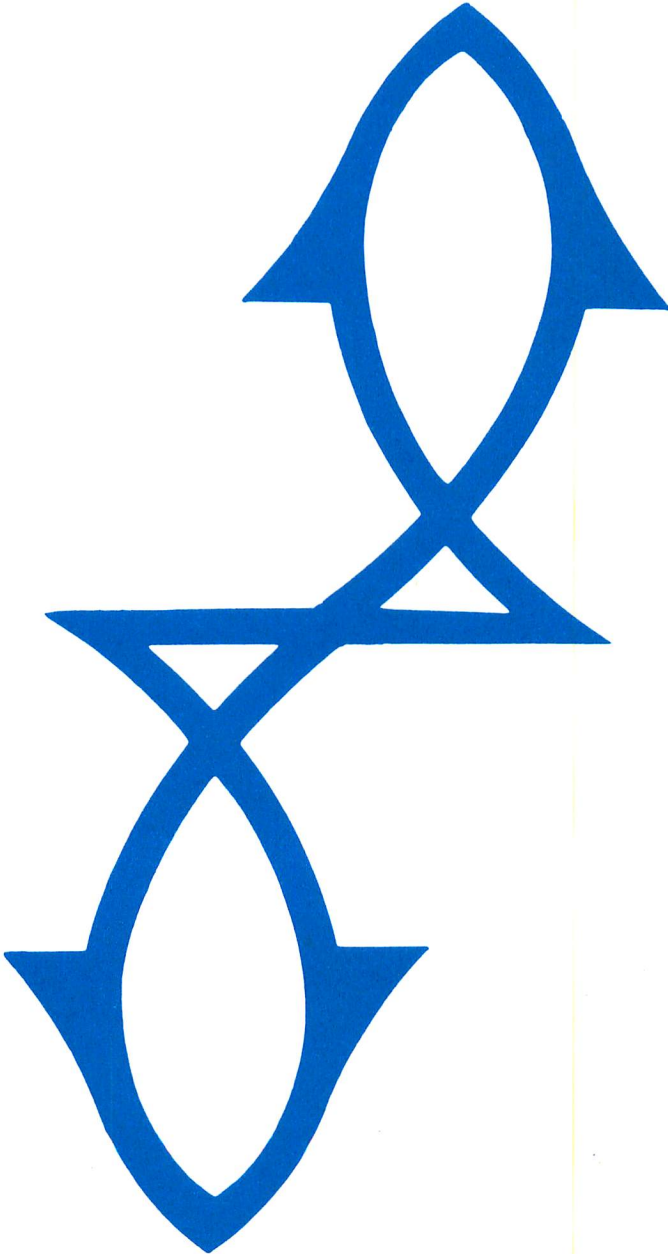


**LAW OF THE SEA INSTITUTE**  
**1971 ANNUAL REPORT**

RIU-Q-71-002

**UNIVERSITY OF RHODE ISLAND**  
**KINGSTON, RHODE ISLAND**

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## **A Message from the Director**

The Law of the Sea Institute is pleased to publish, for the first time since its inception in 1966, this annual report covering activities for the calendar year 1971.

The interest and enthusiasm with which the programs and publications of the Institute have been received over these beginning years, and the response and support which they have elicited, have been most gratifying to all of us.

The achievements of the Institute during the year 1971 were accomplished largely through the efforts and under the skillful direction of the late Gerard E. Sullivan, who served as associate director for fourteen months until his untimely death on February 25, 1972. It is to him that this report is gratefully dedicated.

**LEWIS M. ALEXANDER**

The Law of the Sea Institute serves as a means for the exchange of knowledge and ideas concerning the uses of the sea and its resources. Through its conferences and publications the Institute disseminates information on decisions, institutions, and arrangements, and encourages communication and research among those who are concerned with all aspects of exploration and exploitation of the oceans. The principal emphasis is on the international law of the seas as it now exists and as it may be expected to evolve in years to come.

The Institute serves as a forum open to participation by all, encouraging the expression of all points of view and making every effort to insure full and open communication. In maintaining its multidisciplinary identification, the Institute endeavors to elicit contributions from all relevant natural and social sciences and marine technology.

