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

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THE SECRETARY OF STATE  
WASHINGTON

July 9, 1969

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MEMORANDUM FOR MR. HENRY A. KISSINGER  
THE WHITE HOUSE

Subject: Law of the Sea

I do not share the view expressed in Secretary Laird's memorandum of July 1 to you that it would be useful at this time to have the National Security Council attempt to reach decisions on the "order of priority" to be accorded some of the various questions in which we are now engaged in negotiations involving in varying degrees the law of the sea. In addition to the subjects mentioned in Secretary Laird's memorandum, there are now additional questions such as those involving the Canadian claims, jurisdictional boundaries in the Red Sea, etc., and there will undoubtedly be others in the future. My own view is that it is not practical nor should we seek to establish "priorities" between these various subjects, but we should deal with each on its own merits with a proper regard for their relationship to each other.

With respect to the specific items mentioned by Secretary Laird, our efforts to see whether or not sufficient measure of agreement can be reached to make it worthwhile to seek a worldwide law-of-the-sea conference, which would discourage unilateral claims and promote our objective of maximum freedom of navigation for our naval and merchant ships and aircraft, have been and will continue to be the subject of full inter-departmental consultation and agreement.

The fishing conference with the west coast South American states is scheduled to open July 30. As you know, we certainly have no intention of changing our position with respect to the claims of those states regarding territorial waters or fisheries jurisdiction, but rather intend to work out a modus vivendi which will give better protection to our fishing interests and remove a

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source of irritation and friction in our relations with these states. Our positions in that conference will, of course, be fully coordinated with the other departments and agencies, including Defense.

With respect to the seabeds question being considered in the United Nations, there has been in existence since February, 1968, a committee (CIPME)\*, now chaired by Alexis Johnson, which has been very actively working on attempting to reconcile the many conflicting American private, Government and Congressional interests involved in this complex subject. Looking toward obtaining the information required for what will ultimately have to be a Presidential decision on this question, the Committee has authorized nine research projects most of which are now under way within the Government and one under a contract being negotiated with Brookings Institution. In the meantime, the only questions involved are the next steps to be taken in the United Nations to preserve our freedom of action pending decision on our ultimate position. These steps present troublesome questions which continue under discussion within the framework of the Committee. However, I am not aware of any differences between State and Defense on this matter. Rather, it is my impression that both Departments are in agreement and the difficulties that have arisen have been primarily with the Department of Interior. Vigorous efforts are being made to resolve these differences without the necessity of bringing them to the President for decision. In the meanwhile, the State Department has most emphatically not "compromised" in the U.N. "an agreed U.S. position on the continental shelf boundary."

The negotiation in the ENDC in Geneva on a seabed arms control agreement has already been the subject of two NSC meetings, and as the situation develops in Geneva the NSC mechanism will, of course, be fully utilized in determining our positions on this important disarmament question.



William P. Rogers

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\*Committee on International Policy in Marine Environment