

Belgrade has long supported the unilateral declaration of maritime claims by individual nations (ie extension to 200 miles). ~~XXXXXX~~

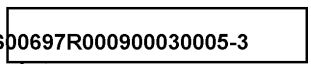
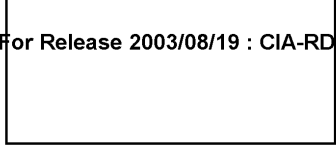
In essence, this ~~support~~ arises from ~~Yugoslavia's position~~ the necessity to support those Latin American (and other) ^{developing} countries associated with Yugoslavia in the nonaligned movement. ~~XXXXXX Yugoslavians' concern~~

Located on the Adriatic, Belgrade has also been most concerned with countering any possible threat (from Albania and/or Italy) which might ^{Yugoslavia's maritime} restrict/access to the Mediterranean.

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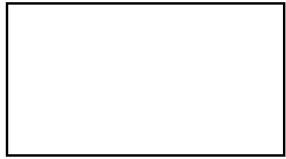


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YUGOSLAVIA



Part I - Law of the Sea Analysis

A. SUMMARY

Yugoslavia -- a largely shelf-locked and potentially zone-locked coastal state bordering on a semienclosed sea -- is a leading force among the lesser developed countries (LDCs) and nonaligned nations. Its principal law of the sea concern is to ensure continued jurisdiction over its share of the Adriatic continental shelf and deeper seabed as set forth in its 1968 shelf treaty with Italy. Another major LOS goal is acceptance of a strong international authority to control deep seabed mining, with preferential treatment for the LDCs, including provisions for the transfer of technology. Yugoslavia maintains that each state has the right to decide the breadth of its territorial sea, but envisages international acceptance of a 12-mile territorial sea, provided the coastal state is given exclusive jurisdiction over the renewable and nonrenewable resources in an adjacent zone extending 188 miles* beyond the territorial sea limit. As to the straits issue, it is unlikely that Yugoslavia will support any regime susceptible to abuse through subjective interpretations by straits states. In the area of national jurisdiction, the coastal state should have full control over scientific research and the right to set pollution control standards.

B. FACTORS INFLUENCING LOS POLICY

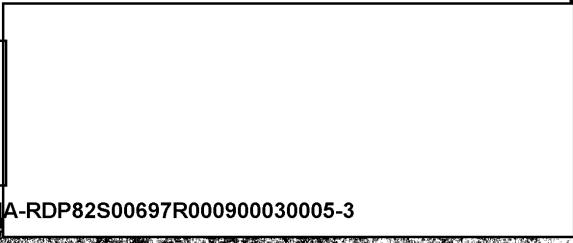
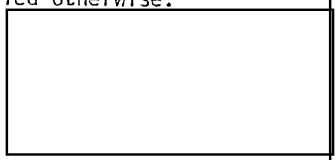
Special Geographic Features

Yugoslavia is located in Eastern Europe on the semienclosed Adriatic Sea. The Adriatic, connected by the 40-mile-wide Strait of Otranto to the semienclosed Mediterranean, has a maximum width of 20 miles and depths of generally less than 200 meters. The strait, Yugoslavia's only access to the seas beyond the Adriatic, is bordered by Italy and Albania.

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

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Yugoslavia's mainland coastline is 945 statute miles long with another 1,500 statute miles of coastline on offshore islands. The country is largely shelf-locked as its continental shelf abuts on the Italian shelf except in a small area off southern Yugoslavia where the shelf edge lies less than 5 to about 25 miles offshore at a depth of about 200 meters and the seabed beyond descends to a depth of almost 1,300 meters. The continental margin extends southward and terminates in the Ionian Sea.

Uses of the Sea

Mineral Resources -- Yugoslavia has ~~large~~ proven recoverable reserves of oil and natural gas onshore but still imports oil from the Persian Gulf and the USSR to meet its needs. Since 1973 there has been exploratory drilling for oil and natural gas on the offlying Yugoslav^{islands} and in the Adriatic seabed. Foreign companies, two U.S. and one French, have carried out the exploration in conjunction with Yugoslavia's power companies. As of early 1974 no oil or gas deposits have^d been found on the islands or offshore.

Onshore, Yugoslavia has large deposits of metallic and non-metallic minerals. It is the leading European producer of antimony and chromium, third in bauxite, fourth in lead and sixth in zinc. Iron, copper, brown coal and non-metallic minerals such as calcium are found in exploitable quantities.

Living Resources -- Yugoslavia has the smallest per capita fish consumption in Europe (2.3 kg. annually). Of the approximately 40,000 metric tons of fish caught annually, about 61% is of marine origin. The catch is exclusively from the Adriatic and largely for export. In recent years, Yugoslavia has imported large quantities of shellfish from Japan.

