

# DEPARTMENT OF STATE

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STATEMENT BY  
THE HONORABLE HENRY A. KISSINGER  
SECRETARY OF STATE  
UPON THE COMPLETION OF THE  
FOURTH SUBSTANTIVE SESSION OF  
THE LAW OF THE SEA CONFERENCE  
SEPTEMBER 17, 1976

The Law of the Sea negotiations have just ended their current session in New York on September 17. The work they have undertaken is among the most important, complex and difficult of any negotiations in this century. The delegations are attempting to establish a legal regime for nearly three-quarters of the surface of the globe. With some 150 nations participating, each seeking to protect its interests, it is not surprising that progress has been slow given the diversity of views represented. However, significant progress has been made since the first substantive session in 1974.

The present Revised Single Negotiating Text (RSNT) represents a consensus on a large number of issues before the Conference. This text has been maintained in this session as the basis for negotiations. A broad consensus already exists in certain key areas, including a 12-mile territorial sea, establishing coastal state resource and other rights in a 200-mile economic zone, protecting navigational rights and on marine pollution. However, the United States believes the present text remains imperfect and requires further changes in a certain number of key areas, such as:

- a regime for mining deep seabed minerals;
- the nature of the economic zone;
- the provisions for marine scientific research in the economic zone;
- the articles dealing with the exploitation of resources in the continental margin beyond 200 miles;
- the rights of landlocked and geographically disadvantaged states in the economic zone.

During meetings between myself and certain other delegations on September 1-2, the United States put forward important new ideas on a number of key topics still at issue. With respect to deep seabed mining we proposed a package approach which would include assured access in all its aspects to deep seabed mining sites by all nations and their citizens along with a financing arrangement to enable the proposed Enterprise (the independent operating arm of the International Seabed Authority) to get into business. As part of that package we further proposed that there could be a review, in 25 years, perhaps, to determine if the provisions of the treaty regarding the system of seabed exploitation were working adequately. This was a significant move which generated

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considerable interest which we believe can be transformed at the next session into specific treaty language. A number of delegations, representing all concerned groups, have expressed to us their belief that our package proposal represented a constructive contribution to the negotiations. This reaction is encouraging and we intend in this same spirit to follow up this initiative both during the period between sessions and at the next session. On the other hand, some delegations chose tactics of confrontation. Such tactics cannot work and will inevitably lead to deadlock and unilateral action.

With respect to the issues in Committee II of the Conference dealing with navigation and the nature of the economic zone, the United States continues to believe that a satisfactory solution is within reach. While specific language on the nature of the proposed economic zone has not yet been agreed, several promising ideas have been considered. We believe that a solution can be found which will provide for both the legitimate interests of the coastal states in protecting their resource and other interests and the high seas freedoms of the international community in the economic zone. These provisions are important in maintaining global security and supporting our allies in this dangerous age.

In Committee III the United States is seeking protection of the marine environment and preservation of the right to conduct marine scientific research. The present text already contains important provisions on ocean pollution which we seek to strengthen. With respect to marine scientific research in the economic zone, we have proposed a compromise which will give the coastal states the right to control marine scientific research directly related to resource exploitation but which will ensure the right to conduct other forms of marine scientific research which benefit all mankind.

In order for an overall package settlement to be viable, the treaty must contain provisions for comprehensive, obligatory and binding third party dispute settlement. This session has made considerable progress toward that goal.

We believe that equitable resolution of these and other key issues in these negotiations can be found. Unless this is the case various governments may conclude agreement is not possible, resulting in unilateral action which can lead to conflict over the uses of ocean space.

The United States has a major interest as a global power in preventing such conflict and thus will continue to seek overall solutions acceptable to all groups of countries. In so doing, however, we will continue vigorously to safeguard essential American interests. We will work cooperatively with other nations, but we expect a reciprocal attitude of good will and reasonableness. There are limits beyond which the United States will not go, and we are close to such limits now.

We must now move toward businesslike negotiations and toward a recognition that the alternative to a treaty would serve no national or international community interest. I continue to believe that a Law of the Sea Convention can be achieved. The United States will seek to build on the progress made to date and will continue its intensive efforts to achieve a treaty. A successful outcome will bring major benefits to this nation and help shape a more peaceful and prosperous international community.

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