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THE DEPARTMENT OF STATE BULLETIN

Volume LXXV • No. 1942 • September 13, 1976

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IN LAW OF THE SEA NEGOTIATIONS

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Vol. LXXV, No. 1942
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The Department of State BULLETIN is a weekly publication issued by the Office of Media Services, Bureau of Public Affairs, provides the public and interested agencies of the government with information on developments in the field of U.S. foreign relations and on the work of the Department of State and the Foreign Service.

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

Publications of the Department of State, United Nations documents, and legislative material in the field of international relations are also listed.

For sale by the Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

PRICE:

52 issues plus semiannual indexes,
domestic \$42.50, foreign \$53.15
Single copy 85 cents

The Secretary of State has determined that the publication of this periodical is necessary in the transaction of the public business required by law of this Department. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget through January 31, 1981.

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Secretary Kissinger Discusses Progress and Goals in Law of the Sea Negotiations

Following are remarks made by Secretary Kissinger to the U.S. delegation to the Third U.N. Conference on the Law of the Sea at New York on August 13 and a toast he gave that day at a luncheon in honor of the Acting President of the conference, committee chairmen, and several members of the conference secretariat.

REMARKS TO U.S. DELEGATION

Press release 377 dated August 13

As you know, I regard this conference as potentially one of the most significant diplomatic negotiations of our time. And at this session it has taken on an added aspect of urgency—as we are called upon to help conclude a treaty before the pressure of events and contention places international consensus irretrievably beyond the grasp of the nations of the world.

I want to thank all the members of this delegation for your very hard work and your perseverance in dealing with a multitude of highly complex and momentous issues. I have followed the progress of your efforts daily. Thus I understand full well the many difficulties you are facing.

Owing to your efforts considerable progress has already been made in these negotiations. But we must acknowledge that forward movement has been accompanied by increasing tendencies in many nations toward unilateral actions that will make the task before us more and more difficult.

Despite—indeed, because of—these tendencies, it is imperative that this session make significant progress on all the re-

maining major issues still in contention. Our objective is to make possible a final session early next year to complete agreement on the text of the law of the sea convention.

The United States has already made significant efforts in earlier sessions—especially this spring—to accommodate the interests of other states. This was made with the understanding that our interests also would be protected. There is a limit beyond which the United States cannot go in these negotiations. There are a number of proposals in the conference which this government could not accept and, indeed, our Congress would never ratify. These limits must be recognized if we are to obtain a widely acceptable treaty.

Nonetheless, we are committed to continue to put forth every effort to cooperate with the other delegations to find reasonable and responsible ways to reconcile the many legitimate interests and concerns before us.

I have come to this session to underline the importance with which the United States regards this effort—and to obtain a firsthand view of how we are progressing in these negotiations. We must determine how best we can use the remaining time available in this session to work toward a package agreement on all of the different main issues. I will be meeting with a number of the key conference and delegation leaders from a number of countries representing various viewpoints, geographical as well as functional. I want to hear of their concerns directly and to speak to them about our own.

Specifically, I will be meeting with the conference leadership, including the Acting Conference President Minister Jens Evensen [Norwegian Minister Without Portfolio], to get their assessment of the present negotiating situation, how far we have to go, and how best to move forward. In my own discussions I will emphasize the need to move with as much speed as possible toward a final consensus acceptable to all major groups of states.

The problems we face must neither be magnified nor disregarded. These are difficult negotiations. But the problems we face must be measured against the costs of failure—to all nations. If a mood of pessimism prevails we surely will not succeed. What is called for now is determination and a new creative effort.

In Committee I we face these negotiations' most complex and contentious issues. Most important remains the question of deep seabed mining—who shall do it and under what conditions. The United States position is that an equitable solution should insure that all states party to the convention and their nationals have guaranteed access to seabed mining sites under fair conditions.

With that understanding, we could agree on the establishment of an "Enterprise" representing the Seabed Authority which would be able to, on its own, mine seabed minerals. Revenue sharing from all mining would go to the world community to be used primarily for economic development of the poorer countries. No other solution would be fair to the developing countries who desire to have an Enterprise which can exploit seabed resources and who want revenues from mining for needed economic growth.

In Committee II the outstanding issue remains the high seas status of the economic zone. The solution to this difficult problem must insure that the interests of the international community—and those high seas freedoms which are reserved to that community—are preserved in the law of the sea convention for the benefit of all

mankind. Only such a solution can balance the rights of coastal states over the economic resources of the zone while at the same time preserving the interests of the international community in crucial matters such as navigation.

In Committee III a main goal of the United States is to preserve within the economic zone freedom for scientific research not directly related to the exploitation and exploration of resources within the zone. Only through open scientific research and the wide dissemination of its results throughout the world can the global community continue to probe the mysteries of our planet to better the lives and preserve the health of all. It would be most difficult for the United States to accept a treaty that would restrict the existing freedom of scientific research. The solution we seek would protect all countries through a balance of obligations and responsibilities; the freedom of scientific research in the economic zone would be guaranteed; coastal states could participate in such research and benefit from its results; and safeguards against marine pollution would be established. It is very doubtful, in my view, that we would be able to obtain the consent of Congress to this treaty unless it incorporated such a balance of rights and responsibilities.

Finally, with respect to dispute settlement, I believe there is a wide consensus that a binding and compulsory dispute settlement mechanism is crucial—for both the deep seabeds and the economic zone. Only through such procedures can we prevent future conflict arising over differing interpretations of the convention text.

I want you to know that this visit today will not be my last. I will return to this conference later as we endeavor to achieve an overall agreement on the major remaining issues. It is imperative that all of us put forth our full effort to help bring about an equitable and acceptable treaty in the weeks ahead. Our determination, our skill, and our vision are vital if this great international effort is to succeed. And succeed it

must, for no current diplomatic negotiation is more important for the long-term stability and prosperity of our globe.

