THE ECONOMIC ZONE IN THE LAW OF THE SEA:
SURVEY, ANALYSIS AND APPRAISAL OF CURRENT TRENDS

by

Douglas M. Johnston

and

Edgar Gold

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PART ONE

THE CLAIMS

1. Definition of Economic Zone (EZ)

An EZ proposal is a proposal to establish an extensive maritime zone beyond 12 mile territorial limits within which the coastal state would exercise national jurisdiction, in the form of exclusive or preferential rights and sole or special responsibility, with respect to the resources and related activities in the zone.

In practice, EZ proposals represent an effort by developing countries to establish a high degree of control over their off-shore resources under a single, multi-purpose regime.

Theoretically, EZ proposals may be characterized as an attempt to find an acceptable compromise between extensive territorial claims and extensive functionalist counter-claims to maritime jurisdiction.

The concept of an EZ is, therefore, both quasi-territorial and quasi-functionalist in appearance.

2. Evolution of the Economic Zone Concept

The contemporary EZ proposals seem to be derived historically from Latin-American state practices in the 1950's. Soon after the 1945 Truman Declaration on the Continental Shelf several Latin-American states began to enunciate claims to extensive maritime jurisdiction. In the case of El Salvador, for example, the claim took the form of a full-blown, constitutionally enshrined, territorial sea with a width of not less than 200 miles.[1] In the case of other states such as Argentina and Mexico, for example, claims were made to the "epicontinental sea", which encompassed not only the continental shelf but also the superjacent waters.[2] More famous than these unilateral initiatives was the tri-lateral decision in 1952 of Chile, Ecuador and Peru (CEP) to establish a "maritime zone" which was declared to extend not less than 200 miles from their shores.[3] These and other Latin-American claims to extend maritime jurisdiction varied significantly from one another, both in form and content, but most, unlike the Salvadorean legislation, purported to claim something less than complete territorial jurisdiction. In contemporary language they could be said to be early proposals for a multi-purpose functional zone within which the coastal state would exercise exclusive jurisdiction for designated purposes, but allegedly without prejudices to existing rights of navigation and associated rights under the regime of the High Seas.

The literature on these early Latin-American claims is voluminous and confusing with expressions such as sovereignty and sovereign rights being assigned different meanings in different contexts. Occasionally the nature of the coastal state's interests in such an off-shore zone was characterized as "patrimonial". Apparently this term was not intended, normally, to be synonimous with "territorial", but was designed rather to emphasize the viewpoint that the coastal communities of the claimant states had inherited, from their ancestors, a special interest, and hence authority, in these off-shore areas.

Peru's right to the "maritime zone", for example, was said to be based on natural and pre-eminent rights deriving from geographical contiguity, an inherent right founded on its geographic position and, therefore, pre-existent to its formal international claims.[4] Language of this kind seems to be a modern variant of an earlier "natural-law" principle of communal entitlement to the common domain.

The reasoning employed was not only cultural in its reference, but economic in its purpose. It was made quite clear at the Santiago Conference that these claims were made in order to accomplish the economic goals of further development and economic independance. In the 1952 Santiago Declaration on the Maritime Zone, ratified by CEP, and later acceded to by Costa Rica,[5] the parties agreed that:

> (1) Governments are bound to ensure for their peoples access to necessary food supplies and to furnish them with the means of developing their economy.
>
> (2) It is, therefore, the duty of each government to ensure the conservation and protection of its natural resources and to regulate the use thereof to the greatest possible advantage of the country.
>
> (3) Hence it is, likewise, the duty of each government to prevent the said resources from being used outside the area of its jurisdiction so as to endanger their existence, integrity and conservation to the prejudice of peoples so situated geographically, that their seas are irreplaceable sources of essential food and economic materials.[6]

In retrospect, this strikes the reader as a remarkable evidence of the disillusionment which began to be experienced by developing countries in the aftermath of World War II and the post-war optimism about the prospects for international co-operation for human welfare. The disillusionment of developing states has, unfortunately, become universal and increasingly evident in the 1960's and early 1970's in the aftermath of independence for many states. As the euphoria surrounding the birth of these new states has subsided, we have witnessed increasingly insistent demands to reduce the disparities between rich and poor. This point will be taken up again later.

It is interesting to note that in early claims such as those of CEP, the economic argument carried with it an implied promise on the part of the claimant to exercise a kind of custodial responsibility. Even in the 1950's, when ecologists were still on the defensive in the scientific community, the Latin-American claimants were arguing, somewhat precociously, that these off-shore zones had to be extensive in order to match the range of interdependent species within the "ecosystems" or "biomas" adjacent to the shore. Founded upon these concepts the hypothesis was: "a perfect unit and interdependence exists between the communities that live in the sea, which support their life, and the coastal population which requires both to survive".[7] The human coastal population, therefore, was deemed to form part of the biological chain which originates in the adjoining sea and which extends from the "plankton" to the higher mammals, including man.

For claimants with an unusually narrow shelf such as CEP, there was a further equitable component in the argument, namely that an exclusive "maritime zone" rested in part on the need for "compensation" in light of their natural deficiencies. At the Third Meeting of the Inter-American Council of Jurists 1956, the Peruvian representative expressed a view that the CEP claims contributed a "just rule, in that...it represents compensation to those countries which have no continental shelf. There can be no reason and justice...why many countries should have a broad submarine zone as a result of prehistoric geologic upheavals, while others should have none. The idea of "compensation" is not the sole basis for the Santiago Declaration, but it is one of the most solid bases vis-a-vis other states and one that cannot be ignored."[8] In effect, then, this type of claim was an attempt to establish an exclusive off-shore resources zone which would constitute an equitable extension of their economic resource space justified, in part, by the existing inequities of geography and disparities in development.

The primary drive of CEP for an extensive enlargement of the territorial sea, thus, became an issue of considerable interest and concern for all American states in the 1950's. The OAS, therefore, convened a special conference of the member states to consider the "System of Territorial Waters and Related Questions" and the subject of territorial extension was included on the Agenda of the Third Meeting of the Inter-American Council of Jurists, already mentioned above. The meeting was held in Mexico City in 1956. In Resolution XIII adopted with one dissenting vote (USA) and several abstentions, the Council "recognized as the expression of the juridical conscience of the Continent that each State is competent to establish its territorial waters within reasonable limits, taking into account geographical, geological, and biological factors, as well as the economic needs of its population, and its security and defense."[9] "Reasonable limits" was generally interpreted to mean that the coastal state was exclusively competent to set its own limits for the territorial sea. It should also be noted that in the intervening period CEP had agreed, at the Second Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, Lima, 1954, to establish the Maritime Zone which had been the subject of the Declaration of Santiago 1952, "for the purpose, in particular, of regulating and protecting hunting and fisheries within their several maritime zones."[10]

The next move was, of course, the First Law of the Sea Conference in Geneva in 1958. The proposal by the Peruvian delegation was largely based on the Mexico City Principles and almost identical in wording. However, there was little debate on this proposal. It was treated with almost disdainful disregard and

generally dismissed as too extreme by most of the other represented states, including several other Latin-American nations.[11] Peru eventually withdrew its proposal with the explanation that the conference "had failed to study adequately the technical, biological and economic aspects of the law of the sea."[12] At the 1960 Conference the Peruvian delegate was to repeat this charge.[13]

Once again, in retrospect, these Peruvian remarks have a considerable contemporary impact. There is little doubt that the world of the 1950's was not ready, or at least ill-prepared, to face the type of resource-protection, environment-orientation and economic-development-concern language used by some of the Latin-Americans. Today such terms are part of the everyday language of international diplomacy understood by most and acted upon by many. In 1952, 1954, 1956, 1958 and even in 1960 such expressions were considered to be but poorly disguised expressions of somewhat sinister territorial expansionism, regional eccentricity and precocious attacks upon inviolate Grotian principles.

The years between the end of World War II in 1945 and the end of the Second UN Conference on the Law of the Sea in 1960 had, of course, seen remarkable changes in other respects. One of the most important changes was the advent of the newly independent states of Asia and Africa in that period. For example, in 1945 of the fifty founding members of the UN, only two - Ethiopia and Liberia - were members; at the close of 1971, there were forty-one such members.[14] At the 1958 and 1960 Law of the Sea Conferences many of these new states were not represented. For example, at the 1960 Conference there were only fourteen Afro - Asian developing nations represented.[15] In any case, it can really be said that the Law of the Sea was not of prime concern for many of these new nations which had much more pressing problems to consider at that time.

The words "developing nations" was really the key to this concern which was largely economic. The 1960's undoubtedly were the years when economic concern was to supercede all other considerations. The newly independent nations were all, without exception, developing nations faced with considerable economic problems in a competitive, unequally developed world. Despite the foreign-aid efforts of some of the developed countries, the economic gulf separating rich and poor appeared to widen steadily. It was for this reason that the UN General Assembly decided to convene the United Nations Conference on Trade and Development (UNCTAD I) at Geneva in 1964.[16] It was at this Conference that the economic difficulties, trade inequalities and living disparities of many of these new nations was first set against the economic superiority, trade monopolies and living affluence of the developed countries. It was found, for example, that the joint-income of the developing countries, with two-thirds of the world's population, was not much more than one-tenth of that of the developed, industrialized countries.[17] In an aura of optimism the latter vowed that they would do much to eradicate these inequalities and detailed machinery to put into action this plan was set in motion by the Conference which became an integral and permanent part of the UN General assembly and which was to be convened again four years later.

In the next years the principles arrived at by UNCTAD I which were, inter alia, "to employ international machinery for the promotion of the economic and social advancement of all peoples",[18] were repeated and further considered at other regional conferences such as, for example, at Algiers which resulted

in the Charter of Algiers calling for rapid help and assistance in all matters economic for the poor countries of the world.[19]

UNCTAD II took place in New Delhi in 1968.[20] At this Conference it quickly became apparent that the high hopes for the developing world, raised by UNCTAD I had not been realized. The Conference was a forum of disappointment and bitter recrimination by the developing countries and a proper confrontation between rich and poor. It was shown that economic progress for the poor countries had been minimal and that their development progress had actually been reversed in some cases. By 1968 the ranks of the developing Afro-Asian countries, in particular, had been swelled by further newly independent countries.

Of course, by this time a new area of emphasis had arisen, particularly in the developed world. The late 1960's had become an era of resource orientation and environment concern. The resource-hungry industrialized world had become concerned about the quality of life at a time when the developed world was still concerned with life and survival itself. The confrontation between rich and poor was, thus, to be perpetuated for a further indefinite period. Development and environment are not necessarily compatible and this was quickly realized by the developing countries. For example, some regional organizations of developing countries, such as the OAU, felt that the environment concern of the industrialized world was undermining and diverting attention to the economic plight of the developing countries. Such feelings were basically representative of the developing world in general.[21]

However, environment concern prevailed even in the United Nations and the United Nations Conference on the Human Environment was convened for Stockholm in 1972. The UN General Assembly, however, realized after fierce representations by the developing countries that the whole question of environment must be widened and that the quality of life was not just a narrow concept of concern to the highly industrialized nations but that it must include the economic environment of the developing nations. Many pre-Stockholm meetings were to consolidate this approach and the Stockholm Conference itself was to consider this area of particular concern.[22]

Only months before Stockholm, however, UNCTAD III took place in Santiago, Chile.[23] Once again, the gloom and pessimism based on hard facts, experienced at UNCTAD II was apparent. Economic progress for many of the poorest countries had been slow and the economic outlook for most of the developing countries was far from bright. Once again, as at UNCTAD I and II the developing world promised greater efforts on their part, but an atmosphere of skeptical pessimism on the part of the developing world was most apparent.

In the intervening years the sea and the seabed had once again emerged into the international arena. The catalyst had been Malta's action in the United Nations asking that the resources of the seabed be reserved for the "common heritage of mankind". Resource orientation and environment concern quickly brought the whole question of sea and seabed back into the forefront of international concern generally. A new Law of the Sea Conference had been called. Many states, dissatisfied with the results of the two previous Law of the Sea Conferences, had taken their own unilateral action in spatially

enlarging their coastal sea areas. Amongst these were, of course, some of the Latin-American nations who had put into unilateral practice what they had preached many years before. Most of this new legislation since 1960 deals with fishery regulation, reflecting a more sophisticated understanding of national fishery needs and problems.[24] A similar wave of national legislation for the prevention and control of marine pollution is apparently under way.[25] The growing importance of living resources of the sea and the potential wealth of nonliving resources of the seabed, which had become scientifically discernable and technically exploitable broke down the barriers to man's greatest untapped resource. It should thus not have been surprising that the next move was to come from the developing world.

Already in December 1971, the OAU adopted a Resolution on Territorial Waters in its Educational, Scientific, Cultural and Health Commission, which endorsed a recommendation by the Scientific Council for Africa (SCA) that African states should extend their territorial waters to 200 miles; establish a 212 - mile belt adjacent to the baseline of the territorial sea. It was commented that "the 212 nautical miles would thus constitute the national economic limit in the oceans and seas surrounding Africa."[26] How remarkably similar to the language used in the Santiago Declaration almost 20 years earlier!

In any case, by June 1972 an African States Regional Seminar on the Law of the Sea at Yaounde reached certain conclusions which showed support for the EZ concept among the states represented:

viz., Cameroon, Tunisia, Algeria, Dahomey, Egypt, Sierra Leone, Zaire, Senegal, Ethiopia, Equatorial Guinea, Kenya, Ivory Coast, Nigeria, Mauritius, Tanzania, Togo, and the Central African Republic.

The results of this Seminar were the Conclusions in the general Report of the African States Regional Seminar on the Law of the Sea, Yaounde, 1972 [U.N. Doc. A/A.C. 138/79]

Also in June 1972, the Specialized Conference of the Caribbean Countries on Problems of the Sea adopted the Declaration of Santo Domingo [U.N. Doc. A/A.C. 138/80], including a section on the "patrimonial sea", which is here regarded as another version of the EZ concept. Of the 15 countries represented, ten signed the final declaration:

viz., Columbia, Costa Rica, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Dominican Republic, Trinidad, and Tobago and Venezuela.

Those present which did not sign were Barbados, El Salvador, Guyana, Jamaica and Panama.[27]

The "hottest" (and best drafted) version of the EZ concept is contained in the Draft Articles on Exclusive Economic Zone Concept, [U.N. Doc. A/A.C. 138, S.C. II, L. 10], submitted by the Kenyan delegation to the July 1972 session of the U.N. Seabed Committee. During that session several delegations took the opportunity to comment on the Kenyan draft Articles which are based on the Yaounde Conclusions.

Accordingly, the 1970's are witnessing a merger of sentiment common to many of the developing countries in Africa, Asia and Latin-America, the most conspicuous of which are a top-priority concern with the intractable problems of economic development and independence and a demand for equitable adjustments in the Law of the Sea to compensate for natural deficiencies. There is little doubt that this sharing of concerns and demands forms the basis of an economic rather than an ideologic alignment in the context of Conference diplomacy, such as that in prospect for the Third U.N. Conference on the Law of the Sea. Interestingly, there is little reference nowadays to the voting power of the "Third World", but frequent reference rather to that of the "Developing States".

It seems that some of the leadership in asserting EZ claims in the developing world will come from African states, such as Kenya, Tanzania and Senegal. Although the African states can be expected to support the economic and equitable elements in the older Latin-American arguments for extended maritime jurisdiction, it is still doubtful that they care so much about placing the argument on scientific or cultural grounds. In many of the Latin-American states, moreover, there has been a tendency, as we have noted above, to enact specialized legislation which is potentially more in tune with a functional approach to the law of the sea. Indeed, the prevailing Latin-American attitude to the law of the sea in the early 1970's might be characterized now as quasi-functional as much as it was characterized as quasi-territorial, in the 1950's. This shift in orientation is slight, but evident when the current Santo Domingo version of the "patrimonial sea"[28] (PS) is compared with older versions of the 1950's. It is not so evident, however, if one bases the assessment of Latin-American national marine policy on occasional diplomatic utterances or on the whole range of national marine legislation, old and new.

Caribbean countries, which are also becoming prominent in this way, are required, for regional purposes, to affect sympathy for Latin-American traditions, but they too, like their African counsins, are relatively detached on the scientific and cultural side of the argument, opting more pragmatically for an economic-ethical line of reasoning.

Asian countries have not yet developed "Continental" attitudes to Law of the Sea issues and, for a variety of geographical and political reasons, seem more likely to be led than leading in the trend of developing states towards an EZ type of claim.

The Arab countries have, of course, great difficulty traditionally in forming an effective regional alignment, and in the context of maritime claims, continuing divisions can be expected for the additional reasons that several of the oil-rich Arab states are rapidly outgrowing their former state of indigence.

Despite these difficulties and variations among these countries it is safe to predict, however, that almost all of them will be strongly influenced by their common perception of maritime jurisdiction issues as essentially economic in significance and that their claims will be re-enforced by a sense, past and present, of inequities and of recent frustrations.

