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TOR: 211606Z APR 75 *Geneva Bio*

R 211210Z APR 75
FM AMEMBASSY CAIRO
TO RUFHGV/USMISSION GENEVA 369
INFO RUEHC/SECSTATE WASHDC 3454
BT

C O N F I D E N T I A L
LIMITED OFFICIAL USE CAIRO 3974
GENEVA FOR LOS DEL
E.O. 11652: N/A

TAGS: PLOS

SUBJECT: ARRIVAL OF EGYPTIAN LOS DEL CHAIRMAN FURTHER DELAYED
REF: CAIRO 3614

1, AMB AHMED OSMAN DESIGNATED AS CHAIRMAN EGYPTIAN LOS
DEL TO GENEVA CONF HAS NOW ACCOMPANIED FONMIN FAHMY TO MOSCOW.
EMBASSY HAD INDICATED EARLIER HE HAD BEEN WORKING ON A "SPECIAL
PROJECT" FOR FAHMY (REFTEL).

2, IN VIEW HIS LEGAL BACKGROUND AND INVOLVEMENT IN ME AND
GENEVA PEACE CONF MATTERS, POSSBIIILITY EXISTS OSMAN MAY NOT
HOIN LOS DEL UNTIL FINAL SESSTIONS, IF AT ALL, EILTS

Egypt
76

State Dept. review completed

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PAGE/01

NC 41565

TOR:212014Z APR 75

R 211702Z APR 75
 FM AMEMBASSY BONN
 TO RUEHC/SECSTATE WASHDC 9553
 RUFHGV/USMISSION GENEVA 4085
 INFO RUDKMDQ/AMEMBASSY MADRID 1092
 BT
 C O N F I D E N T I A L BONN 06436
 GENEVA FOR LOS DELEGATION
 E.O. 11652: GDS
 TAGS: PLOS, SP, NATO
 SUBJECT: LOS - STRAITS
 REFS: BONN 6262 AND GENEVA 2572

Geneva
Comm IT
Straits
FRG
Spain

75

1. ON APRIL 21 EMBASSY RECEIVED REPORT ON APRIL 17 APPROACH BY FRG AMBASSADOR VON LILIENFELD TO SPANISH FOREIGN OFFICE STATE SECRETARY ROVIRA IN PRESENCE ALSO OF HEAD OF SPANISH LOS DELEGATION (AND DIRECTOR GENERAL OF FOREIGN OFFICE PERSONNEL) ABAROA.

2. THE SPANISH REPRESENTATIVES STATED THAT THE CURRENT REGIME, MEANING PRESUMABLY INNOCENT PASSAGE IN STRAITS, APPEARS BEST TO THE SPANISH GOVERNMENT. HOWEVER, GOS WOULD NOT OPPOSE EXTENSION OF TERRITORIAL WATERS TO 12 MILES. THEY FELT THAT INNOCENT PASSAGE IN STRAITS WAS IN INTEREST OF BOTH SPAIN AND WEST AND PROVIDED GREATER POSSIBILITY OF CONTROL WITH RESPECT TO NAVAL VESSELS INCLUDING SUBMARINES. FREE OR UNIMPEDED PASSAGE WOULD RESULT IN A LOSS OF CONTROL IN THE STRAITS OF GIBRALTAR, VLADIVOSTOCK AND THE DARDANELLES (SIC).

3. THE SPANISH REPRESENTATIVES REQUESTED TO BE GIVEN AN EXPLANATION OF THE MILITARY AND STRATEGIC CONSIDERATIONS WHICH HAD RESULTED IN THE NATO POSITION BEING VIRTUALLY IDENTICAL TO THE USSR POSITION IN THIS MATTER, INCLUDING WITH RESPECT TO SUBMERGED PASSAGE FOR NUCLEAR SUBMARINES. AN APPROXIMATION OF THE SPANISH POSITION TO THAT OF NATO WOULD BE POSSIBLE ONLY IN CONNECTION WITH CONSIDERATION OF THE ENTIRE COMPLEX OF THE SPANISH RELATIONSHIP TO NATO SPANISH BASE AGREEMENTS HAD PROVIDED GREATER BENEFITS FOR NATO THAN FOR SPAIN. PASSAGE THROUGH GIBRALTAR WAS AN INTERNAL POLITICAL AND SECURITY

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PAGE 02-02

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TOR:212014Z APR 75

PROBLEM FOR SPAIN WHICH INVOLVED A NEED FOR THE SPANISH GOVERNMENT TO BE ABLE TO EXPLAIN TO THE PUBLIC THE ADVANTAGES THAT A SETTLEMENT WOULD PROVIDE FOR SPAIN, THE SPANISH REPS STATED THAT OVERFLIGHT OF THE STRAITS COULD NOT BE SETTLED IN THE CONTEXT OF A REGIME FOR THE STRAITS BUT SHOULD BE THE SUBJECT OF SEPARATE AGREEMENTS. 4. IN THE FRG AMBASSADOR'S COMMENTS, HE STATED THAT THE SPANISH POSITION CONCERNING THE STRAITS WAS OBVIOUSLY AN IMPORTANT POINT OF LEVERAGE FOR THE GOVERNMENT OF SPAIN IN ITS NEGOTIATIONS WITH THE UNITED STATES GOVERNMENT AND FOR SPAIN'S RELATIONSHIP TO NATO, HE ANTICIPATED THAT THE OLD IDEA OF THE CONVERSION OF GIBRALTAR TO A NATO BASE COULD ARISE.
HILLENBRAND

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FM USMIS

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INFO RUEHDT/USMISSION USUN NEW YORK 1597
RUEHIA/USIA WASHDC 1466

BT

C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 2760

Geneva
Comm I, II & III
Many countries

FROM USDEL LOS
USIA - PASS IPS AND IBS
E.O. 11652: GDS
TAGS: PLOS

SUBJECT: CLASSIFIED LOS WEEKLY SUMMARY FOR D/LOS, ENDING
APRIL 16, 1975

74

1, SUMMARY: MAJOR EVENT OF WEEK WAS CONSENSUS TO AUTHORIZE
CHAIRMAN OF COMMITTEES TO PREPARE SINGLE, UNIFIED TEXTS ON
SUBJECTS WITHIN MANDATE OF THEIR COMMITTEES. OTHERWISE,
ALMOST ALL NEGOTIATIONS CONTINUED IN PRIVATE IN SMALL,
INFORMAL GROUPS WHERE STEADY PROGRESS IS BEING MADE TO
NARROW DIFFERENCES. END SUMMARY.

2, COMMITTEE II: C-I HAS DECREASED NUMBER OF PUBLIC
MEETINGS THIS WEEK, WHILE INTENSIFYING PRIVATE AND
REGIONAL CONSULTATIONS IN EFFORT TO MOVE FORWARD ON NEGO-
TIATION OF BASIC CONDITIONS. EXTREMISTS IN GROUP OF 77
REPORTEDLY WISH TO ABANDON CHAIRMAN'S PAPER AND RETURN TO
ORIGINAL GROUP OF 77 POSITION, ALTHOUGH LDC LEADERSHIP
APPEARS TO BE PRESSING FOR MORE MODERATE STAND. IN
APRIL 17 WG MEETING, US ATTEMPTED TO GARNER SUPPORT
FOR CONTINUING NEGOTIATION ON BASIS OF CHAIRMAN'S
DRAFT BY ELABORATING RESERVATION OF AREAS IN DETAIL
AND REFERRING TO CONCEPT AS POSSIBLE SOLUTION TO
ARTICLE 9 (EXPLOITATION SYSTEM). IN GROUP OF 5 CON-
SULTATIONS, US DEL EXPERIENCING SOME DIFFICULTY IN
CONVINCING OTHER MEMBERS THAT WE HAVE REACHED STAGE FOR
COMPROMISE. IF GROUP OF 77 CANNOT ACHIEVE MORE RAPID
PROGRESS IN ITS REVIEW OF CHAIRMAN'S DRAFT AND IF
GROUP OF 5, PARTICULARLY SOV DEL, FAILS TO SHOW FLEXI-
BILITY OF NONCRITICAL ISSUES, IT MAY BE NECESSARY TO
PUT ASIDE BASIC CONDITIONS IN WG AND PROCEED TO MACHINERY.
WE WOULD ANTICIPATE, HOWEVER, CONTINUED PRIVATE NEGOTIA-
TIONS WITH LDC LEADERSHIP ON THIS SUBJECT.

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PAGE 02

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TOR:200320Z APR 75

3. COMMITTEE III: AS IN PRIOR WEEK, SERIES OF PRIVATE NEGOTIATIONS ON CRITICAL ISSUES TOOK PLACE BEHIND THE SCENES. US CONTINUES TO COORDINATE CLOSELY WITH GROUP OF 5, ALTHOUGH POSITIONS IN GROUP VARY SOMEWHAT DEPENDENT UPON SPECIFIC ISSUE INVOLVED. MOST SIGNIFICANT DEVELOPMENT OF WEEK WAS AGREEMENT ON UK-FIJI SINGLE TEXT ON STRAITS WHICH IS SUPPORTED BY 14 OTHER STATES FROM ALL REGIONS. COMPLETE TEXT SENT SEPTEL. PARTLY FOR TACTICAL REASONS, UK AND FIJI HAVE BEEN INFORMED THAT SUBSTANCE OF TEXT IS UNACCEPTABLE TO US AND WE ARE HOPEFUL SOVIETS WILL TAKE SAME VIEW. EMERGENCE OF THIS TEXT IN CHAIRMAN'S SINGLE TEXT SHOULD PROVIDE BASIS FOR NEGOTIATION.

US CONTINUES TO CONSULT WITH UK, NORWAY AND VENEZUELA, AND, TO LESSER EXTEND, WITH CANADA REGARDING DEFINING OUTER LIMIT OF CONTINENTAL MARGIN BEYOND 200 MILES AND FORMULA FOR REVENUE-SHARING. AUSTRALIA AND CANADA ARE TAKING RIGID POSITION IN OPPOSITION TO REVENUE SHARING BEYOND 200 MILES, EVENSEN GROUP PRODUCED A SIXTH REVISION WHICH CONTAINS ARTICLES ON ANADROMOUS AND HIGHLY-MIGRATORY SPECIES.

EVENSEN GROUP HAS COMPLETED DISCUSSION OF THE ECONOMIC ZONE EXCEPT FOR CONTINENTAL SHELF REGIME AND HAS REFERRED THE WORK OF THE GROUP TO THE CHAIRMAN OF COMMITTEE II. IT SEEMS LIKELY THAT THIS CAREFULLY NEGOTIATED TEXT WILL LARGELY FORM THE BASIS FOR ECONOMIC ZONE CHAPTER IN SINGLE PACKAGE TEXT. US POSITION ON SALMON INCORPORATED IN TOTO IN EVENSEN TEXT AFTER CAREFUL PRE-NEGOTIATIONS WITH INTERESTED STATES. (USSR WANTS TO MAKE CHANGES BUT JAPAN AND PROBABLY DENMARK WILL FALL OFF IF ANY CHANGES.) OUR POSITION ON TUNE (HIGHLY MIGRATORY SPECIES) HAS MUCH MORE OPPOSITION BUT NEVERTHELESS PROVISION IN TEXT REPRESENTS REASONABLE AND PROBABLY BEST ATTAINABLE COMPROMISE ON ISSUE. THIS TEXT, HOWEVER, NOT YET AGREED BY LATINS AND DISCUSSIONS CONTINUING. OPPOSITION FROM LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES CONTINUES TO EVENSEN TEXT DESPITE CHANGES TO ACCOMMODATE THEM AND PACKAGE TEXT MAY ACCORDINGLY

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Salmon
Tune

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PAGE 03

NC 40534

TOR:200320Z APR 75

REFLECT SOME FURTHER COMPROMISES FOR THIS GROUP. THE EVENSEN GROUP IS NOW NEGOTIATING THE CONTINENTAL MARGIN ISSUES, DEVELOPING COMPROMISE BETWEEN BROAD MARGIN STATES AND LANDLOCKED SHELF-LOCKED GROUP SEEMS TO BE TO GIVE COASTAL STATES JURISDICTION OVER MARGIN MINERALS WHERE MARGIN GOES BEYOND 200 MILES SUBJECT TO REASONABLE REVENUE SHARING BEGINNING AT 200 MILES AND REASONABLE AND PRECISE DEFINITIONS FOR OUTER BOUNDARY OF MARGIN. DISCUSSIONS ON REVENUE SHARING FORMULA BEGINNING.

WE ARE SATISFIED IN GENERAL WITH CONSOLIDATED TEXTS ON BASELINES AND HIGH SEAS. THESE PROVISIONS WILL BE ANALYZED IN MORE DETAIL WHEN THE SECRETARIAT PRODUCES NEXT REVISION.

PERU AND SPAIN ARE STILL ENGAGING IN DISRUPTIVE PROCEDURAL TACTICS, INSISTING, FOR EXAMPLE, THAT MAIN TRENDS PAPER BE REVISED TO FULLY REFLECT EVERY ASPECT OF THEIR POSITIONS. CHAIRMAN OF COMMITTEE II HAS STRONGLY RESISTED THESE PRESSURES, WITH US AND SOVIET SUPPORT. STAGE HAS APPARENTLY BEEN REACHED WHERE INFORMAL GROUPS WILL CONSIDER ALL SUB-COMMITTEE II ITEMS ON LIST OF SUBJECTS AND ISSUES. DISCUSSIONS WERE HELD ON LANDLOCKED TRANSIT TO SEA AND ON INNOCENT PASSAGE, AND CONTINENTAL SHELF AND ISLANDS WILL BE CONSIDERED NEXT WEEK. SPAIN AND SEVERAL ARAB STATES STRONGLY PRESSED VIEW THAT INNOCENT PASSAGE APPLIED TO STRAITS OVERLAPPED BY THE TERRITORIAL SEA.