The Institute is international in character, and welcomes every opportunity to cooperate with nationals and institutions of other States to achieve its general purposes. In all its dealings, the Institute attempts to remain intellectually neutral and objective, espousing no single position or point of view.

## **Funding**

Support for these activities has come from several sources within the federal government, including the Geography Branch of the Office of Naval Research; the National Marine Fisheries Service (formerly the Bureau of Commercial Fisheries), the Office of Sea Grant Programs and the National Ocean Survey of the National Oceanic and Atmospheric Administration, and the United States Coast Guard. The Ford Foundation has recently provided additional support. Finally, of course, the continuing financial support, both direct and indirect, of the University of Rhode Island plays an important role in the continuing development of the Law of the Sea Institute.

In addition to financial support, the Institute has received a great deal of encouragement and moral support from many national and international groups during its beginning years.

## **Organization**

The governing body of the Law of the Sea Institute is its Executive Board, which is responsible for the overall guidance and direction of the Institute, its future planning, and its specific policy decisions. The board's approval is required for any activity involving a commitment of the Institute or the use of its name.

The board consists of not less than seven nor more than 15 members at any one time. Members are appointed by the President of the University of Rhode Island with the advice and consent of current board members. The Provost for Marine Affairs of the University of Rhode Island is an *ex officio* member of the board. Members serve for terms of three years, and may serve successive terms. Terms are staggered so that approximately one-third of the board's total membership is subject to appointment in any year.

Executive Board members are selected for their dedication to the purposes of the Institute, for their willingness to work, and for their ability to bring professional knowledge and experience that will enhance the programs of the Institute and reflect its multidisciplinary character. The present membership includes four lawyers, three natural scientists, two economists, two specialists in international relations, and one geographer. Ten of the twelve members are from outside the University of Rhode Island.

The Executive Board is assisted in meeting its responsibilities by the advice and counsel of a six-man Advisory Committee, and by a new component of five Corresponding Members from outside the United States.

## History

Because this is the first public annual report, it may be useful to review the history of the Law of the Sea Institute. Established at the University of Rhode Island in February, 1965, it was essentially the product of the joint ideas and efforts of three men: John A. Knauss, a physical oceanographer and Dean of the Graduate School of Oceanography; Lewis M. Alexander, chairman of the University's Geography Department; and Dale C. Krause, a geologist and member of the faculty of the Graduate School of Oceanography. For varying reasons, each was concerned about the increasing political impact of ocean activities.

During the first year a series of lectures was held at the University of Rhode Island in order to focus attention on a variety of ocean activities and policy matters. Among the lecturers were John L. Mero who spoke on deep-sea mining; Wilbert M. Chapman, on international organizations and the international law of fisheries; William T. Burke, on international law in the oceans; and Francis T. Christy, Jr., on the economics of the fishing industry. These early programs led to the idea of sponsoring a series of annual conferences.

With the help of an initial grant from the Geography Branch of the Office of Naval Research, the Law of the Sea Institute sponsored its first national conference at the University of Rhode Island in June, 1966. About 100 persons attended, including a few from outside the United States. Some months earlier Burke and Christy had joined Alexander, Knauss and Krause on the Executive Board. They were later followed by Thomas A. Clingan,

Jr., then of the George Washington University School of Law, and Giulio Pontecorvo, professor of economics at the Columbia University Graduate School of Business. These seven formed the original nucleus of the Law of the Sea Institute.

Since 1966, attendance at the annual conferences has increased considerably, while an effective continuity has been maintained in debates by participants representing a wide range of interests who elect to return to the conference year after year.

In 1970, Dale Krause resigned from the board due to the pressures of other professional commitments, and two new members were added: Charles Drake, professor of geology at Dartmouth College, and Marshall Shulman, director of the Russian Institute at Columbia University's Graduate School of International Affairs.

Four additional members joined the Executive Board in 1971: Warren S. Wooster, professor of oceanography at the Scripps Institution of Oceanography; Douglas M. Johnston, professor of law at the University of Toronto Law School and also with the Canadian Institute of International Affairs; Edward Miles, professor of political science from the University of Denver Graduate School of International Studies; and Richard Young, attorney at law from Van Hornesville, New York.

