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Worldwide Report

LAW OF THE SEA

(FOUO 5/80)

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WORLDWIDE REPORT
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WORLDWIDE AFFAIRS

BRIEFS

JAPANESE OPPOSITION TO U.S. BILL--Tokyo, June 16 (JIJI press)--The Agriculture, Forestry and Fisheries Ministry Wednesday decided to send Fishery Agency Director Nobuo Imamura to the United States next month in a bid to prevent congressional passage of a bill for phasing out foreign fishing vessels from that country's 200-mile fishery zone. The Merchant Marine and Fisheries Committee of the house unanimously approved the bill, proposed by Representative John B. Breaux (D-La.), last week. Japanese fishermen catch 1.2 million tons of fish a year in the waters. Therefore, the bill, if enacted, would deal them a serious blow. Imamura will appeal to government and congressional leaders to block the legislation. Director Hiroya Sano of the Fishery Agency's Oceanic Fisheries Department, who visited the U.S. for eight days from June 7, said he formed an impression that the bill may also be passed by the full house. However, there is also an optimistic view within the Fishery Agency that even if the bill clears the house, it would be rejected by the Senate, which is more moderate than the house, since the bill contradicts the internationally-accepted principle of allowing foreign countries to catch surplus fish resources within the 200-mile fishing zone. [Text] [OW181415 Tokyo JIJI in English 1357 GMT 18 Jun 80]

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INTER-ASIAN AFFAIRS

BRIEFS

JAPANESE LOAN TO INDIA--Tokyo, 7 Jun--Japan exchanged notes with India in New Delhi Saturday to supply a yen loan worth 8.6 billion yen (about \$34.4 million) to a project for developing an undersea oilfield off Bombay, it was announced here the same day. This is based on agreement reached at a meeting last year of India's creditor nations to cooperate in the project, which calls for starting to produce 9 million tons of oil a year by 1983. The credit is repayable over 30 years, including a 10-year grace period, at an annual interest of 2.75 percent. It is extended through the Overseas Economic Cooperation Fund under the "less developed country (LDC) untied" formula obligating the credit recipient to purchase necessary goods and services from developing countries. [Text] [Tokyo JIJI in English 1421 GMT 7 Jun 80 OW]

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JAPAN

'ASAHI' VIEWS LAW OF SEA CONFERENCE IN GENEVA

OW300845 Tokyo ASAHI EVENING NEWS in English 29 Jul 80 p 13

[ASAHI SHIMBUN 27 July Editorial: "The Law of the Sea Session"]

[Text] The ninth session of the 3d United Nations Conference on the Law of the Sea was resumed on July 28 in Geneva and will last for five weeks. The aim of this session is to draw up an official draft on the basis of the second revision of the unofficial draft of a Law of the Sea drawn up in the eighth session. These marathon negotiations, which have already gone on for seven years, are at last entering the final stages.

The Law of the Sea Treaty is likely to be enormous, with over 400 articles. Agreement has been reached on 99 percent of the points of issue. If agreement can be reached on the remaining one percent and if the official draft can be drawn up as scheduled during this session, the signing ceremony will be held in Caracas next year.

But the remaining one percent includes points on which agreement has not been reached despite a great deal of negotiation. All of them are very difficult problems. One of them, for instance, concerns the conduct of voting in meetings of directors of the International Seabed Authority, which will control the development of deep seabed resources. There has not been even the smallest hint that a compromise might be reached between the advanced countries, who are insisting that they should have a right of veto, and the developing countries, which are strongly opposed to this.

Resources producing countries and consuming countries are also at odds over limiting the exploitation of resources on the deep seabed. The problem of determining the boundaries between the areas in which neighboring countries have rights also remains unsolved. And there are differences over the conditions for the implementation of the treaty and an article concerning its revision.

But that is not all. A new factor appeared just before the resumption of the current session: at the end of June, the United States promulgated a domestic law which would allow it to go ahead with the exploitation of the deep seabed.

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The U.S. has always been impatient about the slow progress of the U.S. Conference on the Law of the Sea and there have been a number of moves, particularly in congress, aimed at promulgating a domestic law. The developing countries have reacted sharply, and last year they passed a resolution which said in effect that retaliation would be taken against countries which promulgate domestic laws of this kind.

The American law no longer says--as was originally planned--that the U.S. will go ahead alone if agreement in the UN Conference takes too long. As a result of the efforts of the U.S. Government, which was concerned about the effect of the law on the conference, important revisions were made.

For one thing, it has been clearly stated that the domestic law is temporary and will expire when the Law of the Sea Treaty comes into being. And the stipulation has been included that development on a commercial basis will not be approved until 1988. In other words, the U.S. Government has foreseen that considerable time will pass before the treaty comes into effect and intends to utilize that period by making various preparations, such as the demarcation of mining areas and surveying.