IN GENERAL, WEEK WAS PRODUCTIVE IN NUMBER OF AREAS BUT PUBLIC IMPRESSION MIGHT BE MISLEADING AS THERE WAS LITTLE NEGOTIATING IN PUBLIC. IMPRESSION IS COMPOUNDED BY FACT IT IS DIFFICULT TO SHOW TANGIBLE RESULTS UNTIL SINGLE TEXT EMERGES FROM CHAIRMAN.

4. COMMITTEE III:

(A) MARINE SCIENTIFIC RESEARCH. METTERNICH INFORMAL NEGOTIATING GROUP MET TWICE THIS PAST WEEK, BUT EFFORTS WERE LARGELY FUTILE BECAUSE NO AFRICANS ATTENDED. DISCUSSIONS NEXT WEEK IN THIS INFORMAL FOUR WILL FOCUS ON RESEARCH ON CONTINENTAL SHELF. MEXICO AND IRELAND HAVE CIRCULATED INFORMAL DRAFT WHICH DISTINGUISHES BETWEEN FUNDAMENTAL AND RESOURCES.

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RELATED RESEARCH BY IMPOSING ADDITIONAL OBLIGATIONS ON RESOURCES-RELATED RESEARCH, THIS PROPOSAL PROVIDES THAT COASTAL STATE HAS RIGHT TO OBJECT TO RESEARCH IF OBLIGATIONS HAVE NOT BEEN FULFILLED. IT PROVIDES MEANS OF CONCILIATION, BUT NO BINDING DECISION, LEAVING POWER IN COASTAL STATE TO PREVENT RESEARCH. COASTAL STATE ALSO HAS RIGHT TO SUSPEND RESEARCH BEING CONDUCTED IN THEIR ECONOMIC ZONE IF RESEARCH DOES NOT COMPLY WITH THE PROVISIONS OF CONVENTION, SIX OTHER LATIN COUNTRIES HAVE APPARENTLY EXPRESSED INTEREST IN MEXICO/IRISH DRAFT, BUT THUS FAR NO AFRICANS HAVE. GROUP OF 77 REPORTEDLY HAS COMPLETED REVISION ON L.12 ON TECHNOLOGY TRANSFER, NIGERIAN DELEGATE, WHO CHAIRS GROUP OF 77 WORKING GROUP ON TECHNOLOGY TRANSFER, HAS STATED MANY THINGS IN L.12 ARE NEGOTIABLE. HE REFUSED TO CONSIDER TRANSFERRING PROVISIONS OF L.12 DEALING WITH INTERNATIONAL AUTHORITY TO COMMITTEE I, STATING TERMS OF REFERENCE OF C-III INCLUDED ISSUE OF TECHNOLOGY TRANSFER. SOVIETS INDICATED IN BILATERAL DISCUSSIONS THAT IT WAS POSSIBLE TO PROVIDE MORE ASSISTANCE IN AREA OF TRAINING AND EQUIPMENT BUT REMAINED UNCOMMITTED ON WHETHER THEY WOULD BE WILLING TO CONTRIBUTE TO A SPECIALIZED MULTILATERAL FUND.

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PAGE 01

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TOR: 200318Z APR 75

R 191647Z APR 75
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC 2252
INFO RUEHDT/USMISSION USUN NEW YORK 1598
RUEHIA/USIA WASHDC 1467

BT

C O N F I D E N T I A L SECTION 2 OF 2 GENEVA 2760
FROM USDEL LOS

USIA - PASS IPS AND IBS

(B) POLLUTION, IN INFORMAL EVENING SESSIONS, GROUP OF 17 AND GROUP OF 5 MET TO DISCUSS FORTH AND FIFTH REVISIONS OF EVENSEN TEXT ON PRESERVATION OF MARINE ENVIRONMENT, DISCUSSION CENTERING ON ARTICLES X-XII, POLLUTION FROM VESSELS (GENERAL AND FLAG AND COASTAL STATE PROVISIONS), IN GROUP OF 5, GENERAL AGREEMENT WAS ATTAINED THAT INTERNATIONAL RULES WOULD BE ESTABLISHED FOR PROSECUTION OF VESSEL SOURCE POLLUTION, AND THAT STATES SHALL ESTABLISH NATIONAL LAWS AND REGULATIONS "NO LESS STRINGENT THAN INTERNATIONAL RULES AND STANDARDS," ON MOTION BY UNITED STATES IN BOTH GROUPS, MAJORITY OF PARTICIPANTS AGREED TO DELETE REFERENCE IN ARTICLE 12 (COASTAL STATE RIGHT TO ESTABLISH LAWS AND REGULATIONS IMPLEMENTING AND CONFORMING TO INTERNATIONAL RULES AND STANDARDS WITH RIGHT TO PRESCRIBE RULES ADDITIONAL TO OR MORE STRINGENT THAN SAID INTERNATIONAL RULES AND STANDARDS) TO STRAITS REGIME, AGREEING TO HAVE SEPARATE ARTICLE AT END OF EVENSEN POLLUTION ARTICLES STATING "NOTHING IN THIS CHAPTER SHALL AFFECT THE LEGAL REGIME OF STRAITS USED FOR INTERNATIONAL NAVIGATION DEALT WITH BY CHAPTER () OF THIS CONVENTION," IN ADDITION ON ARTICLE XII(2), REGARDING COASTAL STATE RIGHT OF STANDARD SETTING IN ECONOMIC ZONE, AGREEMENT WAS REACHED EITHER TO DELETE PARAGRAPH IN ENTIRETY OR TO RESTRICT SCOPE OF PARAGRAPH TO RIGHT OF COASTAL STATE TO ESTABLISH LAWS AND REGULATIONS FOR VESSEL SOURCE POLLUTION IMPLEMENTING AND CONFORMING TO INTERNATIONAL RULES AND STANDARDS IN ARTICLE X, AND WITH RIGHTS OF ENFORCEMENT AS PROVIDED IN ARTICLE XIII (ENFORCEMENT BY FLAG, PORT AND COASTAL STATES)

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EFFECT OF INCLUSION OF ART. XII(2) IS TO REMOVE ANY DOUBT AS TO STANDARD SETTING IN ECONOMIC ZONE, UPON SATISFACTORY CONCLUSION OF ART. XIII PROVISIONS. PROPOSED LANGUAGE OF ART. XII(2) IS: COASTAL STATES MAY IN RESPECT OF THE ECONOMIC ZONE ESTABLISH LAWS AND REGULATIONS FOR THE PREVENTION, REDUCTION, AND CONTROL OF POLLUTION FROM VESSELS, IMPLEMENTING AND CONFORMING TO INTERNATIONAL RULES AND STANDARDS REFERRED TO IN ARTICLE X IN THE EXERCISE OF THEIR JURISDICTION TO ENFORCE AS SPECIFIED IN ART. XIII. #
(# FOOTNOTE: THE INCLUSION AND SCOPE OF THIS PROVISION DEPENDS ON THE EXTENT OF COASTAL STATE ENFORCEMENT POWERS IN THE ECONOMIC ZONE, CF. ARTICLE XIII.)
5. DISPUTE SETTLEMENT. DS WORKING GROUP COMPLETED DISCUSSIONS ON REMAINING ITEMS IN L.7. ON ISSUE OF EXCEPTIONS, SEVERAL STATES QUESTIONED EXCEPTIONS FOR VESSELS ENTIELED TO SOVERIGN IMMUNITY AND FOR MILITARY ACTIVITIES. AFTER US EXPLANATION OF NEED FOR EXCEPTIONS, OPPOSITION SEEMED TO SOFTEN SOMEWHAT, ALTHOUGH ADDITIONAL CONSULTATIONS WITH NATO ALLIES WILL BE REQUIRED.
ISSUE OF APPLICATION OF DS TO ECONOMIC ZONE CONTINUES TO BE PROBLEM AS A RESULT OF ARGENTINA, BRAZIL, CHILE, AND HONDURAS OPPOSITION. US STRONGLY INTERVENED TO INDICATE THAT US NEGOTIATIONS IN C-II AND C-III WERE ON ASSUMPTION COMPULSORY DISPUTE SETTLEMENT APPLIES TO ECONOMIC ZONES. IN EFFORT TO PRESENT CHAIR WITH MEANS OF RESOLVING DEADLOCK, US PROPOSED THAT EACH FUNCTIONAL ISSUE IN ECONOMIC ZONE BE SEPARATELY ANALYZED AND THAT OVERALL DS STRUCTURE BE FORMED FOLLOWING SUCH ANALYSIS. DALE

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INFO RUEHDT/US MISSION JSUN NEW YORK 1596
RUEHIA/USIA WASHDC 1468

BT
UNCLAS GENEVA 2759
USIA PASS IPS AND IBS
FROM USDEL LOS
E.O. 11652: N/A
TAGS: PLOS

Geneva
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Many countries

73

SUBJECT: LOS; UNCLASSIFIED WEEKLY WRAP-UP FOR D/LOS ENDING
SUMMARY: INFORMAL NEGOTIATING GROUPS CONTINUED TO BE
HALLMARK OF CONFERENCE WORK METHOD. STADY PROGRESS
WAS MADE ON MANY SUBJECTS, PARTICULARLY ON LESS CON-
TROVERSIAL ITEMS. END SUMMARY.

2. GENERAL COMMITTEE: ON 15 APRIL, AMERASINGHE,
REVIEWING WORK METHOD AND PROGRESS OF CONFERENCE
STATED HOPE THAT COMMITTEE I UNIFIED TEXT WOULD BE
READY BY END SIXTH WEEK, BUT UNDER PRESENT METHODS
OBTAINMENT OF UNIFIED TEXT IN COMMITTEE III AND II
APPEARED DOUBTFUL, CONSEQUENTLY, HE INFORMALLY PRO-
POSED COMMITTEE CHAIRMAN AND BUREAU PRODUCE UNIFIED
TEXT, WITH ASSISTANCE FROM PRESIDENT, WITH POS-
SIBILITY OF JOINT COMMITTEE II AND III MEETINGS WITH
PRESIDENT PRESIDING, AMERASINGHE FURTHER PROPOSED
POSSIBILITY OF ADJOURNING CONFERENCE MAY 4 FOLLOWED
BY FOUR-WEEK SUMMER SESSION TO BE HELD IN NEW YORK.

AMONG VARIOUS INTERVENTIONS, POLAND, USSR, AND
TUNISIA SUPPORTED PREPARATION OF UNIFIED TEXTS BY
COMMITTEE CHAIRMEN, IF NECESSARY AFTER SESSION, AND
CONTINUATION OF WORKING GROUPS, U.S. SUPPORTED COM-
PLETION OF TEXTS APPROVED ON COMMITTEE LEVEL, OPPOSED
DRAFTING REPORT AT END OF CONFERENCE AS PROPOSED BY
CHILE, SINGAPORE, WITH CONCURRENCE OF PRESIDENT, DE-
FINED UNIFIED TEXT AS BASIS FOR NEGOTIATION, NOT A
NEGOTIATED, COMPROMISE OR VOTING TEXT. PERU, FRG,
FRANCE, AND TUNISIA OPPOSED SUMMER SESSION IN OPPOSITION
TO BOLIVIA AND KUWAIT WHO FAVORED IT. PRESIDENT ENDED
MEETING WITH INTENTION TO CONSULT WITH REGIONAL GROUP

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CHAIRMEN,

3. COMMITTEE I: WG OF C-I HAS HAD SOME DIFFICULTY THIS WEEK IN MOVING FORWARD WITH DISCUSSIONS ON CONDITIONS OF EXPLOITATION, ALTHOUGH PACE OF PRIVATE CONSULTATIONS HAS INTENSIFIED. MAJOR OBSTACLE TO PROGRESS APPEARS TO BE INABILITY OF GROUP OF 77 TO REACH COMMON POSITION ON VARIOUS ITEMS IN CHAIRMAN'S DRAFT OF BASIC CONDITIONS. WG AGREED APRIL 17 TO ABANDON PARAGRAPH-BY-PARAGRAPH APPROACH AND TO PERMIT INTERVENTIONS ON ALL POINTS OF PRINCIPLE. AVOIDING DETAILED CONSIDERATION OF PRECISE LANGUAGE IN DISCUSSION PAPER MAY ENABLE WG TO COMPLETE DISCUSSION OF BASIC CONDITIONS WITHIN SEVERAL DAYS, AT WHICH TIME IT WILL PRESUMABLY TURN TO MACHINERY ARTICLES.

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4. COMMITTEE II: WORK CONTINUED TO BE CENTERED ABOUT MEETINGS OF INFORMAL CONSULTATIVE GROUPS DEALING WITH SPECIFIC ITEMS. HIGH SEAS: GROUP COMMENCED SECOND READING OF ARTICLES BASED ON GENERALLY SATISFACTORY UNIFIED TEXT PREPARED BY BUREAU DRAWN MAINLY FROM 1958 CONVENTION. UNIFIED TEXT ON BASELINES ALSO GENERALLY CONFORMS WITH 1958 CONVENTION, AND MAY NOT BE REOPENED. INNOCENT PASSAGE: CONSULTATIONS ARE OFF TO SLOW START DOMINATED BY EFFORTS TO INCLUDE CONSIDERATION OF STRAITS ALONG WITH TERRITORIAL SEA IN GENERAL. WITH US SUPPORT, CHAIRMAN HAS STOOD FAST IN RESISTING THIS EFFORT. SINGLE TEXT ON CONTIGUOUS ZONE BEING PREPARED BY BUREAU, WITH CONTROVERSY OVER WHETHER CONTIGUOUS ZONE WILL EXTEND BEYOND TWELVE MILES. TRANSIT TO SEA BY LANDLOCKED STATES: DEBATE HAS BEEN INCONCLUSIVE AND EMOTIONAL AT TIMES, WITH PREDICTABLE POSITIONS BEING TAKEN BY BOTH SIDES.

