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# THE DEPARTMENT OF STATE BULLETIN

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# THE DEPARTMENT OF STATE BULLETIN

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*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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## The State of the Union

*Address by President Ford to the Congress (Excerpts)*<sup>1</sup>

Because the transfer of authority in our form of government affects the state of the Union, and of the world, I am happy to report to you that the current transition is proceeding very well. I was determined that it should; I wanted the new President to get off on an easier start than I had.

When I became President on August 9, 1974, our nation was deeply divided and tormented. In rapid succession, the Vice President and the President had resigned in disgrace. We were still struggling with the aftereffects of a long, unpopular, and bloody war in Southeast Asia. The economy was unstable and racing toward the worst recession in 40 years. People were losing jobs. The cost of living was soaring. The Congress and the Chief Executive were at loggerheads. The integrity of our constitutional process and other institutions was being questioned. For more than 15 years, domestic spending had soared as Federal programs multiplied and the expense escalated annually. During the same period, our national security needs were steadily shortchanged.

In the grave situation which prevailed in August 1974, our will to maintain our international leadership was in doubt. I asked for your prayers and went to work.

In January 1975 I reported to the Congress that the state of the Union was not good. I proposed urgent action to improve the economy and to achieve energy independence in

10 years. I reassured America's allies and sought to reduce the danger of confrontation with potential adversaries. I pledged a new direction for America.

Nineteen seventy-five was a year of difficult decisions, but Americans responded with realism, common sense, and self-discipline.

By January 1976 we were headed in a new direction, which I hold to be the right direction for a free society. It was guided by the belief that successful problem-solving requires more than Federal action alone; that it involves a full partnership among all branches and all levels of government and public policies which nurture and promote the creative energies of private enterprises, institutions, and individual citizens.

A year ago, I reported that the state of the Union was better—in many ways a lot better—but still not good enough.

Common sense told me to stick to the steady course we were on, to continue to restrain the inflationary growth of government, to reduce taxes as well as spending, to return local decisions to local officials, to provide for long-range sufficiency in energy and national security needs. I resisted the immense pressures of an election year to open the floodgates of Federal money and the temptation to promise more than I could deliver. I told it as it was to the American people and demonstrated to the world that in our spirited political competition, as in this chamber, Americans can disagree without being disagreeable.

<sup>1</sup> Delivered on Jan. 12 (text from Weekly Compilation of Presidential Documents dated Jan. 17).

Now, after 30 months as your President, I can say that while we still have a way to go, I am proud of the long way we have come together.

I am proud of the part I have had in rebuilding confidence in the Presidency, confidence in our free system, and confidence in our future. Once again, Americans believe in themselves, in their leaders, and in the promise that tomorrow holds for their children.

I am proud that today America is at peace. None of our sons are fighting and dying in battle anywhere in the world. And the chance for peace among all nations is improved by our determination to honor our vital commitments in defense of peace and freedom.

I am proud that the United States has strong defenses, strong alliances, and a sound and courageous foreign policy.

—Our alliances with major partners, the great industrial democracies of Western Europe, Japan, and Canada, have never been more solid. Consultations on mutual security, defense, and East-West relations have grown closer. Collaboration has branched out into new fields, such as energy, economic policy, and relations with the Third World. We have used many avenues for cooperation, including summit meetings held among major allied countries. The friendship of the democracies is deeper, warmer, and more effective than at any time in 30 years.

—We are maintaining stability in the strategic nuclear balance and pushing back the specter of nuclear war. A decisive step forward was taken in the Vladivostok accord which I negotiated with General Secretary Brezhnev—joint recognition that an equal ceiling should be placed on the number of strategic weapons on each side. With resolve and wisdom on the part of both nations, a good agreement is well within reach this year.

—The framework for peace in the Middle East has been built. Hopes for future progress in the Middle East were stirred by the historic agreements we reached and the trust and confidence that we formed. Thanks to American leadership, the prospects for peace in the Middle East are brighter than they

have been in three decades. The Arab states and Israel continue to look to us to lead them from confrontation and war to a new era of accommodation and peace. We have no alternative but to persevere, and I am sure we will. The opportunities for a final settlement are great, and the price of failure is a return to the bloodshed and hatred that for too long have brought tragedy to all of the peoples of this area and repeatedly edged the world to the brink of war.

—Our relationship with the People's Republic of China is proving its importance and its durability. We are finding more and more common ground between our two countries on basic questions of international affairs.

—In my two trips to Asia as President, we have reaffirmed America's continuing vital interest in the peace and security of Asia and the Pacific Basin, established a new partnership with Japan, confirmed our dedication to the security of Korea, and reinforced our ties with the free nations of Southeast Asia.

—An historic dialogue has begun between industrial nations and developing nations. Most proposals on the table are the initiatives of the United States, including those on food, energy, technology, trade, investment, and commodities. We are well launched on this process of shaping positive and reliable economic relations between rich nations and poor nations over the long term.

—We have made progress in trade negotiations and avoided protectionism during recession. We strengthened the international monetary system. During the past two years the free world's most important economic powers have already brought about important changes that serve both developed and developing economies. The momentum already achieved must be nurtured and strengthened, for the prosperity of the rich and poor depends upon it.

—In Latin America, our relations have taken on a new maturity and a sense of common enterprise.

—In Africa, the quest for peace, racial justice, and economic progress is at a crucial point. The United States, in close cooperation with the United Kingdom, is actively engaged in this historic process. Will change

come about by warfare and chaos and foreign intervention? Or will it come about by negotiated and fair solutions, insuring majority rule, minority rights, and economic advance? America is committed to the side of peace and justice and to the principle that Africa should shape its own future free of outside intervention.

—American leadership has helped to stimulate new international efforts to stem the proliferation of nuclear weapons and to shape a comprehensive treaty governing the use of the oceans.

I am gratified by these accomplishments. They constitute a record of broad success for America and for the peace and prosperity of all mankind. This Administration leaves to its successor a world in better condition than we found. We leave, as well, a solid foundation for progress on a range of issues that are vital to the well-being of America.

What has been achieved in the field of foreign affairs, and what can be accomplished by the new Administration, demonstrate the genius of Americans working together for the common good. It is this, our remarkable ability to work together, that has made us a unique nation. It is Congress, the President, and the people striving for a better world.

I know all patriotic Americans want this nation's foreign policy to succeed.

I urge members of my party in this Congress to give the new President loyal support in this area.

I express the hope that this new Congress will reexamine its constitutional role in international affairs.

The exclusive right to declare war, the duty to advise and consent on the part of the Senate, the power of the purse on the part of the House, are ample authority for the legislative branch and should be jealously guarded. But because we may have been too careless of these powers in the past does not justify congressional intrusion into, or obstruction of, the proper exercise of Presidential responsibilities now or in the future. There can be only one Commander-in-Chief. In these times crises cannot be managed and wars cannot be waged by committee. Nor can peace be pursued solely by parliamentary

debate. To the ears of the world, the President speaks for the nation. While he is of course ultimately accountable to the Congress, the courts, and the people, he and his emissaries must not be handicapped in advance in their relations with foreign governments as has sometimes happened in the past.

Energy is absolutely vital to the defense of our country, to the strength of our economy, and to the quality of our lives. Two years ago I proposed to the Congress the first comprehensive national energy program: a specific and coordinated set of measures that would end our vulnerability to embargo, blockade, or arbitrary price increases and would mobilize U. S. technology and resources to supply a significant share of the free world's energy after 1985. Of the major energy proposals I submitted two years ago, only half, belatedly, became law.

In 1973 we were dependent upon foreign oil imports for 36 percent of our needs. Today we are 40 percent dependent, and we'll pay out \$34 billion for foreign oil this year. Such vulnerability at present or in the future is intolerable and must be ended.

The answer to where we stand on our national energy effort today reminds me of the old argument about whether the tank is half full or half empty. The pessimist will say we have half failed to achieve our 10-year energy goals; the optimist will say that we have half succeeded. I am always an optimist, but we must make up for lost time.

We have laid a solid foundation for completing the enormous task which confronts us. I have signed into law five major energy bills which contain significant measures for conservation, resource development, stockpiling, and standby authorities.

We have moved forward to develop the naval petroleum reserves; to build a 500-million-barrel strategic petroleum stockpile; to phase out unnecessary government allocation and price controls; to develop a lasting relationship with other oil-consuming nations; to improve the efficiency of energy use through conservation in automobiles, buildings, and industry; and to expand research

on new technology and renewable resources, such as wind power, geothermal and solar energy.

All these actions, significant as they are for the long term, are only the beginning. I recently submitted to the Congress my proposals to reorganize the Federal energy structure and the hard choices which remain if we are serious about reducing our dependence upon foreign energy. These include programs to reverse our declining production of natural gas and increase incentives for domestic crude oil production. I proposed to minimize environmental uncertainties affecting coal development, expand nuclear power generation, and create an Energy Independence Authority to provide government financial assistance for vital energy programs where private capital is not available.

We must explore every reasonable prospect for meeting our energy needs when our current domestic reserves of oil and natural gas begin to dwindle in the next decade.

I urgently ask Congress and the new Administration to move quickly on these issues. This nation has the resources and the capability to achieve our energy goals if its government has the will to proceed, and I think we do.

