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Law of the Sea Country Study

Morocco

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FOREWORD

The Law of the Sea Country Studies are prepared to support the NSC Interagency Task Force on the Law of the Sea. The countries to be included in the series are selected on the basis of priorities suggested by the chairman of the Task Force.

Each study has two parts. Part I is an analysis of the primary geographic, economic, and political factors that might influence the country's law of the sea policy, the public and private expressions of that policy, [REDACTED] involved. Part II provides basic data and information bearing on law of the sea matters.

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This study was prepared by the Office of Geographic and Cartographic Research. [REDACTED] was provided by the Central Reference Service. The study was coordinated within the Directorate of Intelligence and with the Department of State. Comments and questions may be directed to the LOS Country Studies Working Group, Code 143, Extension 2257.

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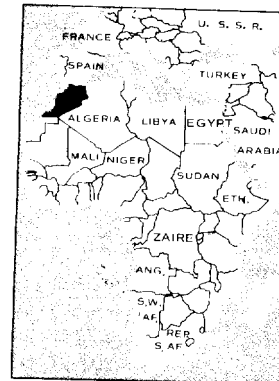
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Part I - Law of the Sea Analysis

A. SUMMARY

In the aftermath of the 1974 Caracas Law of the Sea (LOS) Conference Morocco appears to retain considerable flexibility in its LOS policies as it seeks to evaluate conflicting influences in terms of various national interests. Circumstances contributing to the complexity and importance of Morocco's ultimate decisions include such factors as its geographic location on the vital Strait of Gibraltar, its desire to maintain good relations with fellow Arab states and other African neighbors, its traditional friendship with the United States, and its hopes to attract foreign aid for economic development. Following a policy of nonalignment, Morocco in recent years has accepted limited assistance from various Communist nations in order to diversify its sources of economic, technical, and military aid -- the United States and France being the principal Western suppliers.



As late as 1973 Morocco was pessimistic about chances for a successful LOS treaty, and its own views reflected considerable confusion and uncertainty. Morocco's thinking has sharpened considerably, however, and it now exhibits a strong interest in a successful outcome of the LOS undertaking. A tendency remains among Moroccan officials to blame lack of progress on the large powers, who are accused of pushing their strategic objectives while ignoring the needs of developing countries.

Morocco's relationship with Spain is particularly important in the LOS context. Morocco shares with Spain strategic interest in the Strait of Gibraltar, and it publicly endorses Spain's support for the principle of innocent passage to apply to straits transit. At the same time, Morocco has shown some willingness to moderate its LOS positions that are not in harmony with U.S. views. Moreover, resentment over vestiges of Spanish colonialism -- two small enclaves on Morocco's northern coast and the large territory of Spanish Sahara to the south which Morocco also claims -- could possibly provide some motivation for Morocco to alter its views on straits transit.

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The related LOS issues of fisheries and the economic zone are also of major interest to Morocco. One of the world's richest fisheries is located off Morocco's Atlantic coast. After a long period of neglect, Morocco is now taking steps to expand its fishing industry and to modernize its antiquated fishing fleet. In 1973 Morocco took unilateral action to gain control over foreign-flag fishing in its coastal waters by extending its exclusive fishing zone to 70 miles.* Provision was made for continued foreign fishing in this zone under bilateral arrangements; a move designed to acquire outside capital for development. Although it has had some success with this approach, Morocco has found it difficult to enforce its fishing regulations because of limited patrol resources. For this and other reasons, Morocco supports the concept of an economic zone of no more than 200 miles in which the coastal state would have exclusive rights to exploit both living and nonliving resources. Although Morocco subscribes to the principle of full utilization of fishing resources, it feels that this should be accomplished only on the basis of bilateral or regional arrangements entered into by the coastal state. Morocco also feels that the coastal state should control and regulate pollution and scientific research in the economic zone.

Morocco wants the international Authority for the deep seabed to have broad powers, including that of direct exploitation. It believes that a balance of control in the Authority's organizational structure will be necessary to prevent domination by the advanced nations. On the other hand, Morocco realizes the importance of maintaining a profit motive and feels that provision for compulsory dispute settlement is essential to protect the interests of the technologically advanced countries. Reflecting its concern over possible adverse economic effects on its own mineral production, Morocco argues for tight control over deep seabed mining from the outset and for close coordination with land-based production.

B. FACTORS INFLUENCING LOS POLICY

Special Geographic Features

Morocco is a maritime and continental country with access both to the Atlantic Ocean and the Mediterranean Sea. Located in the extreme northwestern part of Africa at a crossroad of sea and air communications, Morocco occupies the southern flank of the vital Strait of Gibraltar. Morocco's long coastline includes about

* Distances and areas throughout this study are in nautical miles unless specified otherwise.

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800 statute miles on the Atlantic and about 300 statute miles bordering the Mediterranean. Morocco lies adjacent to one of the world's richest oceanic fishing grounds. Its continental margin extends well beyond 200 miles in the Atlantic region, but its continental shelf overall is narrow, averaging only about 30 miles.

Uses of the Sea

Mineral Resources -- Morocco has no known offshore petroleum or natural gas resources, although geological studies indicate considerable promise. Several international oil companies, including U.S. firms, hold offshore concessions; and exploratory drilling has taken place along much of the coastline. Oil traces have been found in several of the offshore test wells, but nothing of a commercial nature as yet. The recent high cost of oil has given new impetus to the exploration efforts that are being encouraged by the Moroccan Government under its five-year development plan.

Besides being the world's leading exporter of phosphates, Morocco is also a land producer of significant amounts of manganese and cobalt -- minerals also contained in the nodules found in the deep seabed area. In 1973 Morocco produced 146,000 metric tons of manganese and 1,200 metric tons of cobalt.

Living Resources -- The fishing grounds lying off Morocco's Atlantic coast are one of the world's richest. Such commercial species as sardine, hake, and sea bream are particularly plentiful. Even though the fishing fleet is antiquated and possesses no distant-water capability, regionally Morocco is third in landings behind South Africa and Angola. Fish products represent about 8% of the total value of Morocco's exports; the sardine is the most important species, accounting for about 40% of the gross value of the total catch.

Although the industry could best be described as stagnant only a few years ago, the government has taken steps recently to stimulate its growth. In 1969 a National Fishery Office was created and charged with drawing up a long-range expansion program to cover all aspects of the industry. Concurrent efforts to bring in foreign investments in the industry were given a boost in March 1973 when Morocco extended its exclusive fishing zone to 70 miles, while making allowance for the operation therein of joint companies. Morocco has provided guarantees to protect foreign investments and has made provisions for profit withdrawal. Bilateral fishing arrangements have been concluded,

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or are being negotiated, with several nations, including the United States, Canada, the U.S.S.R., Japan, Spain, France, Belgium, South Korea, and Kuwait.

With the gradual acquisition of modern fishing vessels and processing plants through its own efforts and by means of joint ventures, Morocco's fish production is increasing; and there is tremendous potential for further growth. At present, however, most of the approximately 3,600 units comprising the commercial fishing fleet are small wooden craft of less than two tons; only about 15% of the total number is motorized. The greater part of the fish catch is by some 320 purse seiners and 120 trawlers. Plans call for increasing the number of these larger craft and also for the acquisition of some distant-water trawlers and refrigerator ships. The main fishing effort takes place from Atlantic coast ports, principally Agadir, Safi, Essaouira, and Casablanca.

Deep Seabed Capabilities and Interests -- Morocco has no capability as regards exploitation of deep seabed resources. Although it supports the concept of an international regime to undertake such exploitation, Morocco is concerned about the possible economic consequences of deep seabed mining on its own production of cobalt and manganese.

Marine Transportation -- Morocco's merchant fleet carries only a small portion of the country's total volume of international seaborne trade. Most of the seaborne exports and imports are transported by foreign shipping largely under Moroccan charter. As of 1974 the merchant fleet consisted of 15 ships of 1,000 gross register tons (GRT) and over, totaling some 41,600 GRT. Morocco's merchant fleet is employed in both scheduled and tramp service in the general areas of the east and west coasts of Africa, Mediterranean Sea, Western Europe, Baltic, east coast of Canada, east coast of South America, south and east coasts of Asia, and Australia.