5. COMMITTEE III: (A) MARINE POLLUTION: C-III WORKING GROUP COMPLETED ARTICLE ON ENVIRONMENTAL ASSESSMENT ARTICLE INITIALLY PREPARED BY US. GREECE PRESENTED DRAFT ARTICLE (A/CONF, 52/C.3/L.27) ON PREVENTION OF POLLUTION FROM DUMPING AT SEA. WORKING GROUP COMMENCED CONTINUING DISCUSSION OF SHELF POLLUTION STANDARDS. DISCUSSION CENTERED ON INCLUSION VEL NON OF DOUBLE STANDARD FOR DEVELOPING COUNTRIES, ON THEORY ENUNCIATED BY BRAZIL AND SUPPORTED BY INDIA AND ECUADOR

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PAGE 03-05

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TUR191941# APR 75

THAT AS CONTINENTAL SHELF IS CONTINUATION OF CONTINENTAL
LAND MASS, LAND-BASED DOUBLE STANDARDS SHOULD ALSO
APPLY TO SHELF REGIME.

(B) MARINE SCIENTIFIC RESEARCH: INFORMAL AND INCON-
CLUSIVE NEGOTIATIONS CONTINUED ON ITEM RELATING TO
RESPONSIBILITY AND LIABILITY. FORMAL MEETING OF C-III
CENTERED ON SOVIET PROPOSAL, L.26, FAVORABLE COMMENTS
WERE MADE BY IRELAND AND BELGIUM WHILE ADVERSE
COMMENTS WERE MADE BY CHILE, CHINA, BRAZIL, YUGOSLAVIA,
ALBANIA, PAKISTAN.

6. DISPUTE SETTLEMENT: WORKING GROUP COMPLETED
DISCUSSIONS ON REMAINING ITEMS IN L.7, REVISED
DRAFT WAS BRIEFLY REVIEWED BY GROUP AT FRIDAY MEETING,
FOCUS NEXT WEEK WILL BE ON CONCILIATION, ARBITRATION,
AND LOS TRIBUNAL ANNEXES TO CDS CHAPTER. TEXT POUCHED
DEPT.DALE

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R 191642Z APR 75
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TO SECSTATE WASHDC 2249
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C O N F I D E N T I A L GENEVA 2758
FROM USDEL LOS
E.O. 11652: GDS
TAGS: PLUS

Geneva
Comm II ← *Straits*
Jordan ✓

72

SUBJECT: LOS STRAITS CONSULTATION WITH JORDAN
1. AMBASSADOR MOORE AND DEL REPS FRENCH AND MORRIS MET 14 APRIL WITH AMBASSADOR SAID OF JORDAN FOR EXTENDED DISCUSSION OF STRAITS ISSUE, MOORE PRESENTED U.S. STRAITS POSITION EMPHASIZING ATTAINMENT OF UNIMPEDED TRANSIT IN STRAITS CONNECTING HIGH SEAS TO HIGH SEAS AS ESSENTIAL ELEMENT OF U.S. POSITION. AMBASSADOR SADI STATED THAT ARAB GROUP CONTINUED DIVIDED ON ISSUE WITH MAJORITY LEAVING TOWARD INNOCENT PASSAGE REGIME AT LEAST FOR ARAB REPEAT ARAB STRAITS, IRAQ AND SOME GULF STATES CONTINUED TO FAVOR UNIMPEDED TRANSIT. IN AMBASSADOR SADI'S OPINION ISSUE WILL REQUIRE RESOLUTION AT HIGH MINISTERIAL LEVEL, EGYPT IS KEY TO INFLUENCING THAT DECISION, AND JORDAN WOULD ABIDE BY THE RESULT.
2. AMBASSADOR MOORE INDICATED THAT IT MIGHT BE POSSIBLE TO DRAFT LANGUAGE WHICH WOULD APPLY AN UNIMPEDED TRANSIT REGIME TO STRAITS CONNECTING HIGH SEAS TO HIGH SEAS, WHILE AT THE SAME TIME PRESERVING THE EXISTING INNOCENT PASSAGE REGIME WHILE NOT PREJUDICING EXISTING INTERPRETATIONS CONCERNING LEGAL REGIMES IN PARTICULAR STRAITS IN THIS CATEGORY IN STRAITS CONNECTING HIGH SEAS.
3. AMBASSADOR SADI NOTED THAT THE EXCEPTION DESCRIBED IN PARAGRAPH 2 ABOVE WOULD APPLY TO TIRAN, HOWEVER, HE FELT THAT UNLESS ALL ARAB STRAITS WERE EXCEPTED FROM AN UNIMPEDED PASSAGE REGIME THE ULTIMATE ARAB GROUP DECISION WOULD FAVOR INNOCENT PASSAGE. HE AGAIN RECOMMENDED U.S. MAKE STRONG EFFORT TO INFLUENCE EGYPT WHICH HAS STRONG VOICE IN ARAB GROUP AND MOST TECHNICALLY QUALIFIED DELEGATION. AMBASSADOR MOORE REITERATED OUR INTEREST IN WORKING OUT STRAITS PROBLEM WITH ARAB STATES BEFORE THEIR POSITION SOLIDIFIED, SINCE USG COULD NOT ACCEPT A RESULT LESS FAVORABLE THAN THE POSITION HE HAD OUTLINED.

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4. IN RESPONSE TO A QUESTION FROM DELEGATION REP FRENCH, SADI INDICATED THAT WHILE HE HAD NOT HEARD ARGUMENT ADVANCED IN GENEVA THAT SUBMERGED TRANSIT WOULD BECOME UNNECESSARY ONCE TRIDENT BECAME OPERATIONAL, THIS ARGUMENT HAD BEEN ADVANCED EFFECTIVELY IN ARAB LEAGUE CONSIDERATION OF THE ISSUE. AMBASSADOR MOORE AND DEL REP MORRIS RESPONDED, POINTING OUT THE FALLACIES INHERENT IN THIS ARGUMENT INCLUDING USG REQUIREMENT TO BALANCE SOVIET PRESENCE IN MEDITERRANEAN. IN RESPONSE TO AMBASSADOR SADI'S INQUIRY REGARDING POSSIBILITY OF ACCIDENTS RESULTING FROM SUBMERGED TRANSIT IN NARROW STRAITS LIKE BAB EL MANDEB, DEL REP MORRIS POINTED TO SAFETY RECORD UNDER EXISTING PRACTICES AND NOTED SOVAR AND OTHER NAVIGATION CAPABILITIES OF SUBMARINES.
5. AS MEETING CLOSED AMBASSADOR SADI REPEATED DESIRABILITY OF APPROACH TO EGYPTIANS, SUGGESTED AN APPROACH TO ALL ARAB CAPITALS, AND NOTED THAT AN ARAB STATES' MEETING APRIL 21 MIGHT TAKE UP THIS ISSUE.
6. SEPARATE REPORTING CABLE ON SUBSEQUENT DISCUSSION THIS ISSUE WITH EGYPT FOLLOWS. DALE

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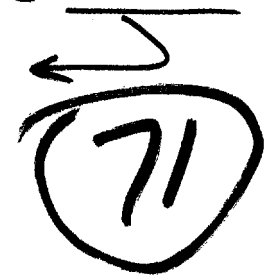
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Committee II
Straits Articles

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FM USMISSION GENEVA
TO SECSTATE WASHDC 2247
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UNCLAS SECTION 1 ² OF 2 GENEVA 2757
E.O. 11652: N/A
TAGS: PLOS

SUBJECT: LOS: SINGLE TEXT STRAITS ARTICLES
FOLLOWING IS SINGLE TEXT STRAITS ARTICLES WHICH EMERGED
FROM UK-FIJI CONSULTATIONS, TEXT IS SUPPORTED BY
~~ARGENTINA, BAHRAIN, BULGARIA, DENMARK, ETHIOPIA, ICELAND,
INDIA, ITALY, FIJI, KENYA, LEBANON, NIGERIA, UNITED ARAB
EMIRATES, UNITED KINGDOM AND VENEZUELA.~~

Countries



PASSAGE OF STRAITS USED FOR INTERNATIONAL NAVIGATION
ARTICLE I

1. THIS ARTICLE APPLIES TO ANY STRAIT (WHICH TERM INCLUDES ANY NATURALLY-FORMED STRETCH OF WATER WHATEVER ITS GEOGRAPHICAL NAME) WHICH:
 - (A) IS USED FOR INTERNATIONAL NAVIGATION; AND
 - (B) CONNECTS TWO PARTS OF THE HIGH SEAS. #
 (# FOOTNOTE: IT IS THE INTENTION TO REFER HERE AND PASSIM TO ALL AREAS BEYOND THE TERRITORIAL SEA. THE PRECISE TERMINOLOGY SHOULD CONFIRM TO THAT USED IN OTHER TEXTS ELABORATED BY COMMITTEE II.)
2. IN STRAITS TO WHICH THIS ARTICLE APPLIES, ALL SHIPS AND AIRCRAFT ENJOY THE RIGHT OF TRANSIT PASSAGE, WHICH SHALL NOT BE IMPEDED.
3. TRANSIT PASSAGE IS THE EXERCISE IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER OF THE FREEDOM OF NAVIGATION AND OVERFLIGHT SOLELY FOR THE PURPOSE OF CONTINUOUS AND EXPEDITIOUS TRANSIT OF THE STRAIT BETWEEN ONE PART OF THE HIGH SEAS AND ANOTHER PART OF THE HIGH SEAS OR BETWEEN THE HIGH SEAS AND A STATE BORDERING THE STRAIT.
4. TRANSIT PASSAGE SHALL APPLY IN A STRAIT ONLY TO THE EXTENT THAT:
 - (A) A HIGH SEAS ROUTE OF SIMILAR CONVENIENCE DOES NOT EXIST THROUGH THE STRAIT; OR
 - (B) IF THE STRAIT IS FORMED BY AN ISLAND OF THE COASTAL STATE, A HIGH SEAS ROUTE OF SIMILAR CONVENIENCE DOES NOT EXIST SEAWARD OF THE ISLAND.

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5. ANY ACTIVITY WHICH IS NOT AN EXERCISE OF THE RIGHT OF TRANSIT PASSAGE THROUGH A STRAIT REMAINS SUBJECT TO THE OTHER APPLICABLE PROVISIONS OF THIS CONVENTION.

ARTICLE 2

1. SHIPS AND AIRCRAFT, WHILE EXERCISING THE RIGHT OF TRANSIT PASSAGE SHALL:

- (A) PROCEED WITHOUT DELAY THROUGH THE STRAIT;
- (B) REFRAIN FROM ANY ACTIVITIES OTHER THAN THOSE INCIDENT TO THEIR NORMAL MODES OF CONTINUOUS AND EXPEDITIOUS TRANSIT UNLESS RENDERED NECESSARY BY FORCE MAJEURE OR BY DISTRESS;
- (C) REFRAIN FROM ANY THREAT OR USE OF FORCE IN VIOLATION OF THE CHARTER OF THE UNITED NATIONS AGAINST THE TERRITORIAL INTEGRITY OR POLITICAL INDEPENDENCE OF AN ADJACENT STRAITS STATE;
- (D) COMPLY WITH OTHER RELEVANT PROVISIONS OF THIS CHAPTER.

2. SHIPS IN TRANSIT SHALL:

- (A) COMPLY WITH GENERALLY ACCEPTED INTERNATIONAL REGULATIONS, PROCEDURES AND PRACTICES FOR SAFETY AT SEA, INCLUDING THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA;
- (B) COMPLY WITH GENERALLY ACCEPTED INTERNATIONAL REGULATIONS, PROCEDURES AND PRACTICES FOR THE PREVENTION AND CONTROL OF POLLUTION FROM SHIPS.

3. AIRCRAFT IN TRANSIT SHALL:

- (A) OBSERVE RULES OF THE AIR ESTABLISHED BY THE INTERNATIONAL CIVIL AVIATION ORGANIZATION UNDER THE CHICAGO CONVENTION AS THEY APPLY TO CIVIL AIRCRAFT; STATE AIRCRAFT WILL NORMALLY COMPLY WITH SUCH SAFETY MEASURES AND WILL AT ALL TIMES OPERATE WITH DUE REGARD FOR THE SAFETY OF NAVIGATION;
- (B) AT ALL TIMES MONITOR THE RADIO FREQUENCY ASSIGNED BY THE APPROPRIATE INTERNATIONALLY DESIGNATED AIR TRAFFIC CONTROL AUTHORITY OR THE APPROPRIATE INTERNATIONAL DISTRESS RADIO FREQUENCY.

