

DECLASSIFIED

Authority EG 12958
By AR NARA Date 01/27DECLASSIFIED
PA/HO Department of State
E.O. 12958, as amended
July 12, 2005

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

ACTION~~SECRET~~

March 26, 1970

MEMORANDUM FOR DR. KISSINGER

FROM: Robert E. Osgood *ROE*

SUBJECT: Seabeds Convention

State, Defense, and USUN believe that the urgency of a Presidential decision and announcement of a US position on the seabeds convention is undiminished by the adjournment of the UN Seabeds Committee. They believe that the announcement of our position -- providing that it is the Richardson or DOD position -- should still be made as soon as possible (preferably within a week or two) and that the diplomacy surrounding the announcement can be managed adequately despite the Committee's adjournment.

Several recent developments add to the urgency of a decision:

- (a) The UK has learned that the President is being asked to make a decision that might basically change our stance on the seabeds issue and has nervously inquired about the accuracy of the rumors to this effect while emphasizing its desire to be consulted in advance of any US announcement, consistent with the UK's agreement with us not to announce its leaning toward a broad boundary position. US representatives, in responding to the British, have fuzzed the reality without denying it and have promised to notify the British before any announcement. No one expects that the British would openly oppose a US position for a narrow boundary and an international regime beyond. The significance of this development is simply that it indicates that there may soon be other nations which, in anticipation of a Presidential decision, will be snooping and lobbying.
- (b) Canada has agreed to delay until after Easter recess introduction of the prospective legislation that would be contrary to our legal view of national jurisdiction on the oceans. We shall be in a better position to restrain the Canadians

~~SECRET~~

DECLASSIFIED

Authority EG 12958
By AR NARA Date 10/27DECLASSIFIED
PA/HO Department of State
E.O. 12958, as amended
July 12, 2005~~SECRET~~

-2-

if the President has by that time announced an internationally appealing position on the seabeds and law of the sea issues. (If we were to come out for a broad boundary or any position that would be interpreted as grabbing for ourselves exclusive management of the resources of the whole continental shelf off our shores, we would, of course, be in a very poor position to insist on Canadian restraint.)

- (c) ~~U~~ Confirmed but undoubtedly accurate reports indicate that New Zealand has just issued a lease (to what firm, I am not sure) for exploitation on its continental margin at a depth of over 1300 feet, which is far beyond the 200-meter isobath and will be taken as an important event in interpreting the extent of national sovereign rights beyond the 200-meter boundary under the Geneva Seabeds Convention of 1958.
- (d) Brazil has just followed up its recent claim of sovereign rights over the entire continental margin off its shores (including its right to prohibit military activities in the area) with an announcement that its territorial sea boundary extends to 200 miles. This example of uncontested creeping jurisdiction is bound to have an effect in Latin America and elsewhere.
- (e) On April 8 Senator Metcalf, who has been pressuring the US to take a position on the seabeds issue, is scheduled to start hearings on this issue in the Subcommittee on the Outer Continental Shelf of the Senate Interior Committee. Interior and Defense will testify. This will expose, once more, an internal hassle in this government and perhaps put the President in a bad light, if not in a difficult position.
- (f) The Wall Street Journal, I am told, is about to publish a long piece on the seabeds issue which will say that the President is being urged to make a decision, that there is considerable internal controversy about the decision, and that he ought to support a narrow boundary and international regime.

These developments, in my view, indicate that the President, unless he wishes to support Interior's position, ought to make a decision on the US

~~SECRET~~

DECLASSIFIED

Authority EG 12958
By AR NARA Date 10/27DECLASSIFIED
PA/HO Department of State
E.O. 12958, as amended
July 12, 2005~~SECRET~~

-3-

position concerning a seabeds convention within a week. This means that if he is to have the option of supporting a position other than Interior's, he ought to be alerted to the necessity of making a decision in the very near future, lest this complicated issue burst upon him out of the blue. It also means that we should meet with Ehrlichman as soon as possible.

RECOMMENDATIONS:

1. That this weekend you inform the President in a general way of the issue that he will soon be called upon to resolve and alert him to the internal and external pressures for determining the US issue on a seabeds convention as soon as possible.

Approve _____

Disapprove _____

2. That you make an arrangement for us to meet with Ehrlichman on Monday.

Approve _____

Disapprove _____

~~SECRET~~