America's first goal is and always will be peace with honor. America must remain first in keeping peace in the world. We can remain first in peace only if we are never second in defense.

In presenting the state of the Union to the Congress and to the American people, I have a special obligation as Commander-in-Chief to report on our national defense. Our survival as a free and independent people requires, above all, strong military forces that are well equipped and highly trained to perform their assigned mission.

I am particularly gratified to report that over the past two and a half years we have been able to reverse the dangerous decline of the previous decade in real resources this country was devoting to national defense. This was an immediate problem I faced in 1974. The evidence was unmistakable that

the Soviet Union had been steadily increasing the resources it applied to building its military strength. During this same period the United States' real defense spending declined. In my three budgets we not only arrested that dangerous decline, but we have established the positive trend which is essential to our ability to contribute to peace and stability in the world.

The Vietnam war, both materially and psychologically, affected our overall defense posture. The dangerous antimilitary sentiment discouraged defense spending and unfairly disparaged the men and women who serve in our armed forces.

The challenge that now confronts this country is whether we have the national will and determination to continue this essential defense effort over the long term, as it must be continued. We can no longer afford to oscillate from year to year in so vital a matter. Indeed, we have a duty to look beyond the immediate question of budgets and to examine the nature of the problem we will face over the next generation.

I am the first recent President able to address long-term basic issues without the burden of Vietnam. The war in Indochina consumed enormous resources at the very time that the overwhelming strategic superiority we once enjoyed was disappearing. In past years, as a result of decisions by the United States, our strategic forces leveled off. Yet the Soviet Union continued a steady, constant buildup of its own forces, committing a high percentage of its national economic effort to defense.

The United States can never tolerate a shift in strategic balance against us or even a situation where the American people or our allies believe the balance is shifting against us. The United States would risk the most serious political consequences if the world came to believe that our adversaries have a decisive margin of superiority.

To maintain a strategic balance we must look ahead to the 1980's and beyond. The sophistication of modern weapons requires that we make decisions now if we are to insure our security 10 years from now.

Therefore I have consistently advocated

and strongly urged that we pursue three critical strategic programs: the Trident missile launching submarine; the B-1 bomber, with its superior capability to penetrate modern air defenses; and a more advanced intercontinental ballistic missile that will be better able to survive nuclear attack and deliver a devastating retaliatory strike.

In an era where the strategic nuclear forces are in rough equilibrium, the risks of conflict below the nuclear threshold may grow more perilous. A major long-term objective therefore is to maintain capabilities to deal with, and thereby deter, conventional challenges and crises, particularly in Europe.

We cannot rely solely on strategic forces to guarantee our security or to deter all types of aggression. We must have superior naval and marine forces to maintain freedom of the seas; strong multipurpose tactical air forces; and mobile, modern ground forces.

Accordingly, I have directed a long-term effort to improve our worldwide capabilities to deal with regional crises:

—I have submitted a five-year naval building program indispensable to the nation's maritime strategy.

—Because the security of Europe and the integrity of NATO remain the cornerstone of American defense policy, I have initiated a special long-term program to insure the capacity of the alliance to deter or defeat aggression in Europe.

As I leave office, I can report that our national defense is effectively deterring conflict today. Our armed forces are capable of carrying out the variety of missions assigned to them. Programs are underway which will assure we can deter war in the years ahead.

But I also must warn that it will require a sustained effort over a period of years to maintain these capabilities. We must have the wisdom, the stamina, and the courage to prepare today for the perils of tomorrow, and I believe we will.

## Letters of Credence

### *Argentina*

The newly appointed Ambassador of the Argentine Republic, Jorge Antonio Aja Espil, presented his credentials to President Ford on January 13.<sup>1</sup>

### *Mexico*

The newly appointed Ambassador of the United Mexican States, Hugo B. Margain, presented his credentials to President Ford on January 13.<sup>1</sup>

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<sup>1</sup> For texts of the Ambassador's remarks and the President's reply, see Department of State press release dated January 13.

## Secretary Kissinger Interviewed for the New York Times

*Following is an interview with Secretary Kissinger by James Reston, Hedrick Smith, and Bernard Gwertzman, as published in the New York Times on January 20.*

Press release 18 dated January 21

*Q. A number of serious charges have been made against you, and the Times thought you should have the opportunity to answer them. The first charge is that in a solemn world you tried to be funny.*

*Secretary Kissinger:* In this job you have only two choices: you are either funny deliberately or you are funny unintentionally.

*Q. Are you in a lighthearted mood, or do you want to be serious?*

*Secretary Kissinger:* Frankly, I am more serious.

*Q. What does it add up to? What legacy have you left behind?*

*Secretary Kissinger:* Well, I really do not know whether on my last day in office I am in the best position to evaluate. Just before I came here I wrote an article in which I said the world is bipolar militarily, multipolar politically, and fragmented economically. When you talk of world order now you have to take account of each of these realities and also the fact that probably history will record this as one of the philosophical revolutions of history.

In the nature of things, this task could not have been completed—even without Watergate. That is the basic thing. I think in one way or another the relationship between China, the Soviet Union, the industrial democracies, the United States, and the developing world—this five-sided aspect—is a permanent feature of the future.

I think that in our relations with the industrial democracies, what I proposed in 1973 has been more or less accomplished. The method I chose as a formal declaration turned out not to be the right one, but the reality is that now the industrial democracies talk not just about their military security but their political and economic future has been achieved.

Now, this has to be strengthened, because if the cohesion can be increased, then both the dialogue with the East and the dialogue with the South can be conducted with enormous confidence.

We, the industrial democracies, transfer 90 percent of all the real resources that go to the developing world, so if we can develop a unified approach we, and only we, can make a significant contribution to development.

In the East-West dialogue I refuse to be mesmerized by Soviet strength. It is real, but there are also real weaknesses, and I think a combination of diplomacy, negotiation, and strength can keep this in check.

*Q. When you look back on this do you look back with pride, with sadness, anger, or what?*

*Secretary Kissinger:* Certainly not with anger. I look back with some pride. I think if you compare the world report in 1969 with the world today, you must consider it more peaceful, more hopeful, and with more chance for progress. On the other hand, I look back with sadness because of the anguish that the country suffered during this period, the bitterness of the debate on Vietnam, in the disintegration of authority on the Watergate, the destruction of some people I knew, and in the sense of things that one would have liked to accomplish and didn't quite finish.

*Q. What in particular?*

*Secretary Kissinger:* Well, I would have liked to have finished the SALT [Strategic Arms Limitation Talks] agreement.

*Q. Why wasn't it finished?*

*Secretary Kissinger:* I think it was partly the other side, partly the election, and partly internal disputes within the Administration.

*Q. How do you feel about the future of Western civilization?*

*Secretary Kissinger:* I think the West has material strength to deal with all of its problems. It has the resources to deal with a North-South dialogue; it has the capacity, militarily, to prevent aggression; and it has the ability to conduct an effective diplomacy. What it needs is imagination, dedication, and a view of the future. I believe that is attainable.

*Q. Do you think the prospects are better now than they were two years ago?*

*Secretary Kissinger:* Yes, because we have gotten through Watergate and because we have made great progress in strengthening the dialogue with the industrial democracies, because unless the free peoples live together, we will not be able to solve either the East-West or North-South problem.

*Q. When you look back, what are the four or five moments that you think about with most pride? Are there some things that come to your mind immediately?*

*Secretary Kissinger:* Of course landing in China was a tremendous experience. When Le Duc Tho put on the table the proposal which I knew would end the Vietnamese war, that was a tremendous feeling because I thought, not knowing that Watergate was coming, that it would unify the American people again, which, if you look at my press briefings between 1969 and 1973, was my overwhelming concern; the SALT agreement; the signing of the Shanghai communique; the first disengagement agreement between the Egyptians and Israel; and strangely enough, the first Rambouillet summit, because it meant that at least we

were beginning to pull the industrial democracies together. Finally, I was terribly moved when President Kaunda got up at the end of my Lusaka speech and embraced me. I thought that was a moving occasion.

*Q. The African diplomacy that you put so much effort into last year, has it sort of stalled and fizzled out because of the elections?*

*Secretary Kissinger:* Well, I think the elections slowed it down because all of the participants are waiting to see what the new Administration is going to do and to see whether the terms of reference can be changed. But I think once Smith [Ian D. Smith, of Rhodesia] made his basic speech the course was set for settlement.

I cannot tell you what the exact terms will be, but those are not as fundamental as the fact that Smith is committed to majority rule.

*Q. What were your nightmares during this period?*

*Secretary Kissinger:* One nightmare that I am sure my successors will have as well is to make sure that some crisis does not escalate into nuclear war and that unthinkingly we contribute to a massive conflagration.

The second nightmare was that the Vietnam war would so split our country that reconciliation would be totally impossible. That was immediately followed by the nightmare of preventing the collapse of executive authority from leading to foreign challenge, of managing a major crisis in the Middle East when our own executive authority was under assault.

In the last period my nightmare was that America might become so absorbed with itself and so purist and so critical of itself that it would forget that it is the key element for security, progress, and freedom in the world. I think all of these nightmares are on the way to being solved.

