

# **Regionalization of the Law of the Sea**

## **PROCEEDINGS**

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## Contents

List of Tables	xi
Foreword, <i>John Craven</i>	xiii
Opening Address, <i>Patsy T. Mink</i>	xvii
 <b>Part I</b>	
<b>Regionalization and its Consequences at UNCLOS III</b>	
Chairman, <i>Douglas M. Johnston</i>	1
 <b>Chapter One</b>	
Regionalism at Sea; Concept and Reality, <i>Lewis Alexander</i>	3
 <b>Chapter Two</b>	
The Functions of Regionalism in the Emerging Law of the Sea as Reflected in the Informal Composite Negotiating Text, <i>L.D.M. Nelson</i>	17
 <b>Chapter Three</b>	
The Consequences of Regionalization in the Treaty and Customary Law of the Sea, <i>Richard B. Bilder</i>	31
Discussion and Questions	41

**Part II**  
**Regional Politics in the Management of Marine Resources**

Chairman, *Judith T. Kildow* 45

**Chapter Four**

**Some Brief Considerations on a Caribbean Condominium,**

*André Rozental* 47

Commentary, *Dolliver Nelson* 51

Commentary, *Alberto Szekely* 55

Discussion 58

**Chapter Five**

**Regional Factors in Managing Marine Resources After the  
Third UN Conference on the Law of the Sea: A European  
View, Renate Platzöder**

63

**Chapter Six**

**External Aspects of the Fisheries Policy of the European  
Community, Michael Hardy**

73

**Chapter Seven**

**Internal Aspects of the Common Fisheries Policy of the  
European Community, Albert W. Koers**

81

Discussion and Questions

88

**Part III**

**Regional Ocean Management: How Feasible in the  
Developing World?**

Chairman, *John King Gamble, Jr.* 93

**Chapter Eight**

**Some Thoughts on Regional Marine Arrangements in the  
Developing World, Gudmundar Eiriksson**

95

**Chapter Nine**

**Regionalism and the Law of the Sea: New Aspects of  
Dominance and Dependency, Barbara Johnson**

103

Commentary, <i>David Larson</i>	128
Discussion and Questions	131

**Part IV**  
**Marine Resource Management in the North Pacific Rim**

Chairman, <i>H. Gary Knight</i>	137
---------------------------------	-----

**Chapter Ten**  
**Recent Developments in Marine Resource Diplomacy in the North Pacific Region, *Choon-ho Park***

Commentary, <i>Hideo Takabayashi</i>	146
Discussion and Questions	149

**Chapter Eleven**  
**Foreign Fisheries in the United States Zone, with Special Reference to the Northeastern Pacific Ocean, *Donald L. McKernan* (Presented by William T. Burke)**

153

**Chapter Twelve**  
**Marine Resource Management in the North Pacific Rim and Problems of Environmental Protection, *D. James Kingham***

Discussion and Questions

161  
164

**Part V**  
**Problems of Ocean Management in Southeast Asia**

Chairman, <i>John E. Bardach</i>	169
----------------------------------	-----

**Chapter Thirteen**  
**Elements of an Environmental Policy and Navigational Scheme for Southeast Asia, with Special Reference to the Straits of Malacca, *Mochtar Kusumaatmadja and Munadjal Danusaputro***

171

Commentary, <i>Julian Gresser</i>	199
Discussion and Questions	202

<b>Chapter Fourteen</b> <b>Fishery Management Problems in Southeast Asia,</b> <i>John C. Marr</i>	211
<b>Chapter Fifteen</b> <b>Fishery Problems in Southeast Asia,</b> <i>Francis T. Christy, Jr.</i>	217
Commentary, <i>Philip Helfrich</i>	224
Discussion and Questions	226
 <b>Part VI</b> <b>Regional Ocean Management: Problems of Anthropology and Comparative Analysis,</b> <i>Edward Miles</i>	 231
<b>Chapter Sixteen</b> <b>Extended Fisheries Jurisdiction in a Regional Setting: Problems of Conflicting Goals and Interests,</b> <i>Gordon R. Munro</i>	233
<b>Chapter Seventeen</b> <b>On the Utility of Regional Arrangements in the New Ocean Regime,</b> <i>Edward L. Miles</i>	255
Discussion and Questions	276
 <b>Part VII</b> <b>Specific Policy Problems in Economic Zone Management</b>	
Chairman, <i>Edward Miles</i>	281
<b>Chapter Eighteen</b> <b>Indonesia and the New Extensions of Coastal State Sovereignty and Jurisdiction at Sea,</b> <i>Hajim Djalal</i>	283
Commentary, <i>Lee Alverson</i>	294
Commentary, <i>Alberto Szekely</i>	298
Commentary, <i>Koyofumi Nakauchi</i>	302
Discussion	306

<b>Special Caucus: The South Pacific and the Law of the Sea</b>	
Chairman, <i>John Craven</i>	308
<b>The South Pacific and the Law of the Sea,</b> <i>Joji Kotobalavu</i>	309
Questions	312
<b>Luncheon Meeting</b>	
Chairman, <i>Richard Young</i>	323
<b>Japan and the Law of the Sea, <i>Kazuomi Ouchi</i></b>	324
<b>Luncheon Meeting</b>	
Chairman, <i>John Craven</i>	327
<b>A Congressional View of the Law of the Sea,</b> <i>Yvonne Braithwaite-Burke</i>	328
<b>Banquet Meeting</b>	
Chairman, <i>Richard Young</i>	333
<b>Banquet Address, <i>George Ariyoshi</i></b>	334
<b>Appendix: List of Participants</b>	339