Morocco has 8 major and 11 minor ports. The largest, Casablanca, and four of the other major ports -- Agadir, Safi, Mohammedia, and Kenitra -- are on the Atlantic coast; another major port, Tangier, is on the Strait of Gibraltar; and the remaining two major ports, Ceuta and Melilla, are on the Mediterranean and are under Spanish control. Port development has been difficult because of the regularity of the coastline; in almost all instances costly breakwaters have been needed to provide adequate shelter.

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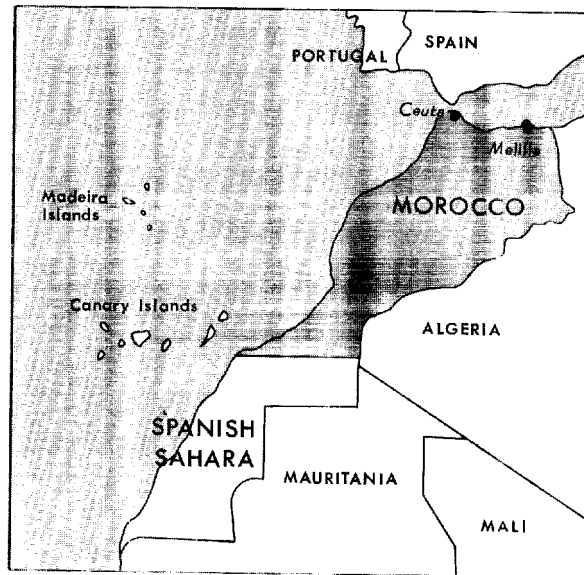
Naval and Air Transportation Considerations -- Morocco's naval and air forces are small and underdeveloped and have virtually no combat capabilities. The Royal Moroccan Navy is a coast guard-type organization whose mission is to protect the national coastline and territorial waters, prevent illegal entry and smuggling by sea, and enforce maritime and fishing regulations. The navy is totally dependent on foreign assistance (principally French) for ships and associated equipment and for officer and technical training. As of 1974 the navy had some 1,300 personnel and 17 ships (15 patrol, 1 amphibious, and 1 service); the air force comprised about 3,100 men and 136 aircraft, including 49 jets. Morocco's principal scheduled airline, Royal Air Maroc, flies to over twenty cities in Europe and northwest Africa. Domestic flights are handled largely by another company, Royal Air Inter. Approximately 145 civil aircraft are registered in Morocco; many are small planes operated by various governmental agencies, businesses, and private individuals.

Political and Other Factors

Although officially pursuing a policy of nonalignment since independence in 1956, Morocco has maintained close ties with Western countries, particularly the United States and France, its major sources of economic, technical, and military aid. In recent years, however, Morocco's autocratic ruler, King Hassan, has acted to reduce this dependency by accepting limited assistance from various Communist nations -- despite his awareness of Soviet aspirations in the Mediterranean region. Another of Morocco's aims has been to improve relations with its Arab neighbors and with other African countries; in 1972 and 1973 Morocco hosted Organization of African Unity (OAU) and Arab summit meetings, respectively. As regards the Arab-Israeli conflict, Morocco has followed a generally moderate line.

Morocco's relations with Spain are of special importance in the LOS context. Morocco shares with Spain strategic interest in the Strait of Gibraltar, and Spain's strong views on the concept of innocent passage in straits have had a bearing on Moroccan thinking. At the same time, Moroccan resentment over vestiges of Spanish colonialism -- the small enclaves of Ceuta and Melilla on the northern coast and the large territory of Spanish Sahara to the south* which Morocco also claims -- could possibly provide some motivation for Morocco to alter its

* See map on following page.



present stand on innocent passage. This was hinted at by a Moroccan official in discussions with U.S. officials some months after the 1974 Caracas LOS Conference. Moreover, a few years ago, a Moroccan cabinet officer explained that Morocco's support for Spain's claim to Gibraltar had the ulterior motive of undermining the rationale for continued Spanish presence in Ceuta and Melilla.

Another factor affecting the final shaping of Morocco's LOS stands is Moroccan resentment over past maritime policies of the advanced nations and suspicion concerning their present intentions. There is a strong tendency on the part of Moroccan LOS officials to accuse the big powers of pushing their strategic maritime and overflight objectives at the cost of ignoring the aspirations and needs of the developing countries. In general, these officials tend to blame the slow progress in the LOS Conference to date on the rigidity of the established powers against modifications in existing maritime doctrine.

Morocco's interest in attracting foreign investment in the development of industry and mining is another important consideration in its approach to various LOS issues. It has also expressed strong support for the transfer of marine technology from the advanced nations to the developing countries.

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C. LAW OF THE SEA POLICYTerritorial Sea

Morocco favors a maximum 12-mile territorial sea, the same limit it supported at the 1958 Geneva Convention. Its own territorial sea claim was officially set at 12 miles by the March 1973 Decree that extended Morocco's fishery jurisdiction to 70 miles. Since 1962 Morocco had claimed a 12-mile exclusive fishing zone except in the Strait of Gibraltar where the zone was only 6 miles, subject to reciprocal rights with Spain. In addition, a 1969 fishing convention with Spain (abrogated in 1972) had allowed nationals of each country to fish in the other's territorial waters -- defined for the purpose of that convention as extending to 12 miles. The March 1973 Decree clarified Morocco's territorial sea claim and ended alarm abroad that had been generated by Moroccan officials' imprecise statements indicating an intent to declare a 70-mile "territorial sea." Morocco also claims a 20-mile customs zone.

Straits

The strategic location of Morocco on the southern flank of the Strait of Gibraltar makes the government's attitude on the issue of straits transit especially important. Morocco's public stance thus far has consistently mirrored Spain's advocacy of the principle of innocent passage, but privately there have been indications of more flexibility than meets the eye. The evolution of Morocco's stand on the straits issue is interesting. In 1971, before Morocco seriously began to formulate its LOS positions, King Hassan told U.S. officials that he subscribed to the principle of free transit in straits. There is considerable question, however, whether he or other Moroccan officials who spoke in a similar vein really understood all of the implications involved. This view is supported by Moroccan statements made at the time that such "friends" as the United States need not worry in any case because bilateral arrangements could easily be reached. By 1972 Moroccan officials at all levels began to exhibit a negative attitude toward free transit. Then Foreign Minister Filali expressed the thought that free passage through straits was a carryover from the time when major powers roamed the globe at will. That time had passed, he asserted, and there was now a requirement for the full exercise of the rights of coastal and straits states. He said that such nations, for

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example, should have the right to decide against submerged passage of submarines through their bordering waters and, in any event, should be consulted about such passage. In the case of the Strait of Gibraltar, Filali thought that it would be easy under the doctrine of innocent passage for Morocco to work out transit arrangements with Spain that would meet U.S. objectives.

In March 1973 Morocco joined with Spain and several other countries in the UN Seabed Committee in sponsoring draft articles upholding the application of innocent passage in straits (see Annex). The same 1973 Moroccan decree that extended Morocco's fishing jurisdiction to 70 miles also included a reference to the right of transit and overflight of Moroccan territorial waters (12 miles) in accordance with conditions stipulated in international conventions, to which Morocco was a party, and "conforming to the principle of innocent passage as recognized and defined by international law." Soon after the decree's promulgation, then Foreign Minister Benhima told a U.S. official that Morocco's position on straits transit was still not "firm." He discounted the decree's reference to innocent passage, asserting that the language used in reference to the Strait of Gibraltar had no "legislative authority." Once again, he raised the possibility of Morocco making bilateral arrangements with friendly nations concerning passage through Gibraltar. He said that in any event it was in Morocco's interest that the Mediterranean Sea be frequented waters.

At the 1974 Caracas session of the Third LOS Conference, Morocco, as a member of the OAU, expressed its support of that organization's endorsement of the principle of innocent passage in straits used for international navigation. Referring to innocent passage as the traditional basis for navigation in territorial waters, the Moroccan representative said that the principle had worked eminently well and had passed the test of time. He saw no reason, therefore, to change to some other concept, particularly at a time when maritime traffic had increased and the risks of accidents had become greater. Speaking privately with U.S. officials, the leader of the Moroccan delegation, Gharbi, elaborated on the reasons for Morocco's stand on straits. He said that it was essential to recognize that Morocco's position was the result of the political realities of the country's relations with its neighbors and friends, particularly the Arab world. At the same time, Gharbi

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broached the matter of Moroccan resentment over the two Spanish enclaves of Ceuta and Melilla on Morocco's northern coast. The territorial issue is complex and in the nature of a double-edged sword. On the one hand, Morocco has been supporting Spain's straits position and territorial claims to Gibraltar in order to gain leverage for its own position on Ceuta and Melilla. On the other hand, a few months after the 1974 Caracas session of the LOS Conference, a Moroccan official privately hinted that Morocco could be accommodating to U.S. straits interests if the United States threw its weight behind Morocco's efforts to remove Spanish colonialism from Africa, including the large territory of Spanish Sahara, which is also claimed by Morocco. The U.S. Embassy evaluates this gambit as a trial balloon and not necessarily an indication of a definitive policy change. Nevertheless, it adds a new dimension to Morocco's straits position.