The United States is determined to do all it can to help this conference succeed. The problems are vast, but the possibility and the promise have never been more clear. And through reason, through responsibility, and by working together, we shall succeed.

COAST AT LUNCHEON HONORING CONFERENCE LEADERSHIP

Press release 378 dated August 13

I have learned a great deal in my brief visit here today. I have had a sense of the range of the issues that are before us, and I appreciate the frankness with which the heads of the committees and Acting President have spoken to me, and also the members of the various delegations that I had an opportunity to consult this morning and shall consult with this afternoon.

The United States believes that you are all engaged in one of the historic conferences of many decades. It is not often that diplomats can accept something which they know will last for an indefinite period. It is not often that man has an opportunity to establish a legal regime for vast areas of the world. It is not often that great riches have been apportioned on the basis of negotiations and at least an attempt of a just settlement rather than on the basis of power. From all of these points of view you are engaged in a historic enterprise and it proves that history can be made in an un-dramatic, complicated, serious way.

There is often discussion in this country on why things are moving so relatively slowly. But if one looks at the vastness of the challenges of the time when territorial seas were three miles, when the concept of the economic zone was not even thought of, when the exploration of the deep seabeds was a dream for science fiction—when one considers all of these problems that had to be addressed, and had to be

addressed by 150 nations, then one must congratulate you on the progress that has been made.

In our discussions at lunch, the discussions this morning, it is clear that the issues that remain to be solved can probably be enumerated on the fingers of two hands, that vast areas of general agreement have already been reached. Disagreements that remain very often concern the implementation of principles that have already been established.

The concept of a common heritage of mankind, the concept that humanity has a responsibility to the world community in the deep seabeds is, I think, a historic breakthrough of enormous proportion. Compared to this, how you finance the international portion of this exploration is a technically enormously difficult problem, but I have no doubt that we will find a way of solving it. If we don't find it, the distinguished chairman of the First Committee will write a document which he represents as the consensus of all of us, and which will no doubt eventually find the common assent. So I think, again, when we speak of the issues in Committee II, of what the characteristics are of the 200-mile economic zone, there are important technical problems that remain.

But when we start discussing in concrete detail what essential interests of each country are and we get away from philosophical and confrontational skews, again I am confident we will find a solution, and the same is true in many things. We have not, in fact, had a great deal of discussion about the settlement of disputes, simply because, it seems to me, if we successfully complete the substantive part of it, none of us can afford to let this conference fail over how we are going to settle disputes on such a major achievement. I must therefore say I am basically optimistic.

The United States will study the differences that remain with the attitude of where we can take into account concerns of the other nations. Obviously, we have

concerns which we cannot give up, and there are limits beyond which we cannot go. This is true of almost all of the other participants in the conference.

Having come this far, however, it is my conviction that we can settle the differences. The United States will make a major effort to work closely with you. We hope the attitude will be one not of confrontation but of a recognition of this great historic opportunity.

If we succeed, as I am persuaded we will, then future generations can look back on this period and say that mankind put three-quarters of the earth's surface under a regime that reflected justice and equity and human concerns in a peaceful manner and has banished from that part of the world the contest for power and the rivalry that has been the bane of mankind on land, and there would not be the least irony of history in having sought to establish peace for so long on land that it should be a conference of the law of the sea which gives the impetus for universal peace.

So I would like to propose a toast to the success of the conference and pay tribute to all of you who are working so closely together.

Eleven MAAG's To Be Terminated Under Security Assistance Act

*Department Announcement*¹

On June 30 the President signed the International Security Assistance and Arms Export Control Act of 1976. That act requires that "After September 30, 1976, the number of military missions, groups, and similar organizations may not exceed 34." To comply with this statutory requirement, the President has authorized termination of Military Assistance Advisory Groups (MAAG's) in the following 11 countries by September 30: Belgium, Denmark, France, Germany, Italy, the Netherlands, Norway, India, Costa Rica, Paraguay, Uruguay.

¹ Issued on Aug. 25 (text from press release 397).

President Kekkonen of Finland Visits Washington

President Urho Kekkonen of the Republic of Finland made a state visit to Washington August 3-4, during which he met with President Ford and other government officials. Following is an exchange of remarks between President Ford and President Kekkonen at a welcoming ceremony on the South Lawn of the White House on August 3.¹

Weekly Compilation of Presidential Documents dated August

PRESIDENT FORD

President Kekkonen, ladies and gentlemen: On behalf of the American people, I am delighted to welcome you to our country. Your visit permits us to reaffirm the closeness of the ties between our two countries and to reciprocate the wonderful hospitality extended to Mrs. Ford and me in Helsinki just a year ago.

Finns began arriving in America over 300 years ago and have contributed much to the building of the United States. My home state, Michigan, which is said to resemble Finland in many respects, has attracted many Finns. Their cultural influence, the deep Finnish devotion to education, commerce, farming, and physical fitness is evident in Michigan's copper country.

Mr. President, Finland has proven beyond any doubt whatsoever in recent years that a small country can make important contributions to world peace and world understanding of fundamental importance to both of our nations.

Your active involvement in world affairs, your role in the United Nations, including a significant part in peacekeeping forces in the Middle East and in Cyprus, your serving as a host to important inter-

¹ For an exchange of toasts between President Ford and President Kekkonen at a White House dinner that evening, see Weekly Compilation of Presidential Documents dated Aug. 9, 1976, p. 1239.

national conferences such as the initial phase of the strategic arms negotiations and the Conference on Security and Cooperation in Europe, have all contributed to a better world.

Finland has played a constructive role within the Nordic Council and the Organization for Economic Cooperation and Development and has followed closely the dialogue which has been established between the developed and developing countries.

Humanity respects and values Finland's efforts to help bridge differences among nations and overcome obstacles to international peace and stability.

