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THE DEPARTMENT OF STATE **BULLETIN**

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THE DEPARTMENT OF STATE **BULLETIN**

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The Department of State BULLETIN, a weekly publication issued by the Office of Media Services, Bureau of Public Affairs, provides the public and interested agencies of the government with information on developments in the field of U.S. foreign relations and on the work of the Department and the Foreign Service.

The BULLETIN includes selected press releases on foreign policy, issued by the White House and the Department, and statements, addresses and news conferences of the President and the Secretary of State and other officers of the Department, as well as special articles on various phases of international affairs and the functions of the Department. Information is included concerning treaties and international agreements to which the United States is or may become a party and on treaties of general international interest.

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Secretary Kissinger Discusses Egypt-Israel Agreement

Statement Before the Senate Committee on Foreign Relations¹

I welcome this opportunity to appear before your committee to testify on the recent agreement between Israel and Egypt. That agreement—if carried out in good faith by both parties—may well mark a historic turning point, away from the cycle of war and stalemate that has for so long afflicted Israelis and Arabs and the world at large. I am here to urge prompt and positive congressional action to help further the prospects for peace in the Middle East.

For more than 30 years the issues in dispute in that troubled region have been recognized by successive American Administrations as having profound consequences for America's own interests. The U.S. diplomatic role in the Middle East is a matter of vital national importance:

—We have a historic and moral commitment to the survival and security of Israel.

—We have important interests in the Arab world with its 150 million people and the World's largest oil reserves.

—We know that the world's hopes, and our own, for economic recovery and progress could be dashed by another upheaval in the Middle East.

—We must avoid the severe strains on our relations with our allies in Europe and Japan that perpetual crisis in the Middle East would almost certainly entail.

—We face the dangers of a direct U.S.-

Soviet confrontation, with its attendant nuclear risk, if tension in the Middle East should increase.

The October war of 1973 brought home to every American, in concrete and dramatic ways, the price we pay for continued Arab-Israeli conflict. The oil embargo triggered by that war cost us 500,000 jobs, more than \$10 billion in national production, and a rampant inflation. The 1973 crisis put our alliances with Western Europe and Japan under the most serious strain they had ever known. And it brought us to the verge of a confrontation with the Soviet Union, requiring us to place our military forces on a global alert.

Thus for the most basic reasons of national policy we owe it to the American people to do all we can to insure that the Middle East moves toward peace and away from conflict.

If the past two years of vigorous diplomatic endeavor have promoted the prospects of peace—as I believe they have—the United States has made the difference. We have maintained our special relationship with Israel, while at the same time dramatically improving our relations with the Arab world. It is the United States alone among the world's nations that both Israel and its Arab neighbors have been prepared to trust. This link of confidence must be maintained. Without it the Middle East will have lost the key element of its stability. Without it the period ahead—difficult at best—may well grow unmanageable.

It is our strong conviction that the Sinai

¹ Made on Oct. 7 (text from press release 522). The complete transcript of the hearings will be published by the committee and will be available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

agreement is indispensable to the process of peace. Were I here today to report that we had failed to obtain a Sinai agreement, I would have to tell you as well that the prospects of still another Arab-Israeli war were infinitely and eminently greater. Instead, I can state that the prospects for peace in the Middle East have been significantly advanced and that good chances exist for even further progress—if we have the wisdom and the national will to seize the opportunity before us.

Hailed by both Prime Minister Rabin and President Sadat as a possible turning point, the Sinai agreement represents the most far-reaching, practical test of peace—political, military, and psychological—in the long and tragic history of the Arab-Israeli conflict. For the first time in more than two decades, Israel and an Arab state have agreed not just to disentangle their forces in the aftermath of war but to commit themselves to the peaceful resolution of the differences that for so long have made them mortal enemies.

Thus, what we are proposing to the Congress—as we seek approval for the stationing of no more than 200 technicians in the Sinai—is an investment in peace. But we must never forget that the most precarious part of the road toward a just and lasting peace still lies ahead. We will require national unity and a sympathetic understanding for the delicacy of the process if we are to continue the journey.

With these considerations in mind, Mr. Chairman, I urge this committee and the Congress to respond promptly and sympathetically to the President's request for approval of the stationing of up to 200 Americans in the Sinai—a request that has now been before the Congress for more than four weeks.

The proposed American presence is a limited but crucial American responsibility. It is not a role we sought; it is a role we accepted reluctantly, at the request of both sides—and only when it was clear that there would be no agreement without it. The American personnel will be volunteers, and they will be civilians. Their function is to assist in

an early-warning system in the small area of the Sinai passes in the U.N. buffer zone. They are not combat personnel or advisers for one side; they will serve both sides, at their request. They will complement the U.N. military contingents already there from such countries as Canada, Sweden, Austria, and Finland whose responsibility it is to protect the buffer zone. Nor is our own presence in the area new—36 Americans are serving there at this moment with the United Nations Truce Supervision Organization; Americans have been serving in this capacity for over 25 years.

The proposal we ask you to approve provides that the President may withdraw these volunteer technicians if we believe them to be in jeopardy or no longer necessary. We are prepared as well to accept the congressional proposal to make withdrawal mandatory in the event of hostilities.

Mr. Chairman, I am well aware of, and respect, this committee's desire to be certain that it has before it all undertakings relevant to its consideration and approval of the proposal for U.S. participation in the Sinai early-warning system.

We have made an unprecedented effort to meet the committee's concerns. Within days of my return from the Middle East we voluntarily supplied to the committees of Congress, on a classified basis, highly sensitive material relevant to the negotiation of the Sinai accord. Included in this material was information from the record of the negotiations of the very category which President Washington declined to furnish to the House of Representatives in 1794 and which no Administration has supplied since.

Four weeks ago, we provided four sets of documents to the appropriate congressional committees. They are:

—First, the U.S. proposal for stationing technicians in the Sinai.

—Second, the unclassified agreement between Israel and Egypt, and its military annex.

—Third, the classified documents which

the Administration has certified include all of the assurances, undertakings, and commitments which we consider to be legally binding upon the United States. These documents also contain many provisions which are not considered legally binding; they were submitted because they were contained in documents which include binding clauses and which were initialed or signed by the United States and one of the parties.

—Fourth, extracts from other classified documents in the negotiating record which the Administration believes are legally binding assurances, undertakings, or commitments. We have included in this category certain provisions which, although not regarded by the Administration as binding, might be so regarded by others.

Finally, the Legal Adviser of the State Department submitted yesterday to this committee on a classified basis a memorandum which provides his assessment of the legal character of all the documents previously given to the Congress.

We presented these classified documents on the assumption that they would be treated as if they had been transmitted under the Case Act [Public Law 92-403], which provides for submission of executive agreements to the Congress, but with "an appropriate injunction of secrecy to be removed only upon due notice from the President."

Mr. Chairman, the executive branch has complied with both the letter and spirit of the committee's resolution requesting the President to inform the committee "of all the assurances and undertakings by the United States on which Israel and Egypt are relying in entering into the Sinai Agreement. . ." I am authorized on behalf of the President to state that there are *no other* assurances or undertakings, beyond those already submitted to the Congress, which are binding upon the United States. We will make no contrary claim in the future; nor can any other government.

Mr. Chairman, if there has been a disagreement between this committee and the

executive branch over the past several weeks, it has concerned not disclosure to the Congress—which has been complete—but the form of disclosure to the public.

We had hoped that a summary could be worked out with the committee which could have been certified as containing all commitments so that the full Senate would feel free to vote unreservedly on the U.S. technicians. This procedure was intended as a means of satisfying the needs of the Congress and the rights of the American people to know, while at the same time maintaining the integrity and confidentiality of the diplomatic process. We believed that we were following the precedents set in previous negotiations in the Middle East, when classified documents were submitted to the Congress but not made public. Our purpose was to avoid a situation in which other governments would feel compelled to take a public position and to protect our ability to act as a mediator in the future.

This plan became problematical when the confidential documents were leaked. This created a new and very difficult situation. The Administration disagrees with the decision of the committee to publish these documents and maintains that it in no way sets a precedent. We consider that the provisions of the Case Act regarding classification remain valid; they should be respected in the future.

We recognize that the committee faced an unusual problem to which no good answer existed. We are prepared to work with this committee to develop procedures for future negotiations which will permit ground rules to be clearly established in advance so that all parties will know what to expect.

With regard to the U.S. undertakings, the Administration is particularly concerned about two points:

—First, that congressional approval of the proposal on the technicians not link the Sinai agreement to the U.S. undertakings—which are distinct and separate; and

—Second, that U.S. statements of inten-

tion not be given a legally binding character which was never intended and is not inherent in them.

The Administration is convinced that congressional approval of the proposal to station technicians in the Sinai does not import or imply approval of anything more.

The United States is not a party to the Sinai agreement. That agreement is between Israel and Egypt; they are the only signatories and the only states bound by it. The agreement repeatedly speaks of the obligations of "the parties"; it is beyond dispute that "the parties" are Egypt and Israel, and *not* the United States.