Regime of Islands

Although Morocco has not commented extensively on the issue of islands, it did join with several other countries in sponsoring at the 1974 Caracas Conference draft articles on the regime of islands (see Annex). The articles call for a comprehensive classification of world islands -- excepting insular and archipelagic states -- for the purpose of providing a scientific basis for assigning varying maritime spaces and other rights.

Coastal State Jurisdiction Beyond the Territorial Sea

Morocco favors an exclusive economic zone of no more than 200 miles. While subscribing to freedom of navigation and overflight in this zone, as well as the right to lay submarine cables and pipelines, Morocco feels that the coastal state should have the exclusive right to explore and exploit both the living and mineral resources. The coastal state should also have the right to control and regulate pollution and scientific research in the economic zone. At the same time, Morocco is prepared to enter into appropriate bilateral and regional arrangements for joint exploration and exploitation in the zone. Morocco's views on these matters are detailed in draft articles of 26 August 1974 that it cosponsored at the Caracas Conference (see Annex). These articles also note the right of landlocked or otherwise geographically disadvantaged states to exploit the living resources of the economic zones

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of neighboring coastal states. Bilateral, subregional, or regional arrangements are to be reached spelling out such rights as well as accompanying obligations of the disadvantaged states.

Morocco is not keen on the issue of revenue sharing from offshore oil wells in the economic zone. Although Morocco as yet has no producing offshore wells, intensive exploration efforts are underway and preliminary findings are promising. In November 1974 Morocco's LOS expert Gharbi confided to U.S. officials that Morocco would only agree to such revenue sharing as a last resort if this seemed necessary to the conclusion of an LOS Treaty.

Fisheries

After a long period of neglect, the Moroccan Government has embarked on an apparently serious effort to upgrade its fishing industry and increase production. This desire and the growing frustration over its inability to control intensive fishing off its Atlantic coast by foreign-flag vessels led Morocco in March 1973 to extend its exclusive fishing zone from 12 to 70 miles, except in the Strait of Gibraltar and in the Mediterranean Sea where the zone was set at the equidistant line between the Moroccan and Spanish coast. Morocco previously had sought to gain the cooperation of the foreign states involved to prevent overfishing of its coastal species, particularly sardine, but acted unilaterally when its efforts were unsuccessful. At the time, Moroccan officials defended the action on economic grounds and said that Morocco was influenced by similar steps taken earlier by Peru and other states.

Under the 1973 law, fishing in the first 12 miles off the coast is reserved exclusively for Moroccan vessels; foreign-flag vessels may fish in the outer 58 miles of the 70-mile zone provided a government-to-government agreement exists. The 1973 law also designated Morocco's territorial sea limit as 12 miles. In the context of Morocco's economic motives, this was important because earlier bilateral arrangements had given Spanish ships special rights to fish within that distance of the Moroccan coast. Specifically, a 1969 agreement with Spain (abrogated in December 1972) had been along such lines. Furthermore, Spanish fishermen over the centuries had been granted permission for close-in fishing by various Moroccan sultans. An additional factor that motivated Morocco to unilaterally extend its fishing zone in 1973 was a belief that the LOS negotiations "were going nowhere."

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Spain was particularly upset by Morocco's action. There followed months of inconclusive talks between the two countries on a new fishing agreement, accompanied by Spanish press tirades and some mutterings of possible military action directed at Morocco. The normally cordial relationship between the two countries was further strained during this interval by stepped-up seizures of Spanish fishing boats in the affected zone by Moroccan patrol craft. Cooler heads prevailed, and in December 1973 a settlement was reached between Spanish and Moroccan commercial interests. It was agreed that an existing joint Moroccan-Spanish fishing company called Maro-peche was to license up to 200 Spanish vessels to fish in the outer 58 miles of Morocco's fishing zone. Official notes were exchanged between Morocco and Spain on 2 January 1974. Since then the fishing controversy has subsided publicly, but irregularities have continued. Many Spanish boats still fish illegally, protected by [REDACTED] the fact that Morocco's few patrol craft are inadequate to police the long coastline. As a matter of principle, Spain officially does not recognize Morocco's exclusive fishing zone.

Despite the difficulty in enforcing its fishing regulations, the extension of the exclusive fishing zone to 70 miles apparently has been a factor in subsequent larger catches by Morocco; fish landings in 1973 were up 30% from the previous year. Studies made by Morocco prior to the extension of its fishing zone had revealed that 70% of the total catch from Moroccan offshore waters was by foreign-flag vessels. In addition to feeling confident that the joint venture approach with Spain and other countries will increase its production and help prevent overfishing, Morocco also sees this as a means to acquire foreign capital participation in the expansion of its fishing industry. In 1973 a Foreign Ministry official told the U.S. Embassy that Morocco welcomed assistance from all sources for development of its fishery resources but did not wish to become overly dependent on any one source of economic aid or investment. Bilateral fishing arrangements have now been concluded or are being negotiated with several nations, including the United States, Canada, the U.S.S.R., Japan, Spain, France, Belgium, South Korea, and Kuwait.

At the 1974 Caracas Conference, Morocco took pains to declare that its exclusive fishing zone was without prejudice to the principle of international cooperation. Moroccan representatives explained that their government permitted foreign ships to fish in Moroccan waters on reasonable terms, either by special arrangement or by association in mixed companies. It was also emphasized that while Morocco accepted the principle of full

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utilization of a nation's fishing resources, Morocco strongly opposed any concept of de jure fishing rights by foreign states to achieve that end. The government insists that coastal states should have the right to say who may fish in their economic zone and on what terms. Full utilization should be based on bilateral or regional arrangements entered into by the coastal states. Morocco, however, supports the OAU position that landlocked states should have preferential fishing rights in the economic zones of neighboring states. With respect to highly migratory species, Morocco agrees with the necessity of setting up an international regulatory organization. Morocco also shares the views of the United States on the question of anadromous species.

Deep Seabed

Morocco believes that the proposed international Authority for the deep seabed should have broad powers, including that of direct exploitation. The Authority should have financial autonomy and wide representation. To preclude domination by the developed countries, Morocco believes that it will be necessary to establish a balance of control in the executive organ of the Authority between the technologically advanced nations, developing countries, and Socialist states. On the other hand, Morocco feels that the interests of the advanced nations can also be protected by explicitly stating in the treaty the powers of the Authority and by including provisions for compulsory dispute settlement. In a discussion with U.S. officials some months after the 1974 Caracas Conference, the head of the Moroccan LOS delegation stated that he realized that the profit motive must be maintained while providing a framework for the first supranational entity.

In any event, Morocco sees it as the responsibility of the international Authority to ensure that the increasing search in the sea for needed resources is conducted in an orderly and equitable fashion, with special consideration given to the interests of the poorer countries. The proposed machinery must help eliminate the growing gap between the developed and developing countries. Toward this end, Morocco cosponsored draft articles at the 1974 Caracas Conference calling for the transfer of marine technology from advanced nations to the developing countries under the auspices of the international Authority (see Annex).

Pending completion of a treaty, Morocco favors a moratorium on both private and national exploitation activities in the deep seabed area. Aside from ideological considerations this stand ties in with Morocco's concern over adverse economic

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effects that deep seabed mining might have on mineral-producing developing countries. In its own case, Morocco is thinking about cobalt and manganese production. The Moroccan delegation at the 1974 Caracas Conference took note of the reassuring statements that the economic consequences on the earnings of the developing countries would be minimal because of projected increases in world demand but, nevertheless, felt that it was only prudent to take precautions for the future. Accordingly, Morocco believes that it is imperative that seabed development be tightly controlled from the outset. It expressed its readiness at Caracas, however, to collaborate in devising a method that would accommodate the legitimate interests of both consuming and producing nations. Morocco feels that answers must be found to the questions of appropriate regulations to be imposed on seabed exploitation as well as the extent of the powers of the international Authority, since the institutional and regulatory aspects are closely linked. Morocco suggests that the Authority should provide for a committee to be in charge of planning and stabilizing prices and having the following powers: to plan nodule exploitation in accordance with forecasts of land-based production; to distribute quotas among the companies with which the Authority has service contracts; to establish buffer stocks where necessary; and to modify unilaterally service contracts, with indemnification provided under the supervision of a tribunal.

