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Authority EG 12958
By AR NARA Date 10/27

MEMORANDUM

THE WHITE HOUSE

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WASHINGTON

INFORMATION

September 12, 1969

MEMORANDUM FOR DR. KISSINGER

FROM: Robert E. Osgood *ROO*

SUBJECT: Continental shelf boundary

The U. S. Government still lacks a united position in negotiations at the UN to define the boundary between the continental shelf and the deep seabeds. As I have explained in previous memoranda (Tab A), a compromise on wording between the Department of State and the Department of Interior fails to satisfy the Department of Defense. DOD insists that holding open the option of a narrow boundary or indeed of any "internationally agreed" boundary that can stop a rash of unilateral claims depends on reaching an agreement by treaty. State and Interior have agreed in an executive understanding that a treaty is just one of several ways -- including unilateral ex parte declarations -- to achieve an internationally agreed boundary. This difference is apparent at the UN, where the absence of a definite American position is leading to endless and fruitless discussions while unilateral claims proliferate.

The difference within the Government of this seemingly legalistic yet quite substantive question is bound to receive increased publicity if it is not soon resolved. According to your memorandum of July 12 (Tab B), the difference should be resolved by the Under Secretaries Committee.

In testimony on July 30 before Senator Pell's Subcommittee on Ocean Space, of the Senate Foreign Relations Committee, the divergent positions of State and DOD were explicitly put on record by Alexis Johnson and Warren Nutter. That testimony, with some strong statements of criticism by Senator Pell, will soon be released.

Several other Congressional hearings will soon be dealing with this and other issues relating to ocean resources. On September 23 and 24, for example, joint hearings before the Subcommittee on Commerce will be held. The prospect is either that these hearings will once more reveal the USG at odds with itself or that they will indicate that the State-Interior position is the USG's position.

In addition to this unresolved difference on the international procedure for defining the continental shelf boundary, there is another unresolved

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difference that the Under Secretaries Committee is supposed to resolve: DOD insists upon the necessity of the U. S. supporting a moratorium on unilateral claims; State and Interior have not agreed to this.

Probably DOD will be requesting a meeting of the Under Secretaries Committee. Their representative has made it clear that he would prefer you to request such a meeting. I suppose, however, that you do not want to be in that position; hence, this is an information rather than an action memorandum.

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