

Men, Fish And Ocean Politics

By George C. Wilson

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ABOARD THE SHARON-AND-NOREEN—The fishermen in the fo'c'sle of this dragger bucking through the Atlantic swells had a message for the United Nations delegates who will open the biggest international meeting in history on Thursday.

Neither the fishermen nor the fish, the men said angrily, can wait much longer for the U.N. or anybody else to bring some law and order to the exploitation of the seas. Otherwise, it will be every country for itself.

The 5,000 delegates from 151 nations who will gather at Caracas, Venezuela, for the U.N.'s third Law of the Sea Conference know the fishermen are right. But it is improbable, despite the acknowledged urgency, that the delegates will succeed in writing an acceptable constitution governing two-thirds of the earth's surface — the seas.

The realities of ocean politics threaten to polarize the conference, with the biggest "have" countries — the United States and the Soviet Union — lined up against the "have not" countries backed by China.

For the law of the sea no longer means merely agreeing on who can sail where. Today — in a world running short of food, fuel and minerals — it means agreeing on who can tap what part of the ocean for resources that are running out on land.

"We may see a national race for the control of open oceans and seabeds comparable to the race for the control of land areas of the past three centuries," former Secretary of State Dean Rusk has warned in urging world leaders to update the law of the sea before mankind goes through the "sheer insanity" of another race for riches.

The New England fishermen aboard the Sharon-and-Noreen out of New Bedford, Mass., do not know much about the Law of the Sea Conference; nor the "have vs. have-not" problem, nor Dean Rusk. But they do know a lot about fish and fishing and the ocean politics offshore.

And, in making their case during a three-day sail from Washington to New Bedford, these fishermen portrayed the type of complexities that will bedevil the U.N. delegates and their governments all during the Law of the Sea Conference from June 20 to Aug. 29.

"If our oil guys have the right to drill up to 200 miles off our shores, why shouldn't we fishermen have the same right?" asked Edward E. Longo, skipper of the Sharon-and-Noreen. He sailed the dragger from New Bedford to Washington to lobby for a 200-mile-wide American-controlled fishing zone around the United States.

"If the Russians drilled oil right off four shores like they trawl for fish right now, you'd see something done," Longo said in the Sharon-and-Noreen fo'c'sle.

He felt no better when told that Secretary of Interior Rogers C. B. Morton said recently that it was "a hell of a good question" what the United States would do if the Soviet Union suddenly decided to drill for oil in the international waters off Maryland.

"A farmer—he can plant more next year if he did not raise enough stuff this year," said John C. Botelho, 51, skipper-owner of two other fishing draggers—also called trawlers. "But you can't do that with fishing once you take too many fish. They can't replenish themselves, then."

Haddock have been virtually wiped out by overfishing by foreign fleets off New England, Botelho said. The yellowtail flounder will be gone within three years unless the United States imposes controls for everybody, he added.

Why, Botelho asked in a voice heavy with frustration and pain, is the U.S. government standing by while foreign fleets ruin fishing for all time for everybody off the American coast. The government should appoint itself game warden and post rules for every country to obey when fishing within 200 miles of the U.S. shoreline, he argued.

"You've seen these fine mesh nets these foreign fishing boats use," complained Edward W. DeCosta, 34, engineer on the Sharon-and-Noreen. "How is it fair for our government to tell us to use only a certain size net and then other governments go ahead and use stuff so small it scooped up everything."

"We're getting desperate," Longo said. "In two years I don't think there will be any of the good fish left the way things are going."

Botelho—who has fished the waters off New Bedford for 31 years and reveres the sea to the point that "every trip is a lifetime"—agreed that fishermen are fed up with waiting. "We used to act like babies with pacifiers when people promised us things," he said. "But no more."