It seems doubtful, however, that the strength of these sentiments in the developing world will be sufficient in itself to dispose of age-old objections to encroachments to the freedom on the high seas nurtured in the developed countries which also played the major part in establishing the traditional Law of the Sea. The resistance of these states to radical departures from tradition will have to be met by presenting the argument in a form which is consonant with the existing framework of international law and with contemporary juridical development. In the Law of the Sea, juridical development in recent decades has emanated from the so-called "functional" approach: i.e. an approach which favors the elaboration of regimes focused on specific functions (maritime activities) rather than on concepts or of status in defined areas of water. In this sense, the EZ concept can be interpreted, especially by international lawyers in the developing countries as a "functionalized" version of the older Latin American "patrimonial concept". These earlier forms were quasi-territorial in conception. Quite often the legal distinction drawn between the territorial forms and these early patrimonial versions was very narrow; in some formulations, almost invisible. In several cases the language of diplomatic claim has not always coincided with that of national legislation, code, or constitution. Some countries have given the impression they would be glad to accept the right to extensive patrimonial (as distinguished from territorial) limits on the ground that they would be acquiring virtually, if not precisely, the same degree of control over the resources of the zone within these limits.

Accordingly, the Yaounde Seminar and the Kenyan initiative at the last session of the U.N. Seabed Committee indicate that there is now an established trend towards a reformulation of the rights, privileges, and special responsibility of the coastal state around the core concept of an exclusive economic zone, within which coastal states would have exclusive or privileged access to the off-shore resources. To this extent then, there can be said to be a trend towards quasi-functionalism supported by a growing consensus of the developing states in the international community.

Ironically, just at the time that the resource concept of the EZ is being introduced and interposed between the old spatial concepts of the high seas and the territorial sea, the law of the sea is also now being influenced increasingly by planetary environmental concepts, including general principles for the prevention and control of marine pollution and worldwide systems and procedures for monitoring changes in the ocean environment. Just as it becomes feasible to place extractive technology under the control of many developing coastal states, the condition of the ocean as a whole becomes much more dependent than ever before on the efficiency of data collection and dissemination by oceanographers who belong to a handful of highly developed countries.

3. Characteristics of the Economic Zone (EZ) Claims

The three current versions of the EZ concept may be compared in three ways: by reference to functional comprehensiveness, jurisdictional exclusivity, and spatial extensiveness. All three, of course, contemplate a multi-functional regime which would confer largely exclusive authority on the coastal state over an extensive area beyond 12-mile territorial limits. There are, however, appreciable variations in the language of claims.

A. Functional Comprehensiveness

1. Natural Resources

The Kenyan proposal would include the 'exploration and exploitation of natural resources', the 'control, regulation, exploitation and preservation of living and non-living resources' (article I). All 'economic resources of the area' are to be encompassed, including the resources of the shelf.

The Yaounde report would include the 'control, regulation, exploitation and reservation of the living resources of the water area and of the living and non-living resources of the shelf.'

The Santo Domingo Declaration treats the patrimonial sea separately from the regime of the continental shelf. The PS claim refers only to 'renewable and non-renewable natural resources' of the zone, presumably meaning the exploitation and management of them. In the section of the Declaration dealing with the continental shelf, however, it proposes that 'in that part of the continental shelf covered by the patrimonial sea, the legal regime established for the continental shelf by international law shall apply'. As international law now stands, then, it is intended in the Santo Domingo Declaration that within the PS the coastal state shall have sovereign rights for the purpose of exploring and exploiting the living and non-living resources of the shelf.

2. Marine Pollution

Both Kenya (article I) and Yaounde refer to the 'prevention and control of pollution' whereas Santo Domingo would include the 'prevention of marine pollution'.

3. Scientific Research

Kenya includes the 'regulation of scientific research', Santo Domingo the 'conduct of scientific research'. Yaounde, on the other hand, does not refer to scientific research.

4. Guaranteed Exemptions

All those EZ proposals emphasize that the establishment of such a zone would be without prejudice to

(i) the freedom of navigation;
(ii) the freedom of overflight; and
(iii) the freedom to lay submarine cables and pipelines.

These three enumerated freedoms of the high seas would be honoured, then, by the coastal state within its EZ, though Santo Domingo also proposes that they would be subject to restrictions 'resulting from the exercise by the coastal state of its rights within the area'.

B. Jurisdictional Exclusivity

All three EZ proposals are somewhat fuzzy about the nature of the authority claimed with respect to the functions of national resource use, marine pollution control and scientific research.

1. Natural Resource Use

The Kenyan proposal refers to 'sovereign rights' and 'exclusive jurisdiction' in one place (article I), but in another (article V) it makes a distinction between non-renewable resources, over which the EZ state would have 'exclusive' control, and renewable resource to which the EZ state would have 'exclusive or preferential' rights.

Yaounde not only refers to 'exclusive jurisdiction' but also to 'sovereignty over all resources of the high seas adjacent to the territorial sea within the economic zone'.

Santo Domingo refers to 'sovereign rights' and also the 'right to ensure sovereignty over the resources of the area'.

The exclusivity of the coastal state's jurisdiction over natural resources in the EZ would apparently be unmodified under the Santo Domingo proposal for a PS. In the Kenyan and Yaounde proposals, however, important modifications are set out at some length.

First, in the Kenyan proposal a distinction is implied between guaranteed and non-guaranteed access to and use of the natural resources with the limits of national jurisdiction of the EZ state. The latter may grant a licence to exploit to other states, but this would be subject to the terms, laws and regulations prescribed by the licensing EZ state. Guarantees are, however, offered to several categories of states:

(i) the EZ state is required to permit land-locked, near-land-locked and small-shelf neighbouring states to exploit the living resources of its EZ, if

  (a) they are 'developing' states; and
  (b) their marine enterprises are 'effectively controlled by their national capital and personnel' (article VI)

(ii) land-locked and near-land-locked states are acknowledged to have a right of access to the sea and a right of transit through the EZ, these rights to be 'embodied in multilateral or regional or bilateral agreements' (article VI)

(iii) 'neighbouring developing states' have a mutual obligation to 'recognize their existing historic rights', and are required also to 'give reciprocal preferential treatment to one another in the exploitation of the living resources of their respective Economic Zones' (article IX)

Under the Kenyan articles each state is also required to 'ensure that any exploration or exploitation activity within its Economic Zone is carried out exclusively for peaceful purposes and in such a manner as not to interfere unduly with the legitimate interests of other States in the region or those of the International Community' (article X).

The Yaounde report, in a less developed form would modify the exclusive authority of the EZ state by noting

(i) that the living resources of the EZ should be open to land-locked and near-land-locked (African) states, if their enterprises are 'effectively controlled by African capital and personnel';

(ii) that land-locked states have a right of access to the EZ;

(iii) that (African) states have a mutual obligation to recognize their existing historic rights, and that the coastal state has an obligation to recognize and safeguard the historic rights of its neighbour in part of the EZ; and

(iv) that the seabed must be used exclusively for peaceful purposes.

2. Marine Pollution Control

The only express reference to the nature of pollution control authority in the EZ is a vague one: the Santo Domingo proposal for the PS includes the coastal state's 'right to adopt the necessary measure to prevent marine pollution'. In the Kenyan proposal there is an implied reference to an environmental law restraint on the coastal state, which is required to ensure that exploration and exploitation activities in its EZ are carried out in such a manner as not to interfere unduly with the legitimate interests of other states in the region or those of the international community. This might be construed to mean that the coastal state in its EZ is required to comply with agreed international standards for the protection of the marine environment.

3. Scientific Research

The only express reference to the nature of the EZ state's authority over scientific research in the zone is in the Santo Domingo report, which assigns to the coastal state a 'duty to promote and a right to regulate the conduct of scientific research'. In the Kenyan text the reference, quoted above, to the 'legitimate interests' of others and to the preservation of the EZ for peaceful purposes suggests how the EZ state might control the scientific research which it permits foreign nationals to conduct in its EZ.

C. Spatial Extensiveness

1. Breadth of the Territorial Sea (TS)

The Kenyan proposal envisages a TS of only 12 miles (article I); Yaounde one not more than 12 miles [a majority view dissented from by several states represented at the seminar]; Santo Domingo, quite moderately, states that 'the breadth of the territorial sea and the manner of its delineation should be the subject of an international agreement, preferably of world-wide scope. In the meantime, each state has the right to establish the breadth of its territorial sea up to a limit of 12 nautical miles to be measured from the applicable baseline.'

2. Elements of the Economic Zone (EZ)

The Kenyan concept of the EZ embraces water surface, water column, soil and subsoil of the seabed, and the 'ocean floor below' (article IV).

The Santo Domingo version refers to waters, seabed and subsoil. As noted above, it deals separately with the continental shelf, but provides that '[i]n that part of the continental shelf covered by the patrimonial sea, the legal regime provided for this area shall apply. With respect to the part beyond the patrimonial sea, the regime established for the continental shelf by International Law shall apply.' It is not clear whether the continental shelf regime beyond patrimonial limits, referred to here, is the outermost part of the regime established under the 1958 Convention on the Continental Shelf or whether it is proposed that the entire regime of the shelf be subsumed under the PS and the reference is to a future common heritage regime over the seabed beyond the limits of national jurisdiction.

There is no description of the elements of the EZ in the Yaounde report.

3. Manner of Determining Limits of Economic Zone (EZ)

The Kenyan draft articles permit self-determination of the limits of jurisdiction, 'in accordance with criteria which take into account [the claimant's] own geographical, geological, biological, ecological, economic and national security factors' (article I). EZ limits are to be fixed in nautical miles, 'in accordance with criteria in each region which take into consideration the resources of the region and the rights and interests of developing land-locked, near land-locked, shelf-locked states and states with narrow shelves and without prejudice to limits adopted by any state within the region'. (article VII)

In similar language, Yaounde permits self-determination of jurisdictional limits 'in accordance with reasonable criteria which particularly take into account [the claimant's] own geographical, geological, biological and national security factors.' EZ limits are to be fixed in nautical miles 'in accordance with regional considerations taking duly into account the resources of the region and the rights and interests of the land-locked and near-land-locked states, without prejudice to limits already adopted by some states within the region'.

Santo Domingo, on the other hand, notes merely that 'the breadth of the EZ should be the subject of an international agreement, preferably of world-wide scope.'

4. Maximum Limits of the Economic Zone (EZ)

The Kenyan and Santo Domingo texts agree that the maximum limits of the EZ should not exceed 200 miles, measured from the baseline of the territorial sea. No maximum distance is suggested in the Yaounde report.

5. Boundary Delineation of the Economic Zone (EZ)

In the Kenyan articles, delineation of the EZ between adjacent and opposite states would be carried out 'in accordance with international law', disputes to be settled 'in conformity with the Charter of the United Nations and any other relevant regional arrangements' (article VIII).

Yaounde proposes that the delineation of the EZ between two or more states be fixed 'in conformity with the U.N. Charter and that of the OAU'.

Santo Domingo provides that it should be carried out 'in accordance with the peaceful procedures stipulated in the UN Charter'.

6. Colonial Territories and the Economic Zone (EZ)

The Kenyan proposal includes a stipulation that 'no territory under foreign domination and control shall be entitled to establish an Economic Zone' (article XI).

D. Conclusions

Functionally, the Yaounde is the least comprehensive, since it does not propose that the coastal state would have jurisdiction over scientific research within its economic zone. All three guarantee the freedoms of the high seas within the EZ (navigation, overflight, and the laying of pipelines and cables), but the Santo Domingo guarantee is slightly fudged.

In terms of jurisdictional exclusivity, Kenya is the "softest" of the three: it contemplates a mix of exclusive and preferential rights by the coastal state to renewable resources; it prescribes several important modifications of the coastal state's authority within the EZ, for example, by reference to guaranteed rights of access and use in favor of several designated categories of independent but disadvantaged states; and it avoids any reference to the coastal state's "sovereignty" over the natural resources of the EZ. The Kenyan proposal also comes closest to impliedly acknowledging the coastal state's environmental responsibility within its EZ. For these reasons alone, the Kenyan draft articles seem to be the most acceptable of the three texts as a basis for diplomatic discussion and compromise.

All three support a 12-mile TS, though only Kenya does so without qualification or reservation. All three seem to regard the EZ as a preferred substitute for a very extensive TS, Kenya and Santo Domingo settling for a 200 mile limit measured from the baseline of the TS. In their references to the elements of the EZ, the same two texts are totally comprehensive, giving the impression that the claim is conceived as being essentially quasi-territorial in purpose, though coached in quasi-functional language. In other words, though the proposals deal

with specific activities, they seem designed to provide a juridical confirmation of the coastal state's status in hydrospace with the suggested economic (patrimonial) limits. This is especially true of the Santo Domingo proposal. Yet, in a degree, Santo Domingo is the most "multilateralist", preferring to have the method of determining the EZ limits settled by international agreement, instead of left to self-determination by each coastal state in accordance with criteria established by law-making treaty.

PART TWO

THE PROCESS OF CLAIM AND COUNTER-CLAIM

1. Method of Analysis

An assessment of a newly emerging international legal concept, such as that of the economic zone (EZ), must take full account of the limits of diplomatic feasibility. This is easier said than done. No one can determine with precision at any one point of time where these limits are. Moreover, it must be assumed that they are frequently, if not constantly, shifting. However, the task is not dismaying if it is confined to an issue area, like the law of the sea, which has been the subject of intensive and almost continuous discussion for an extended period of time during which the spokesmen of many national governments have taken the opportunity to express their policy preferences.

In an attempt to delineate the limits of diplomatic feasibility we have compiled a table, included in Appendix II, containing geographical, economic and political factors and special considerations, explained in Appendix I, that are presumed to have some influence upon the perception of national interest on the part of all states and quasi-states which are eligible to receive an invitation to the Third U.N. Conference on the Law of the Sea.

Some comments about this table and the method of compilation might be offered. In the first place, we have included 151 potential participants, including not only all 149 sovereign or quasi-sovereign entities, but also two of the Republics which form part of the Soviet Union, namely the Byelorussian S.S.R. and the Ukrainian S.S.R., which have a separate vote in the United Nations and, therefore, at the forthcoming Conference. The list of 149 sovereign or quasi-sovereign entities includes a number of non-members of the United Nations: viz. Andorra, Bahrein, Bangladesh, Bhutan, E. Germany, W. Germany, S. Korea, N. Korea, Liechtenstein, Monaco, Nauru, Oman, Qatar, Rhodesia, San Marino, Sikkim, Swaziland, Taiwan, United Arab Emirates, Vatican City State, S. Vietnam, N. Vietnam, and Western Samoa. Some of these non-members of the United Nations will, certainly, be invited to the Conference as existing members of a U.N. Specialized Agency, but political considerations may exclude a few of the others: viz. - Rhodesia, Taiwan, S. Vietnam, N. Vietnam. It is unlikely that there will be a repetition of the issue of admissibility on strictly technical criteria which resulted in the exclusion of E. Germany from the U.N. Conference on the Human Environment held at Stockholm in June 1972, an incident that induced the U.S.S.R. and some other Eastern European States to boycott that Conference.

We have selected factors which are highly variable and presumed to contribute to each country's degree of flexibility or inflexibility when confronted with the need for diplomatic compromises on fundamental issues in the law of the sea such as the nature and extent of the proposed EZ. It is understood, of course, that the making of national policy and the readjustment of diplomatic positions are not entirely national problems which can be predicted with mathematical accuracy, but we have taken into account also certain sentiments that are believed to affect the national perception, even though they are not measurable in any degree. The

final analysis of each state is determined on the basis of a mixture of objective and subjective criteria. This means, for example, that the classifications of some developing countries have been determined not only by reference to economic and other factors but also by reference to anti-shipping and similar associated political sentiments.

There is, of course, an element of arbitrariness in an analysis such as this which places considerable reliances upon quantifying data, but this seems to be inescapable in the nature of the undertaking. We have tried to avoid excessive dependence upon any single factor. Where, however, there are insufficient indicators from statements made by delegates, or other official sources that reflect national policy on Law of the Sea issues, we have acknowledged the need to resort to inference from geographical, economic, and political factors, by inserting a query (?). In some cases national delegates have said enough about their governments' policies on fisheries and other specific issues to allow us to deduce what their policy is likely to be with respect to the composite issue of the EZ. In these cases, where the state is classified by deduction rather than inference, no query (?) is inserted.

The reliability of the classification and of the analysis that follows it would, of course, be enhanced by insights that are obtainable only in professional diplomatic practice.

2. Classification of Claimants and Counter-Claimants

The survey of data compiled in Appendix II suggests that each state can be placed, initially, in one of four categories: Protagonist, Antagonist, Equivocal and Uncommitted. It should be noted that this classification refers mostly to potential rather than actual policy preference as discerned at the beginning of 1973 prior to the March 1973 session of the U.N. Seabed Committee. Those 90 states which are members of that Committee may be more likely than the non-members to revise their present positions before the first substantive session of the Conference itself in March 1974, since the Seabed Committee is already part of the preparatory Conference diplomacy.