Pollution

Morocco feels that its geographical location at the heavily traveled gateway to the Mediterranean Sea makes it particularly vulnerable to marine pollution. At the 1974 Caracas Conference, the Moroccan delegation noted that some countries had already adopted unilateral measures to protect their coasts because existing international conventions were insufficient. Morocco spoke in support of the right of coastal states to police their own shores and to establish their own pollution standards until such time as a competent international organization is established to end the existing "anarchic" situation. The delegation did not elaborate on the nature of such an organization. In a discussion with U.S. officials in November 1974, Morocco's LOS expert, Gharbi, said that coastal states had to have some means of protecting themselves against pollution in the economic zone. He was emphatic, however, in stating that Morocco had no intention of interfering with the freedom of navigation, the laying of submarine cables, or other traditional high seas freedoms in the economic zone.

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Research

Morocco believes that a coastal state should have the right to control all scientific research conducted within the economic zone. Its 1973 decree, which extended Morocco's exclusive fishing zone to 70 miles, stipulates that governmental approval is required for all foreign scientific research or exploration within that zone. Morocco also feels that it is incumbent upon the developed nations to help promote the scientific and technological capacity of developing countries as regards marine resources. Toward this end, Morocco joined several other countries in sponsoring at the 1974 Caracas Conference draft articles on the development and transfer of technology (see Annex).

D. KEY POLICY MAKERS, LOS NEGOTIATORS AND ADVISERS

Morocco theoretically is a constitutional monarchy with a modern administrative apparatus, but King Hassan II still rules in the style of a traditional potentate and enjoys sweeping executive powers. The King makes all important decisions and takes part in many routine matters as well. As a result, officials at all levels are loath to take the initiative on even elementary matters, and programs that do not capture royal attention usually languish or receive only scant consideration by the bureaucracy. Moreover, in addition to the regular cabinet appointed by the King and comprising mainly technicians, there is a so-called Royal Cabinet consisting of trusted advisers who provide the King with technical advice and evaluations of ministerial proposals. The lack of a clear distinction between the Royal Cabinet and the regular ministries is a major stumbling block to efficient governmental operations. These considerations help to explain the early uncertainty, confusion, and inexactitude that characterized Morocco's attitude toward the various LOS issues.

Morocco's position on LOS matters initially was developed by an interministerial committee composed of elements principally from the Ministry of Commerce, which is concerned with fishing and minerals policies. More recently there has been evidence of broader considerations represented by the Ministry of Foreign Affairs. Morocco's leading LOS expert is Mustapha el Gharbi, head of the Legal and Treaty Division of the Ministry of Foreign Affairs. Gharbi headed Morocco's delegation at the 1974 Caracas Conference and is expected to have the same function at the 1975 Geneva Conference. He is a senior official with considerable experience at inter-

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national conferences, speaks good English, and has been reasonably forthcoming with U.S. officials. Mohamed Taoufik Kabbaj, another Moroccan official versed in LOS affairs and presently Ambassador to Senegal, did not attend the Caracas session but may still retain an LOS advisory capacity. In addition, Morocco drew upon officials from a wide range of ministries and agencies, including Commerce, Justice, Finance, Education, and the Fisheries Office, to act as advisers at the 1974 Caracas Conference.

The following listing includes those Moroccan officials who attended the 1974 Caracas session of the Third LOS Conference, the organizational session of the Conference in New York in December 1973, and/or one or more of the preparatory sessions for the Conference.

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Name and Title	Seabed Committee Session						Third LOS Conf.	
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun-Aug 74
Mohamed BEN AOUDA			X					
Mohamed AL-ARBI Charge d'Affaires a.i. Permanent Mission to the U.N.				X				
Ali BENBOUCHTA Secretary of Foreign Affairs Permanent Mission to the U.N.						X		
Mohamed BENNOUNA								X
Driss DAHAK Judge at the Court of Appeals								X
Layachi DAHMAN Director General of the National Office of Fishing				X				
Abdallah ELHONSALI Administrator of the Merchant Marine Chief of the Legal Service for the Management of the Merchant Marine				X				
*Mohamed Mustapha el GHARBI Chief of the Legal and Treaties Division Ministry of Foreign Affairs				X		X	X	X
Bouchaib HADDAOUI								X
Abdallah HONSALI Department of Merchant Marine and Maritime Fishing		X				X		
Taoufik KABBAJ Chief of Legal Service Ministry of Foreign Affairs	X	X						

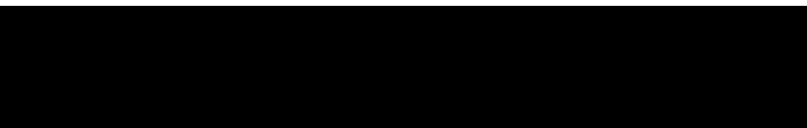
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Name and Title	Seabed Committee Session						Third LOS Conf.	
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun-Aug 74
*M'Hamed el KOHEN Plenipotentiary Minister to the Ministry of Foreign Affairs								X
Abdelkader LAHLOU Civil Administrator			X					X
Mr. MAHJOUBI	X							
Mr. MAJID Ministry of Commerce	X							
Mohamed MCHACHTI Assistant Director General of the National Office of Fishing			X	X		X		X
Noureddine SEFIANI Second Secretary Permanent Mission to the U.N.			X			X		
Mohammed TAZI Assistant Director General of the Merchant Marine								X
Mohamed Salah ZAIMI First Secretary Permanent Mission to the U.N.					X			
Mehdi Mrani ZENTAR Ambassador Extraordinary and Plenipotentiary Permanent Representative to the U.N.			X				X	

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Part II - Background Information

Geography

World region: Africa
Category: coastal
Bordering states: Algeria, Spanish Sahara
Bordering bodies of water: Mediterranean Sea, Atlantic Ocean,
Strait of Gibraltar
Bordering semienclosed sea: Mediterranean Sea
Bordering straits: Strait of Gibraltar (7.6 mi.)
Area of continental shelf: 18,100 sq. mi., shared with Spain
Area to 200 mi. limit: 81,100 sq. mi., shared with Spain
Area to edge of continental margin: 42,100 sq. mi.
Coastline: 1,140 statute mi.
Land: 158,100 sq. statute mi.
Population: 17,029,000

Industry and Trade

GNP: \$5 billion (1973 est.); \$310 per capita
Major sectors: mining and mineral processing (phosphates, smaller quantities of iron, manganese, lead, zinc, and other minerals), food processing, textiles, construction, and tourism
Exports: \$911 million (f.o.b., 1973); agricultural goods 56%, phosphates 23%, other 21%
Imports: \$1,015 million (f.o.b., 1973); food 24%, raw materials and semifinished goods 42%, equipment 20%, consumer goods 14%
Major trade partners: (1972) exports -- France 32%, West Germany 8%, Italy 8%, Benelux 7%, U.K. 2%; imports -- France 31%, U.S. 8%, West Germany 7%, Italy 6%
Merchant marine: 15 ships (1,000 GRT or over) totaling 41,600 GRT; includes 14 cargo, 1 specialized carrier

Marine Fisheries

Catch: 246,500 metric tons, valued at \$20,986,000 (1972)
Economic importance: nationally significant, comprises about 8% of the total value of exports
Ranking: third largest fish producer in Africa
Nature: coastal, predominantly in Atlantic Ocean
Species: sardine, tuna, squid, hake, sea bream
Marine fisheries techniques; primarily artisanal, limited modern

SECRET

Petroleum Resources

Petroleum: production -- 0.2 million 42-gal. bbl. onshore; proved recoverable reserves -- 1.2 million 42-gal. bbl. (0.2 million metric tons) onshore (1972)
Natural gas: production -- 2.2 billion cubic feet onshore; proved recoverable reserves -- 17 billion cubic feet (0.4 billion cubic meters) onshore (1972)