As of the present there are no distant fisheries interests. However, an agreement was signed with Poland in March 1974 for a joint deep-sea operation in the Atlantic. The estimated catch for 1980 is 150,800 metric tons, presumably for export.

Marine Transportation -- Ranking 17th among the maritime nations of the ~~nations~~ of the world, Yugoslavia's merchant marine plays an important role in the national economy. Since 1966, however, the Yugoslav

merchant marine has carried increasingly less of the seaborne trade. Difficulties in financing and wages have made it impossible to keep pace with the changes necessary for efficient operation. Of the total seaborne foreign trade, 45% is carried by the domestic fleet (17⁹⁹ ships of 1,000 GRT in 1971).

The Navy -- Yugoslavia's navy is small. It is not designed to operate outside the Adriatic but is primarily a coastal and riverine patrol force.

Resorts and Recreation -- Tourism, especially on the Dalmatian coast, is an important aspect of the Yugoslav economy. Investment in tourist facilities, including transportation improvements, accounted for 7% of the GNP in 1972. The number of tourists increased ^{during} from 1971 to 1972 ~~to 1972 but decreased from 1972 to 1973~~. The decline has been ~~attributed to the proximity of Yugoslavia to the troubled Middle East and the staunch pro-Arab Yugoslav stand.~~ *annually, and provides an important source of hard currency income for the country.*

Political and Other Factors

The government of Yugoslavia is a communist, decentralized federal system characterized by worker self-management. There are no government offices at the national level dealing specifically with LOS issues except the foreign secretariat. Each of the six republics ^{has} ~~have~~ a fisheries office, but only three (Slovenia, Croatia and Montenegro) are involved in marine fisheries. Internal tensions arising from the country's diverse political, ethnic, cultural and religious heritage, as well as striking differences in regional levels of economic development, make for difficulty in establishing a unified LOS policy agreeable to all republics. Order is kept within the national political system through the power and personality of President Josip Broz Tito, now 82. Should he suddenly depart the Yugoslav political scene, it is expected that there would be internal political change but no major shifts in Yugoslavia's positions on international issues, including LOS.

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Of primary importance to Yugoslavia is its image as a leader among the nonaligned nations. With a GNP of \$1,1⁸00 per capita, it favors the LOS positions of many other LDCs. It has, for example, supported the 200-mile territorial sea advocated by Peru "on moral grounds;" Yugoslavia cannot possibly extend its territorial sea beyond about 60 miles. It

was a coordinator of working groups at the 1973 conference of nonaligned states in Algiers which decided that sharing of deep seabed resources is essential to the development of the LDCs.

Yugoslavia's foreign policy has been described by President Tito as "active peaceful coexistence." In addition to seeking good working relations with individual countries in both the Soviet and Western blocs, as well as with the nonaligned nations, this policy includes taking initiatives on world issues, both unilaterally and in conjunction with other nonaligned countries. The sharp break with the Soviet Union in 1948 has not been forgotten, and Yugoslavia resents any efforts to pressure it into espousing a Soviet point of view. When threatened from the Soviet side, Yugoslavia improves relations with the West, particularly the United States. When relations with the Soviet Union are good, criticism of the United States is increased. Because both the Soviet Union and the United States and their allies are of considerable importance to Yugoslavia's economic development, Yugoslavia must perform a balancing act to extract the maximum gain from both sides.

Yugoslavia is actively cultivating cordial relations and cooperation with the states of the Middle East, especially the oil exporting countries. Relations with Albania have improved since the exchange of ambassadors in February 1971. Relations with Greece have been strained since the military coup in 1967, which among other things resulted in the abrogation of a border treaty between the two countries in the Macedonia area. ~~Conflicts over areas of Macedonia also have complicated relations with Bulgaria.~~ There have been a number of fishing disputes with Italy -- the only state to fish within Yugoslav waters -- since 1971, when an Italy-Yugoslavia fishing agreement was allowed to lapse. Yugoslavia is concerned about the proximity of Italian warships in the northern Adriatic.

Concern over the presence of the navies of both the United States and the USSR in the Mediterranean and the implications for its security may influence Yugoslavia to opt for a straits regime that encompasses limited access to warships.

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C. LAW OF THE SEA POLICYTerritorial Sea

Currently Yugoslavia has a 10-mile territorial sea and a 2-mile contiguous zone, extending from the territorial sea, for exclusive fisheries.

