

THE WHITE HOUSE
WASHINGTON

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July 12, 1969

MEMORANDUM FOR THE UNDER SECRETARY OF STATE

SUBJECT: Review by the Under Secretaries Committee of the coordination of U.S. policy on the law of the sea treaty with U.S. policies on (a) a resolution of the Peruvian fishing rights dispute, (b) a definition of the boundary between the continental shelf and the deep seabeds, and (c) a seabeds arms control agreement.

I believe that there is a need to coordinate as soon as possible the U.S. position on the law of the sea treaty with U.S. policies on three other prospective agreements, and I therefore suggest that the Under Secretaries Committee review this matter.

I. Peruvian fishing-rights dispute.

The U.S., Peru, Ecuador and Chile will meet July 30 in a quadripartite fisheries conference. It is therefore urgent that the U.S. negotiating position be formulated as soon as possible, and coordinated with our policies toward the law of the sea treaty. In the event there is a conflict between the two which can not be reconciled among the departments, the matter should be referred to a higher level for resolution.

To these ends I suggest that the Under Secretaries Committee:

1. Determine whether the proposed negotiating position of the U.S. at the quadripartite conference on fishing rights will

- (a) sanction the juridical claims of Peru, Ecuador, and Chile to a territorial sea boundary beyond 12 miles, and/or

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(b) conflict with Article 3 of the law of the sea treaty in such a way as to jeopardize passage of this treaty.

2. If either or both of these consequences seem likely,

(a) determine whether the U. S., through its negotiating position and other policies, can reconcile resolution of the fishing-rights dispute with the law of the sea treaty, or

(b) refer to higher authority for guidance on whether to give priority to one objective or the other.

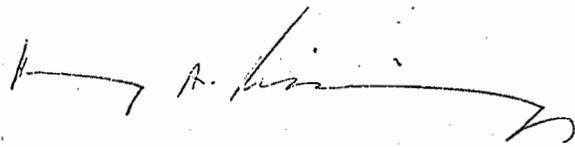
II. Definition of the Continental Shelf.

The Under Secretaries Committee should determine the position of the U. S. in UN discussions of the boundary between the continental shelf and the deep seabeds and, at the same time, reconcile this position with the U. S. position on the law of the sea treaty. If such reconciliation is unfeasible, it should refer the issues to a higher level for resolution.

III. Seabeds arms control agreement.

A possible conflict between the U. S. position on a seabeds arms control agreement and the law of the sea treaty would arise if the U. S. were to concede a 12-mile limit to the seabed arms control zone instead of the present position in favor of a 3-mile limit, since this would undermine our 3-mile bargaining position for attaining a suitable agreement on narrow straits in the law of the sea treaty.

The Under Secretaries Committee should see that the U. S. negotiating positions on these two agreements are coordinated so as to avoid jeopardizing one or the other agreement.

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