Mr. President, you honor us by this Bicentennial visit. Your personal participation in celebrations organized by Finnish-Americans contributes to the wonderful mood the Bicentennial has generated. As a people, we are deeply grateful for Finland's participation.

The establishment at the University of Helsinki of a Bicentennial Chair of American Studies, the American Days Program in Finland in June, and Bicentennial programs in more than a dozen Finnish cities are vivid reminders of our friendship and kinship.

Mr. President, the nations of the world now face many, many challenges. Their solution requires our best common efforts in the counsel and understanding of nations working together. With a positive spirit, with understanding, and with full dedication, we will prevail.

I look forward to our discussions, Mr. President, today and future good relations between Finland and the United States. Americans, one and all, bid you welcome and wish you an enjoyable and productive visit.

PRESIDENT KEKKONEN

Mr. President: I thank you for your very kind words of welcome. Indeed it gives me great pleasure to have this opportunity to

pay a visit to your country. I am particularly delighted that this occasion coincides with the Bicentennial celebration of the independence of the United States.

We in Finland realize very well the enormous responsibility which the United States as a great power bears in solving international problems.

Mr. President, your active conduct of foreign policy and your efforts to solve these problems in an equitable manner, dependably and honestly, are respected all over the world.

Your visit in Finland, Mr. President, last summer in connection with the Helsinki summit provided me with the personal occasion for talks that I hope will be both found informative and constructive. Then we had the privilege of acting as host for the Conference on Security and Cooperation in Europe, and memories of those days are still present in the hearts of the Finnish people.

In a sense, my present visit has a two-fold purpose:

Firstly, I wish to transmit the greetings of the people of Finland to the people of the United States in their Bicentennial year. This is a most welcome task for me. The good political relations between our countries have traditionally been complemented by ties of friendship and common heritage between our peoples.

Secondly, I am looking forward to the opportunity of exchanging views on topics of mutual interest, particularly on the problems related to the relaxation of international tension. As you know, Mr. President, it is our policy to give high priority to this development.

I am very much looking forward to the discussions and meetings that I am going to have with you, Mr. President, and with other leaders of your country.

Thank you for the invitation, and let me once more express my joy for this opportunity of visiting the United States.

Thank you.

United States Completes 1976 Pledge to UNRWA

Following is a statement made on August 2 by William W. Seranton, U.S. Representative to the United Nations, upon presenting to Brian E. Urquhart, U.N. Under Secretary for Political Affairs, a check in fulfillment of the U.S. pledge for calendar year 1976 to the U.N. Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

USUN press release 87 dated August 2

The United States is pleased to announce today the fulfillment of its 1976 pledge to UNRWA. The pledge for UNRWA from the United States for 1976, as announced on November 26, 1975, was \$26.7 million. An initial payment of \$9.8 million was made last January; with this sum of \$16.9 million the United States completes its pledge for 1976.

U.S. support for UNRWA underscores the importance we attach to the excellent work of this organization. UNRWA provides food, housing, schooling, and health services to refugees who became homeless through Middle East conflicts.

Over \$1.6 million refugees are registered with UNRWA; approximately 800,000 are receiving directly UNRWA rations. UNRWA carries out its vital mission often under the most difficult circumstances, which have been further exacerbated by the crisis in Lebanon.

UNRWA's achievement under these conditions is a tribute to its effective staff personnel and to its untiring and imaginative Commissioner General, Sir John Rennie. We

salute the Commissioner General and the contribution of UNRWA to human value and to peace in the Middle East.

The United States urges other countries who have not yet contributed in proportion to their resources to join in providing those funds as required for the essential work of UNRWA.

U.S. Welcomes ECOSOC Action on Illicit Payments Issue

Following is a statement by Ronald H. Nessen, Press Secretary to President Ford issued on August 5.

White House press release dated August 5

Today the Economic and Social Council of the United Nations agreed to establish an intergovernmental group authorized to prepare an accord to prevent bribery and corrupt practices in international commercial transactions.

We are very pleased by this action which is a direct result of a major U.S. initiative. We consider this action a major step toward an international agreement on bribery which will provide an effective means of eliminating illicit payments made to influence foreign governments.

The President has noted that an effective solution to this problem must involve action at both the national and international levels. The international action which ECOSOC has taken today is consistent with the President's proposals made on Monday for domestic legislation on illicit payments

Department Discusses Actions by OAS in Human Rights Field

Following is a statement by William S. Mailliard, U.S. Permanent Representative to the Organization of American States, made before the Subcommittee on International Organizations of the House Committee on International Relations on August 10.¹

I appreciate this opportunity to testify on the developments with respect to human rights at the recent session of the General Assembly of the Organization of American States in Santiago.

Given the locale of the General Assembly, it was inevitable that the human rights issue would dominate our deliberations. Charges that the Chilean Government has violated human rights, including the U.N. Commission on Human Rights charge of "institutionalized torture" made it certain that the OAS would have to face the human rights issue squarely or leave Santiago with its reputation tarnished. Our strategy was:

—To work along with other concerned governments for an inter-American consensus on the importance of protecting human rights;

—To state our commitments in terms of universal and international declarations on human rights;

—To support the conclusions of the reports of the Inter-American Human Rights Commission; and

—To advocate practical measures to strengthen that body.

¹The 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.

The candid and straightforward statement of our views by Secretary Kissinger put the U.S. delegation on the record as supporting strong resolutions in favor of human rights. You will recall that the Secretary specifically referred to the fact that:

In the United States concern is widespread in the executive branch, in the press, and in the Congress, which has taken the extraordinary step of enacting specific statutory limits on U.S. military and economic aid to Chile.

The Secretary continued by pointing out that:

The condition of human rights as assessed by the OAS Human Rights Commission has impaired our relationship with Chile and will continue to do so. We wish this relationship to be close, and all friends of Chile hope that obstacles raised by conditions alleged in the report will soon be removed.

