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The Oceans

Staff Report

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THE OCEANS

STAFF REPORT

Editors Note: Contributing Editor for The Oceans Report, Professor Thomas A. Clingam, Jr. of the University of Miami, School of Law, was designated a member of the U. S. Delegation to the meeting of the Seabeds Committee held in Geneva during July/August 1973. In his absence and in anticipation of a full report on the above meeting upon his return, the staff has compiled The Oceans Report for this issue.

SEABEDS COMMITTEE — GENEVA

As expected, many and complex issues were considered by the Seabeds Committee during its July/August session in Geneva. A general feeling, however, was that the United Nations Law of the Sea Conference in Santiago, Chile next year is almost certain to establish a 200-mile zone of national jurisdiction over the economic resources of coastal waters. Although this seems to be a foregone conclusion, there remains considerable divergence as to its application. However, there is a fairly general agreement that new limits must not jeopardize traditional fishing rights.

Two of the many issues which concerned the Committee were: the Icelandic Cod war and the imminent prospect of deep-sea oil drilling and mining. The question whether an international organization ought to work the resources of the ocean bed (favored by the development countries,) or whether it should merely be a licensing body (preferred by most industrialized states,) was a dividing issue.

Pollution, with some countries claiming exemption from all pollution control on the grounds that it impedes progress; and others (Australia and Canada being two of the leading exponents) claiming the exclusive right to control seaborne pollution in the proposed economic zones was another difficult issue. The latter position was strongly approved by the leading maritime countries, led by Britain and Norway on the grounds

that it would lead to chaos and could conceivably be abused to limit the right of free navigation. They view pollution to be the concern of an international organization and enforced by the countries in which the vessels are registered. This would automatically eliminate any chance of navigational discrimination which was one of the central issues of the meeting to maintain freedom of navigation in the face of encroachment of territorial jurisdiction.

During the meeting the United States made a proposal that would protect underwater oil and mining investments from the kind of contract-breaking that Arab-producing countries have recently been inflicting on American companies. A "stability of investment" clause was added to the complex American draft. It would leave countries free to make or refuse to make development contracts with outside concerns but would expose them to international sanctions if they tried to change or break the contracts afterwards.

CANADIAN FISHING RIGHTS

Canada's Environment Minister declared in May, 1973, Canada's intentions to seek exclusive fishing rights over her entire continental shelf. Expecting strong opposition from major fishing countries, the Minister nevertheless reaffirmed the need for recognition of a 200-mile exclusive fishing zone by the United Nations.

NORTHWEST ATLANTIC FISHERIES

At its annual meeting in Copenhagen in June 1973 the International Commission for Northwest Atlantic Fisheries received a report from the United States demanding a limit to catches off its east coast. The United States proposal called for "a more comprehensive and robust regulatory program" that would include strong inspection and enforcement procedures. It asked more severe regulations on the mesh of nets used for trawl fishing, analysis of fixed catch samples, required inspection of catches and gear when logbooks give insufficient information, and detention of vessels that clearly violate regulations of the international commission. Member nations besides the United States are the Soviet Union, Canada, Japan, Norway, France, Britain, West Germany, Italy, Denmark, Iceland, Portugal, Spain, Poland, Rumania and Bulgaria.

OCEAN POLLUTION

The Intergovernmental Maritime Consultative Organization, a United Nations agency concerned with marine and shipping matters, at a meeting in London in June 1973 voted to study a U.S. proposal for a watchdog international committee to monitor the cleanliness of the oceans. The U. S. plan would charge the proposed committee with the formulation of measures to prevent marine pollution and their enforcement. The U. S. plan was advanced as the Consultative Organization was elaborating plans for an international conference to consider rules to prevent pollution of the seas by deliberate discharges of toxic substances and oil.

COLOMBIA-VENEZUELA

The difference between Colombia and Venezuela concerning the limits of the Gulf of Venezuela continue unresolved. In early May, Colombia addressed a diplomatic note to Venezuela on the subject of the judicial procedure to settle the controversy. Venezuela answered in early June, but the reply has not been made public. In late May, however, the Venezuelan Acting Foreign Minister made it clear that Venezuela's position is to settle the matter directly between the two countries, and not to seek the aid of third parties.