The agreement provides, in an annex, that in the buffer zone between Egypt and Israel—in which the United Nations Emergency Force will continue to perform its functions—there will be established an early-warning system entrusted to U.S. civilian personnel. The proposal of the United States, for which approval of the Congress is being sought, provides details of that early-warning system. That proposal is described as a part of the agreement between Egypt and Israel, but that does not imply that the United States is party to this agreement. By the same token the U.S. assurances and undertakings before this committee, while given on the occasion of, and concordant with, the conclusion of the Sinai agreement between Egypt and Israel, are not in any sense part of the Sinai agreement.

Thus, even if the United States were unable to fulfill all of the intentions we have expressed, the parties—Egypt and Israel—would nonetheless remain bound by the Sinai agreement. The obligations of the Egyptian-Israeli agreement are clear, direct, and unqualified; they stand on their own.

A vote in favor of the specific, limited U.S. role in the early-warning system will not thereby commit the Congress to a position on any other issue—whether it be the question of undertakings and assurances to the parties involved, our continuing relations with various countries of the area, a given level of budget support, or our policies and programs in the Middle East. Those are separate issues which you will want to con-

sider carefully at the appropriate time. Many will come up in the normal authorization and appropriation process; they are not an integral part of the Egyptian-Israeli agreement.

Let me turn now to the question of the nature of American assurances and undertakings to Israel and Egypt.

The special position of trust enjoyed by the United States inevitably means that both sides attach great significance to our views. Statements of our intentions, therefore, served as a lubricant in this most recent negotiation just as they have in every previous mediation effort. But they must be seen in perspective and in the light of historical practice. It is extremely important, therefore, that in approving the sending of U.S. technicians the Congress should take care not inadvertently to create commitments that were never intended.

We have submitted all documents containing U.S. commitments. Not all provisions in these documents amount to binding undertakings. They include:

—First, assurances by the United States of our political intentions. These are often statements typical of diplomatic exchange; in some instances they are merely formal reaffirmations of existing American policy. Other provisions refer to contingencies which may never arise and are related—sometimes explicitly—to present circumstances subject to rapid change.

—Second, undertakings or assurances by the United States which are conditional on existing or prior authorization and appropriation by the Congress or which fall within the constitutional authority of the President to conduct the foreign relations of the United States.

Thus to speak of memoranda of agreement as executive agreements is by no means to say that each of their individual provisions is binding upon the United States. That depends entirely upon the content of the specific provisions in question. Moreover, nothing in these particular documents constrains congressional action in any issue involving the future legislative process.

The fact that many provisions are not by any standard international commitments does not mean, of course, that the United States is morally or politically free to act as if they did not exist. On the contrary, they are important statements of diplomatic policy and engage the good faith of the United States so long as the circumstances that gave rise to them continue. But they are not binding commitments of the United States.

Mr. Chairman, I should like to conclude with this thought: the Sinai accord could prove to be a historic milestone. It is not a peace agreement, but it can be an important step in that direction.

The United States remains committed to helping bring a just, durable, and comprehensive peace to the Middle East. We do not consider the Sinai agreement as permitting stagnation in the process of negotiation; its purpose is to give impetus to that process. We are prepared to work with *all* the parties toward a solution of *all* the issues yet remaining—including the issue of the future of the Palestinians.

Whether the Sinai agreement fulfills its promise depends crucially on the confidence and trust America inspires. Yet we cannot gain—nor retain—confidence abroad if we lack it at home. Whether there will be peace or war in the Middle East depends importantly on whether America is at peace with itself, whether America is united in its purpose.

The challenge now is to build on the progress that has been made. So let us get on with the job, for there will be no Sinai accord unless the Congress of the United States takes positive action to approve the proposal to place up to 200 technicians in the Sinai. And if there is no accord, then all that America has worked for, and all that the Middle East has hoped for, may well be lost.

So, Mr. Chairman, I respectfully ask that this committee act now to approve the resolution before it so that Israel and Egypt can get on with the business of implementing the Sinai accord and so that the march toward peace can be resumed in the Middle East.

President Urges Approval of U.S. Role in Sinai Early Warning System

Following is the text of a letter dated September 29 from President Ford to Speaker of the House Carl Albert.¹

SEPTEMBER 29, 1975.

DEAR MR. SPEAKER: I am writing to emphasize the importance of a Congressional decision in the coming week on U.S. participation in the Early Warning System which is an integral part of the Agreement signed between the Governments of Egypt and Israel on September 4 in Geneva.

Over the past two years, our Government has played an essential role in helping defuse the tensions in the Middle East. We have chosen this course because we recognized, as has every American Administration over the past 30 years, that the issues involved in that troubled area are central to the American national interest.

The September 4 agreement, like the two preceding disengagement agreements, was negotiated with the assistance of the United States. The parties themselves have described it as a significant step towards peace in the Middle East. It will reduce the risks of war, create new opportunities for negotiating peace, and help provide a stable environment in which global economic dislocations can be avoided. This Agreement is in the overall national interest of the United States.

There would have been no Agreement without provision for American participation in the Early Warning System. That System is designed to reduce the danger of surprise attack, and the parties to the Agreement were able to agree to entrust the System only to the United States. The special American role was the only one in which both sides had adequate confidence.

I want to be certain that the leaders of the Congress fully understand the conse-

¹ Released Sept. 30 (text from Weekly Compilation of Presidential Documents dated Oct. 6). Identical letters were also sent to Representatives William S. Broomfield, Thomas E. Morgan, and John J. Rhodes and to Senators Clifford P. Case, Mike Mansfield, Hugh Scott, and John J. Sparkman.

quences of further delay in acting on this important matter.

The first step in the implementation of the basic Agreement under the timetable negotiated and agreed to by Egypt and Israel in Geneva on September 22 is scheduled to be taken October 5. This process will not begin, however, until the Congress has acted on the proposed United States role in the Early Warning System. Delay in Congressional action will, therefore, delay implementation of the basic Agreement. It will risk causing the lengthy and difficult negotiations on the entire five-month implementing timetable to be reopened. It will prevent a lessening of the risks of war. If for any reason the Agreement should fail, the responsibility would be heavy indeed.

The issue before the Congress now is whether the Congress will approve acceptance by the United States of the role that has been proposed for it. There are other issues which the Congress must eventually consider in connection with our continuing relations, policies, and programs in the Middle East—particularly our programs of military and economic assistance there. The Congress will want to consider those carefully at the appropriate time, but they are not integral to the implementation of the Agreement between Egypt and Israel. Voting in favor of the U.S. role in the Early Warning

System will not commit anyone to take a position one way or another on these issues.

In summary, I met with the leadership three weeks ago to describe what was involved in the new Agreement between Egypt and Israel and to request urgent approval of U.S. participation in its implementation. This question has been under intensive discussion in the Congress for nearly three weeks. All relevant papers and all U.S. commitments related to the Agreement have been submitted to the appropriate committees of the Congress. If action is not completed in the coming week, the United States will be in the position of holding up implementation of an Agreement which two key Middle Eastern countries have signed as a significant step towards peace. The Middle East is an area where American policy has long had broad bipartisan support. The issue presently before the Congress offers an opportunity to reaffirm that tradition and to demonstrate how the Executive and Legislative branches can work together on a foreign policy matter of high importance to the national interest and for the benefit of world peace. I, therefore, urge strongly that action be completed as early as possible and no later than Friday, October 3.

Sincerely,

GERALD R. FORD.

Emperor Hirohito of Japan Makes State Visit to the United States

Emperor Hirohito of Japan made a state visit to the United States September 30–October 13. Following are an exchange of greetings between President Ford and His Majesty at a welcoming ceremony on the South Lawn of the White House on October 2, their exchange of toasts at a dinner at the White House that evening, and their exchange of toasts at a dinner given by His Majesty at the Smithsonian Institution on October 3.

REMARKS AT WELCOMING CEREMONY

Weekly Compilation of Presidential Documents dated Oct. 6

President Ford

Your Majesties: It is an honor for me to extend to you, on behalf of the American people, a warm and heartfelt welcome to the United States. Mrs. Ford joins me with the greatest personal pleasure for both of us in greeting Your Majesties here today.

This first state visit for an Emperor and Empress of Japan to the United States is an historic occasion with profound importance. Japan and the United States have had a special and unique relationship since the days when Commodore Perry sailed to Japan more than 120 years ago.

Our early relations were marked by many memorable events. The United States was the first country to establish a treaty relationship with Japan, the first to station a consul in Japan, and the first to receive a diplomatic mission from Japan. That mission was received by President Buchanan in 1860 here in the White House.

During the illustrious reign of your illustrious grandfather, Emperor Meiji, Japan chose the United States as the first stop for the Iwakura mission. Japan's special envoys were received by President Grant.

After President Grant left the Presidency, he visited Japan and met the Emperor. This was in 1879, almost a century ago. Emperor Meiji said:

America and Japan, being near neighbors, separated only by an ocean, will become more and more closely connected with each other as time goes on.

