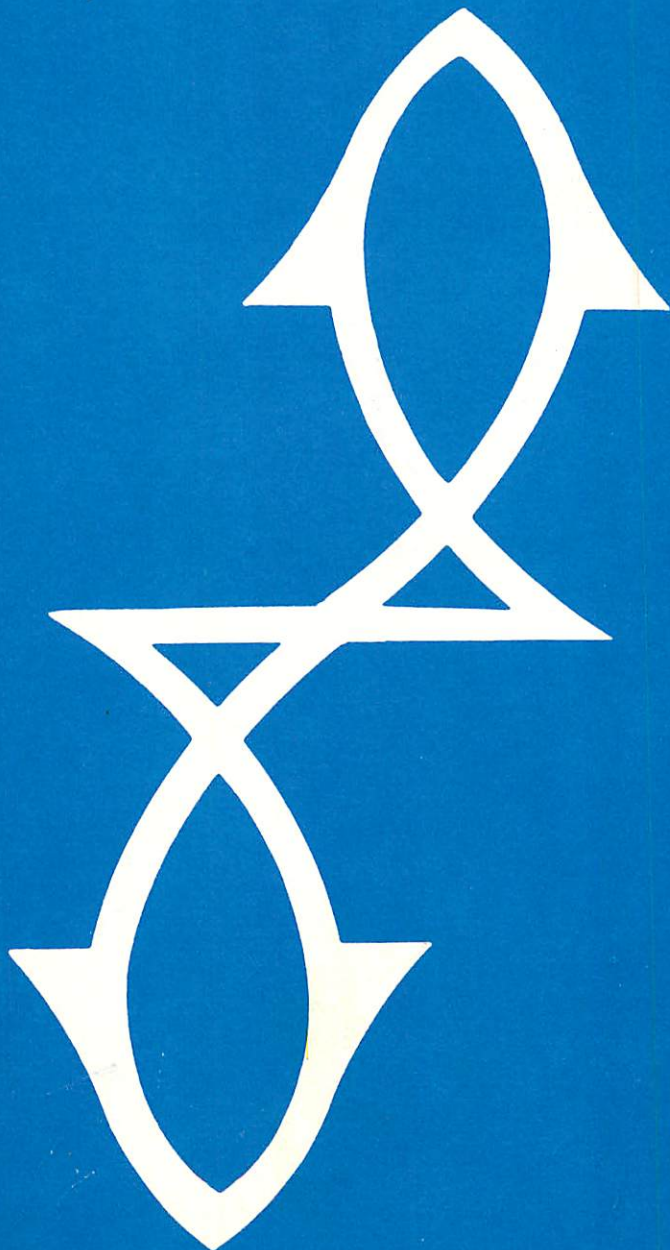


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LAW OF THE SEA INSTITUTE  
1973-1974 ANNUAL REPORT

UNIVERSITY OF RHODE ISLAND  
KINGSTON, RHODE ISLAND



## **I. INTRODUCTION**

This report covers the activities of the Law of the Sea Institute during the 1973 - 1974 fiscal year. In many ways the year represented one of considerable change for the Institute. Lewis M. Alexander, one of the founders of the Institute, resigned as Director, although he continues to play an active role as a member of the Institute's Executive Board. John King Gamble, Jr., a political scientist and a faculty member of the University of Rhode Island's Master of Marine Affairs program, became Executive Director, effective July 1, 1973. Additionally, the convening of the United Nations' Law of the Sea Conference has brought about a reassessment, and some redirection of the Institute's functions and role.

The success enjoyed by the Institute since its founding in 1965 is due in large measure to the advice and support provided by literally hundreds of people representing many occupations and regions of the world. The most direct manifestation of this support is the Executive Board which gives of its time and substantive knowledge to oversee all activities.

## **II. ORGANIZATION**

The governing body of the Law of the Sea Institute is its Executive Board. The Board consists of not less than seven nor more than 15 members at any one time. Members are appointed with the advice and consent of current Board members. Members serve for terms of three years, and may serve successive terms. Terms are staggered with approximately one-third of the Board's total membership subject to appointment in any year.