New England fishermen allied with a federation of interests called Save the American Fisheries already are lobbying for passage of a bill sponsored by Sen. Warren G. Magnuson (D-Wash.) and Rep. Gerry E. Studds (D-Mass.) to give the United States control of fishing up to 200 miles off

its coast until an international agreement is reached. The bill faces an uncertain future because the Nixon administration contends that going it alone at this point would undermine the Law of the Sea Conference.

Beyond lobbying one picks up rumors that some fishermen go to sea armed in case the competition between American and foreign fleets should escalate to gunfire.

At the moment, the U.S. claims a three-mile-wide band of territorial waters plus nine miles beyond it as an American fishing zone—or a total limit of 12 miles. The U.S. delegation at Caracas will agree to extending the territorial limit from three to 12 miles but oppose designating 138 miles more as an American-controlled economic zone.

The bill would seem to be a net in claiming the Soviet Union could drill for oil as well as fish anywhere beyond that 12-mile limit. But there are some other American claims to the waters of the sea—claims that the Law of the Sea Conference will argue about in Caracas.

On Sept. 28, 1945, President Truman proclaimed that the U.S. continental shelf from the beach to a depth of 600 feet was American territory. He said the same day that the United States also reserved the right to establish American-controlled "conservation zones" for fishing, but did not define them.

In 1958, the U.N. General Assembly went further than the Truman proclamation by defining the shelf as "the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas."

In other words, the General Assembly said, anything a nation can reach, it can take. That is one sense of the "admits of the exploitation of the natural resources" language.

In faulting that loose language, George A. Doumani, in his book, "Ocean Wealth

Policy and Potential," said, "It is evident that the dependence of the delineation of the continental shelf on the technological feasibility of exploiting it can be used as license for encroachment. It has already led to confusion and may well lead to grievances among the nations of the world. Continued encroachment would weaken the effectiveness of international law."

Small wonder, then, that underdeveloped nations meeting at Caracas will try to put a fence around their coastal waters so they can keep the oil and fish for themselves.

Chile, Ecuador and Peru, for example, want to preserve the riches along their Pacific coasts to 200 miles out, with the proviso that foreign ships, submarines and airplanes could still navigate within 12 miles of their shores.

The 33 nations with little or no coastline want vast riches of the "common heritage" oceans divided up among all the nations of the world. They would like to see national claims limited to no more than 40 miles and apply share-the-wealth philosophy to rest of the seas.

One proposal to implement that objective is to establish an international licensing body to control sea mining beyond national ju-

risdictions. That is, out in the deep sea.

Here again competing economic interests and international ocean politics make it difficult for the world to agree on a set of rules.

American sea mining companies, for example, do not want to have to compete for licenses before an international body connected with the U.N. They fear they would come off second-best because the "have-not" nations outnumber and outvote the "have" nations in the General Assembly.

Instead, the mining companies are seeking congressional authority to stake claims to big portions of the seabed.

Because of the complexities and billions of dollars at stake, law of the sea specialists predict the conference will fail to agree on a final treaty at Caracas but will instead settle for refining an agenda for voting next winter in Geneva.

However — and this is important to New England fishermen — the same specialists predict the conference majority will express itself in favor of a 200-mile "economic zone" where individual countries would control the fishing, drilling for oil and seabed mining.

The State Department is resigned to such an economic zone and realizes the Senate is unlikely to approve a Law of the Sea Treaty which does not provide for one. Even the State Department will continue to press at Caracas for apportioning jurisdiction over fishing on the basis of where fish live and travel — the "species approach" which critics contend would be too complicated and difficult to enforce.

The Defense Department is uneasy about 200-mile economic zones, even if territorial waters remain at 12 miles at the outset. Under the "creeping jurisdiction" argument, defense officials fear countries would attempt to extend territorial waters seaward toward the limits of the economic zone — perhaps posing problems for U.S. reconnaissance submarines and aircraft as well as warships.

At the minimum, the Defense Department is insisting as the right of transit through international straits even if overlapping territorial jurisdictions theoretically closed them off.