These prophetic words symbolized our mutual desire to establish a sound and lasting friendship. What was a century ago a visionary goal has now become a reality for millions of Americans and Japanese. Our peoples are bound together by a multitude of institutional and personal ties. The constant flow of knowledge, ideas, and cultural influences between our two countries enriches the depth and meaning of our ties each year. It is this broad public involvement which fulfills the hopes of our early leaders.

The greetings of friendship which we exchange today represent the deep sentiments of both nations.

At a time when the benefits of cooperative relations between our two countries are mutually acclaimed, Your Majesty's visit symbolizes and strengthens the ties of friendship between our two peoples.

The warm memories of my trip to Japan last fall remains vivid. Mrs. Ford and I have happily anticipated Your Majesty's visit. We earnestly hope that your stay in Washington and your journey to other parts of the United States will be as pleasant to Your Majesties personally as they are important to the history of our two great nations.

His Majesty¹

Mr. President, Mrs. Ford, ladies and gentlemen: Thank you most sincerely, Mr. President, for your gracious words of welcome.

¹ Emperor Hirohito spoke in Japanese on all three occasions.

It has long been my wish to come to the United States, and the Empress and I deeply appreciate your kind invitation to pay this official visit.

We are indeed delighted to be here at this historic moment on the very eve of the Bicentennial of American independence, when the American people reflect on the past and look to the future.

For me, also, this visit is a valuable opportunity to reflect on the past relationships between Japan and the United States and look to its future. Our peoples withstood the challenges of one tragic interlude when the Pacific Ocean, symbol of tranquillity, was instead a rough and stormy sea, and have built today unchanging ties of friendship and good will. I feel immeasurably gratified by this happy development and look forward with great anticipation to the future of our relationship.

Mr. President, you visited Japan last year as the first incumbent President of the United States to do so and impressed us deeply by your eagerness to meet and mingle with our people. I know that your visit has contributed greatly to the mutual trust between our two peoples.

Although our stay in your country is for but a brief two weeks, we hope to meet with Americans from every walk of life and to glimpse a variety of American sights. We will be happy if we, too, can contribute to everlasting friendship between our two peoples through our visit.

May I thank you again, Mr. President, for your warm hospitality. Permit me, also, to extend to all the citizens of your great country my best wishes for continued prosperity.

TOASTS AT WHITE HOUSE DINNER, OCTOBER 2

Weekly Compilation of Presidential Documents dated Oct. 6

President Ford

Your Majesties, our distinguished guests from Japan, ladies and gentlemen: This first state visit to the United States by an Emperor and an Empress is an occasion of great, great importance to all of us. It symbolizes the very unique and the very close ties of

friendship between our countries as well as our people.

My nation, Your Majesties, has looked forward to this happy occasion for a long, long time. Four years ago, it was a great honor for Americans for you, Your Majesties, to stop in Alaska at the beginning of your first foreign travel as an Emperor and Empress. On that occasion, your stay was much too brief.

Last year I had the great honor of being the first incumbent American President to visit Japan. And I am grateful, deeply grateful, and was obviously most impressed with the wonderful reception that I received from you as well as the people of Japan.

The first official visit to the United States by a Japanese Emperor, occurring as it does during my Administration, is another source of great personal satisfaction. It was my profound pleasure earlier today to welcome you officially to the United States on behalf of all of our people.

While the cultural heritages of our two countries are quite different, our people share a very common aspiration and a similar commitment to democratic freedoms and institutions. Your Majesties, we confront together the challenges of an advanced industrial society and seek a very peaceful world in which all nations prosper and all people pursue fulfilling lives.

Because Americans and Japanese have patiently nurtured these very fundamental bonds, our cultural differences have been a source of mutual enrichment rather than a barrier to friendship and to understanding.

Through the interaction of our peoples, Japan has very profoundly influenced America. Japanese cherry trees, as we all know, are well known to Americans because of their very prominent place in the heart of our National Capital. These very beautiful cherry blossoms symbolize the profound cultural influence of Japan on modern America.

Japan's art, its architecture, its pottery, its prints, its gardens, and almost above all, its graciousness, all have enriched American life and American thought. The Japanese emphasis on consensus and harmony in human relations also influences the life as well

as the work of the American people.

Because Japan's influence upon America has been very subtle, it is not always easily recognized. Therefore Your Majesty's visit provides Americans an opportunity to pause and acknowledge your country's contributions to our national culture.

Your Majesties, I can assure you that America places the highest possible value on our distinctive and mutually beneficial relations with your nation. Americans are determined to preserve, Americans are determined to strengthen, our ties of friendship and cooperation with Japan.

Ladies and gentlemen, in that spirit, I ask all of you to join me in a toast to Their Majesties' continued good health and to the perpetuation of the sincere friendship between the American and Japanese people which this historic visit symbolizes: Your Majesties.

His Majesty

Mr. President, Mrs. Ford, ladies and gentlemen: I wish to offer my sincere appreciation for your most thoughtful words. I am deeply moved by your warm expression of good will toward Japan and the people of Japan.

Your visit to Japan last fall, Mr. President, brought a bright and happy page in the 120-year-long history of Japanese-American relations. Ever since your visit, the Empress and I have been looking forward to this moment when we might be with you again, Mr. President, and with Mrs. Ford for the first time.

We also thank you cordially for your gracious hospitality this evening at the White House. We are mindful that in this house great leaders of your country have presided since the early years of the nation, making their indelible marks on national and world history.

Our first night in the United States we spent at Williamsburg resting from our long journey and savoring, in the calm atmosphere of that picturesque town, historic reminders of the birth of this nation. Those associations are deepened for us tonight, in your company and in this historic house.

Japan-United States Friendship Days

A PROCLAMATION¹

Their Majesties, the Emperor and Empress of Japan will officially begin their State visit to the United States of America on October 2, 1975. This visit which extends through October 13, 1975 will be the first State visit to the United States of America by a reigning Emperor of Japan. The State visit of the Emperor and Empress of Japan openly symbolizes the close ties of friendship, goodwill and common goals to which the Japanese and American people are dedicated. Their visit will contribute immeasurably to mutual understanding and respect between the United States of America and Japan.

We warmly welcome Their Majesties to our country.

Now, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the period beginning October 2, 1975, through October 13, 1975, as Japan-United States Friendship Days.

I call upon the people of the United States and interested groups and organizations to observe this period with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this Second day of October, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundred ninth.

GERALD R. FORD.

¹ No. 4397; 40 Fed. Reg. 45791.

I recall the wise counsel which your first President, George Washington, gave the American people upon leaving the Office of the Presidency in 1796: "Observe good faith and justice toward all nations. Cultivate peace and harmony with all." This precept is still valid in today's world. It is an idea shared by the Japanese people in their continuing efforts to cultivate peace and harmony within the international community.

It has been my wish for many years to visit the United States. There is one thing in particular which I have hoped to convey to the American people, should my visit be materialized; that is, to extend in my own words my gratitude to the people of the

United States for the friendly hand of good will and assistance their great country afforded us for our postwar reconstruction immediately following that most unfortunate war which I deeply deplore.

Today a new generation with no personal memory of those years is about to be in the majority in both our countries. Yet I am confident that the story of the generosity and good will of the American people will be retold from generation to generation of Japanese for the rest of time.

The United States has made extraordinary contributions to the well-being and progress among mankind during the past two centuries. Today, on the eve of your Bicentennial and amidst the shifting tides of history, the United States continues to stand for the high ideals which gave this nation birth.

The American people are still contributing to further development of this most vigorous and creative society and to the building of peace and prosperity in the world.

Mankind is now engaged in a common endeavor—the creation of a just and peaceful international community. For this lofty objective, it is my hope that Japan and the United States, as two powerful and stable nations, will cooperate actively on the basis of even better understanding of each other through further dialogue, drawing strengths from the richness of our past histories and traditions.

Ladies and gentlemen, I propose a toast to the health of the President of the United States of America and Mrs. Ford and to the American people on the threshold of your third glorious century as a nation.

TOASTS AT DINNER GIVEN BY THE EMPEROR, OCTOBER 3

Weekly Compilation of Presidential Documents dated Oct. 6

His Majesty

Mr. President, Mrs. Ford, ladies and gentlemen: The Empress and I are greatly honored to be with you this evening, Mr. President, Mrs. Ford, and distinguished great

guests representing the broad spectrum of the American people.

May I take this opportunity to impress on you our sincere appreciation for the cordial hospitality extended to us by the President and the people of the United States.

The Japanese-American relationship began some 120 years ago when Commodore Matthew Perry reached our shore to begin the process of opening Japan to the outside world. Five years later Japan dispatched its first delegation to the United States on the mission of exchanging the instruments of ratification of our Treaty of Amity and Commerce. It is recorded that the delegation visited this Smithsonian Institution.

One of Japan's leading intellectuals at the time of my grandfather, the Emperor Meiji, was Yukichi Fukuzawa. He accompanied the delegation to the United States aboard the escort ship *Kanrin Maru*. Upon his return, Fukuzawa wrote a book entitled "Seijo-jijo" or "Things Western." In this volume Fukuzawa described how the United States, under the "purest form of republican government," had been living up to the ideals of its Founding Fathers and included a full Japanese translation of the Declaration of Independence of the United States. His enlightening suggestions were a source of inspiration to the Japanese people of the time, who were just beginning to emerge out of centuries of isolation into the age of modernization.