*Q. And the agenda for the rest of 1977?*

*Secretary Kissinger:* I think for 1977 we have some rather positive prospects. I think in 1977 a SALT agreement ought to be at-

tainable. The objective conditions for making progress in the Middle East are better than they have been probably at any time since the creation of Israel.

I do not want to put my successor on the spot by pretending it will be easy. It will be a murderously difficult, complicated effort. All I am saying is the conditions exist for a heroic effort.

I think we can make a breakthrough on law of the seas this year. I think we have already made major progress, and we can consolidate and extend it, on nonproliferation. I think we can carry the Rhodesian and Namibian matters to a conclusion this year. I do not see any overwhelming crises in 1977 unless things in Africa get totally out of control, but I don't really expect that.

*Q. Panama?*

*Secretary Kissinger:* Panama is another matter that I think will be settled this year.

*Q. You were talking earlier about getting together with the industrial democracies. What about energy supplies and our relations particularly with the Arab world? We have a respite for six months because of the Saudi decision in prices, but we really have not settled that problem.*

*Secretary Kissinger:* On energy we created the International Energy Agency, which I believe is an extremely useful institution. We have worked out within it a common policy to prevent selective embargoes and to obligate industrial democracies to support each other. It has a good program for developing alternative sources and for conservation. The missing link has been the refusal of the United States to implement what this program foresees in the area of alternative sources, of conservation, and since we consume 40 percent of the energy of the industrial democracies we can write whatever plan we want, but unless we implement it, it will not really help.

We must work to prevent a situation from continuing where every six months or a year the West waits impotently while a group of nations that do not have identical interests decides about its economic future.

We got through the last OPEC [Organiza-

tion of Petroleum Exporting Countries] meeting, but unless we have changed the objective conditions in which energy is being dealt with, we will face the same problem again. The key is for the nations that are assembled in the International Energy Agency to develop a major program of alternative sources, a significant program of conservation, and to use all other political tools to encourage restraint among the oil producers. Otherwise, as you look four or five years ahead, it is frivolous to assume that sometimes decisions will not be taken that could be potentially catastrophic for our economy.

We were lucky this year, or skillful or able, but you cannot do it every year.

*Q. Would you agree that until very recently the perception of other countries, particularly in the Third World, was that this country and its leadership did not care much about their problems?*

*Secretary Kissinger:* It is forgotten today that until the end of 1972 we were heavily preoccupied with the war in Vietnam and with the relationships it took to extricate ourselves. For example—putting aside the Third World for a moment—we could not really make great progress in relations with Western Europe as long as in every Western European country the issue of Vietnam was an inhibition to closer relations with the United States. So the war had to be ended first. I think it is true that until 1973 we did not give it systematic major attention.

From the end of 1973 on, and in the last three years, I think the Third World has been a focal point, and if you look at the agenda of these discussions in food, in financing, and in the development and the transfer of technology, the entire international agenda was put forward by us. There is almost no other agenda.

*Q. Is there any validity to the argument that essentially what this record is that you have left here is essentially a brilliant negotiating record, tactically very good but strategically weak?*

*Secretary Kissinger:* Well, I am not the best judge of this; but I have to say that I pass on a world that is at peace, more at

peace than in any previous transition, in which, in addition, in every problem area solutions can be foreseen even if they have not been fully achieved and the framework for solutions exist, in which the agenda of most international negotiations was put forward by the United States. Therefore it cannot be entirely an accident, and it cannot be a series of tactical improvisations.

I think it would be more useful to debate the nature of the design than to deny that there has been a design. The denial shows lack of understanding of the nature of foreign policy.

The surface expression of our Middle East policy was shuttle diplomacy, but the conditions that made shuttle diplomacy possible were created over four years of a rather painful accumulation of new answers. There may be some people who remember an interview I gave in 1970 in which I said what our strategy would be in the Middle East and people laughed about it. So I think there has been a design, and my associates will certainly confirm that whenever a problem came up we would spend hours here every morning before we went into any tactics trying to figure out where this thing should go. So I disagree with that.

We would almost never accept here a discussion of a tactical move without accompanying description of what the implications were over a considerable period of time.

When you take the Lusaka speech, we spent weeks here analyzing where we should try to go in Africa and how we could balance our concern for majority rule with our equally strong concern to prevent the radicalization of all of Africa, and it was not simply a tactical device to get through a few weeks' period. In fact there was no demand for it at all.

*Q. On the strategic relations with the Russians and the Chinese, are they likely to come back together again? Is there something we have to worry about? Are there differences we can still exploit?*

*Secretary Kissinger:* I think it is a mistake to define the Sino-Soviet relationships in terms of our exploiting their differences. Their differences came about without our

comprehending it at the time. We did not create them; we cannot exploit them; we can only base our policy on the fact that China is doing us no favor, is not opposing Soviet hegemony as a favor to us; and therefore we have to understand the fundamental trends that affect these countries.

I believe it is important that the People's Republic of China continue to perceive us as interested in maintaining a world equilibrium. If they feel we have lost our interest in it or our comprehension of it or our willingness to preserve it, then they will draw the inevitable conclusion, which will be to make whatever accommodation they can get, or they will try to find some other means of protection, such as organizing the Third World against both of us.

You can take either one of those courses. I believe that of course the Soviet Union is a superpower and as such impinges on us in many parts of the world. It is a growing military power that in many respects has the capacity to threaten our survival.

I believe, however, that the military problem is soluble. I believe the Soviet Union as a system is beset by tremendous weaknesses. There is no Communist state in the world that has managed to achieve spontaneous support of its population.

The states of Eastern Europe have to appeal to a sort of bourgeois nationalism to maintain a modicum of legitimacy; and to imagine that societies that are doing well in certain high-priority areas of military technical knowledge but that have never solved effectively the problem of distribution and of even simple administration, that those societies can launch themselves on an indeterminate course of world domination without grave hesitation, seems to me unrealistic.

Yes, we have to build up enough military forces to resist them, but we have to know what forces are relevant. I believe that to achieve a usable military superiority in the field of strategic nuclear weapons is extremely unlikely and relatively easy to prevent and the obsession with it detracts us. I would say that if there is a conflict between the Soviet Union and us, it is much less likely to occur as a result of a Soviet attack, delib-

erate attack, on a vital interest of the United States than as a result of a conflict that maybe neither of us saw, into which we are drawn through a series of escalating moves.

In other words, I think World War I is a better guide to our dangers than World War II.

*Q. In retrospect, should we have gotten into major economic deals with the Russians?*

*Secretary Kissinger:* The curious thing is that when we came in in 1969 we developed the theory of linkage. The theory of linkage was that the Soviet Union would get economic concessions in return for political stabilization. At that time we were criticized because we were told that we should simply go ahead with the economic programs because they were produced as political stabilizers.

*Q. Is it possible for our people to achieve the kind of security that they would like to have without creating such a sense of insecurity in the minds of our adversaries as to be dangerous to the world?*

*Secretary Kissinger:* I think it is the essence of the new circumstances I have described that no nation can achieve absolute security. Absolute security for one nation means absolute insecurity for all nations. We have to be satisfied now with relative security, with security that makes it extremely improbable that our vital interests are threatened but still one that is not totally predominant in the world.

The first time we gave a credit to the Soviet Union was after the Berlin agreement of 1971, and I would say without exception all the economic agreements we made with the Soviet Union were parallel to some political agreement. All of our economic agreements were tied to specific projects. We did not give general unrestricted credit, and the total amount was something like \$400 million. As a result of our own domestic debate, in effect a freeze was put on this evolution. The truth of this has been that the Europeans and Japanese have given about \$10 billion of un-

restricted credit to the Soviet Union.

The Europeans and Japanese are in a much worse situation than we to insist on a political quid pro quo, and I have always fully believed that economic programs allied to specific political foreign projects create the possibility first of making specific foreign policy agreements, and, secondly, creating incentives for cooperation, incentives for restraint.

If you think of some of these projects that would take 15 years to implement before there would be any return and if you think of the fact that in 15 years other powers would have risen that would take some of the load of containing the military threat, that is not something that one should simply ignore.

*Q. What about a link with force reduction talks in Vienna?*

*Secretary Kissinger:* Well, I do not want to prescribe to the new Administration what they should link it to, but they will find enough things to link it to if they analyze the situation. No, it is not dead, and I think Berlin should be actively pursued.

*Q. If you were carrying on, is that something you would link, large-scale economic involvement, yourself?*

*Secretary Kissinger:* I don't know whether I would link it above all the restraints in peripheral areas.

*Q. "Absolute security for one nation is absolute insecurity for other nations." Would you use that principle in the Middle East as well as in a strategic relationship?*

*Secretary Kissinger:* The problem in the Middle East is to balance physical security against legitimacy. There is no question that Israel's physical security is best guaranteed by the widest extension of its frontier and at no other point are they as physically secure as at the maximum point of their extension.

On the other hand, politically and in the long term, they may be militarily even less secure if they do not achieve legitimacy. Now, how to balance these factors is the dilemma of the Middle East settlement.

