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THE WHITE HOUSE
WASHINGTON

June 22, 1976

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: BRENT SCOWCROFT
FROM: JIM CONNOR
SUBJECT: Report on the New York Session of
the Third United Nations Conference
on the Law of the Sea

The President reviewed your memorandum of June 14 on the above subject and approved the memorandum at TAB A for your signature to the Chairman, NSC Under Secretaries Committee.

The President also stated that he agreed with the following comment made by Jack Marsh during staffing of the above mentioned package:

"Approve TAB A only on condition that any new instructions take a firmer U.S. position, and they are not construed as concessions."

The President indicated that he will want more information on the recommendations as soon as possible.

Please follow-up with appropriate action.

cc: Dick Cheney

THE WHITE HOUSE
WASHINGTON

June 18, 1976

MR PRESIDENT:

Report on the New York Session of
the Third United Nations Conference
on the Law of the Sea

The attached package prepared by NSC was reviewed and approved by Messrs. Cannon, Friedersdorf and Seidman.

Jack Marsh made the following comments:

"Approve TAB A only on condition that any new instructions take a firmer U.S. position, and they are not construed as concessions."


Jim Connor

*2 tend to agree with
Jack Marsh but will want
more info re recommendations.*

SECRETACTION

June 14, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: Brent Scowcroft 

SUBJECT: Report on the New York Session of the
Third United Nations Conference on the
Law of the Sea

In response to NSDM 320, Acting Chairman of the NSC Under Secretaries Committee Joseph Sisco has forwarded you a report on the third substantive session of the United Nations Conference on the Law of the Sea held in New York from March 15 to May 7, 1976 (Tab B). The main points of the report are as follows:

Principal Developments at the New York Session

Although the New York session did not produce formal agreement on the articles of a treaty, additional progress was made toward reaching a comprehensive oceans treaty as reflected in the revised single negotiating text distributed at the conclusion of the session (Tab C). This includes:

-- continued informal agreement on a 12-mile territorial sea, a 200-mile economic zone with broad coastal state jurisdiction over the living and non-living resources of the coastal margin areas, free and unimpeded transit of straits used for international navigation, and a reasonable archipelago regime.

-- significant movement toward the U.S. position on the regime for the deep seabed, although a number of major difficulties remain to be resolved in this area of the negotiations.

-- satisfactory provisions on marine pollution control.

-- development of a compulsory dispute settlement text which generally meets U.S. objectives.

SECRET (GDS)

KR 5/12/98

With respect to the future work of the Conference, the decision was taken -- after considerable U.S. "lobbying" with the lesser developed countries (LDC's) -- to convene a six week negotiating session this summer in New York from August 2 to September 17. This session is important to maintaining the current momentum in the Conference and is vital if we are to be successful in reaching agreement on an oceans treaty by mid-1977 -- a principal U.S. goal. As an indication of the importance we attach to attaining this goal, Secretary of State Kissinger announced on April 8 that at your request he will lead the U.S. Delegation to this summer's negotiating session.

Issues

There are a number of important issues that remain to be worked out during the present intersessional period and at the negotiations this summer in New York. Principal among these are:

-- the degree of coastal state jurisdiction over marine scientific research conducted in the 200-mile economic zone by third parties. Many developing countries strongly support a legal regime for such research which would require the consent of the coastal state.

-- the right of free navigation through the 200-mile economic zone. The current negotiating text gives the economic zone a "non-high seas" character, with potential problems for our security interests.

-- the nature, scope, structure and function of the new international organization dealing with the resources of the deep seabed -- principally, the manganese nodules -- beyond national jurisdiction.

The most difficult of these unresolved issues is the structure and functions of the new international organization for deep seabed mining. The U.S. objective in the negotiations on the deep seabed is to obtain a system which guarantees non-discriminatory access by U.S. firms to deep seabed minerals under reasonable conditions coupled with security of tenure, and with fair and reasonable rate of return on investment to deep seabed mining operators. Within this framework, we have sought to accommodate the often conflicting interests of all Conference participants -- particularly the lesser developed countries.

Until recently, the U.S. position on the regime for the deep seabed differed greatly from that of the lesser developed countries (LDC's). Many developing countries in the Group of 77 have been seeking a strong international organization, with broad discretionary powers. Under this concept, individual states and their nationals would in effect be excluded from deep seabed mining operations, except under the most stringent and unattractive conditions.