ARTICLE 3

1. IN CONFORMITY WITH THIS CHAPTER, A STRAITS STATE MAY DESIGNATE SEALANES AND PRESCRIBE TRAFFIC SEPARATION SCHEMES FOR NAVIGATION IN THE STRAIT WHERE NECESSARY TO PROMOTE

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THE SAFE PASSAGE OF SHIPS,
 2. A STRAITS STATE MAY, WHEN CIRCUMSTANCES REQUIRE AND AFTER GIVING DUE PUBLICITY TO ITS DECISION, SUBSTITUTE OTHER SEA LANES OR TRAFFIC SEPARATION SCHEMES FOR ANY PREVIOUSLY DESIGNATED OR PRESCRIBED BY IT,
 3. SUCH SEALANES OR TRAFFIC SEPARATION SCHEMES SHALL CONFORM WITH GENERALLY ACCEPTED INTERNATIONAL REGULATIONS REFERRED TO IN ARTICLE 2,
 4. BEFORE DESIGNATING SEALANES OR PRESCRIBING TRAFFIC SEPARATION SCHEMES, A STRAITS STATE SHALL REFER PROPOSALS TO THE COMPETENT INTERNATIONAL ORGANIZATION WITH A VIEW TO THEIR ADOPTION. THE ORGANIZATION MAY ADOPT ONLY SUCH SEALANES AND SEPARATION SCHEMES AS MAY BE AGREED WITH THE STRAITS STATE, AFTER WHICH THE STRAITS STATE MAY DESIGNATE OR PRESCRIBE THEM,
 5. IN RESPECT OF A STRAIT WHERE SEALANES OR SUCH SCHEMES ARE PROPOSED THROUGH THE WATERS OF TWO OR MORE STRAITS STATES, THE STATES CONCERNED SHALL COOPERATE IN FORMULATING PROPOSALS IN CONSULTATION WITH THE ORGANIZATION,
 6. THE STRAITS STATE SHALL CLEARLY INDICATE ALL SEALANES AND SEPARATION SCHEMES DESIGNATED OR PRESCRIBED BY IT ON CHARTS TO WHICH DUE PUBLICITY SHALL BE GIVEN,
 7. SHIPS IN TRANSIT SHALL RESPECT APPLICABLE SEALANES AND SEPARATION SCHEMES ESTABLISHED IN ACCORDANCE WITH THIS ARTICLE,

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ARTICLE 4

1. SUBJECT TO THE PROVISIONS OF THIS CHAPTER, THE STRAITS STATE MAY MAKE LAWS AND REGULATIONS RELATING TO TRANSIT PASSAGE THROUGH STRAITS, WHICH LAWS AND REGULATIONS MAY BE IN RESPECT OF ALL OR ANY OF THE FOLLOWING:
 (A) THE SAFETY OF NAVIGATION AND THE REGULATION OF MARINE TRAFFIC AS PROVIDED FOR IN ARTICLE 3;
 (B) THE PREVENTION OF POLLUTION, GIVING EFFECT TO APPLICABLE INTERNATIONAL REGULATIONS REGARDING THE DISCHARGE OF OIL, OILY WASTES AND OTHER NOXIOUS SUBSTANCES IN THE STRAIT;
 (C) THE PREVENTION OF FISHING, INCLUDING THE STOWAGE OF FISHING GEAR;
 (D) THE TAKING ON BOARD OR PUTTING OVERBOARD OF ANY COMMODITY, CURRENCY OR PERSON IN CONTRAVENTION OF THE CUSTOMS, FISCAL, IMMIGRATION OR SANITARY REGULATIONS OF THE STRAITS STATE,

2. SUCH LAWS AND REGULATIONS SHALL NOT DISCRIMINATE IN FORM OR FACT AMONG FOREIGN SHIPS, NOR IN THEIR APPLICATION HAVE THE PRACTICAL EFFECT OF DENYING, LIMITING OR IMPAIRING THE RIGHT OF TRANSIT PASSAGE AS DEFINED IN THIS CHAPTER.

ARTICLE 5

USER STATES AND STRAITS STATES SHOULD BY AGREEMENT COOPERATE IN THE ESTABLISHMENT AND MAINTENANCE IN A STRAIT OF NECESSARY NAVIGATION AND SAFETY AIDS OR OTHER IMPROVEMENTS IN AID OF INTERNATIONAL NAVIGATION OR FOR THE PREVENTION AND CONTROL OF POLLUTION FROM SHIPS.

ARTICLE 6

A STRAITS STATE SHALL NOT HAMPER TRANSIT PASSAGE AND SHALL GIVE APPROPRIATE PUBLICITY TO ANY DANGER TO NAVIGATION OR OVERFLIGHT WITHIN OR OVER THE STRAIT OF WHICH IT HAS KNOWLEDGE, THERE SHALL BE NO SUSPENSION OF TRANSIT PASSAGE.

ARTICLE 7

1. IN STRAITS USED FOR INTERNATIONAL NAVIGATION BETWEEN ONE PART OF THE HIGH SEAS AND ANOTHER PART OF THE HIGH SEAS,

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OTHER THAN THOSE STRAITS IN WHICH THE REGIME OF TRANSIT PASSAGE APPLIES IN ACCORDANCE WITH ARTICLE 1, OR BETWEEN ONE PART OF THE HIGH SEAS AND THE TERRITORIAL SEA OF A FOREIGN STATE, THE REGIME OF INNOCENT PASSAGE IN ACCORDANCE WITH THE PROVISIONS OF PART III OF CHAPTER TWO SHALL APPLY, SUBJECT TO THE PROVISIONS OF THIS ARTICLE.

2. THERE SHALL BE NO SUSPENSION OF THE INNOCENT PASSAGE OF FOREIGN SHIPS THROUGH SUCH STRAITS.

3. THE PROVISIONS OF ARTICLE 3 OF THIS CHAPTER SHALL APPLY IN SUCH STRAITS.

ARTICLE 8

NOTHING IN THIS CHAPTER SHALL AFFECT ANY AREAS OF HIGH SEAS WITHIN A STRAIT.

ARTICLE 9

1. THE REGIMES OF PASSAGE THROUGH STRAITS USED FOR INTERNATIONAL NAVIGATION SET OUT IN THIS CHAPTER SHALL NOT IN OTHER RESPECTS AFFECT THE STATUS OF WATERS FORMING SUCH STRAITS (NOR OF THE SEABED, SUBSOIL AND SUPERJACENT AIRSPACE THEREOF) AS PROVIDED FOR ELSEWHERE IN THIS CONVENTION.

2. THE SOVEREIGNTY OR JURISDICTION OF THE STRAITS STATE SHALL BE EXERCISED SUBJECT TO THE PROVISIONS OF THIS CHAPTER AND OTHER RULES OF INTERNATIONAL LAW.

ARTICLE 10

THE PROVISIONS OF THIS CHAPTER SHALL NOT AFFECT THE LEGAL REGIME IN STRAITS IN WHICH PASSAGE IS REGULATED IN WHOLE OR IN PART BY LONG-STANDING INTERNATIONAL CONVENTIONS IN FORCE SPECIFICALLY RELATING TO SUCH STRAITS.

ARTICLE 11

IN THIS CHAPTER, "STRAITS STATE" MEANS ANY STATE BORDERING A STRAIT TO WHICH THE CHARTER APPLIES.

ARTICLE 12

ANY DISPUTE CONCERNING THE INTERPRETATION OR APPLICATION OF THIS CHAPTER SHALL BE SETTLED IN ACCORDANCE WITH CHAPTER () OF THIS CONVENTION. DALE

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Geneva ✓
All Committees ✓
Many Countries ✓
Procedural ✓

BT
UNCLAS SECTION 1 ^{x2} OF 2 GENEVA 2756
E.O. 11652: N/A
TAGS: PLOS

SUBJECT: LOS: PLENARY SESSION 18 APRIL
USIA FOR IPS AND IBS

SUMMARY: LOS CONF, PRES. AMERASINGHE WON WIDESPREAD SUPPORT FOR HIS PROPOSAL TO HAVE EACH COMMITTEE CHAIRMAN PRODUCE SINGLE, UNIFIED, NEGOTIATING TEXT BEFORE END OF CURRENT SESSION. TEXTS WOULD BE USED TO FOCUS NEGOTIATIONS, ALLOW STUDY BY GOVERNMENTS NOW AND DURING INTER-SESSION, AND EXPEDITE NEGOTIATIONS AT NEXT SESSION TENTATIVELY PLANNED FOR EARLY 1976 IN ASIA OR AFRICA. US GAVE STATEMENT SUPPORTING PROPOSAL TO CREATE UNIFIED TEXT. END SUMMARY.
1. LOS CONFERENCE PRESIDENT (AMERASINGHE) ADDRESSED PLENARY SESSION 18 APRIL TO EVALUATE PROGRESS ACHIEVED BY THE CONFERENCE AT COMPLETION OF FIVE WEEKS OF WORK. (VERBATIM TEXT SENT SEPTEL.) HIS APPRAISAL INDICATED RELATIVE SATISFACTION WITH PROGRESS IN COMMITTEES I (DEEP SEABEDS) AND III (POLLUTION AND SCIENTIFIC RESEARCH) BUT A SERIOUS CONCERN OVER ABSENCE OF SIGNIFICANT MOVEMENT IN COMMITTEE II. AMERASINGHE FORMALLY PROPOSED THAT EACH COMMITTEE CHAIRMAN BE CHARGED WITH THE RESPONSIBILITY OF DRAFTING A SINGLE, UNIFIED, AMENDABLE, NEGOTIATING TEXT FOR USE BY EACH FULL COMMITTEE IN FOCUSING ITS WORK. HE FURTHER INDICATED THAT HIS EARLIER IDEA THAT THE CONF SHOULD CONSIDER RECONVENING ITSELF FOR A FOUR WEEK SESSION THIS SUMMER MET WIDESPREAD INFORMAL RESISTANCE SO HE WOULD NOT FORMALLY PROPOSE IT. HOWEVER, HE URGED THE CONF TO CONSIDER IDEA OF HOLDING ITS NEXT SESSION WITHIN FIRST THREE MONTHS OF 1976 AND REQUESTED REGIONAL GROUPS TO STUDY QUESTION OF VENUE. (COMMENT) BOTH SCHEDULE AND VENUE OF NEXT SESSION WILL BE DECIDED LATE IN THIS SESSION, BUT ADDITIONALLY AMERASINGHE CLEARLY ENVISIONS INFORMAL

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INTER-SESSIONAL CONSULTATIONS.)

2. APPROXIMATELY 45 STATES SPOKE ON THE AGENDA ISSUES: THE PRESIDENT'S APPRAISAL OF WORK AND HIS PROPOSAL FOR CREATING UNIFIED TEXTS. AT CONCLUSION OF DEBATE AMERASINGHE RULED THAT HIS PROPOSAL HAD GENERAL ACCEPTANCE AND EACH COMMITTEE CHAIRMAN WAS THEREFORE TO BE CONSIDERED AS A NEGOTIATED OR VOTING TEXT. EACH CHAIRMAN WOULD TAKE RESPONSIBILITY FOR DECIDING THE SUBSTANCE OF TEXT AND WHO AND WHEN HE WOULD CONSULT WHEN DRAFTING IT. AMERASINGHE REQUESTED TEXTS BE PREPARED AS SOON AS POSSIBLE BUT CERTAINLY BEFORE ADJOURNMENT OF THIS SESSION. COMMITTEES ARE TO CONTINUE WORK AS BEFORE AND MEMBERS WERE REQUESTED NOT TO INTERFERE WITH THE CHAIRMEN'S FREEDOM OF ACTION.

3. DEBATE STATEMENTS. (COMMENT: FOR CONVENIENCE THIS SECTION IS ORGANIZED INTO FIVE SECTIONS: (A) US STATEMENT; (B) SUPPORT FOR PROPOSAL OF CREATING UNIFIED TEXT; (C) NATURE OF UNIFIED TEXT; (D) MORATORIUM ISSUE; AND (E) MISCELLANEOUS).

(A) US STATEMENT: AMB. STEVENSON SAID HE SHARED THE PRESIDENT'S CONCERN OVER RATE OF PROGRESS AND WHETHER WORKING METHODS ARE SATISFACTORY. HE NOTED SUCCESS OF CARACAS SESSION IN FORMULATING OUTLINES OF A GENERAL AGREEMENT BUT ADDED IT WOULD NOT BE ENOUGH FOR THIS SESSION TO MERELY FORTIFY THOSE OUTLINES AND RECONSIDER PROPOSALS. STEVENSON REPLIED TO THOSE DELEGATIONS WHO STATED THAT INSTEAD OF BENDING TO PRESSURE OF LEGISLATURES AND PUBLIC OPINION THE COMPLEXITY AND IMPORTANCE OF THE TASK SHOULD BE EXPLAINED BY DELEGATIONS. HE SAID HE AGREED THAT IT WAS CRITICAL TO STRIVE FOR UNDERSTANDING AND PATIENCE BUT ADDED THAT SUCH EFFORTS WERE UNCONVINCING UNLESS WE COULD INDICATE PROGRESS TOWARD ACHIEVING A TREATY WITHIN A REASONABLE TIME FRAME.

AMB. STEVENSON NOTED THAT CONF, BY AVOIDING GENERAL DEBATE AND FORMAL SESSIONS HAD BEEN ABLE TO WORK ON TEXTS AND ATTEMPT NEGOTIATIONS. TO REFLECT THIS PROGRESS AND SUSTAIN MOMENTUM IT IS ESSENTIAL THAT EACH COMMITTEE CHAIRMAN, ON HIS OWN RESPONSIBILITY, PRODUCE A SINGLE TEXT WITH NO ALTERNATIVES OR VARIATIONS. HE URGED THAT THE COMMITTEE TEXT SHOULD REFLECT THE EXCELLENT

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WORK DONE BY SMALL GROUPS AND BE PRODUCED AS SOON AS POSSIBLE, THEN THE CONF COULD BEGIN PROCESS OF ATTEMPTING TO REACH CONSENSUS.

AMB. STEVENSON CONCLUDED BY NOTING US WILLINGNESS TO NEGOTIATE IN GENEVA; A SOLUTION TO LOS PROBLEMS IS CRITICALLY IMPORTANT TO ALL MANKIND. HE ADDED THAT IN MANY WAYS THE CONF WAS A TEST OF WHETHER THE MULTILATERAL LAWMAKING PROCESS CAN WORK.

(B) SUPPORT FOR PROPOSAL OF CREATING UNIFIED TEXT: IN ADDITION TO US SUPPORT FOR AMERASINGHE'S PROPOSAL THERE WAS VERY STRONG SUPPORT FROM MEXICO, VENEZUELA, UK, GREECE, AUSTRALIA AND CHILE. BOTH CASTANEDA (MEXICO) AND STAVROPOULOS (GREECE) STATED CATEGORICALLY THAT WITHOUT SUCH A TEXT THE CONF WAS DOOMED TO FAILURE. THE VAST MAJORITY OF OTHER SPEAKERS, INCLUDING SOVSY GAVE THEIR SUPPORT BUT WITH VARYING DEGREES OF QUALIFICATION, EXPRESSING SERIOUS DOUBTS, BUT NOT OPPOSING, WERE CHINA, PERU, ECUADOR, TURKEY, TANZANIA AND FRANCE. PERU ARGUED THAT THE SINGLE TEXT WOULD BASICALLY BE ADOPTION OF A DECISION WITHOUT HAVING CONF DELEGATES' PARTICIPATION AND WOULD IMMEDIATELY BE AMENDED TO REFLECT ALL TRENDS. FRANCE SAID THE EXISTING, CLASSICAL PROCEDURE OF LISTENING, EXPLAINING AND WORKING TOWARD REDUCING ALTERNATIVES IS SLOW BUT DEMOCRATIC AND LEGAL. IT SHOULD NOT BE ABANDONED BECAUSE IT COULD NOT PRODUCE GREAT PROGRESS IN ONE COMMITTEE FACED WITH ISSUES OF ENORMOUS COMPLEXITY, FURTHER, (AND AS SOME OTHERS POINTED OUT AS WELL), THERE WERE STILL ISSUES THAT HAD NOT BEEN ADEQUATELY EXAMINED BY COMMITTEE SUB-BODIES.