Succeeding generations of Japanese and Americans have built on those early interchanges, establishing in our time a relationship of extensive cooperation in political, economic, industrial, academic, cultural, and many other fields.

Today, as the United States is about to celebrate its Bicentennial, Japan and the United States have become the nearest of neighbors, despite the vast reach of the Pacific Ocean, which separates our two countries, and despite the great distances between our respective histories, traditions, languages, and cultures. Never before in history have two such distant and different peoples forged such close bonds of friendship.

I am confident that friendship, so well tested through a number of trials in the past, is an enduring one which will withstand whatever vicissitude there may be in future history.

Ladies and gentlemen, I ask you to join me in a toast to the continued health of the President of the United States of America and Mrs. Ford and to the prosperity of this great Republic.

President Ford

Your Majesties: Mrs. Ford and I are deeply honored to be your guests this evening. Japanese hospitality is always warm and most gracious, as I can testify from my visit last year to Tokyo and Kyoto.

Your kind and very thoughtful words have made a deep impression upon Mrs. Ford, myself, and the American people, and it is an honor for me this evening to have an opportunity to respond.

Your Majesties' visit to Washington has been pleasant, as I have gathered from our discussions, but all too brief. Tomorrow, you leave for a journey across America. Many Americans you will meet and the places you will visit have longstanding and important connections with Japan.

I am very pleased that Your Majesty will see some of our small towns as well as our great cities. The farm you will visit in Illinois is symbolic of the importance of agriculture as well as trade in American and Japanese relations.

I am particularly happy that Your Majesties will visit the oceanographic research centers in Woods Hole, Massachusetts, and La Jolla, California, where some of America's leading marine biologists will have an opportunity to discuss matters of mutual interest. Your Majesty's personal role in scientific research symbolizes the contribution that international scientific exchanges have

made to the advancement of knowledge in our two nations and to their mutual benefit.

Mrs. Ford and I are very pleased that time has been found for Your Majesty the Empress to meet Americans who share her artistic interests and humanitarian concerns. We are glad that you will also have time to relax and enjoy other aspects of American life, such as football on Sunday, Disneyland later, and the tropical beauty of Hawaii.

Your visit, of course, draws attention as well to the place Americans of Japanese ancestry occupy in our national life. While their numbers are not large, their contributions to American life have been most significant. Through quiet and very diligent endeavor, Japanese-Americans have attained highly respected places in the most exalted ranks of every profession, in the arts and sciences, and of course in public affairs. The cultural heritage that they have given us has enriched American life. They are actually a living bond between our two great countries.

Your Majesty, when you assumed the throne in 1926, you chose the Japanese words "showa," meaning "enlightened peace," as the name of your reign. Those words expressed an exalted ideal, and now in the unprecedented 50th year of your reign, the Japanese people's accomplishments and their place in the world have fulfilled your early hopes.

Your Majesties' historic visit has enhanced Japanese-American relations with a new dignity, and it has made us even more aware of the benefits of peace as well as friendship between us. It has also reinvigorated our shared determination to encourage even closer ties and greater cooperation between the Japanese and the American people.

Ladies and gentlemen, I ask that you join me in expressing appreciation for Their Majesties' hospitality this evening as I propose a toast to Their Majesties the Emperor and the Empress of Japan.

Indo-U.S. Joint Commission Meets at Washington

The Indo-U.S. Joint Commission met at Washington October 6-7. Following are remarks made by Secretary Kissinger and Y. B. Chavan, Indian Minister of External Affairs, made on October 7 upon the signing of the agreed minutes, together with the text of a communique issued at the conclusion of the meeting.

REMARKS AT SIGNING CEREMONY

Press release 523A dated October 7

Secretary Kissinger

Mr. Foreign Minister, distinguished guests: I think the signing of this agreement is an auspicious occasion which symbolizes the work that has been done during the past year by the Joint Commission and the work that still lies ahead.

The United States and India agreed last year, on the occasion of my visit to New Delhi, to place our relationship on a more long-term and more effective and more permanent basis, free from some of the emotional swings that had characterized some of our relationship previously.

In this new and more mature relationship, both sides have come to understand their permanent common interest in peace, stability, and progress; and they can cooperate on global problems from the point of their different perspectives but nevertheless keeping always in mind that they have a common stake in world peace and a common interest that development take place on the basis of cooperation and not confrontation.

We agree with what the Foreign Minister said to the United Nations: that nations should begin confronting problems and not

each other. This is the spirit in which the relationship between the developed and the developing nations should take place, to which India and the United States can make an important contribution.

I'd like to thank the chairmen of the Sub-commissions that have done such effective work. We will continue our exchanges on the subjects that the Commission deals with as well as on other political problems of common interest, and we hope to have another meeting of this Joint Commission next spring in India.

Thank you very much.

Foreign Minister Chavan

Mr. Secretary of State and friends: I consider this a significant occasion. Today we have signed a document which encompasses the work put in by three Subcommissions of the Indo-U.S. Joint Commission on economic, commercial, scientific, technological, educational, and cultural cooperation in working out a program for the coming years.

I'm glad that both our sides have been able to reach agreement on a wide-ranging area in each of the specified fields.

What we have tried to achieve in the document we have signed today is to lay down guidelines for an action-oriented and time-borne program which we expect will lead to tangible results in the years ahead.

The Joint Business Council, which has been set up under the auspices of the Subcommission on Economic and Commercial Affairs, will, we hope, serve as a useful body enabling a fuller exchange of views and practical co-operation between business leaders of both countries. A significant organizational aspect of the Joint Business Council, from our

viewpoint, is the participation of Indian public-sector organizations in the work of the Council.

Another important body which has been agreed to is the Working Group on Industrial Cooperation, which will be entrusted with the task of identifying and promoting joint industrial interests in third countries involving Indian manufacturing and consultancy services. And the earnestness of our two governments to secure maximum benefit to both sides from such cooperation is highlighted by our agreement to hold initial discussions with a view to conclude a treaty to avoid double taxation.

I would like to make a special mention here of the very useful exchange of views which I have had with Secretary of State Dr. Kissinger, as well as with other colleagues in the U.S. Government.

I also have had the privilege of meeting President Ford and to view Indo-U.S. relations in broad perspective.

I share your view, Mr. Secretary, that the Joint Commission provides an institutional framework for developing our relations on a mature, a realistic, and stable basis free from day-to-day fluctuations.

I take this opportunity to express my thanks to the Government of the United States—and, in particular, to Secretary of State Dr. Kissinger—for the excellent arrangements made and the warm hospitality extended to me and the members of delegations.

Thank you very much.

TEXT OF JOINT COMMUNIQUE

Press release 523 dated October 7

The Indo-U.S. Joint Commission met in Washington October 6-7 to discuss new ways to expand co-operation between the two countries in trade and investment, science and technology, and education and culture. The co-chairmen, Secretary of State Henry A. Kissinger and Indian Minister for External Affairs Shri Y. B. Chavan, commended the three sub-commissions for the excellent beginning they have made in each of these fields since the Joint Commission was founded in October 1974 during Secretary Kissinger's visit to New Delhi. The co-chairmen re-

viewed the constructive approaches already under way in each area and focused on how to build on this beginning.

Economics and Commerce

After hearing a report by Indian Finance Secretary M. G. Kaul on the progress of the Economic and Commercial Subcommission in promoting trade and investment, the Joint Commission endorsed plans for a wide-ranging program to:

—Increase trade between the United States and India. This expansion is to be led by increased Indian exports to the United States of manufactured goods and modern industrial machinery and American exports to India of high technology products and capital equipment.

—Stimulate trade promotion in each country through trade missions, trade shows, exhibits and catalog shows.

—Proceed with the establishment of a Joint Business Council bringing together business leaders of both countries. The first meeting is to take place in New Delhi February 2-4, 1976. Its co-chairmen are distinguished business personalities, Mr. Orville Freeman and Mr. Harish Mahindra. The Chamber of Commerce of the United States and the Federation of Indian Chambers of Commerce and Industry, together with organizations from the Indian public sector, have agreed to participate.

—Actively encourage joint ventures between Indian and U.S. firms in third countries.

—Continue the mutually beneficial consultations on agricultural inputs. The Agricultural Inputs Working Group met in February and October 1975, and made recommendations concerning the organization of an international seminar on fertilizer usage, the encouragement of Indo-U.S. collaboration in fertilizer projects in third countries, and Indo-U.S. cooperation in fertilizer research. The Working Group will meet again early in 1976.

—Conduct talks on a tax treaty between the United States and India in Washington October 16-17, 1975.

The Indian delegation explained the opportunities for foreign investment in areas with high export potential, and those involving new technology not now available in India. It is expected that these opportunities will also be actively pursued through the Joint Business Council.

Plans are well advanced for the next meeting of the Economic and Commercial Subcommission in New Delhi in March 1976, following the meeting of the Joint Business Council.

