAW FURTHER STATED THAT HE WAS CERTAIN THAT U.S. DEL HAD CONSULTED WITH GROUP OF 5 ON THIS ISSUE RECENTLY.
3. COMMENTS: HANSEN SEEMED REASSURED THAT U.S. HAD NOT ABANDONED DEVELOPED COUNTRY POSITION ON DEEP SEABED.
KISSINGER

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NC 52128

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P 011535Z MAY 75
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TO SECSTATE WASHDC PRIORITY 2530
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*Geneva
Committees I, II & III
Special Report*

SECRET GENEVA 3097

EXDIS
FROM USDEL LOS
FOR INGERSOLL AND MAW FROM AMBASSADORS STEVENSON AND MOORE
EO 116521 XGDS-3
TAGS: PLOS
SUBJ: LOS: SPECIAL REPORT
SUMMARY: PRINCIPAL WORK OF CONFERENCE AND OBJECTIVES FOR SESSION IS COMPLETION OF SINGLE UNIFIED NEGOTIATING TEXTS OF TREATY ARTICLES IN THREE MAIN COMMITTEES.
END SUMMARY.

95

1. AS A RESULT OF PLENARY APPROVAL FRIDAY, APRIL 18 OF PRESIDENT'S PROPOSAL THAT COMMITTEE CHAIRMEN ON OWN RESPONSIBILITY PREPARE SINGLE UNIFIED TEXTS OF TREATY ARTICLES, CENTRAL THRUST OF NEGOTIATIONS AND WORK IN COMMITTEES AND UNOFFICIAL GROUP IS ON SUPPLYING TEXTS FOR INCLUSION IN CHAIRMAN'S TEXT.
2. COMMITTEE I. GROUP OF 77 IN INTENSIVE DISCUSSIONS PAST WEEK ON BASIC CONDITION OF EXPLOITATION HAVE IN PRINCIPLE REJECTED SOVIET AND US PROPOSALS FOR RESERVED AND NON-RESERVED AREAS, IN WHICH SEABED AUTHORITY'S RIGHTS AND DISCRETION DIFFER, IN FAVOR OF SINGLE UNIFIED SYSTEM APPLICABLE THROUGHOUT SEABED AREA. PRIVATE NEGOTIATIONS CONTINUE ON PROTECTION FOR CONTRACTUAL JOINT VENTURES UNDER SUCH SYSTEM. WORKING GROUP CHAIRMAN PINTO HAS PRODUCED DRAFT SINGLE TEXT ON SEABED REGIME AND MACHINERY ON WHICH DELEGATION DEVELOPING COMMENTS JOINTLY WITH USSR, UK, FRANCE AND JAPAN FOR CONSULTATIONS WITH PINTO AND GROUP OF 77 LEADERSHIP AS BASIS FOR REVISING TEXT TO MAKE IT NEGOTIATING TEXT RATHER THAN GROUP OF 77 DOCUMENT.
3. COMMITTEE II. EVENSON GROUP TEXT ON ECONOMIC ZONE GENERAL PROVISIONS AND FISHERIES SENT BY EVENSEN TO COMMITTEE CHAIRMEN AND HEADS OF ALL DELEGATIONS. INDICATIONS ARE THAT CHAIRMAN...

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PAGE 02-02

NC 52128

TOR:011953Z MAY 75

TEXT WITH SOME COSMETIC CHANGES AND SUBSTANTIVE CHANGES IN SPECIAL PROVISIONS ON LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES TO ACCOMMODATE THESE STATES WHO DISSATISFIED WITH EVENSEN TEXT ON THESE POINTS.

SOME CRITICISM OF UK-FIJI STRAITS PROPOSAL MADE BY CANADA, CHILE AND NORWAY WITH RESPECT TO THE DEFINITION OF COVERED STRAITS. HOWEVER, CHAIRMAN EXPECTED TO USE PROPOSAL AS BASIS FOR UNIFIED TEXT.

PRIVATE DISCUSSIONS BY CHAIRMAN WITH PRINCIPAL ARCHIPELAGO STATES AND WITH US, USSR, UK AND JAPAN PRODUCED FULL EXCHANGE OF VIEWS WITH ALL MARITIME STATES AND BAHAMAS IN AGREEMENT WITH US POSITION BUT WITH NO CHANGE IN HARD LINE INDONESIAN AND PHILIPPINE VIEWS.

4. COMMITTEE III. CHAIRMAN YANKOV PREPARING SINGLE TEXTS ON MARINE POLLUTION AND MARINE SCIENTIFIC RESEARCH. GLIMPSES AT KEY PROVISIONS OF POLLUTION TEXT SUGGEST SUBSTANCE OF PROVISIONS ACCEPTABLE WITH RESPECT TO KEY VESSEL-SOURCE POLLUTION ISSUES. WE HAVE PASSED A CLOSELY HELD TEXT TO YANKOV ON SCIENTIFIC RESEARCH JOINTLY AGREED BY US AND SOVIETS IN PRIVATE CONSULTATIONS. WE ARE HOPEFUL CHAIRMAN WILL BE LARGELY GUIDED BY TEXT.
DALE

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 FM USMISSION GENEVA
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 RUEHOT/AMEMBASSY OTTAWA 2376
 RUESNA/AMEMBASSY SANTIAGO 392

Geneva
Committee II
Straits
Canada
Chile
Norway

94

BT
 UNCLAS GENEVA 3116

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 TAGS: PLOS
 SUBJ: TEXT OF AIDE-MEMOIRE ON STRAITS
 REF: GENEVA 2757 AND 2954
 1. AIDE-MEMOIRE CIRCULATED TO ALL DELEGATES IN
 COMMITTEE II CONTAINING THE FOLLOWING TEXT CONCERNING
 INTERNATIONAL STRAITS, WITH REFERENCE TO THE UK-FIJI
 CONSENSUS TEXT REPORTED REFTELS. SEPTEL CONTAINS OUR
 COMMENTS AND RECOMMENDATIONS.
 2. BEGIN TEXT:

APRIL 30, 1975.