*Q. How can our aid to Israel be balanced?*

*Secretary Kissinger:* I believe that Israel must have a sense of security in the military field or it cannot negotiate effectively and we must not, in attempting to press for a settlement, break the spirit of Israel and its ability to defend itself.

*Q. Let me ask you—I want to be personal because it is not just a tour of the horizon we are doing here, it is you who is leaving. What has this experience done to you?*

*Secretary Kissinger:* It is going to be quite a sight when they carry me out at noon on the 20th, like Sewell Avery. That may be the only way they will get me out of here.

*Q. Seriously, what did it do to you?*

*Secretary Kissinger:* Again, I am sure I will be more thoughtful about that two months from now than now. I have said repeatedly, maybe too often in recent days, that the quality that most outsiders do not understand is the athletic aspect of decision-making so that you really have to react in very short timeframes that do not permit time for reflection.

I think I have developed great compassion for my successors. I do not think you can leave this office—before I came to Washington I thought it was very thrilling to be called down here as a consultant and I thought it was important for me to pick on the incumbents and for all I know I may wind up doing that. I have my doubts now on the utility of outsiders—I am sure I will do my utmost to avoid volunteering advice to my successors.

I really think what this country needs now is a period of tranquillity and confidence and that those of us who have seen this process have an obligation to help build that confidence. That is what I would most like to do.

## **U.S. and Republic of Korea Sign New Fisheries Agreement**

### *Joint Statement*

Press release 2 dated January 4

On January 4, 1977, representatives of the United States of America and the Republic of Korea signed a new agreement relating to fishing activities of the Republic of Korea off the coasts of the United States.

The agreement sets out the arrangements between the countries which will govern fishing by vessels of the Republic of Korea within the fishery conservation zone of the United States beginning on March 1, 1977. The agreement will come into force after the completion of internal procedures by both governments.

The signing of this agreement took place in Washington. His Excellency Dr. Pyongchoon Hahm, Ambassador of the Republic of Korea to the United States, signed for the Republic of Korea. Ambassador Frederick Irving, Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, signed for the United States. Both representatives expressed their satisfaction with the new accord and the hope that it will strengthen cooperation between the Republic of Korea and the United States.

## Department Discusses Implementation of Economic Provisions of the Final Act of the Helsinki Conference

*Statement by Deputy Secretary Charles W. Robinson*<sup>1</sup>

I am pleased to have this opportunity to appear before the Commission. I understand that the purpose of these hearings is to enable the Commission to receive information and opinions relating to that portion of the Final Act of the Conference on Security and Cooperation in Europe known as "Basket Two" (Cooperation in the Field of Economics, of Science and Technology and of the Environment).<sup>2</sup>

As you are aware, the Administration's overall view of the CSCE and of the implementation of the Final Act's provisions was contained in the President's December 3 report to the Commission.<sup>3</sup> My testimony today centers on economic questions that fall under the Basket Two provisions, which we understand to be the focus of these hearings.

I believe that thoroughgoing discussions, such as have been organized during these two days, will help to make clear both to the Congress and to the American public the range of problems and the prospects for practical cooperation surrounding the

numerous provisions included in Basket Two. For the moment, I would like to turn directly to the specific points Mr. Fascell [Congressman Dante B. Fascell, Chairman of the Commission] asked me to address in this prepared statement. Later, in response to further questions the Commissioners may have, I would be pleased to amplify any items dealt with in this statement as well as other pertinent issues.

First, however, I would like to briefly review the objectives of the United States and the West in general in Basket Two of the CSCE, which were similar to those pursued throughout all the subject areas covered in the conference. We wished to obtain specific commitments which would lead to improvements in areas which have proven to be problems for the development of East-West contacts and cooperation.

In the economic and trade fields, these Western objectives focused on working conditions for businessmen, including such practical matters as the availability of office and residential facilities, increased economic and commercial information of use to businessmen, improved possibilities for the promotion and marketing of products, better contact between officials involved in business transactions, including end users, and stimulation of joint industrial cooperation projects.

These objectives were pursued through a wide range of specific proposals advanced by Western countries and were dealt with in conference subcommittees created at the insistence of the Western delegations to insure the kind of detailed negotiation required. To

<sup>1</sup> Made before the Commission on Security and Cooperation in Europe on Jan. 14. The complete transcript of the hearings will be published by the Commission and will be available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

<sup>2</sup> For text of the Final Act of the Conference on Security and Cooperation in Europe (CSCE), signed at Helsinki on Aug. 1, 1975, see BULLETIN of Sept. 1, 1975, p. 323.

<sup>3</sup> First Semiannual Report by the President to the Commission on Security and Cooperation in Europe. Report submitted to the House Committee on International Relations. Committee print. December 1976. 62 pp.

a large extent the Western objectives were met. The Final Act, while neither a treaty nor an international agreement, contains a number of specific commitments to improve standards of performance in areas of interest to Western businessmen.

Signature of the Helsinki Final Act at the highest level imposes a strong moral and political obligation to carry through on these commitments. There has been limited implementation in Basket Two areas of interest to the West and the United States; much remains to be done.

#### **U.S. Interests in East-West Economic Ties**

Mr. Chairman, you asked first for my evaluation of U.S. interests in economic cooperation with the Soviet Union and Eastern European countries, the current status of this cooperation, and the obstacles to its further development.

The United States attaches great importance to the maintenance and improvement of trade and economic relations with the Soviet Union and the countries of Eastern Europe. Expanding trade, with proper safeguards against the sale of goods that would make a significant contribution to the military potential of these countries, can serve both our economic and political interests. The United States must derive from these relations the usual benefit of foreign trade—namely, a market for U.S. goods, with the consequent creation of jobs at home and positive effects on our balance of trade—as well as a source of needed raw materials and of goods produced more economically abroad.

The political dimension of this trade has long been of great importance to all parties. It is generally accepted that progress in political relations must go hand in hand with expanding economic relations and that trade in turn contributes to more stable political ties. And commercial ties require public support in the United States—both from leaders of the business community and from the public at large.

Finally, we see in the development of good trade and economic ties with the Communist countries the possibility for improving con-

tacts across the wide spectrum of government, private organizations, and individuals engaged in this activity, such as commercial officers, trade representatives, company officials, technical specialists, and industrial enterprise managers. Increased human contacts open valuable avenues for the reduction of misunderstanding and distrust between our governments and people.

#### **Obstacles to Rapid Expansion of Trade**

There are some practical obstacles to rapid expansion of trade and economic intercourse with the Communist countries.

One of the more evident is the continuing difficulty the Soviets and East Europeans have in matching their desired import levels from the West with like amounts of exports. Clearly these countries, which have inconvertible currencies, cannot indefinitely buy from hard-currency areas more than they sell to those areas. Increased export capability, however, requires the production of goods that are competitive in price and quality in world markets. Manufactured goods from the Soviet Union and Eastern Europe have yet to make an appreciable dent in Western markets, and supply problems appear to limit the growth of their exports of raw materials. In purely trade terms, then, a major obstacle to the continued rapid growth of East-West trade is the apparent inability of the Communist countries to achieve large gains in their exports to hard-currency customers.

The continuing inadequacy of public economic and commercial data in most Communist countries is another obstacle to the growth of trade. Limited information restricts the ability of our companies to make rational business proposals to their commercial counterparts in the East. As a result, both sides lose the benefits of potential business transactions: our firms miss business opportunities; and the countries involved do not receive either the products, processes, or plants which would add to their economic well-being, or at least they do not have the opportunity to consider an offer from an alternative, and possibly more advantageous, source of supply.

Another important obstacle to trade has been our inability to extend nondiscriminatory treatment and government-sponsored credits to the U.S.S.R. and certain Eastern European countries, due to the restrictions in the Trade Act of 1974 and the Export-Import Bank Act of 1975. The lack of Exim-bank credits means that U.S. firms cannot compete on an equal basis with their counterparts in Western Europe and Japan. The absence of most-favored-nation treatment makes it more difficult for the countries affected to sell competitively in the United States. It is also regarded as discrimination by the Soviets and East Europeans, who have responded by diverting some business away from U.S. firms. It is impossible to estimate the exact value of the trade that has been lost as a result of the legislative restrictions. While the Soviet claim that the United States has lost 2 billion dollars' worth of orders is probably exaggerated, there is no doubt the loss has been significant.

#### **Role of CSCE Economic Provisions**

Regarding your second question, the provisions of Basket Two can in principle serve our interests in heightened economic and trade relations with the Soviet Union and Eastern Europe by helping to overcome obstacles to trade expansion, some of which I described earlier.

For example, the numerous provisions on business facilitation, business contacts, marketing, and industrial cooperation, if fully implemented, would help our firms to sell and would improve the export potential of the Soviets and East Europeans over the long run. Meanwhile, innovative trade and financing arrangements, including coproduction and "compensation" transactions, could enable the Soviet Union and Eastern Europe to continue their present high level of imports of goods from the Western countries without significant near-term drawdowns of scarce hard-currency reserves.

Further, we believe that the Communist countries are overlooking potentially valuable trade opportunities with Western firms and organizations by not making enough in-

formation available to permit these firms to make reasonable business proposals. I recognize the political reality of the centralized foreign trade structure existing in each of these countries. We do not see in the CSCE a device for forcing changes on these systems. Nonetheless, full implementation of the Basket Two provisions for improving the flow of economic and commercial data, together with the provisions calling for better access by our businessmen to the potential end users of their technology and equipment in these countries, could in our view have very positive results.