## **Programs and Activities**

The programs through which the Law of the Sea Institute strives to achieve its objectives include:

1. An annual conference held on the campus of the University of Rhode Island each June to consider especially relevant and timely issues of international ocean law and policy.

2. Publication and world-wide distribution of the *Proceedings* of each annual conference.

3. Organization of a series of informal regional workshops to deal with specialized problems of the marine environment's use and resources.

4. Publication and distribution of the results of these workshops.

5. Publication and distribution of a series of *Occasional Papers* on timely topics in the field, and of an *Annotated Bibliography* with periodic supplements.

6. Maintenance of an extensive mailing list of interested persons from all parts of the United States and numerous foreign countries.

The annual conference brings together statesmen, lawyers, scientists, businessmen, government officials, teachers, researchers, students, and other concerned persons to discuss issues relating to national and international uses of the oceans, and the problems arising from changing technologies

and conflicts of interest in the control and exploitation of the sea. Major themes, each related to the law of the sea, have been:

- 1966 — Offshore Boundaries and Zones
- 1967 — The Future of the Sea's Resources
- 1968 — International Rules and Organizations for the Sea
- 1969 — National Policy Recommendations
- 1970 — The United Nations and Ocean Management
- 1971 — A New Geneva Conference

The *Proceedings* of each conference, complete with formal papers presented, comments, discussions, and additional contributed papers, is published early the following year and mailed to a large number of subscribers. Information on purchase of *Proceedings* and other Law of the Sea Institute publications will be found on page 13.

In 1969 the Institute began an Occasional Papers series, designed to provide subscribers with informal articles and other materials which are timely and relevant and which may promote discussions and debate. Thirteen papers and one special publication have so far been distributed in the series. A listing of titles, authors, and dates of publication is found on page 13. In addition, the first edition of a comprehensive *Marine Law, Policy and Economics Bibliography* was issued in 1971, designed to be followed in coming years by subsequent issues.

Two other activities, the international workshops and the Fisheries Incentive Management Program, are described in the following pages.

## The Year Past

### Staff

In January of 1971 Gerard E. Sullivan joined the Law of the Sea Institute administrative staff as associate director. Mr. Sullivan, a lawyer with wide experience in marine and governmental affairs, came to Kingston from the Woods Hole Oceanographic Institution. His primary task was the administration of two new programs sponsored by a major grant from the Ford Foundation: the organization of a series of international workshops focused on regional problems and the making of arrangements for about 30 representatives each year from foreign nations, particularly developing countries, to attend the Institute's annual conference in June.

### Publications

In February the first volume of the *Marine Policy, Law and Economics Bibliography* was published by the Institute. Its 175 citations abstracted from leading texts, journals and reference works dealing with marine affairs were the result of a year's research by Ann L. Hollick of the Brookings Institution.

The universal acceptance of this project will result in a second printing of the initial volume, and preparations are being made to supplement the *Bibliography* periodically as a service to researchers in the field.

In the same month the Institute published the Proceedings of the fifth annual conference, which was held in Kingston in June, 1970. Entitled *Law of the Sea: The United Nations and Ocean Management*, this 390-page volume reflects the work of its principal editor, Lewis M. Alexander, director of the Institute, and Norma H. Hagist, editorial assistant. It contains some of the most current thinking on the international legal status of the oceans and supranational authorities for their management.

During 1971, four publications were added to the Institute's Occasional Papers series:

No. 9. William T. Burke, *Some Thoughts on Fisheries and a New Conference on the Law of the Sea*.

No. 10. John A. Knauss, *Factors Influencing a U.S. Position in a Future Law of the Sea Conference*.

No. 11. William C. Herrington, *Operation of the Japanese Fishery Management System*.

No. 12. E. W. Seabrook Hull and Albert W. Koers, *Introduction to a Convention on the International Environment Protection Agency*.

#### Workshop

On June 15, 16 and 17, the Law of the Sea Institute held its first international workshop, funded by the Ford Foundation, on the campus of the University of Toronto, Ontario, Canada. Using the theme "Canadian-U.S. Maritime Problems and Policies and the Implications for the Future Development of International Law," the project was sponsored jointly by the Law of the Sea Institute in the United States, and the Canadian Institute of International Affairs and the University of Toronto Law School in Canada.