During the most recent negotiating session, we managed to achieve a number of important changes in the negotiating text which favor U.S. interests in this area. Accordingly, our basic interests in the deep seabed continue to be safeguarded. A number of the LDC's, however, believe that the revised negotiating text is a "sell-out" of their interests in the deep seabed and are beginning to push hard for an overturn of the compromises developed at New York. One of our principal objectives in the period ahead will be to ensure that the LDC's are not successful in this effort.

Intersessional Issues

Pressure continues to mount, both in this country and abroad, for unilateral action to protect individual strategic and economic interests in the oceans in the absence of an international agreement. The recently enacted 200-mile fisheries bill is an example of this trend. Additionally, the Metcalf-Murphy unilateral oceans mining legislation has been introduced in the Congress -- hearings were held on the measure in both Houses in May. The Administration's position with the Congress has been to urge deferral of action on the legislation until after this summer's negotiating round, at which time we will consult further with the Congress on ways best to achieve U.S. deep seabed mining objectives. In the Senate, the Armed Services and Commerce Committees have ordered the deep seabed mining bill reported, without making a recommendation for or against approval. The Foreign Relations Committee has submitted an adverse report on the measure. Most sources indicate there is little likelihood of full Senate action this session due to the heavy legislative calendar and weak constituent pressure for enactment. In the House, the measure is not expected to be reported out of committee during this session.

SECRET

- 4 -

In this intersessional period, the NSC Under Secretaries Committee should be tasked to identify any recommended changes to the current instructions to the U.S. Delegation to the UN Law of the Sea Conference, for use at this summer's negotiating session at New York. This will permit the views of all concerned agencies to be heard in the review process. With your approval, I will sign the memorandum to the Chairman, NSC Under Secretaries Committee at Tab A requesting the submission of any recommended changes to the instructions by July 12, 1976, for your consideration.

RECOMMENDATION

That you approve the memorandum at Tab A for my signature to the Chairman, NSC Under Secretaries Committee.

APPROVE HR 7

DISAPPROVE _____

SECRET (GDS)

C. F.

June 18, 1976

MR PRESIDENT:

**Report on the New York Session of
the Third United Nations Conference
on the Law of the Sea**

The attached package prepared by NSC was reviewed and approved by Messrs. Cannon, Friedersdorf and Seidman.

Jack Marsh made the following comments:
"Approve TAB A only on condition that any new instructions take a firmer U. S. position, and they are not construed as concessions."

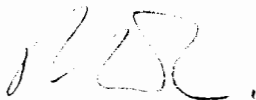
Jim Connor

6/14

Mr. Linder:

Last page of Gen. Scowcroft's memo to Pres. had the date July 7 rather than July 12 -- an oversight. It has been corrected by Bud McFarlane. Mr. Ratchford has no problem with the package.

Katie

A handwritten signature in dark ink, appearing to be 'Katie', written in a cursive style.

THE WHITE HOUSE
WASHINGTON

Trudy

Good point

Bud -

Seems to be a difference in the date for submission of changes in the memo to the President and the memo to NSC Chairman.

Don't you want them to be the same?

Donal

Trudy Fry

4/14/76

THE WHITE HOUSE
WASHINGTON

TO: BOB LINDER


FROM: TRUDY FRY

The attached is sent to you for review before it is forwarded to the President.

Seems like the memo to the President and the memo from Scowcroft to Chairman - NSC Under Secretaries Committee differ on the date for submission of changes. ???

SECRETACTION
June 14, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: Brent Scowcroft 

SUBJECT: Report on the New York Session of the
Third United Nations Conference on the
Law of the Sea

In response to NSDM 320, Acting Chairman of the NSC Under Secretaries Committee Joseph Sisco has forwarded you a report on the third substantive session of the United Nations Conference on the Law of the Sea held in New York from March 15 to May 7, 1976 (Tab B). The main points of the report are as follows:

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SECRET (GDS)

KQ 5/12/88

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-- the right of free navigation through the 200-mile economic zone. The current negotiating text gives the economic zone a "non-high seas" character, with potential problems for our security interests.

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SECRET

- 4 -

In this intersessional period, the NSC Under Secretaries Committee should be tasked to identify any recommended changes to the current instructions to the U.S. Delegation to the UN Law of the Sea Conference, for use at this summer's negotiating session at New York. This will permit the views of all concerned agencies to be heard in the review process. With your approval, I will sign the memorandum to the Chairman, NSC Under Secretaries Committee at Tab A requesting the submission of any recommended changes to the instructions by July 12, 1976, for your consideration.

