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GROUP OF 77 POSITION ON LAW OF THE SEA ISSUES

Introduction and Summary

Examination of the Group of 77 "position" toward the Law of the Sea negotiations would require analysis of the positions of 110 countries on more than 400 issues. As a result, this report, based on a review of a number of sources, provides a tentative assessment of the areas in which the Group of 77 will most likely attempt to exert its greatest influence or which may prove most disruptive to Group solidarity at the session of the LOS Conference now under way (August 2-September 7) in New York. These areas include:

- the deep seabed regime, in particular, the scope and power of the Authority;
- the character of the Exclusive Economic Zone;
- the question of access for the Land-Locked and Geographically Disadvantaged States;
- the colonial issue (transitional article); and
- the regime of scientific research.

In the view of the Group of 77 all of these elements have basic ideological (if not theological) implications.

The resolution of outstanding problems during the current session will depend on the theology of the New International Economic Order as it applies to ocean space, on the one hand, and on the pragmatic efforts of certain mineral-producing states to protect national interests, on the other.

State Dept. review completed

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The theological aspect of the negotiations will probably revolve around the deep seabeds negotiations in Committee I. It is expected that the Group of 77 will not revert to the old Single Negotiating Text; it will concentrate on the establishment of an International Seabed Authority, its powers and its functions. The Group will most likely assume a hard ideological stance, maintaining that the Authority's role in the exploitation of mineral resources for 70 percent of the world's surface must be paramount to advance the New Economic Order concept--even if resource revenues prove to be limited. Mexico and India are seen as the leaders of the effort, while the metal-producing states, a small group led by Brazil, are more clearly in line with the US position. Mexican fears of flag state problems may be justified by the newly multinational character of the ocean mining industry.

On most issues under consideration in Committee II, the attitudes of the Group of 77 do not appear to reach the theological level, as in Committee I. The Exclusive Economic Zone can be expected to be treated as sui generis by the Group majority. A split more favorable to the US may be caused by the Land-Locked and Geographically Disadvantaged States denied access to the seas' resources.

An opening of the Convention to signatories other than states would hurt the interests of the United States, complicating US efforts either to eliminate the Transitional Provision or to rework it.

Regarding the activities of Committee III, the US position on scientific research in the Economic Zone and on the Continental Shelf can be expected to encounter strong resistance from the great majority of the G-77 states. For many nations of the Group, the articles in the Revised Single Negotiation Text dealing with scientific research have been accepted without question. These articles enliven the perception of the Economic Zone as something unto itself, something beyond that contemplated by US policy.

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The Deep Seabed Regime--Committee I

Group of 77 attitudes toward the Committee I portion of the RSNT (Revised Single Negotiating Text) appear to have crystallized along several lines that may have important impact on the US negotiating position in the current session of the Law of the Sea Conference now under way in New York. Of primary significance is the fact that the Group of 77 can be expected to exhibit an outward display of ideological solidarity. Those nations most loudly espousing a unified ideological stance comprise the majority. In this group are: 1) states that produce few or no important metals; 2) states whose metal production is a small factor when compared with their total GDP; 3) states that are beset by political, social, or economic problems compared with which the seabed resources problems pale into insignificance. Given the seabed resources context, they are generally inimicable to the interests of the US and the other developed nations.

However, a much smaller group of states which are disposed to take a more practical view of seabed issues may move closer to the DC position. This group is generally composed of nations that derive a substantial portion of their national income from raw metal production (Brazil, Peru, Chile, Zambia, etc.).

It does not appear that the Group of 77 will attempt to discard the RSNT (as has been feared). There seems to be no widespread desire to either revert to the old SNT (Single Negotiating Text) or attempt to write a new text from scratch.

This stage was not reached without a struggle; at the close of the May session, a number of the Group of 77 were quite dissatisfied with the RSNT.

--Tunisia, Kuwait, Egypt, Iraq, Algeria, and Ecuador expressed negative opinions of varying intensity.

--Kuwait, for example, referred to the draft as "a black paper."

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- Tunisia called it a "step backward."
- Algeria was "strongly negative."
- Simultaneously, Mexico and India essentially reserved comment, although India, Pakistan, and Iran appear to have joined the opposition to the RSNT after the session closed.