AIDE MEMOIRE

THE DELEGATIONS OF CANADA, CHILE AND NORWAY HAVE
 BECOME AWARE OF A SO-CALLED "CONSENSUS TEXT" OF A
 "PRIVATE GROUP" ON STRAITS. THE THREE DELEGATIONS
 WISH TO BRING TO THE IMMEDIATE ATTENTION OF THE CHAIR-
 MAN OF COMMITTEE II THEIR COMMON VIEW REGARDING THE
 UNACCEPTABILITY OF THIS TEXT INSOFAR AS IT PURPORTS
 TO MODIFY THE CUSTOMARY DEFINITION OF INTERNATIONAL
 STRAITS AS WELL AS TO CREATE ENTIRELY NEW CATEGORIES
 OF SUCH STRAITS.

CANADA, CHILE AND NORWAY CONSIDER THAT THE DECISION
 OF THE INTERNATIONAL COURT OF JUSTICE IN THE CORFU
 CHANNEL CASE OF 1949, AS WELL AS THE REPORT OF THE
 INTERNATIONAL LAW COMMISSION OF 1956 AND THE 1958
 CONVENTION ON THE TERRITORIAL SEA AND THE CONTIGUOUS
 ZONE HAVE CLEARLY ESTABLISHED THE LEGAL AND GEO-
 GRAPHICAL NATURE AND CHARACTERISTICS OF THOSE BODIES
 OF WATER THAT ARE TO BE TREATED AS INTERNATIONAL
 STRAITS. ARTICLE 16 (4) OF THE 1958 CONVENTION ON
 THE TERRITORIAL SEA

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STRAITS ARE ONLY THOSE THAT LIE WITHIN THE TERRITORIAL SEA OF ONE OR MORE STATES. THE "CONSENSUS" TEXT CLEARLY ENVISAGES THE CHARACTERIZATION OF STRETCHES OF INTERNAL WATERS AS INTERNATIONAL STRAITS UNDER THE PROPOSED DEFINITION. MOREOVER, IN SO DOING, IT REDEFINES STRAITS IN A MANNER WHICH COULD ONLY CREATE CONFUSION AND GIVE RISE TO OBJECTIONS ON THE PART OF MANY STATES. THIS COULD CONTRIBUTE TO CONFLICTS RATHER THAN TO THE RESOLUTION OF CONFLICTS.

THE PROPOSED NEW DEFINITION OF STRAITS WOULD MOREOVER NEGATE THE REGIME OF INTERNAL WATERS ALREADY ESTABLISHED BY 41 STATES ON THE BASIS OF THE STRAIGHT BASELINE SYSTEM ALONG THEIR COASTS ESPECIALLY WHERE THERE IS A FRINGE OF ISLANDS IN ACCORDANCE WITH THE DECISION OF THE INTERNATIONAL COURT OF JUSTICE IN THE ANGLO-NORWEGIAN CASE AND THE 1958 CONVENTION ON THE TERRITORIAL SEA.

WITHOUT DISCUSSING AT THIS POINT THE QUESTION OF THE PARTICULAR REGIME WHICH SHOULD APPLY IN STRAITS USED FOR INTERNATIONAL NAVIGATION, CANADA, CHILE AND NORWAY WISH TO UNDERLINE THE FACT THAT THERE IS PRACTICALLY UNIVERSAL AGREEMENT ON THE PROPOSITION THAT AN INTERNATIONAL STRAIT IS ONE THAT CONNECTS ONE PART OF THE HIGH SEAS WITH ANOTHER PART OF THE HIGH SEAS AND THAT THERE ARE MANY STATES THAT ARE PREPARED TO ACCEPT THAT AN INTERNATIONAL STRAIT CAN ALSO BE ONE THAT CONNECTS ONE PART OF THE HIGH SEAS WITH THE TERRITORIAL SEA OF A FOREIGN STATE, WHATEVER THE RESOLUTION OF THIS PROBLEM MAY BE IN THE NEW CONVENTION ON THE LAW OF THE SEA AS OPPOSED TO THAT WHICH WAS RETAINED IN ARTICLE 16 (4) OF THE TERRITORIAL SEA CONVENTION, IT WOULD BE LEGALLY AND POLITICALLY ERRONEOUS TO ENVISAGE NEW CATEGORIES OF STRAITS. THEREFORE, THE LAST PHRASE OF ARTICLE I, PARAGRAPH 3 OF THE ANONYMOUS PAPER ("BETWEEN THE HIGH SEAS AND A STATE BORDERING THE STRAIT") AS WELL AS THE LANGUAGE OF ARTICLE 7 WHICH REFERS TO STRAITS "OTHER" THAN THOSE DEFINED IN ARTICLE 1, HAVE NO PLACE IN THIS CHAPTER.

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DEFINITION OF AN INTERNATIONAL STRAIT COULD READ
AS FOLLOWS:

"AN INTERNATIONAL STRAIT IS A NATURALLY FORMED
STRETCH OF WATER BETWEEN LAND FORMATIONS WHICH:

- A) I) LIES WITHIN THE TERRITORIAL SEA OF ONE
MORE STATES AT ANY POINT IN ITS LENGTH AND
II) CONNECTS....

B) HAS BEEN TRADITIONALLY USED FOR INTERNATIONAL
NAVIGATION."
END TEXT,DALE