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State Dept. review completed

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 FM AMEMBASSY KUALA LUMPUR
 TO RUEHC/SECSTATE WASHDC 3126
 INFO RUEHDT/US MISSION UEW YORK 673
 RUKOBT/AMEMBASSY JAKARTA 3807
 RUKOQS/AMEMBASSY SINGAPORE 5656

MALAYSIA

BT
CONFIDENTIAL KUALA LUMPUR 2211

E.O. 11652: GDS

TAGS: PLOS, MY

SUBJECT: SECRETARY'S SPEECH FOR APRIL 8 ON LOS

REFS: (EAL STATE 085109 (B) KUALA LUMPUR 2163

SUMMARY

FOREIGN MINISTRY SECRETARY GENERAL ZAKARIA TOLD DCM THAT INITIAL IMPRESSION OF GOM OFFICIALS IS THAT SECRETARY'S APR. 8 LOS SPEECH IS POSITIVE AND A STEP FORWARD; HE DECLINED FURTHER SUBSTANTIVE COMMENT ON GROUNDS GOM STILL STUDYING SPEECH. ZAKARIA ALSO SAID HE FORESAW NO DIFFICULTY BETWEEN OUR TWO COUNTRIES REGARDING

"PHYSICAL ARRANGEMENTS" FOR STRAITS, BUT CAUTIONED THAT QUESTION OF "LEGAL REGIME" STILL IMPORTANT. ZAKARIA SEEMED TO BE TRYING TO NARROW IMPACT OF VERY FORTHCOMING STATEMENT MINISTER OF LAW KADIR HAD MADE BEFORE DEPARTURE FOR LOS CONFERENCE, THUS SUGGESTING THERE MAY BE DIFFERENCES BETWEEN MIN FORN AFFAIRS AND KADIR. WE BELIEVE KADIR HAS CONSIDERABLE FREEDOM OF ACTION AND RECOMMEND THAT OUR DELEGATION WORK ON HIM. ZAKARIA ALSO QUESTIONED OUR POSITION ON ARCHIPELAGO ISSUE.

END SUMMARY.

1. IN ABSENCE OF AMBASSADOR, DCM DELIVERED COPY OF SECRETARY'S APRIL 8

SPEECH TO FOREIGN AFFAIRS SECRETARY GENERAL ZAKARIA ON APRIL 16., DRAWING ON REFTEL A, DCM NOTED U.S. BELIEF THAT TIME RUNNING OUT AND ALL NATIONS MUST MAKE SPECIAL EFFORT TO RESOLVE REMAINING ISSUES NOW OR ELSE FACE DANGER THAT PROGRESS MADE SINCE 1973 WOULD BE LOST, HE REVIEWED SECRETARY'S ASSERTION THAT PROGRESS HAS BEEN MADE ON TERRITORIAL SEAS ISSUE, ON UNIMPEDED TRANSIT OF STRAITS ISSUE AND ECONOMIC ZONE ISSUE, AND THEN DESCRIBED MAJOR ISSUES REMAINING: MARINE SCIENCE RESEARCH, DISPUTE SETTLEMENT MECHANISM AND DEEP SEABED REGIME.

2. DCM ALSO TOLD ZAKARIA WE WERE ENCOURAGED BY STATEMENTS MADE

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BY MINISTER OF LAW KADIR (REFTEL B) BEFORE HIS DEPARTURE FOR NEW YORK, IT LOOKED TO US THAT OUR DIFFERENCES ON QUESTION OF STRAITS TRANSIT WAS NARROW INDEED AND WE ARE OPTIMISTIC THAT COMPLETE AGREEMENT CAN BE OBTAINED.

3, ZAKARIA REPLIED BY SAYING THAT FOREIGN MINISTRY AND OTHER INTERESTED MINISTRIES ALREADY STUDYING SECRETARY'S SPEECH (WE HAD DISPATCHED COPIES TO FOREIGN MINISTRY AND OTHERS IMMEDIATELY UPON RECEIPT) AND WERE PLEASED BOTH BY ITS TONE AND SUBSTANCE, GOM AGREED COMPLETELY ON URGENCY OF ACHIEVING SETTLEMENT, HE WAS NOT YET PREPARED TO SPEAK TO SUBSTANTIVE POINTS CONTAINED IN SPEECH AS THEY WERE STILL UNDER STUDY BY "EXPERTS". HE COULD SAY, HOWEVER, GOM'S INITIAL REACTION WAS FAVORABLE AND GOM OFFICIALS GENERALLY PLEASED AS RESULT OF INITIAL READING.