The Secretary did not, however, confine his judgment to Chile alone. He stated, and I quote:

The rights of man have been authoritatively identified both in the U.N.'s Universal Declaration of Human Rights and in the OAS's American Declaration of the Rights and Duties of Man. There will, of course, always be differences of view as to the precise extent of the obligations of government. But there are standards below which no government can fall without offending fundamental values, such as genocide, officially tolerated torture, mass imprisonment or murder, or the comprehensive denial of basic rights to racial, religious, political, or ethnic groups. Any government engaging in such practices must face adverse international judgment.

The Secretary also pointed out the consistent pattern of human rights violations in Cuba and emphasized that:

The cause of human dignity is not served by those who hypocritically manipulate concerns with human rights to further their political preferences nor by those who single out for human rights condemnation only those countries with whose political views they disagree.

In commending the Inter-American Human Rights Commission for its efforts, the Secretary suggested that the OAS broaden the Commission's mandate in order that it can report regularly on the status of human rights throughout the hemisphere. He added that in support of the suggestion we propose that the budget and the staff of the Commission be enlarged.

We were pleased with the outcome of the human rights debate in Santiago. Through the Secretary's initiative and because of the full participation by the United States in the overall debate and, of course, in concert with representatives from like-minded countries, we achieved three separate resolutions.

These resolutions strengthened the hand of the Inter-American Human Rights Commission, urged the member states to protect and fully maintain human rights, renewed the mandate of the Inter-American Human Rights Commission to continue monitoring progress in Chile and elsewhere, and sent Chilean proposals to define the powers of the Inter-American Human Rights Commission to the Permanent Council for study.

According to members of the Inter-American Human Rights Commission and the international press, the forthright stand of the Secretary and the staff work of the U.S. delegation constituted an important breakthrough in OAS treatment of this sensitive and vital matter.

As you are aware, this was the first occasion when the Inter-American Human Rights Commission reports were not merely noted and filed away. In the past, the nations of the hemisphere strongly preferred not to point the finger at any one government, at least in part for fear they could be on the receiving end of accusations the next time. The real breakthrough, then, is this: We have established a precedent which can insure that the status of human rights in the hemisphere receives a full and

frank airing at the annual OAS General Assembly.

Our continuing task is to build a consensus that the human rights problem is properly an issue of international and regional concern. Many countries have signed charters and declarations, but very few have made these documents a living part of their national experience.

In this connection, I could point out that the subcommittee might like to consider a study project on what international and regional covenants the United States could sign and ratify, if modified to satisfy our constitutional and other requirements. The American Convention on Human Rights was not signed by the United States, and of course never ratified. It might be useful to study this and other conventions with a view toward strengthening the U.S. position as a supporter of high international standards on human rights. This could be a consciousness-raising exercise for us; and it would, believe me, have a beneficial impact throughout the Americas.

I do not want to be thought of as self-satisfied or complacent. We have accomplished something. But much remains to be done.

We cannot go too far too fast, because the human rights issue is as sensitive as it is important. We cannot risk the appearance of intervention in the internal affairs of the states of Latin America. Given our history, this is an issue which could unite Latin America against the United States. Moreover, we cannot preach too often if we wish to have any effect. We cannot let words take the place of actions.

We should try to strengthen collective action in the hemisphere; at the heart of that collective action is the Inter-American Human Rights Commission. It is here that we can begin the work of achieving a consensus on minimum human rights standards. Such a consensus should be one of our primary objectives in the OAS.

I am convinced that one of our chief successes at the Santiago meeting was that while we were among the leaders we did not try to dominate. We shared the role of leadership with other democracies, whose representatives spoke passionately and convincingly on human rights; and that willingness to speak out made a great difference.

Our problem now is to translate this successful beginning at the OAS General Assembly into progress in real terms. I understand you have questions about this and I will be pleased to try to answer them.

Department Discusses Allegations Regarding Mercenaries in Angola

*Statement by William E. Schauffele, Jr.
Assistant Secretary for African Affairs*¹

I am pleased to have the opportunity to respond to your invitation to testify today on the subject of mercenaries in Angola and the recent trial in Luanda, as requested in your letter to the Secretary of State.

Let me begin by stating the position of the U.S. Government toward the recruitment of mercenaries in the United States. The recruitment of mercenaries within the territory of the United States to serve in the armed forces of a foreign country is an offense under our neutrality laws. Because of the allegation that such recruitment has gone on, the Justice Department has been investigating these reports, and this inves-

tigation is continuing. The Department of State is concerned over such allegations and automatically refers any information regarding such activity that comes to its attention to the Department of Justice for investigation.

In regard to the charge that the U.S. Government was involved in recruiting the Americans recently involved in Angola, I wish to state that no Americans were recruited directly or indirectly by the U.S. Government to fight in Angola. Those men were there on their own, without our advance knowledge or approval. We attempted to discourage Americans from going to Angola as mercenaries. Anyone who called us was given that message clearly and distinctly. As I mentioned previously, we asked the Department of Justice to look into allegations that American citizens were being recruited for that purpose.

In respect to the position of the U.S. Government on this issue, I would like to quote Secretary Kissinger's remarks made in response to a question during a panel session at the World Affairs Council in Portland, Oregon, on July 22, 1976:

I am not aware that mercenaries are being recruited in the United States right now. And it is certainly not done with the connivance or agreement of the government.

Mr. Chairman, it might be useful to interject at this point some general comments on mercenaries. A key point is that a legally accepted definition of what constitutes a mercenary does not exist in international law. Nor is the act of serving as a mercenary a crime in international law—not to mention Angolan law, where the Angolan authorities were forced to use a set of guidelines for their combatants which the MPLA [Popular Movement for the Liberation of Angola] issued in 1966.