Navy

Ships: 17; includes 15 patrol, 1 amphibious, and 1 service craft

Government Leaders

Head of State: King Hassan II
Prime Minister: Ahmed Osman
Foreign Minister: Dr. Ahmed Laraki

Multilateral Conventions

International Convention for the Prevention of Pollution of the Sea by Oil, February 29, 1968
International Convention for the Safety of Life at Sea (SOLAS), November 28, 1962; 1966 Amendments to the Convention, June 28, 1968
Regulations for the Prevention of Collisions of Vessels at Sea, June 28, 1965
International Convention on Load Lines, January 19, 1968
International Convention for the Conservation of Atlantic Tunas, September 26, 1970
Agreement for the Establishment of a General Fisheries Council for the Mediterranean, September 17, 1956
Nuclear Test Ban Treaty, February 1, 1966
Seabed Arms Limitation Treaty, August 5, 1971
Inter-Governmental Maritime Consultative Organization Convention, July 30, 1962

Bilateral Conventions

Morocco-Spain. Fisheries Convention. Signed January 2, 1973.
Morocco-South Korea. Fisheries Convention. Signed June 15, 1974.
Morocco-France. Fisheries Convention. Signed January, 1973.
Morocco-U.S.S.R. Fisheries Convention. Signed June, 1973.

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Present Ocean Claims*

<u>Type</u>	<u>Date</u>	<u>Terms</u>	<u>Source, Notes</u>
Territorial Sea	1968	3 mi.	Reported
	1969	12 mi.	<i>Morocco/Spain Convention of Jan. 4, 1969, allows nationals to fish in Territorial Sea of other -- for that Convention defined as 12 mi.</i>
Continental Shelf	1958	Continental Convention Definition	Dahir No. 1-58-277 July 21, 1958
Exclusive Fishing	1919	6 mi.	
	1962	12/6 (Strait Gibraltar)	Dahir No 1-59-964 June 30, 1962
	1973	70 mi.	Dahir, Jan. 29, 1973 <i>Except for Strait of Gibraltar foreign ships between 12 and 70 if special arrangements exist.</i>
Customs		20 mi.	

* Principle Source: Limits of the Seas, National Claims to Maritime Jurisdictions, 2d Revision, State Dept./INR, April 1974

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Action on Significant UN Resolutions

- Moratorium Resolution
(A/RES/2574 D, XXIV, 12/15/69)
Pending establishment of international regime, States and persons are bound to refrain from exploiting resources of or laying claim to any part of the seabed and ocean floor beyond the limits of national jurisdiction.
- LOS Conference
(A/RES/2750 C, XXV, 12/17/70)
Convene in 1973 a Conference on Law of the Sea to deal with establishment of international regime for the seabed and ocean floor, and enlarge Seabed Committee by 44 members and instruct it to prepare for the conference draft treaty articles embodying international regime.
- LOS Conference, Timing and Site
(A/RES/3029 A, XXVII, 12/18/72)
- Indian Ocean as a Zone of Peace
(A/RES/2992, XXVII, 12/15/72)
Called upon littoral and hinterland states of Indian Ocean area, permanent members of the Security Council and other major maritime users of Indian Ocean to support concept that Indian Ocean should be zone of peace.
- Landlocked/Shelf-Locked Study Resolution
(A/RES/3029 B, XXVII, 12/18/72)
Called for study of extent and economic significance in terms of resources, of international area resulting from each proposal of limits of national jurisdiction presented to Seabed Committee.
- Peruvian Coastal State Study Resolution
(A/RES/3029 C, XXVII, 12/18/72)
Called for study of potential economic significance for riparian states, in terms of resources, of each of the proposals on limits of national jurisdiction presented to Seabed Committee.
- Permanent Sovereignty over Natural Resources
(A/RES/3016 XXVII, 12/18/72)
Reaffirmed right of states to permanent sovereignty over all their natural resources, wherever found.

SECRET

UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
LIMITED

A/AC.138/SC.II/L.18
27 March 1973

ORIGINAL: ENGLISH

COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND THE
LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE II

Cyprus, Greece, Indonesia, Malaysia, Morocco, Philippines, Spain and
Yemen: draft articles on navigation through the territorial sea
including straits used for international navigation

The question of navigation through the territorial sea including straits used for international navigation is one of the problems facing the Committee in its task to comply with the terms of General Assembly resolutions 2750 C (XXV) and 3029 A (XXVII).

The delegations co-sponsoring the present document wish to contribute to the progress of the Committee's work at this new and important stage of its proceedings and they consider that an appropriate means to achieve this aim is to submit draft articles on items 2.4 and 4.1 of the list of subjects and issues concerning navigation through the territorial sea and through straits used for international navigation, independently of the solutions that item 2.5 may receive in due course.

Although presented as separate articles, this draft is not intended to prejudge its eventual location within the convention or conventions which may be adopted by the future conference.

In drafting this document the following basic considerations have been taken into account:

(1) Navigation through the territorial sea and through straits used for international navigation should be dealt with as an entity since the straits in question are or form part of territorial seas.

(2) Regulation of navigation should establish a satisfactory balance between the particular interests of coastal States and the general interests of international maritime navigation. This is best achieved through the principle of innocent passage which is the basis of the traditional régime for navigation through the territorial sea.

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(3) The regulation should contribute both to the security of coastal States and to the safety of international maritime navigation. This can be achieved by the reasonable and adequate exercise by the coastal State of its right to regulate navigation through its territorial sea. Since the purpose of the regulation is not to prevent or hamper passage but to facilitate it without causing any adverse effects to the coastal State.

(4) The regulation should take due account of the economic realities and scientific and technological developments which have occurred in recent years; this requires the adoption of appropriate rules to regulate navigation of certain ships with "special characteristics".

(5) The regulation should, finally, meet the deficiencies of the 1958 Geneva Convention, especially those concerning the passage of warships through the territorial sea, including straits.

Section I. Rules applicable to all ships

Subsection A. Right of innocent passage

Article 1

Subject to the provisions of these articles, ships of all States, whether coastal or not, shall enjoy the right of innocent passage through the territorial sea.

Article 2

1. Passage means navigation through the territorial sea for the purpose either of traversing that sea without entering internal waters, or of proceeding to internal waters, or of making for the high seas from internal waters.

2. Passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by "force majeure" or by distress.

Article 3

1. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with these articles and with other rules of international law.

2. Passage shall be continuous and expeditious. Passing ships shall refrain from manoeuvring unnecessarily; hovering, or engaging in any activity other than mere passage.

3. Foreign ships exercising the right of innocent passage shall comply with the laws and regulations enacted by the coastal State in conformity with these articles and other rules of international law.

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4. Passage of foreign fishing vessels shall not be considered innocent if they do not observe such laws and regulations as the coastal State may make and publish in order to prevent these vessels from fishing in the territorial sea.

5. Submarines and other underwater vehicles are required to navigate on the surface and to show their flag.

Article 4

The coastal State must not hamper innocent passage through the territorial sea. In particular, it shall not impede the innocent passage of a foreign ship flying the flag of a particular State or carrying goods owned by a particular State, proceeding from the territory of or consigned to such a State.

Article 5

1. The coastal State may take the necessary steps in its territorial sea to prevent passage which is not innocent.

2. In the case of ships proceeding to internal waters, the coastal State shall also have the right to take the necessary steps to prevent any breach of the conditions to which admission of those ships to those waters is subject.

3. Subject to the provisions of paragraph 4, the coastal State may, without discrimination amongst foreign ships, suspend temporarily and in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security. Such suspension shall take effect only after having been duly published.

4. Subject to the provisions of articles 8, 22, paragraph 3 and 23, there shall be no suspension of the innocent passage of foreign ships through straits used for international navigation which form part of the territorial sea.

Subsection B. Regulation of passage

Article 6

The coastal State may enact regulations relating to navigation in its territorial sea. Such regulations may relate, inter alia, to the following:

(a) Maritime safety and traffic and, in particular, the establishment of sea lanes and traffic separation schemes;

(b) Installation and utilization of facilities and systems of aids to navigation and the protection thereof;

(c) Installation and utilization of facilities to explore and exploit marine resources and the protection thereof;

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- (d) Maritime transport;
- (e) Passage of ships with special characteristics;
- (f) Preservation of marine and coastal environment and prevention of all forms of pollution.
- (g) Research of the marine environment.