Science and Technology

After a report by Dr. Nag Chaudhuri, Indian co-chairman of the Science and Technology Subcommission and Vice Chancellor of Nehru University, the Joint Commission confirmed the interest of both coun-

tries in intensifying cooperation in the following areas:

- agriculture;
- energy and natural resources;
- health;
- electronics and communications;
- environment;
- exchanges of scientists and information.

More than 20 joint projects have been approved by both Governments since January 1975. The two sides noted that these projects build on the history of long cooperation between them in science and technology and are calculated to extend the practical benefits of the collaborative research of the past 15 years. The co-chairmen stressed that cooperative programs that are implemented by agreement of the two governments meet the test of mutual benefit and are fully endorsed by both Governments.

The Subcommission on Science and Technology will hold its next meeting in New Delhi in the first half of December, 1975.

Education and Culture

The Joint Commission then considered a report submitted by Dr. Robert F. Goheen, American co-chairman of the Educational and Cultural Subcommission and Chairman of the Council on Foundations in the United States.

The Joint Commission reviewed preparations for the first two joint seminars, one on "Museums as Educational Resources" and the other on "Methods in History, Old and New." The former will be held in the United States and the latter in India. Two other seminars are being planned for 1976: "Linkages of Agriculture and Education" and "Educational Technology."

The Joint Commission also endorsed the idea of a program of scholarships and visitorships to enable professionals from both sides to pursue specialized studies.

The Joint Commission approved the idea of an exchange of major cultural exhibitions between the two countries. An exhibition of Indian culture and art is being planned to tour the United States in 1977. Plans call for a comparable presentation of U.S. culture and art in India in 1978.

Finally, the Joint Commission approved the establishment of a U.S. Secretariat for the Subcommission on Education and Culture at the Asia Society in New York City, and of an Indian Secretariat at the Indian Council for Cultural Relations in New Delhi.

Dr. Goheen reported that the Subcommission would meet again on May 4-6, 1976 in New York City.

Participation

In addition to the Secretary of State and Minister of External Affairs, the following participated as Joint Commission members:

For the United States

Deputy Secretary of State Robert S. Ingersoll
Ambassador to India William B. Saxbe
Assistant Secretary for Near Eastern and South Asian Affairs Alfred L. Atherton
Acting Assistant Secretary for Oceans and International Environmental and Scientific Affairs Myron Kratzer
Deputy Assistant Secretary for Economic and Business Affairs Joel Biller
Dr. Robert Goheen, Chairman, Council on Foundations

For the Republic of India

G. Parthasarathi, Chairman, Policy Planning Committee, Ministry of External Affairs
Ambassador T. N. Kaul, Ambassador to the United States
Kewal Singh, Foreign Secretary, Minister of External Affairs
M. G. Kaul, Secretary, Ministry of Finance
Dr. B. D. Nag Chaudhuri, Vice Chancellor of Nehru University

Department Opposes Unilateral Establishment of 200-Mile U.S. Fisheries Zone

Following are statements made before the House Committee on International Relations on September 24 by Under Secretary for Security Assistance Carlyle E. Maw, who is Special Representative of the President for the Law of the Sea Conference; John Norton Moore, Chairman of the National Security Council Interagency Task Force on the Law of the Sea and Deputy Special Representative of the President for the Law of the Sea Conference; and Thomas A. Clingan, Deputy Assistant Secretary for Oceans and Fisheries Affairs.¹

STATEMENT BY UNDER SECRETARY MAW

Chairman [Thomas E.] Morgan and members of the committee:

I am pleased to appear today on behalf of the executive branch to testify on H.R. 200, which proposes to create an exclusive fisheries zone extending 200 miles off the coasts of the United States. With me to describe the executive branch position are John Norton Moore, Chairman of the NSC Interagency Task Force on the Law of the Sea and Deputy Special Representative of the President for the Law of the Sea Conference, and Thomas Clingan, who for the past year has served as Deputy Assistant Secretary of State for Oceans and Fisheries Affairs and as our principal fisheries negotiator.

Mr. Chairman, we particularly appreciate the opportunity to testify today in light of

the very heavy schedule of foreign policy matters before this committee. As Secretary Kissinger has indicated to you, the Administration believes that the proposed 200-mile fisheries legislation raises serious foreign policy questions. Secretary Kissinger spoke about some of the foreign policy implications on August 11 before the annual meeting of the American Bar Association in Montreal. He has asked me to elaborate on these implications today.

The Administration shares the concern of members of Congress about the serious depletion of many fish stocks as a result of overfishing. As you know, we are actively supporting the creation of a 200-mile economic resource zone that would include coastal fisheries as part of a comprehensive law of the sea treaty.

However, it is one thing to establish a fisheries zone by agreement with the nations concerned. It is quite another to establish such a zone unilaterally in contravention of the existing rights of other nations to fish on the high seas. The President supports the establishment of a 200-mile fisheries zone by negotiation; he strongly opposes unilateral claims to jurisdiction on the high seas, such as the claim contemplated by H.R. 200.

The President is committed to undertake immediate initiatives to deal with the problem of foreign overfishing. As Secretary Kissinger announced in his speech to the American Bar Association, the United States will begin now to negotiate interim agreements with nations fishing off our coasts as a transition to an eventual 200-mile fisheries zone. We intend to establish, through negotiation rather than unilateral action, a transition to

¹ The complete transcript of the hearings will be published by the committee and will be available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

a 200-mile fisheries zone as rapidly as possible.

Before I ask Tom Clingan to outline our proposed plan for accomplishing this result, I would like to discuss briefly some of the serious adverse consequences which could result from enactment of legislation such as H.R. 200.

This legislation will seriously increase the potential for conflict around the world in at least two respects. Conflict may result, first, from our enforcement efforts against nations fishing off our coasts and, secondly, from our attempts to protect our global oceans interests in more comprehensive zones—which certainly will be declared unilaterally by other nations, following our example.

With respect to the first point, the United States has consistently resisted as a matter of principle the unilateral claims of other nations to jurisdiction over fisheries 200 miles off their coasts. Other states can be expected to resist our efforts unilaterally to assert such jurisdiction. Mr. Chairman, I am sure that members of this committee do not need any description from me of the enforcement problems we will face if other nations refuse to recognize our jurisdiction.

With respect to the second point—conflicts resulting from our attempts to protect our global oceans interests—if the United States sets a precedent by acting unilaterally, a number of other nations can be expected to make claims which may not be limited to fisheries and which could purport to interfere with our rights of navigation, scientific research, and important defense and security interests. If all coastal states claimed 200-mile zones without internationally agreed rules as to the content of these zones, one-third of the world's oceans would be subject to conflicting rules and claims, the very area in which much of the world's shipping travels.

I believe that the essential question for this committee to consider is whether rules governing uses of the oceans are to be developed through international agreement or are to be established by an uncontrollable

pattern of inconsistent claims.

The United States is a world leader not only because of its power but also because, in the years since World War II, we have attempted to minimize the possibilities of conflict and have taken the extra step toward building a structure of law in the world. What the United States does is of far greater consequence than what some other nations, with more limited concerns, may do. Our example in the oceans can encourage international cooperation, or it can promote international disorder. If the United States participates in a process whereby each nation proclaims its own rules of law and seeks to impose them on others, the very basis of international law will be shaken.

We believe that ultimately the rules defining the content of a 200-mile economic resource zone, including fisheries, will be established by a law of the sea treaty. John Norton Moore will elaborate on the impact that passage of this legislation will have on the Law of the Sea Conference.

We are all agreed that we must act to meet the legitimate, pressing concerns relating to our coastal and distant-water fishing interests. We do not promise to solve these problems overnight; we do promise that we will begin now to negotiate agreements that will create a system of conservation and enforcement that will protect important U.S. fisheries resources.

In this connection, I addressed the opening session of the special meeting of the International Commission for the Northwest Atlantic Fisheries in Montreal this past Monday morning to stress the importance that the United States attaches to a reduction of quotas for foreign fishermen in the fisheries off New England and the Middle Atlantic states. I also delivered a personal message to the meeting from President Ford. I would like to give to the committee, for insertion in the record, a copy of the President's message, my remarks, and the remarks of Minister LeBlanc, the Canadian Minister of Fisheries.

Mr. Chairman, I would now like to ask

John Norton Moore briefly to address the question of how enactment of H.R. 200 would affect the Law of the Sea Conference.

STATEMENT BY MR. MOORE

I appreciate the opportunity to testify on behalf of the Administration in opposition to H.R. 200, a bill which would unilaterally extend U.S. fisheries jurisdiction over coastal and anadromous species of fish. No issue has presented a starker choice for the future of our national oceans policy. How we decide this issue will largely determine whether we move forward to cooperative solutions to oceans problems or precipitate a spiral of unilateral national claims leading inevitably to confrontation and conflict.

Before turning to the substance of my testimony I would like to thank you and the other members of this committee who have strongly supported the work of the U.S. delegation to the Third U.N. Conference on the Law of the Sea. The members of this committee have recognized the importance of a timely and successful law of the sea treaty which fully protects the vital interests of the United States and the world community as a whole. For our part, we recognize that the formulation of U.S. oceans policy is a shared responsibility between Congress and the executive, and we are determined to make the law of the sea a model of cooperative partnership.