The developing countries are almost certain to react to the promulgation of the U.S. law, and whether the revisions will mollify their criticism in any way remains to be seen. It must be said that the decision of the U.S. to promulgate a domestic law in the last stages of the conference on the Law of the Sea is regrettable, but the developing countries should not merely react in an adverse manner, but should take into consideration the sincerity the U.S. showed in its willingness to make the revisions.

Seventy percent of the earth is covered by sea and every nation depends to some extent on the sea. Consequently, the national interests of various countries clash to a peculiar degree. The Law of the Sea Treaty will encompass everything concerning the sea, so it is no wonder that there are difficulties.

Equally, if the differences can be resolved and a new order of the sea created, the significance will be enormous. Both the advanced and developing countries should consider this and should be willing to make concessions with respect to immediate interests so that agreement can be reached in this session. And, of course, Japan should stand between North and South and play a constructive role.

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CUBA

TEXT OF FOREIGN MINISTRY STATEMENT ON U.S. SEABED LAW

PA101739 Havana PRELA in English 1617 GMT 10 Jul 80

[Text] Havana, Jul 10 (PL)--The Ministry of Foreign Relations issued a statement whose text says:

President Carter has signed the law which opens the way for the U.S. monopolies to exploit and plunder the huge mineral wealth of the ocean bed, making a dead letter of Resolution 2749 (XXV) of the United Nations General Assembly which solemnly declared that the zone of the marine and ocean beds and their subsoil outside the limits of national jurisdiction, as well as their resources, were the common heritage of humanity, whose exploration and exploitation will be carried out to benefit the whole of humanity.

The U.S. representatives voted in favor of that resolution in 1970. And on the inclusion in the preamble of the draft treaty which is being drawn up by the third United Nations conference of the Law of the Sea, the United States delegation did not oppose the consensus. That vote and that acceptance have turned out to be a mere scrap of paper.

The threat to decree that unilateral legislation dates back several years. It has led to the reiteration, both by the spokesperson of the Group of 77 and on the part of the president of the conference, Mr. Amerasinghe, of the principle approved by the United Nations General Assembly, and the denunciation and protest of the developing countries with the overwhelming majority support of the conference.

The law approved will include two particularly threatening aspects for the conference which is striving to complete the treaty, 90 percent of which has already been drawn up.

In Section 118 "reciprocal states" it instructs on consultations with other states which will promulgate or are preparing to promulgate domestic legislation to allow their monopolies the exploration and commercial recovery of minerals from the ocean bed. It thus stimulates the

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multiplication of unilateral legislations which would lead to the failure of the third United Nations Conference of the Law of the Sea, now close to its goal.

And in the Section 201 "declaration on congressional intention," it establishes as one of its aims the providing for the security of the rights acquired by its monopolies in the exploitation of the ocean bed in the case that there is an agreement on an international regime like the one the conference is structuring. This would mean placing before the conference, in the practice, a de facto situation.

The Ministry of Foreign Relations thus denounces the signing of that law by President Carter, as an attack on the interests of the international community and particularly of the developing countries, which now more than ever must close their ranks in the next period of sessions which will be their final stage in Geneva shortly, so as to guarantee the success of the conference, and repudiate wholeheartedly the United States' unilateral legislation.

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ANGOLA

BRIEFS

AGREEMENT WITH SPAIN DETAILED--Following the visit of Spanish Minister of Transportation and Communications Jose Luiz Alvarez to Luanda, an agreement in the fishing sector was signed between Angola and Spain. According to its terms, Spain will provide training for technical cadre and participate in the construction of a canning factory. Through the Spanish Oceanographic Institute, Spain will provide technical assistance to Angola, notably in the lobster breeding field, as well as in the establishment of canning and freezing industries. Moreover, according to the terms of this 3-year agreement, 84 Spanish fishing vessels will be allowed to catch 18,000 tons of seafood per year in Angolan waters, 12 tuna boats will be permitted a catch of up to 24,000 tons of tuna per year while the boats fishing for grouper will be allowed to catch 12,000 tons. During his visit to Angola, the Spanish minister also studied the possibilities of increasing the economic and trade relations between the two countries. Alvarez specified that "Spain is ready to establish general relations in various sectors of the economy," giving the two countries the opportunity to contribute something to each other. It should also be noted that the Spanish minister gave Angolan chief of state Jose Eduardo dos Santos a personal message from King Juan Carlos. [Text] [Paris MARCHES TROPICAUX ET MEDITERRANEENS in French 20 Jun 80 p 1580]

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