VENEZUELA-NETHERLANDS ANTILLES

Talks between Venezuela and the Netherlands concerning the sea boundaries between the former country and the Netherlands Antilles were scheduled to commence in Caracas in June, 1973. A series of meetings is planned following the first meeting in Caracas.

CHILEAN FISHING AGREEMENT

Early in August, 1973 Chile signed two agreements with the United Nations Development Programme. The first grants Chile the sum of \$500,000 to improve quality controls in the fishing industry; the second, refers to technical aid to be supplied by the United Nations to Chile for planning fisheries production.

COSTA RICAN FISHING VESSELS

Costa Rica has expressed an interest in acquiring fishing vessels from Peru. Although the type and number of vessels was not revealed it is understood that Costa Rican cattle will be used to pay the total or part of the cost of the fishing vessels.

PERUVIAN NATIONALIZATION

In May, 1973 the Peruvian Government announced the establishment of a state monopoly over the production of fishmeal and fish oil. The decree set up a state enterprise called *Pescaperu* which is to run the whole fish products industry. Both natural and foreign companies are affected by the ruling of the Government.

EEL INDUSTRY

A proposed Florida industry in which young eels, known as elvers, could be shipped to Japan is being studied by representatives of the Japanese eel industry, along with officials of the Florida Department of Natural Resources. Pilot shipments have already been made to Japan for a series of investigations on survival and growth. Depending on results, Japanese teams could visit Florida to develop what could be a new international fisheries venture.

LOUISIANA STATE UNIVERSITY COURSE

The effects of technical developments in the marine science on human beings will be examined at the Louisiana State University (LSU) under an "Ecological Impact of Coastlines on Populations" program of studies. The course, to be given at the Latin American Studies Institute with the cooperation of LSU's Center for Wetland Resources, will deal with problems in land use (crop, land tenure, soil, drainage), frontier settlements, tropical wetland environment as compared to the highlands, sparsely settled Caribbean lowland areas and national development, land and river transport, economics and geography of ports and intracoastal trade, economics and geography of fishing, the trans-Isthmian canal, and cultural adaptation to marginal areas. Details may be obtained from Dr. Leonard Cárdenas, Jr., Director, Latin American Studies Institute, LSU, Baton Rouge, La. 70803.

CONTINENTAL SHELF CLAIMS

Through a law enacted in early July, 1973, the State of New Hampshire is claiming title to the continental shelf for "a distance of 200 nautical miles from the coastal baseline of the state or to the base of the continental shelf, whichever distance is greater." Through its action, New Hampshire joins the State of Maine, Massachusetts and Rhode Island, all of which have made similar claims to the continental shelf.

LAND-SEA CONTAINERS

The concept of land-sea containers, effective on certain ocean routes, is being challenged by several East and Gulf coast port authorities as well as by management and labor. The operation, taking the Japan-New York route as an example, saves up to a week in transit by landing a container in-bound from Japan at San Francisco and then sending it on to New York by fast trans-continental freight train. The opponents of the concept claim that it tends to divert cargo from certain ports, thus jeopardizing substantial investments in new port facilities. Round one in what will probably be a lengthy legal battle was lost by the opponents when a Federal court in Philadelphia ruled that it could not issue a preliminary injunction to halt the practice. Nevertheless, the court stated that in view "of the great importance to the public, the nation and the litigants," the Federal Maritime Commission should adjudicate the matter as speedily as possible. A spokesman for the Federal regulatory agency said the agency was aware of the urgency of the situation and would do everything possible to expedite hearings on the case.

U. S. - SOVIET AGREEMENT

On June 19, 1973 the United States and the Soviet Union signed four agreements on the occasion of Mr. Brezhnev's visit to the United States. One such agreement was the Agreement on Cooperation in Studies of the World Ocean, which, given its importance is reproduced below.

