

DECLASSIFIED

Authority NND 979503By CE NARA Date 1-26-04

12342

*Walter*  
DEPARTMENT OF STATE

Washington, D.C. 20520

~~LIMITED OFFICIAL USE (NO/FORM)~~

Copies To:  
S/S-S:CMS

COMMITTEE ON INTERNATIONAL POLICY  
IN THE MARINE ENVIRONMENT

AUG 11 1969

FOR MEMBERS OF THE COMMITTEE:

There is attached for your records a copy of a Draft Resolution on seabed principles which our Delegation to the UN Seabeds Committee has been authorized to use in discussions with other delegations and to draw upon and/or table in the UN Seabeds Committee at a time deemed by our Delegation to be most advantageous, and a copy of an Executive Branch Understanding on Boundary Principle, i.e., paragraph 3.a. of the Draft Resolution.

Agreement on the Executive Branch Understanding was arrived at by discussions between the Department of State and the Departments of Defense, Interior and Commerce following discussions earlier this year in CIPME meetings.

*U. Alexis Johnson*  
U. Alexis Johnson  
Chairman

## Attachments:

1. Draft Resolution
2. Executive Branch Understanding

cc: The Honorable  
Christopher H. Phillips  
U.S. Mission  
New York

~~LIMITED OFFICIAL USE (NO/FORM)~~

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

DECLASSIFIED

Authority WMD979603By CC NARA Date 1-26-04~~LIMITED OFFICIAL USE~~

August 9, 1969

DRAFT RESOLUTION INCLUDING LEGAL PRINCIPLES ON THE SEABED

The General Assembly:

1. Declares that there is an area of the seabed and ocean floor and the subsoil thereof, underlying the high seas, which is beyond the limits of national jurisdiction (hereinafter referred to as "this area");

2. Declares further that in the exploration and use of this area states should be guided by the following principles:

a. Exploration and use of this area shall be carried on for the benefit of mankind as a whole, irrespective of the geographical location of states, taking into account the special needs of the developing countries;

b. This area shall be free for exploration and use by all states on a basis of equality and in accordance with international law;

c. No part of this area shall be subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means;

d. This area shall be reserved exclusively for peaceful purposes; and

e. Activities in this area shall:

(i) be conducted in accordance with international law, including the Charter of the United Nations, and in the interest of maintaining international peace and security and promoting international cooperation, scientific knowledge, and economic development; and

(ii) avoid unjustifiable interference with the exercise of the freedoms of the high seas by other states and their nationals, or with the conservation of the living resources of the seas, or any interference with fundamental scientific research carried out with the intention of open publication.

3. Recommends

~~LIMITED OFFICIAL USE~~

(until released by U.S. Delegation to  
UN Seabeds Committee)

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

DECLASSIFIED

Authority MND979603  
By CC NARA Date 1-26-04~~LIMITED OFFICIAL USE~~

-2-

3. Recommends to the Seabeds Committee for guidance with respect to the delineation of this area:

a. There should be established, as soon as practicable, and taking into account relevant international law, an internationally agreed precise boundary for this area; and

b. Exploitation or other use of any portion of the seabed and the ocean floor prior to establishment of the boundary shall not prejudice its eventual location.

4. Further recommends to the Seabed Committee for guidance concerning a legal regime for this area:

a. There should be established, as soon as practicable, an internationally agreed regime governing exploitation of this area;

b. The regime should provide due protection for the integrity of investments in exploitation of this area undertaken prior to establishment of its boundary;

c. The regime should include provisions for:

(i) the orderly development of resources in a manner reflecting the interest of the international community in the development of these resources;

(ii) conditions conducive to the making of investments necessary for the exploration and exploitation of this area;

(iii) dedication as feasible and practicable of a portion of the value of the resources recovered from this area to international community purposes; and

(iv) accommodation among commercial and other uses of the deep ocean floor and marine environment.

~~LIMITED OFFICIAL USE~~

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

DECLASSIFIED

Authority WND979503By CG NARA Date 1-26-04~~LIMITED OFFICIAL USE (NO/FOUO)~~Executive Branch Understanding  
on Boundary Principle

"3.a. There should be established, as soon as practicable, and taking into account relevant international law, an internationally agreed precise boundary for this area;"

The following numbered paragraphs reflect the understanding of the signatory agencies as to the intent and purpose of the above boundary principle. These understandings will not be released outside the Executive Branch, but may be utilized as a framework or as guidelines within which future U.S. positions could be developed if such becomes necessary or appropriate. The exposition and explanation of these Principles to members of the UN Seabeds Committee, Congressional committees, etc., will be consistent with these understandings.

(1) The Principle does call for the definition of a precise boundary;

(2) The Principle is intended to support the U.S. objective of maintaining the full range of options with respect to the location of the boundary and the process by which the location will be defined. With respect to location these options are understood to include coastal state jurisdiction over seabed resources in a wide zone extending perhaps as far as the landward portion of the continental rise, or to a fixed distance; a narrow zone extending to a 200 meter isobath or perhaps slightly beyond, or to a fixed distance; or to a narrow zone combined with a transitional zone. With respect to the process by which the boundary would be defined these options are understood to include

(1) a formal international agreement such as a protocol or  
amendment

~~LIMITED OFFICIAL USE (NO/FOUO)~~

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

DECLASSIFIED

Authority NND979503  
By CC NARA Date 1-26-04~~LIMITED OFFICIAL USE (NO/FOUO)~~

-2-

amendment to the Convention on the Continental Shelf or a new Treaty; or (2) interpretation, such as might be achieved by parallel uniform ex parte declarations by the coastal states parties to the Continental Shelf Convention and such additional states as care to join them; or (3) such other options as may subsequently be agreed to by the Executive Branch.

It is further understood that the adoption by the General Assembly of this Principle would be without prejudice to the location of the limit of national jurisdiction, the validity of past claims or the rights of states to assert boundaries for their continental shelves under international law if the efforts to achieve a precise boundary by acceptable international agreement prove unsuccessful within a reasonable period of time.

During the time a precise definition of a boundary is being sought under this Principle the United States, while not wishing to inhibit further exploration and exploitation of the natural resources of the seabed, will neither recognize nor accept as binding upon itself or its nationals assertions of national jurisdiction to the seabeds which appear prejudicial to maintaining the full range of options referred to above. The United States will appropriately so notify countries making such assertions.

~~August 8, 1969~~~~LIMITED OFFICIAL USE (NO/FOUO)~~

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