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By AR NARA Date 10/27DECLASSIFIED
PA/HO Department of State
E.O. 12958, as amended
July 12, 2005~~CONFIDENTIAL~~THE SECRETARY OF DEFENSE
WASHINGTON

1 JUL 1969

MEMORANDUM FOR THE SPECIAL ASSISTANT TO THE
PRESIDENT FOR NATIONAL SECURITY
AFFAIRS

SUBJECT: Law of the Sea

Several important related problems are now being worked on in the Executive Branch without, in my opinion, adequate agreement or understanding at the highest levels of the order of priority which these subjects should be accorded.

The problems are the following:

- (1) U.S. /Soviet preparations for attempting to convene a worldwide law of the sea conference to fix the limit of territorial seas at 12 miles and insure free passage through straits by ships and aircraft;
- (2) A dispute with Peru ostensibly over fishing but against the background of a 17-year old, 200-mile territorial sea claim;
- (3) U. N. discussions on an eventual treaty governing the use of the seabeds -- more particularly the question of where to locate the boundary between the deep seabeds and the continental shelf;
- (4) Negotiations in the ENDC in Geneva on a seabed arms control Agreement which would involve fixing a limit similar to a territorial sea boundary;

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(5) U.S. domestic pressures to expand U.S. jurisdiction over the continental shelf (the oil industry) and to expand U.S. jurisdiction over the sea (the fishing industry).

DOD views and State Department views at present do not coincide on how ultimately the Peruvian fisheries matter should be handled since DOD does not want anything done which would be prejudicial to our worldwide law of the sea efforts with the Soviet Union.

Moreover, an agreed U.S. position on the continental shelf boundary is now being compromised in the U.N. because the State Department has not endorsed a previously introduced U.S. proposal or taken the lead on it, to wit, that there be international agreement on a precise boundary for the continental shelf. Many nations are now on the verge of unilaterally declaring wide continental shelves. U.S. failure to propose a moratorium on new claims and to endorse and sell its previously introduced position on the need for international agreement may precipitate dozens of new claims in the next several months. The prospect of unilateral claims is anathema for DOD since it was our own 1945 Truman Proclamation on the Continental Shelf which has brought about the present dangerously chaotic situation for traditional freedoms of the seas.

Action in any of these areas affects the other areas. It is, therefore, urgent that the National Security Council address and decide law of the sea priorities. Accordingly, I would appreciate it if a NSSM was prepared on an expedited basis.

If you concur, my staff and yours can be in touch with a view to drafting appropriate questions to be studied.

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