As Under Secretary Maw has indicated, the Administration has recently concluded a thorough evaluation of our interim fisheries policy, and the President has determined strongly to oppose measures unilaterally extending our fisheries jurisdiction. Factors which were weighed in that determination include the following.

First, we are continuing to make progress toward a comprehensive law of the sea treaty which will provide balanced protection for all U.S. oceans interests and particularly our fisheries interests.

The single negotiating text prepared at the Geneva session of the conference pro-

vides for a 200-mile economic zone with coastal state preferential rights and management responsibility over coastal species within the zone and broad protection for our important anadromous stocks within and beyond the zone. It is agreed that these provisions, when implemented, will protect coastal and anadromous species on a worldwide basis. With your permission I would like to submit for the record the relevant provisions of the single negotiating text dealing with the fisheries issues.

Although we have been disappointed with the work schedule of the Law of the Sea Conference, we believe that we are approaching the final stages in this important and complex multilateral negotiation. I would like to emphasize, however, that the negotiation cannot be completed before mid-1976 at the earliest, and at this time it is not clear whether a treaty can be completed during 1976.

Second, in the period between now and the conclusion of a fully effective law of the sea treaty, efforts to insure greater protection of fish stocks through unilateral action could well be seriously counterproductive. Unilateral action by the United States will not be accepted and could result in a hardening of foreign positions.

Third, a unilateral extension of fisheries jurisdiction such as that of H.R. 200 would be accompanied by a variety of serious costs to our oceans policy and international relations. These include:

- A risk of confrontation with nations fishing off our coasts;

- As Ambassador Clingan will develop, serious harm to U.S. distant-water fishing interests, particularly our important tuna and shrimp fleets;

- Harm to development of universal fisheries conservation obligations;

- Serious harm to the law of the sea negotiations and the U.N. system;

- A serious setback to the development of international legal institutions and the rule of law in the oceans; it is generally agreed

that a unilateral extension of U.S. fisheries jurisdiction to 200 miles would be inconsistent with existing international law;

—Harm to our opportunity to achieve international agreement accommodating vital security interests, strategic mobility on the oceans, and freedom of navigation for the movement of commercial cargoes, such as oil; and

—Substantial enforcement costs. It is obviously more costly to enforce against non-consenting nations fishing off our coasts than against nations who have agreed to our jurisdiction, such as through a law of the sea treaty.

Finally, we note that H.R. 200 is not a narrowly drawn conservation measure aimed solely at the prevention of depletion of stocks off the U.S. coasts and applying across-the-board to both U.S. and foreign fishermen. Rather, it is a sweeping measure aimed at broad extension of fisheries jurisdiction and preferential rights for U.S. fishermen. We believe such objectives, which we support, are best pursued through negotiations. Indeed, H.R. 200 tragically threatens to undermine the progress made in the Third U.N. Conference toward general acceptance of these objectives as part of a comprehensive law of the sea treaty.

We must not and will not sacrifice the interests of U.S. fishermen in the protection of stocks off our coasts. We are committed to a 200-mile economic zone as part of a comprehensive law of the sea treaty and to beginning immediately to negotiate the transition to the 200-mile zone. A unilateral extension of jurisdiction at this time, however, would not be in the interests of our fishermen or of the overall oceans and political interests of our nation.

From time to time there is an issue of transcendent importance for national policy and the direction of our foreign relations. This is such a time and such an issue. It is imperative that we join together in reaffirming cooperative solutions to our oceans problems.

Thank you Mr. Chairman.

STATEMENT BY MR. CLINGAN

It is a pleasure for me to appear before this committee today and to describe some major fisheries initiatives which this Administration plans to take to cope with our fisheries problems.

The executive branch made a commitment this spring to review interim fisheries policies. This careful review has now been completed. In explaining the Administration's continued opposition to unilateral legislation by the United States, Secretary Kissinger indicated in a speech in Montreal last month that we would begin now to negotiate new agreements with other nations as a transition to a 200-mile fisheries zone.

We hope that such a zone will eventually be recognized by a law of the sea treaty. Fisheries questions, like other oceans issues, can best be resolved within the context of broad multilateral agreement. However, I would like to make it clear that the course of action which I am going to outline is not necessarily linked either to existing arrangements or to the timing of the Law of the Sea Conference. Most importantly, the course of action is based on negotiation, not unilateral action, and is designed to insure that the benefits of a 200-mile coastal fisheries zone is in practical effect as soon as possible.

Our plan will be to accomplish through negotiations the following objectives within 200 miles off our coasts:

—Establishment of an effective conservation regime based on the best available scientific evidence;

—Consistent with such a regime, the creation of preferential harvesting rights for U.S. fishermen to the full limits of their harvesting capacity, with the surplus allocated among foreign fishermen, thereby substantially reducing foreign catches;

—Implementation of a standardized system for collection of fisheries data with information contributed by both foreign and domestic fishermen;

—Introduction of more effective enforcement procedures; and

—Implementation of satisfactory arrangements to resolve gear conflicts and insure adequate foreign compensation to U.S. fishermen in case of negligence by foreign fishermen.

Mr. Chairman, we plan to accomplish these objectives by working within the framework of existing fisheries commissions wherever possible as well as through bilateral agreements. We presently have at least 11 bilateral fisheries agreements due for renegotiation next year, as well as regular meetings of six multilateral fisheries commissions. We intend during these negotiations to establish the philosophical underpinnings of our plan and to accomplish through phased negotiations, rather than by unilateral action, the functional equivalent of a 200-mile fisheries zone.

We are now completing plans for specific steps to be taken and will announce these in the coming several weeks. We will, of course, be consulting with interested members of Congress in this regard.

We also intend to work closely with our neighbors to resolve potential differences and are developing, on a priority basis, other initiatives to resolve the problems of our distant-water fishermen. Upon completion of the first round of fisheries negotiations next year, we will be able to assess more fully the success of our plan.

Obviously, we cannot assure success. There are, however, several factors favorable to such agreements that have not been present in past fisheries negotiations. The first, of course, is the widespread agreement in the Law of the Sea Conference on a 200-mile coastal fisheries zone, and the second is the great pressures building in coastal fishing states to declare such zones if international agreement is not reached.

Distant-water fishing states such as the U.S.S.R. have indicated their willingness to accept a 200-mile zone covering fisheries as part of a comprehensive law of the sea treaty. Other nations recognize the reality of this situation. These nations must be prepared to negotiate mutually acceptable ar-

rangements that will permit their continued participation in coastal fisheries. Our own distant-water fishing fleets are similarly affected, and we believe that the course of bilateral and multilateral agreement will also permit negotiations on behalf of our shrimp and tuna fleets that unilateral action on our part might preclude.

To direct the implementation of our fisheries plan, the Department of State has established a special task force with interagency participation. I have agreed to stay on with the Department to chair this group and to direct our efforts to solve these problems in the shortest possible time.

Mr. Chairman, I believe the executive branch and the Congress hold similar views on the fisheries objectives to be accomplished. Any course of action must meet long-range conservation requirements and be sound from the point of view of fisheries management as well as a negotiating point of view. The plan will meet these requirements.

Department Supports Convention on Protection of Diplomats

*Statement by Monroe Leigh
Legal Adviser¹*

I appreciate the opportunity to present the views of the Department of State on the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, which was submitted by President Ford with a view to receiving the advice and consent of the Senate to ratification.²

¹ Read before the Senate Committee on Foreign Relations on Sept. 16 by Deputy Assistant Legal Adviser Ronald J. Bettauer. The complete transcript of the hearings will be published by the committee and will be available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

² For text of the President's message, see BULLETIN of Dec. 9, 1974, p. 803; for text of the convention, see BULLETIN of Jan. 28, 1974, p. 92.

As Secretary Kissinger recently said in his Montreal speech [August 11], the international community has a duty to act vigorously to combat international terrorism.

A major U.S. initiative in the multilateral area was the development of the Convention on the Protection of Diplomats. The United States took a leading role in the negotiation of the convention at the 1973 session of the United Nations General Assembly. The draft that was submitted to the Assembly, moreover, was produced by the International Law Commission under the chairmanship of its U.S. member, Ambassador Richard D. Kearney.

Adoption of the draft by the Assembly brought to fruition a major diplomatic effort by the United States. A long-established principle of inviolability of diplomatic agents was being threatened by random acts of violence in various parts of the world. Although the international legal obligation to protect these persons was never questioned, the mechanism for international cooperation to insure that perpetrators of serious attacks against such persons are brought to justice, no matter where they may flee, was lacking.

The General Assembly of the United Nations responded to the need by adopting the convention and in effect declaring that no diplomat may be attacked with impunity. In signing the convention two weeks after its adoption, the United States acted under a strong sense of urgency because it was thought that the convention should go into force as promptly as possible. The urgency remains. Attacks against diplomats have continued. In March 1974, Vice Consul John Patterson was kidnaped from the American Consulate in Hermosillo, Mexico, and his body was found 107 days later. In April 1974, a USIA officer was wounded during a kidnaping in Cordoba, Argentina. In August 1974, U.S. Ambassador Rodger Davies was assassinated in Nicosia, Cyprus. In September 1974, another USIA officer was kidnaped, this time in the Dominican Republic. In February 1975, U.S. Consular Agent in Argentina John Egan was kidnaped from his home and later found murdered.