Participation in the Toronto workshop was limited to 25 representatives from Canada and 17 from the United States; conferees are listed on page 11. Papers were presented by experts in various fields such as ecological problems, fishery resources, offshore boundaries, and the economics of Arctic oil production and transportation. The ensuing discussions enabled proponents of divergent positions on highly controversial issues to openly examine the details of their differences and to create better mutual understandings. The results of this workshop are now being prepared for publication.

#### Sixth Conference

From June 21 through June 24, the Sixth Annual Conference of the Law of the Sea Institute was held on the University of Rhode Island campus in Kingston. The theme was "The Law of the Sea: A New Geneva Conference." Papers and discussions centered upon the anticipation of a third

United Nations general conference on law of the sea, tentatively scheduled for 1973. Three general perspectives were considered: the consequences of non-agreement; the contents of the negotiations, including military, fisheries, oil, hard mineral, shipping, and intangible interests as well as pollution, scientific research, and machinery and strategies for reaching agreement; and the prospects of agreement.

The 1971 conference was attended by about 200 persons from all parts of the United States and from some 35 foreign nations. Many of these were members of the United Nations Seabeds Committee who were sponsored by the Law of the Sea Institute; others were in the new Visiting Scholars Program sponsored by the Ford Foundation. A list of foreign participants and countries represented is on page 12. The interaction of these participants, representing divergent points of view from within and outside the United States, resulted in the most international and, perhaps, the most productive of all of the annual conferences of the Law of the Sea Institute. Preparations were begun immediately to assemble and edit the papers and verbatim discussions for publication in the next *Proceedings*.

### **Fisheries Management**

Throughout 1971 the Law of the Sea Institute continued to pursue its Fisheries Incentive Management Program under the direction of William C. Herrington, former special assistant for fisheries and wildlife to the Secretary of State. This project is directed at improving management systems for commercial fisheries resources by providing economic incentives for long-range planning and practices which will make the most of the living resources of the sea by increasing their present value, future abundance and productive potential.

Ambassador Herrington's program was implemented under a contract between the Law of the Sea Institute and the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration. During 1971 Mr. Herrington met with commercial fishermen from the Pacific Northwest and Alaska, the Gulf Coast, and the New England and North Atlantic fisheries. He also participated in a series of Sea Grant Decision Seminars at the University of Miami School of Law and convened a special seminar at the University of Rhode Island for representatives from leading New England fishing ports.

In late 1971, plans were made for a second international workshop to be held in Caracas, Venezuela, where representatives from Latin American countries bordering the Gulf of Mexico and the Caribbean Sea will meet with those from the United States.

In order to expand the perspectives of the Institute by providing for contribution of expert opinions from outside the United States, a new category of association was established in 1971. Known as the Corresponding



Members of the Law of the Sea Institute, the first five members of this international group are from England, Sweden, Indonesia and Japan. Their names and affiliations are listed on page 10.

## **The Year Ahead**

The second international workshop funded by the Ford Foundation is scheduled for February 21, 22 and 23, 1972, in Caracas, Venezuela, on the topic "Regional Institutions for Marine Management in the Gulf and Caribbean and the Implications for the Development of International Law." This workshop will be jointly sponsored by the Law of the Sea Institute, the University of Miami (Florida) School of Law, and La Universidad Simon Bolivar in Caracas.

Several publications are planned for 1972, including the 1971 Proceedings, *The Law of the Sea: A New Geneva Conference*; at least two Occasional Papers, a reprint and the first set of additions to the *Marine Policy, Law and Economics Bibliography*, and the papers presented at both the Toronto and Caracas workshops.

The Seventh Annual Conference of the Law of the Sea Institute will take place on the campus of the University of Rhode Island in Kingston from June 26 through 29, 1972. The theme for the coming conference will be "The Law of the Sea: The Needs and Interests of Developing Countries." It is hoped that there will be broad national and international participation in the 1972 conference, including an even greater number of participants from the United Nations and from countries outside the United States than the fine representation in 1971.