The general international practice appears to consider mercenaries in the same

¹ Made before the Special Subcommittee on Investigations of the House Committee on International Relations on Aug. 9. 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.

status as other combatants and therefore to be treated as such under the terms of the Geneva Conventions of 1949. This has certainly been American practice back to the Revolutionary War and was reflected in our treatment of captured Hessian troops. This was also the case in the Civil War, when there were combatants on both sides who fought for hire, adventure, or beliefs and who could be considered by some as mercenaries.

Three American citizens, Mr. Daniel Gearhart, Mr. Gary Acker, and Mr. George Bacon, plus one permanent resident national, Mr. Gustav Marcello Grillo, were apparently involved in the Angolan war earlier this year. There may have been a few others. According to information available to us, these men arrived in Zaïre in early February and several days later went into Angola. On or about February 14 (according to charges made at their trial in Luanda) they encountered armed forces supporting the MPLA faction, with the result that George Bacon was killed and the others were captured.

Together with 10 other prisoners of British nationality, Gearhart, Acker, and Grillo went on trial in Luanda on June 10, charged with being mercenaries. The family of Mr. Acker engaged two American lawyers, Mr. Robert E. Cesner, Jr., and Mr. William Wilson, who arrived in Angola on June 5 and eventually represented both Acker and Gearhart. (Mr. Grillo elected to retain the services of a court-appointed local lawyer.) The 13 defendants were charged with being professional soldiers, hired to fight against the newly independent Angolan Government. Several of the defendants, but none of the Americans, were also charged with specific violent crimes. Sentence was passed on June 28, 1976. All were found guilty, and four, including Mr. Gearhart, were given death sentences, while the others were given prison sentences of varying lengths.

Following the announcement of the sentences, the Angolan leader, Dr. Agostinho Neto, indicated publicly that he would review the sentences after a time for some reflection and a chance for world public opinion to express itself.

We had been skeptical about the quality of the justice administered and were appalled by the severity of the sentence given to Mr. Gearhart. As we pointed out on numerous occasions, the act of being a mercenary is not a crime in international law, and mercenaries were entitled to the same status and protection as other combatants under the 1949 Geneva Convention and the rules of warfare. Mr. Gearhart was not charged with any other specific crime. No evidence was presented that he had harmed anyone during the few days he was in Angola before his capture.

In carrying out the responsibility to assist U.S. citizens and nationals charged with crimes in foreign countries, we attempted as best we could to obtain a reconsideration of the death penalty for Mr. Gearhart. For reasons which are not clear to us, but appear to be largely political, Dr. Neto refused to listen to us or to any other of the appeals made to him. Despite our efforts, Dr. Neto confirmed the death sentences on July 9, and they were executed the following day.

The Angolan authorities charged the defendants with being mercenaries and with being the agents of foreign interests and governments. The U.S. Government and the CIA were often mentioned, but I wish to emphasize that no evidence of any sort, apart from undocumented and vague charges, was ever presented; that is, unless you consider that the claim that the mercenaries were paid in "crisp \$100 bills"—a charge apparently made much of—constitutes proof of involvement by the U.S. Government.

Mr. Chairman, that concludes my prepared statement.

International Efforts To Control Radioactive-Waste Disposal at Sea

Following is a statement by Lindsey Grant, Acting Deputy Assistant Secretary for Environmental and Population Affairs, made before the Subcommittee on Energy and the Environment of the House Committee on Interior and Insular Affairs on July 26.¹

Thank you for giving the Department of State an opportunity to appear before the subcommittee today to discuss the important subject of radioactive contamination of the oceans. I believe I might usefully review international activities, institutions, and law relevant to your inquiry.

In legal terms, the right to dispose of waste materials on the high seas is a traditional freedom of the high seas. However, under the 1958 Geneva Convention on the High Seas, this freedom, like all other freedoms of the seas, must be exercised with reasonable regard to other states' use of the oceans. In article 25 of that convention, the international community specifically called on states to take measures to prevent pollution of the seas from the dumping of radioactive wastes. However, since there were no generally accepted standards, and none were provided by the 1958 convention, the point at which radioactive pollution becomes "unreasonable" could not be established easily. Obviously, more specific controls were needed.

During the 1950's the United States dumped containerized low-level radioactive wastes into the sea under the close supervision of the Atomic Energy Commission. We curtailed this program in 1962 and stopped it entirely in 1970.

The President, in his February 1971 environmental message to Congress, recom-

mended that the United States regulate its own ocean dumping of all harmful substances and take the initiative to develop international controls for the same purpose. This led to enactment of the Marine Protection, Research and Sanctuaries Act of 1972, which prohibited ocean dumping of high-level radioactive wastes. I won't discuss the act here, as I understand the Environmental Protection Agency (EPA) will testify on it.

Internationally, the United States in 1971 tabled a draft treaty on ocean dumping at the first meeting of an International Working Group on Marine Pollution which was formed to prepare for the 1972 Stockholm Conference on the Human Environment. After a complex series of negotiations, the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter—the London Dumping Convention—emerged in December 1972.

The United States ratified the Dumping Convention in April 1974. The convention came into force on August 30, 1975. The contracting parties, of which there are currently 26, will hold their first substantive consultative meeting September 20-24 of this year.

How does the convention apply to radioactive wastes? It defines dumping as "any deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures. . . ." This definition, by the way, does not include the disposal at sea of materials arising from the normal operations of vessels, aircraft, platforms, et cetera, or from seabed mineral exploration and exploitation. Nor does it include the placement of matter for a purpose other than disposal.

Annex I of the convention contains a list of substances the dumping of which is entirely prohibited, including "High-level radioactive wastes or other high-level radioactive matter, defined on public health, biological or other grounds, by the compe-

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

tent international body in this field, to present the International Atomic Energy Agency [IAEA], as unsuitable for dumping at sea."