#### **Information and Business Facilitation**

The third specific question raised by Chairman Fascell was whether or not real progress has been achieved since Helsinki in the important areas of economic and commercial information, business facilitation, and industrial cooperation. I would like to refer the Commissioners to the full and detailed information provided by the President recently in his first semiannual report to the Commission. That information remains current and valid. I might just now briefly summarize the findings contained in the President's report.

Provision of useful, relevant economic and commercial information by the U.S.S.R. and Eastern European countries has improved only marginally since Helsinki. The most forthcoming have been Hungary and Poland, which now make available relatively comprehensive and meaningful statistics, plan narratives, lists of foreign trade laws and regulations, and directories of organizations and officials engaged in foreign trade. Romania and the Soviet Union are at the other end of the spectrum, having taken virtually no unilateral steps to improve their performance.

The Soviet Union claims that, as a unilateral CSCE initiative, it now publishes foreign trade statistics quarterly as well as annually. These figures, however, are so highly aggregated both by area of the world and by commodity breakdown as to be virtually useless to businessmen. Further, the

Soviet Union reduced by one-third the number of copies printed of the most recent edition of its annual economic statistical handbook.

Romania has improved somewhat its performance in the provision of data under existing bilateral agreements. In the agricultural field, for instance, the Romanians have recently expressed a willingness to be more forthcoming in implementing the information-exchange provisions of the September 1975 bilateral Protocol on Development of Agricultural Trade—a willingness we intend to test in the near future.

In the area of business facilitation, Soviet and Eastern European performance has been somewhat better. Those countries which permitted foreign firms to open permanent offices on their territory before Helsinki have processed new requests reasonably promptly in the post-Helsinki period. Some other countries, which before Helsinki had not allowed foreign firms to open offices, have now begun to do so. Czechoslovakia and Bulgaria promulgated new regulations after Helsinki permitting, in principle, foreign firms to open offices in their capitals. Several Western companies have had applications approved to establish offices in Prague, and a few have opened offices in Sofia. None of these is American. Also, the German Democratic Republic moved with reasonable dispatch to grant permission to open an office in East Berlin to the one American firm (Dow Chemical) wishing to do so.

On the question of access to end users we find that Soviet and Eastern European compliance to date with Basket Two commitments has been disappointing. Such access is effectively precluded in most of the Eastern countries. As I stated earlier, we believe that permitting Western businessmen ready contacts with potential end users of their equipment *from the outset* of a possible business transaction is a needed element in the trade "normalization" process, and we encourage U.S. firms to press for such access.

Regarding industrial cooperation, the provisions of the Final Act in this area are basically a confirmation of a process that was already well in train before the CSCE

negotiations began. Therefore, while industrial cooperation projects in their various forms, especially the so-called "compensation" deals, are in fact increasing in number and are recognized by both East and West as useful to the overall economic relationship, one should not attribute this progress to Final Act provisions alone.

### U.S. Actions To Promote Implementation

Concerning steps that the next Congress and Administration might consider to promote further implementation of Basket Two provisions, I believe that a sound basis for future progress has been laid by a number of positive actions which the U.S. Government has already taken.

The U.S. record is generally excellent in the important areas of information provision and business facilitation. Nonetheless, we are undertaking further unilateral implementation steps in these areas. For example, we are publishing a guide for American businessmen listing the relevant Basket Two provisions of possible utility and interest to them in pursuing trade opportunities in the Eastern countries. We are gathering complete reference materials on U.S. firms of all kinds to beef up the commercial libraries of our Embassies and consulates in the Soviet Union and Eastern Europe. These materials, openly available to all trade officials, enterprise specialists, and other interested persons in those countries, are of great practical value to foreign business representatives.

Bilaterally, we have stressed the importance of Basket Two, and the full implementation of its provisions, in the context of our joint economic and commercial commissions with the U.S.S.R., Romania, and Poland. And additionally, we have made diplomatic representations with those countries where we feel that progress in implementing Basket Two provisions has been less than satisfactory.

On the multilateral level, the United States with its Western allies took the lead in assuring that the U.N. Economic Commission for Europe (ECE), located in Geneva, became fully engaged in practical Basket Two

implementation. The ECE was mandated specifically by the Final Act to be the lead organization in carrying out numerous Basket Two multilateral provisions.

At the 31st annual session of the ECE last March–April, the Commission's first meeting since Helsinki, we succeeded first in reaffirming the Commission's CSCE mandate. We also were successful in attaining consensus for a decision calling on the ECE to pay special attention to its CSCE mandate in its work program and especially to certain specific areas of particular interest to the West. The Commission has now adopted a useful and substantive work program on the provision of economic and commercial information, and in the environmental area it will undertake work in monitoring transboundary air pollution. In short, the ECE is now more than ever before engaged in practical East-West cooperation.

#### **Legislative Linkage of Trade and Emigration**

Since Helsinki, our trade and economic relations with the Soviet Union and Eastern Europe have continued to expand. But in the area of human rights, progress has been limited.

Our experience with the Trade Act which was enacted two years ago demonstrates the problems inherent in attempting to achieve faster progress on human rights questions with the Soviet Union and Eastern Europe by creating specific legislative linkages to trade. In the early stages of negotiations on trade with the Soviet Union the emigration question was kept within the bounds of quiet diplomacy—and emigration increased dramatically. However, the Trade Act, despite this Administration's deep misgivings, made the linkage specific; and the result in the case of the Soviet Union was a sharp decline in emigration.

It is questionable that Soviet interest in trade with the United States is such that specific threats and discriminatory acts will produce the changes in domestic policies we all wish to see. In fact, the Soviet Union will seek to demonstrate that it is not subject to this kind of economic pressure. Except for

Romania, the Eastern European governments also rejected the terms of the Trade Act.

Today, prospective emigrants continue to be harassed and intimidated, and human rights activists are detained or jailed for acts which would be legal anywhere in the West. Yet it is apparent that the Soviet leaders are becoming increasingly aware that they pay a political and economic price for failing to take account of U.S. and Western concerns about human rights.

Since Helsinki, Western attention has focused more closely on Soviet performance and heightened the pressure to moderate repressive policies. The evidence of change in Soviet policies is at best halting. There has been some simplification of emigration procedures, an increase in the number of emigrants (primarily Armenians) given permission to leave for the United States, exit permission for some Jewish applicants who had been refused permission to emigrate before, and release or expulsion of some prominent dissidents. And in the last three months of 1976 there has been a substantial increase in the number of Soviet Jews receiving permission to emigrate to Israel—roughly a one-third increase over the annual average figure for 1975 and 1976. This will result in 1976 being the first year since 1973 which showed an increase—albeit small—in Soviet Jewish emigration. It is too early to describe this as a trend, and the actions taken against the dissident organizers of the December Jewish Cultural Symposium in Moscow and other activists are illustrations of continued harassment of those who speak out strongly. But it has been made clear to Soviet officials at all levels that modification of the legislative linkage between trade and emigration can only come if the Congress sees substantial improvement in the emigration picture—both current and prospective.

The Soviet Union's Eastern European allies continue to have emigration policies which are fundamentally restrictive in nature. However, with their different historical and cultural backgrounds, the Eastern European governments generally have been considerably less restrictive on this score than

the Soviet Union. Since Helsinki, emigration practices in most Eastern European countries have shown some improvement, and a number of individual family-reunification cases continued to be successfully resolved. With the exception of Romania, however, all of the countries affected have toed the line set by Moscow and have refused to accept the connection made by the Trade Act between emigration and normal trade relations.

As you know, the Administration has favored amending the trade legislation to provide greater flexibility to the President. We believe that this would permit the U.S. Government to pursue its political, economic, and human rights goals more effectively with the Soviet Union and Eastern Europe. While Congress must form its own judgment as to whether the linkage legislated in 1974 has worked, our verdict is that it has not—and that we need to try a new approach.

## THE CONGRESS

### Department Discusses International Approaches to Problem of Oil Spills From Vessels

*Following is a statement by Ambassador at Large T. Vincent Learson, Special Representative of the President for the Law of the Sea Conference, submitted to the Senate Committee on Commerce on January 11.<sup>1</sup>*

The recent series of incidents involving foreign-flag tankers has highlighted the serious and continuing problem of protecting our coasts and resources from damage from pollution from vessels. I have been a sailor for many years and have seen firsthand the damage that can be caused by oil pollution. The long-term impact of such pollution is less obvious but perhaps much more serious than the immediate and observable damage. The solution to this problem has proven to be elusive. The United States has undertaken many efforts both internationally and domestically to prevent pollution and has often

been in the forefront of international efforts. Our success has obviously been less than 100 percent.

EPA [Environmental Protection Agency] Administrator Russell Train has urged the creation of an interagency task force to urgently undertake an analysis of the problem of oil spills from vessels and to search for more effective solutions. The beginnings of such an interagency effort have already taken place. I strongly support that effort and urge quick executive branch action in cooperation with the Congress to produce a program of effective measures to reduce vessel pollution, consistent with our global interest in protecting the marine environment and in meeting our other oceans objectives. My preliminary view is that those measures should be implemented through strict requirements for entry and use of U.S. ports. In addition, we are working to forward to you very soon the 1973 Convention on the Prevention of Pollution From Ships and its implementing legislation.