Board members are selected for their dedication to the purposes of the Institute, for their willingness to work, and for their ability to bring professional knowledge and experience that will enhance the programs of the Institute and reflect its multidisciplinary character. Two additional members joined the Executive Board in 1974: Michael Hardy, a Lawyer and British national now residing in Brussels, Belgium; and David A Ross, of the Geology and Geophysics Department of Woods Hole Oceanographic Institution. The present membership consists of five lawyers, three oceanographers, two economists, two political scientists and one geographer. Only three of thirteen members are drawn from the University of Rhode Island. The Executive Board is assisted by the advice and counsel of a nine-man Advisory Committee, and by a component of five Corresponding Members from outside the United States.

## **III. SCOPE OF PROGRAMS AND ACTIVITIES**

The basic role of the Institute has always been to provide a neutral communications medium for the discussion of the whole range of issues dealing with the management, control and utilization of marine environment. The programs through which this role is implemented include:

1. International conferences and workshops which consider especially relevant and timely issues of international ocean law and policy.
2. An active publications program with world-wide distribution of the Proceedings of each annual conference, the results of the workshops, Occasional Papers and bibliographies.
3. Information services for the marine community.

The annual conferences bring together statesmen, lawyers, scientists, businessmen, government officials, academicians, and other concerned people to discuss issues relating to national and international uses of the oceans, and the problems arising from changing technologies and conflicts of interest in the control and exploitation of the sea. Conference themes have been:

- 1966 – Offshore Boundaries and Zones
- 1967 – The Future of the Sea's Resources
- 1968 – International Rules and Organizations for the Sea
- 1969 – National Policy Recommendations
- 1970 – The United Nations and Ocean Management
- 1971 – A New Geneva Conference
- 1972 – The Needs and Interests of the Developing Countries
- 1973 – The Emerging Regime of the Oceans
- 1975 – Caracas and Beyond

The Proceedings of each conference, complete with formal papers, questions, comments, and discussions, are published soon after the conference.

In 1969 the Institute began an Occasional Papers Series, designed to provide informal articles which are timely and relevant and intended to promote discussion and debate. To date the series contains twenty-two titles, a list of all of them is contained in section VII of this report.

To complement the annual conferences which address general topics, the Institute with the support of a grant from the Ford Foundation has undertaken a series of workshops. Thus far four of these workshops have been held:

- Canadian-U.S. Maritime Problems, 1971
- Gulf and Caribbean Maritime Problems, 1972
- Hazards of Maritime Transit, 1973
- Fisheries Conflicts in the North Atlantic; Problems of Jurisdiction and Enforcement, 1974

#### **IV. FOURTH FORD FOUNDATION-SPONSORED WORKSHOP**

In January, 1974 the Law of the Sea Institute held its fourth in a series of international workshops funded by the Ford Foundation. Additional support for this workshop was provided by the National Marine Fisheries Service. The workshop which was held in Hamilton, Bermuda addressed the theme "Fisheries Conflicts in the North Atlantic: Problems of Management and Jurisdiction." Participation in the workshop was limited to about 40 people, less than half of whom were from the United States; Giulio Pontecorvo, workshop chairman, summarized the endeavor thusly:

"It was the combination of academic concern with the complexity of the fisheries management problem, the current impasse in thinking about alternatives, and the implications of proposed jurisdictional changes that led the Law of the Sea Institute to hold this workshop on the fisheries problems of the North Atlantic. It is our hope that these papers will serve to emphasize the range and complexity of the issues involved in international fisheries management and also to act as a catalyst for further research and public discussion. This is particularly needed at a time when both these commodities are subordinated to the need for more simplistic positions that are politically negotiable in the uncertain environment.