AGREEMENT ON COOPERATION OF THE WORLD OCEANS

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON COOPERATION IN STUDIES OF THE WORLD OCEAN

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics;

Recognizing the importance of comprehensive studies of the World Ocean for peaceful purposes and for the well-being of mankind;

Striving for more complete knowledge and rational utilization of the World Ocean by all nations through broad international cooperation in oceanographic investigation and research;

Aware of the capabilities and resources of both countries for studies of the World Ocean and the extensive history and successful results of previous cooperation between them;

Desiring to combine their efforts in the further investigation of the World Ocean and to use the results for the benefit of the peoples of both countries and of all mankind; and

In pursuance and further development of the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Cooperation in the Fields of Science and Technology of May 24, 1972, and in accordance with the Agreement on Exchanges and Cooperation in Scientific, Technical, Educational, Cultural and Other Fields of April 11, 1972, and in accordance with the Agreement on Cooperation in the Field of Environmental Protection of May 23, 1972;

Have agreed as follows:

Article 1

The Parties will develop and carry out cooperation in studies of the World Ocean on the basis of equality, reciprocity and mutual benefit.

Article 2

In their studies of the World Ocean, the Parties will direct cooperative efforts to the investigation and solution of important basic and applied

research problems. Initially, cooperation will be implemented in the following areas:

- a. Large-scale ocean-atmosphere interaction, including laboratory studies, oceanic experiments, and mathematical modeling of the ocean-atmosphere system.
- b. Ocean currents of planetary scale and other questions of ocean dynamics.
- c. Geochemistry and marine chemistry of the World Ocean.
- d. Geological and geophysical investigations of the World Ocean, including deep sea drilling for scientific purposes.
- e. Biological productivity of the World Ocean and the biochemistry of the functioning of individual organisms and whole biological communities in the World Ocean.
- f. Intercalibration and standardization of oceanographic instrumentation and methods.

Other areas of cooperation may be added by mutual agreement.

Article 3

Cooperation provided for in the preceding Articles may take the following forms:

- a. Joint planning, development, and implementation of research projects and programs;
- b. Exchange of scientists, specialists, and advanced students;
- c. Exchange of scientific and technical information, documentation, and experience, including the results of national oceanographic studies;
- d. Convening of joint conferences, meetings, and seminars of specialists;
- e. Appropriate participation by both countries in multilateral cooperative activities sponsored by international scientific organizations;
- f. Facilitation by both Parties, in accordance with laws, rules and regulations of each country and relevant bilateral agreements, of use of appropriate port facilities of the two countries for ships' services and supplies, including provision for rest and changes of ships' personnel, in connection with carrying out cooperative activities.

Other forms of cooperation may be added by mutual agreement.

Article 4

In furtherance of the aims of this Agreement, the Parties will, as appropriate, encourage, facilitate and monitor the development of cooperation and direct contacts between agencies, organizations and firms of the two countries, including the conclusion, as appropriate, of implementing agreements for carrying out specific projects and programs under this Agreement.

Article 5

1. For implementation of this Agreement, there shall be established a US-USSR Joint Committee on Cooperation in World Ocean Studies. This Joint Committee shall meet, as a rule, once a year, alternately in the United States and the Soviet Union, unless otherwise mutually agreed.

2. The Joint Committee shall take such action as is necessary for effective implementation of this Agreement including, but not limited to, approval of specific projects and programs of cooperation; designation of appropriate agencies and organizations to be responsible for carrying out cooperative activities; and making recommendations, as appropriate, to the Parties.

3. Each Party shall designate its Executive Agent which will be responsible for carrying out this Agreement. During the period between meetings of the Joint Committee, the Executive Agents shall maintain contact with each other and coordinate and supervise the development and implementation of cooperative activities conducted under this Agreement.

Article 6

Nothing in this Agreement shall be interpreted to prejudice other agreements between the Parties or commitments of either Party to other international oceanographic programs.

Article 7

Each Party, with the consent of the other Party, may invite third countries to participate in cooperative activities engaged in under this Agreement.

Article 8

1. This Agreement shall enter into force upon signature and remain in force for five years. It may be modified or extended by mutual agreement of the Parties.

2. The termination of the Agreement shall not affect the validity of implementing agreements concluded under this Agreement between interested agencies, organizations and firms of the two countries.

DONE at Washington, this 19th day of June, 1973, in duplicate, in the English and Russian languages, both texts being equally authentic.