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R 191605Z APR 75
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC 2246
INFO RUEHDT/USMISSION USUN NEW YORK 1595
RUEHIA/USIA WASHDC 1465
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UNCLAS SECTION 2 OF 2 GENEVA 2756
USIA FOR IPS AND IBS

(C) NATURE OF UNIFIED TEXT: MANY DELEGATIONS REFERRED TO THE NECESSITY THAT THE UNIFIED TEXT ADEQUATELY REFLECT THE TREND THEY THEMSELVES SUPPORTED - LANDLOCKED, DEVELOPING, ETC. MEXICO CLEARLY POINTED OUT THAT IT WOULD BE IMPOSSIBLE FOR SUCH A TEXT TO REFLECT ALL POINTS OF VIEW, SOVS, CUBA AND SPAIN URGED THAT THE TEXT INCLUDE ALTERNATIVES OR VARIATIONS IN AREAS KNOWN TO HAVE WIDELY DIFFERING TRENDS. CHINA AND SOME AFRICAN STATES, (IN PARTICULAR TANZANIA AND TUNISIA'S KEDADI, CHAIRMAN OF GROUP OF 77) EMPHASIZED THAT ANY LOS CONVENTION MUST CLEARLY TAKE INTO ACCOUNT THE INTERESTS AND NEEDS OF THE LDCS. THEREFORE, ANY SINGLE TEXT, THEY SAID, MUST ADEQUATELY REFLECT THE POSITIONS OF THIS MAJORITY. SOME DELEGATIONS ARGUED THAT THE SINGLE TEXT SHOULD BE GIVEN NO PRIORITY OVER ANY OTHER EXISTING TEXTS, AND WORKING GROUPS SHOULD CONTINUE THEIR CONSULTATIONS TOWARDS THEIR OBJECTIVES. INDIA STATED THAT THE TEXT BE CONSIDERED AS A TOOL AND NOT AS A MEASURE OF THE WORK OF THE CONF.

(D) MORATORIUM ISSUE: THERE WERE OCCASIONAL REFERENCES DURING DEBATE TO THE NECESSITY OF WORKING WITHOUT THE PRESSURE OF UNILATERAL ACTION WHICH "SOME STATES THREATEN." IRELAND (ATTY GEN COSTELLO) OPENED DEBATE WITH A STATEMENT IN WHICH HE SAID THE CONF SHOULD CONSIDER BROADENING THE SCOPE OF UNGA RES 2574 (XXIV) (MORATORIUM RES) SO PARTICIPATING STATES SHOULD NOT TAKE UNILATERAL ACTION IN MATTERS WITHIN THE CONF MANDATE. OTHERS, INCLUDING VENEZUELA, CUBA, ALBANIA, ALGERIA, PRC AND TUNISIA REFERRED TO THE NECESSITY OF WORKING WITHOUT "THREATS", INDICATED THAT UNILATERAL ACTION WOULD BE CONSIDERED AS A VIOLATION OF NEGOTIATING IN GOOD FAITH, AND SUGGESTED CONCRETE STEPS MAY BE TAKEN TO ENABLE CONF

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TOR:191946Z APR 75

TO PRECEED WITHOUT PRESSURE, PRC ACKNOWLEDGED THIS ISSUE WAS UNDER ACTIVE CONSIDERATION BY GROUP OF 77.

(E) MISCELLANEOUS:

1. SIGNIFICANT NON-SPEAKERS INCLUDED JAPAN, ARGENTINA, BRAZIL, INDONESIA, NORWAY, AND KENYA OF EE GROUP ONLY SOVS

GAVE STATEMENT.

2. JAMAICA ATTEMPTED TO REBUT A RECENT CIRCULAR LETTER FROM MALTA CONCERNING PROPOSED SITE FOR THE INTERNATIONAL AUTHORITY BUT WAS RULED OUT OF ORDER. ALBANIA'S VITRIOLIC AND NEAR IRRATIONAL ATTACK ON SOV AND US SUPERPOWER HEGEMONY WAS ALSO RULED OUT OF ORDER. U.S. REPRESENTATIVE VACATED THE CHAIR.

3. PRC STATEMENT WAS BLATANT SELF ASSERTION AS LDC CHAMPION AND INCLUDED MODERATE-HEAVY CONDEMNATION OF SUPERPOWER ABUSE OF EXISTING FREEDOM OF SEAS.

4. MOST OF LA GROUP SPOKE AND INCLUDED FLORID PRAISE OF COMMITTEE II CHAIRMAN POHL WHOSE LEADERSHIP WAS UNDER IMPLIED ATTACK FOR LACK OF PROGRESS THIS SESSION.

5. ACCORDING TO ITS CHAIRMAN (KEDADI) THE GROUP OF 77 DECIDED THE NEXT SESSION OF THE CONF SHOULD BE IN 1976 AND HELD IN A DEVELOPING COUNTRY, PREFERABLY AFRICA OR ASIA. (COMMENT: INFORMAL CONVERSATION INDICATE NAIROBI AND NEW DELHI ARE PRINCIPAL CANDIDATES. DALE

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C O N F I D E N T I A L LIMA 3260
FOR USDEL LOS
EO 116521 GDS
TAGS: PLOS,PE
SUBJ: PERUVIAN POSITION ON ECONOMIC ZONE
REFS: A, STATE 77297 (RPT GENEVA 2193)
B, STATE 72296 (RPT GENEVA 2194)

1. REFTELS INDICATED THAT PERUVIAN LOS DELEGATION MAY HAVE MODIFIED ITS POSITION ON ECONOMIC ZONE DURING MEETINGS ENDING WEEK MARCH 26, REF A NOTED THAT IN INFORMAL MEETING PERU STATED THAT PROBLEMS OF HARMONIZING RIGHTS IN THE ECONOMIC ZONE WERE BEING DISCUSSED AND THAT A DELICATE BALANCE HAD BEEN STRUCK WHICH USDEL TOOK AS ENDORSEMENT OF EVENSEN NEGOTIATIONS RE RESIDUAL RIGHTS. REF B THEN POINTED OUT THAT PERU HAD ENDORSED JURISDICTIONAL FORMULATIONS CONTAINED IN U.S. DRAFT ARTICLES.
2. COMMENT: WHILE WE ARE NOT IN A POSITION TO COMMENT DEFINITELY O

THIS DEVELOPMENT, WE PERCEIVE FROM THE REPORTING SOME SIGNIFICANT SHIFT IN THE GOP POSITION ON THE ECONOMIC ZONE, WE WOULD THEREFORE APPRECIATE INFORMATION REGARDING THE SPECIFIC PERUVIAN PROPOSALS, IF ANY, AND WHETHER THEY INDICATE A MORE MODERATE PERUVIAN STANCE ON OTHER LOS ISSUES, DEAN

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 TAGS: PLOS

Geneva

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Committees

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*Amerasinghe's
Evaluation*

SUBJECT: LOS: LOS CONFERENCE PRESIDENT'S ASSESSMENT OF WORK
 FOLLOWING IS VERBATIM TEXT OF LOS CONFERENCE PRESIDENT
 AMERASINGHE'S EVALUATION OF THE PROGRESS OF WORK AT END OF
 5TH WEEK, TEXT WAS DELIVERED IN PLENARY SESSION 18 APRIL
 FOLLOWED BY PROPOSAL FOR ORGANIZING REMAINING SESSION, (RE-
 PORTED SEPTEL), SINCE TEXT IS COPY OF AMERASINGHE'S WORKING
 COPY THE FINAL VERSION, TO BE PUBLISHED AS UN DOCUMENT,
 WILL DIFFER IN SOME DETAILS. TEXT FOLLOWS. BEGIN QUOTE:
 (OPENING REMARKS)

AT THE VERY COMMENCEMENT OF THIS SESSION I
 INDICATED THAT AT THE END OF THE FIRST THREE WEEKS
 I WOULD PRESENT TO A PLENARY MEETING OF THE CONFERENCE
 AN EVALUATION OF THE PROGRESS ACHIEVED UP TO THAT
 POINT, THAT HAS TURNED OUT TO BE AN UNDULY OPTIMIS-
 TIC EXPECTATION, AT THE END OF THE FIFTH WEEK, HOW-
 EVER, I FIND THERE IS SUFFICIENT MATERIAL TO JUSTIFY
 AN EVALUATION OF THE PROGRESS MADE SO FAR, I SHALL
 DEAL WITH EACH OF THE MAIN COMMITTEES IN TURN.
 FIRST COMMITTEE:

ON THE OPENING DAY OF THE CONFERENCE I
 APPEALED TO THE MAIN COMMITTEES TO START WORK AS SOON AS
 POSSIBLE, THE FIRST COMMITTEE ACCORDINGLY MET
 THE FOLLOWING DAY, AT THIS FIRST MEETING, THE COM-
 MITTEE DECIDED TO RECONVENE THE 50-MEMBER, OPEN-
 ENDED, WORKING GROUP ESTABLISHED IN CARACAS, IN ORDER
 TO FACILITATE AGREEMENT ON ARTICLES 1-21 RELATING TO
 THE BASIC PROVISIONS FOR THE REGIME OF THE SEA-BED
 BEYOND THE LIMITS OF NATIONAL JURISDICTION AND
 PARTICULARLY ON ARTICLE 9, ENTITLED "WHO MAY EXPLOIT

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THE AREA", AND OTHER BASIC CONDITIONS OF EXPLORATION AND EXPLOITATION OF THE RESOURCES OF THE AREA. THE COMMITTEE FELT THAT ITS WORK COULD NOT BEGIN UNTIL SUBSTANTIAL PROGRESS HAD OCCURRED IN THE NEGOTIATIONS PURSUED IN THE WORKING GROUP. THE COMMITTEE THEREFORE DECIDED NOT TO MEET AS A WHOLE BUT RATHER TO GIVE AS MUCH TIME AS POSSIBLE TO THE WORKING GROUP. THE WORKING GROUP RECONVENED IMMEDIATELY ON THE NEXT DAY.

THE WORKING GROUP DEVOTED ITS FIRST MEETING TO AN APPRAISAL OF ITS PROGRESS IN CARACAS AND THE TASKS AHEAD OF IT, AS A THOROUGH AND FRUITFUL DEBATE OVER ARTICLE 9 HAD ALREADY TAKEN PLACE DURING THE WORKING GROUP'S SIX MEETINGS IN CARACAS, THE WORKING GROUP DECIDED TO BEGIN DISCUSSIONS ON THE CONDITIONS OF EXPLORATION AND EXPLOITATION. FOUR PROPOSALS ON THIS QUESTION WERE BEFORE THE WORKING GROUP AT THAT TIME AND HAD BEEN INCORPORATED IN A COMPARATIVE TABLE TO HELP ISOLATE THE VARIOUS POINTS AT ISSUE. THE CHAIRMAN BRIEFLY DISCUSSED EACH PROVISION, NOTED THE DIFFERENCES BETWEEN THE VARIOUS PROPOSALS, AND ASSESSED THE POSSIBILITIES FOR A RECONCILIATION OF PREVAILING DIVERGENCIES. FINALLY, THE CHAIRMAN CATEGORIZED THE PROVISIONS ACCORDING TO THEIR RELATIVE IMPORTANCE FOR AN AGREEMENT ON THE BASIC CONDITIONS OF EXPLORATION AND EXPLOITATION AS A WHOLE. THE CHAIRMAN'S ASSESSMENT RECEIVED SUPPORT FROM ALL SIDES IN THE WORKING GROUP, AND HIS CLASSIFICATION OF THE PROVISIONS INTO TWO CATEGORIES, VIZ: "FUNDAMENTAL ITEMS FOR IMMEDIATE NEGOTIATION" AND "ITEMS OF A SUBSIDIARY CHARACTER", SERVED AS A GUIDE IN REGARD TO THE SEQUENCE OF SUBJECTS TO BE DISCUSSED IN THE SUBSEQUENT MEETINGS OF THE WORKING GROUP.

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THE WORKING GROUP THEN MET FOR FOUR CONSECUTIVE WORKING DAYS TO DISCUSS IN DETAIL THE PROVISIONS WHICH WERE DEEMED TO BE OF FUNDAMENTAL IMPORTANCE. THESE PROVISIONS COULD BE CHARACTERIZED AS BASIC MATTERS OF PRINCIPLE, AS DISTINCT FROM PURELY TECHNICAL MATTERS, WHICH WERE CONSIDERED OF SUBSIDIARY IMPORTANCE. MORE SPECIFICALLY, THE ISSUES OF FUNDAMENTAL IMPORTANCE INCLUDED THOSE RELATING TO THE SCOPE OF THE AUTHORITY'S

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POWER, THE METHOD OF ENTERING INTO ARRANGEMENTS FOR THE CONDUCT OF ACTIVITIES IN THE AREA, AND THE BASIC PRINCIPLE OF SUCH ARRANGEMENTS, AND THE SETTLEMENT OF DISPUTES.