<sup>1</sup> 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.

Mr. Chairman, I would like to outline briefly the existing international law applicable to these problems and then to indicate the direction of the law of the sea negotiations on the vessel-pollution problem. This discussion will focus on the legal basis for preventive measures and enforcement action by the coastal state. I will touch briefly on liability issues later. As you know, the recent incidents varied in their location, with some in U.S. waters and some beyond. The legal situation differs depending on the location.

First, let me deal with our rights in internal waters, including our ports. This would cover such incidents as the recent grounding in the Delaware River, inspections in port, incidents during loading operations, et cetera.

In general, the United States has complete jurisdiction in these areas and may legislate and enforce pollution control regulations by domestic law without restriction. However, there are certain restrictions on our inspection rights since some international conventions to which we are party require us to accept flag-state inspection certificates at face value unless we have clear grounds for believing that the vessel is not in compliance with the regulations of the relevant convention. However, we can apply our own domestic regulations even if they are more strict than the regulations of international conventions. There were efforts during a 1973 international conference on vessel pollution to restrict our rights to regulate vessels in our ports, but those efforts were defeated.

There is no legal impediment from our point of view to U.S. imposition of its domestic regulations on all vessels in our ports. The Law of the Sea Conference's revised single negotiating text and the existing 1958 Territorial Sea Convention specify this right, and I will submit the relevant articles for the record. I should make it clear, however, that such regulations must be carefully drawn taking into account existing international regulations and future international efforts. We should insure, for example, that domestic regulations, while perhaps more stringent

than international ones, are not in fact incompatible, thus making compliance impossible.

Second, there are significant powers to deal with incidents in our territorial sea. Under present international law, the United States has sovereignty in the territorial sea subject to the requirement to allow vessels to engage in innocent passage. With regard to pollution controls, this means that we may legislate and enforce effective vessel-pollution control regulations in the territorial sea. Such actions must not hamper innocent passage, but that restriction still leaves us a great deal of flexibility.

There have been strong efforts in the law of the sea negotiations to restrict coastal-state regulatory powers in the territorial sea and to eliminate any coastal-state power to establish requirements regarding the design, construction, equipment, and manning of vessels. Only internationally agreed regulations would be applicable to such matters. The United States is strongly resisting these attempts, but the support for the restrictions is very strong. All of the major maritime powers as well as many developing countries support the restrictions which appear in the present revised single negotiating text of the conference. We will continue to fight on this point.

Third, beyond the territorial sea is the area of high seas where, for example, the *Argo Merchant* casualty occurred. The basic legal rule on the high seas is that there is freedom of navigation. Coastal-state rights are limited. The most significant coastal-state right is the right to intervene in the case of a maritime casualty. The 1969 Convention on Intervention [on the High Seas in Cases of Oil Pollution Casualties] provides that the coastal state may take action to prevent grave and imminent danger to its coastline or related interests from oil pollution which is reasonably expected to have major harmful consequences. The United States invoked this right in the case of the *Argo Merchant*. The Convention on Intervention grew out of the aftermath of the

*Torrey Canyon* disaster off the coast of England in 1967 and is intended for only the most serious cases.

In addition to this coastal-state right, there are several types of existing obligations on flag states with regard to their vessels. The 1958 Convention on the High Seas provides that the flag state shall take adequate safety measures regarding manning, construction, equipment, and seaworthiness of its ships and shall apply regulations to prevent oil pollution from vessels. Also, there are several specific conventions containing technical regulations and specifications for safety and the prevention of pollution. These include the 1960 Safety of Life at Sea Convention, the 1954 Convention for the Prevention of the Pollution of the Sea by Oil, and the 1973 Convention for the Prevention of Pollution From Ships. The latter is not yet in force. All of these conventions include numerous technical requirements. In the area beyond the territorial sea, they provide for exclusive flag-state enforcement.

In the law of the sea negotiations, there have been extensive negotiations on a new regime for the prevention of vessel-source pollution. It has been recognized in the conference that we cannot depend solely on flag states for the promulgation and enforcement of regulations. Consequently, the revised single negotiating text contains a mixed regime which puts certain obligations on flag states but also provides specified rights for coastal states and for states with vessels in their ports.

The text has been negotiated at some length, and the provisions for vessel-pollution control in the economic zone are very close to being accepted by consensus. The provisions emphasize the importance of increased enforcement rights and divide the responsibility between flag states, coastal states, and states with vessels in port. Flag-state obligations have been significantly strengthened. The flag state is obligated to investigate any reported offense by one of its vessels against the internationally agreed regulations and to prosecute if a violation is

indicated. Article 82 of the Committee II text, which I will submit for the record, places a strong administrative obligation on the flag state to in fact control its vessels. This is aimed directly at the basic problem with flags of convenience: the lack of effective control for safety and environmental purposes. The coastal state may, in the economic zone, investigate and prosecute any vessel for a serious discharge causing major pollution damage in violation of the international regulations.

It should be noted that this type of enforcement right would not be useful in preventing casualties such as the *Argo Merchant*.

Finally, the port state may investigate and prosecute any vessel for any violation of the international regulations, regardless of the place of the incident. I should note that the present text provides the flag state with a limited right to take over prosecutions of its vessels from other states. Of course, the port or coastal state may take further action if the flag-state prosecution is inadequate.

In summary, present international law provides extensive coastal-state powers for the United States in its ports and internal waters and in the territorial sea. In the area beyond, our authority is limited to the right of intervention. The law of the sea treaty should preserve these rights, although some of our territorial-sea rights are threatened, and will expand our enforcement rights in ports and in the 200-mile economic zone.

Mr. Chairman, I would like to take a moment to explain our position on these issues in the law of the sea negotiations and our rationale for it.

We have recognized for some time that the present international regime for vessel-pollution prevention is inadequate and that further action is needed.

In determining our position for the law of the sea negotiations, we had several factors in mind. First, we recognized a clear need for increased protection for the marine environment. Second, we wanted to preserve freedom of navigation on the high seas, including

the area within the proposed 200-mile economic zone. Consequently, we felt that coastal-state rights of action beyond the territorial sea should be limited so as not to allow foreign nations discretionary rights to interfere with navigation in the open ocean. However, we also felt that strong regulatory powers should be established and confirmed for nations with vessels in their ports.

Thus a system which emphasized the powers of port states achieved both of our objectives: the prevention of interference with U.S. vessels on the high seas and the strong right of individual states to insure that vessels entering ports are safe and sound ships. For the United States, almost all of the traffic off our coasts enters U.S. ports. We have been willing to agree in the negotiations to a direct right for the coastal state to act in its economic zone in serious cases. But the burden of regulation and enforcement would fall on the port state. We have insisted on the retention of essentially unrestricted rights to apply and enforce domestic regulations to vessels in port. Also, we have urged acceptance of a right for the port state to take enforcement action against any vessel in its port for any violation of the international regulations. In general, this position is being adopted in the conference.

The issue of liability for damage caused by oil spills, particularly in the area beyond the territorial sea, is complex and highly important. During the last session of Congress, both the Administration and the Congress worked hard on the "Comprehensive Oil Pollution Liability and Compensation Act of 1976." Also, we submitted two conventions for advice and consent: the Convention on Civil Liability for Oil Pollution Damage and the Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage. Neither convention has been ratified by the United States, although the Liability Convention is in force internationally. The Liability Convention provides for suits against vessel owners for oil-spill damages up to a specified limit. The Fund Convention would provide additional protection up to a higher limit. The terms of both conventions limit their coverage to damage in

the territorial sea or territory of a state. I hope that the liability problems can be worked out in the context of the continuing work between the executive branch and the Congress, and consequently I will not comment further here.

Mr. Chairman, in closing I want to reiterate that I share the concern of you and your colleagues and assure you that I will press for vigorous and rapid action within the proposed interagency task force.

## **Congressional Documents Relating to Foreign Policy**

- Nonproliferation Issues. Hearings before the Subcommittee on Arms Control, International Organizations and Security Agreements of the Senate Committee on Foreign Relations. March 19, 1975–November 8, 1976. 426 pp.
- Foreign Policy Choices for the Seventies and Eighties. Hearings before the Senate Committee on Foreign Relations. Vol. 1; September 10, 1975–September 20, 1976; 458 pp. Vol. 2; October 22, 1975–March 16, 1976; 272 pp.
- Middle East Peace Prospects. Hearings before the Subcommittee on Near Eastern and South Asian Affairs of the Senate Committee on Foreign Relations. May 19–July 26, 1976. 396 pp.
- Resource Development in South Africa and U.S. Policy. Hearings before the Subcommittee on International Resources, Food, and Energy of the House Committee on International Relations. May 25–June 9, 1976. 443 pp.
- Congress and Foreign Policy. Hearings before the Special Subcommittee on Investigations of the House Committee on International Relations. June 17–September 22, 1976. 347 pp.
- Treaty Powers Resolution. Hearings before the Senate Committee on Foreign Relations. July 21–28, 1976. 127 pp.
- U.S.-U.S.S.R. Relations and Strategic Balance. Hearings before the Subcommittee on International Political and Military Affairs of the House Committee on International Relations. August 31–September 2, 1976. 53 pp.
- Agreement on the Conservation of Polar Bears. Report of the Senate Committee on Foreign Relations to accompany Ex. I, 94-1. S. Ex. Rept. 94-34. September 3, 1976. 3 pp.
- Convention for the Conservation of Antarctic Seals. Report of the Senate Committee on Foreign Relations to accompany Ex. K, 94-1. S. Ex. Rept. 94-35. September 3, 1976. 13 pp.
- 1976 Protocol Amending the Interim Convention on Conservation of North Pacific Seals. Report of the Senate Committee on Foreign Relations to accompany Ex. M, 94-2. S. Ex. Rept. 94-36. September 3, 1976. 5 pp.