Annex II lists materials for which national authorities must issue special permits before they can be dumped, among them, "Radioactive wastes and other radioactive materials not included in Annex I." In issuing permits for the dumping of this matter, national authorities are to take full account of the recommendations of the IAEA.

Annex III discusses the criteria to be considered in issuing permits, including the characteristics and composition of the wastes, the characteristics of the dump site, and the method of disposal, including packaging and containment.

The IAEA has already produced a provisional definition of high-level radioactive wastes and provisional recommendations for the handling of other radioactive-waste disposal at sea as required by annexes I and II of the convention. These were first published in its information circular 205/Add.1 in January 1975 and will be considered by the convention parties at the September consultative meeting. In the meantime, there still is no final internationally accepted definition of high-level radioactive wastes, although in practice IAEA's provisional definition and recommendations are adhered to by the countries currently disposing low-level wastes at sea.

The United States submitted an interpretative statement at the 1972 London meeting to the effect that, in the absence of an agreed international definition, it would use the definition contained in our domestic legislation; namely, "the aqueous wastes resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for processing irradiated reactor fuels."

Enforcement of the convention is left to each nation individually. Article VII re-

quires each party to take appropriate measures to insure compliance with the provisions of the convention by all vessels and aircraft registered in its territory or loading in its territory matter to be dumped, and by all vessels, aircraft, and fixed and floating platforms under its jurisdiction believed to be engaged in dumping.

In addition to the global arrangements established by the London Dumping Convention, there are a number of regional arrangements which set more localized standards. Notable among these are the 1972 Oslo Convention, the 1974 Helsinki Convention, and the 1976 Barcelona Protocol on Dumping.

What is the current status of ocean dumping of radioactive wastes? No country has, to our knowledge, ever disposed of high-level radioactive wastes at sea. The United States, as I have indicated, stopped all ocean disposal of low-level radioactive wastes in 1970. As far as we know, the only current dumping of low-level wastes into the ocean is carried out under the supervision of the OECD's [Organization for Economic Cooperation and Development] Nuclear Energy Agency at a 4,800-meter-deep (15,744 feet) dumping area located approximately 570 miles southwest of Lands End, England. Eight European countries—Belgium, the Federal Republic of Germany, France, Italy, the Netherlands, Sweden, Switzerland, and the United Kingdom—have all utilized this area from time to time, dumping an estimated total weight of 39,000 metric tons of packaged low-level radioactive material from 1967 through 1975. Although the IAEA's recommendations for such dumping are provisional, the Nuclear Energy Agency, in its supervision of the dumping area, is meeting IAEA's present requirements.

Mr. Chairman, the United States is concerned that, without proper environmental and engineering constraints, the disposal of even low-level radioactive wastes at sea could adversely affect the world's oceans. We are therefore constantly searching for

safer methods; and to this end, as I believe you will learn from EPA, we are currently monitoring our former ocean dump sites to learn more about possible harmful effects. We will make this information available to interested international organizations and states. We will work closely with IAEA to develop sound internationally agreed definitions and techniques. We are encouraging all states with radioactive-waste disposal requirements to ratify or accede to the London Dumping Convention so that we may work together through the convention for environmentally sound solutions to our common problems.

Thank you, Mr. Chairman. This concludes my prepared testimony. I would be delighted to answer any questions.

Fifteenth Annual Report of ACDA Transmitted to the Congress

*Message From President Ford*¹

To the Congress of the United States:

As we celebrate our Bicentennial year, we are thankful that America is at peace. For the first time in many years, no American is engaged in combat anywhere in defense of our freedom. But we know that there are in the world forces hostile to freedom, and that to protect our security and the values we prize we must maintain our strength, our resolve, and our endeavors to safeguard peace.

To meet our responsibilities today we must deal with the problems of security in ways never dreamed of by our founding fathers. We must influence the policies of possible adversaries in two ways: by keeping our military forces strong, and by pursuing negotiations to create stability rather

than a spiraling arms race in weapons of incalculable destructiveness.

In both these endeavors, there are grounds for confidence. We have and will maintain a strategic relationship with the Soviet Union which preserves our security. At the same time, we will continue to pursue arms control agreements that lessen the danger of war and serve to promote a stable and peaceful international order. We are negotiating with the Soviet Union, with the Warsaw Pact countries, in the multilateral Geneva-based Conference of the Committee on Disarmament, and in the United Nations. We are mindful that many difficult questions remain to be solved, but I can report that steady progress has been made.

On May 28 I signed the Treaty on Underground Nuclear Explosions for Peaceful Purposes which has now been submitted to the Senate together with the related Threshold Test Ban Treaty. Both treaties represent genuine progress in the two-decade struggle to halt nuclear weapons testing.

In the current phase of the Strategic Arms Limitation Talks, we and the Soviet Union have made considerable progress since the Vladivostok meeting. Most of the elements needed for final agreement are already agreed. Certain issues are still unsettled but we will continue our effort to resolve them in a way that protects the interests of both sides, and enables us to complete a new SALT agreement on the basis of the Vladivostok accords.

In negotiations to reduce forces in central Europe, both the NATO and the Warsaw Pact nations have made new proposals. Through these negotiations we hope to achieve a more stable military balance in central Europe at lower levels of forces. And in the Conference of the Committee on Disarmament, the United States and the Soviet Union have tabled identical draft texts of a convention to outlaw environmental modification techniques for hostile purposes.

¹ Transmitted on July 29 (text from White House press release); single copies of the 15th annual report are available from the U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451.

The Administration has undertaken a vigorous action program to strengthen the barriers against further proliferation of nuclear weapons. We have moved to increase the effectiveness of the Non-proliferation Treaty and the International Atomic Energy Agency. Controls on American exports of nuclear materials and sensitive technology have been made even more rigorous. The United States has taken an important initiative to establish new cooperation with the other major nations supplying nuclear equipment and technology, and a common understanding has been reached on principles and standards governing nuclear exports.