THE WORKING GROUP BEGAN ITS WORK BY FOCUSING ATTENTION ON THE DETAILED PROVISIONS CONCERNING THE METHOD OF ENTERING INTO ARRANGEMENTS WITH ENTITIES FOR THE CONDUCT OF EXPLORATION AND EXPLOITATION ACTIVITIES AND THE BASIC PRINCIPLES OF SUCH ARRANGEMENTS. IN PARTICULAR, TOPICS SUCH AS THE CRITERIA FOR SELECTION OF CONTRACTORS AND THEIR PARTICIPATION IN SUBSEQUENT STAGES OF OPERATIONS, AND THE NATURE OF THE FINANCIAL ARRANGEMENTS WERE DISCUSSED; FREQUENTLY DELEGATES REFERRED TO OTHER RELATED TOPICS IN THE COURSE OF THE DEBATE.

THESE DISCUSSIONS PRODUCED ENCOURAGING RESULTS, DELEGATIONS AGREED THAT SOME METHOD OF SELECTION AMONG EQUALLY QUALIFIED APPLICANTS FOR MINING RIGHTS IN ORDER TO ENSURE MAXIMUM BENEFITS TO THE AUTHORITY WAS NECESSARY ALTHOUGH THE EXACT NATURE OF THE CRITERIA GOVERNING SELECTION REMAINED UNSETTLED. SOME SEMBLANCE OF AGREEMENT EXISTED OVER THE PRACTICAL NEED FOR PRIORITY BEING ACCORDED IN THE ENTITY THAT HAD BEEN INVOLVED IN EARLIER STAGES OF OPERATIONS FOR THE AWARD OF A CONTRACT FOR A SUBSEQUENT STAGE OF OPERATIONS. THE POSSIBILITY OF CONTRACTUAL RELATIONS COVERING MORE THAN ONE STAGE WAS ACCEPTED BY ALL SIDES.

THE NEXT SUBJECT DISCUSSED WAS THE STAGES OF OPERATION TO BE UNDER THE AUTHORITY'S CONTROL, DISAGREEMENT REMAINED OVER WHETHER THE AUTHORITY COULD CONTROL SUCH STAGES AS SCIENTIFIC RESEARCH, MARKETING, AND PROCESSING, ALTHOUGH, HAVING REGARD TO THE FACT THAT AUTHORITY'S CONTRACTUAL RELATIONSHIP MIGHT COVER MORE THAN ONE STAGE OF OPERATION, THIS DISAGREEMENT WAS REDUCED TO ONE THAT WAS RELATED MORE TO TECHNICAL CONSIDERATIONS. THESE TECHNICAL ISSUES IN TURN RAISED QUESTIONS ABOUT THE TYPES OF ARRANGEMENTS INTO WHICH THE AUTHORITY MIGHT ENTER, BY THE BEGINNING OF THE THIRD WEEK, THE DECISION TO DISCUSS THE JOINT VENTURE AS A POSSIBLE ARRANGEMENT FOUND NO OPPOSITION IN THE

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WORKING GROUP,

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AS DIVERGENT POSITIONS HAD BECOME MANIFEST IN CARACAS, MUTUAL AGREEMENTS TO DISCUSS ONE POSSIBLE SYSTEM COULD BE REGARDED AS A SIGNIFICANT STEP TOWARDS THE RESOLUTION OF WHAT HAD SEEMED TO BE A DIFFICULT ISSUE. TAKING NOTE OF THIS IMPORTANT DEVELOPMENT, THE CHAIRMAN CANCELLED THE MEETING OF THE WORKING GROUP FOR THE FIRST TIME IN ORDER TO PERMIT INFORMAL CONSULTATIONS IN SMALLER GROUPS. THESE INFORMAL CONSULTATIONS CONTINUED FOR THE REST OF THE WEEK AND WERE SUPPLEMENTED BY MORE MEETINGS OF THE WORKING GROUP. IN THESE VARIOUS FORUMS, DIFFERENT TYPES OF JOINT VENTURES WERE INVESTIGATED. THE DISCUSSIONS WERE FACILITATED BY INFORMAL TECHNICAL PAPERS ON JOINT VENTURES WHICH WERE SUBMITTED BY THE SECRETARIAT AS WELL AS BY SEVERAL DELEGATIONS. AS A RESULT, THESE DISCUSSIONS IDENTIFIED PRIMARILY TWO DIFFERENT TYPES OF JOINT VENTURES VIZ:--CONTRACTUAL JOINT VENTURES, WHERE ALL THE DETAILS OF THE ARRANGEMENTS WOULD HAVE TO BE SPECIFIED IN A CONTRACT; AND EQUITY JOINT VENTURES, WHERE A NEW LEGAL ENTITY WOULD BE FORMED AND THE ELEMENT OF CONTROL WOULD BE ESTABLISHED BY THE AUTHORITY THROUGH EQUITY PARTICIPATION IN THE VENTURE. POINTS OF PARTICULAR CONCERN IN EVALUATING THE ALTERNATIVE SYSTEMS INCLUDED THE DEGREE OF FINANCIAL AND ADMINISTRATIVE CONTROL TO BE EXERCISED BY THE AUTHORITY OVER ITS PARTNERS IN JOINT VENTURES, DIRECT EXPLOITATION OF THE AREA BY THE AUTHORITY, THE NATURE OF THE AUTHORITY'S CONTRIBUTION TO THE VENTURE, INCENTIVES FOR PRIVATE OR STATE OPERATORS, AND THE LEGAL PROBLEMS, ESPECIALLY THE APPLICABLE LAW, FOR DIFFERENT TYPES OF ENTITIES IN THE JOINT VENTURE. DELEGATIONS EXCHANGED VIEWS ON ALL OF THESE COMPLEX MATTERS IN A SERIOUS EFFORT TO UNDERSTAND THE

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IMPLICATIONS OF EACH POSSIBLE ARRANGEMENT AND ULTIMATELY CONCENTRATED ON A SYSTEM THAT WOULD SATISFY THE BASIC INTERESTS OF ALL SIDES. THE DISCUSSIONS HELD DURING THIS THIRD WEEK WERE SO CONSTRUCTIVE THAT THEY LED TO THE FORMULATION OF A SINGLE TEXT ON THE BASIC CONDITIONS OF EXPLORATION AND EXPLOITATION TO SERVE AS THE BASIS FOR FURTHER NEGOTIATIONS.

AFTER THREE DAYS OF INTENSIVE INFORMAL CONSULTATIONS, THE CHAIRMAN PRESENTED AN ANONYMOUS PAPER TO THE WORKING GROUP TO SERVE AS A SINGLE NEGOTIATING TEXT. THE PAPER ELABORATES THE BASIC CONDITIONS FOR A CONTRACTUAL JOINT VENTURE. THIS PAPER WAS NOT IN ANY WAY A NEGOTIATED OR SO-CALLED "COMPROMISE" PAPER, SINCE NO DELEGATIONS WERE COMMITTED TO ANY PART OF THE TEXT, IT SERVED ONLY AS A BASIS FOR NEGOTIATION; IN OTHER WORDS, THE ENTIRE PAPER IS NEGOTIABLE. CONCENTRATION IS THE FIRST INSTANCE, ON THIS ASPECT OF THE PROBLEM WOULD NOT PREJUDICE SUBSEQUENT DISCUSSION OF ANY OTHER SYSTEMS OF EXPLOITATION. NEVERTHELESS, IT WAS FELT THAT SHOULD ALL SIDES FIND COMMON AGREEMENT IN A CONTRACTUAL JOINT VENTURE SYSTEM, NEGOTIATIONS OVER OTHER TYPES OF SYSTEMS WOULD MOVE QUICKLY, AND OVERALL AGREEMENT ON THE BASIC CONDITIONS OF EXPLORATION AND EXPLOITATION WOULD BE WITHIN SIGHT. IN THIS SPIRIT, THE WORKING GROUP COMMENCED ITS CONSIDERATION OF THIS SINGLE TEXT ON MONDAY, APRIL 14. THE WORKING GROUP HOPES TO COMPLETE THIS PROCEDURE AS SOON AS POSSIBLE AS NEGOTIATIONS HAVE STILL TO TAKE PLACE ON THE CLOSELY CONNECTED QUESTION OF THE STRUCTURE AND FUNCTIONS OF INTERNATIONAL MACHINERY TO BE ESTABLISHED FOR THE EXPLOITATION OF THE SEA-BED RESOURCES.

IN CONCLUSION, IT IS HOPED THAT THE FIRST COMMITTEE WILL MAKE SUFFICIENT HEADWAY IN ITS WORK ON THE BASIC CONDITIONS OF EXPLORATION AND EXPLOITATION AND THE MACHINERY FOR THE INTERNATIONAL SEA-BED AS TO BE ABLE TO HAVE A SINGLE NEGOTIATING TEXT GOVERNING ITS ENTIRE MANDATE READY AT THE END OF THE PRESENT SESSION. SECOND COMMITTEE:

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MANDATE COVERS ALMOST THE ENTIRETY OF THE EXISTING INTERNATIONAL LAW OF THE SEA, IS THE PIVOT AND CENTRE OF THIS CONFERENCE.

IN A GENERAL WAY, AND IN A REAL SENSE, IT MAY BE SAID THAT NO MAJOR ISSUE HAS BEEN RESOLVED WITHIN THE SECOND COMMITTEE SO FAR, AS DECIDED IN CARACAS, THE COMMITTEE DID NOT HEAR GENERAL STATEMENTS, THE COMMITTEE UNDERTOOK A SECOND READING OF THE MAIN TRENDS DOCUMENT; ISSUES WERE IDENTIFIED ONCE MORE AND WELL-KNOWN POSITIONS RESTATED, DELEGATIONS FREELY COMMENTED ON THE SPECIFIC FORMULATIONS OF WP.1 AND EXPRESSED THEIR PREFERENCE FOR ONE OR MORE OF THESE FORMULATIONS, QUESTIONS OF REAL SUBSTANCE SUCH AS THOSE CONCERNING THE PROBLEMS OF LAND-LOCKED COUNTRIES AND STRAITS STATES LIE AT THE HEART OF THE PROBLEM IN THIS COMMITTEE, ALTHOUGH IT HAS TOUCHED ON EVERY ISSUE WHILE GOING THROUGH THE SECOND READING OF W.P. 1 DURING ITS INFORMAL MEETINGS, IT HAS NOT ADDRESSED ITSELF SPECIFICALLY TO ANY OF THOSE MAJOR ISSUES WHICH ARE CONSIDERED TO BE ESSENTIAL ELEMENTS OF A PACKAGE DEAL.

THESE ISSUES WERE LEFT TO SMALL INFORMAL WORKING GROUPS CONSTITUTED MAINLY BY SPECIAL INTERESTS, THEY EXAMINED SUCH ITEMS AS THE TERRITORIAL SEA, BASELINES, CONTIGUOUS ZONE, TRANSIT AND HIGH SEAS, THE MAJOR PURPOSE OF THE ESTABLISHMENT OF THESE SMALL INFORMAL WORKING GROUPS WAS TO ALLOW DELEGATIONS WITH SPECIAL INTERESTS IN A PARTICULAR SUBJECT TO TRY TO REDUCE THE ALTERNATIVES AND, IF POSSIBLE, TO PRODUCE A SINGLE TEXT, THESE GROUPS ARE STILL IN THE PROCESS OF CARRYING OUT INFORMAL CONSULTATIONS AND, EXCEPT IN A FEW CASES, THEIR WORK CANNOT BE ASSESSED AT THIS STAGE, THE INFORMAL GROUP ON BASELINES WAS ABLE TO PRODUCE A REVISED CONSOLIDATED TEXT (C.2/BLUE PAPER NO. 4), THE INFORMAL WORKING GROUP ON HIGH SEAS IS PREPARING A TEXT WHICH SEEMS TO COMMAND WIDE SUPPORT AMONG THE MEMBERS OF THAT GROUP, THE SUBJECT MATTER BEFORE THESE TWO GROUPS IS OF A LESS CONTROVERSIAL NATURE AND MOST OF THE FORMULATIONS ARE DRAWN FROM THE 1958 GENEVA CONVENTION, THIS MAY EXPLAIN THE DEGREE OF PROGRESS ACHIEVED ON THOSE SUBJECTS.

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THE INFORMAL WORKING GROUP ON THE TERRITORIAL SEA WAS NOT ABLE TO ARRIVE AT ANY RESULT AND DECIDED TO SUSPEND ITS MEETINGS. THE INFORMAL WORKING GROUP ON HISTORIC BAYS AND WATERS HAS BEFORE IT A NUMBER OF INFORMAL BLUE PAPERS (C.2/BLUE PAPERS NOS. 1/REV.1, 2, 3 AND 3/REV.1) BUT UP TO NOW NO CONSENSUS HAS BEEN REACHED ON THOSE TEXTS. THE INFORMAL WORKING GROUP ON THE CONTIGUOUS ZONE WHICH HAS HELD ONLY ONE MEETING SEEMED TO SHOW SOME DEGREE OF AGREEMENT ON THE CONTENT OF THE CONTIGUOUS ZONE JURISDICTION. THE MEMBERS OF THIS GROUP ALSO SHOWED A DEGREE OF AGREEMENT THAT A STATE WHICH CHOOSES NOT TO EXTEND ITS TERRITORIAL SEA TO A 12-MILE LIMIT COULD HAVE A CONTIGUOUS ZONE UP TO THAT LIMIT.

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THE MAIN ISSUES HERE REMAIN THE INTERRELATIONSHIP
 BETWEEN THE CONTIGUOUS ZONE AND THE ECONOMIC ZONE AND
 THE QUESTION OF THE PLURALITY OF REGIMES.

THE INFORMAL WORKING GROUP ON THE QUESTION OF
 TRANSIT HELD ONLY ONE MEETING. THE CHAIRMAN OF THE
 SECOND COMMITTEE, HAVING IN MIND THE COMPLEXITY OF
 THIS MATTER AND CONSIDERING THAT ITS RESOLUTION WOULD
 FACILITATE THE TASK OF THE CONFERENCE, DECIDED FIRST
 TO HOLD A PRELIMINARY MEETING WITH A SMALL GROUP OF
 DELEGATIONS FROM BOTH SIDES TO DETERMINE THE POSSI-
 BILITY OF INITIATING A PROCESS OF NEGOTIATION BETWEEN
 THEM AND ESTABLISHING A WORKING GROUP ON THE SUBJECT.
 THE MEETING DEFINITELY REVEALED THE WILLINGNESS OF
 DELEGATIONS TO ENGAGE IN SUCH NEGOTIATIONS AND THERE-
 AFTER THE CHAIRMAN ESTABLISHED A GROUP ON THE SUBJECT.