Article 7

In exercising the right of innocent passage through the territorial sea, foreign ships will not be allowed to perform activities such as

- (a) Engaging in any act of espionage or collecting of information affecting the security of the coastal State;
- (b) Engaging in any act of propaganda against the coastal State or of interference with its systems of communications;
- (c) Embarking or disembarking troops, crew members, frogmen or any other person or device without the authorization of the coastal State;
- (d) Engaging in illicit trade;
- (e) Destroying or damaging submarine or aerial cables, tubes, pipe-lines or all forms of installations and constructions;
- (f) Exploring or exploiting marine and subsoil resources without the authorization of the coastal State.

Article 8

The coastal State may designate in its territorial sea sea lanes and traffic separation schemes, taking into account those recommended by competent international organizations, and prescribe the use of such sea lanes and traffic separation schemes as compulsory for passing ships.

Article 9

1. The coastal State is required to give appropriate publicity to any dangers of navigation, of which it has knowledge, within its territorial sea.
2. The coastal State is required to give appropriate publicity to the existence in its territorial sea of any facilities or systems of aid to navigation and of any facilities to explore and exploit marine resources which could be an obstacle to navigation, and to install in a permanent way the necessary marks to warn navigation of the existence of such facilities and systems.

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Article 10

The coastal State may require any foreign ship that does not comply with the provisions concerning regulation of passage to leave its territorial sea.

Section II. Rules applicable to certain types of ships

Subsection A. Merchant ships

Article 11

1. No charge may be levied upon foreign ships by reason only of their passage through the territorial sea.

2. Charges may be levied upon a foreign ship passing through the territorial sea as payment only for specific services. These charges shall be levied without discrimination.

3. The coastal State shall have the right to be compensated for works undertaken to facilitate passage.

Article 12

1. The criminal jurisdiction of the coastal State should not be exercised on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connexion with any crime committed on board the ship during its passage, save only in the following cases:

- (a) If the consequences of the crime extend to the coastal State; or
- (b) If the crime is of a kind to disturb the peace of the country of the good order of the territorial sea; or
- (c) If the assistance of the local authorities has been requested by the captain of the ship or by the consul of the country whose flag the ship flies; or
- (d) If it is necessary for the suppression of illicit traffic in narcotic drugs.

2. The above provisions do not affect the right of the coastal State to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial sea after leaving internal waters.

3. In the cases provided for in paragraphs 1 and 2 of this article, the coastal State shall, if the captain so requests, advise the consular authority of the country whose flag the ship flies, before taking any steps, and shall facilitate contact between such authority and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.

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4. In considering whether or how an arrest should be made, the local authorities shall pay due regard to the interests of navigation.

5. The coastal State may not take steps on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connexion with any crime committed before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through the territorial sea without entering internal waters.

Article 13

1. The coastal State should not stop or divert a foreign ship passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.

2. The coastal State may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the waters of the coastal State.

3. The provisions of the previous paragraph are without prejudice to the right of the coastal State, in accordance with its laws, to levy execution against or to arrest, for the purpose of any civil proceeding, a foreign ship lying in the territorial sea, or passing through the territorial sea after leaving internal waters.

Subsection B. Ships with special characteristics

Article 14

The coastal State may regulate the passage through its territorial sea of the following:

- (a) Nuclear-powered ships or ships carrying nuclear weapons;
- (b) Ships carrying nuclear substances or any other material which may endanger the coastal State or pollute seriously the marine environment;
- (c) Ships engaged in research of the marine environment.

Article 15

1. The coastal State may require prior notification to or authorization by its competent authorities for the passage through its territorial sea of foreign nuclear-powered ships or ships carrying nuclear weapons, in conformity with regulations in force in such a State.

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2. The provisions of paragraph 1 shall not prejudice any agreement to which the coastal State may be a party.

Article 16

The coastal State may require that the passage through its territorial sea of foreign ships carrying nuclear substances or any other material which may endanger the coastal State or pollute seriously the marine environment be conditional upon any or all of the following:

- (a) Prior notification to its competent authorities;
- (b) Coverage by an international insurance or guarantee certificate for damages that might be caused by such carriage;
- (c) Use of designated sea lanes.

Article 17

1. The coastal State may require prior notification to its competent authorities for the passage through its territorial sea of foreign ships engaged in research of the marine environment, in conformity with regulations in force in such a State.

2. During their passage through the territorial sea, foreign ships engaged in research of the marine environment will not be entitled to carry out any scientific research or hydrographic survey without the explicit authorization of the coastal State.

Article 18

In order to expedite passage the coastal State shall ensure that the procedure of notification referred to in different articles of this section shall not cause undue delay.

Subsection C. Government ships other than warships

Article 19

The rules contained in subsections A and B of this section shall also apply to government ships operated for commercial purposes.

Article 20

1. The rules contained in articles 11, 15, 16 (a) and (c), 17 and 18 of this convention shall apply to government ships operated for non-commercial purposes.

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2. With such exceptions as are contained in any of the provisions referred to in the preceding paragraphs, nothing in these articles affects the immunities which such ships enjoy under these articles or other rules of international law.

Subsection D. Warships

Article 21

The coastal State may require prior notification to or authorization by its competent authorities for the passage of foreign warships through its territorial sea, in conformity with regulations in force in such a State.

Article 22

1. Foreign warships exercising the right of innocent passage shall comply with the laws and regulations enacted by the coastal State in conformity with these articles and other rules of international law.
2. Foreign warships exercising the right of innocent passage shall not perform any activity which does not have a direct bearing with the passage, such as:
 - (a) Carrying out any exercise or practice with weapons of any kind;
 - (b) Assuming combat position by the crew;
 - (c) Flying their aircraft;
 - (d) Intimidation or displaying of force;
 - (e) Carrying out research operations of any kind.
3. Foreign warships exercising the right of innocent passage may be required to pass through certain sea lanes as may be designated for this purpose by the coastal State.

Article 23

If any warship does not comply with the regulations of the coastal State concerning passage through the territorial sea and disregards any request for compliance which is made to it, the coastal State may require the warship to leave the territorial sea.



UNITED NATIONS



**THIRD CONFERENCE
ON THE LAW OF THE SEA**

Distr.
LIMITED

A/CONF.62/C.3/L.12
22 August 1974

ORIGINAL: ENGLISH

THIRD COMMITTEE

Brazil, Ecuador, Egypt, Iran, Mexico, Morocco, Nigeria, Oman,
Pakistan, Peru, Senegal, Somalia, Sri Lanka, Trinidad and
Tobago, Tunisia, Uruguay, Venezuela and Yugoslavia: draft
articles on the development and transfer of technology

Article 1

1. All States shall actively promote the development of the scientific and technological capacity of developing States with regard to the exploration, exploitation, conservation and management of marine resources, the preservation of the marine environment and the legitimate uses of ocean space, with a view to accelerating their social and economic development.
2. To this end, States shall, inter alia, either directly or through appropriate international organizations:
 - (a) promote the acquisition, development and dissemination of marine scientific and technological knowledge;
 - (b) facilitate the transfer of technology, including know-how and patented and non-patented technology;
 - (c) promote the development of human resources and the training of personnel;
 - (d) facilitate access to scientific and technological information and data;
 - (e) promote international co-operation at all levels, particularly at the regional, subregional and bilateral levels.
3. In order to achieve the above-mentioned objectives and taking into account the interests, special needs and conditions of developing States, States shall inter alia:
 - (a) establish programmes of technical assistance for the effective transfer of all kinds of marine technology to developing States;
 - (b) conclude agreements, contracts and other similar arrangements, under equitable and reasonable conditions;
 - (c) hold conferences, meetings and seminars on appropriate scientific and technological subjects;

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- (d) promote the exchange of scientists, technologists and other experts;
- (e) undertake projects, including joint-ventures, mixed enterprises and other forms of bilateral and multilateral co-operation.

Article 2

1. All States are under a duty to co-operate actively with the "Authority" to encourage and facilitate the transfer of skills in marine scientific activities and related technology to developing States and their nationals.

