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 A/ISS/IPS, Department of State
 E.O. 12958, as amended
 December 18, 2008

THE PRESIDENT HAS SEEN...^{PK}

THE WHITE HOUSE
 WASHINGTON

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ACTION

November 30, 1973

MEMORANDUM FOR THE PRESIDENT

FROM: Henry A. Kissinger ^{HK}

SUBJECT: Instructions for U. S. Delegation to Organizational Session of the U. N. Law of the Sea Conference

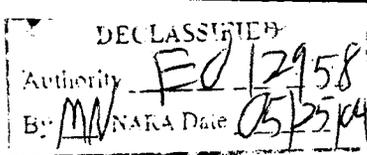
I. Introduction and Summary

NSDM 225 requested the NSC Under Secretaries Committee to submit a report on the July-August 1973 preparatory meeting for the U. N. Law of the Sea Conference together with recommended instructions for the U. S. Delegation to the organizational session of the conference. Deputy Secretary Rush has sent you the memorandum at Tab B responding to the NSDM requests. All agencies are agreed that the United States should participate in the organizational session, scheduled for December 3-14, 1973, in New York. Perhaps the major U. S. concern in the session will be to ensure that the voting arrangements adopted for the conference guard against premature voting on substantive issues in a manner damaging to U. S. interests.

The NSDM at Tab A would specifically instruct the U. S. Delegation on this issue. The first substantive session of the conference is scheduled for Caracas, June 20 - August 29, 1974. The NSDM would also instruct the Under Secretaries Committee to forward recommended instructions no later than March 30 for your consideration.

II. July - August 1973 Preparatory Session

During its July-August meeting, the U. N. Seabeds Committee completed its consideration of the articles dealing with the regime and the organization of the new international authority for the deep seabeds. These articles include both agreed texts and, where agreement was not possible, agreed alternatives. Some progress was made in drafting agreed articles on marine pollution. Although work was begun on scientific research articles, the Committee was unable to reach agreement on any significant texts.



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Because of the complexity and political sensitivity of the issues, there was only limited progress in agreeing on treaty articles or a limited number of alternatives on the territorial sea, straits, fisheries, coastal state jurisdiction over offshore seabed resources and related issues. Delegations did submit proposed texts on most of the important subjects and issues.

The session indicated that preparations at the Seabed Committee had been carried forward as far as possible and that the time had come to move forward to the actual conference where negotiations and accommodations at the political level could permit resolution of the outstanding issues.

III. Conference Organizational Session

Since 1971, the U.S. position for the Law of the Sea Conference has kept open the option of seeking to postpone the conference because of inadequate preparations or indications that the conference would not serve U.S. interests. As reflected in the attached Under Secretaries Committee report, all agencies support going ahead with the conference as currently scheduled.

The organizational session of the conference is expected to adopt standard U.N. organizational and procedural arrangements. (It is possible that the session might be complicated by efforts to have the "Provisional Revolutionary Government of South Vietnam" and Sihanouk's Cambodian exile government seated at the Conference. We have, however, been successful thus far in turning away such efforts.)

The chief U.S. interests in the session will be to ensure that the United States is represented on all committees of the conference and that the voting arrangements are such that the United States will be able to prevent premature voting on the one hand and vetoes of arrangements satisfactory to the United States on the other.

As a result of the General Assembly's First Committee debate preceding the organizational session, it has been agreed that the Conference will make every effort to reach agreement on substantive matters by way of consensus and that there should be no voting on such matters until all efforts at consensus have been exhausted. With this "Gentlemen's Agreement", now a part of the U.N.'s preparatory record for the Conference, the United States would appear to be in a satisfactory position to keep issues from moving prematurely from committees on to the floor of the Conference where they will be decided by two-thirds majority vote.



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Authority EO 12958
By: MW NARA Date 05/25/04

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IV. Next Step

The NSDM at Tab A would instruct the U. S. Delegation to seek the adoption of rules and procedures at the organizational session which will promote a timely and successful law of the sea conference accommodating the United States' oceans policy interests. It would further instruct the Delegation to guard against voting arrangements that would be harmful to those interests. Finally the NSDM would request the Under Secretaries Committee to submit recommended instructions for the U. S. Delegation to the first substantive session of the conference for your consideration no later than March 30, 1974. With your approval, I will sign the NSDM at Tab A.

APPROVE 

DISAPPROVE _____

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