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THE WHITE HOUSE
WASHINGTON

Presidential Directive/NSC-16

June 16, 1977

TO: The Vice President
The Secretary of State
The Secretary of Defense

ALSO: The Secretary of the Treasury
The Attorney General
The Secretary of the Interior
The Secretary of Commerce
The Secretary of Transportation
The Director of Central Intelligence
The Director, Office of Management and Budget
The Assistant to the President for Energy
The President's Special Representative
for the Law of the Sea Conference
The Chairman, Council of Economic Advisers
The Chairman, Joint Chiefs of Staff
The Director, National Science Foundation
The Administrator, Environmental
Protection Agency
Assistant to the President for Domestic
Affairs and Policy

SUBJECT: Law of the Sea Guidance (U)

With regard to the Law of the Sea, the President has made the following decisions:

1. The concerned Executive Branch agencies are authorized to testify on the substance of deep seabed legislation, expressing opinions on -- but not supporting -- particular pieces of legislation. The Administration's preference for non-site-specific legislation is reaffirmed. Legislation should address the prototype mining stage in detail, but provide only the framework for a detailed regulatory regime, and should not specify any date on which the regulatory regime would enter into force. Legislation should not include investment protection for commercial enterprises which choose to proceed before a treaty framework is agreed upon, nor

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should the US adopt a protectionist posture by requiring that processing plants be located in the United States. On the other hand, it should provide for some benefits -- not specified quantitatively -- to be extended to the international community.

2. As regards the US negotiating position at the current session of the Law of the Sea Conference the President has approved the three consensus recommendations (treaty review provisions; resource policy; quota or anti-dominant clause) of the Interagency Group with several cautions. He stipulates that our main purpose in this round of Law of the Sea negotiations is to protect US interests, rather than to reach some kind of agreement by a particular deadline. The President also noted -- particularly as regards resource policy -- that whatever provisions are eventually agreed to must be able to command the support of the American people. Also, the US delegation should continue to seek our current position on the parallel system. If this proves unattainable, we should accept a modification of it requiring miners to agree in their first mining contracts to enter into good faith negotiations with the Enterprise for the development of the banked site.



Zbigniew Brzezinski

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