Protagonist States: are states which on present evidence seem, or are deemed by inference, to be sufficiently sympathetic to at least the principle or general rationale of one or more versions of the EZ concept to be willing to make whatever adjustments are necessary in their marine policy positions to accept an EZ proposal at the Third U.N. Conference on the Law of the Sea. These states are believed to be willing to support a proposal for an extensive extra-territorial zone within which the coastal state would exercise exclusive or special authority over living and non-living marine resources and related activities. The great majority of protagonists are coastal states at a relative early stage of economic development or with a traditional tendency to claim extensive maritime jurisdiction as in Latin America.

Antagonist States: are states which on present evidence seem, or are deemed by inference, to be sufficiently unsympathetic to the general proposal for an EZ to vote against the establishment of an intermediate coastal zone of this kind. In some cases the antagonist states are opposed to an EZ because of the degree of

investment in shipping and long-range fishing activities and related interests. In other cases resistance seems to arise rather from a principal attachment to the classical concepts of the Law of the Sea, especially that of the freedom of the high seas. In both of these cases, the proposal for an EZ is, generally, interpreted as an attempt to endorse the practice of "creeping jurisdiction" by coastal states. Resistance is also evident from countries which feel they have little to gain through the general acceptance of a uniform EZ, either because of their geographic location (land-locked, shelf-locked etc.) or by reason of political alignment.

Equivocal States: are states, which for reasons particular to themselves, have special difficulty in resolving their own marine policy-making problems, or in attaining preferred goals, in terms of an EZ.

Jordan and Saudi Arabia, for example, have special difficulties arising out of their delicate relationship with neighbouring states which are members of the Arab League. France and Portugal, on the other hand, have a conflict between the shipping and long-range fishing interests of their metropolitan area and the coastal interests of their overseas territories. An additional difficulty for them in taking a position on the EZ principles arises out of Kenya's insistance in its draft articles that no "occupied" territory can possess an EZ. Guyana seems to be equivocal on the basis of its own official statements. Perhaps this reflects a more generally equivocal world view, since it has both something of the Latin American tradition and also something of the Caribbean perspective.

Uncommited States: are mostly states which lack the incentive or opportunity to take a strong position on the EZ issue. In almost all cases, they are unrepresented on the U.N. Seabed Committee and have not yet made their preferences known in official diplomatic statements. Indeed, almost half are non-members of the United Nations and our impression of their perception of national interest is not sufficiently sharp for us to infer how they are likely to vote on EZ proposals. In a few instances such as Uganda, Bangladesh, South Vietnam, Laos, and Khmer Republic, political instability or economic chaos adds to the uncertainty. Some of them are tiny and vulnerable states whose vote, one suspects, may be "buyable" by neighbouring or patron states with immediate political or economic favors. Several are potentially or prospectively rich mini-states by virtue of known or suspected oil reserves. In these countries there is little to be gained from the acquisition of an extensive economic zone beyond the territorial sea, especially since they are assured of economic nonintervention by richer states through sharing a narrow-necked offshore drilling zone such as the Persian Gulf. Malta, on the other hand, is a special case because of its close association with the principle of the common heritage of mankind and with a global and future perspective in the law of the sea, neither of which seems compatible with the concept of an EZ. There is also an equivocal element in Malta's approach to EZ proposals, because it differs both from the long-range shipping states and from the expansionist coastal states. As a nonparticipant in the dialogue, North Korea is classified as noncommitted, but its dilemma between Soviet and Chinese patronage is conducive to equivocation.

There is another kind of distinction that can be made between claimants and counter-claimants in the context of conference diplomacy over EZ - type proposals. Basically, most states tend to follow either a territorial or a functional approach

to issues of maritime jurisdiction. Those who adopt the territorial approach tend to discuss such issues in spatial terms, invoking territorial or quasi-territorial concepts in the law of the sea. For such states the current debate over the EZ proposals is essentially a struggle between claims for the extension of the territorial sea and counter-claims designed to protect the classical regime of the high seas. By contrast, states which are inclined to follow a functional approach to such jurisdictional questions are states which accept the need for a more complicated, less clear-cut system of regimes, each of which is intended to be a rational treatment of problems of allocation arising from one particular use of the waters in question. In practice few states today can be regarded as purely territorial or purely functional in their approach to the law of the sea, but to the extent that EZ-type proposals are perceived as a kind of compromise between the two, extreme reactions to these proposals, so perceived, can be regarded as approximating the territorial and functional poles. In accordance with their perception of such proposals many states may characterize these proposals as quasi-functional, on the one hand, or quasi-territorial on the other.

3. Trends in the Interaction of Claims and Counter-Claims

The data used in the compilation of the table in Appendix II suggest that early in 1973, just before the opening of the March session of the U.N. Seabed Committee, states which might be eligible for an invitation to the Third U.N. Conference on Law of the Sea can be classified as follows:

EZ Protagonists	70
Equivocal States	5
Uncommitted States	24
EZ Antagonists	52
TOTAL	151

As explained above, the protagonist states are those which seem on the basis of present evidence to be likely to support the trend towards the establishment of an intermediate (economic) zone along the line of the Kenyan draft articles on the exclusive EZ. The votes counted in this compilation are, therefore, potential votes, some of which can be expected to change as the current proposals undergo modification or as pressure is applied by more influential states. The same applies to the calculation of potential antagonist states. It can also be assumed that many of the states presently characterized as equivocal or uncommitted will have chosen sides by the time of the Conference, either through careful calculation of their national interest or through the persuasion of others.

The reader should notice that a special difficulty of classification arises in the case of those states, mostly in Latin America, which have incorporated in their own national legislation what amounts to a territorial claim which is spatially more extensive than that suggested by the proponents of the EZ proper. In some of these countries the nature of the legislation referred to is such that it might be construed as reflecting a territorial or quasi-territorial approach to questions of maritime jurisdiction. In a few cases, this factor in the country's law of the sea diplomacy seems to have operated as a deterrent on its diplomatic

freedom of action, forcing the government to adopt a policy of deflection in fear that the outcome of the Conference may be less than what is claimed at present in the national legislation. This further underlines the difficulty involved in placing every country categorically in a precise spot in a continuum between forth-right endorsement of the EZ and outright condemnation. Where this difficulty seems to exist for the reasons given, we have chosen to catagorize the country as a protagonist but entered an asterisk (*) against its name.

Overlooking these particular difficulties, we believe it is possible and useful to classify states in accordance with the degree of intensity that attaches to their support or opposition. Protagonist states are classified further, therefore, in the following way:

PROTAGONIST STATES

III	High Intensity --	basic	24
		with asterisk (*)	10
		Total	34
II	Medium Intensity	basic	8
		with asterisk (*)	5
		with query (?)	7
		Total	20
I	Low Intensity	basic	7
		with query (?)	9
		Total	16
	Protagonists	Total	70

According to these figures, almost one-half of those states that seem to be basically in sympathy with the EZ trend are likely to follow this course in future discussions with the highest degree of intensity. When this number is added to that of those states supporting the EZ with medium intensity it adds up to 54 states which are likely, then, to form a "blocking third" against any initiative at the Third U.N. Conference on the Law of the Sea which seems designed to prevent new encroachments on the freedom of the high seas. In other words, there is apparently no possibility that the Conference will end in agreement on a "reversion" to the status quo in the law of the sea. On the other hand, this number is far from sufficient to ensure a two-thirds majority approval of any radical change on issues of maritime jurisdiction, especially if it is assumed that the 16 protagonist states at the lowest level of intensity are capable of being persuaded to modify their present position along less radical lines.

Similarly, antagonist states can be classified further in accordance with their varying degrees of intensity:

ANTAGONIST STATES

III	High Intensity -- basic		21
		with asterisk (*)	1
		Total	22
II	Medium Intensity -- basic		4
		with query (?)	10
		Total	14
I	Low Intensity -- basic		4
		with query (?)	12
		Total	16
	Antagonist	Total	52

According to these figures the antagonist states will find it difficult to form and preserve a "blocking third" of votes against initiatives for a significant revision of the status quo on questions of maritime jurisdiction. To do so they would have to bring virtually all of the least intensely committed protagonist states within the orthodox camp and, for safety in conference manoeuvering, attract a few more adherents from the 24 uncommitted and five equivocal states, which appear, at present, to hold a "balance of power" position.

4. The Dynamics of Conference Diplomacy

Few law-making conferences in history have taken place in a period of more excited expectations than the third U.N. Conference on the Law of the Sea. However inaccurately, whatever the degree of self-delusion, the claims and counter-claims introduced into the debate on the future of the law of the sea reveal a general confidence that the ocean holds out a new hope for the poorer countries of the world. It is also the best opportunity so far for the newer, more modest states to effect new influences on the development of international law at a time when they are insufficient numbers to correct previous injustices. The law of the sea in particular is invoked by these newer states as an example of the preponderance of influence that the powerful states have had historically on the making of the international legal order. The latter, on the other hand, have never had so much reason to prepare for a major law-making conference as an exercise in defensive strategy. All previous law-making conferences organized under the universal auspices of the U.N. have been dominated, if not entirely controlled, by the older states practiced in the arts of conference diplomacy and juridical analysis. There are, therefore, interesting features of these conference preparations which distinguish them from earlier legislative efforts by the international community.

Obviously the preparation for the third U.N. Conference on the Law of the Sea has little in common with the 19th Century gatherings of plenipotentiaries. The issues in this case are so complex and technically demanding that no government can expect to make an effective contribution to the outcome of the Conference

without immersing itself in years of hard work and preparation in a variety of diplomatic forums, such as those that coalesced for the purposes of the U.N. Conference on the Human Environment, recent sessions of the Inter-Governmental Maritime Consultative Organization, the Committee Maritime International, UNCTAD III and a number of regional meetings such as the Asian-African Legal Consultative Committee and the Organization of American States. Moreover the scientific and technical inputs for this Conference have been of unprecedented importance and volume, complicating the normal problems of inter-departmental co-ordination in national capitals. Directly or indirectly, inputs have been derived from science-orientated intergovernmental agencies such as the IOC and FAO as well as many non-governmental scientific organizations. To this extent, perhaps it could be said that the legal role in conference preparation has been less dominant than in the case of the First and Second U.N. Conferences on the Law of the Sea. Admittedly, the first of these conferences held in Geneva in 1958, was preceded by the International Technical Conference on the Conservation of the Living Resources of the Sea, (1955) in Rome,[29] but the shape and direction of the law-making Conference in 1958 was very largely determined by a body of international lawyers, namely the International Law Commission which was charged by the United Nations General Assembly with preparing draft articles on the law of the sea. Much of the ILC's work was, of course, codifying existing international law rather than proposing "progressive development." But it might be thought that the legal role for the 1974 Conference, although less dominant than in the 1950's, is potentially more creative.

In the final phase, however, the outcome of the Third U.N. Conference on the Law of the Sea will be affected less by the modes of preparation than by the dynamics of conference diplomacy. In a sense, the preparatory diplomacy for the Third U.N. Conference on the Law of the Sea has been under way for more than three years, as soon as it became apparent that the diplomatic work applied to the bi-annual session of the U.N. Seabed Committee, to the working groups for the U.N. Conference on the Human Environment and the recent sessions of IMCO, were stepping stones to the overall formulation of international marine policy. In the light of these experiences, therefore, it is possible to trace present developments in conference diplomacy, even a year before the formal substantive session of the Conference begins.

A. Modes of Diplomacy

In the context of these conference preparations two basic kinds of diplomacy can be discerned: alignment diplomacy and compromise diplomacy.

Alignment Diplomacy: is directed towards the establishment and maintenance of a voting block on crucial issues which will remain committed to the substance of a basic document composed by a leader state in consultation with influential co-sponsors.

Compromise Diplomacy: is directed towards the synthesis of completing diplomatic positions so as to provide the basis for concessions by states at both ends of the continuum of opinion.

Alignment diplomacy can be designed for destructive and constructive purposes. In the context of the Third U.N. Conference on the Law of the Sea it can be used

by extremist states that have an unacknowledged intention of blocking the Conference and use their persuasive powers diversely so as to ensure a negative outcome; or by moderate states which are chiefly interested in building support around their own policy preferences so as to lead the Conference towards a more positive outcome. In the latter case it is possible, then, that modes of alignment diplomacy can be resorted to to accomplish what the leader state regards as a compromise solution. At the same time it can be argued that there is more than one kind of compromise diplomacy. In the context of the Third Law of the Sea Conference, for example, a state may be chiefly concerned with the attainment of an eclectic agreement, which is believed to be the best kind of result because it contains ingredients from all competing proposals. On the other hand, compromise diplomacy can take the form of a search for intermediary concessions, which represent a half-way stage between the strongest positions, the confrontation between which threatens the success of the Conference.

B. Leader States

The conference diplomacy preceeding the first substantive session of the Conference at Santiago has been characterized by a succession of working papers and policy statements by the most conspicuously involved members of the U.N. Seabed Committee. The states most actively involved in the preparation of the initiatives can be regarded as "leader states". In addition, there are a number of important states which have been less active in this way but whose potential influence on the outcome of the Conference is so obvious that they should also be classified as leader states. By the early weeks of 1973 it seemed that there were six general catagories of leader states.

(i) Developmental Leader States: Chiefly in Africa, but increasingly in Asia and other parts of the world, initiatives have been taken in proposing an EZ which is conceived, essentially, as a marine extension of the coastal states land economy. For these states, which include Kenya, Tanzania, Nigeria, Senegal, Ethiopia, Egypt and Sri Lanka the dominant concern is for facilitating the development of their off-shore resources and eliminating unwanted competition with more advanced maritime countries whose technological prowess seems to threaten the interests of the coastal state. The language contained in proposals made by the developmentalist leader states is generally economic in its reference, reflecting their disillusionment with existing systems of foreign aid and international development and a feeling of vulnerability to the established shipping and trading nations. The new leaders emerging from this category are likely to be states which are also prominent in other forums dealing with development problems, such as UNCTAD and ECOSOC. Their performance in these other forums would, perhaps, provide clues as to the methods of alignment diplomacy that they are likely to employ at Santiago in 1974.

(ii) Patrimonialist Leader States: Most of these leaders, as mentioned above, have emerged in Latin America, where there is a regional tradition in asserting both acquisitive and protective powers for the member states of South and Central America. In more recent years, the Latin American tradition has been expanding to include some of the Caribbean states such as Trinidad and Tobago, although most Caribbean states seem less committed to the concept of patrimonial rights as the formula by which they would acquire new legal protection in their

marine environment. The patrimonial movement seems to be led especially vigorously by Chile and Mexico and to a lesser extent by Columbia, the Dominican Republic and Venezuela. The patrimonial argument seems to have been rather more difficult to press upon other regions of the world, partly perhaps because of its cultural associations with its hemisphere of origin and partly because its quasi-territorial elements make it seem slightly less flexible than the developmental argument. However the similarities between the two are sufficiently strong to explain the increasing popularity of the concept of a patrimonial sea. The patrimonial argument has been developed mostly in the context of OAS diplomacy, but it is doubtful that this regional experience among highly homogeneous delegations will be directly applicable in the more complex forum of the Third U.N. Conference on the Law of the Sea.

(iii) Territorialist Leader States: Historically, Latin America has also produced the most active proponents of an extensive territorial sea, within which the coastal states would, theoretically, have even more authority over off-shore resources and related activities than within an EZ or patrimonial sea. The leader states in this category such as Ecuador and Peru, are the real pioneers in the post-war movement for very large extensions of coastal jurisdiction.[30] Accordingly their leadership credentials are enhanced by the prestige that attaches to states which have taken unpopular initiatives that are later followed by many others. The more recent followers of the territorialist leader states include Brazil, Argentina, Guatemala, Panama, Uruguay and Sierra Leone. A few of these states, such as Brazil and Argentina, show signs of wishing to play a leadership role in law of the sea diplomacy, but they sometimes seem more attracted to the patrimonial than to the territorial position which their own legislation seems to require them to adopt. The difficulty of analysis is compounded by the suspicion that some of the initiatives in alignment diplomacy taken by leader states in this category might be motivated by the desire to block the Conference, so as to leave their territorial claims unaffected by its outcome. It is hard to establish a correlation between legislative claims and diplomatic policy, but it may be significant that in some of these countries the most recent legislation applying to off-shore areas avoids express assumptions of sovereignty.

(iv) Traditionalist Leader States: Most of the European states are essentially traditionalist in their approach to questions of maritime jurisdiction. The West European countries are still emotionally involved in the neo-Grotian tradition which places an emphasis upon the virtues of the freedom of the high seas. In Eastern Europe the Socialist states are no less traditionalist although they are less inclined to invoke the memory of Hugo Grotius. Most European states have a very significant investment in shipping, long-range fishing and related oceanic activities. Outside of Europe, for reasons of self-interest rather than historical sentiment, Japan has become the leading co-sponsor of the traditionalist leadership movement along with the U.S.S.R. and U.S.A. For these countries, especially, most is to be gained by relying upon the argument of reciprocity and mutual benefit. The performance of these states in forums such as IMCO show, however, that these euphemistic references are designed, in part, to disguise acquisitive objectives and an understandable desire to protect their investments. It should be noted, however, that a few prominent coastal states such as the U.K., France and Spain seem to be moving towards the preferentialist position and may be prepared to offer leadership of that kind.