In contrast, Southeast Asian nations, Liberia, Ivory Coast, Madagascar, Chile, Singapore, Peru, and Brazil were inclined to retain the amended draft. In fact, Brazil headed a "secret" group which provided a number of compromise articles adopted in the Committee I portion of the RSNT.

It must also be pointed out that when the above discussions took place, a number of delegations were reported to have muted their comments on the issue. The most notable of these was Cuba, presumably on the instructions of the Soviet Union.

The background for the activities which dominated much of Committee I's time has been reviewed by Norwegian LOS Minister Jans Evensen. His comments appear as valid today as when he expounded them in late May:

"Furthermore, a rapprochement between the extreme standpoints also took place during the negotiations relating to the international seabed and ocean floor--i.e., the area falling outside the economic zone and the national continental shelves. The Geneva draft treaty was mainly based on the views of the 77-country group. However, during the New York session, mineral producing countries such as Brazil, Peru, Chile, and Zambia showed themselves ready to negotiate with the USA and the Soviet Union in order to reach an arrangement more open to compromise. The reason for this greater willingness to negotiate is probably due to the fact that these states fear an unregulated development and exploitation of the seabed mineral deposits if an agreement is not reached. This fear may be justified insofar as a bill has been submitted to the American Congress concerning a unilateral American exploitation of minerals on the international seabed and ocean floor, contrary to what the draft Convention envisages as the future regime for these enormous unexploited mineral reserves.

"As regards the group of raw material producing countries, a certain modicum of international regulatory

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measures, together with a seabed authority equipped with rather less extensive powers than that desired by these countries, might nevertheless be far preferable to a completely uncontrolled development where the big and financially strong enterprises may freely exploit these resources for their own ends. The mineral producing countries are therefore inclined to accept compromise solutions.

"However, some leading countries within the 77-country group maintain that the mineral producing countries have gone too far in their willingness to achieve a compromise. For that reason, the 77-country group now seems to be split between those states, which, seen against the background of their producer interests are willing to go to considerable lengths to meet the USA and other developed countries, and those upholding the demand for an international authority equipped with very extensive powers."

Analysis of the present stance of the Group of 77 might best begin by reference to the July 21 Note by the President of the Conference, Mr. Amerasinghe of Sri Lanka. He recommended that the delegations address themselves to six main areas, the first of which concerns itself with the structure of the International Seabed Authority. It is also apparent that the creation of the Authority is now a foregone conclusion among the Group, and that its proposed structure, functions, financial base, and power distribution are the main subjects of concern and contention.

Concerning the composition and powers of the Authority, the main lines of argument appear to be as follows:

- There are those nations, mostly non-metal producing LDC's, that want nearly complete control of the Authority, and seek this control by means of basing all voting power in the Assembly.
- They are opposed by a smaller group of states, mostly metal producers, who seek a compromise position which would vest more power of a specific nature in the Council.

Consequently, the Group of 77 debate on this subject has focused on the retention or modification and amendment of Articles 25 through 27.

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- Those nations taking a hard-line position appear to be India, Mexico, Pakistan, Qatar, Yugoslavia, Ecuador, Tunisia, Senegal, and Iraq.
- Those taking a somewhat softer stance appear to be Brazil, Cameroon, Cuba, Thailand, Indonesia, Malaysia, Trinidad and Tobago, Afghanistan, Nicaragua, Singapore, and, perhaps, Kenya. The Kenyans seem to be primarily concerned with accelerating the creation of the Enterprise itself, the ISA's sea mining entity.

As noted previously, Brazil seems to lead all other states in the desire to formulate a final document which would offer sufficient grounds for compromise with the developed nations. At present, India appears to be the major roadblock to Brazil's efforts; it seems inclined to revert to the workings of the old SNT, and in this stance it is often joined by the Arab states. To complicate matters, Mexico aspires to a leadership role in the Group, and should have arrived at the meeting well prepared to discuss matters of a technical, procedural, and ideological nature.

Speaking in the context of seabed issues, a major Mexican LOS representative, Castenada, reportedly told Rear Admiral Morris that Mexico perceives that the benefits to be gained from the seabed for mankind are not as great as once thought, or at least are more elusive. Mexico's aims are thus essentially ideological and political, with a view toward making the Authority an LDC-dominated organization, and a precedent-setting organ designed to control the New Economic Order for the purpose of redistributing the world's wealth among the LDCs. Mexico therefore intends to:

- place the Authority's main power in the Assembly, thereby reducing the role and the power of the Council;
- reduce the Tribunal's role to one of an advisory status, thus permitting the Assembly to be dominant in policy matters.