The Congress has taken action already to deal with attacks on diplomats that occur in U.S. territory. In 1972 Public Law 92-539 was enacted to cover crimes against foreign officials and official guests of the United States. That act was the basis, for example, for the conviction of Napoleon Lechoco in June 1975 for the kidnaping of the Philippine Ambassador in Washington, D.C. The enactment of P.L. 92-539 established a domestic legal framework for dealing with attacks on diplomats in the United States. This must be supplemented by U.S. participation in the international system which will permit us more effectively to deal with attacks on U.S. diplomats and other diplomats abroad. The convention and its implementing legislation are designed to achieve this.

The basic mechanism of the convention is similar to that employed in the field of interference with civil aviation—specifically in the Hague (Hijacking) and Montreal (Sabotage) Conventions. The convention requires submission for prosecution or extradition of persons alleged to have committed serious crimes against diplomats. Such crimes as murder and kidnaping, as well as threats and attempts, are covered. Under the implementing legislation being proposed by the Departments of State and Justice, we will establish jurisdiction over such offenses, wherever they occur. We would then be able to prosecute or extradite the alleged offender for such crimes, wherever they occur.

As of now there are only nine parties to the convention and 28 signatories, including the United States. Since 22 states must become parties before the convention comes into force, it is not yet in force. We believe expeditious U.S. action in ratifying the convention can maintain our leadership in combating international terrorism. Our ratification would certainly be an incentive for other states to ratify. And it is only with wide ratification that the convention can be truly effective in limiting attacks on diplomats.

We therefore urge the committee to recommend that the Senate give its advice and consent to ratification of this important convention. We will also recommend prompt and favorable action by the appropriate com-

mittees on draft implementing legislation, which the Departments of State and Justice will shortly submit jointly. Such legislation must be passed before the United States is in a position to carry out its obligations under the convention.

Congressional Documents Relating to Foreign Policy

94th Congress, 1st Session

Emergency Supplemental Appropriations for Assistance to the Republic of South Vietnam for Fiscal Year 1975. Hearings before Subcommittees of the House Committee on Appropriations. April 21, 1975. 46 pp.

Use of United States Military Forces in the Evacuation of United States Citizens and Others from South Vietnam. Communication from the President of the United States transmitting a report on participation of United States military forces in the evacuation of United States citizens and others from South Vietnam, pursuant to section 4 of the war powers resolution (Public Law 93-148). H. Doc. 94-124. May 1, 1975. 2 pp.

The United States and the United Nations. Hearings before the Senate Committee on Foreign Relations on the United States and the United Nations (May 7-22, 1975) and on the nomination of Daniel Patrick Moynihan to be U.S. Representative to the United Nations (June 4, 1975). 538 pp.

Authorizing U.S. Contributions to United Nations Peacekeeping Forces. Report of the House Committee on International Relations to accompany S. 818. H. Rept. 94-200. May 12, 1975. 4 pp.

Offshore Shrimp Fisheries Act Amendments of 1975. Report of the House Committee on Merchant Marine and Fisheries to accompany H.R. 5709. H. Rept. 94-216. May 15, 1975. 27 pp.

Endorsing the World Food Conference of 1976 in Ames, Iowa. Report of the House Committee on International Relations to accompany H. Con. Res. 136. H. Rept. 94-218. May 15, 1975. 2 pp.

Temporary Rental of Railroad Rolling Stock by Foreign Corporations. Report of the House Committee on Ways and Means to accompany H.R. 5559. H. Rept. 94-251. June 3, 1975. 5 pp.

State Department Authorization Act, Fiscal Years 1976 and 1977. Report of the House Committee on International Relations to accompany H.R. 7500. H. Rept. 94-264. June 5, 1975. 15 pp.

Protocols for the Further Extension of the Wheat Trade and Food Aid Conventions, 1971. Message from the President of the United States transmitting the protocols. S. Ex. C. June 11, 1975. 8 pp.

Arms Control and Disarmament Act Amendments of 1975. Report of the House Committee on International Relations to accompany H.R. 7567. H. Rept. 94-281. June 11, 1975. 24 pp.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

Northwest Atlantic Fisheries Meeting Held at Montreal

A special meeting of the International Commission for the Northwest Atlantic Fisheries (ICNAF) was held at Montreal September 22-28. Following are texts of a message from President Ford, which was read before the meeting on September 22 by Under Secretary for Security Assistance Carlyle E. Maw, together with a U.S. statement issued at Montreal on September 28 at the conclusion of the meeting.

MESSAGE FROM PRESIDENT FORD

Weekly Compilation of Presidential Documents dated Sept. 29

This special meeting of the International Commission for the Northwest Atlantic Fisheries takes up the most difficult problem in the Commission's twenty-five year history. I send my warmest greetings and good wishes to the participants.

It is imperative that the Commission succeed in establishing adequate conservation measures and enforcement procedures to rebuild the important fishery stocks of the Northwest Atlantic. If agreement cannot be reached on reasonable conservation and enforcement measures, the ability of the Commission to fulfill its stated purposes will be called into question. For our part, I pledge the full support of the United States to sound fisheries management and conservation practices, based on scientific evidence and implemented within the framework of internationally negotiated agreements.

I am strongly opposed to unilateral claims by nations to jurisdiction on the high seas. However, pressures for unilateral measures do exist, and will continue to mount, if international arrangements do not prove to be effective.

It is my earnest hope that the Commission will vindicate the trust we place in it and fully justify our mutual efforts to find co-operative approaches to fisheries conservation and management for the benefit of all mankind. In this spirit, I send you best wishes for a productive and rewarding session.

GERALD R. FORD.

U.S. STATEMENT ISSUED AT THE CONCLUSION OF THE MEETING

Press release 510 dated October 1

Satisfactory agreement was reached September 28 on all major U.S. proposals before the International Commission for the Northwest Atlantic Fisheries (ICNAF). The seventh special meeting of the Commission concluded Sunday after a week of deliberations which were characterized as some of the most successful in the Commission's 25-year history by David H. Wallace, chairman of the U.S. delegation.

The special meeting of the 17-member-nation body which deals with the conservation of fish stocks in the Northwest Atlantic was called at the request of the United States and Canada to resolve outstanding issues on the reduction of fishing effort and quotas in the convention area which had not been satisfactorily resolved at the annual meeting of the Commission in June.

The Commission took positive action on U.S. proposals for a reduced 1976 overall catch quota for the entire fish biomass off the U.S. coast, a closure of most of the Georges Bank area to vessels capable of catching valuable and depleted groundfish species, a national system of vessel registration, and more restrictive and enforceable exemption provisions for trawl net fisheries conducted off the U.S. and Canadian coasts.

Opening ceremonies at the start of the special meeting on September 22 included an address by U.S. Under Secretary of State Carlyle E. Maw, who brought with him a message from the President of the United States of America. The President's message to the Commission stressed the great importance which the United States attaches to effective conservation measures, efficient enforcement of those measures, and the particular importance of a successful ICNAF meeting at this critical time.

A principal U.S. objective at the Montreal meeting was to obtain a 1976 overall fishing quota for the area off the U.S. coast which would allow a rapid recovery of the depleted biomass. This "second tier quota" is allocated nationally to limit what each nation can harvest from the biomass as a whole. It is imposed as a ceiling figure over the individual species quotas and is less than the sum of the indi-

vidual species quotas in order to encourage the development of fishing methods which concentrate on the target species and reduce the bycatch of other species.

The second-tier system was first approved in 1973 for application in the 1974 fishing season in an effort to substantially reduce overall foreign catches off the U.S. coast. Second-tier-quota levels established for 1974 and 1975 were designed to stabilize the biomass, and the Commission had agreed that the 1976 level would be set at an amount which would allow recovery of the biomass to the maximum-sustainable-yield level.

The June annual meeting had agreed to what the United States regarded as an excessive level of 724,000 metric tons by excluding squids from the regulation. This had not been the case in either 1974 or 1975. Scientists estimated that at such a level at least a full decade would be required for stock recovery. The United States regarded this as unacceptable and filed a formal objection to the regulation under the rules of the Commission. As a result of this week's meeting, the Commission has agreed to set the 1976 level at 650,000 metric tons including squids. This level should provide a high probability of recovery within seven years, according to U.S. fisheries scientists.

No action had been taken at the June meeting on a U.S. proposal to limit bycatches of valuable and seriously depleted yellowtail flounder and haddock stocks on Georges Bank through closure of this area to vessels using gear capable of catching these groundfish. Arguments had been raised by others that such a regulation would seriously interfere with fisheries for species such as cod and the hakes. At the Montreal meeting, agreement was reached on a regulation closing a large area on Georges Bank to such vessels throughout the year. Though slightly smaller than the area originally proposed for closure by the United States, the area is sufficiently large to provide satisfactory protection for these important stocks.