Lewis M. Alexander and John A. Knauss

## **Executive Board**

**Lewis M. Alexander, Director**  
**Professor of Geography**  
**University of Rhode Island**

**William T. Burke**  
**School of Law**  
**University of Washington**

**Francis T. Christy, Jr.**  
**Resources for the Future, Inc.**  
**Washington, D. C.**

**Thomas A. Clingan, Jr.**  
**School of Law**  
**University of Miami**

**Charles Drake**  
**Department of Geology**  
**Dartmouth College**

**Douglas Johnston**  
**Canadian Institute of International Affairs**  
**and University of Toronto School of Law**

**John A. Knauss**  
**Dean, Graduate School of Oceanography,**  
**and Provost for Marine Affairs**  
**University of Rhode Island**

**Edward Miles**  
**Graduate School of International Studies**  
**University of Denver**

**Giulio Pontecorvo**  
**Graduate School of Business**  
**Columbia University**

**Marshall Shulman**  
**Russian Institute**  
**School of International Affairs**  
**Columbia University**

**Warren Wooster**  
**Scripps Institution of Oceanography**  
**La Jolla, California**

**Richard Young**  
**Attorney and Counsellor at Law**  
**Van Hornesville, New York**

## **Advisory Committee**

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DeGarmo, Leedy, Oles and Morrison  
Seattle, Washington

Arthur H. Dean  
Sullivan and Cromwell  
New York

Jacob J. Dykstra  
Point Judith Fishermen's Cooperative Association  
Point Judith, Rhode Island

Myres S. McDougal  
Sterling Professor of Law  
Yale University

Oscar Schachter  
United Nations Institute for Training and Research  
New York

Lowell Wakefield  
Consultant, Wakefield Seafoods, Inc.  
Port Wakefield, Alaska

## **Corresponding Members**

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University College London  
England

Sven Hirdman  
Stockholm International Peace Research Institute  
Sweden

Mochtar Kusumaatmadja  
Padjadjaran University Law School  
and University of Indonesia Law School  
Indonesia

Shigeru Oda  
Faculty of Law  
Tohoku University  
Japan

Kazuomi Ouchi  
Faculty of Law  
Seinan Gakuin University  
Japan

## Participants — Canadian Workshop

### *United States*

Lewis M. Alexander  
Spencer Apollonio  
Richard Baxter  
M. E. Britton  
Thomas Clingan  
L. F. E. Goldie  
G. W. Haight  
William C. Herrington

Robert Hodgson  
David Hoult  
William Mansfield  
Richard H. Nolte  
Charles Pitman  
Gerard E. Sullivan  
Arlan Tussing  
Lowell Wakefield

### *Canada*

J. Alan Beesley  
Maxwell Bruce  
Maxwell Cohen  
H. P. Connor  
E. J. Cooper  
D. G. Crosby  
A. M. L. Crossley  
Lawrence Edelstein  
Andre Galipeault  
James C. Grundy  
Gordon Hawkins  
C. T. W. Hyslop  
Douglas Johnston

Trevor Lloyd  
Ronald Macdonald  
R. R. MacGillivray  
W. C. MacKenzie  
J. W. MacNeill  
M. E. Matthews  
G. L. Morris  
Donat Pharand  
G. D. Quirin  
H. Sheffer  
J. C. Underhill  
R. N. Wolff