Mexico has found support for its position from Tunisia, Egypt, and Senegal, among others.

It has also been reported that Mexico is concerned that some seabed contractor or nation might attempt to expand either its area of operation or its production quota by making

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use of a "flag of convenience." Mexico, presumably, will attempt to plug this loophole.

The reason for this last concern may be caused by changes in the deepsea mining industry that have occurred in the last few years. In the early research and development stages of the mining of manganese nodules and other deepsea minerals, the scene was dominated by a rather small group of corporations--most of them US-controlled. They included Tenneco, International Nickel, Hughes Tool, Kennecott Copper, and United States Steel. They acted independently for a variety of reasons:

- Kennecott was deficient in land-based ore reserves.
- International Nickel perceived a rapidly increasing demand for stainless and other steel alloys and a consequent demand for nickel.
- United States Steel was highly dependent on foreign sources for its manganese, and, secondarily, may have perceived a future source of income for one of its subsidiaries--Newport News Shipbuilding.
- Tenneco perceived a need to diversify into a more broadly based conglomerate from being solely an energy-producing company, which was rather small when compared with most of its competition.

Deepsea Ventures (probably the corporate name most associated with the Group of 77-perceived threat toward unilateral action in seabed mining) was formerly a wholly owned subsidiary of Tenneco. After several transitional actions it has become a multinational joint venture comprising: 1) International Nickel Company of Canada, Ltd.; 2) Deep Ocean Mining Co., Ltd. (DOMCO), formed by Sumitomo and other leading Japanese industrial groups (thought to be in excess of 30 corporations); 3) Arbeitsgemeinschaft Meerestechnisch Gewinnbare Rohstoffe (AMR), a group of German companies consisting of Metallgesellschaft AG, Preussag AG, Rheinische Braunkohlenwerke AG, and Salzgitter AG; and 4) SEDCO (formerly Southeast Drilling Company), an offshore drilling company based in Dallas, Texas. Apparently most of the US corporations that were formerly involved with Deepsea Ventures have withdrawn.

Not only does this change in the seabed mining industry signal potential trouble with respect to flags of convenience and multinational corporation problems, but it may very well

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be read as an indication of the high risk involved and the massive amounts of capital needed to mount any successful operation in the deep sea. If these are indeed the LDC perceptions, then it may be safely said that the LDCs will feel justified in striving for the minesite rotation system.

Therefore, the US can expect the following from the Group of 77 in the current session on Committee I matters:

1. Outward ideological solidarity directed toward the establishment of the New Economic Order, probably led by Mexico;
2. No rejection in toto of the Committee I portion of the RSNT;
3. A concerted and broad-based effort by the LDCs to shape the Authority to their liking and, by so doing, get a guaranteed return on any derived wealth--all research, development, exploration, and technology transfer costs to be paid for by the developed countries;
4. Some assistance toward moderating the LDC position on the ISA by metal producers and, perhaps, the Land-Locked and Geographically Disadvantaged States (LL/GDS), probably led by Brazil.

If the majority of the Group of 77 succeeds in most of its aims with regard to the Committee I text, the developed nations may see in the outcome the precedent for the development of deposits of natural resources elsewhere, e.g., the Antarctic.

The Character of the Exclusive Economic Zone

The Group of 77 attitudes toward most issues in Committee II do not appear to reach the theological level, as in Committee I. The G-77's major Committee II objective, the Exclusive Economic Zone, has already been attained through the negotiations. Coastal members of the Group perceive that the SNT has already assumed a status beyond that of a mere "negotiating" text.

- Mexico and Guatemala recently legislated Exclusive Economic Zones with provisions virtually identical to the operative paragraphs of Article 44.
- India and Sri Lanka, two South Asian leaders of the 77, have similar proposed legislation before their parliaments.

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--Preliminary reports indicate that Papua New Guinea, Senegal, and others have adopted similar courses of action or have them under way.

These events strongly suggest little negotiating flexibility by important leaders of the G-77 on the character of the Economic Zone. G-77 moves either reflect the belief that the text has already been finalized or they constitute an effort to ensure no modifications through the creation of "determinative" state practice to reinforce the exclusivity of the Economic Zone. These states have cited, and will continue to cite, the actions of certain developed states--United States, Canada, Iceland--as further justification.