Further progress in the critical area of improved international enforcement was also a principal U.S. objective at the special meeting. This was achieved to a significant extent with the approval of a U.S.-proposed system of national registration for vessels engaged in fishing or fish processing in the convention area. Such a system is designed to assist member governments and international enforcement personnel in monitoring fishing effort deployed throughout the area.

U.S. efforts at the annual meeting in June to secure approval of such a system had not been successful. Additional progress in this area as well as added control over bycatches of regulated species was achieved with the approval of a more restrictive and more easily enforceable exemption for trawl net fisheries conducted off both the U.S. and Canadian coasts. Canada was successful in securing approval for a

regulation designed to substantially reduce fishing effort on groundfish stocks in five portions of the convention area off the Canadian coast. The regulation provides for reduction in fishing days for various fishing vessel tonnage and gear categories ranging from 40 to 50 percent from that reported in the 1972 and 1973 periods.

The meeting concluded with an announcement by the observer from Cuba that action required for Cuba to become a member of the Commission would be immediately initiated by his government. The Commission had approved adjustments in quota allocations for a number of stocks providing the specified catch allocations necessary for Cuba to fish within established conservation regulations throughout 1976.

The next meeting of the Commission will be held in Rome, Italy, in January 1976. The meeting has been called to establish quotas for a number of Northwest Atlantic herring stocks fished off both U.S. and Canadian coasts. Additional proposals on enforcement, made by the United States, will also be on the agenda.

TREATY INFORMATION

Current Actions

MULTILATERAL

Aviation

Additional protocol no. 3 to amend the convention for the unification of certain rules relating to international carriage by air signed at Warsaw on October 12, 1929 (49 Stat. 3000), as amended by the protocols done at The Hague on September 28, 1955, and at Guatemala City on March 8, 1971. Done at Montreal September 25, 1975. Enters into force on the 90th day after the deposit of the 30th instrument of ratification.

Signatures: Barbados, Belgium, Brazil, Ghana, Guatemala, Portugal, Switzerland, United Kingdom, United States, Venezuela, September 25, 1975.

Montreal protocol no. 4 to amend the convention for the unification of certain rules relating to international carriage by air signed at Warsaw on October 12, 1929 (49 Stat. 3000), as amended by the protocol done at The Hague on September 28, 1955. Done at Montreal September 25, 1975. Enters into force on the 90th day after the deposit of the 30th instrument of ratification.

Signatures: Barbados, Belgium, Brazil, Egypt, Ghana, Guatemala, Portugal, Switzerland, United Kingdom, United States, Venezuela, Yugoslavia, Zaire, September 25, 1975.

Bills of Lading

International convention for the unification of certain rules relating to bills of lading and protocol of signature. Done at Brussels August 25, 1924. Entered into force June 2, 1931; for the United States December 29, 1937. 51 Stat. 233.

Adherence deposited: Lebanon, July 19, 1975.

Protocol to amend the international convention for the unification of certain rules of law relating to bills of lading signed at Brussels August 25, 1924 (51 Stat. 233). Done at Brussels February 23, 1968.¹

Accession deposited: Lebanon, July 19, 1975.

Energy

Memorandum of understanding concerning cooperative information exchange relating to the development of solar heating and cooling systems in buildings. Formulated at Odeillo, France, October 1-4, 1974. Entered into force July 1, 1975.

Signature: Consiglio Nazionale delle Ricerche (Italy), July 21, 1975.

Finance

Articles of agreement of the International Bank for Reconstruction and Development, as amended. Done at Washington December 27, 1945. Entered into force December 27, 1945. TIAS 1502.

Signature and acceptance: Papua New Guinea, October 9, 1975.

Articles of agreement of the International Monetary Fund. Done at Washington December 27, 1945. Entered into force December 27, 1945. TIAS 1501.

Signature and acceptance: Papua New Guinea, October 9, 1975.

Racial Discrimination

International convention on the elimination of all forms of racial discrimination. Done at New York December 21, 1965. Entered into force January 4, 1969.²

Ratification deposited: Australia, September 30, 1975.

Safety at Sea

Convention for the unification of certain rules with respect to assistance and salvage at sea. Done at Brussels September 23, 1910. Entered into force March 1, 1913. 37 Stat. 1658.

Adherence deposited: Oman, August 21, 1975.

Amendments to the international convention for the safety of life at sea, 1960 (TIAS 5780). Adopted at London November 26, 1968.¹

Acceptance deposited: Syria, September 10, 1975.

Amendments to the international convention for the safety of life at sea, 1960 (TIAS 5780). Adopted at London October 21, 1969.¹

Acceptance deposited: Syria, September 10, 1975.

Amendments to the international convention for the safety of life at sea, 1960 (TIAS 5780). Adopted at London October 12, 1971.¹

Acceptance deposited: Syria, September 10, 1975.

¹ Not in force.

² Not in force for the United States.

Telecommunications

International telecommunication convention with annexes and protocols. Done at Malaga-Torremolinos October 25, 1973. Entered into force January 1, 1975.²

Ratifications deposited: Finland, July 28, 1975; Mexico, July 23, 1975.

Accession deposited: Korea, Democratic People's Republic, September 24, 1975.

Terrorism—Protection of Diplomats

Convention on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents. Done at New York December 14, 1973.¹

Accession deposited: Liberia, September 30, 1975.

Trade

Arrangement regarding international trade in textiles, with annexes. Done at Geneva December 20, 1973. Entered into force January 1, 1974, except for article 2, paragraphs 2, 3, and 4, which entered into force April 1, 1974. TIAS 7840.

Acceptance deposited: Jamaica, September 17, 1975.

Whaling

Amendments to paragraphs 1, 2(c), 3(c), 5, 6, 8, 11–15, 17(a), 20, and 22 to the schedule to the international whaling convention, 1946 (TIAS 1849). Adopted at London June 27, 1975. Entered into force October 3, 1975.

BILATERAL

Egypt

Agreement amending the arrangement of April 13 and 25, 1974 (TIAS 7882), relating to assistance by the United States in the clearance of mines and unexploded ordnance from the Suez Canal so as to

¹ Not in force.

² Not in force for the United States.

make the operations applicable to the Port Said area. Effectuated by exchange of notes at Cairo August 20 and September 25, 1975. Entered into force September 25, 1975.

Ethiopia

Grant agreement relating to a drought recovery and rehabilitation program in Ethiopia, with annexes. Signed at Addis Ababa February 20, 1975. Entered into force February 20, 1975.

Agreement amending the agreement of February 20, 1975, relating to a drought recovery and rehabilitation program in Ethiopia. Signed at Addis Ababa April 17, 1975. Entered into force April 17, 1975.

India

Agreed minutes of the second session of the U.S.-India Joint Commission on Economic, Commercial, Scientific, Technological, Educational and Cultural Cooperation. Signed at Washington October 7, 1975. Entered into force October 7, 1975.

Iran

Agreement amending and extending the military mission agreement of November 27, 1943, as amended and extended (57 Stat. 1262, TIAS 1941, 7803). Effectuated by exchange of notes at Tehran April 12, August 3 and 14, 1975. Entered into force August 14, 1975, effective March 21, 1975.

Peru

Agreement terminating the agreement of November 23, 1971 relating to trade in cotton textiles and providing for consultation on problems of market disruption caused by exports of textiles or textile products from Peru. Effectuated by exchange of notes at Lima June 13 and September 10, 1975. Entered into force September 10, 1975.

Singapore

Agreement concerning U.S. participation on a limited voluntary basis in the Central Provident Fund Act for certain employees of the U.S. Government in Singapore. Effectuated by exchange of notes at Singapore September 8 and 9, 1975. Entered into force September 9, 1975.

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Press releases may be obtained from the Office of Press Relations, Department of State, Washington, D.C. 20520.

No.	Date	Subject
*511	10/6	Energy officials of 21 nations to visit U.S. Oct. 6-31.
*512	10/6	Edward Albee to tour Japan.
*513	10/6	Advisory Panel on Music, Nov. 3.
*514	10/6	U.S. Advisory Commission on International Educational and Cultural Affairs, Oct. 31.
*515	10/6	Advisory Committee on "Foreign Relations of the United States," Nov. 14.
*516	10/6	Fine Arts Committee, Nov. 17.
*517	10/6	Shipping Coordinating Committee (SCC), Subcommittee on Safety of Life at Sea (SOLAS) working group on ship design and equipment, Nov. 5.
*518	10/6	SCC, SOLAS, working group on standards of training and watchkeeping, Nov. 5.
*519	10/6	SCC, SOLAS, working group on fire protection, Nov. 6.
*520	10/6	SCC, SOLAS, working group on life-saving appliances, Nov. 6.
*521	10/7	U.S. and Peru terminate textile agreement.
522	10/7	Kissinger: Senate Foreign Relations Committee.
523	10/7	Indo-U.S. Joint Commission communique.
523A	10/7	Kissinger, Chavan: remarks.
*524	10/9	U.S. women leaders to visit NATO Oct. 11-25.

* Not printed.