

CHAPTER 5

MULTINATIONAL UNDERTAKINGS AND PROPOSALS
INVOLVING THE REGION

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Zone Of Peace

As far back as 1964, at the Cairo Non-Aligned Heads of State Conference Sri Lanka (then Ceylon) put forward the proposal that the Indian Ocean be declared a Zone of Peace. It was again mooted at the Lusaka Conference of Non-Aligned States in 1970 and at the 1971 Singapore Conference of Commonwealth Prime Ministers.

At the 1971 Session of the United Nations General Assembly Sri Lanka again put the proposal and the General Assembly resolved -"calling upon all States to consider and respect the Indian Ocean as a zone of peace from which great Power rivalries and competition as well as bases conceived in the context of such rivalries and competition should be excluded, and declaring that the area should also be free of nuclear weapons".

The United Nations General Assembly during its 1972 Session adopted a resolution establishing an Ad Hoc Committee on the Indian Ocean with 15 nations as members "..... to study the implications of the proposal, with special reference to the practical measures that may be taken in furtherance of the objectives of the resolution.....".

The 15 members of the Ad Hoc Committee are Australia, China, India, Indonesia, Iran, Iraq, Japan, Madagascar, Malaysia, Mauritius, Pakistan, Sri Lanka, Tanzania, Yemen Arab Republic and Zambia. In 1974 the Ad Hoc Committee was enlarged to 18 member nations with the inclusion of Bangladesh, Kenya and Somalia.

The Ad Hoc Committee under Sri Lanka's chairmanship met during 1973 and has reported to the General Assembly in subsequent years. In 1973 the General Assembly asked for "a factual statement of the great Powers' military presence in all its aspects, in the Indian Ocean, with special reference to their naval deployments, conceived in the context of great Power rivalry". The first report in 1974 was criticised by the superpowers and a number of littoral states over content and assessments, a subsequent revised report showing the sources of references was accepted later that year. The report requested that the littoral and hinterland states of the Indian Ocean enter into consultations to decide on the convening of a conference on the Indian Ocean, and invited the superpowers to co-operate with the Committee. At the 1975 Session of the General Assembly it was agreed that such a conference should be held but did not stipulate where, when or who the participants should be. Recently a circular letter from the Chairman of the Ad Hoc Committee on the continuation of consultations on the convening of the conference was replied to by Australia in the following terms:-

"The Australian Government welcomes the opportunity, which you have presented to continue consultations with other Indian Ocean littoral and hinterland states which last year's General Assembly requested in its Resolution 3468 (XXX).

These consultations to date have been marked by the wide recognition of the need to seek the co-operation of all groups of states with a legitimate interest in the region. The Australian Government believes that the shared objective of reduced tension and greater security within the region can only

be achieved if the agreement and co-operation of the Great Powers and major maritime users, as well as that of the littoral and hinterland states, is assured. We believe that it would be counterproductive and damaging to this objective to proceed with the convening of a conference on the Indian Ocean until a basis for such agreement had been firmly established through preliminary consultations. As yet, no such basis exists. We believe, however, that the Ad Hoc Committee on the Indian Ocean, in which Australia will continue to seek to play a constructive role, should continue to concentrate its endeavour towards defining and formulating realistic proposals that might constitute the basis of such agreement".

The United States and the Soviet Union have shown no inclination to enter into consultations with the Ad Hoc Committee.

It is evident that while the concept of a Zone of Peace is a fine ideal, in practical terms there are overriding considerations which will continue to inhibit the concept from becoming a reality. Evidence received by this Committee clearly indicates that few of the littoral states would wish to see the withdrawal of one or the other of the superpowers from the Indian Ocean, if one is there they feel the other should be present. At the same time no state has expressed a desire to see an escalation of superpower presence. An added point of concern to the littoral states, in the unlikely event of a joint superpower withdrawal from the Indian Ocean, is the vacuum that it would create. A number of the littoral states harbour suspicions that a regional escalation of military strength would

ensue with nations such as India and Iran competing to fill the vacuum and dominate the region.

The Committee has received evidence to suggest that while the Zone of Peace proposals demonstrate the assertions of the littoral states for a right to express their opinions on what happens in the region, there are no cohesive tangible plans to implement the concept.

The August 1976 Non-Aligned Summit Conference in Colombo again called for a Zone of Peace for the Indian Ocean but apart from that no firm plans for its implementation were put forward. Until there is agreement among the proponents of the concept it will in effect remain shelved, in fact the Committee in evidence has had put before it a contention that India's explosion of a nuclear device in 1974 has destroyed the Zone of Peace concept as a possibility among the littoral states at this stage.

It is not the Committee's intention to be critical of the attempts to establish the Indian Ocean as a Zone of Peace, but to point out the very complex issues that have a bearing on achieving the result. Australia as a member of the Ad Hoc Committee supports the principle and seeks to assist regional nations in presenting their views and in formulating proposals that, it is hoped, could alleviate the problems of security and clear doubts existing in the Indian Ocean region.

Law of the Sea

The Third United Nations Conference on the Law of the Sea which concluded its Fourth and Fifth Sessions in 1976 vitally concerns not only the nations of the Indian Ocean littoral but has international ramifications. The need for a successful conclusion is paramount with its ambition being the establishment of a convention defining the orderly use of oceans.