Yugoslavia has noted that a plurality of territorial sea regimes would be ^{the} ~~most~~ ^{solution to the territorial sea issue because} fair ~~in that~~ ^{there is no one width which would be} satisfactory to all states of the world, and ~~that~~ ^{has asserted} each state should have the right to decide the width of its territorial sea on the basis of its economic and security needs. In keeping with these pronouncements, Yugoslavia announced its support on "moral grounds" for the Peruvian proposal for a 200-mile territorial sea. However, it recognizes that the LOS negotiations probably will produce international acceptance of a 12-mile territorial sea and an economic zone measured from the territorial sea baseline out to 200 miles.

Archipelagos

Yugoslavia has not been directly involved in the issue of archipelagos but has stated that it would like to see archipelagic waters "closely defined". It has not made a statement of support for any of the archipelago proposals.

Straits

The dominant characteristic of the Yugoslav position on the straits issue is its indefiniteness. During the Seabed ^Committee meetings the Yugoslav delegation spoke in favor of an "innocent passage" regime in that it would adequately protect the rights of the coastal states and the needs of international navigation. However, they did not define their meaning of innocent passage. The head of the delegation to the LOS Conference in Caracas, Dr. Vratusa, used the term "unimpeded passage" to describe the Yugoslav policy at the Conference, though again no definitive meaning was given for the term.

^{The geographic} ~~The facts of~~ ^{location} ~~illuminate~~ ^{Yugoslavia's} probable policy. All of its seaborne trade beyond the Adriatic must pass through the Strait of Otranto which is not narrow enough to be overlapped by 12-mile

5
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territorial seas. Its seaborne trade beyond the Mediterranean Sea, however, must pass through the Strait of Gibraltar, which has a minimum width of 7.7 miles. Some of this trade is in oil from the Persian Gulf, carried on supertankers. As the pollution hazard of these vessels has been recognized, it is possible that, under a loosely defined innocent passage regime, they could be prevented from transiting straits such as Gibraltar. Yugoslavia, therefore, is not likely to agree to any straits regime that does not include specific and objective criteria of "innocence".

Continental Shelf

Yugoslavia is a party to the 1958 Continental Shelf convention and voted in favor of the UN resolution on Permanent Sovereignty of Coastal States over Natural Resources. In addition, a bilateral agreement in force with Italy provides for the division of the continental shelf of the Adriatic. This 1963 treaty established a boundary line that is, at a maximum, 57 miles from Yugoslavia. The southern part of the boundary extends beyond the shelf proper, terminating at a depth of about 1,200 meters at a point equidistant from Italy, Albania and Yugoslavia.

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Coastal State Jurisdiction Beyond the Territorial Sea

Yugoslavia advocates the establishment of a 200-mile economic resources zone under national jurisdiction. Within its zone, each coastal state would have the sovereign right to dispose of the living and mineral resources, to control pollution and to conduct, authorize and regulate scientific research. There would be freedom of overflight and the right of "unimpeded passage" seaward of the outer limit of the territorial sea.

Fisheries

The Yugoslavians advocate national and an international fisheries regimes. They feel that there should be an economic zone or patrimonial sea within 200 miles of the coastal state. Within this area each coastal state should have the absolute right to control the exploitation of living resources, whether or not the coastal state chooses to exploit them. For the area outside national jurisdiction, control of resources

should be in the hands of an international authority.

Yugoslavia is a party to the Geneva Fisheries Convention of 1958 and is a signatory of the Mediterranean Fisheries Council. It had a bilateral agreement with Italy concerning fisheries in the Adriatic. Allowed to lapse in 1971 the agreement has not been renewed, with the result that there has been some conflict between Yugoslav patrols and Italian fishermen.

Deep Seabed

Yugoslavia~~s~~ representatives to LOS meetings have stressed that the seabed outside the area of national jurisdiction is the common heritage of mankind and that the resources should be exploited for the common benefit, especially for the benefit of the LDCs. They believe there should be a strong international organization to control the exploration and exploitation as unlimited freedom to explore and exploit the resources of the deep seabed can only benefit the developed states having the necessary technology, thereby further widening the gap between the developed and developing states.

Until it is possible for all states to share in the benefits, Yugoslavia advocates a ban on all commercial exploitation of deep seabed minerals. It voted in favor of the 1969 Moratorium on exploitation of the deep seabed resources and also the 1971 declaration of principles governing the seabed. Concerned over the number of states ignoring the previous UN resolutions, Yugoslavia and 12 other states submitted a draft decision to the Seabed Committee in 1972 reaffirming the 1969 and 1971 resolutions (see Annex). Accordingly, all states are asked to refrain from commercial exploitation of the seabed resources until an international authority can be established. The draft decision also reaffirms nonrecognition of past, present, or future claims on any part of the deep seabed prior to the establishment of an international authority. Yugoslavia maintains that under no circumstances should the international authority become merely a licensing and registering bureau. It should have broad ^rperogatives with the power to control exploration and exploitation of the international area. The international authority would have the exclusive right to exploit the deep seabed either directly or through a second party^y. The authority should be set up along the

7
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the same lines as the UI with a general assembly, a council and a secretariat. It should act on behalf of the international community and be empowered to direct operations, pass decisions and participate in all resource ^{making} activities.