(v) Preferentialist Leader States: This category is more miscellaneous, including a fairly large number of states in many parts of the world that are prepared to accept radical revisions in the law of the sea by developing and applying the concept of special interest. Four different kinds of leadership seem to be provided within this category.

First, there are a number of formerly traditionalist states, such as Yugoslavia,[31] Spain,[32] and possibly the U.K. and France, which appear willing to concede to the coastal state a considerable extension of special rights and privileges, and also certain kinds of responsibilities in off-shore areas, but are not yet prepared to accept a package proposal in the form of a single multi-purpose zone such as the EZ or the Patrimonial Sea (PS). Second, there are states like Canada,[33] Australia,[34] and New Zealand[35] which are much more favorably disposed than the first group to EZ proposals but are still trying to formulate their positions in a manner that is consistent with a functionalist approach to the law of the sea in general. The leader states in this category have been particularly active in the preparation of working papers on fishery policy and marine pollution prevention, in which they argue their general preferences from the premises of specific managerial concerns. From this group has evolved the concept of custodial rights vested in the coastal state. Third, a different kind of leadership has been offered to a more limited number of countries that find themselves in special geographic situations, such as those that are land-locked[36] and those that constitute mid-oceanic archipelagoes.[37] Initiatives from leaders in these groups such as Afghanistan, Nepal, Zambia and the Byelo-russia S.S.R. on the one hand, Indonesia, Philippines and Fiji on the other, are special to their situations; but their impact on the outcome of the Conference may be considerable because of their number, which constitutes almost one-quarter of the likely participants. Fourth, there are a few states, such as Iceland, whose approach to jurisdictional questions is governed by the existence of special economic or socio-economic circumstances, such as an exceptional dependence upon the fisheries resources of their coast.[38] By virtue of the nature of their problem, it is difficult for this kind of leadership to attract much of a following.

(vi) Universalist Leader States: Malta has established itself as the leader of a movement outside the context of EZ proposals to develop the concept of the common heritage of mankind in areas of the sea beyond limits of national jurisdiction. The logic of this approach makes it difficult for such a leader to accept the territorialist, traditionalist or patrimonialist arguments, and since Malta's focus is largely directed by Ambassador Pardo in projecting current developments in marine technology, it may be said to be more futuristic than any other approach to the law of the sea. The special appeal that this kind of vision offers is that of a kind of idealism that is also a kind of higher reality, but it also places emphasis on the need for organizational innovations that would require imaginative statesmanship on the part of national governments.

C. Target States:

The scope of initiative for each kind of leader state is, to some extent, limited by the number and nature of states upon which it has a significant degree of diplomatic influence. Most states are in one degree or another subject to the diplomatic influences of others and in this sense can be regarded as target states. The following five categories seem to be the most significant in

the context of law of the sea diplomacy, particularly in that of pre-Conference and Conference negotiations concerning EZ proposals.

(i) Developing States: This is the largest category of all in the classification of target states, comprising at least two-thirds of the probable participants at the 1974 Conference. The vulnerability of these countries, viewed as target states, varies presumably with their degree of indigence. Chad and the Maldive Republic are obviously more vulnerable in this sense than Brazil and China to persuasive techniques of affluent leader states such as the U.S.A., Japan and the U.S.S.R. Most developing countries are likely to be attracted to almost any kind of EZ-type of proposal which seems to promise greater security with respect to off-shore resources and the coastal marine environment, but it is difficult to predict the degree of susceptibility in each case to territorial, patrimonial and developmental approaches to questions of maritime jurisdiction. In so far as developing countries have a choice between different approaches of these kinds, the final decision will probably be made by reference to a wider range of considerations than the strictly economic. Developing countries that pride themselves on a pragmatic approach to foreign policy may prefer the flexibility inherent in initiatives taken by developmentalist leader states. In other cases cultural, historical and geographical factors may contribute to the choice of a territorialist or patrimonial approach. Obviously there is an important distinction to be observed between developing coastal states and developing land-locked states. In the Kenyan draft articles on the exclusive EZ there is a clear effort being made to attract the support of indigent land-locked states, especially in Africa, with the suggestion that they would benefit appreciably by sharing access to the living resources of the neighbouring coastal states.[39] It may be that the future of Kenya's initiative rests largely on its saleability to the land-locked developing states. It should be borne in mind that the same indigent states are obviously susceptible to economic offers by other states with a different approach to issues of maritime jurisdiction.

(ii) Anti-Imperialist States: All countries in this category belong also to the larger category of developing states. But the strength of anti-imperialist sentiment may be so great in a number of cases as to deflect economic offers by countries associated with imperialism in the past or neo-colonialism today. It is quite possible, for example, that countries like the U.K., France and the U.S.A. are unable to affect the voting behavior of some members of this category of target states regardless of the nature of the initiative or of its probable impact on the target state's economy.

(iii) Regional States: Member states of a region may find themselves approached by others to consider proposals for a common regional approach to issues of maritime jurisdiction. The Yaounde Seminar of 1972 was an example of this type of exercise to cultivate a regional approach, which resulted in a general endorsement of the concept of an exclusive EZ by 17 African states. It is notoriously difficult, of course, for a region consisting of many member states, like Africa, to find a common policy on the problem of allocation where the distribution of resources is so unequal. Even in Latin America, with its long history of regional organization, it has proved to be difficult to establish an identity of views on difficult questions concerning fishing and mining-rights in the ocean. Within smaller geographical contexts, however, there are significant attempts being made to establish common regional policies on particular

issues in the law of the sea. In the region of the Strait of Malacca, the littoral states of Indonesia, Malaysia and Singapore have attempted to formulate a common policy on restricting navigation through those hazardous waters, particularly with a view of lessening the risk of a catastrophic spillage of oil.[40] In order to increase their diplomatic influence these three countries have attempted to draw in neighbouring countries with related concerns such as Thailand and the Philippines. Further south there is recent evidence of an interest in developing a common regional approach to seabed issues on the part of Australia and New Zealand and it seems likely that they, in turn, will attempt to establish regional alignments with Fiji, Tonga, Nauru and Western Samoa. To some extent the smaller members of these new regional groups may find themselves natural targets of diplomacy on the part of their larger neighbours.

(iv) Aligned States: Although we are passing out of the age of "Cold War" alliances, there remain many countries in all parts of the world whose foreign policy is affected by a sense of alignment with one of the great powers. In most cases there may be nothing in their treaty commitments that require them to vote with the power on such issues as those of maritime jurisdiction, but inevitably a power by virture of its very nature continues to have perceptible influences on the general direction of the foreign policy of its allies. In bilateral relationships for example, Albania is not likely to take a diametrically opposed position on the law of the sea to that of China, nor Greece to that of the U.S.A. In multilateral relationships, the U.S.A. will continue to have some, though declining, influence on NATO and SEATO allies, as will the U.S.S.R. on the Warsaw Pact states in Eastern Europe. Because of the economic significance of the EZ proposals, however, it is possible that EEC, OECD, COMECON, and EFTA loyalties will have slightly more effect on the voting behavior of the member states than questions of military security.

(v) Dependent States: There are several kinds of dependent states which are especially vulnerable to inducements and threats by richer or more powerful countries. First, there are many "micro-states" which are so small that they lack the organizational sophistication and infrastructure to conduct any kind of foreign policy on a continuous basis. On the other hand, not all micro-states are dependent on others: for example, some of the small oil-rich states in the Arab world are relatively affluent and rapidly acquiring a state of economic independence. Second, some former colonies may be especially vulnerable to the economic influence still retained by the former colonial power in their territories. In their own calculation their best hope of economic relationship in order to attract the requisite capital and skills for such projects as fishing development and off-shore mining. Third, there are a number of "shell-states" whose economy is very closely linked with huge and highly organized economic interests of a foreign corporate power. In these cases much of the organizational capability of a country is derived from these corporate activities and even its conduct of foreign policy may be largely influenced by the need to sustain this relationship on a profitable basis. For example, the foreign corporate interests in phosphate in Nauru, in bananas in Honduras and in shipping in Liberia would presumably not be served by the shell-state's adoption of a policy favoring the introduction of an EZ throughout the world. Fourth, there are a number of dependent states which might properly be described as "vassal-states" because of their exceptional diplomatic subservience to the wishes of a patron-state. In these cases the patron-state may, in effect, have a double vote at the Third U.N.

Conference on the Law of the Sea. Fifth, there may also be a few countries in the world which do not quite fit any of the above categories of dependent states but are nevertheless diplomatically susceptible in the context of conference diplomacy by virtue of their "special relationship" to a larger neighbouring country. These countries may not be heavily dependent on foreign trade or aid because they maintain a high degree of self-sufficiency on a modest economic level, but are dependent in the sense that they traditionally consult with the larger country on matters of common interest. Obviously, inclusion in any of these five categories does not disqualify a state from being invited to the Conference. Those which are members of the U.N. will, of course, receive an invitation automatically, and those which are not, may be invited if they are adjudged to be sovereign actors in the international community. In each of these cases, of course, the state with the dominant influence will strive to secure an invitation for it in the hope of gathering multiple votes.

PART THREE

THE OUTCOME

1. Projection of Trends

A. The Numbers Game

All evidence, including the data used in our table contained in Appendix II, indicates an established trend of opinion in most parts of the world towards a basic revision in the law of the sea in such a way as to provide new protections for the developmental interests of coastal states in extensive off-shore areas. According to this view, what is needed is an extensive maritime regime or regimes under which the coastal state can exercise special rights or privileges and certain responsibilities with respect to the living and non-living resources of the sea and related activities affecting the environmental activities of these areas.

What is envisaged by many states is the establishment of a specific multi-functional zone which may extend as far as 200 miles from the base line of the territorial sea, the exact extent in each case to be determined by reference to agreed upon criteria.

The trend described in the previous paragraphs seem to be supported by well over one-third of the countries likely to be invited to participate in the third U.N. Conference on the Law of the Sea. In our view the number of protagonists is more likely to increase than decrease in the last months before the convening of the procedural session of the Conference in New York in November 1973. It seems safe to predict that the supporters of the trend are assured of a "blocking third" which will be capable, at any time during the Conference of defeating a substantive resolution that is interpreted as contrary to the trend. There is, therefore, no possibility that the Conference will agree to the retention of the status quo in the law of the sea, according to which the special rights of the coastal states are still largely derived from the exercise of sovereignty within the territorial sea. At the same time it is almost as clear that the opponents of the trend, the so-called antagonists, have at present the prospect of attracting about one third of the votes at the Conference on the basic issues of the extension of coastal state jurisdiction. If through the shrewd use of conference techniques the protagonists are able to reduce the opponents in number, and attract some of the uncommitted and equivocal votes as well, it is quite conceivable that the antagonists may be deprived of a "blocking third". But a numerical victory of this kind, resulting in a two-thirds majority approval of an EZ-type proposal, might still be meaningless in practice if the opponents include some of the more powerful and wealthier maritime states such as the U.S.A., U.S.S.R. and Japan. Since the protagonists have presumably no intention of limiting themselves to a Pyrrhic Victory -- winning the battle but losing the war -- it can be assumed that both before and at the Conference they will take advantage of the trend and focus their diplomatic initiative upon those states which seem to have relatively little at stake in the issue, such as the so-called land-locked and shelf-locked states and states which for other reasons seem to

be somewhat equivocal or uncommitted. Smaller states, in particular, usually try to avoid being on the losing side of a major international issue, if their own interests are not deeply involved, but it should be remembered that this group of states, taken together, also constitutes a potential "blocking third" at the Conference. Accordingly, they will be tempted as they already have at pre-Conference forums, to pursue their own brand of alignment diplomacy. In the course of this exercise the land-locked states will have to decide whether they have more to gain by holding out as a group for a significant share of the mineral wealth to be extracted from the seabed beyond relatively modest limits of national jurisdiction under the principle of the common heritage of mankind, which is certain to be endorsed at the Conference; or by seeking through bi-lateral regional diplomacy the fulfilment of general assurances by the supporters of an EZ type of proposal that they will be permitted, on favorable terms, to have access to the living resources of the EZ which would be in the possession of the neighboring coastal states. The shelf-locked countries, on the other hand, seem less likely to be capable of acting as a solid group on the issue of the EZ: the interests of such countries, as in Northern Europe, Asia Minor, and the Caribbean, seem more likely to be affected by regional considerations.

In summary, we are witnessing already a diplomatic competition involving three potential "blocking-thirds", each consisting of slightly less or slightly more than fifty states. The antagonist third consists largely of states which already possess the preponderance of effective power and wealth in the world today; the protagonist third consists of states which find themselves in a position to secure a major diplomatic victory that might result in a larger share of wealth and power to be secured from the newly attainable ocean environment; and the ambivalent third consists largely of states which can realistically aspire to the advantages that accrue to holders of the "balance of power".

B. Pre-Conference Strategy:

As indicated above, the Third U.N. Conference on the Law of the Sea has in a sense been in process for a number of years, at least since the establishment of the U.N. Seabed Committee in 1970-71. But since the formal sessions do not begin until the first procedural session at New York in November 1973 the years preceeding that point can be regarded as the pre-conference period.

During that period the states most active in preparing for the formal sessions have been conspicuously developing their strategy in a number of forums other than that of the Seabed Committee, such as IMCO, UNCTAD III held at Santiago in April/May 1972,[41] and the U.N. Conference on Human Environment held at Stockholm in June 1972.[42] At Stockholm and Santiago most states were present and had an opportunity to develop their pre-conference strategy on certain aspects of the law of the sea. At Stockholm emphasis was, of course, upon environmental aspects, particularly the problem of marine pollution but a number of countries, such as Canada, used that forum to project an overall conception of new and more sophisticated modes for the development of international law in general.[43] For some of these countries a difficult area of international law like the law of the sea can no longer be "progressively developed" on the basis of draft articles prepared by the International Law Commission or by the convening of a single law-making conference of plenipotentiaries in the 19th Century manner. Instead

it has been argued, what is needed is a series of relevant and related conferences which offer forums for the exchange of views on the part of the law of the sea. In this view, the Stockholm Conference provided an opportunity for the adoption of general principles which would not necessarily be of a legally binding character but might be acceptable as guidelines for the treaty-making process to be continued in a different forum such as a Third U.N. Conference on the Law of the Sea. By the same reasoning there would be a third and final phase in sessions of IMCO and other technical agencies where more detailed regulations can best be elaborated.

Outside these universal forums some regional efforts have also been made to develop pre-conference strategy on basic issues in the law of the sea, such as the proposal for an EZ or Patrimonial Sea. The Santo Domingo Conference of 1972 was an attempt by the Caribbean states to develop a block in support of the "patrimonial" approach to the question of maritime jurisdiction and the Yaounde Seminar of 1972 was an attempt by some African states or organize a common "development" approach to the same question.

It appears that there is a growing divergence in pre-conference strategy between that employed by most Latin American states and that preferred by the African developing states. This divergence is apparently wider than can be inferred from the language used in the Santo Domingo Declaration and Yaounde Report, since neither text reflects majority views in Africa or Latin America. The extent of the split between the two continents on questions of maritime jurisdiction was revealed at the FAO Technical Conference on Fishery Management and Development held at Vancouver in February 1973. Although this Conference was designed to deal with technical matters, and not with legal or political considerations, some of the Latin American delegations such as Peru, took the opportunity to press arguments for the expansion of coastal state jurisdiction. In so doing, the Latin American delegates portrayed themselves as developing countries capable of managing and developing their own fisheries under a system of coastal state control or ownership. The African delegates, on the other hand, presented the case of developing nations that need large amounts of aid, in terms of money, equipment, and personnel to enable them to develop and manage their coastal resources and to obtain food and employment for their populations. Whereas the Latin Americans emphasized ownership and control of adjacent resources the Africans emphasized various modes of development such as joint-venture programmes and development projects which would facilitate the transfer of marine technology to developing coastal states.

Despite the number of such conferences in the last few years it is still true to say that a large proportion of those states which might be characterized as vulnerable targets of diplomacy have not been actively or passively involved in pre-conference strategy on the law of the sea issues. This is more significant then it would normally be before a major law-making conference, because many of these target states have long coast lines and the prospect of considerable mineral wealth and fishery development which may create a fair measure of bargaining power at the Conference itself. Accordingly, the pre-conference strategy of the most actively involved states is complicated by the uncertainty of response by small states which would otherwise be highly susceptible to economic inducements or other means of persuasion.