This reasoning was utilized by Mexican President Echeverria on the enactment of the Mexican Economic Zone, when he stated:

"In proposing that the Economic Zone be put into force before the international treaty is formalized, the Executive is firmly convinced that it is not acting counter to international law, but it is applying rules of the new law of the sea as they are inferred from present conclusions of the United Nations Conferences, which rules have been explicitly or implicitly accepted by a great majority of the members of the international community."

Efforts to diminish national authority in the Exclusive Economic Zone, as a consequence, will be strongly resisted, partly in national interests, partly in reaction to the well-orchestrated efforts of the LL/GDS (Land-Locked and Geographically Disadvantaged States) to gain increased access to the marine resources of coastal states.

The recognition of the Economic Zone as high seas constitutes a paramount objective of the United States and other maritime nations. The coastal members of the 77, following Latin leadership, strongly opposed this objective in the spring session. Reports from Latin America and South Asia in the interim clearly show that these elements of the Group of 77 will continue to resist the designation of the Zone as high seas. Article 75, in particular, will be most strongly defended by coastal states of the Group.

Two potential compromises have surfaced:

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- The first, unacceptable to the United States, would define the Economic Zone as sui generis--neither territorial sea nor high sea.
- The second, the obverse of US desires, would declare that the Economic Zone does not, per se, constitute territorial sea.

Available reports provide no evidence of relative support of these positions although the Committee II chairman favors the sui generis concept. The actions of Mexico, Guatemala, India, Sri Lanka, and Senegal would indicate a hard-line attitude toward any concerted effort to alter the nature of the Zone.

The Land-Locked and Geographically Disadvantaged Question

The rights of the LL/GDS (Land-Locked and Geographically Disadvantaged States) to a direct share of marine resources proved the most divisive Committee II issue in the last session. Led by Austria, the LL/GDS mounted a concerted attack on the Exclusive Economic Zone, demanding access rights to living and non-living resources of coastal states' Economic Zones. The fifty-odd states in the LL/GDS, i.e., potentially a blocking third in the G-77, compose a mixed bag, politically and economically, including the Holy See, Romania, West Germany, Afghanistan, Mongolia, and Algeria. Cutting across developed/developing state lines, the LL/GDS provoked a strong counter-reaction from coastal states; the Revised Single Negotiating Text reflects, in part, this reaction.

The recent Organization of African Unity (OAU) meeting in Mauritius attempted, with no success, to establish a common African position toward the LL/GDS access issue. Since the hot issue strikes at the heart of the exclusivity of the Economic Zone, the lack of success was not unexpected. OAU leaders referred it to the Organization's LOS experts for resolution.

Doubts have been expressed over the cohesiveness of the LL/GDS bloc. Certain Latin states report that Bolivia and Paraguay, among others, are not as radical as the LL/GDS leadership indicates. Potential fractures within the Group of 77, however, cannot be identified at this time.

The question of LL/GDS rights of access to non-living resources of coastal states' Economic Zones appears to be a

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dead issue. Resistance by the coastal states is universal. However, a continued LL/GDS attack in this direction could stall Committee II progress. Access to living resources, perhaps on a preferential basis, appears to be negotiable.

At present the resentment of the coastal states of the G-77 to the LL/GDS remains high. Since the LL/GDS group includes leaders of the G-77, e.g., Algeria, internal stresses on the question should remain high within the 77.

To date, this resentment does not appear to be directed toward the US, but rather toward the Soviets. Any overt move of the US, however, in favor of the LL/GDS could cause a change. The issue remains delicate since the LL/GDS constitute potential allies of the US on the character of the Economic Zone.

Transitional Provision--the Colonial Issue

During the past LOS session the US delegation made it quite clear that if the Transitional Provision remains as is, "serious questions would be raised as to whether the United States would be able to ratify the treaty." In fact, at the last session the subject of administered "territory" became the focus of a debate. Group of 77 participants used the subject as a club to beat the US (regarding Micronesia, Puerto Rico, the Virgin Islands), Israel (an Egyptian resolution demanded the recognition of "liberation organizations"), and South Africa.