The Third Session in 1975 produced a Single Negotiating Text, the revised form of which was the basis for negotiations in the 1976 Sessions. The Text makes provision for a 12 mile territorial sea, a further 188 mile economic zone and a continental shelf extending to the outer edge of the continental margin or 200 miles,⁽¹⁾ whichever is the greater. Effectively this gives coastal states and islands:-

- (a) sovereignty over the territorial sea, subject to the right of innocent passage;
- (b) the exclusive right to exploit the non-living resources of the continental shelf subject to the possible sharing of certain of the revenues;
- (c) the exclusive right to fish in the economic zone subject to an obligation to allow other states access to the surplus of the allowable catch;
- (d) some control over scientific research conducted in the economic zone;

(1) The Negotiating Text describes distances in nautical miles.

- (e) responsibility to protect and preserve the marine environment in the economic zone.

Although the Fifth Session made some progress in negotiations a basis for the convention was not concluded and the recommendation is to hold a further session in 1977. The convention will greatly increase the rights and responsibilities of coastal states and the whole international community will be able to participate in the exploitation of ocean resources beyond national jurisdiction through the proposed International Seabed Authority. However, basic differences remain between developing and developed countries over the powers of the Authority.

Another area of vital concern is the rights of passage for ships and craft through straits and archipelagos. This issue is of particular significance to the relevant areas of the Indian Ocean and their importance as the most convenient points of entry and exit for shipping. Major maritime states support the concept of free transit passage for ships and aircraft passing through and over straits used for international navigation. The states bordering the straits call for certain restrictions including the requirement for submarines to pass through straits on the surface.

The complexity and multiplicity of issues involved along with diverging views from participating states have not allowed the 1976 Sessions of the Conference to make the progress that was anticipated. The longer the Conference takes the less likelihood there is of negotiating a convention. If the Law of

the Sea Conference is unsuccessful in reaching final agreement there is a very real danger that participating states will take unilateral action and extend their own zones of sovereignty in the waters off their coasts. There is already a growing tendency among some nations to declare a 200 mile economic zone, Iceland and Mexico having already enforced a 200 mile fisheries declaration. The United States will have a 'fishery conservation zone' of 200 miles coming into force by March 1977 and it is reported that India, Norway, France, Canada and South Pacific nations have plans for extending their interests to a 200 mile zone. Where fisheries are concerned it appears that the sovereign states are prepared to negotiate with other states wanting to fish within such zones.

Australia is hoping for a successful outcome to the Law of the Sea Conference, if this does not eventuate it may be necessary to act unilaterally but in consultation with neighbouring nations. It may be that the trend towards unilateral action could act as an incentive for participating nations at the Conference to expedite their efforts to reach an acceptable result.

Antarctica

The Indian Ocean is bounded in the south by Antarctica. The continent is geographically remote from the remainder of the Indian Ocean littoral. An objective of the Antarctic Treaty of 1961 was to ensure that Antarctica did not become the scene or object of international discord. The Consultative Parties to that Treaty include both the US and the USSR, all the claimants of territory in Antarctica and a number of other countries such as

Japan. Under the Treaty the continent is to be used for peaceful purposes only and all measures of a military nature and the testing of all types of weapons is prohibited. The Treaty also provides a framework for co-operation in scientific research among the twelve Consultative Parties. Another provision in the Treaty is for "freezing" claims to national sovereignty over territory in Antarctica. These provisions have worked to isolate the continent from national rivalries which prevail elsewhere. However, the interest which has been shown in recent years in the possibility of exploiting the living and non-living resources of the continent suggests that Antarctica may not always remain remote from international politics.

Australia's main interest in the Antarctic revolves around its claim to the Australian Antarctic Territory which covers almost half of the continent. The Territory has been administered by Australia since 1936. Australia has established a number of permanent bases in the Territory from which it conducts exploration activity and pursues a scientific program.

ASEAN and ZOPFAN

The Association of South East Asian Nations (ASEAN) in 1971 signed a declaration calling for a Zone of Peace, Freedom and Neutrality (ZOPFAN) in South East Asia. ASEAN and the ZOPFAN concept refer to South East Asia and therefore geographically have connotations for the Indian Ocean region.

Australia has close ties with ASEAN countries and regards the association as a significant contributor to regional development and stability. We have provided financial assistance to foster economic co-operation between ASEAN as an entity and

Australia. The underlying principles of ASEAN and the ZOPFAN concept are the same, peaceful development, regional harmony and stability, and while Australia agrees with these aims the concept in itself is not sufficient to guarantee stability and the evolution of a region where external powers will restrain their involvement. In August 1976 at the Fifth Non-Aligned Nations summit conference Laos and Vietnam spoke against ASEAN and when calling for peace in the region omitted any reference to ZOPFAN. That rejection of ASEAN by Laos and Vietnam indicates that an improvement of relations between these countries may take time or would be more feasible and acceptable to those communist countries on a bilateral basis. A further example of the uncertainties affecting the stability in South East Asia and the differing concepts that prevail for a zone of peace.

As far as Australia's role with ASEAN is concerned the Committee supports our efforts at strengthening relations, but on a more cautious note, cannot see that at this time it would be wise for ASEAN to identify too strongly its affinity with Australia while trying to improve its relations with the newly established communist regimes in Vietnam, Laos and Cambodia. We are too well known as an established member of the Western alliance.