OTHER GROUPS ALREADY IN EXISTENCE BUT WHICH HAVE
 NOT MET SO FAR INCLUDE THE INFORMAL WORKING GROUPS
 ON ARCHIPELAGOS, THE CONTINENTAL SHELF, DELIMITATION
 AND INNOCENT PASSAGE, (SIC) GROUPS ON SUCH IMPORTANT QUES-
 TIONS AS STRAITS, ISLANDS AND THE ECONOMIC ZONE WOULD
 PROBABLY BEGIN MEETING AS OF NEXT WEEK.

ANOTHER PRIVATE GROUP IS ALSO WORKING ON THE
 PROBLEMS OF LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED
 STATES. THERE HAS BEEN ONLY SLOW PROGRESS ON
 QUESTION WHETHER THERE SHOULD BE EQUAL RIGHTS FOR
 EXPLORING AND EXPLOITING BOTH THE LIVING AND NON-
 LIVING RESOURCES OF THE ZONE.

THE MAIN PURPOSE OF THE WORK OF THE PRIVATE
 GROUP ON SETTLEMENT OF DISPUTES HAS BEEN TO PREPARE
 SINGLE TEXTS FROM THE ALTERNATIVES IN A/CONF.62/L.7.
 THE ISSUES THAT HAVE SO FAR PROVED TO BE MOST CONTRO-
 VERSIAL ARE THE FOLLOWING:

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NC 40327

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- (A) THE ESTABLISHMENT OF A SYSTEM OF COMPLUSORY JURISDICTION FOR ALL DISPUTES ARISING OUT OF THE CONVENTION; THE CREATION OF A LAW OF THE SEA TRIBUNAL;
 - (B) THE RELATION BETWEEN SPECIAL PROCEDURES AND THE OVERALL MACHINERY FOR THE SETTLEMENT OF DISPUTES;
 - (C) THE PROBLEMS OF THE PLURALITY OF JURISDICTION; INTERNATIONAL COURT OF JUSTICE, LAW OF THE SEA TRIBUNAL AND ARBITRATION;
 - (D) THE QUESTION OF EXCLUSIVE NATIONAL JURISDICTION IN THE ECONOMIC ZONE; DELIMITATION BETWEEN NATIONAL AND INTERNATIONAL JURISDICTION;
 - (E) THE ESTABLISHMENT OF A COMPULSORY CONCILIATION PROCEDURE AS A PRELIMINARY STAGE.
- SEVERAL DRAFTS HAVE BEEN PRODUCED IN AN EFFORT TO RECONCILE DIFFERENT VIEWS EXPRESSED BY PARTICIPANTS ON THESE ISSUES AND IT IS HOPED THAT A DOCUMENT CAN BE PRODUCED BY THE MIDDLE OF NEXT WEEK.
- OTHER QUESTIONS THAT HAVE BEEN FORMING THE SUBJECT OF INFORMAL OR PRIVATE NEGOTIATIONS ARE:
- GENERAL PROVISIONS OF THE ECONOMIC ZONE;
 - ARTIFICIAL ISLANDS AND INSTALLATIONS IN THE ECONOMIC ZONE;
 - LIVING RESOURCES OF THE ECONOMIC ZONE;
 - OPTIMUM UTILIZATION OF THE RESOURCES OF THE ECONOMIC ZONE;
 - CONSERVATION AND MANAGEMENT OF SUCH RESOURCES;
 - FISHING AGREEMENTS WITH NEIGHBOURING STATES;
 - GEOGRAPHICALLY DISADVANTAGED STATES;
 - LAND-LOCKED STATES;
 - HIGHLY MIGRATORY SPECIES;
 - ANADROMOUS STOCKS;
 - CATADROMOUS SPECIES.

CERTAIN ISSUES WERE NOT CONSIDERED UP TO NOW BY THE SECOND COMMITTEE TO ENABLE THE INFORMAL GROUPS TO PRODUCE SOME RESULTS WHICH WOULD CONTRIBUTE TO CONSTRUCTIVE NEGOTIATION IN THE COMMITTEE AS A WHOLE.

THERE IS STILL A MARKED DIVISION REGARDING THE RIGHTS OF LANDLOCKED AND OTHER GEOGRAPHICALLY DISADVANTAGED COUNTRIES IN THE ECONOMIC ZONE. NO REAL AGREEMENT SEEMS NEAR ALTHOUGH MUCH OF THE CONTROVERSY

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CENTERED AROUND OTHER GEOGRAPHICALLY DISADVANTAGED STATES.

THE GROUP OF 77 HAS HELD SEVERAL MEETINGS UNDER THE CHAIRMANSHIP OF AMBASSADOR KEDADI OF TUNISIA, THIS GROUP COORDINATES THE WORK OF THE THREE CONTACT GROUPS OF THE GROUP OF 77.

THE CHAIRMAN OF THE WORKING GROUP OF 77 ON SECOND COMMITTEE MATTERS, MR. FRANK NJENGA OF KENYA, IS PREPARING A PAPER ON THE ECONOMIC ZONE, THE RESULTS OF THE DISCUSSIONS IN THE GROUP OF 77 ARE AWAITED.

THIS IS THE PRESENT POSITION IN THE SECOND COMMITTEE, THIRD COMMITTEE:

THE THIRD COMMITTEE HAS HELD FOUR FORMAL MEETINGS, DURING WHICH SEVERAL PROPOSALS WERE INTRODUCED. THESE PROPOSALS ARE CONTAINED IN DOCUMENTS A/CONF.62/C.3/L.24, L.25, L.26, AND L.27. THE SECRETARIAT OF THE UNITED NATIONS HAS ALSO PRESENTED A STUDY TO THE COMMITTEE, WHICH THE COMMITTEE REQUESTED DURING THE SESSIONS IN CARACAS, THE STUDY BEING ON CERTAIN ASPECTS OF THE TRANSFER OF TECHNOLOGY. THIS STUDY IS CONTAINED IN DOCUMENT A/CONF.62XC.3/L.22. THE UNITED NATIONS ENVIRONMENT PROGRAMME IN RESPONSE TO A REQUEST BY THE THIRD COMMITTEE DURING THE CARACAS SESSION PRESENTED A STUDY ON THE GLOBAL ENVIRONMENTAL MONITORING SYSTEM OF UNEP, CONTAINED IN DOCUMENT A/CONF.62/C.3/L.23.

MOST OF THE WORK OF THE THRID COMMITTEE HAS BEEN CONDUCTED DURING ITS INFORMAL SESSIONS ON ITEM 12, THE PRESERVATION OF THE MARINE ENVIRONMENT AND ITEMS 13 AND 14, SCIENTIFIC RESEARCH AND TRANSFER OF TECHNOLOGY. THESE INFORMAL SESSIONS ARE HELD ALTERNATIVELY DURING THE MORNINGS, WHILE AFTERNOONS HAVE BEEN PUT ASIDE AT THE DISPOSAL OF DELEGATIONS TO CONDUCT NEGOTIATIONS. THESE ARRANGEMENTS HAVE, UP TO NOW, PROVED SATISFACTORY IN ADVANCING THE WORK OF THE COMMITTEE, BUT OF LATE CERTAIN DIFFICULTIES HAVE ARISEN AS A RESULT OF MEETINGS OF REGIONAL GROUPS CONFLICTING WITH MEETINGS CONVENED BY THE CHAIRMEN

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OF THE INFORMAL SESSIONS, ON THIS POINT MY ONLY EXHORTATION WOULD BE THAT THE TIMING OF MEETINGS OF ALL GROUPS-REGIONAL, FORMAL OR INFORMAL-BE FIXED BY THEIR CHAIRMEN OR CONVENERs IN CONSULTATION WITH THE MAIN COMMITTEE CHAIRMAN CONCERNED. THE CHAIRMAN OF THE THIRD COMMITTEE IN HIS STATEMENT BEFORE THE GENERAL COMMITTEE ON 15 APRIL PROPOSED THAT EVERY OPPORTUNITY SHOULD BE AFFORDED TO THE CHAIRMEN OF THE INFORMAL SESSIONS TO CARRY OUT WHATEVER NEGOTIATIONS THEY CONSIDERED NECESSARY FOR THE PROGRESS OF THE WORK OF THE COMMITTEE.

A STATEMENT OF WHAT THE INFORMAL SESSIONS OF THE COMMITTEE HAVE BEEN ABLE TO ACCOMPLISH UP TO NOW FOLLOWS,

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PAGE 01

NC 4032A

TUR191939Z APR 75

R 191225Z APR 75
FM U S MISSION GENEVA
TO RUEHC/SECSTATE WASHDC 2238
INFO RUEHDT/US MISSION JSUN NEW YORK 1593
RUEHIA/USIA WASHDC 1463

BT
UNCLAS SECTION 4 OF 4 GENEVA 2750
FROM USDEL LOS

INFORMAL SESSIONS ON ITEM 12 (PRESERVATION OF THE
MARINE ENVIRONMENT):

AT ITS 12TH MEETING, THE FIRST MEETING OF THE
GENEVA SESSION, THE COMMITTEE RESUMED ITS WORK. THE
CHAIRMAN MADE A STATEMENT SUMMARIZING THE RESULTS
ACHIEVED AT CARACAS, AS REFLECTED IN DOCUMENT A/CONF.
62/C.3/L.15. HE THEN OUTLINED THE ORGANIZATION OF
WORK FOR THE CURRENT SESSION WHICH WAS DESIGNED TO
ADVANCE THE WORK PREVIOUSLY ACCOMPLISHED. THIS
ORGANIZATION CONSISTS OF THE PREPARATION OF COMMON
TEXTS RELATING TO THE VARIOUS ITEMS CONTAINED IN
DOCUMENT A/CONF.62/C.3/L.14/ADD.1. THIS PAPER, AS
WILL BE RECALLED, SETS OUT PROPOSALS OR AMENDMENTS
INTRODUCED BUT NOT YET DISCUSSED.

ACCORDINGLY, WORK HAS BEGUN WITH THE TEXT RELATING
TO MONITORING WHICH SHOULD BE FOLLOWED BY TEXTS
RELATING TO THE QUESTION OF PUTTING "AN END TO
VIOLATIONS AND TO THE EFFECTS THEREOF" AND TO
STANDARDS.

AS IN CARACAS, THE ACTUAL WORK IS CARRIED OUT
AT TWO LEVELS:

1. THE INFORMAL SESSION ON ITEM 12, AND
2. THE DRAFTING AND NEGOTIATING GROUP.

ON THE CHAIRMAN'S SUGGESTION MOST OF THE CURRENT
WORK HAS BEEN TAKING PLACE AT THE LEVEL OF THE DRAFTING
AND NEGOTIATING GROUP, AS THIS HAS CLEARLY BEEN THE
MOST EFFICIENT MEDIUM FOR THE PREPARATION OF COMMON
TEXTS.

TO DATE THE GROUP HAS PREPARED AND APPROVED A
COMMON TEXT ON MONITORING CONTAINED IN DOCUMENT
CRP/MP/16.

THE GROUP HAS BEGUN CONSIDERATION OF THE CRUCIAL

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QUESTION OF STANDARDS, FOR THIS PURPOSE THE GROUP FOLLOWS THE METHOD OF WORK APPROVED IN CARACAS (SEE DOCUMENT A/CONF.62/C.3/L.14) WHICH IS BASED ON VARIOUS SOURCES OF MARINE POLLUTION.

THE FIRST QUESTION UNDER THIS METHOD OF WORK, MARINE POLLUTION FROM LANDBASED SOURCES, HAS BEEN ALREADY DISCUSSED AND A TEXT HAS BEEN APPROVED BY THE INFORMAL SESSION ON THE BASIS OF A DRAFT PRESENTED BY THE CHAIRMAN (SEE DOCUMENT CRP/MP/17/ADD.2).

A PROPOSAL DEALING WITH THE PREPARATION OF USSESSMENTS OF THE POTENTIAL EFFECTS ON THE MARINE ENVIRONMENT OF PLANNED ACTIVITIES, CONTAINED IN DOCUMENT CRP/MP/18, WAS APPROVED BY THE INFORMAL SESSION AT ITS LAST MEETING, THE SUBJECT BEING DISCUSSED BY THE GROUP IS "MARINE POLLUTION FROM ACTIVITIES CONCERNING EXPLORATION AND EXPLOITATION OF THE SEABED WITHIN THE AREAS OF NATIONAL JURISDICTION."

THE QUESTION OF "OBLIGATION TO PUT AN END TO VIOLATIONS AND TO THE EFFECTS THEREOF," WILL BE TAKEN UP IN CONNECTION WITH THE QUESTION OF RESPONSIBILITY AND LIABILITY AND THE SETTLEMENT OF DISPUTES. INFORMAL SESSIONS ON ITEMS 13 AND 14: (SCIENTIFIC RESEARCH AND TRANSFER OF TECHNOLOGY).

DURING THE PERIOD 17 MARCH TO 12 APRIL THERE WERE SIX INFORMAL MEETINGS OF THE THIRD COMMITTEE DEALING WITH ITEMS 13 AND 14. SMALLER DRAFTING AND NEGOTIATING GROUPS COMPOSED OF THE MOST INTERESTED DELEGATIONS UNDER THE CHAIRMANSHIP OF MR. METTERNICH, HELD 11 MEETINGS ON THE SAME SUBJECTS.

THE INFORMAL MEETINGS DECIDED TO START THE DISCUSSION OF THE ITEMS WHICH HAD BEEN LEFT OVER FROM CARACAS AND, THEREFORE, DEALT FIRST WITH "STATUS OF SCIENTIFIC EQUIPMENT IN THE MARINE ENVIRONMENT."