The danger in the Transitional Provision is that it might become a dumping ground for radical proposals which would further affect the US Government's ability to secure a ratifiable treaty. Thus far, neither France, the Netherlands (with overseas possessions somewhat analogous to the US), nor Israel, nor the US has succeeded in watering down the Provision.

It is obvious that the Provision is causing Aguilar, Chairman of Committee II, a number of problems. He has just written:

"The article dealing with territories under foreign occupation or colonial domination resulted in a long debate in the Committee. After reflecting on the debate, I did not feel that I should make either major additions to or deletions from the existing text, except to redraft Paragraph 2 in less absolute terms. On the other hand, it must be recognized that the

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article raises issues which go beyond the scope of the Law of the Sea. By placing it separately as a transitional provision, I adopted a solution which would not in any way imply that the matters dealt with in the provision are permanent and immutable in nature."

The US supports Aguilar's contentions, but the elimination or abatement of the Provision may be more easily said than done. In contrast to problems that African nations have had retaining a unified stance on important LOS matters, OAU nations seem solidly in favor of the Transitional Provision. As other recent UN conferences have had great difficulty with the issue, it should not be expected that the current LOS session will benefit from the lack of intemperate demands from the Group of 77.

Since the closing of the last session, other LOS delegations have been extremely quiet on this particular issue, and thus there have been no significant developments. The Provision does not seem, however, to be an issue that will disappear in the current session.

Complicating US efforts either to eliminate the Transitional Provision or re-work it, is the role that Micronesia has played in past LOS conferences. With respect to the colonial issue the viewpoints of Micronesians (as observers) are often at variance with positions expressed by the US delegation. Micronesia has allied itself with delegations from Fiji, New Zealand, Tonga, and Western Samoa, calling for recognition of territories which are not as yet self-governing and for permission to sign any LOS treaty as a contracting party. The US delegation is, of course, concerned that the opening of the Convention to signatories other than states would open up the question of liberation movements and would have "serious implications for the internal affairs of the United States." The US position has been conveyed to the Congress of Micronesia, but whether Micronesian observers intend to take a maverick stand is not known. Should they do so, efforts to include Puerto Rico, the Virgin Islands, and other US possessions in the negotiations are likely, and US interests would be correspondingly hurt.

Scientific Research

An NSC paper of July 13, 1976, succinctly outlines the negotiating problems that the US faces with respect to marine scientific research:

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"The existing instructions to the United States Law of the Sea Delegation state that the US objective is to avoid requiring coastal state consent for marine scientific research in the Economic Zone and on the Continental Shelf. Fallback authority is provided which would authorize acceptance of a regime allowing the coastal state to prohibit research which does not meet certain specified criteria, or acceptance of a regime which accepts coastal state consent but states that consent must be granted when certain criteria are met."

In the Revised Single Negotiating Text (RSNT), the question of consent, as outlined in Article 75 relating to rights within the territorial sea of a coastal state, is hardly debatable. However, the provisions included in Article 58 through Article 69 witness the erosion of the freedom of scientific research within the Economic Zone of coastal states. In the existing text, the Economic Zone and Continental Shelf acquire more of the sovereign and exclusive characteristics of the territorial sea and fewer of the exploitative and inclusive aspects of the Economic Zone and Continental Shelf.

Consequently, the articles dealing with scientific research can be seen as an erosion of the high seas concept and the sanctification of an Economic Zone cum territorial (patrimonial or matrimonial) sea. Thus, the Economic Zone gives the right not only to exploit, but also to exclude, thereby enlivening the perception that the Economic Zone is, sui generis, something beyond that contemplated by US policy.

For many nations of the Group of 77, the RSNT Articles dealing with scientific research have been accepted without question; therefore, the stated US position, and the fallback position, should be difficult to negotiate. For example, in recent months both Guatemala and Mexico have incorporated the consent provision within laws delineating aspects of their respective territorial sea and economic zone. Both India and Sri Lanka have laws pending which will do the same. The question of consent to enter contiguous "security zones" exists in laws promulgated by certain Arab states, and the expansion of this concept to that of the consent requirement for entering an Economic Zone would appear to be a foregone conclusion.