E. D. Brown, rapporteur

## Foreign Participants — Sixth Annual Conference

A. A. Aboagye-da Costa, Ghana  
Andres Aguilar, Venezuela  
J. Kayode Ajayi, Nigeria  
Gonzalo Alcivar, Ecuador  
Riyadh al-Qaysi, Iraq  
R. P. Anand, India  
Attila Atam, Turkey  
Francis Auburn, New Zealand  
J. Alan Beesley, Canada  
Francois Bellanger, France  
Leo J. Bouchez, The Netherlands  
Thomas Busha, England  
R. E. Castillo-Valdez, Guatemala  
E. J. Cooper, Canada  
Jan P. Debergh, Belgium  
Mel J. S. Drummond, South Africa  
Jens Evensen, Norway  
Teresa Flouret, Argentina  
Reynaldo Galindo Pohl, El Salvador  
F. V. Garcia-Amador, Cuba  
Lawson Hunter, Canada  
C. T. W. Hyslop, Canada  
Takeo Iguchi, Japan  
Mikael Imru, Ethiopia  
Donald Kaniaru, Kenya  
Zlatan Kikic, Yugoslavia  
Albert Koers, The Netherlands  
Mochtar Kusumaatmadja, Indonesia  
Sven Hirdman, Sweden  
L. H. Legault, Canada  
Cabot J. Martin, Canada  
M. E. Matthews, Canada  
Laurence McIntyre, Australia  
Hal Mills, Canada  
Lazar Mojsov, Yugoslavia  
Cyril T. Mullane, Canada  
B. S. Murty, India  
don Jose Najera, Ecuador  
Frank X. Njenga, Kenya  
Kazuomi Ouchi, Japan  
Choon-ho Park, Korea  
Frederick Popper, Italy  
Anton Prohaska, Austria  
Radha Ramphul, Mauritius  
C. V. Ranganathan, India  
George A. Rogers, Canada  
Branko Sambrailo, Yugoslavia  
Moiz Sayyed, Pakistan  
Earle E. Seaton, Tanzania  
Reggie Simmonds, Ghana  
Alvaro de Soto, Peru  
J. J. G. Syatauw, Indonesia  
Hideo Takabayashi, Japan  
S. P. M. Thamsborg, Denmark  
Thor Thorgrimsson, Canada  
Jorge Vargas, Mexico  
Knut Vartdal, Norway  
Ronald Wall, England

## Publications of the Law of the Sea Institute

All publications except the first *Proceedings* may be ordered from the Law of the Sea Institute, University of Rhode Island, Kingston, Rhode Island 02881.

*Proceedings* — Edited by Lewis M. Alexander

First Annual Conference, 1966, *The Law of the Sea: Offshore Boundaries and Zones*. (Ohio State University Press, Columbus, Ohio, \$12.50.)

Second Annual Conference, 1967, *The Law of the Sea: The Future of the Sea's Resources*. (1968) \$5.50

Third Annual Conference, 1968, *The Law of the Sea: International Rules and Organization for the Sea*. (1969) \$6.50

Fourth Annual Conference, 1969, *The Law of the Sea: National Policy Recommendations*. (1970) \$7.50

Fifth Annual Conference, 1970, *The Law of the Sea: The United Nations and Ocean Management*. (1971) \$7.50

Sixth Annual Conference, 1971, *The Law of the Sea: A New Geneva Conference*. (1972) \$7.50

### *Occasional Papers*

Occasional papers are \$1.00 each.

- No. 1. *Understanding the Debate on Ocean Resources*, Robert L. Friedheim (1969)
- No. 2. *Tuna: A World Resource*, J. L. Kask (1969)
- No. 3. *Law, Science, and the Ocean*, William T. Burke (1969)
- No. 4. *Peruvian-United States Relations Over Maritime Fishing: 1945-1969*, Thomas Wolff (1970)
- No. 5. *International Fishery Bodies of the North Atlantic*, C. E. Lucas (1970)
- No. 6. *The Enforcement of Fisheries Agreements on the High Seas: A Comparative Analysis of International State Practice*, Albert W. Koers (1970)
- No. 7. *The Politics of UN Voting: A View of the Seabed from the Glass Palace*, Margaret L. Gerstle (1970)
- No. 8. *Marine Science Research and International Law*, William T. Burke (1970)
- No. 9. *Some Thoughts on Fisheries and a New Conference on the Law of the Sea*, William T. Burke (1971)
- No. 10. *Factors Influencing a U.S. Position in a Future Law of the Sea Conference*, John A. Knauss (1971)
- No. 11. *Operation of the Japanese Fishery Management System*, William C. Herrington (1971)
- No. 12. *Introduction to a Convention on the International Environment Protection Agency*, E. W. Seabrook Hull and Albert W. Koers (1971)

*Special Publications*

Special Publication No. 1. *The Debate on the Legal Regime for the Exploration and Exploitation of Ocean Resources: A Bibliography for the First Decade, 1960-1970*, Albert W. Koers (1970) \$1.00

*Marine Policy, Law and Economics Bibliography*, Ann L. Hollick (1971)  
\$5.00