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Authority	IND 969030
By	AL NARA Date 9/30

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



DEPARTMENT OF STATE

Washington, D.C. 20520

MEMORANDUM~~CONFIDENTIAL~~

APR 14 1971

TO : The Secretary

THROUGH: S/S

FROM : L - John R. Stevenson ⁹²¹

SUBJECT: U.S. Position on 200 Mile Territorial
Sea Claim - INFORMATION MEMORANDUM

The fundamental position of the United States on the issue of the extent of the territorial sea is that this matter is one which must be settled through international agreement rather than through unilateral action by individual States. The traditional three mile territorial sea is recognized by the United States as the only existing international norm. The establishment of a new norm can be achieved only through broad multilateral agreement. The United States is hopeful that the United Nations Law of the Sea Conference scheduled for 1973 under UN Resolution 2750C (XXV) of December 17, 1970, will succeed in defining, inter alia, the maximum permissible breadth of the territorial sea. Attempts to reach this agreement on this issue at the two previous LOS Conferences in 1958 and 1960 narrowly failed, in the latter case by one vote.

Since 1952, nine countries have unilaterally extended their territorial sea or fishery jurisdiction to a limit of 200 miles. In each such instance, the United States has filed a formal protest, setting forth its view that these attempts to extend jurisdiction unilaterally in the absence of international agreement are without basis in international law,

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and reserving its rights and those of its nationals on the high seas beyond the traditional three mile limit.

With respect to the specific question of fisheries, the United States and a large majority of other countries recognize the right of a coastal State to exercise exclusive fishery jurisdiction to a distance of 12 miles from shore. In 1966 the United States established an exclusive fishery zone of nine miles contiguous to the three mile territorial sea by legislation (16 U.S.C. 1091). Beyond 12 miles, fishing vessels may exercise their right to fish on the high seas without interference unless the country whose flag they are flying has entered into an international agreement under which this freedom is restricted. The United States has entered into several such bilateral and multilateral agreements for the purpose of conserving the fishery resources off our shores and around the world.

During the past twenty years a large number of U.S. fishing vessels have been seized by countries claiming 200 miles fishery jurisdiction limits, notably Ecuador and Peru. During 1971 alone, Ecuador has made 24 seizures and Peru one. These seizures are damaging not only to the U.S. fishing industry directly affected, but also to the broader economic and security interests of the United States in Latin America.

In an effort to overcome the problems caused by these continued seizures, the United States has offered to negotiate a practical solution with the countries of Chile, Ecuador and Peru, pending any resolution of the underlying issue through international agreement. Quadripartite talks have been held in Buenos Aires in August, 1969, and September, 1970, in an effort to reach agreement. Although no final agreement has as yet been reached, there has been some progress and further four party discussions are scheduled to be held before July 31, 1971.

In addition to the negotiation of a practical solution, the United States has proposed from time

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to time that this fishing dispute be submitted to the International Court of Justice for adjudication. This offer has not been accepted by any of the 200 mile countries affected. Pending a resolution of the basic issues through adjudication or international negotiation, the United States will continue to support its long standing position consistent with existing international law.

Clearance:

L/OA - Mr. Oxman

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