Since the close of the last LOS Conference, the US can take small comfort from pronouncements made concerning the

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question of marine scientific research--whether from the Group of 77, or from other nations that it could usually expect to call on to support the US position:

- Yankov of Bulgaria, Chairman of Committee III, and who as surrogate of Soviet interests introduced the RSNT articles on scientific research, has noted that he fears the present US position aimed toward the revision of the articles "is not saleable."
- Jagota, the Indian Government LOS Legal Advisor, and an important figure in the Group of 77, was not "convinced that scientific exploration within the Economic Zone was as critical a problem for the US as the Learson Delegation had suggested and...did not believe the US Government would allow the treaty to founder on this issue."
- In recent discussions with Ambassador Learson in Caracas, Aguilar, Chairman of Committee II, expressed complete satisfaction with the scientific research text as it now stands, and believed that "it is justified."
- Senegal's Foreign Minister recently noted that though the question of scientific research, among other issues, remains a problem, Senegal's "legitimate interests are largely covered by the New York texts."
- A Brazilian official recently noted that "No one could be absolutely sure whether any scientific research project had economic or non-economic purposes." Thus, the Government of Brazil would be "subjected to severe public criticism if it agreed to allow scientific research in the 200-mile zone without prior permission."
- At the US-Mexico fishery discussions held in May 1976, a Mexican delegate noted that it was his government's intention "to follow the revised LOS SNT," and he specifically referred to articles dealing with scientific research.

Outside the Group of 77 the views of other LOS representatives have been noted:

- Evensen, Norway's LOS representative, stated before his parliament that the last meeting "had a favorable

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effect on the issues relating to research," and that "the text also includes a provision to the effect that normally the coastal state shall not fail to give its consent whenever it is a question of research projects not involving exploitation of resources." He added, "There is reason to believe that this rule will be upheld."

--Spain's LOS delegate, Yturriaga, has "rejected our strong complaints on the science text as unrealistic," and has apparently indicated to US delegates that no problems would arise "if there are adequate coastal state rights over scientific research."

--Walkate, an LOS delegate from the Netherlands, "was very negative on the revised text, and said (the Netherlands) would oppose it." However, he felt that coastal state consent for Economic Zone scientific research was "part of the price necessary to obtain an LOS treaty."

In conversations that US delegates have had with Canada, Chile, Sri Lanka, Peru, Norway, Kenya, Australia, Senegal, the UN Secretariat, and others, most interlocutors were taken aback by the extent of US criticism of the scientific research text. Arias Schreiber of Peru (perhaps expressing much the same sentiment as the majority of the Group of 77) stated in front of others on one occasion that if that was the US attitude, "Peru will stop all US scientific research off its coast."

US arguments seem to have won few converts in the Group of 77, and efforts undertaken seem unlikely to change the scope of Articles 57-69.

--Few African nations seem disposed to back the US point of view. Kenya, for example, would probably support the present text, if recent pronouncements are any guide. As early as February 1976 Kenya was claiming that Soviet trawlers were not fishing but were spying off its shores and turning the ocean into a scene of "espionage, intrigue, and conflict." Kenya and other such nations are not likely to differentiate between an oceanographic vessel and an intelligence ship, for both are seen as serving the same purpose.

--The Arab nations--being very conscious of security concerns--apparently will not support the US proposal

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to revise the RSNT articles on scientific research. Egypt noted recently that it "cannot accept freedom of scientific research in the Economic Zone since it does not know who may want to do research in the area."

- Most Latin American nations have opposed the US policy.
- China has long opposed the policy, considering that it benefits only technologically advanced nations.
- The OECD nations also seem lukewarm in their support of the US position, and most recent European Community announcements concerning LOS issues seem to skirt the issue of marine scientific research.

As is evident from the above, the question of freedom of scientific research is complicated by fears of Western technological superiority, is fought on ideological grounds having, per se, little to do with scientific research itself, and falls prey to intense nationalistic feelings. In sum, given the present condition of LOS negotiations, both the Group of 77 and the United States' traditional allies seem bent on protecting an Economic Zone from foreseen and unforeseen scientific activity of other states.