These are tangible evidence of progress. This fifteenth annual report of the U.S. Arms Control and Disarmament Agency sets forth in detail and perspective the advances that have been made and the difficult, essential work that must still be done. My Administration remains dedicated to continued and determined efforts for the control and balanced reduction of armaments.

GERALD R. FORD.

THE WHITE HOUSE, *July 29, 1976.*

Congressional Documents Relating to Foreign Policy

94th Congress, 2d Session

World Hunger, Health, and Refugee Problems. Part VII: International Health and Guatemala Earthquake. Joint hearings before the Subcommittee on Health of the Senate Committee on Labor and Public Welfare and the Subcommittee To Investigate Problems Connected With Refugees and Escapees of the Senate Committee on the Judiciary. February 18, 1976. 173 pp.

International Security Assistance and Arms Export Control Act of 1976-1977. Report of the Senate Committee on Foreign Relations to accompany S. 3439; S. Rept. 94-876; May 14, 1976; 131 pp. Report of the House Committee on International Relations, together with supplemental views, to accompany H.R. 13680; H. Rept. 94-1144; May 14, 1976; 114 pp.

Supplemental Appropriation for Disaster Relief in Lebanon. Communication from the President of the United States transmitting a proposed supplemental appropriation for fiscal year 1976 for foreign assistance. H. Doc. 94-498. May 17, 1976. 1 p.

Law of the Sea. Hearing before the Subcommittee on Oceans and International Environment of the Senate Committee on Foreign Relations on New York session of the Third U.N. Law of the Sea Conference. May 20, 1976. 40 pp.

Export Administration Amendments, Foreign Boycotts, and Domestic and Foreign Investment Improved Disclosure Acts of 1976. Report of the Senate Committee on Banking, Housing and Urban Affairs, together with additional views, to accompany S. 3084. S. Rept. 94-917. May 25, 1976. 49 pp.

International Banking Act of 1976. Report of the House Committee on Banking, Currency and Housing, together with additional and dissenting views, to accompany H.R. 13876. H. Rept. 94-1193. May 26, 1976. 31 pp.

Science, Technology, and Diplomacy in the Age of Interdependence. Prepared for the Subcommittee on International Security and Scientific Affairs of the House Committee on International Relations by the Congressional Research Service, Library of Congress, as part of an extended study of the interactions of science and technology with U.S. foreign policy. June 1976. 492 pp.

Assessing the New Political Trends. Report on the ninth meeting of Members of Congress and of the European Parliament, Dublin, April 21-23, 1976. Submitted to the House Committee on International Relations by Representatives Donald M. Fraser and Benjamin S. Rosenthal. June 1976. 86 pp.

Tariff Treatment of Ferricyanide and Ferrocyanide Pigments. Message from the President of the United States transmitting a report on his determination that the import relief for the U.S. industry producing ferricyanide and ferrocyanide pigments recommended in the April 2, 1976, finding of the International Trade Commission, is not in the national economic interest, pursuant to section 203(b)(2) of the Trade Act of 1974. H. Doc. 94-510. June 1, 1976. 2 pp.

United States-Romanian Trade Agreement Extension. Message from the President of the United States transmitting his recommendation to extend waiver authority applicable to the Socialist Republic of Romania, pursuant to section 402(d)(1) of the Trade Act of 1974. H. Doc. 94-513. June 2, 1976. 5 pp.

Nuclear Proliferation and Reprocessing. Hearing before the Subcommittee on International Security and Scientific Affairs of the House Committee on International Relations. June 7, 1976. 32 pp.

Treaty of Friendship and Cooperation With Spain; Participation by Italy in NATO. Hearings before the Subcommittee on International Political and Military Affairs of the House Committee on International Relations on H.R. 14940 and H. Con. Res. 651. June 8-16, 1976. 124 pp.

TREATY INFORMATION

Current Actions

MULTILATERAL

Antarctica

Recommendations relating to the furtherance of the principles and objectives of the Antarctic treaty of December 1, 1959 (TIAS 4780). Adopted at Oslo June 20, 1975.¹

Notification of approval: South Africa, August 20, 1976.

Aviation

Convention on international civil aviation. Done at Chicago December 7, 1944. Entered into force April 4, 1947. TIAS 1591.

Adherence deposited: Cape Verde, August 19, 1976.

Coffee

International coffee agreement 1976, with annexes. Done at London December 3, 1975.¹

Senate advice and consent to ratification: August 23, 1976.

Ratification deposited: El Salvador, August 11, 1976.

Conservation

Convention on international trade in endangered species of wild fauna and flora, with appendices. Done at Washington March 3, 1973. Entered into force July 1, 1975. TIAS 8249.

Ratifications deposited: Australia, July 29, 1976;

India, July 20, 1976; Norway, July 27, 1976;

United Kingdom, August 2, 1976.²

Accession deposited: Zaire, July 20, 1976.

Energy

Agreement on an international energy program. Done at Paris November 18, 1974. Entered into force January 19, 1976. TIAS 8278.

Notification of consent to be bound deposited: Belgium, July 29, 1976.

Judicial Procedures

Convention on the taking of evidence abroad in civil or commercial matters. Done at The Hague March 18, 1970. Entered into force October 7, 1972. TIAS 7444.

Ratification deposited: United Kingdom, July 16, 1976.³

Load Lines

Amendments to the international convention on load lines, 1966 (TIAS 6331, 6629, 6720). Adopted at London October 12, 1971.¹

Acceptances deposited: Ireland, August 10, 1976; Poland, July 15, 1976.

Maritime Matters

Amendments to the convention of March 6, 1948, as amended, on the Intergovernmental Maritime Consultative Organization (TIAS 4044, 6285, 6490). Adopted at London October 17, 1974.¹

Acceptance deposited: Denmark, July 20, 1976.