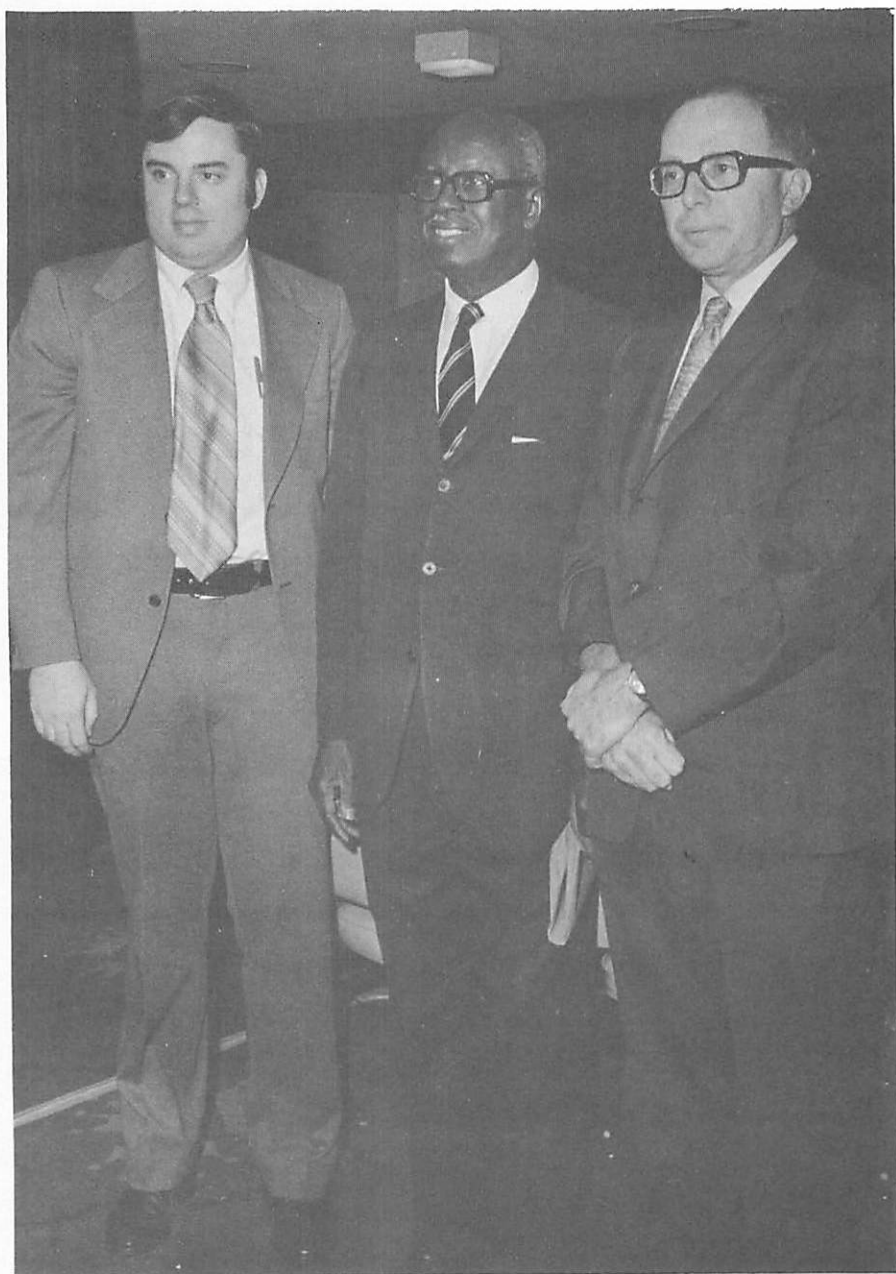
A simple listing of the forces currently influencing events in international

fisheries is sufficient to suggest both the limitations of the institution and the theoretical framework it utilizes to meet today's fisheries management problems. Examination of international fisheries indicates an increasing demand for fish and fish products. This increase in demand flows from increases in income throughout the world as well as a realization of the need for protein from the sea for nutritional purposes. On the supply side, we find that the once-assumed unlimited harvest from the oceans is in reality becoming increasingly scarce. Furthermore, it appears that there is very little possibility for significant increases in the catch of fish in the near future.

This supply-demand imbalance is compounded by rapid improvements in the technology utilized in catching fish. The international fisheries are becoming (in the face of the limited supply) more and more capital intensive. Under these pressures the international fisheries move steadily toward an organizational structure that yields rising prices and has more and more labor and capital pursuing the same number or fewer fish.

The legal foundations of international fisheries are in equal disarray. The common property status of the fish stocks has presented a fisheries management problem that is, as a generation of economists have pointed out, solvable. Yet, to date, progress toward the necessary solution of entry limitations may be generously described as proceeding at a snail's pace. While certain recent developments may suggest that if we are optimistic there may be some light at the end of that legal tunnel, another legal issue - the extent of national jurisdiction - has arisen to introduce a new set of problems and significantly raises the already high level of uncertainty in the fisheries management problem."