RECOMMENDATION

That you approve the memorandum at Tab A for my signature to the Chairman, NSC Under Secretaries Committee.

APPROVE _____

DISAPPROVE _____

SECRET (GDS)

THE WHITE HOUSE

WASHINGTON

CONFIDENTIAL (GDS)

MEMORANDUM FOR

THE CHAIRMAN, NSC UNDER SECRETARIES
COMMITTEE

SUBJECT: Recommended Instructions for the Fourth
Negotiating Session of the Third United Nations
Conference on the Law of the Sea

The President has reviewed the report of the U. S. Delegation to the New York Session of the Third United Nations Conference on the Law of the Sea, forwarded under cover of the memorandum of May 26, 1976 of the Acting Chairman, NSC Under Secretaries Committee. The President has directed that the Chairman, NSC Under Secretaries Committee submit for his consideration by July 12, 1976, any recommended changes to the current instructions to the U. S. Delegation to the UN Conference on the Law of the Sea, for use in the next negotiating session.

Brent Scowcroft

cc: The Secretary of State
The Secretary of the Treasury
The Secretary of Defense
The Secretary of the Interior
The Secretary of Commerce
The Director, Office of Management and Budget
The Chairman, Joint Chiefs of Staff
The Director of Central Intelligence

CONFIDENTIAL (GDS)

KR 6/12/76

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 14, 1976

Time:

FOR ACTION:

✓ Jim Cannon

✓ Max Friedersdorf

✓ Jack Marsh

✓ Bill Seidman

cc (for information):

FROM THE STAFF SECRETARY

DUE: Date:

~~Monday~~ Tuesday, June 15

Time:

c. o. B.

SUBJECT:

Scowcroft memo 6/14/76 re Report on the
New York Session of the Third United Nations
Conference on the Law of the Sea

ACTION REQUESTED:

___ For Necessary Action

^X___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

^X___ For Your Comments

___ Draft Remarks

REMARKS:

*Cannon - Recommend Approval
Friedersdorf - concurs with BS memo
Marsh - see comments
Seidman - approve*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Jim Connor
For the President

THE WHITE HOUSE

WASHINGTON

ACTION MEMORANDUM

LOG NO.:

JUN 15 1976

*Dec: 6/15
COB*

Date: June 14, 1976

Time:

FOR ACTION:

Jim Cannon
Max Friedersdorf

cc (for information):

Jack Marsh
Bill Seidman

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, June 15

Time: c. o. B.

SUBJECT:

Scowcroft memo 6/14/76 re Report on the
New York Session of the Third United Nations
Conference on the Law of the Sea

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

- SECRET ATTACHMENT -

*Approve tab A only on condition
that any new instructions take a firmer
U.S. position, and they are not construed
as concessions. JM*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticip
delay in submitting the required material, p
telephone the Staff Secretary immediately.

Jim Connor
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 14, 1976

Time:

FOR ACTION:

Jim Cannon
Max Friedersdorf

Jack Marsh
Bill Seidman

cc (for information):

FROM THE STAFF SECRETARY

DUE: Date:

Tuesday, June 15

Time:

c. o. B.

SUBJECT:

Scowcroft memo 6/14/76 re Report on the
New York Session of the Third United Nations
Conference on the Law of the Sea

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

*Approve Scowcroft Recommendation
JWS*

- SECRET ATTACHMENT -

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate
delay in submitting the required material, please
telephone the Staff Secretary immediately.

Jim Connor
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 14, 1976

Time:

FOR ACTION:

Jim Cannon
Max Friedersdorf

Jack Marsh
Bill Seidman

cc (for information):

FROM THE STAFF SECRETARY

DUE: Date:

Tuesday, June 15

Time:

c. o. B.

SUBJECT:

Scowcroft memo 6/14/76 re Report on the
New York Session of the Third United Nations
Conference on the Law of the Sea

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

I recommend approval
G. Humphreys
OK JH Cavanaugh

- SECRET ATTACHMENT -

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate delay in submitting the required material, please telephone the Staff Secretary immediately.

Jim Connor
For the President

*100.
6/15*

THE WHITE HOUSE
WASHINGTON

June 15, 1976

MEMORANDUM FOR: JIM CONNOR
FROM: MAX FRIEDERSDORF *M.F.*
SUBJECT: Scowcroft memo 6/14/76 re Report on the
New York Session of the Third United Nations
Conference on the Law of the Sea

The Office of Legislative Affairs concurs with General Scowcroft's memo.