Ocean Dumping

Convention on the prevention of marine pollution by dumping of wastes and other matter, with annexes. Done at London, Mexico City, Moscow, and Washington December 29, 1972. Entered into force August 30, 1975. TIAS 8165.

Ratifications deposited: Byelorussian Soviet Socialist Republic, January 29, 1976; Ukrainian Soviet Socialist Republic, February 5, 1976.

Tin

Fifth international tin agreement, with annexes. Done at Geneva June 21, 1975. Entered into force provisionally July 1, 1976.

Ratifications deposited: Indonesia, August 3, 1976; Nigeria, July 6, 1976; Denmark, August 12, 1976.

Wheat

Protocol modifying and further extending the wheat trade convention (part of the international wheat agreement) 1971 (TIAS 7144). Done at Washington March 17, 1976. Entered into force June 19, 1976, with respect to certain provisions, and July 1, 1976, with respect to other provisions.

Senate advice and consent to ratification: August 23, 1976.

Protocol modifying and further extending the food aid convention (part of the international wheat agreement) 1971 (TIAS 7144). Done at Washington March 17, 1976. Entered into force June 19, 1976, with respect to certain provisions, and July 1, 1976, with respect to other provisions.

Senate advice and consent to ratification: August 23, 1976.

BILATERAL

Abu Dhabi

Agreement for technical assistance in connection with a project for collecting and conserving water sup-

¹ Not in force.

² Applicable to Hong Kong (with reservation under Article XXIII), the Bailiwick of Guernsey, the Bailiwick of Jersey, the Isle of Man, Belize, Bermuda, British Indian Ocean Territory, British Virgin Islands, Falkland Islands, Gibraltar, Gilbert Islands, Montserrat, Pitcairn, St. Helena and Dependencies (Tristan de Cunha, Ascension Islands), Tuvalu.

³ With reservation, declarations and designations.

plies from surface runoff, with annexes. Signed at Abu Dhabi July 10, 1976. Entered into force July 10, 1976.

Universal Postal Union

Agreement relating to a procedure for U.S. income tax reimbursements. Effected by exchange of letters at Geneva and Bern May 25 and 26, 1976. Entered into force May 26, 1976; effective January 1, 1975.

PUBLICATIONS

1948 "Foreign Relations" Volume on General Foreign Policy Released

Press release 399 dated August 27 (for release September 4)

The Department of State released on September 4 "Foreign Relations of the United States," 1948, volume I, "General; The United Nations," part 2. Nine other volumes, including two half volumes, have already been published in this series for the year 1948. One remaining half volume (dealing with the U.S. attitude toward the Arab-Israeli controversy in 1948) is in preparation and will be released shortly. The "Foreign Relations" series has been published continuously since 1861 as the official record of U.S. foreign policy.

This half volume of 509 pages contains previously unpublished and generally highly classified documentation on national security policy and the foreign policy aspects of the atomic energy program, as well as the basic lines of foreign economic policy. Of particular note are those previously highly classified documents on the preparation and approval by the National Security Council of major policy reports on U.S. objectives in countering Soviet threats to U.S. security—NSC 7 and the NSC 20 series. Also of high importance are those policymaking steps leading to NSC 30, the National Security Council paper on U.S. policy on atomic warfare. The documentation on foreign economic policy shows how U.S. diplomacy

sought in three international conferences at the time to encourage the expansion of international trade (the two GATT conferences) and to promote full employment (the international trade organization conference at Havana). The efforts by the United States to foster support for the establishment of an international status for Antarctica are also documented.

Part 1 of this volume was published in June 1975. It contains documentation on U.S. policies with regard to the United Nations.

This half volume now released was prepared by the Historical Office, Bureau of Public Affairs. Copies of volume I, part 2, for 1948 (Department of State publication 8849; GPO cat. no. S1.1:948/v. I, 2), may be obtained for \$8.50 (domestic postpaid). Checks or money orders should be made out to the Superintendent of Documents and should be sent to the U.S. Government Book Store, Department of State, Washington, D.C. 20520.

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.

Fisheries—Northeastern Pacific Ocean off the United States Coast. Agreement with the Union of Soviet Socialist Republics. TIAS 8207. 48 pp. 70¢. (Cat. No. S9.10:8207).

Deployment in Bahrain of the United States Middle East Force. Agreement with Bahrain implementing articles 8 and 11 of the agreement of December 23, 1971. TIAS 8208. 4 pp. 35¢. (Cat. No. S9.10:8208).

Civil Emergency Preparedness. Memorandum of Understanding with Iran. TIAS 8209. 7 pp. 35¢. (Cat. No. S9.10:8209).

General Agreement on Tariffs and Trade. Third Certification of Changes to Certain Schedules. TIAS 8214. 756 pp. \$7.05. (Cat. No. S9.10:8214).

Angola. Department Discusses Allegations Regarding Mercenaries in Angola (Schaufele) . . . 341

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**Checklist of Department of State
 Press Releases: August 23-29**

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

No.	Date	Subject
*392	8/23	Study Group 4 of the U.S. National Committee for the International Radio Consultative Committee (CCIR), Sept. 14.
*393	8/24	Shipping Coordinating Committee, Committee on Ocean Dumping, Sept. 15.
*394	8/24	Study Group 1 of the U.S. National Committee for the CCIR, Sept. 28.
*395	8/24	Advisory Committee to the U.S. National Section of the International North Pacific Fisheries Commission, Sept. 27-28, Seattle, Wash.
*396	8/25	Herbert V. Tobias, Jr., awarded Department's Sports Exchange Plaque for basketball-coaching assignments in Africa.
397	8/25	Eleven Military Assistance Advisory Groups to be terminated.
*368	8/25	Correction to press release 368 issued Aug. 7.
*398	8/26	History of U.S.-China cultural relations, 1942-49, published by Department.
399	8/27	"Foreign Relations," 1948, volume I, General; The United Nations, part 2, released.

* Not printed.