It can be anticipated that right up to the beginning of formal sessions pre-conference strategy will consist of two kinds of components: alignment diplomacy and compromise diplomacy. The former will be characterized generally by the determination of many states to invoke and cultivate the sense of inequity. This will continue to be done by constant references to the existing imbalance in the structure of the law of the sea which seems to favor the interests of the established maritime powers. This point will be constantly reiterated by exercises in self-characterization designed, for example, to contrast the disadvantages of coastal states with the advantages of shipping and long-range fishing states. There seems little doubt that this particular form of self-characterization will be successful in producing an outcome much more favorable to coastal interests, imposing new and more extensive restrictions upon the freedom of navigation and fishing beyond the limits of national jurisdiction. Similarly, other states will continue to emphasize the distinction between developing and developed nations, drawing upon ideological as well as economic modes of reference. This form of pre-conference strategy will be characterized by the expression of "anti-rich", and specifically "anti-shipping", sentiments which have been cultivated in several forums such as UNCTAD and ECOSOC. Predictably, the shipping and developed nations have been provoked by these rhetorical modes of alignment diplomacy directed against them and reacted as an increasingly solid block in defense of their interests under attack, but there is some evidence of a slight shift in some of these countries towards a less intransigent position.

Pre-conference strategy in alignment diplomacy has also been characterized by cultivating a sense of entitlement. This has been done in recent years by unilateral extensions of the territorial sea, in some cases as far as 200 miles, and by increasing references to the quasi-territorial concept of the PS. The Latin American countries which gave birth to this concept have been particularly active in promoting it among Asian and African states particularly in the forum of the Asian-African Legal Consultative Committee.[44] We anticipate that this particular strategy will have limited success before the Conference if its natural law overtones are overemphasized in areas with different legal and cultural traditions.

Pre-conference strategy in compromise diplomacy, on the other hand, is less developed, since the trade-off potentialities of the debate cannot be assessed easily before the Conference gets under way with a full complement of nations present and available for "corridor diplomacy". Perhaps the most interesting attempt so far to develop this kind of strategy is that of the so-called "functionalist" states which have been advancing the case for an extension of coastal rights by reference to the need for the development of the coastal state's managerial or "custodial" responsibilities. This innovation has had the virtue of de-emphasizing the acquisitive side of the movement for an extension of the coastal state's jurisdiction. Several major working papers have been presented at the U.N. Seabed Committee dealing with specific functional areas of the law of the sea such as fishery management and marine pollution prevention.[45] It remains to be seen, however, whether these sophisticated proposals will have much of an impact on the attitudes of the developing coastal states who show an understandable preference for a simpler approach to the allocation of maritime jurisdiction. This doubt arises in part from the fact that other working papers of a similar kind by the major shipping states, on the same level of sophistication, are blurring the distinction between coastal and non-coastal initiatives.

In other words, these functionalized proposals may be counter-productive because of the appearance given that they represent an intellectual game which only developed nations can afford to play. Another kind of initiative apparent on the part of the shipping states is their ready endorsement of the case for expanding the notion of the special or preferential rights of the coastal state without basic alternatives, however, in the structure of the law of the sea. It is quite clear that this will continue to be the preferred strategy for the majority of the traditionalist states right up to the beginning of the first substantive session of the Conference in Santiago in March 1974. There is, however, an indication since the end of 1972 that some of the traditionalist states might be prepared to consider a new kind of pre-conference strategy in compromise diplomacy, whereby they would make substantial concessions to the case for an intermediate zone such as the EZ albeit in a modified form, provided that the protagonist states on their part would retract their traditional claims and agree to universally modest limits of three or six miles.

C. Conference Strategy

It is unwise to attempt a prediction of conference strategy one year before the first substantive session of the Conference is due to be convened at Santiago. In the first place, the positions to be taken by many participants on basic issues can only be conjectured: they have neither the opportunity to develop a coherent approach, nor the incentive to make it widely known before they are in a position to negotiate benefits in corridor diplomacy. Second, even those states represented on the U.N. Seabed Committee which have already become involved in alignment or compromise diplomacy may find it useful or necessary to change their views as a result of these preparations before they arrive in Santiago. Third, virtually all participants, however well established their positions, may be forced to revise their conference strategy, and adapt their conference tactics, according to the outcome of the debate on procedural issues at the preliminary organizational session of the Conference to be held at New York in November 1973.

As the first point, however, it is anticipated that the votes of small target states will not be so easily bought as at other major law-making conferences. Poor coastal states believed to be potentially rich in offshore resources will no doubt pursue a policy that enhances their prospect of securing developmental assistance from nations advanced in marine technology. Indigent coastal states with favorable mineral prospects, in particular, will attach a high priority to the way their inexperienced diplomats play their cards at the conference table. It might be assumed that several will over-estimate their prospects of securing new sources of wealth from the sea, and overplay their hand. The strategy of technologically advanced capitalist states on EZ issues will be much more difficult to establish than on a single-factor issue like the extent of the regime of the continental shelf, where the logic of corporate self-interest is fairly easy to discern if not to apply.

If as we expect, the traditionalist leader states are unable to reverse the trend towards the EZ in pre-conference diplomacy, it is expected they will try to win compromises in two ways at the Conference itself: by offering inducements to the equivocal and uncommitted target states in the context of proposals for facilitating the transfer of capital and marine technology to the

developing countries; and by offering to accept a modified, quasi-functional version of the EZ in return for agreement on a uniform territorial sea of less than 12 miles. Some of the traditionalist states may be able to pursue a special kind of trade-off strategy because of their particular interest in certain issues that lie outside the context of general jurisdictional questions, such as that of access through straits; or they may prefer to resort to separate negotiation with key states on matters of particular concern, such as the conduct of scientific investigations. In general, they are likely to concede the case for special coastal rights but reject proposals which expressly characterize such rights as exclusive throughout the EZ in the case of fisheries and navigation controls for the prevention of pollution. Proposals for authorizing coastal states to grant or withhold consent to the conduct of oceanographic research within extensive zones are unlikely to be accepted by the traditionalist states.

The question of the substantive impact of procedural compromises on conference strategy is highly conjectural. All issues concerning jurisdictional limits - territorial, patrimonial, functional - are closely inter-related. The order of placement on the agenda may present intractable problems of drafting at the Conference, when a position on one kind of jurisdictional issue can only be stated on the basis of assumption or conditions regarding the others. If jurisdictional questions are referred to two or more committees, the difficulty of compromise diplomacy at the Conference is compounded.

2. Appraisal of Trends

A. The Problem of Value Conflict: Diversity of Attitudes and Interests

In our view the trend described in this paper is too well established to be reversed before or at the Third U.N. Conference on the Law of the Sea. Moreover, we believe that the equitable components of the general argument for the extension of coastal rights, privileges and responsibilities must provide the foundation for a radical revision in the law of the sea, especially on the crucial questions of jurisdiction in off-shore areas. Whatever the final form adopted at the Conference, the effect should be to provide coastal states with new safeguards against the encroachments by distant water states on the coastal marine environment which contains new hopes for the development of coastal economics. An additional, and important, reason for supporting this general trend is the all-pervasive threat of pollution to coastal interests, which are most likely to be effectively protected within a jurisdictional system that acknowledges the special interest of the coastal state in the preservation of the entire coastal environment and not just specific resources.

It is not enough, however, to justify an established trend in negotiations by reference to the preponderence of national policy preferences. What is needed is a closer examination of the values involved in the contest between claimants and counter-claimants. In this paper, we have presented a picture of the contest on the basis of a model of national interest conflicts, as if it will and should be resolved simply by diplomatic ingenuity in engineering politically acceptable compromises. What is at stake is much too important to be treated simply as the ball in a diplomatic ball game. There is no exaggeration in the proposition that the forthcoming Conference is entrusted with redesigning future

uses of the sea. A total failure of this conference will be fairly interpreted as a major failure in international law.

If the Conference results in total failure the reasons will be found less in technical failures of compromise diplomacy than in basic conflicts of values. In the final analysis it is superficial to describe the difficulties as if they were composed merely of diverse interests calculated rationally by each country, in order to survive in a jungle of savage competition. After making full allowance for all the competitive factors present in the problem, we are bound to notice that the diversity of approaches to EZ-type proposals is affected by generally divergent hopes and fears and by conflicting conceptions of the ideal world community. In short, the difficulties are best described in the final resort as the product of presently irreconcilable attitudes.

The most intransigent force of all is, of course, that represented by those states which are still basically opposed to the Conference itself. These anti-conference states belong to two dimetrically opposed groups: those traditionalist states like the U.S.S.R. and its allies, Japan, U.S.A. and perhaps the U.K. and other West European states; and those expansionist states like Peru, Ecuador and Brazil. The first group is essentially still committed to the familiar classical conceptions in the Neo-Grotian traditions which place a premium on the freedom of the high seas. For them the Conference represents a direct and sinister threat to the continuance of that tradition, which has secured their own interest so well. The second group, still composed mostly of Latin American states, senses that the Conference cannot result in an endorsement of the extreme territorial or quasi-territorial claims that they have made unilaterally. For them the Conference threatens to create a universally approved obstacle to the consolidation of a special regional regime in the western hemisphere. The first group then reflects the apprehensions of the threatened status quo and the second reflects those of expansionary regionalists.

The preference for a regional approach to maritime problems of great complexity is not, of course, confined to Latin America. In Northern and Western Europe there have been important developments for many years in establishing regional systems for the supervision of maritime activities in the North and Baltic Seas and even for enforcing certain kinds of uniform regional regulations.[46] There is little doubt that developments of regional international law will continue to be needed to deal effectively with problems of a regional character, but there is no alternative to a universal law-making effort if radical revisions are to be made to the structure of the law of the sea. To us this is just as clear as the untenability of arguments for reversion to the status quo.

The caution reflected in the views of many states, especially in the developed world as they prepared for the Conference, may be the result of years of painful experience in building up international institutions whose best hope of reasonable efficiency lies in limitations of function or regional scope, so that extraneous political constraints are kept to a tolerable level. Understandably these "institutional conservatives" have acquired a mixture of scepticism and pride in the uses of international organizations of these kinds which cannot be obtained so easily as a matter of faith or principle by the newer states. But a detached observer has difficulty in giving regional and functional maritime organizations much credit for the assistance provided to developing countries

confronted with primitive problems of economic advancement, nor for their imaginative approach to problems of managerial and environmental responsibility.

There is, however, a genuine difference of approach between specialists in developed and developing countries which is related to the question of the degree of sophistication that can and should be incorporated in the new law of the sea. There is, for example, a strong preference in some technologically advanced countries for a functional approach to basic issues in the law of the sea which would permit the elaboration of detailed, complicated and fully rational regimes for each major use of the ocean in the light of present scientific knowledge. For the functionalists the biggest difficulty consists of finding an intellectually honest compromise with the politically important fact that the majority of nations are unprepared for debates of this kind and unwilling to approve reform in the law of the sea in a form that seems to place it beyond their control.

At the back of the dilemma over the level of sophistication at which the law of the sea should be reformed is the problem of deciding how far it is necessary to go with the argument for uniformity and certainty. It is much easier to understand and explain the advantages of uniformity and certainty than it is to understand and explain the merits of functional differentiation in the development of maritime regime, and this fact alone reduces the diplomatic value of sophistication in law of the sea diplomacy. In this sense the chief need is to reduce the irrational and illusory arguments for uniformity to a more realistic level without appearing to press for an unrealistic degree of sophistication.

These basic conflicts of attitude will not disappear with a diplomatic triumph. There are many levels of realism and idealism in the difficult debate on the future of the oceans. Perhaps the only way of avoiding a depressing conclusion on the futility of the debate is by remarking that it is, in the most proper sense, an experiment of nations. Most of those with deep-seated apprehension about the outcome of the Conference are perhaps deceived by an illusion of permanence. Nothing can be accomplished at the Third U.N. Conference on the Law of the Sea which is bound to remain unchanged. The phenomenal development of marine technology that lies immediately in the years ahead will undoubtedly create new imperatives which will force further legal reforms by necessity rather than choice. From this point of view, nations should be inhibited not by a sense of permanence but by the prospect of a temporary loss of control over the experiment. In our view the only way of reducing this legitimate fear is by universal participation in a world maritime authority at the apex of a pyramid of intergovernmental organizations serving various needs in different ways. Producing such an authority with such powers is, of course, the most difficult of all problems in the law of the sea. But since the proposed constitutive reforms are to be treated essentially as a world community experiment we should seek to deflect tendencies to regard the exercise as a quest for final solutions.

B. The Problem of Special Interest: A Common Value Approach

The concept of the coastal state's special interest in its off-shore areas has been limited so far to the productivity of the living resources adjacent to its territorial sea. This limited conception of special interest, enunciated in the 1958 Convention on Fishing and Conservation of the Living Resources of

the High Seas, should be developed so as to embrace the coastal state's legitimate interests in protecting the coastal marine environment from all harms, not just that of overfishing by non-coastal states. In our view, however, it is not enough to restrict the special coastal interest to coastal or managerial authority which is designed essentially to serve non-acquisitive purposes. For one thing, the cost of coastal management entitles the managing coastal state to a preferential share in the resources themselves and in associated benefits. Beyond that consideration there is a large equitable argument for enabling developing coastal states to achieve the degree of legal control required to become masters of their own marine development planning. This expanded concept of special interest lies then at the heart of our proposal for the treatment of the current EZ proposals and related questions of maritime jurisdiction.

To say this is not, however, to accept the current proposals for an EZ in the Kenyan or Santo Domingo form. The case for special interest can, in our opinion, be made more tellingly by attempting to meet the reservations of the more moderate critics. From the point of view of the latter the present versions of the EZ concept have three chief juridicial faults: first, they cut across the logic of functionalism by combining in a single package many different kinds of claims and considerations: economic (acquisitive) rights and managerial (non-acquisitive) responsibilities, high-level capability and low-level capability, national pride and regional solidarity, genuine developmental goals and negatively resentful rhetoric; second, in pressing for a single multi-purpose zone of limited coastal state jurisdiction they exaggerate the need for uniform spatial limits in the name of simplicity and certainty and reduce the hope of securing an equitable solution which is also fully rational; and third, in pressing for a zone of up to 200 miles, they present a case for the expansion of coastal state jurisdiction which is spatially excessive as well as arbitrary.

To provide a basis for compromise diplomacy directed at the resolution of these issues we propose the establishment of a general maritime regime for the special rights, privileges and responsibilities of coastal states. Such a regime would represent, as it were, the juridicial counterpart to the general maritime regime of the high seas, as modified by decisions made at the Third U.N. Conference on the Law of the Sea. To what extent the coastal regime would serve as a counterweight to that of the high seas depends on how the Conference treats the cardinal doctrinal question of how to interpret and apply the emerging concept of the common heritage of mankind. Similarly, the extent to which the coastal regime would be regarded as a juridicial successor to the old zonal concept of the territorial sea depends on the degree of sophistication obtained at the Conference in developing functional and territorial jurisdiction.

In order to explain our proposal it is necessary to clarify differences between a "regime" and a "zone". A regime in this context may be defined as a juridicial system, consisting of principles, criteria, institutions and procedures, designed to resolve issues concerning the allocation of state authority with respect to certain uses of the sea. A zone, on the other hand, may be defined as a spatially defined area within which a state or category of states may exercise designated competences with respect to a specific range of activities. With this distinction in mind it should be possible to draft a general treaty which begins by affirming the nature and extent of the coastal states special interest in control of the maritime activities in spatially undefined off-shore areas

before proceeding to deal with specific functions and elaborating the powers and responsibilities of the coastal state within spatially defined zonal limits under the general coastal regime. It may be sufficient for present purposes to suggest some of the general principles which would be set out in such a general treaty for the establishment of a maritime regime for the special rights, privileges and responsibilities of coastal states.

First, it should be provided that a coastal state has a special interest in the use and management of all marine resources and in the preservation of the coastal marine environment. The extent of the "coastal marine environment" should not be defined in uniform geographical terms, but should be regarded as encompassing:

(i) a uniform territorial sea extending no more than 12 miles from a base line drawn in accordance with the 1958 Convention on the Territorial Sea and Contiguous Zones;

(ii) off-shore sea bed areas extending no further than to the bottom of the continental slope;

(iii) water areas (surface and column), beyond the seaward limits of a territorial sea as defined above which are an integrated part of the coastal state's marine economy and environment.

This language would, therefore, avoid the problem of interpreting the term "adjacency" which would be replaced by a concept of "economic and environmental integrity". This latter concept would, in effect, present coastal states with the onus of proving economic and ecologic interdependency in accordance with internationally agreed criteria applied by the coastal state but subject to appeal before an international tribunal prescribing internationally accepted procedures. Claims and counterclaims relating to particular applications of the concepts of economics and environmental integrity would remain testable indefinitely as conditions change except where they trench upon functional zones already established by the coastal state in accordance with the general principles of the coastal regime.

Second, in all areas of the coastal marine environment the coastal state would be entitled to preferential rights to the use of marine resources and required to exercise custodial responsibilities for the conservation of renewable resources and the preservation of the coastal marine environment. The preferential rights of the coastal state to the use of marine resources would be exclusive within the appropriate coastal resource zones established in accordance with the provisions of the proposed treaty. The custodial responsibility of the coastal state for the conservation of renewable resources would be based on its exclusive managerial authority over designated species in coastal fishery management zones established in accordance with the provisions of the proposed treaty. The custodial responsibility of the coastal state for the preservation of the coastal marine environment would give rise to exclusive national jurisdiction over all activities which create a threat of serious pollution in coastal maritime protection zones established in accordance with the provisions

of the proposed treaty. The special interest of the coastal state in coastal sea areas gives rise to privileges and duties with respect to the conduct of maritime scientific investigation in such areas in accordance with the provisions of the proposed treaty.