Article 3

The "Authority" shall, within its competence, ensure:

- (1) that adequate provisions are made in its legal arrangements with juridical and natural persons engaged in marine scientific activities, the exploration of the international Area, the exploitation of its resources and related activities to take on under training as members of the managerial, scientific and technical staff constituted for these purposes, nationals of developing States whether coastal, land-locked or otherwise geographically disadvantaged, on an equitable geographical distribution.
- (2) that all blueprints and patents of the equipment, machinery, devices and processes used in the exploration of the international Area, the exploitation of its resources and related activities be made available to all developing States upon request.
- (3) that adequate provisions are made by it to facilitate the acquisition by any developing State, or its nationals, of the necessary skills and know-how including professional training in any undertaking by the Authority for exploration of the international Area, exploitation of its resources and related activities.
- (4) that a Special Fund is established to assist developing States in the acquisition of necessary equipment, processes, plant and other technical know-how required for the exploration and exploitation of their marine resources.

Article 4

- 1. States shall promote the establishment in developing States of regional marine scientific and technological research centres, in co-ordination with the Authority, international organizations and national marine scientific and technological institutions.
- 2. The functions of such Regional Scientific and Technological Research Centres shall include, inter alia:
 - (a) training and educational programmes at all levels on various aspects of marine scientific and technological research, particularly marine biology, including conservation and management of living resources, oceanography, hydrography, engineering, geology, sea-bed mining and desalination technologies;

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- (b) management studies;
- (c) study programmes related to the preservation of the marine environment and the control of pollution;
- (d) organization of regional seminars, conferences and symposia;
- (e) acquisition and processing of marine scientific and technological data and information, in order to serve as regional data centres;
- (f) prompt dissemination of results of marine scientific and technological research in readily available publications;
- (g) serving as a repository of marine technologies for the States of the region covering both patented and non-patented technologies and know-how; and
- (h) technical assistance to the countries of the region.



UNITED NATIONS



THIRD CONFERENCE ON THE LAW OF THE SEA



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27 August 1974
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SECOND COMMITTEE

Algeria, Dahomey, Guinea, Ivory Coast, Liberia, Madagascar, Mali,
Mauritania, Morocco, Sierra Leone, Sudan, Tunisia, Upper Volta
and Zambia: draft articles on item 19. Régime of islands

Article I

1. An island is a vast naturally formed area of land, surrounded by water, which is above water at high tide.
2. An islet is a smaller naturally formed area of land, surrounded by water, which is above water at high tide.
3. A rock is a naturally formed rocky elevation of ground, surrounded by water, which is above water at high tide.
4. A low-tide elevation is a naturally formed area of land which is surrounded by and above water at low tide but submerged at high tide.
5. An island, islet, rock or a low-tide elevation are considered as adjacent when they are situated in proximity of the coasts of the State to which they belong.
6. An island, islet, rock or a low-tide elevation are considered as non-adjacent when they are not situated in the proximity of the coasts of that State to which they belong.

Article II

1. The baselines applicable to adjacent islands, islets, rocks and low-tide elevations in accordance with article I, are considered as the baselines applicable to the State to which they belong and consequently are used in the measurement of the marine spaces of that State.
2. The marine spaces of islands considered non-adjacent, in accordance with paragraphs 1 and 6, shall be delimited on the basis of relevant factors taking into account equitable criteria.

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3. These equitable criteria should notably relate to:
 - the size of these naturally formed areas of land;
 - their geographical configuration and their geological and geomorphological structure;
 - the needs and interests of the population living thereon;
 - the living conditions which prevent a permanent settlement of population;
 - whether these islands are situated within, or in the proximity of, the marine space of another State;
 - whether, due to their situation far from the coast, they may influence the equity of the delimitation.
4. A State cannot claim jurisdiction over the marine space by virtue of the sovereignty or control which it exercises over an islet, rock or low-tide elevation as defined in paragraphs 2, 3, 4 and 6 of article I.
5. In accordance with paragraph 4 of this article, safety zones of reasonable breadth may nevertheless be established around such islets, rocks or low-tide elevations.

Article III

1. In accordance with the provisions of article I, paragraph 6, and article II, paragraphs 2 and 3, the delimitation of the marine spaces between adjacent and/or opposite States must be done, in the case of presence of islands, by agreement between them according to principles of equity, the median or equidistance line not being the only method of delimitation.
2. For this purpose, special account should be taken of geological and geomorphological criteria, as well as of all other special circumstances.

Article IV

1. The provisions of articles I and II shall not apply either to insular or to archipelagic States.
2. A coastal State cannot claim rights based on the concept of archipelago or archipelagic waters by reason of its exercise of sovereignty or control over a group of islands situated off its coasts.

Article V

Concerning islands under colonial domination, racist régime or foreign occupation, the rights to the maritime spaces and to the resources thereof belong to the inhabitants of those islands and must profit only their own development.

No colonial or foreign or racist Power which administers or occupies those islands shall exercise those rights, profit from them or in any way infringe upon them.



UNITED NATIONS



**THIRD CONFERENCE
ON THE LAW OF THE SEA**

SECOND COMMITTEE



Distr.
LIMITED

A/CONF.62/C.2/L.82
26 August 1974

ORIGINAL: ENGLISH

Ghana, Ivory Coast, Kenya, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Mali, Mauritania, Morocco, Senegal, Sierra Leone, Sudan, Swaziland, Tunisia, United Republic of Cameroon and United Republic of Tanzania: draft articles on the exclusive economic zone

Article I

A coastal State has the right to establish beyond its territorial sea an Exclusive Economic Zone which shall not exceed 200 nautical miles from the applicable baselines for measuring the territorial sea.

Article II

(1) In the Exclusive Economic Zone a coastal State shall have sovereignty over the living and non-living resources. It shall have sovereign rights for the purpose of regulation, control, exploration, exploitation, protection and preservation of all living and non-living resources therein.

(2) The resources referred to in (1) of this article, shall encompass the living and non-living resources of the water column, the sea-bed and the subsoil.

(3) Subject to article VI, no other State has the right to explore and exploit the resources therein without the consent or agreement of the coastal State.

Article III

A coastal State shall also have exclusive jurisdiction within the Exclusive Economic Zone, inter alia, for the purposes of:

- (a) Control, regulation and preservation of the marine environment including pollution control and abatement;
- (b) Control, authorization and regulation of scientific research;
- (c) Control and regulation of customs and fiscal matters related to economic activities in the zone.

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Article IV

A coastal State shall have the exclusive right to make and enforce regulations relating to, inter alia, the following:

- (a) The authorization and regulation of drilling for all purposes,
- (b) The construction, emplacement, operation and use of artificial islands and other installations;
- (c) Establishment and regulation of safety zones around such off-shore islands and installations;
- (d) The licensing of fishing vessels and gear;
- (e) Closed fishing seasons,
- (f) Types, sizes and amount of gear; and numbers, sizes and types of fishing vessels;
- (g) Quota and sizes of fish that may be caught;
- (h) The conduct of research, disposition of samples and reporting of associated scientific data.

Article V

- (1) In the Exclusive Economic Zone all States shall enjoy the freedom of navigation, overflight and laying of submarine cables and pipelines.
- (2) In the exercise of freedoms referred to in paragraph 1 of this article, States shall ensure that their activities in the Exclusive Economic Zone are carried out in such a manner as not to interfere with the rights and interests of the coastal State.

Article VI

- (1) Developing land-locked and other geographically disadvantaged States have the right to exploit the living resources of the Exclusive Economic Zones of neighbouring States and shall bear the corresponding obligations.
- (2) Nationals of land-locked and other geographically disadvantaged States shall enjoy the same rights and bear the same obligations as nationals of coastal States in the exploitation of the living resources of the Exclusive Economic Zone.
- (3) Bilateral, subregional or regional arrangements shall be worked out for the purposes of ensuring the enjoyment of the rights and the carrying out of the obligations referred to in paragraphs 1 and 2 of this article in full respect of the sovereignty of the States concerned.

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Article VII

States in a region may establish regional or subregional arrangements for the purposes of developing and managing the living resources, promoting scientific research, preventing and controlling pollution, and for the purpose of peaceful settlement of disputes.

Article VIII

(1) The delimitation of the Exclusive Economic Zone between adjacent or opposite States shall be done by agreements between them on the basis of principles of equity, the median line not being the only method of delimitation.

(2) For this purpose, special account shall be taken of geological and geomorphological factors as well as other special circumstances which prevail.

Article IX

Each State shall ensure that any exploration or exploitation activities within its Exclusive Economic Zone is carried out exclusively for peaceful purposes and in such a manner as not to interfere with the legitimate interest of other States in the region or those of the international community.