*(Left to Right): John King Gamble, Jr., Executive Director of the Institute; Sir Edward Richards, Premier of Bermuda; Giulio Pontecorvo of Columbia University, Workshop Chairperson.*

## Participants in the Law of the Sea Institute's Bermuda Workshop

- Paul L. C. Adam, Head of Fisheries Division, OECD, Paris, France  
Lewis M. Alexander, Professor of Geography, University of Rhode Island, Kingston, Rhode Island  
Richard B. Allen, Professor of Fisheries and Marine Technology, University of Rhode Island, Kingston, Rhode Island  
Raoul Andersen, Professor of Anthropology, Memorial University, St. John's, Newfoundland, Canada  
Lee G. Anderson, Professor of Economics and Marine Science, University of Miami, Coral Gables, Florida  
J. C. Arnell, Consultant, Ministry of Finance, Hamilton, Bermuda  
Bessie R. Barton, I.S.M., Principal Customs Officer, Hamilton, Bermuda  
James S. Beckett, International Fisheries and Marine Directorate, Ottawa, Ontario, Canada  
Richard B. Bilder, Professor of Law, University of Wisconsin Law School, Madison, Wisconsin  
William T. Burke, Professor of Law, University of Washington School of Law, Seattle, Washington  
James Burnett-Herkes, Curator, Bermuda Government Aquarium and Museum, Flatts, Bermuda  
Marlene Christopher, I.S.M., Assistant Registrar General, Hamilton, Bermuda  
Francis T. Christy, Jr., Resources for the Future, Inc., Washington, D.C.  
Thomas A. Clingan, Jr., Professor of Law, University of Miami, Coral Gables, Florida  
Jacob J. Dykstra, President, Point Judith Fishermen's Cooperative Association, Inc., Narragansett, Rhode Island  
Roger A. Farge, Master Mariner, Operations Manager, Gypsum Transportation, Ltd., Hamilton, Bermuda  
Dennis Farias, Chairman, Bermuda Commercial Fishermen's Association, Hamilton, Bermuda  
John King Gamble, Jr., Executive Director, Law of the Sea Institute, University of Rhode Island, Kingston, Rhode Island  
Gordon R. Groves, Director, Department of Agriculture and Fisheries, Paget, Bermuda  
William C. Herrington, Staffordville, Connecticut  
Douglas M. Johnston, Professor of Law, Dalhousie University, Halifax, Nova Scotia, Canada  
Albert W. Koers, Professor of International Law, Institute of Public International Law, University of Utrecht, Utrecht, The Netherlands  
Austen Laing, Director-General, The British Trawlers' Federation Ltd., Yorkshire, England  
J. L. McHugh, Professor of Marine Resources, Marine Sciences Research Center, State University of New York, Stony Brook, New York  
Gloria McPhee, Minister of Education, Paget, Bermuda  
Edward Miles, Professor of Marine Studies, University of Washington, Seattle, Washington  
Byron F. Morris, Oceanographer, Bermuda Biological Station, St. George, Bermuda  
Alfred W. H. Needler, Executive Director, Huntsman Marine Laboratory, St. Andrews, New Brunswick, Canada

John J. Owens, Lawyer, Oxnard, California  
 Choon-ho Park, East Asian Legal Studies, Harvard Law School, Cambridge, Massachusetts  
 James A. Pearman, Barrister, Conyers Dill & Pearman, Hamilton, Bermuda  
 Giulio Pontecorvo, Professor of Economics, Columbia University Graduate School of Business, New York, New York  
 Rudolph F. Richardson, Charter Fisherman, Harrington, Smiths', Bermuda  
 Kenneth E. Robinson, Chief Education Officer, Department of Education, Bermuda  
 Earle E. Seaton, Puisne Judge, Supreme Court, Hamilton, Bermuda  
 Gunnar G. Schram, Deputy Permanent Representative of Iceland to the United Nations, New York, New York  
 Anita B. R. Smith, M.P., Hamilton, Bermuda  
 John Stubbs, Surgeon, Pembroke, Bermuda  
 Frank Watlington, Oceanographer, Sofar, St. Davids, Bermuda  
 Paul A. Welling, Department of State, Washington, D.C.  
 Elizabeth Young, Writer, London, England  
 Richard Young, Attorney at Law, Van Hornesville, New York

## V. RECENT ANNUAL CONFERENCES

The Institute's Eighth Annual Conference was held June 18-21, 1973. It confronted the theme "The Law of the Sea: The Emerging Regime of the Oceans." Attendance again was more than 200; all domestic interests as well as some 30 foreign nations were represented.