Continuing Most-Favored-Nation Tariff Treatment of Imports From Romania. Hearing before the Subcommittee on International Trade of the Senate Committee on Finance. September 8, 1976. 407 pp.

Fifth International Tin Agreement. Report of the Senate Committee on Foreign Relations to accompany S. Ex. J. 94-2. S. Ex. Rept. 94-37. September 8, 1976. 18 pp.

Human Rights in North Korea. Hearing before the Subcommittee on International Organizations of the House Committee on International Relations. September 9, 1976. 70 pp.

International Investment Survey Act of 1976. Report of the House Committee on International Relations, together with additional views, to accompany S. 2839. H. Rept. 94-1490. September 9, 1976. 12 pp.

Tijuana River Flood Control Project. Report of the Senate Committee on Foreign Relations to accompany H.R. 14973. S. Rept. 94-1237. September 14, 1976. 10 pp.

United States-Turkish Defense Cooperation Agreement. Hearing before the Senate Committee on Foreign Relations. September 15, 1976. 32 pp.

Packing Standards for Imported Tomatoes. Report of the Senate Committee on Agriculture and Forestry to accompany S. 2440. S. Rept. 94-1239. September 15, 1976. 18 pp.

Immigration and Nationality Act Amendments of 1976. Report of the House Committee on the Judiciary to accompany H.R. 14535. H. Rept. 94-1553. September 15, 1976. 37 pp.

Terrorist Attack at Istanbul Airport. Report of the Senate Committee on Foreign Relations to accompany S. Res. 524. S. Rept. 94-1235. September 16, 1976. 5 pp.

International Agreement With Poland Concerning Fisheries off the Coast of the United States. Message from the President of the United States transmitting the agreement. H. Doc. 94-613. September 16, 1976. 21 pp.

The Nuclear Explosive Proliferation Control Act of 1976. Report by the Joint Committee on Atomic Energy, together with additional views (dissenting), to accompany H.R. 15419; H. Rept. 94-1613; September 18, 1976; 60 pp. Report by the Joint Committee on Atomic Energy, together with additional views (dissenting), to accompany S. 3853; S. Rept. 94-1336; September 29, 1976; 46 pp.

Implementing International Conventions Against Terrorism. Report, together with dissenting views, of the House Committee on the Judiciary to accompany H.R. 15552; H. Rept. 94-1614; September 18, 1976; 16 pp. Report of the Senate Committee on the Judiciary to accompany S. 3646; S. Rept. 94-1273; September 22, 1976; 16 pp.

International Navigational Rules Act of 1976. Report of the Senate Committee on Commerce to accompany H.R. 5446. S. Rept. 94-1271. September 21, 1976. 30 pp.

Sale of Missiles to Saudi Arabia. Report of the Senate Committee on Foreign Relations to accompany S. Con. Res. 161. S. Rept. 94-1305. September 24, 1976. 7 pp.

Define Jurisdiction of U.S. Courts in Suits Against Foreign States. Report of the Senate Committee on the Judiciary to accompany S. 3553. S. Rept. 94-1310. September 27, 1976. 42 pp.

## **U.S. Abstains on Security Council Resolution on Botswana Complaint**

*Following are statements made in the U.N. Security Council on January 13 by U.S. Representative William W. Scranton and on January 14 by U.S. Representative Albert W. Sherer, Jr., together with the text of a resolution adopted by the Council on January 14.*

### **U.S. STATEMENTS IN U.N. SECURITY COUNCIL**

#### **Ambassador Scranton, January 13<sup>1</sup>**

Now, Mr. President, with regard to the matter immediately before us: The real solution to this problem and to many other problems that have arisen with regard to the relationships of near neighbors to the present regime in Southern Rhodesia is clearly a changeover to majority rule in that country—as soon as possible and with a minimum of violence and human suffering. The extremely important and difficult negotiations now going on to bring about just such an objective have been undertaken by the United Kingdom and led by our friend and colleague Ambassador Ivor Richard. These negotiations and the hoped-for outcome of majority rule in Southern Rhodesia are a real test of those countries and persons directly involved, and likewise it is a test of the United Nations and those of us here in the Security Council.

The U.S. Government has assured the Government of the United Kingdom on several occasions of its complete support of the efforts they are undertaking to bring about majority rule in Southern Rhodesia. We be-

<sup>1</sup> Introductory paragraphs omitted (text from USUN press release 2).

lieve this effort is of paramount importance. Accordingly, our delegation has been instructed to follow and support the United Kingdom on the matter before us in view of its close reference to those efforts.

I do not wish to end my comments right there, in the event of any misunderstanding about our concern for the issue before us. I was deeply impressed by the presentation yesterday of the distinguished Foreign Minister of Botswana, His Excellency Archibald Mogwe, both by his exposition of the issue and the facts and especially by his considered objectivity. Both my government and I personally feel very strongly that Botswana and its concerns are concerns of ours. The United States has in the past provided developmental assistance to Botswana and will continue to do so in the future. Our government will continue to pursue close relations with the people and the Government of Botswana and work for the kind of peaceful political settlement in southern Africa which will truly assure the independence and integrity of Botswana.

In June of this year, I had the high privilege of visiting Gabarone and meeting with President Khama and some of the members of his Cabinet to discuss some of the problems facing his country and southern Africa.

To say that I was deeply impressed with his dedication to finding solutions to Botswana's internal problems and to the problems confronting southern Africa is to put it very mildly indeed. In my judgment he is an outstanding leader, a man of high principle and deep conviction, who has worked untiringly for a peaceful multiracial society in his country with a democratic government.

Though of sizable territory, Botswana is small in population—but like many small countries with impressive leadership and dedicated people it is very meaningful in southern Africa and indeed the world. I look for the day soon when the bringing about of majority rule in Southern Rhodesia will terminate the constant afflictions between these two countries, and I reiterate the U.S. Government's dedication to that objective.

Last, but by no means least, I wish to express gratitude for the kind words directed

to me by speakers during the current debate. I leave this body in a few days; and in doing so I have a very warm feeling for it, for all of you, and for the United Nations.

#### **Ambassador Sherer, January 14**

USUN press release 3 dated January 14

The views of the United States on the substance of the matter before us were set forth yesterday by Governor Scranton. Our abhorrence of the illegal use of force and our commitment to majority rule are fundamental U.S. positions. We would only wish to add that we recognize the efforts of the cosponsors in seeking to meet the views of a wide number of members of the Council.

My government has played a particular role in seeking to bring all sides together in the search for a peaceful solution of the underlying problem. We believe our ability to continue to contribute in this way is best served by joining the United Kingdom, which has a very special role in the current effort to find a peaceful settlement of the Rhodesian problem. For these reasons we will abstain.

#### **TEXT OF RESOLUTION <sup>2</sup>**

##### *The Security Council,*

*Taking note of the letters dated 22 December 1976 (S/12262) and 12 January 1977 (S/12275) from the Permanent Representative of Botswana to the United Nations, and having heard the statement of the Minister for External Affairs of Botswana, concerning hostile acts against Botswana by the illegal minority régime in Southern Rhodesia,*

*Gravely concerned at the dangerous situation created by the provocative and hostile acts committed by the illegal régime in Southern Rhodesia against the security and well-being of Botswana,*

*Reaffirming the inalienable right of the people of Southern Rhodesia to self-determination and independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960 and the legitimacy of their struggle to secure the enjoyment of such rights as set forth in the Charter of the United Nations,*

*Recalling its resolutions 232 (1966) of 16 December 1966 and 253 (1968) of 29 May 1968 which determined and reaffirmed respectively that the situation in Southern Rhodesia constituted a threat to international peace and security,*

*Taking note of General Assembly resolution 31/154 of 20 December 1976,*

<sup>2</sup> U.N. doc. A/RES/403 (1977); adopted by the Council on Jan. 14 by a vote of 13 to 0, with 2 abstentions (U.S., U.K.).