THE DEBATE WAS QUITE EXHAUSTIVE, AND TOOK PLACE BOTH IN INFORMAL PLENARY MEETINGS AS WELL AS IN DRAFTING AND NEGOTIATING GROUPS.

VARIOUS DELEGATIONS SUBMITTED NEW TEXTS, WHICH WERE REPRODUCED IN DOCUMENT CRP/1. TWO FURTHER TEXTS, WHICH ATTEMPTED TO RACH A COMPROMISE, WERE SUBMITTED TO THE CHAIRMAN AS THE RESULT OF THE

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INTENSIVE NEGOTIATIONS AND WERE REPRODUCED IN CRP/2. IT WAS NOT POSSIBLE, HOWEVER, TO REACH AGREEMENT ON ANY SINGLE COMPROMISE TEXT, ALTHOUGH THREE SUBSEQUENT ATTEMPTS WERE MADE BY THE CHAIRMAN TO CONSOLIDATE IN ONE TEXT THE VARIOUS VIEWS EXPRESSED IN THE COURSE OF THE NEGOTIATIONS.

FINALLY IT WAS DECIDED TO "FREEZE" FOR THE TIME BEING THE TWO ALTERNATIVE TEXTS CONTAINED IN CRP/2.

THE INFORMAL MEETINGS THEN WENT ON TO DISCUSS THE ITEM "RESPONSIBILITY AND LIABILITY." THIS DISCUSSION IS CONTINUING. VARIOUS DELEGATIONS PRESENTED NEW TEXTS, WHICH ARE CONTAINED IN DOCUMENTS CRP/3,4,5,6, AND 7. AN ATTEMPT TO DRAFT A SINGLE COMPROMISE TEXT WAS MADE AT THE LEVEL OF THE DRAFTING AND NEGOTIATING GROUP.

A TENTATIVE AGREEMENT WAS REACHED ON A TEXT OF A GENERAL NATURE AND WAS REPRODUCED IN CRP/8.

SOME DELEGATIONS, HOWEVER, STILL SEEM TO BELIEVE THAT THIS COMPROMISE TEXT IS NOT SUFFICIENT AND SHOULD BE SUPPLEMENTED.

WHEN THE DISCUSSION ON "RESPONSIBILITY AND LIABILITY" IS COMPLETED, THE INFORMAL MEETINGS WILL, PRESUMABLY, DECIDE TO DEAL WITH THE SUBJECT OF "CONDUCT OF MARINE SCIENTIFIC RESEARCH," WHICH CONSTITUTES THE CRUCIAL ISSUE WITHIN THE GROUP'S COMPETENCE. TWO MEETINGS OF THE MOST INTERESTED DELEGATIONS HAVE SO FAR TAKEN PLACE ON THIS SUBJECT. IT WAS SUGGESTED TO TAKE AS A FRAMEWORK FOR DISCUSSION THE NEW TEXT (L.26) SUBMITTED BY A GROUP OF SOCIALIST COUNTRIES AS THE TEXT APPEARED TO BE QUITE COMPREHENSIVE. ON THE CHAIRMAN'S SUGGESTION, DELEGATIONS HAVE ALREADY BEEN DISCUSSING THE QUESTION AMONG THEMSELVES.

THE SUBJECT OF "TRANSFER AND DEVELOPMENT OF TECHNOLOGY, HAS NOT YET BEEN DEALT WITH, ALTHOUGH SOME DELEGATIONS EXPRESSED AT THE OUTSET THE VIEW THAT THIS SUBJECT SHOULD BE DISCUSSED AS SOON AS POSSIBLE. AN APPEAL WAS MADE TO ALL DELEGATIONS TO SUBMIT DRAFT PROPOSALS ON THIS MATTER. HOWEVER, SO FAR NO NEW TEXT HAS BEEN SUBMITTED, AND THE ONLY TEXT AS CARRIED OVER FROM CARACAS (A/CONF.62/C.3/L.12) IS NOW BEING

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NC 40324

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DISCUSSED BY ITS OWN SPONSORS WITH A VIEW TO MAKING A REVISION,

THE FOLLOWING COMMENTS ARE RELEVANT IN REGARD TO THE ORGANIZATION OF WORK AND THE PROGRESS ACHIEVED IN THE THIRD COMMITTEE,

THE PATTERN OF MEETINGS ESTABLISHED IN CARACAS HAS PROVED TO BE ADEQUATE FOR THE NEGOTIATING PROCESS. THE MOST FRUITFUL NEGOTIATIONS ARE TAKING PLACE ON THE INITIATIVE OF THE CHAIRMAN WHO BRINGS TOGETHER DELEGATIONS OF THE VARIOUS INTEREST GROUPS AND TRIES TO PRESENT AMALGAMATED COMPROMISE TEXTS TO THEM. ON THE OTHER HAND, THERE SEEMS TO BE TOO LITTLE READINESS ON THE PART OF THE DIFFERENT INTEREST GROUPS TO NEGOTIATE WITH ONE ANOTHER, WHILE PROBABLY A DISPROPORTIONATE AMOUNT OF TIME IS BEING SPENT BY SOME GROUPS IN DISCUSSING AND DEFINING THEIR OWN POSITION.

IT WOULD APPEAR THAT THE DECISION TO LEAVE THE AFTERNOONS FREE FROM GENERAL MEETINGS (BOTH FORMAL OR INFORMAL) HAS NOT PROVED AS SATISFACTORY UN ARRANGEMENT AS WAS EXPECTED, DUE TO THE FACT THAT THE TIME HAS BEEN UTILIZED MAINLY BY REGIONAL GROUPS, WHOSE DISCUSSIONS SOMETIMES TEND TO HARDEN THE ORIGINAL POSITIONS, RATHER THAN STIMULATING NEGOTIATION WITH OTHER GROUPS.

THE BUREAU OF THE THIRD COMMITTEE MET ON WEDNESDAY, 16 APRIL, AND DECIDED THAT FOR THE TIME BEING THE WORKING ARRANGEMENTS OF THE COMMITTEE SHOULD BE KEPT INTACT. THE BUREAU FELT THAT THE PROGRESS THE COMMITTEE HAS ACHIEVED TO DATE, ALTHOUGH SLOW, HAS BEEN COMPARATIVELY SATISFACTORY. THE CHAIRMEN WILL KEEP IN CLOSE TOUCH WITH DELEGATIONS WHEN CONSIDERING ANY FUTURE CHANGES. THIS CONCLUDES MY EVALUATION OF THE PROGRESS ACHIEVED SO FAR. END QUOTE. DALE

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TOR:190940Z APR 75

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Geneva
Committee III ✓

Marie Perle
Remarks from
UNEP

R 190800Z APR 75
 FM AMEMBASSY NAIROBI
 TO RUEHC/SECSTATE WASHDC 2422
 INFO RUEHDT/USMISSION USUN NEW YORK 468
 RUFHGV/USMISSION GENEVA 293
 RUDTC/AMEMBASSY LONDON 1975
 RUEHCR/AMCONSUL MONTREAL 36
 RUFNPS/AMEMBASSY PARIS 2572
 RUFHRO/AMEMBASSY ROME 368
 RUFHAU/AMEMBASSY VIENNA 60
 BT

C O N F I D E N T I A L
 LIMITED OFFICIAL USE NAIROBI 3176
 GENEVA FOR LOS DEL
 VIENNA FOR IAEA AND UNIDO
 PARIS FOR UNESCO
 ROME FOR FODAG
 MONTREAL FOR ICAO
 E.O. 11652: N/A
 TAGS: UNEP, SENV, PLOS
 SUBJECT: UNEP GC/III, EXECUTIVE DIRECTOR'S REMARKS
 ON LOS

1. FOLLOWING IS VERBATIM TEXT OF EXTRACT FROM EXECUTIVE DIRECTOR STRONG'S OPENING STATEMENT TO 3RD SESSION OF UNEP GOVERNING COUNCIL, APRIL 17/ RELATING TO LOS CONFERENCE AND ENVIRONMENT:
 QUOTE THERE ARE, HOWEVER, A NUMBER OF OTHER IMPORTANT AREAS IN WHICH I BELIEVE THAT PROGRESS TO DATE HAS NOT BEEN SATISFACTORY, AND TO WHICH I WOULD ESPECIALLY COMMEND THE ATTENTION OF THE GOVERNING COUNCIL. THESE INCLUDE: INCORPORATION IN THE AGREEMENTS BEING NEGOTIATED AT THE LAW OF THE SEA CONFERENCE OF ADEQUATE PROVISION FOR PROTECTION OF THE ENVIRONMENT OF OCEANS AND THEIR LIVING RESOURCES, BASED ON THE DEEP INTEREST WHICH THE GOVERNING COUNCIL REGISTERED IN THIS MATTER AT ITS LAST SESSION, I PRESENTED TO THE LAW OF THE SEA CONFERENCE, AT CARACAS, SPECIFIC PROPOSALS FOR INCLUSION OF ENVIRONMENTAL MEASURES IN THE AGREEMENTS UNDER CONSIDERATION, BUT I REGRET TO SAY THAT, NEITHER AT CARACAS NOR YET AT THE RESUMED SESSION OF THE CONFERENCE-

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PAGE 02-02

NC 39959

TOR190940Z APR 75

ENCE IN GENEVA IS THERE EVIDENCE THAT ENVIRONMENTAL CONSIDERATIONS ARE RECEIVING THE ATTENTION AND PRIORITY THEY DESERVE, I AM DEEPLY CONCERNED - INDEED ALARMED - THAT WE ARE THUS IN DANGER OF ALLOWING SHORT-TERM, AND PERHAPS ILLUSORY ECONOMIC CONSIDERATIONS TO OVER-RIDE THE LARGER AND LONGER TERM INTERESTS OF THE ENTIRE HUMAN COMMUNITY IN ASSURING THAT DEVELOPMENT OF OCEAN RESOURCES, INCLUDING THE SEA BED, IS NOT ACCOMPANIED BY DEGRADATION OF THE MARINE ENVIRONMENT, ITS LIFE-SUPPORTING SYSTEMS AND IS LIVING RESOURCES. IN OUR OWN INTERESTS AND THOSE OF FUTURE GENERATIONS, SURELY THIS IS AN OPPORTUNITY UA AND A RESPONSIBILITY- WE SIMPLY CANNOT AFFORD TO SET ASIDE, ACCORDINGLY, I WOULD URGE THE GOVERNING COUNCIL AT THIS SESSION TO REGISTER ITS DEEP CONCERN WITH THIS MATTER AND BRING IT TO THE ATTENTION OF THE LAW OF THE SEA CONFERENCE NOW MEETING IN GENEVA.
END QUOTE,

2. DELEGATION ANTICIPATES THAT REQUEST IN LAST SENTENCE FOR GC III ACTION WILL BE GENERALLY ENDORRSED. DELEGATION WILL KEEP DEPARTMENT ADVISED ON FURTHER DISCUSSION THIS ISSUE, IN MEANTIME, HOWEVER, DELEGATION WOULD APPRECIATE GUIDANCE ON U.S. POSITION THIS ISSUE, MARSHALL

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TOR1190452Z APR 75

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R 181847Z APR 75
FM U S MISSION GENEVA
TO SECSTATE WASHDC 2230
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C O N F I D E N T I A L
LIMITED OFFICIAL USE GENEVA 2746
FROM USDEL LOS
E.O. 11652: N/A
TAGS: PLOS

Geneva
Committee II
High Seas Consultative
Group

SUBJECT: MEETING OF C-II INFORMAL CONSULTATIVE GROUP ON
THE HIGH SEAS, P.M., 17 APRIL 1975

1. BUREAU DISTRIBUTED C.2/BUE PAPER NO. 9,
CONSOLIDATED TEXT ON THE HIGH SEAS, PROVISIONS 139
TO 153 AND 164 TO 177 IN MAIN TRENDS PAPER, PAPER
POUCHED DEPT, TEXT SATISFACTORY IN GENERAL.
2. COMPLETED SECOND READING WITH ACCEPTED TEXTS
PROVISIONS 139, 140, AND 141, IN ALL SUBSTANTIAL
RESPECTS IN MAIN TRENDS PAPER FORM.
3. PROVISION 142 CONSOLIDATED WITH PROVISION 146.
MEETING CLOSED WITH PROVISION 142/146 GENERALLY
ACCEPTABLE EXCEPT FOR MERGER OF WHAT WERE ORIGINALLY
PROVISIONS 142-4 AND 146-3 OF MAIN TRENDS PAPER,
BUREAU TO UNDERTAKE CONSULTATIONS IN EFFORT TO REACH
ACCOMMODATION, DALE

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NC 38340

TOR:180532Z APR 75

R 180340Z APR 75
 FM AMEMBASSY JAKARTA
 TO RUEHC/SECSTATE WASHDC 7639
 INFO RUFHST/US MISSION GENEVA 228
 RUMVC/AMEMBASSY MANILA 4916

Geneva
General
Indonesia

65

BT
 UNCLAS JAKARTA 4604
 E.O. 11652: N/A
 TAGS: PLOS, ID
 SUBJ: MINISTER MOCHTAR ON LOS CONFERENCE
 ACCORDING PRESS REPORTS APRIL 18, FOLLOWING CALL
 ON PRESIDENT SUHARTO APRIL 17, CHIEF INDONESIAN LOS
 DELEGATION JUSTICE MINISTER MOCHTAR STATED THAT HE WAS
 NOT OPTIMISTIC GENEVA CONFERENCE WOULD YIELD A GENERAL
 CONVENTION. MOCHTAR REPORTEDLY ADDED THAT GENEVA
 MEETING IS PROVING MORE COMPLEX THAN WAS CARACAS MEETING,
 AND THAT MORE CONFERENCE SESSIONS WOULD BE NEEDED BEFORE
 A GENERAL CONVENTION COULD BE REACHED. NEWSOM