Third, disputes concerning the nature, extent applicability of the special interest of a particular coastal state under the proposed treaty would be submitted to an appropriate mode of settlement and resolved by reference to criteria set out in the treaty.

After the general part of the proposed treaty, there might follow a number of particular parts, each providing for the establishment of a single-function zone. The first of these particular parts, establishing a "territorial zone", might incorporate by reference much of the 1958 Convention on the Territorial Sea in Contiguous Zones, as amended in accordance with new provisions agreed to at the Third U.N. Conference on the Law of the Sea. It is conceivable, for example, that the concept of a Contiguous Zone, as defined in 1958, might become redundant with the establishment of a uniform 12 mile territorial sea. Under this particular part of the treaty it would be appropriate to clarify the rights of foreign vessels to transit through territorial straits and to the privilege of innocent passage.

The treaty would provide for the establishment of exclusive mineral resource zones, which would fall under the existing regime of the continental shelf in accordance with the 1958 Convention on the Continental Shelf as interpreted by the International Court of Justice[47] and as amended by new provisions agreed to at the Third U.N. Conference on the Law of the Sea. In this section of the treaty it will be necessary, of course, to clarify the spatial extent of the zone, perhaps as far as the bottom of the slope, thereby repealing the definition of the Continental Shelf in the 1958 Convention. Similarly, the treaty would provide for the establishment of exclusive fishery resource zones within which the coastal state would be permitted sole harvesting rights beyond territorial limits in areas which are deemed to be an integral part of its marine economy and environment and subject to tribunal review as suggested above.

The section providing for the establishment of coastal fisheries management zones would set out in detail the recommended principles of fishery management in such a way as to be obligatory on existing regional fishery organizations but subject to appeal on the part of the coastal state under the principle of special interest. It is suggested that these principles of management should expressly acknowledge the desirability of granting sole managerial authority to the coastal state for the implementation of acceptable conservation measures except in situations where the coastal state is exercising its managerial authority in a discriminatory way or where it still lacks the capability to discharge its managerial responsibilities in an effective manner.

A further section of the proposed treaty would provide for the establishment of coastal maritime protection zones also under the general regime for the special rights, prvileges and responsibilities of the coastal state. For this kind of zone, as for some of the others proposed above, it is virtually impossible to envisage a uniform spatial limit which would not, at the same time, be less and more than what is desirable for coastal states in different situations. On the

assumption, however, that a degree of arbitrariness is inescapable in a search for a compromise figure we propose that the treaty specify minimum uniform limits for the coastal maritime protection zone, -- say 50 miles from the base-line of the territorial sea --, and that it make claims to more extensive zones of this kind subject to tribunal review in accordance with special geographic, scientific and socio-economic considerations.

Obviously this proposal is very general in scope and raises innumerable questions which could only be answered in detail. The purpose of our proposal is, however, not to present a draft treaty, nor even to suggest a complete foundation for such a treaty but rather to highlight the salient features of a new treaty approach which is virtually forced upon the international community if our prognosis is reasonably accurate. It is distressing to observe how difficult it is for professional international lawyers to tolerate attempts at innovation on a general conceptual level. No doubt the presentation of a new approach at that level is condemned to failure if it is characterized as an experiment in a mental world which prides itself on how to face realism but lacks appreciation of a force of new moral imperatives in the late 20th century. To flinch from the challenge to experiment in diplomacy is, finally, to surrender to delusions.

We are chiefly concerned at the accumulating evidence of the hardening of attitudes on the part of many shipping states on the one side, and territorial expansionists states on the other. The most negative attitudes arise because of undue pre-occupation with the spatial dimensions of coastal jurisdictions, whether regarded as too much or too little. To us it seems much more important to secure the most general acceptance of the new principles advocated above and to reduce the problem of allocating spatially defined zones to particular functional situations. This implies a trust in the possibility of conducting viable experiments in the allocation of state authority at sea and in the inherent flexibility of international law through the development of criteria and institutional procedures to accommodate continuing claims and counter-claims in a constantly changing world.

APPENDIX I

Key and Explanations of Abbreviations in Tables[48]

Column 1: STATE

Included are 149 Sovereign States (incl. Sikkim).

Included are territories with separate U.N. Vote (i.e., Byelorussian S.S.R. and Ukrainian S.S.R.).[49]

Column 2: GEOGRAPHIC FACTORS

POSITION:

C - Coastal State
1 - less than 100 miles - Frontage to open sea
2 - 100-250 miles - Frontage to open sea
3 - 250-500 miles - Frontage to open sea
4 - 500-1000 miles - Frontage to open sea
5 - over 1000 miles - Frontage to open sea
* - does not include coastlines of Colonial and/or Occupied Territories.

LL - Landlocked State
1 - Near - Access to the Sea
2 - Medium - Access to the Sea
3 - Remote - Access to the Sea

SL - Shelflocked State
1 - Confined - Degree of Confinement
2 - Semi-Confined - Degree of Confinement
3 - Part-Confined - Degree of Confinement
4 - Non-Confined - but close to other states

Is. - Island State
1 - Single Island
2 - 2-5 Islands
3 - Multi-Island
4 - Multi-Island Archipelago
5 - Multi-Island Mid-Oceanic Archipelago

AREA OF CONTINENTAL SHELF: In sq. nautical miles, up to 200 m. depth.

CS - 1 - under 1000
- 2 - 1000 - 10,000
- 3 - 10,000 - 100,000
- 4 - over 100,000

WIDTH OF CONTINENTAL SHELF:

NS - Narrow Shelf - under 50 miles
BS - Broad Shelf - over 50 miles

REGION:

1. - North-East Atlantic Europe
2. - Central & Eastern Europe
3. - Mediterranean Europe
4. - North America
5. - Central America
6. - Caribbean
7. - South America
8. - Mediterranean Africa
9. - Central Africa
10. - East Africa
11. - West Africa
12. - Southern Africa
13. - Mediterranean Asia
14. - Asia Minor
15. - Central Asia
16. - Southern Asia
17. - South-East Asia
18. - East Asia
19. - Australasia
20. - North Pacific
21. - South Pacific

Column 3: ECONOMIC FACTORS

DEVELOPMENT:

A - Affluent State: Based on GNP/Per Capita (includes highly developed industrial states as well as newly affluent states the affluence of which is derived from large-scale exports of Petroleum resources).

1 - Moderate Affluence - $600 - $800
2 - Advanced Affluence - $800 - $1500
3 - High Affluence - over - $1500

PD - Part-Developed State: (- Extreme of Poverty and Prosperity maintained on official racial grounds).

D - Underdeveloped/Developing State: Based on GNP/Per Capita Income
1 - Highly underdeveloped - less than $100
2 - Underdeveloped - $100 - $200
3 - Low Development - $200 - $400
4 - Medium Development - $400 - $500
5 - Advanced Development - $500 - $600

S - Shipping State - (includes Actual Shipping Fleets, Ship-building and Shipping Investment).
1 - Low Relative Importance of Shipping Interests
2 - Medium Relative Importance of Shipping Interests
3 - High Relative Importance of Shipping Interests
4 - Very High Relative Importance of Shipping Interests
5 - Highest Relative Importance of Shipping Interests

F - Fishing State (includes Actual Coastal and/or Distant Fishing Fleets, Fishing Dependence and Fishing Investment).
1 - Low Relative Importance of Fishing Interest
2 - Medium Relative Importance of Fishing Interest
3 - High Relative Importance of Fishing Interest
4 - Very High Relative Importance of Fishing Interest
5 - Highest Relative Importance of Fishing Interest

DEPENDENCY:

State or States: - includes actual trading partnership, economic dependency - such as major aid, vulnerability in terms of trade relationships.

Column 4: POLITICAL FACTORS

IDEOLOGY:

AC - Anti-Communist
S - Socialist
D - Divided (Insurgents occupy parts of national Territory).
NA - Non-Aligned
NC - Non-Communist
C - Communist

ALIGNMENT:

(i) State or States: i.e., Close political and/or ideological links with a particular state or states.

(ii) Organization: - Membership in:

NATO - North Atlantic Treaty Organization
EEMAT - Eastern European Mutual Assistance Treaty (Warsaw Pact)
SEATO - South East Asia Treaty Organization
CENTO - Central Treaty Organization
OAS - Organization of American States
OAU - Organization of African Unity
AL - Arab League

STABILITY:

1 - Unstable Government
2 - Medium Stability of Government
3 - Stable Government

Column 5: MISCELLANEOUS FACTORS

(i) Membership/Associate Membership in Regional Economic, Non/Semi-Political, Cultural Organizations:

EEC - European Economic Community
COMECON - Council for Mutual Economic Assistance
EFTA - European Free Trade Association
CACM - Central American Common Market
LAFTA - Latin-American Free Trade Association
AG - Andean Group
OCAM - African and Malagasy Common Association
NC - Nordic Council
CE - Council of Europe
ASEAN - Association of S.E. Asian Nations
ASPAC - Asian & Pacific Council

(ii) Involvement in Regional Conferences on Economic Zone:

Y - Attended Yaounde Seminar
SD - Signed Santo Domingo Declaration

(iii) Territorial and/or Functional Legislation or State Practice reflecting "PATRIMONIAL" Approach to Coastal Zone:

P - 1 - 200 mile Territorial Sea in Constitution or Civil Code
P - 2 - 200 mile Territorial Sea in Legislation
P - 3 - 12-200 mile Territorial Sea in Legislation
P - 4 - Over 12 mile Functionality in Legislation
P - 5 - Non-Legislative Evidence of State Practice (over 12 miles)

(iv) Offshore Exploration and Exploitation of Oil and Gas

OSO - 1 - Exploration only in Progress
OSO - 2 - Deposits discovered
OSO - 3 - Deposits being exploited

(v) Population:

POP - 1 - under 10,000
- 2 - 10,000 - 100,000
- 3 - 100,000 - 1m
- 4 - 1m - 5m
- 5 - 5m - 10m
- 6 - 10m - 30m
- 7 - 30m - 50m
- 8 - 50m - 90m
- 9 - 90m - 200m
-10 - over 200m

(vi) Isolated Factor:

NON-UN - Non-Member of United Nations
MET-VULN - Particular Vulnerability to Metereologic Influence (Typhoons etc.)

Column 6: POSITION ON ECONOMIC ZONE

PRO - 3	Protagonist - Strong
PRO - 2	Protagonist - Medium
PRO - 1	Protagonist - Mild
E.	Equivocal
ANT - 1	Antagonist - Mild
ANT - 2	Antagonist - Medium
ANT - 3	Antagonist - Strong
U	Uncommitted

(?) - Inclusion of (?) indicates that position was determined by unconfirmed and/or incomplete information or by inference from national interest factors.

(*) - Inclusion of (*) indicates that adoption of a 200 mile EZ would have to be reconciled with extensive territorial claims reflected in existing legislation (See Column 5 - P-1; P-2; P-3).

A	-1-	-2-		-3-		-4-			-5-	-6-	-7-	
No	STATE	GEOGRAPHIC FACTORS		ECONOMIC FACTORS		POLITICAL FACTORS			MISCELLANEOUS FACTORS	POSITION ON ECONOMIC ZONE	REMARKS	No
		POSITION	REGION	DEVELOPMENT	DEPENDENCY	IDEOLOGY	ALIGNMENT	STABILITY				
1	AFGHANISTAN	LL-3	15	D-1	USA, USSR; INDIA PAKISTAN	NC	—	3	POP.6	ANT.-1		1
2	ALBANIA	C-2; SL-2; CS-2; BS	3	D-3	CHINA	C	CEMAT (?) CHINA	3	POP.4	PRO.-3 (?)	TENDS TO FOLLOW CHINESE IDEOLOGICAL EXAMPLE	2
3	ALGERIA	C-4; CS-2; NS	8	D-3; F-1	U.S.A.; EEC STATES	S	OAU, — AL	2	Y - (REGIONALIST) POP.6	PRO.-3	POT. LEADER - ANTI-IMPERIALIST BLOC.	3
4	ANDORRA	LL-2	3	D-4	SPAIN; FRANCE	AC	-	3	NON-UN POP.2	U	TENDS TO REFLECT FRENCH OR SPANISH POLICY	4
5	ARGENTINA	C-5; CS-4; BS	7	A2 - S-1; F-2	U.S.A.; EEC STATES	AC	U.S.A.; OAS	2	P-2; LAFTA P-4; OSO-1 POP.6	PRO. 3 #		5
6	AUSTRALIA	C-5*; CS-4; BS	19; 21	A-3; S-1; F-1	U.S.A. - U.K.	AC	SEATO	3	ASPAC OSO-3 POP.6	PRO. 1	POT. LEADER AUSTRALASIAN [illegible] FUNCTIONALISTS	6
7	AUSTRIA	LL-1	8	A-3	EEC STATES	AC	-	3	EFTA; CE POP.5	ANT. 1 (?)	POSSIBLE [illegible]	7
8	BAHRAIN	C-1; SL-3; CS-2	14	A-3	-	AC	-	3	NON-UN; MAJOR OIL PRODUCER OSO-1 POP.[illegible]	U		8
9	BANGLADESH	C-3; CS-3; BS	16	D-1; F-1	INDIA; USSR; U.S.A.	S	INDIA	1	NON-UN; NET-VULN. OSO-1 POP.8	U	ECONOMICALLY DEPENDENT ON PRO-3 & ANT 2 STATES	9
10	BARBADOS	Is.-1; C-1; CS-1 NS	6	D-4	U.S.A., U.K.; CANADA	AC	-	3	(REGIONALIST) POP.3	PRO.-2 (?)		10
11	BELGIUM	C-1; SL-4; CS-1	1	A3; S-2; F-2	EEC STATES	AC	NATO	3	EEC; CE POP.5	ANT.-2		11
12	BHUTAN	LL-3	15	D-1	INDIA	NC	-	3	NON-UN POP.3	PRO. 1 (?)	TENDS TO REFLECT INDIAN INFLUENCE	12
13	BOLIVIA	LL-2	7	D-3	U.S.A.	NC	OAS	1	AG (ANTI-USA!) POP.4	ANT. 2		13
14	BOTSWANA	LL-2	12	D-3	SOUTH AFRICA; U.K.	A.C.	OAU	3	POP.3	ANT. 1 (?)	LARGELY DEPENDENT ON S. AFRICA	14
15	BRAZIL	C-5; CS-4; BS	7	D-4; S-1; F-1	U.S.A.; EEC STATES	AC	OAS	3	P-2; LAFTA P-4; OSO-3 POP.9	PRO.-3 #		15
16	BULGARIA	C-2; CS-2; NS	2	A2; S-1; F-2	U.S.S.R.	C	CEMAT	3	COMECON OSO-1 POP.5	ANT. 3		16
17	BURMA	C-5; CS-3; BS	17	D-1; F-1	JAPAN; CHINA; U.K.	NA	-	3	OSO-1 POP.6	U		17
18	BURUNDI	LL-3	9	D-1	U.S.A.; EEC STATES	AC	OAU	1	POP.4	ANT. 1 (?)		18
19	BYELORUSSIA	LL-1	2	A-2	U.S.S.R.	C	USSR.	3		ANT. 3	POT. LEADER OF COMMUNIST STATES	19
20	CAMEROON	C-2; CS-2; NS	11	D-2; F-1	U.S.A.; JAPAN; EEC STATES	NC	OAU	3	P-3; OCAM; Y. OSO-3 POP.5	PRO. 3 #		20
21	CANADA	C-5; CS-4; BS	4	A3; S-1; F-4	U.S.A. —	AC	NATO	3	P-4 OSO-2 POP.6	PRO. 2	POT. LEADER FUNCTIONALISTS	21
22	CENTRAL AFRICAN REPUBLIC	LL-3	9	D-2	FRANCE	NA.	OAU; FRANCE	1	OCAM; Y POP.3	PRO. 2	—	22
23	CHAD	LL-3	9	D-1	FRANCE	AC; D.	OAU; FRANCE	1	OCAM POP.4	ANT 1 (?)		23
24	CHILE	C-5; CS-2; NS	7	A-1; F-5; S-1	U.S.A.	S	OAS	1	P-4; AG; LAFTA POP.5	PRO.-3	POT. LEADER [illegible]	24
25	CHINA	C-5; CS-4; BS	18;	D-3; S-1; F-3	-	C	-	3	(ANTI-U.S.S.R.!) OSO-2 POP.10	PRO. 3	LEADER OF ANTI-IMPERIALIST MOVEMENT	25
26	COLOMBIA	C-5; CS-3; NS	5; 7	D-4; F-1	U.S.A.	NC	OAS	3	SD; LAFTA; AG; OSO-1 POP.6	PRO. 3		26
27	CONGO	C-1; CS-2; NS	11	D-3	CHINA	S	OAU; CHINA	2	OCAM OSO-3 POP.3	PRO. 2 (?)		27
28	COSTA RICA	C-3; CS-2; NS	5; 6	D-5; F-1	U.S.A.	AC	OAS	3	P-4, CACM; SD POP.4	PRO. 3		28
29	CUBA	Is.2; C-5; CS-3; NS	6	D-5; F-3	USSR; CHINA	C	-	3	OAS (SUSPENDED); OSO-2 (ANTI-USA!), NET VULN. POP.5	PRO. 2 (?)		29
30	CYPRUS	Is 1; C-3; CS-2 NS	3; 14	A-1; S-4; F-2	EEC STATES	NC	-	2	CE POP.3	ANT 1 (?)		30