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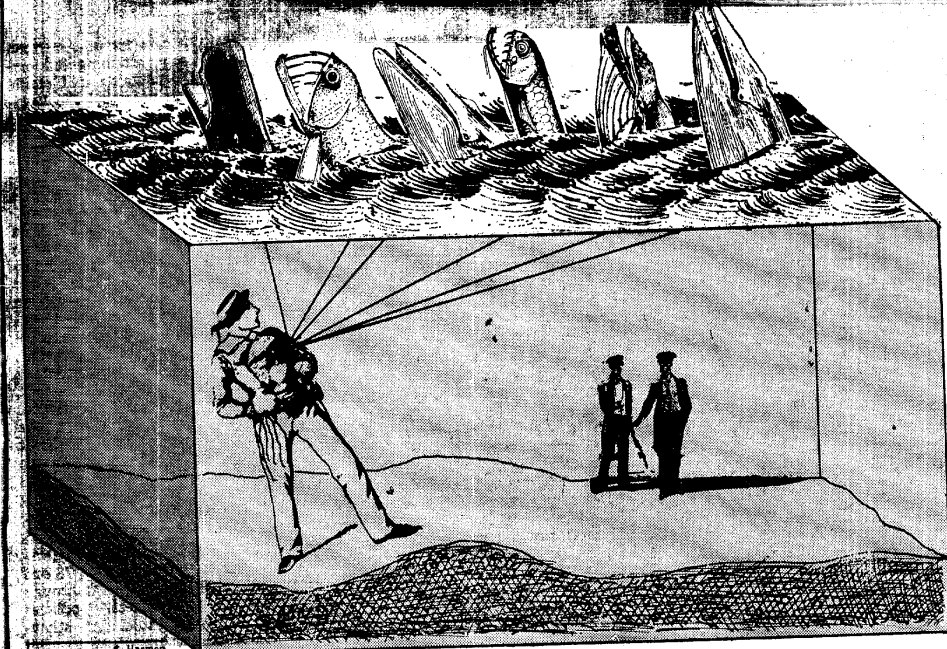
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The Complexities of a Sea Change



S. Harmon

As the fifth session of the third Conference on the Law of the Sea ended, the news media reflected an atmosphere of gloom. They said that the proceedings were all but grounded. But there are a few aspects the public is not aware of, and the press has not stressed.

First, the treaty being negotiated is the most comprehensive and complex treaty ever negotiated in history. With the penetration of the Industrial Revolution into the oceans, the law of the sea is no longer what it used to be. Every issue facing the international community today reflects itself in the oceans: relations between industrialized and developing countries; the impact of science and technology on institutions, on society, on the environment; relations between states, the international community, and the multinational corporations; food, energy, resource management, communications and international trade—to name only the most important ones.

To negotiate a treaty on the new law of the sea, therefore, is to negotiate a vital part of world order, including the new international economic order.

Second, and contrary to general opinion, the issues before the conference are not clearly circumscribed technical issues that can be solved in isolation. The general crisis in international relations reflects itself also in the crisis of the conference.

The breakdown of the international law of the sea is part and parcel of the breakdown of international law and order in general. It would not be fair to blame the delegates to the law of the sea conference for this breakdown. On the contrary, it is the conference that the birth pangs of the new international order are more

By Elisabeth Mann Borgese

Third, and lest we forget among the daily frustrations: *Something* has been acquired in the nine years since the Maltese Ambassador, Arvid Pardo, drew the attention of the United Nations to the economic potential of, and the ecological perils to, the oceans and proposed that the oceans and their resources be declared to be the common heritage of mankind, that a Declaration of Principles be adopted, and that this conference be called to embody these principles in a treaty.

These principles are here to stay. Even should we fail this time around—which we shall not—they would crop up again, whether in the context of the oceans or with regard to the environment, outer space and satellites, climate and weather modification, energy or food. We shall learn to do together what none of us can do alone.

Fourth, during this process, and little as we may be aware of it, issues and obstacles are changing. What seem to be unsurmountable problems today may offer easy and unsuspected solutions tomorrow.

To give just one example: The alternatives before us in the committee charged with the responsibility of creating the international seabed authority quite likely are not either a system managed and controlled by the international community, or free access for states and companies. Quite likely, there is a third possibility in a comprehensive and flexible system of joint ventures, acceptable to states and companies, under the financial and administrative control of the authority and especially the poorer ones.

Dilemmas may turn out to be optical illusions and if an apparently insoluble

problem is approached from a slightly different angle new solutions may be—and dried articles were agreed upon during this session, such new perspectives have been opened for the next session, at the United Nations in May.

The effort to build a new international order in the oceans may turn out to be the most important international development of this century. People everywhere are affected directly by what happens to our oceans. They have a right to know more about how decisions are made.