The Yugoslav delegation has been very specific in its view that each state should be represented equally in the international organization. There should be no weighted voting on the basis of development nor should there be a veto power.

Benefit sharing is regarded by Yugoslavia and many of the LDCs as an issue of prime importance. They feel that the mere sharing of profits will continue the dependence of the LDCs on the developed states. Benefit sharing should include provisions for the transfer of technology. This would include sharing of all data from exploration, as well as the establishment of training centers within the LDCs to aid in ^{the} training of their personnel to gather and interpret data. There should be bureaus under the control of the international machinery to aid in the dissemination of technical information. The international authority also should be in control of all living resources found in the seabed area outside national jurisdictions.

Landlocked States

Yugoslavia is a party to the Landlocked States Convention and advocates that the LOS Convention contain some general principles recognizing the right of landlocked states. It favors bilateral arrangements to allow the geographically disadvantaged states access to the sea resources.

Marine Pollution

Yugoslavia believes that the most important aspect of the marine pollution issue is the control of pollution within the area of national jurisdiction. It maintains that it should be the right of each state to set standards to protect its own interests. Any international standards relating to the areas within national jurisdictions should be in harmony with the coastal state standards.

Yugoslavia's concern over the threat of nuclear pollution is expressed in the bilateral agreement made with the United States in 1967. The agreement provided that the United States would take responsibility for any damage caused by the NS Savannah while in Yugoslav territorial waters.

8
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Yugoslavia became a party to the IMCO Convention in January 1960 and attended the 1973 meeting in London as an observer. At that session an international convention ^{was proposed} to prevent the dumping of oil at sea.

Scientific Research

Yugoslavia believes complete freedom of scientific research is only beneficial to the richest and most powerful states having the technology to conduct such research. To further this freedom and give it legal standing would be to permit further exploitation of the developing world. The Yugoslavs charge that it is difficult to determine what is pure scientific research and what is research for purposes of economic exploitation. Consequently, they support coastal state full control over any scientific research conducted in the area under its jurisdiction, as well as the right of the coastal state to participate in the research and share in all the information that is gathered. In August 1973 Yugoslavia cosponsored a draft article in Subcommittee III along with 14 other states calling for the explicit consent of the coastal state before research can be conducted in the area of national jurisdiction (see Annex).

Yugoslavia, a party to the Convention on the International Hydrographic Organization, has stated that there should be international cooperation and consideration of the needs and interests of the LDCs in the adoption of a scientific research regime. Any research that is carried on in the area beyond national jurisdiction should be under the control of the international authority.

Regional Arrangements

International recognition of regional arrangements is an issue of great importance to Yugoslavia. On 16 August 1973, Yugoslavia submitted a draft article to Subcommittee II of the Seabed Committee calling for the right of states to negotiate regional arrangements on any LOS matters (see Annex), including economic and environmental issues, provisions for scientific research and transfer of technology. These would be binding on the partners to the agreement and automatically recognized on the international level. Yugoslavia feels that such a proposal would serve the legitimate interests of all states and would be beneficial for efficient management of the areas within coastal

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state jurisdiction. It would be of exceptional significance to geographically disadvantaged states ^{that are} ~~where geographic and locational attributes~~ ~~unable to claim or take full advantage of~~ ~~do not allow~~ for a 200-mile economic resource zone. Yugoslavia hopes to protect the continental shelf arrangement made with Italy in 1960.

Peaceful Uses of The Sea

Yugoslavia is a party to the Nuclear Test Ban Treaty but not to the Seabed Arms Limitation Treaty. It voted in favor of the UN resolution on the Indian Ocean as a zone of peace.

D. KEY POLICY MAKERS, LOS NEGOTIATORS AND ADVISERS

Yugoslavia's government is a complex system of federal decentralization. The constitution designates the five-chamber legislature -- the Federal Assembly -- as the supreme organ of political power and self-management. The League of Communists of Yugoslavia (LCY), described simply as the country's leading force and ideological guide, is the true locus of power. Although theoretically subordinate to the Federal Assembly, the Presidency, occupied for life by Josip Broz Tito, and the Federal Executive Council are accorded relatively broad powers.

In order to avoid a crisis of succession, Tito, now 82, has established collective executive bodies in both the government ~~and the LCY.~~



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