The next conference (the 9th) will be held January 6-9, 1975 in Miami, Florida; the usual June meetings were postponed due to the United Nations' Conference which convened in Caracas on June 20th. The theme of the January conference is "Law of the Sea: Caracas and Beyond". Topics to be discussed include the course of the Caracas negotiations, dynamics of conference diplomacy, impact of resource scarcity on the negotiations, dynamics in ocean technology, and obstacles to negotiation and their removal. Further information about the conference can be obtained by writing or telephoning the Institute. The agenda for the conference as it now stands is as follows:

### LAW OF THE SEA INSTITUTE NINTH ANNUAL CONFERENCE Tentative agenda

January 6-9, 1975  
 Miami, Florida

(William T. Burke, *Program Chairman*)

*Theme: Law of the Sea: Caracas and Beyond*

- January 6th  
Monday**      **Report on Course of Negotiations at Caracas**  
Chairperson: Thomas A. Clingan, Jr. (U.S. Department of State)  
Speakers: J. S. Warioba (Legal Research and International Organizations, Tanzania)  
Kenneth Rattray (Government of Jamaica)
- Dynamics of Conference Diplomacy**  
Chairperson: Edward Miles (Institute for Marine Studies, University of Washington)  
Speakers: David A. Kay (International Organizations Research Project, American Society of International Law)  
Joseph S. Nye, Jr. (Center for International Affairs, Harvard University)
- January 7th  
Tuesday**      **Ocean Resources Issue at Law of the Sea Conference and Beyond**  
Chairperson: Francis T. Christy, Jr. (Resources for the Future)
- Machinery for Seabed Mining**  
Speakers: Roy S. Lee (United Nations' Office of Ocean Economics and Technology)  
Alvaro DeSoto (Peruvian Mission to the United Nations)  
Richard Greenwald (Deepsea Ventures, Inc.)  
Giulio Pontecorvo (Columbia University Graduate School of Business)
- Fisheries Organizations in the Future**  
Speaker: Fred Popper (United Nations Food and Agriculture Organization)
- Determining the Edge of the Margin**  
Speaker: Robert Hodgson (Geographer, U.S. Department of State)
- January 8th  
Wednesday**      **Dynamics in Ocean Technology and Projections of Law of the Sea Outcomes**  
Chairperson: H. Gary Knight (Louisiana State University Law Center)
- Future Fisheries Technology and Its Impact on Law of the Sea**  
Speakers: Jon L. Jacobson (University of Oregon School of Law)  
Shigeru Oda (Tohoku University Faculty of Law, Sendai, Japan)  
Joachim Scharfe (Food and Agriculture Organization of the United Nations)  
Dayton L. Alverson (National Marine Fisheries Service – NOAA, U.S. Department of Commerce)
- Future Shipping and Transport Technology and Its Impact on Law of the Sea**  
Speaker: E. D. Brown (University of Wales Institute of Science and Technology)
- Future Military Technology and Its Impact on Law of the Sea**  
Speaker: Jozef Goldblat (Stockholm International Peace Research Institute)
- Deep Ocean Mining Technology and Its Impact on Law of the Sea**  
Speaker: John E. Flipse (Deepsea Ventures, Inc.)





6th Annual Conference, 1971, *The Law of the Sea: A New Geneva Conference*, L. M. Alexander, ed.,

\$7.50

7th Annual Conference, 1972, *The Law of the Sea: The Needs and Interests of the Developing Countries*, L. M. Alexander, ed.,

\$7.50

8th Annual Conference, 1973, *The Law of the Sea: The Emerging Regime of the Oceans*, J. K. Gamble, Giulio Pontecorvo, eds.,

\$13.50

(Order 8th Proceedings from Ballinger Publishing Co., 17 Dunster St., Cambridge, MA 02138)

#### *Workshop Books*

*Canadian-U.S. Maritime Problems*, L. M. Alexander and Gordon R. S. Hawkins, eds.,

\$3.00

*Gulf and Caribbean Maritime Problems*, L. M. Alexander, ed.,

\$4.00

*Hazards of Maritime Transit*, T. A. Clingan and L. M. Alexander, eds.,

\$9.00

*Fisheries Conflicts in the North Atlantic: Problems of Jurisdiction and Enforcement*, Giulio Pontecorvo, ed.

(Order last two from Ballinger Publishing Co., 17 Dunster St., Cambridge, MA 02138)

#### *Special Publications*

*The Debate on the Legal Regime for the Exploration and Exploitation of Ocean Resources: A Bibliography for the First Decade, 1960-1970*, A. W. Koers

\$1.00

*Index to Proceedings II-VII*,

\$2.00

*Marine Policy, Law and Economics Bibliography*, Ann L. Hollick, ed., reprint with supplement and binder.