It would not detract from the efficiency of the decision-making processes or of the debates of this great conference if the press and at least the representatives of accredited non-governmental organizations were admitted to the working sessions of the committees. Public support is essential if the treaty that will result from this conference is to be ratified and observed. This support must be built now, through the wide sharing of this knowledge. There would be, I believe, less gloom if there were more participation.

Elisabeth Mann Borgese is chairman of the planning council of the International Ocean Institute, an interdisciplinary institution at the University of Malta, and adviser to the Austrian delegation to the Conference on the Law of the Sea.

And yet the energy efficiency of enhanced-recovery processes exceeds that of other processes for energy production. It is two to three times greater than for coal or nuclear routes, Rowland says.

Moreover, enhanced-recovery processes have no significant environmental impact.

Period of change. M. E. Pruitt, research director for Dow Chemical U.S.A., told the symposium that a time of transition in the Texas petrochemical industry has led to stepped-up research and development efforts aimed at meeting problems posed by the energy crisis.

The transition period stems from major changes in raw materials and fuel required by the Texas industry. It's switching away from natural gas for raw material and fuel to heavier dependence on crude oil and naphtha for raw material and to residual oils for energy.

As a result, researchers are increasing their efforts to find more efficient processes for making petrochemicals from crude. These efforts include direct cracking to olefins and production of olefin and petrochemical building blocks for synthesis gas.

In addition, more research is under way on the use of solid fuels for energy production — gasification and fluid-bed combustion, for example.

World production outlook. Total world oil production will near the 100-million-b/d mark by 1990.

This is a major point in Shell Oil Co.'s forecast presented by John Rorda at the A&M symposium.

- World production will grow at a 3.2%/year rate to 97.4 million b/d in 1990 from 56.7 million b/d in 1973.

- OPEC and Communist countries will account for almost 26 million b/d of the increase—10.1 million and 15.7 million, respectively. These countries will then control two-thirds of world production.

- The Middle East will increase its contribution to interregionally traded oil to 82% from 66%. To do this, Saudi Arabia will have to produce at a rate of 13 million b/d in 1990.

- U.S. imports must come increasingly from the Middle East, growing from 1 million b/d in 1973 to about 5 million b/d in 1990.

- U.S. oil imports will grow to about one-third of interregionally traded oil by 1990. About half will come from the Middle East.



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WATCHING THE WORLD

World Court thickens the offshore fog

THE Greek Government was stunned by the decision of The Hague International Court approving operation of a Turkish seismic vessel in the contested Aegean Sea area. Of the nine judges hearing the case only one, a Greek appointed to the panel at Greek request, opposed the decision.

After weeks of tension the court decision may have not resolved the matter. The Turkish survey vessel has been poised for some time to leave Istanbul to work in the Aegean. There were Greek threats that the vessel would be stopped and turned back. How was never made clear. Sismik 1 did venture into the Aegean Sea to be met by a Greek destroyer which shadowed its movements. It eventually returned to port.

Eventually there were rumors that Greece and Turkey were to develop the Aegean subsea together. This came to nothing. Greece eventually referred the matter to the International Court in the Hague. Turkey refused to be represented, claiming the matter at issue could not be judged by the court. When the case was heard Turkey was not represented.

After lengthy deliberation, the court held that Turkey's sending of the seismic vessel into the Aegean had not violated the sovereign rights of Greece. It gave no decision on the rights of Greece and Turkey in the Aegean. It was not asked to. It did confirm that Greece was right to bring the matter to the court and that examination and judgment of the case was within its competence.

LEFT IN ABEYANCE is the problem of future exploration work in the Aegean. What would be the situation if either Greece or Turkey were to begin operations with an offshore-drilling unit in a contested area?

This would surely represent a direct claim on seabed territory which would have to be settled by law or war. The court obviously does not believe that the presence of one seismic vessel in the Aegean area denotes exploration. Further the court must obviously believe that if the two countries are disputing sovereignty over Aegean seabed territory that the court could best settle it.

Since a legal decision has been made, a precedent has been set. May it now be inferred that surveys of contested seabed areas can be carried out without the rights of claimants being hurt? What would be the position in the Aegean of a seismic vessel other than Greek or Turk?

Outcome of the present decision could be that survey vessels of contesting coastal states could complete search programs before negotiations about sharing contested areas were started. The side with the best survey would then lay claim to the best acreage.

Law of the Sea conference step in