4, ZAKARIA COMMENTED THAT ON QUESTION OF PASSAGE OF STRAITS HE SHARED OUR CONFIDENCE THAT ON "PHYSICAL ARRANGEMENTS" WE COULD QUICKLY REACH AGREEMENT. THERE WAS STILL QUESTION OF LEGAL REGIME. DCM EXPLAINED THAT IT WAS IMPORTANT MATTER OF PRINCIPLE FOR USG THAT INTERNATIONAL BODY--WE PREFERRED IMCO--BE APPROVING BODY FOR QUESTIONS OF CONTROLS, LIMITATIONS, ETC, IN INTERNATIONAL WATERS. THIS WAS BECAUSE WE FELT THAT SOME COUNTRIES WOULD UNILATERALLY IMPOSE COMPLETELY UNREASONABLE CONTROLS, WE HAD NO SUCH FEAR ABOUT MALAYSIA AND HAD TOLD MALAYSIA, INDONESIA AND SINGAPORE IN THE PAST THAT WE WOULD SUPPORT ANY REASONABLE CONTROLS THEY WISHED TO SUBMIT TO IMCO OR ANOTHER INTERNATIONAL BODY. ZAKARIA DID NOT BITE ON THIS BUT SAID HE HOPED THAT WE UNDERSTOOD THAT KADIR IN HIS DEPARTURE STATEMENT WAS IMPLYING SOVEREIGNTY ALTHOUGH HE DID NOT MENTION IT. HE QUICKLY ADDED THAT DESPITE THIS DIFFERENCE IN PRINCIPLE HE WAS ALSO OPTIMISTIC WE WOULD BE ABLE TO OVERCOME OUR DIFFERENCES.

5, ZAKARIA THEN ASKED FOR U.S. POSITION ON ARCHIPELAGOS. DCM REPLIED THAT OUR BASIC CONCERN AS REGARDS ARCHIPELAGOS WAS QUESTION OF FREE TRANSIT. HE SAID THAT WE UNDERSTOOD THAT QUESTION LIKE THIS WOULD BE A KNOTTY ONE FOR INDONESIA AND MALAYSIA TO WORK OUT; IT WOULD HAVE TO BE GOVERNED BY BILATERAL TREATY AND WE ANTICIPATED THAT THERE WOULD BE A NUMBER OF THESE AROUND THE WORLD COVERING PARTICULAR PROBLEMS. DCM DID NOT FORESEE USG OBJECTIONS TO SUCH AGREEMENTS AS LONG AS PRINCIPLE OF FREE TRANSIT OBSERVED, ZAKARIA THEN ASKED IF USG SUPPORTING INDONESIAN POSITION. DCM REPLIED THAT HE HAD NO INFORMATION THAT WE WERE AND HE BELIEVED THAT OUR POSITION WAS AS HE HAD

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DESCRIBED, DCM THEN ASKED STATUS OF INDONESIAN-MALAYSIAN NEGOTIATIONS ON SUBJECT. ZAKARIA MERELY SAID THEY WERE CONTINUING AND HE WAS OPTIMISTIC THEY WOULD ACHIEVE AGREEMENT. HE SAID THAT MALAYSIA HAS A SPECIAL PROBLEM BECAUSE IT IS THE ONLY COUNTRY IN THE WORLD DIVIDED THE WAY IT IS AND WITH A NEIGHBORING COUNTRY'S ISLANDS IN BETWEEN.

6, CONVERSATION ENDED WITH ZAKARIA REITERATING THAT GOM SHARED OUR SENSE OF URGENCY AND WOULD CONTINUE CAREFUL STUDY OF SECRETARY'S SPEECH. HE REPEATED THAT GOM'S INITIAL REACTION WAS THAT THE SECRETARY'S SPEECH WAS POSITIVE AND A STEP FORWARD.

7, COMMENT: THERE MAY BE SOME DIFFERENCES BETWEEN MINISTRY OF FOREIGN AFFAIRS, WHICH IS TRADITIONALLY VERY CAUTIOUS, AND THE MINISTER OF LAW ON SOME ASPECTS OF THE LOS NEGOTIATIONS.

ZAKARIA STATEMENT THAT KADIR HAD MEANT TO IMPLY SOVEREIGNTY IS CLEARLY DESIGNED TO NARROW WHAT KADIR SAID, IT MAY BE THAT OUR DELEGATION WILL FIND KADIR MORE FORTHCOMING THAN ZAKARIA WAS SUGGESTING, ALTHOUGH THESE ISSUES ARE SUBJECT TO INTER-MINISTERIAL REVIEW HERE, WE BELIEVE KADIR HAS GREAT DEAL OF NEGOTIATING FLEXIBILITY AND WOULD PROBABLY BE SUCCESSFUL IS GETTING THE PRIME MINISTER TO BACK ANY DECISIONS HE MAKES.

8, DCM FELT SLIGHTLY BOXED IN ON QUESTION OF INDONESIA AND ARCHIPELAGOS NEGOTIATIONS, HERE IN KUALA LUMPUR WE KNOW VAGUELY THAT WE HAVE BEEN NEGOTIATING WITH INDONESIA ON ISSUE BUT HAVE NO IDEA HOW PROBLEM IS DEVELOPING. WE FEEL IT WOULD BE A MISTAKE TO ACHIEVE AN AGREEMENT WITH INDONESIA THAT SEEMED TO DISREGARD MALAYSIAN INTEREST IN UNIMPEDED TRANSIT BETWEEN TWO HALVES OF COUNTRIES, THIS WOULD NOT ONLY CAUSE DIFFICULTY FOR OURSELVES WITH MALAYSIA BUT COULD ALSO RESULT IN SERIOUS DISAGREEMENT BETWEEN MALAYSIA AND INDONESIA, WHICH IS NOT IN OUR INTEREST, WOULD APPRECIATE ANY GUIDANCE DEPT OR USUN CAN PROVIDE ON ARCHIPELAGO DISCUSSIONS. UNDERHILL

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