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E.O. 12958, Sec.3.5  
NW 21242  
By AD/HR-M Date 1/23/04

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PA/HO Department of State  
E.O. 12958, as amended  
July 12, 2005

April 2, 1969

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TO: The Secretary  
THROUGH: S/S  
FROM: IO - Samuel De Palma  
SUBJECT: Status of Deep Seabed Problem in UN. INFORMATION  
MEMORANDUM

The Standing UN Committee on the Exploration and Use of the Deep Seabed completed its first substantive meeting on March 28. It will meet again in August to frame recommendations for the 1969 General Assembly. David Popper, our spokesman in the Committee, believes the following are the main problems ahead.

The Committee does most of its work in two Subcommittees, one on Legal Matters and one on Economic and Technical Matters. In both Subcommittees, at this stage, the bulk of the activity is designed to present and clarify issues and to educate the 42 Committee members as to the potentialities and limitations of the utilization of the deep seabed.

It is apparent from the March sessions that the tempo of UN work on the problem is accelerating, and that we will have to advance the clarification of our own views correspondingly.

We must therefore anticipate early discussion within the U.S. Government, and consultations with other leading countries on the Seabeds Committee, on the following range of subjects:

1. Legal Principles. The prospects look fairly bright for broad agreement on some general legal principles with respect to the utilization of the seabeds, covering such matters as the existence of an area beyond national jurisdiction, reservation of this area for peaceful purposes (as we interpret the term), stipulation that the area be used in the common interest, etc. The adoption of a brief set of general principles could be the principal accomplishment

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of the General Assembly in the seabeds field for this year.  
It would not restrict any of our ongoing activities.

2. Limit of National Jurisdiction. At the March meeting, Ambassador Pardo of Malta, initiator of the UN Seabeds item, projected this issue to the forefront, though the Committee is as yet far from ready to take action on it. This ties in with our concern to obtain agreement on a moratorium on national claims to progressively greater areas of the deep sea bottom, pending some agreement on an international legal regime for the seabed and some agreement on the legal limit of the Continental Shelf. If our current efforts to establish the principle of a moratorium within the U.S. Government are successful, we will want to press the idea at the August meeting and in the General Assembly.

3. International Regime or Machinery. In the March meetings, underdeveloped countries belonging to the Committee sought to move ahead with plans for international machinery designed to assure that the bulk of the profits from exploration of the sea bottom outside national jurisdiction should be used for their benefit. The arrangements these states contemplate reflect unrealistic expectations of vast revenue quickly attainable, and ignore the financial incentives and legal guarantees which will be required if we are gradually to enter this environment. Since the Soviet Union and our Western allies will join with us in applying the brakes to this conception, we expect a successful delaying operation to take place. At the same time, we will have to begin to consider the type of arrangements under which, some day, our industry could begin to exploit sea bottom resources outside whatever limit of national jurisdiction we may assert. This subject will be featured in the August Committee session.

4. Arms Control. We believe we can continue to support general language limiting use of the seabed to peaceful purposes, under our interpretation -- based on a similar situation as regards outer space -- to the effect that this permits any military activities not specifically prohibited by treaty. We mean to continue to center sea bottom arms control treaty negotiations in the Geneva ENDC, and not in the Seabeds Committee.

IG:DHPopper:jag

cc: U, J, C

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