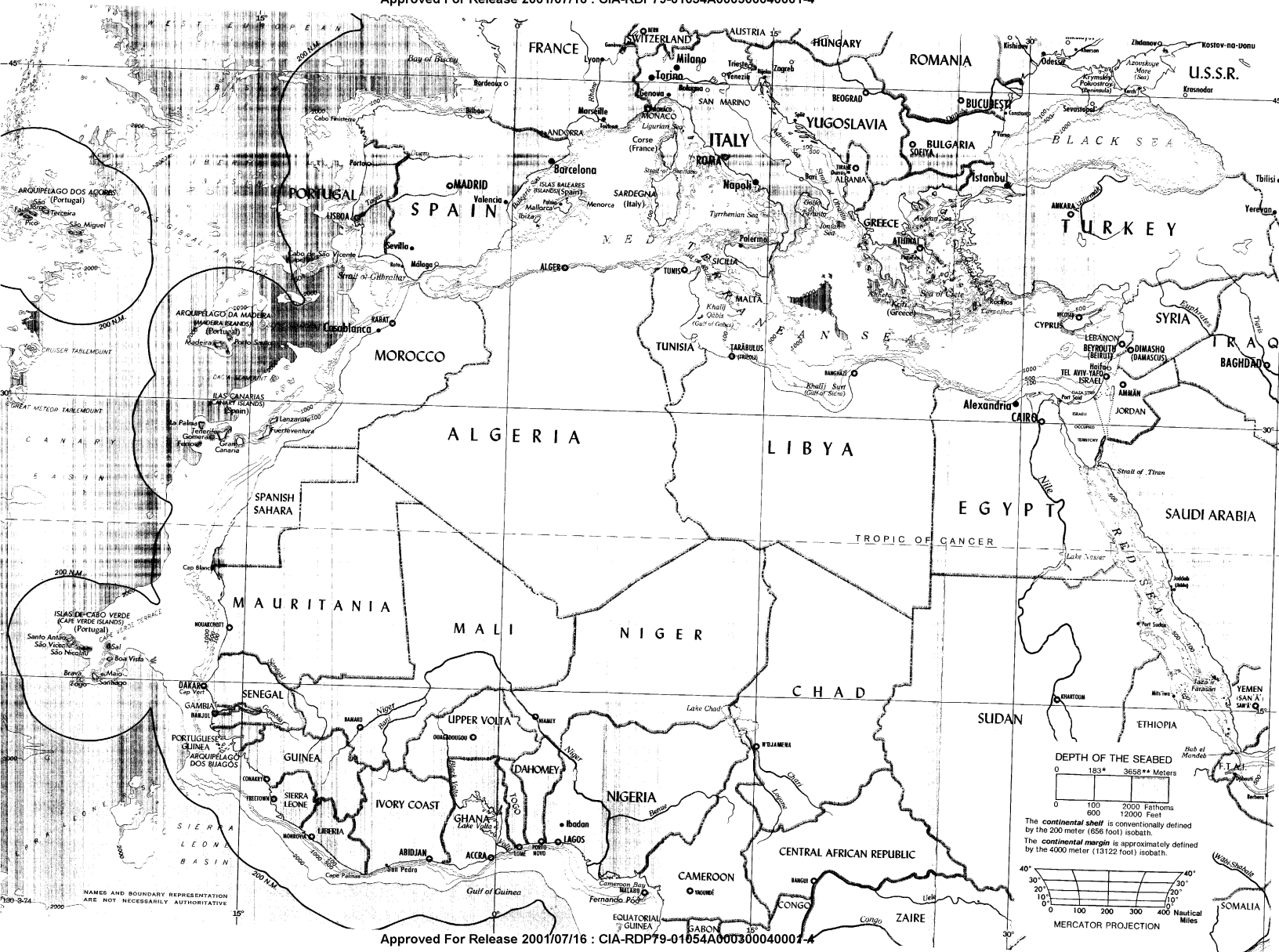
Article X

No State shall be entitled to construct, maintain, deploy or operate, in the Exclusive Economic Zone of another State, any military installation or device or any other installation or device for whatever purposes without the consent of the coastal State.

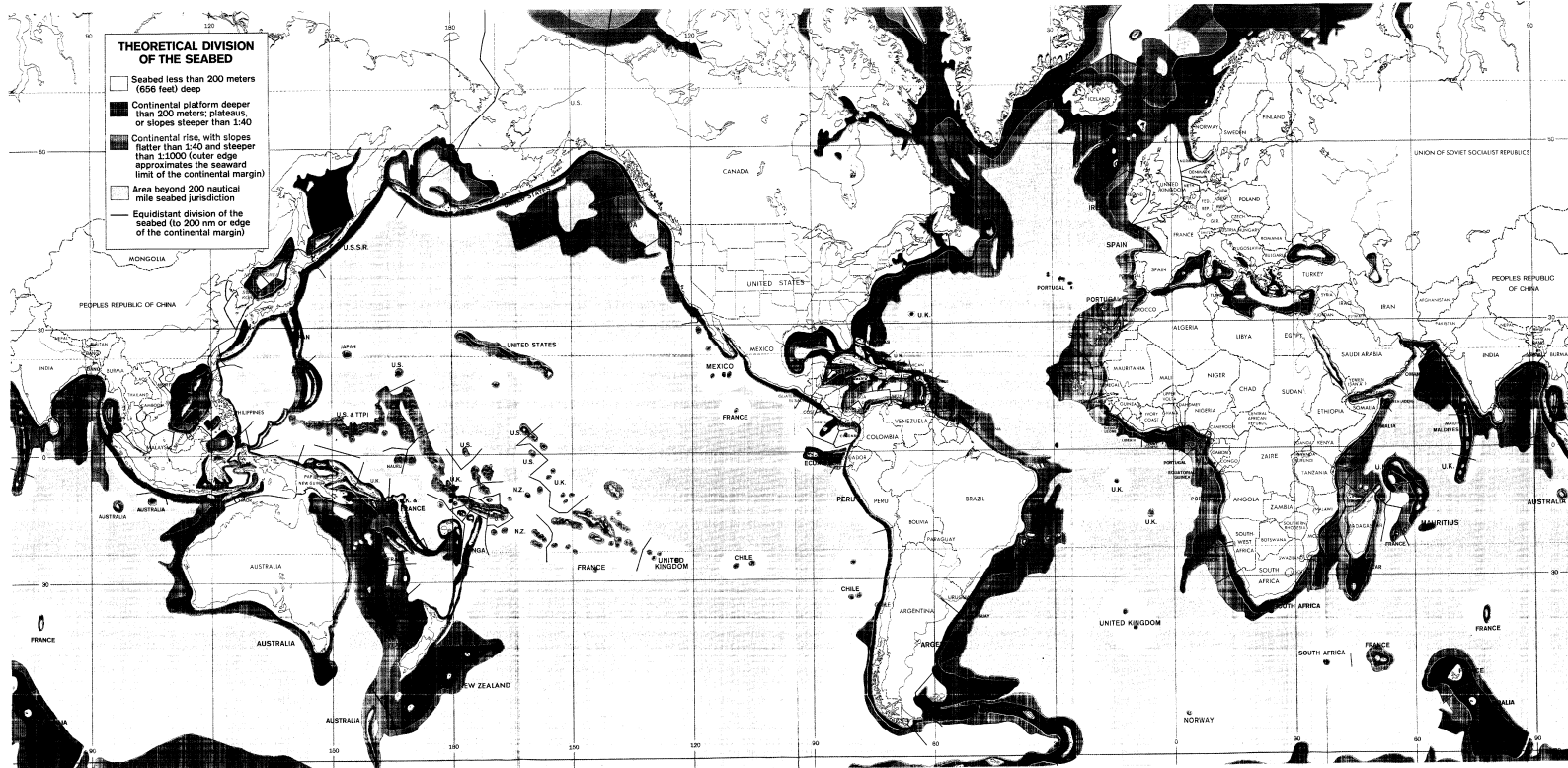
Article XI

In respect of a territory whose people have not achieved full independence or some other self-governing status recognized by the United Nations, the rights to the resources of its Exclusive Economic Zone belong to the people of that territory. These rights shall be exercised by such people for their benefits and in accordance with their needs and requirements. Such rights may not be assumed, exercised or benefited from or in any way be infringed upon by a foreign Power administering or occupying or purporting to administer or to occupy such territory.

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