\$12.50

supplement only

\$7.50

*Law of the Sea: A Bibliography of the Periodical Literature of the 1970's* John K. Gamble, Jr., ed.,

\$5.00

*Occasional Papers* - individual papers 1 through 20, \$1.00; 21-24, \$2.00 each, annual subscription \$10.00 for 6 issues.

OP2 *Tuna: A World Resource*, J. L. Kask, 1969.

OP3 *Law, Science and the Ocean*, William T. Burke, 1969.

OP4 *Peruvian-United States Relations Over Maritime Fishing: 1945-1969*, Thomas Wolff, 1970.

OP5 *International Fishery Bodies of the North Atlantic*, C. E. Lucas, 1970.

OP6 *The Enforcement of Fisheries Agreements on the High Seas: A Comparative Analysis of International State Practice*, A. W. Koers, 1970.

OP7 *The Politics of UN Voting: A View of the Seabed from the Glass Palace*, Margaret L. Gerstle, 1970.

- OP8 *Marine Science Research and International Law*, William T. Burke, 1970.  
 OP9 *Some Thoughts on Fisheries and a New Conference on Law of the Sea*, William T. Burke, 1971.  
 OP10 *Factors Influencing a U.S. Position in a Future Law of the Sea Conference*, John A. Knauss, 1971.  
 OP11 *Operation of the Japanese Fishery Management System*, William C. Herrington, 1971.  
 OP12 *Introduction to a Convention on the International Environment Protection Agency*, E. W. Seabrook Hull and A. W. Koers, 1971.  
 OP13 *Towards an Objective Analysis of Special Circumstances: Bays, Rivers, Atolls*, Robert Hodgson and Lewis Alexander, 1972.  
 OP14 *Latin America and the Law of the Sea*, F. V. Garcia Amador, 1972.  
 OP15 *Continental Shelf Issues in the Yellow Sea and the East China Sea*, Choon-ho Park, 1972.  
 OP16 *National-International Jurisdictional Boundary on the Ocean Floor*, Hollis D. Hedberg, 1972.  
 OP17 *The Economic Zone in the Law of the Sea: Survey. Analysis and Appraisal of Current Trends*, Douglas M. Johnston and Edgar Gold, 1973.  
 OP18 *Fisheries Issues in the Yellow Sea and the East China Sea*, Choon-ho Park, 1973.  
 OP19 *Fisherman Quotas: A Tentative Suggestion for Domestic Management*, Francis T. Christy, Jr., 1973.  
 OP20 *The Intergovernmental Oceanographic Commission: Its Capacity to Implement an International Decade of Ocean Exploration*, Margaret E. Galey, 1973.  
 OP21 *The USSR: Ocean Use and Ocean Law*, Mark W. Janis and Donald C. F. Daniel, 1974.  
 OP22 *Artificial Islands and Installations in International Law*, Alfred H. A. Soons, 1974.  
 OP23 *Normative Aspects of Scientific Research in the Oceans. The Case of Mexico*, Jorge A. Vargas, 1974.

## VIII. FINANCIAL REPORT

Support for Institute activities during 1973-1974 came from several sources including the University of Rhode Island, the Ford Foundation, the National Sea Grant Program (NOAA), and the United States Coast Guard. Recently, the Institute has decided to invite support from commercial interests concerned about ocean affairs. Although this endeavor is new, contributions have been received from the Chevron Corporation, the Exxon Corporation and the Royal Dutch Shell Group.

### *Budget 1973-74*

<i>Income</i>		<i>Expenditures</i>	
Sea Grant (NOAA)	23,492	Salaries and Fringe Benefits	44,132
National Marine Fisheries Service	2,200	Workshop	12,948
State of Rhode Island	41,724	Office Expenses	
Coast Guard	1,665*	Postage	971
		Telephone	748
		Equipment rental and maintenance	1,387

Ford Foundation			
New Grant	27,000	Capital equipment	3,743
Previous Grant	9,009	Supplies	1,300
Commercial Funding		Other operating expenses	393
Exxon	1,500		
Chevron	1,000	Publications	
Shell	1,000	(Cost of preparation,	
		printing, inventory,	
Sale of Publications	8,438	distribution, etc.)	12,830
		Travel	3,466
TOTAL	117,028	TOTAL	81,918
<i>*Remainder of \$8,000 Coast Guard Contract used for expenses incurred in the 8th Annual Conference which were paid after July 1, 1973.</i>			

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