B	-1-	-2-		-3-		-4-			-5-		-6-	-7-	
NO	STATE	GEOGRAPHIC FACTORS		ECONOMIC FACTORS		POLITICAL FACTORS			MISCELLANEOUS FACTORS		POSITION ON ECONOMIC ZONE	REMARKS	
		POSITION	REGION	DEVELOPMENT	DEPENDENCY	IDEOLOGY	ALIGNMENT	VIABILITY					
31	CZECHOSLOVAKIA	LL-1	2	A-3	USSR	C	ECMAT	3	COMECON	POP-6	ANT-3		31
32	DAHOMEY	C-1; CS-1; NS	11	D-1, F-4	EEC STATES; U.S.A.	NC	OAU	2	OCAM; Y CSO-2; P-4	POP-4	PRO-2		32
33	DENMARK	C-4; SL-4; CS-3	1	A-3; S-3; F-4	EEC STATES	AC	NATO	3	EEC; CE. CSO-2	POP-4	ANT-1 (1)		33
34	DOMINICAN REPUBLIC	Is-1; C-3; CS-2; BS.	6	D-3	U.S.A.	AC	OAS; USR	2	SD; NET WLM.	POP-4	PRO-3		34
35	ECUADOR	C-3; CS-3; NS	7	D-3; F-2	U.S.A.	NC	OAS	1	P-2; LAFTA P-4.	POP-5	PRO-3 ✱		35
36	EGYPT	C-5; CS-3; NS	8	D-2	U.S.S.R; U.S.A.	NA	OAU; AL	2	Y P-4	POP-7	PRO-3		36
37	EL SALVADOR	C-2; CS-2; NS	5	D-4	U.S.A.	NC	OAS	2	P-1; CACM P-4	POP-4	PRO-3 ✱		37
38	EQUATORIAL GUINEA	C-2; CS-2; NS	11	D-2	SPAIN; U.S.A.	NC	OAU	2	Y.	POP-3	PRO-3		38
39	ETHIOPIA	C-4; SL-1; CS-3	9	D-1	U.S.A.; EEC STATES	AC	OAU	3	Y OSO-1	POP-6	PRO-3		39
40	FIJI	Is-5; CS-2; NS	21	D-3	AUSTRALASIA; JAPAN	AC	-	3		POP-3	PRO-3 (1)	EZ CLAIM HIGHLY NEGOTIATABLE MODIFIC. OF ARCHIP. CLAIMS	40
41	FINLAND	C-4; SL-2; CS-3	1; 2	A-3; S-2; F-1	EEC STATES; U.S.S.R.	NA	-	3	EFTA; CE; NC	POP-4	ANT-3		41
42	FRANCE	C-5*; CS-3; BS	1; 3	A-1; S-3; F-2	EEC STATES	AC	NATO; SEATO	3	EEC; CE OSO-1	POP-8	IE		42
43	GABON	C-3; CS-3; NS	11	D-3	FRANCE	NC	OAU	3	P-3; OCAM OSO-3; P-4	POP-3	PRO-2 ✱		43
44	GAMBIA	C-1; CS-2; NS	11	D-1	U.K.	AC	OAU	3	P-4; P-3 OSO-1	POP-3	PRO-2 ✱		44
45	GERMANY (E) D.D.R.	C-2; SL-2; CS-2	2	A-1; S-3; F-4	U.S.S.R.	C	ECMAT	3	NON-UN; COMECON	POP-6	ANT-3		45
46	GERMANY (W.) B.R.D.	C-3; SL-4; CS-3	1	A-2; S-4; F-3	EEC STATES	AC	NATO	3	NON-UN; EEC; CE OSO-1	POP-8	ANT-3		46
47	GHANA	C-3; CS-2; NS	11	D-3; S-1; F-2	U.K; U.S.A; JAPAN	NC	OAU	3	Y; P-5 OSO-2	POP-5	PRO-3		47
48	GREECE	C-5; CS-2; NS	3	A-2; S-5; F-2	U.S.A; EEC STATES	AC	NATO	3	EEC OSO-1	POP-5	ANT-3		48
49	GUATEMALA	C-2; CS-2; NS	5; 6	D-3	U.S.A; JAPAN	AC	OAS	2	P-1; SD; CACM	POP-5	PRO-3 ✱		49
50	GUINEA	C-2; CS-3; BS	11	D-1; F-1	FRANCE; USSR; USA	S	OAS; CHINA	3	P-3	POP-4	PRO-2 ✱		50
51	GUYANA	C-2; CS-3; BS	6; 7	D-3; F-1	CANADA; U.S.A; EEC STATES	NA	-	2	OSO-1	POP-3	IE		51
52	HAITI	C-4; Is-1; CS-2; BS.	6	D-3; F-1	U.S.A; FRANCE	AC	OAS	2	SD; NET WLM	POP-4	PRO-2		52
53	HONDURAS	C-3; CS-3; BS	5; 6	D-3	U.S.A.	AC	OAS	2	SD; CACM P-4	POP-4	PRO-2		53
54	HUNGARY	LL-1.	2	A-2	U.S.S.R.	C	ECMAT	3	COMECON	POP-6	ANT-3		54
55	ICELAND	Is-1; C-5; CS-3; BS	1	A-3; F-5	EEC STATES	NC	NATO	3	P-5; NC; CE. P-4	POP-3	PRO-2		55
56	INDIA	C-5; CS-4; BS	16	D-1; S-3; F-4	U.S.S.R; U.K.; U.S.A.	NA	-	3	P-4	POP-10	PRO-2		56
57	INDONESIA	Is-4; C-5; CS-4; BS	17	D-2; F-4	U.S.A; JAPAN; EEC STATES	AC	-	3	OSO-3	POP-9	PRO-1 (1)	SEE FIJI.	57
58	IRAN	C-4; SL-4; CS-3 BS	14	D-3	U.S.A.; U.S.S.R.	NC	CENTO	3	Major oil producer OSO-3	POP-6	ANT-1 (1)		58
59	IRAQ	C-1; SL-1; CS-1.	14	D-1.	U.S.S.R; U.K; U.S.A.	S	AL	1	Major oil producer OSO-3	POP-5	U		59
60	IRISH REPUBLIC	C-4; Is-1; CS-3; BJ.	1	A-3; F-1	EEC STATES	NC	-	1	EEC; CE	POP-4	ANT-2 (1)		60

C No	-1- STATE	-2- GEOGRAPHIC FACTORS Position	Region	-3- ECONOMIC FACTORS Development	Dependency	Political Ideology	-4- FACTORS Alignment	Status	-5- MISCELLANEOUS FACTORS		-6- Position on Economic Zone	-7- REMARKS	No.
61	ISRAEL	C-2; CS-2; NS	13,14	A-3; S-3; F-1	U.S.A; EEC States	AC	-	3	OSO-1	POP-4	ANT. 2 (?)		61
62	ITALY	C-3; CS-3; NS	3	A-3; S-4; F-3	EEC States	AC	NATO	3	EEC; CE. OSO-3	POP-8	ANT. 3		62
63	IVORY COAST	C-3; CS-2; NS	11	D-3; F-1	EEC States; U.S.A.	NC	OAU	3	Y; OCAM OSO-1	POP-4	PRO. 3		63
64	JAMAICA	Is-3; SL-4; C-3 CS-3; NS	6	D-3, F-1;	U.S.A; U.K.	NC	OAS	3	NET. WUM.	POP-4	PRO. 1 (?)		64
65	JAPAN	Is-3; C-3 CS-4;	18; 20	A-3; S-3; F-3	-	AC	-	3	ASPAC; NET. WUM. OSO-2	POP-9	ANT. 3	FOR STRONGEST ANT.	65
66	JORDAN	C-1; SL-1 CS-1.	14	D-3	U.K; USA	AC	AL	3		POP-4	E		66
67	KENYA	C-2; CS-2; NS	10	D-3; F-1	EEC States; U.S.A.	NC	OAU	3	Y (KENYA ASSOCIES OF EEC)	POP-6	PRO. 3	FOR LEADER OF EEC STATES	67
68	KHMER REPUBLIC (CAMBODIA)	C-2; CS-3	17	D-1	U.S.A; CHINA.	AC; D.	-	1		POP-5	U		68
69	KOREA (S.)	C-4; CS-3; BS	18	D-3; S-1; F-4	U.S.A; JAPAN	AC	-	3	NON. WUM.; ASPAC P-4; OSO-1;	POP-7	ANT. 2		69
70	KOREA (P.R.)	C-4; CS-3; BS	18	D-3; F-1	U.S.S.R; CHINA	C;	CHINA; U.S.S.R.	3	NON. WUM.	POP-6	U		70
71	KUWAIT	C-2; SL-2; CS-2	14	A-3	-	AC	-	3	MAJOR OIL PRODUCER OSO-3	POP-3	U		71
72	LAOS	LL-2	17	D-2	U.S.A; CHINA.	AC; D.	U.S.A; CHINA	1		POP-4	U		72
73	LEBANON	C-2; CS-2; NS	13,14	D-4; S-1; F-1	U.S.A; EEC States	AC	NL	2		POP-4	ANT. 2 (?)		73
74	LESOTHO	LL-1	12	D-2	SOUTH AFRICA	AC	SOUTH AFRICA OAU	3		POP-4	ANT. 2 (?)	DEPENDENT ON S. AFRICA.	74
75	LIBERIA	C-3; CS-2; NS	11	D-3; S-5	U.S.A.	AC	OAU	3	OSO-1 P-4	POP-4	ANT. 2 (?)		75
76	LIBYAN ARAB REPUBLIC	C-3; CS-3; NS	8	A-3	-	S	AL	2	MAJOR OIL PRODUCER OSO-3;	POP-4	PRO. 3	AN LEADER OF ARAB EX POSTS.	76
77	LIECHTENSTEIN	LL-1	2	A-3	SWITZERLAND	AC	SWITZERLAND	3	NON. WUM.	POP-2	ANT. 2 (?)		77
78	LUXEMBOURG	LL-1	1	A-3	EEC STATES	AC	NATO	3	EEC	POP-3	ANT. 2 (?)		78
79	MALAGASY REPUBLIC	Is-1; CS-3; NS C-3.	10	D-2; F-2	FRANCE; U.S.A.	AC	OAU	3	OCAM OSO-1	POP-5	ANT. 1 (?)		79
80	MALAWI	LL-3	9	D-1	U.K; SOUTH AFRICA	AC	OAU; U.K.	2		POP-4	U		80
81	MALAYSIA	C-3; CS-4	17	D-3; F-3	U.K; JAPAN	AC	-	3	ASPAC; ASEAN OSO-3; P-4	POP-6	PRO. 2 (?)		81
82	MALDIVE REPUBLIC	Is-3; CS-3	16	D-1; F-3	U.K; INDIA	NC	-	3	P-3; P-4	POP-3	PRO. 2 ✱	CLAIMS RECTANGULAR TERR. BLOCK	82
83	MALI	LL-3	9	D-1	FRANCE; CHINA	NA	OAU	1	OCAM	POP-5	U		83
84	MALTA	Is-2; C-1; CS-2 NS	3	D-3	U.K.	NA	-	3	EEC; CE OSO-1	POP-3	U	CHIEF PROPONENT OF "C. HERITAGE OF MANKIND"	84
85	MAURITANIA	C-3; CS-3; BS	11	D-2	FRANCE	AC	FRANCE; OAU	2	OCAM P-4	POP-4	PRO. 1 (?)		85
86	MAURITIUS	Is-1; C-1; CS-3; BS	10	D-3; F-1	U.K.	AC	U.K.	3	Y OSO-1	POP-3	PRO. 3		86
87	MEXICO	C-3; CS-4; BS	4; 5; 6; 20	A-2; F-3; S-1	U.S.A.	AC	OAS	3	SD; LAFTA OSO-3	POP-8	PRO. 3		87
88	MONACO	C-1; CS-1	3	A-3	FRANCE	AC	FRANCE	3	NON. WUM.	POP-2	ANT. 2		88
89	MONGOLIA	LL-3	15	D-4	U.S.S.R.	C	U.S.S.R.	3	COMECON	POP-4	ANT. 3		89
90	MOROCCO	C-4; CS-3; NS-	8	D-2	EEC STATES; U.S.A.	AC	AL	2	OSO-3	POP-6	PRO. 3		90

E No.	-1- STATE	-2- Geographic Factors: Position	Region	-3- Economic Factors: Development	Dependency	-4- Political Factors: Ideology	Alignment	Stability	-5- Miscellaneous Factors	-6- Position on Economic Zone	-7- Remarks	E No.
121	SRI LANKA (CEYLON)	Is 1, C-4; CS-2; NS	16	D-2; F-2	INDIA, UK; U.S.A.	NA		2	P-4 POP-6	PRO 3	PAT LEADER OF ASIAN EX PROTAGONISTS	121
122	SUDAN	C-3, SL-1; CS-2	9;10	D-2	U.K., CHINA, U.S.A.; JAPAN	NC	ORU; AL	1	POP. 6	U		122
123	SWAZILAND	LL-1	12	D-1	U.K.; SOUTH AFRICA	AC	OAU, SOUTH AFRICA	3	NON-U.N. POP-3	U		123
124	SWEDEN	C-3; SL-2; CS-3	1	A-3; S-4; F-3	EEC STATES	NA	-	3	EFTA POP-5	ANT. 3		124
125	SWITZERLAND	LL-1	2	A-3; S-2	EEC STATES	AC	-	3	NON-U.N. POP-5	ANT. 3	SHIPPING INTERESTS	125
126	SYRIAN ARAB REPUBLIC	C-1 ; CS-2	13;14	D-2	U.S.S.R.; CHINA	S	AL	1	P-4 POP-5	PRO. 2 (?)		126
127	TAIWAN	Is 1; C-3; CS-3; NS	18;20	D-4; S-3; F-4	U.S.A.; JAPAN	AC	U.S.A.	3	NON-U.N.; ASPAC POP-6	ANT. 3	MAY NOT BE INVITED TO LOS 3.	127
128	TANZANIA	C-4; CS-3; NS	10	D-1; F-1	CHINA; U.S.S.R.; U.S.A.; EEC STATES	NA	ORU	3	Y POP-5	PRO. 3	PAT LEADER AFRICAN DEVELOPING STATES	128
129	THAILAND	C-5; SL-3; CS-3	17	D-2; F-4	U.S.A.; JAPAN	AC	SEATO; U.S.A.	3	ASEAN; ASPAC OSO-1 POP-7	ANT 2 (?)		129
130	TOGO	C-1; CS-1	11	D-1	EEC STATES	AC	ORU	1	Y; OCAM OSO-1 POP-4	PRO. 3		130
131	TONGA	Is-3; CS-2; NS	21	D-3	AUSTRALASIA; U.K.	AC	-	3	POP. 2	PRO-1 (?)	SEE FIJI	131
132	TRINIDAD AND TOBAGO	Is 2; C-2; CS-2; NS	6	A-1; F-1	U.S.A.; U.K.; CANADA	AC	OAS	3	SD; MAJOR OIL PRODUCER MET VULN., OSO-3. POP. 3	PRO. 3	PAT LEADER OF CARIB-BEAN EX PROTAGONISTS	132
133	TUNISIA	C-4; CS-3; BS	8	D-3; F-1	U.S.A.; EEC STATES	NA	OAU; AL	2	OSO-3 POP-6	PRO. 3		133
134	TURKEY	C-5; CS-3; NS	3;13;14	D-3; S-2; F-2	U.S.A.; EEC STATES	AC	NATO; CENTO	1	EEC; CE. OSO-1 POP-7	ANT 2 (?)		134
135	UGANDA	LL-3	9	D-2	?	NA	OAU	1	POP-5	U		135
136	UKRAINE	C-4	2	A	U.S.S.R.	C	U.S.S.R.	3		ANT 3		136
137	UNITED ARAB EMIRATES	C-4; SL-2; CS-3	14	A-2	-	AC	-	1	MAJOR OIL PRODUCER OSO-3 POP. 3	U		137
138	UNITED KINGDOM	C-5*; CS-3; BS	1	A-3; S-5; F-4	EEC STATES; U.S.A.	AC	NATO; SEATO; CENTO	3	EEC; CE OSO-3 POP-8	ANT 2		138
139	UPPER VOLTA	LL-3	9	D-1	FRANCE; U.S.A.	AC	ORU	2	OCAM POP-5	U		139
140	URUGUAY	C-3; CS-3; BS	7	A-2	U.S.A.; U.K.	AC	OAS	2	LAFTA; D-2; P-4. POP-4	PRO 3 ✱		140
141	U.S.A.	C-5*; CS-4; BS	4; 20.	A-3; S-4; F-3	—	AC	NATO; SEATO; CENTO; OAS	3	OSO-3 POP. 10	ANT 3	LEADER OF ANTAGONIST STATES (LIBERAL)	141
142	U.S.S.R.	C-5; CS-4; BS	2;15;18;20	A-2; S-5; F-5	—	C	COMECON	3	COMECON OSO-3 POP. 10	ANT 3	LEADER OF ANTAGONIST STATES (SOCIALIST)	142
143	VATICAN CITY STATE	LL-1	3	A-3	—	AC	-	3	NON-UN POP. 1	PRO. 1 (?)		143
144	VENEZUELA	C-5; CS-3; NS	6;7	A-2; F-2	U.S.A.; EEC STATES	AC	OAS	3	SD; LAFTA. MAJOR OIL PRODUCER POP. 6	PRO 3		144
145	VIETNAM (S.)	C-4; CS-3; BS	17	D-2	U.S.A.	AC	U.S.A.	1	NON U.N. P-4 OSO-1 POP. 6	U	MAY NOT BE INVITED TO LOS 3	145
146	VIETNAM (P.R.)	C-3; SL-2; CS-3	17	D-2	U.S.S.R.; CHINA	C	U.S.S.R.; CHINA	3	NON-U.N. POP. 6	U	MAY NOT BE INVITED TO LOS 3	146
147	WESTERN SAMOA	Is-2; CS-2; NS	21	D-3	N.Z.	AC	N.Z.	3	POP. 2	U		147
148	YEMEN	C-2; SL-2; CS-2	14	D-1	U.S.S.R.; CHINA	S	AL	3	P-4 POP. 5	ANT-1 (?)		148
149	YUGOSLAVIA	C-3; SL-2; CS-3	3	A-2; S-3; F-1	U.S.S.R.; EEC STATES	C	-	3	CSO-3 POP. 6	PRO. 1		149
150	ZAIRE (FORMERLY KINSHASA)	C-1; CS-1; SL-1	11; 4.	D-1	EEC STATES, U.S.A.	AC	OAU	3	Y OSO-3 + POP. 6	PRO. 2		150
151	ZAMBIA	LL-1	10	D-3	U.K.; U.S.A.; JAPAN	NA	OAU	3	POP. 4	ANT 1	PAT LEADER OF AFRICAN LL STATES.	151