*Convinced* that the recent provocative and hostile acts perpetrated by the illegal régime against Botswana aggravate the situation,

*Deeply grieved and concerned* at the loss of human life and damage to property caused by the acts of the illegal régime in Southern Rhodesia against Botswana,

*Noting with appreciation* Botswana's decision to continue to give asylum to political refugees fleeing from inhuman oppression by the illegal racist minority régime,

*Realizing* the need for Botswana to strengthen its security in order to safeguard its sovereignty, territorial integrity and independence,

*Reaffirming* the legal responsibility of the Government of the United Kingdom of Great Britain and Northern Ireland over Southern Rhodesia, in accordance with the relevant resolutions of the United Nations,

1. *Strongly condemns* all acts of provocation and harassment, including military threats and attacks, murder, arson, kidnapping and destruction of property, committed against Botswana by the illegal régime in Southern Rhodesia;

2. *Condemns* all measures of political repression by the illegal régime that violate fundamental rights and freedoms of the people of Southern Rhodesia and contribute to instability and lack of peace in the region as a whole;

3. *Deplores* all acts of collaboration and collusion which sustain the illegal régime in Southern Rhodesia and encourage defiance with impunity of the resolutions of the Security Council, with adverse consequences for peace and security in the region;

4. *Demands* the immediate and total cessation forthwith of all hostile acts committed against Botswana by the illegal régime in Southern Rhodesia;

5. *Takes cognizance* of the special economic hardship confronting Botswana as a result of the imperative need to divert funds from ongoing and planned development projects to hitherto unplanned and unbudgeted for security needs necessitated by the urgent need to effectively defend itself against attacks and threats by the illegal régime in Southern Rhodesia;

6. *Accepts* the invitation of the Government of Botswana to dispatch a mission to assess the needs of Botswana in carrying out its development projects under the present circumstances, and accordingly requests the Secretary-General, in collaboration with appropriate organizations of the United Nations system, to organize with immediate effect financial and other forms of assistance to Botswana and to report to the Security Council not later than 31 March 1977;

7. *Requests* the United Nations and the organizations and programmes concerned, including the Economic and Social Council, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the United Nations Development Programme, the Food and Agriculture Organization and the Fund for Agricultural Development, to assist Botswana to carry out the ongoing and planned development projects without interruption as stated in paragraph 5 and envisaged under paragraph 6 of this resolution;

8. *Appeals* to all States to respond positively in providing assistance to Botswana, in the light of the report of the mission of the Secretary-General, in order to enable Botswana to carry out its planned development projects;

9. *Decides* to remain seized of the matter.

## TREATY INFORMATION

### Current Actions

#### MULTILATERAL

##### Health

Amendments to articles 24 and 25 of the constitution of the World Health Organization of July 22, 1946, as amended (TIAS 1808, 4643, 8086). Adopted at Geneva May 17, 1976.<sup>1</sup>

*Acceptance deposited:* Ethiopia, January 6, 1977.

##### Load Lines

Amendments to the international convention on load lines, 1966 (TIAS 6331, 6629, 6720). Adopted at London October 12, 1971.<sup>1</sup>

*Acceptance deposited:* Algeria, January 4, 1977.

##### Maritime Matters

Convention on facilitation of international maritime traffic, with annex. Done at London April 9, 1965. Entered into force March 5, 1967; for the United States May 16, 1967. TIAS 6251.

*Acceptance deposited:* Hungary (with a statement), December 15, 1976.

##### Narcotic Drugs

Protocol amending the single convention on narcotic drugs, 1961. Done at Geneva March 25, 1972. Entered into force August 8, 1975. TIAS 8118.

*Ratification deposited:* Spain, January 4, 1977.

##### Oil Pollution

Amendments to the international convention for the prevention of pollution of the sea by oil, 1954, as amended (TIAS 4900, 6109). Adopted at London October 21, 1969.<sup>1</sup>

*Acceptance deposited:* Argentina, December 30, 1976.

International convention relating to intervention on the high seas in cases of oil pollution casualties, with annex. Done at Brussels November 29, 1969. Entered into force May 6, 1975. TIAS 8068.

*Accession deposited:* Ecuador, December 23, 1976.

International convention on civil liability for oil pollution damage. Done at Brussels November 29, 1969. Entered into force June 19, 1975.<sup>2</sup>

*Ratification deposited:* Brazil, December 17, 1976.

*Accession deposited:* Ecuador, December 23, 1976.

International convention on the establishment of an international fund for compensation for oil pollution damage. Done at Brussels December 18, 1971.<sup>1</sup>

*Ratification deposited:* Federal Republic of Germany, December 30, 1976.<sup>3</sup>

##### Safety at Sea

Convention on the international regulations for prevent-

<sup>1</sup> Not in force.

<sup>2</sup> Not in force for the United States.

<sup>3</sup> Applicable to Berlin (West).

ing collisions at sea, 1972. Done at London October 20, 1972. Enters into force July 15, 1977.

*Ratification deposited:* Poland, December 14, 1976.

*Accessions deposited:* Hungary (with statement and declaration), December 15, 1976; South Africa, December 20, 1976.

### Satellite Communications System

Agreement relating to the International Telecommunications Satellite Organization (INTELSAT), with annexes. Done at Washington August 20, 1971. Entered into force February 12, 1973. TIAS 7532.

*Accession deposited:* El Salvador, January 19, 1977.

Operating agreement relating to the International Telecommunications Satellite Organization (INTELSAT), with annex. Done at Washington August 20, 1971. Entered into force February 12, 1973. TIAS 7532.

*Signature:* Administración Nacional de Telecomunicaciones (ANTEL) for El Salvador, January 19, 1977.

### Seals—Antarctic

Convention for the conservation of Antarctic seals, with annex and final act. Done at London June 1, 1972.<sup>1</sup>

*Ratification deposited:* United States, January 18, 1977.

### Space

Convention on registration of objects launched into outer space. Done at New York January 14, 1975. Entered into force September 15, 1976.

*Proclaimed by the President:* January 18, 1977.

### Telecommunications

Partial revision of the radio regulations, Geneva, 1959, as amended (TIAS 4893, 5603, 6332, 6590, 7435), to establish a new frequency allotment plan for high-frequency radiotelephone coast stations, with annexes and final protocol. Done at Geneva June 8, 1974. Entered into force January 1, 1976; for the United States April 21, 1976.

*Notification of approval:* Luxembourg, October 14, 1976.

## BILATERAL

### Hungary

Agreement relating to issuance of nonimmigrant visas on a facilitated basis to certain holders of diplomatic or official passports. Effected by exchange of notes at Budapest March 29 and April 7, 1976. Entered into force April 7, 1976.

<sup>1</sup> Not in force.

## PUBLICATIONS

### GPO Sales Publications

*Publications may be ordered by catalog or stock number from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. A 25-percent discount is made on orders for 100 or more copies of any one publication mailed to the same address. Remittances, payable to the Superintendent of Documents, must accompany orders. Prices shown below, which include domestic postage, are subject to change.*

**Background Notes:** Short, factual summaries which describe the people, history, government, economy, and foreign relations of each country. Each contains a map, a list of principal government officials and U.S. diplomatic and consular officers, and a reading list. (A complete set of all Background Notes currently in stock—at least 140—\$21.80; 1-year subscription service for approximately 77 updated or new Notes—\$23.10; plastic binder—\$1.50.) Single copies of those listed below are available at 35¢ each.

Angola.....	Cat. No. S1.123:AN4	Pub. 7962	7 pp.
Bermuda .....	Cat. No. S1.123:B45	Pub. 7907	4 pp.
Ireland .....	Cat. No. S1.123:IR2	Pub. 7974	7 pp.
Laos.....	Cat. No. S1.123:L29	Pub. 8301	5 pp.
Portugal.....	Cat. No. S1.123:P83/2	Pub. 8074	7 pp.
Tunisia .....	Cat. No. S1.123:T83	Pub. 8142	5 pp.

**Atomic Energy—Technical Information Exchange in Regulatory Matters.** Arrangement with Japan. TIAS 8341. 7 pp. 35¢. (Cat. No. S9.10:8341).

**Atomic Energy—Technical Information Exchange and Development of Standards.** Arrangement with Switzerland. TIAS 8342. 7 pp. 35¢. (Cat. No. S9.10:8342).

**Atomic Energy—Technical Information Exchange and Development of Standards.** Arrangement with Spain. TIAS 8344. 4 pp. 35¢. (Cat. No. S9.10:8344).

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**Checklist of Department of State  
 Press Releases: January 17-23**

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

No.	Date	Subject
*10	1/17	Government Advisory Committee on International Book and Library Programs, Feb. 17.
*11	1/17	U.S. Advisory Commission on International Educational and Cultural Affairs, Feb. 17.
†12	1/19	Kissinger: American Foreign Service Association awards ceremony, Jan. 18.
*13	1/19	Kissinger: awards ceremony honoring Foreign Service officers for service in Vietnam, Jan. 18.
*14	1/19	U.S. Advisory Commission on International Educational and Cultural Affairs, Ottawa, Feb. 18-19.
†15	1/19	U.S. ratification of Convention for the Conservation of Antarctic Seals.
†16	1/19	"Foreign Relations," 1950, vol. VI, "East Asia and the Pacific" released.
*17	1/21	Kissinger: farewell remarks, Jan. 19
18	1/21	Kissinger: interview published in New York Times, Jan. 20.
*19	1/21	Special inspection report on Office of Foreign Buildings.

\* Not printed.

† Held for a later issue of the BULLETIN.