## Foreword

It is with pleasure and pride that the state of Hawaii welcomes you to this first conference of the Law of the Sea Institute held in its new home in Hawaii. We in this state have long been aware of the global significance of the law of the sea and of the role of this Institute in shaping the philosophy and evolution of this body of international law. The state of Hawaii, through the University of Hawaii and with the support of our state legislature, has undertaken the sponsorship of the Institute because of our belief that major changes in the future will be determined by ocean developments in the Pacific: by ocean developments in the coastal zones of the major continents on the Pacific Rim and the economic zones of the major island nations in the western and southwestern Pacific, in the waters surrounding the island and archipelagic domains of the south and central Pacific, and in that vast ocean regime beyond the limits of national jurisdiction. A few decades ago the Pacific nations were widely separated not only by miles of ocean but by time. Weeks and months could and did elapse before interaction, commerce, and communication could take place among the nations of this vast community. But today no nation is an island, and no island is remote. High-speed container ships move large cargoes swiftly and economically. People are transported in a matter of hours by high-speed aircraft, and satellites carry communications instantaneously and at low cost.

It is our hope that while you are here you will gain an appreciation of the cosmopolitan community that is Hawaii and also an appreciation of its desire to contribute to the world community. It is our hope that you will also obtain a deeper understanding of the relationship between island communities and the sea. Our forebears on these islands lived on the sea and drew their support from it. Over the years, this dependence was lessened, but now, once again, the impor-

tance of the sea is being reasserted. In the very near future, we shall derive substantial energy from the ocean by thermal energy conversion. We shall extract valuable metals from the manganese nodules of the deep Pacific. We shall extract fertilizer and nutrients from the deep ocean for mariculture and aquaculture. We shall develop the fishing, coral, and sand resources of the reefs and their adjacent waters. We shall speed from island to island in modern forms of stable ocean ferries.

Utilization of these resources of the ocean will require management. At the same time, the ocean environment must be protected, and the responsibility for the resource management and environmental protection of the ocean must be placed with the people who occupy the lands that these oceans surround. As we look over the vast Pacific, we see many legal regimes and newer ones proposed for this management. For many island nations an archipelagic doctrine seems most appropriate, providing as it does management control over archipelagic waters and maintaining at the same time traditional passage through straits and international waterways. For some island communities, separated by vast stretches of ocean, it may be more appropriate to claim a separate economic zone for each individual island. In either case, there is a common fundamental principle that the management of the ocean cannot be separated from the management of the land. This principle is independent of the sovereign status of the islands, whether they be, as in Hawaii, an oceanic archipelago of a continental state, or whether they be a territory in trust, or islands such as the Line Islands, whose sovereignty is yet in contention. The development of this philosophy, in which equitable and fair regimes can be developed in each region, regardless of the complexity of sovereignty, is a role which this Institute can well fulfill.

The development of a philosophy for the broad ocean area is of equal importance. Today this area is of interest primarily because of the manganese nodules. Tomorrow it will be of interest because of the tropical belt of geothermal energy and biological productivity that stretches across the wide Pacific. The United Nations has struggled, as yet unsuccessfully, with the problem of establishing an international system for the management of the deep seabed. Such a regime may set a precedent for the resources of the waters above as well as for other, still undiscovered, resources of the deep ocean floor. Development of a philosophy for the broad ocean that takes fully into account both the common heritage of mankind and the rights and responsibilities of island states, including those surrounded entirely by international waters, is yet another role for your Institute to fulfill. This challenge will require much study, a deeper understanding of the ocean than we now have, but above all it will require a sense of goodwill and community. In Hawaii we call this sense of goodwill and community the "spirit of Aloha." It is our earnest hope that you will come to share in that spirit in this Conference and that you will carry it with you in your future endeavors. Mahalo and Aloha!

It is now my privilege to introduce our keynote speaker. The Honorable Patsy



Mink is a daughter of Hawaii. She was born on the island of Maui and her schooling was here in these islands, latterly at the University of Hawaii. Her legal studies carried her to the mainland, where she received her Jurisdoctorate at the University of Chicago. She returned to these islands and quickly entered local politics and state politics. First she became a territorial representative, then a territorial senator and then a state senator in the State House in Hawaii. In 1964 she was elected the U.S. Representative to Congress from Hawaii and served in that capacity for twelve years. During that time she played an active and vital role in the law of the sea. She was a member of the Congressional Advisory Group on the Law of the Sea and was a frequent visitor at the sessions of UNCLOS III and at the earlier preparatory sessions. In 1976 she entered the Democratic primary for the United States Senate in the state of Hawaii. This entry opened the way for your speaker to enter the Democratic primary and I entered as a candidate for the House of Representatives. We both conducted vital and dynamic campaigns. The voters of the state of Hawaii determined that I could best serve the state and the nation as director of the Law of the Sea Institute! Similarly, the voters of the state of Hawaii determined that our speaker could best serve the nation as assistant secretary of state!

**John Craven**

Director

Law of the Sea Institute