D No	-1- STATE	-2- GEOGRAPHIC FACTORS: Position	Region	-3- ECONOMIC FACTORS: Development	Dependency	POLITICAL: Ideology	-4- FACTORS: Alignment	Stability	-5- MISCELLANEOUS FACTORS	-6- Position on Economic Zone	-7- Remarks	D No
91	NAURU	Is 1; CS-1	21	A-3	AUSTRALIA	AC	AUSTRALIA	2	NON-UN (PRO AUSTRALIA MICRO-STATE) PoP-1	PRO. 1 (?)		91
92	NEPAL	LL-3	15	D-1	INDIA; CHINA	HA	-	3	PoP-6	PRO. 1	PT. LEADER OF LL COMPROMISE STATES	92
93	NETHERLANDS	C-2*; SL-4; CS-3	1	A-3; S-4; F-3	EEC STATES	AC	NATO	3	EEC; CE. OSO-3 PoP-6	ANT. 3		93
94	NEW ZEALAND	C-5; I-2; CS-3 BS	19; 21	A-3; F-2	U.K.; U.S.A.	AC	SEATO	3	ASPAC OSO-1 PoP-6	PRO. 1	AS AUSTRALIA SEABED EXPANSIONIST	94
95	NICARAGUA	C-3; CS-3; NS	5; 6	D-4	U.S.A.	AC	U.S.A.; OAS	3	CACM; SD; P-4 OSO-4 PoP-4	PRO. 3		95
96	NIGER	LL-3;	9	D-1	FRANCE	AC	FRANCE; OAU	3	OCAM PoP-4	ANT. 1 (?)		96
97	NIGERIA	C-3; CS-3; NS.	11	D-1	U.S.A.; JAPAN; EEC STATES	AC	OAU	3	Y; OSO-3; P-2; P-4. MAJOR OIL PRODUCER PoP-3	PRO. 2 #	POTENTIALLY RICH ECONOMY	97
98	NORWAY	C-5; CS-3; BS	1	A-3; S-5; F-5	EEC STATES	AC	NATO	3	NON-EEC; CE; NC; OSO-3 PoP-4	ANT. 3		98
99	OMAN	C-5*; CS-3; NS	14	D-2	U.K.; U.S.A.	AC	-	2	POTENTIAL OIL PRODUCER NON-UN; OSO-1 PoP-3	U		99
100	PAKISTAN	C-3; CS-3; BS	16	D-1; S-1; F-1	U.S.A.; CHINA; JAPAN/UK	HA	SEATO; CENTO CHINA; U.S.A.	2	P-4 OSO-3 PoP-3	PRO. 2 (?)		100
101	PANAMA	C-4; CS-3; NS	5; 6	A-2; S-4	U.S.A.	AC	OAS	3	P-2; P-4; PoP-4	PRO. 3 *		101
102	PARAGUAY	LL-2	7	D-3	U.S.A.; EEC STATES	AC	OAS	3	LAFTA PoP-4	ANT. 1 (?)		102
103	PERU	C-5; CS-3; NS	7; 21	D-5; F-5; S-2	U.S.A.	AC	OAS	3	LAFTA; AG; P-2; P-4. OSO-3 PoP-6	PRO. 3 *	PT. LEADER OF DEVELOPING FISHING STATES	103
104	PHILIPPINES	Is-4; C-5; CS-3; BS	17	D-2; F-2	U.S.A.; JAPAN	AC	SEATO	2	ASEAN; ASPAC PoP-7	PRO. 1	SEE FIJI	104
105	POLAND	C-2; SL-2; CS-2.	2	A-2; S-4; F-3	U.S.S.R.	C	EEMAT	3	COMECON OSO-2 PoP-7	ANT. 3		105
106	PORTUGAL	C-4*; CS-3; NS	1	D-4; S-3; F-3	U.S.A.; EEC STATES	AC	NATO	3	EFTA; P-4 OSO-1 PoP-5	E		106
107	QATAR	C-2; SL-3; CS-2	14	D-5	=	AC	-	3	NON-UN; MAJOR OIL PRODUCER PoP-2	U		107
108	ROMANIA	C-2; CS-2; SL-2.	2	A-2; F-2; S-1.	U.S.S.R.	C	EEMAT	3	COMECON OSO-1 PoP-6	ANT 3		108
109	RHODESIA	LL-1	12	PD	SOUTH AFRICA; JAPAN	AC	SOUTH AFRICA	3	NON-U.N. PoP-5	ANT. 3 *	UNLIKELY TO BE INVITED TO LOS 3.	109
110	RWANDA	LL-3	9	D-1	U.S.A.; EEC STATES	NC	OAU	1	PoP-4	U		110
111	SAN MARINO	LL-1	3	A-3	ITALY	S	ITALY	3	NON-UN PoP-2	ANT. 1 (?)		111
112	SAUDI ARABIA	C-5; SL-2; CS-3; NS	14	D-3	=	AC	PL	3	MAJOR OIL PRODUCER OSO-1 PoP-5	E		112
113	SENEGAL	C-2; CS-2; NS	11	D-3; F-2	FRANCE	NA	OAU	3	Y; OCAM; P-4; OSO-3 PoP-4	PRO. 3		113
114	SIERRA LEONE	C-2; CS-2; NS	11	D-2	U.K.; U.S.A.	NC	OAU	3	Y; P-2 OSO-3 PoP-4	PRO. 3 *		114
115	SIKKIM	LL-3	15	D-1	INDIA	NC	INDIA	3	NON-U.N. PoP-3	U		115
116	SINGAPORE	Is-2; SL-1; C-1 CS-1.	17	A-2; F-1; S-1.	MALAYSIA; U.K.	NC	-	3	ASEAN PoP-4	ANT. 1	MALACCA STRAIT - STRATEGIC COMMERCIAL IMPORTANCE	116
117	SOMALIA	C-5; CS-3; NS	9; 10	D-1; S-1.	EEC STATES; CHINA	S	OAU; CHINA	1	PoP-4	PRO. 1 (?)	POOR RELATIONS WITH KENYA & ETHIOPIA	117
118	SOUTH AFRICA	C-5*; CS-3; NS	12	PD; F-1; S-1	-	AC		3	OSO-3 PoP-6	ANT. 1		118
119	SOUTHERN YEMEN	C-4; CS-3; NS	14	D-1	U.K.; JAPAN	S		1	PoP-4	PRO. 1		119
120	SPAIN	C-5*; CS-3; NS	1	A-2; S-4; F-4	U.S.A.; EEC STATES	AC		3	OSO-3 PoP-7	PRO-1		120

FOOTNOTES AND REFERENCES

1. Constitution, Art. 7 of Sept. 14, 1950. See International Boundary Study, Series A. Limits in the Seas. U.S. Govt. Bureau of Intelligence and Research. No. 36. Jan. 3, 1972.

2. See, Garcia Amador, F.W. The Exploitation and Conservation of the Resources of the Sea (2d. ed. 1959) 71, 98.

3. Agreements between Chile, Ecuador and Peru, signed at the First Conference on the Exploitation and Conservation of the Marine Resources of the South Pacific, Santiago, 18 August 1952. Reproduced in Lay, S.H., Churchill, R. & Nordquist, M. ed. New Directions in the Law of the Sea, Vol. I (1973) 23.

4. Garcia Amador. Supra note 2 at 74.

5. Ibid., at 73.

6. Declaration on the Maritime Zone. Sections 1-3. See supra note 3.

7. Santiago Negotiation on Fishery Conservation Problems. Dept. of State, U.S. Doc. No. 2. p. 31. See Garcia Amador, supra note 2 at 75.

8. Records and Documents of the 3rd Meeting of the Inter-American Council of Jurists. Provisional Edition, Pan American Union. Washington. 1956. p. 30. See Garcia Amador, supra note 2 at 74.

9. Pan. American Union. Final Act of the Third Meeting of the Inter-American Council of Jurists (1956) p. 36 See, McDougal, M.S. and Burke, W.T., The Public Order of the Oceans (1962) 443

10. Agreements between Chile, Ecuador and Peru, signed at the Second Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, Lima, 4 December 1954. Reproduced in Lay, Churchill and Nordquist. See supra note 3 at 233.

11. Mc Dougal and Burke, supra note 9, at 496. See also, U.N. Conference on the Law of the Sea, Official Records. Vol. III [U.N. Doc. A/Conf. 13/39.] (1958)

12. U.N. Conf. on the Law of the Sea. 3 Official Records 176.

13. Second U.N. Conference on the Law of the Sea 1960. Official Records 61. [U.N. Doc. A/Conf. 19/8]

14. Elias, T.D., Africa and the Development of International Law (1972) V.

15. 1960 Official Records xiii. Supra note 13.

16. See, Proceedings of the United Conference on Trade and Development. Vol. I, Final Act and Report [U.N. Doc. E/Conf. 46/141, Vol. I] (UNCTAD I, Geneva, 23 March - 16 June 1964). Also, Hagras, K.M. United Nations Conference on Trade and Development (1965).

17. UNCTAD I Proceedings, at 6.

18. Paraphrasing the Preamble of the U.N. Charter. UNCTAD I Proceedings. at 3.

19. Ministerial Meeting of the Group of 77. Algiers. October 1967 [U.N. Doc. T.D. 138].

20. United Nations Conference on Trade and Development. Second Section New Delhi. 1 February - 20 March 1968. Summary Records of the 37th to 81st Plenary Meetings. [U.N. Doc. TD/SA 37-81].

21. See "Issues before the 26th General Assembly". International Conciliation September 1971. No. 584, p. 73. Also U.N. Doc. A/Conf. 48/ PC. 9, 26 Feb, 1971, Annex IV. p. 71.

22. U.N. Conference on the Human Environment Subject area V Development and Environment [U.N. Doc. A/CONF. 48/10] (1972)

23. United Nations Conference on Trade and Development. Report of the Conference on its Third Session, Santiago 13 April - 21 May 1972. (London: HMSO Doc. Cmnd. 5134)

24. See International Boundary Study Supra note 1.

25. Ibid.

26. See Report of the Scientific Council for Africa (SCA) in Asian-African Legal Consultative Committee, Report of the 13th Session, Lagos. January 1972 (Appendix VI) p. 435 at p. 452.

27. XI International Legal Materials 892 (1972)

28. Ibid.

29. See, Report of the International Technical Conference on the Conservation of the Living Resources of the Sea. Rome 1955 U.N. Doc. A/Conf. 10/6.

30. See International Boundary Study, supra note 1 at 28 and 90.

31. U.N. Committee, Sub. Committee III. 29th Meeting. Geneva. 11 Aug. 1972. U.N. Doc. A/AC. 138/SC. III/Sp. 29 at p. 7.

32. U.N. Seabed Committee. Sub. Committee II. 42nd Meeting. Geneva. 8 Aug. 1972. U.N. Doc. A/Ac. 138/SC. II/SR. 42 at pp. 2-3.

33. See. inter alia, Canadian Delegation. Working Paper on Preservation of the Marine Environment. Geneva. August 18, 1972.

34. See. inter alia. Working Paper by the Delegations of Australia and New Zealand: Principles for a Fisheries Regime. U.N. Seabed Committee, Sub Committee II. U.N. Doc. A/AC. 138/SC. II/ L. II.

35. Ibid.

36. See. inter alia, the statement by the Delegate of Bolivia in U.N. Seabed Committee, Sub-Committee II. 44th Meeting Geneva. 16 Aug. 1972. U.N. Doc. A/AC. 138/SC.II/SR. 44 at p. 3.

37. See, for example. Statement by the Fiji Delegation in the Committee on Peaceful Uses of the Sea Bed and the Ocean Floor Beyond the Limits of National Jurisdiction made on Friday, 10th March, 1972.

38. See, Government of Iceland. Iceland and the Law of the Sea (1972)

39. Draft Articles on Exclusive Economic Zone Concept Presented by Kenya Article Vi. [U.N. Doc. A.AC. 138/Sc. II/ L.10.

40. See, for example, Joint Communique, released by Indonesia, Malaysia and Singapore on October 16, 1971. Reported in Sing Tao Ri Bao. Singapore. October 17, 1971. Also, Shaw, K.E. "The Judicial Status of the Malacca Straits and its Relation to Indonesia and Malaysia." 3 Nanyang Univ. J. 284 (1969)

41. See, supra note 23.

42. See, supra note 22.

43. See, Canada. Information Division. Dept. of External Affairs. A Statement on June 14, 1972, to the Plenary Session of the United Nations Conference on the Human Environment, Stockholm, concerning the Draft Declaration on the Human Environment, by Mr. J.A. Beesley, Legal Adviser to the Department of External Affairs, at p. 1.

44. See, supra note 26.

45. For example, U.N. Seabed Committee. Sub-Committee II. Management of the Living Resources of the Sea. Working Paper submitted by the Delegation of Canada. Geneva. July 27, 1972 [U.N. Doc. A/Ac. 138/ Sc. II/ L.8].

46. For Example. Agreement concerning Co-operation to Ensure Compliance with Regulations for Preventing the Pollution of the Sea by Oil, signed at Copenhagen on 8, December 1967. Also, Agreement Concerning Pollution of the North Sea by Oil, signed at Bonn on 9th June 1969.

47. North Sea Continental Shelf Cases. 1965 I.C.J. Reports 6; 1966 I.C.J. Reports 3 and 507; 1967 I.C.J. Reports 9.

48. The Tables set out in Appendix II were compiled by the use of the following basic reference material:
The Statesman's Year Book, 1972-1973 (1972);
New York Times, Encyclopedic Almanac 1970 and 1971;
UNCTAD, Handbook of International Trade and Development Statistics - Supplement 1970 [U.N. Doc. TD/Stat.3];

U.N. Demographic Yearbook, 1970;
1970 FAO- Fisheries Yearbook;
U.N. Statistical Yearbook, 1971;
U.N. Yearbook, 1969 & 1970.
Tabular Compilation and Evaluation was further facilitated by reference to: Alexander, L.M. Nation State and the World Ocean (1971); Brown, E.D. 'Claims to Increasing Jurisdiction over the Sea and the Problem of Enforcing Jurisdiction." Background paper for "New Directions in the Law of the Sea", Conference arranged by the British Institute of International and Comparative Law, London, 2-4 February 1973. We gratefully acknowledge the unpublished statistical material made available to us by Dr. John King Gamble, Jr., Associate Director, The Law of the Sea Institute, University of Rhode Island.

49. There are likely to be additional newly independent states in time for the Third U.N. Conference on the Law of the Sea. For example, the Bahamas are expected to become independent in July 1973.