

Appendix F

Coastline Committee Charter

DEPARTMENT OF STATE
Washington, D.C. 20520
August 7, 1970

MEMORANDUM

TO: Members, LOS Task Force Executive
Operations Group

FROM: Carl F. Salans
Acting Legal Adviser

SUBJECT: Establishment of Ad Hoc Committee on
Delimitation of the United States Coastline

I am sending this memorandum in the absence of Jack Stevenson, Chairman of the LOS Task Force.

Pursuant to an exchange of correspondence between the Secretary of Commerce (at Tab A), there has been established within the Law of the Sea Task Force an ad hoc committee to review questions relating to the delimitation of the coastline of the United States. This committee will review the lines recently drawn by the Geographer of the Department of State on existing charts of the Environmental Sciences Services Administration and will determine the location of the limits of the United States territorial sea and the contiguous zone as accurately as possible in light of the data on those charts. It is anticipated that the committee will arrive at a provisional United States position. Although this position will be subject to modification as necessary when new data is available, it can be used to respond to current problems both in the international and the domestic sphere, with necessary caveats to reflect its provisional nature. A fuller description of the committee's functions is included (at Tab B).

The committee has already begun its activities with representation from the Departments of State, Justice, Interior, Commerce and Transportation. The following persons have been designated to serve on the committee:

Department of State

Horace F. Shamwell, Jr., Chairman

Robert D. Hodgson

Department of Justice

George S. Swarth

Jonathan I. Charney

Department of Interior

Francis A. Cotter

Department of Commerce

Rear Adm. Harley D. Nygren

Hugh Dolan

Department of Transportation

Rear Adm. William T. Morrison, U.S.C.G.

Captain G. H. Patrick Bursley, U.S.C.G.

Lt. Michael Reed, U.S.C.G.

It is requested that you review the above list and the attached description of the new committee. If you approve them or have any additions or corrections to make, please telephone Mr. Horace F. Shamwell, Jr., at 632-2658, by close of business August 14, 1970.

After all clearances are received, I will request the Under Secretary of the Department of State to communicate with the respective Under Secretaries or appropriate level officials of the agencies represented on the committee for formal confirmation of the committee's membership.

Attachments:

Tab A - Correspondence between the Secretary of State and the Secretary of Commerce

Tab B - Description of Committee's Functions

L/PMO: HFShamwell, Jr. :jah

LOS TASK FORCE COMMITTEE
ON THE DELIMITATION OF THE COASTLINE
OF THE UNITED STATES

This committee is established for the purpose of providing an interagency forum to discuss and make recommendations on all questions and issues relating to the delimitation of the coastline of the United States. Represented on the committee will be those agencies of the Government most directly concerned with the implementation of the United States policy with respect to the coastline. These agencies are the Departments of State, Commerce, Interior, Transportation and Justice. The initial reason for the establishment of the committee at this time is that there have been a number of inquiries from both foreign Governments and States of the United States for a definitive United States position on the exact location and nature of the United States coastline. There is a severe operational need by the Coast Guard for a reliable description of the coastline. As of now, there is no official United States position on the exact physical location of the entire coastline.

The United States subscribes to the position that the coastline should be drawn in strict accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone. With respect to the United States, the "normal baseline" standard should be followed, with the exception of areas that qualify as legal bays defined under Article 7 of the Convention, and in the case of historic bays also covered by Article 7, in which cases closing lines are drawn. The committee will not take up the political issue as to whether the United States should or should not employ the method of straight baselines.

In the last year an effort has been made to prepare charts which represent the first official description of the coastline of the United States. Much progress was made toward completion of these charts as the official United States position; however, before the completion of a full set of charts, a question arose as to the propriety of using certain symbols found on the U.S. Coast and Geodetic Survey nautical charts as points on the coastline from which baselines could be drawn. Because these questions have arisen, archival research and new surveys must be undertaken to determine whether certain of these features represented by the symbols in question qualify for true measurement of the territorial sea and contiguous zone. The completion of the necessary work may take several years. In the meantime the United States is in a position where some tentative positions must be taken with respect to its coastline.

The committee will undertake to review the most recent existing charts with respect to the usability of various symbols contained thereon. The

committee will not utilize those symbols about which there is a question as to whether they meet the relevant legal requirements. The result of this approach may be to designate territorial limits which in view of subsequent information may have to be altered to some extent. No symbols, however, will be utilized which will result in the representation of territorial limits which extend farther than those claimed by the United States and recognized under international law. A significant reason for this is that it is not felt the Coast Guard should be asked to enforce limits, established by using questionable chart symbols, which may later be discovered to exceed those which the United States has the right to exercise.

The committee will prepare and approve lines showing the closing lines of bays, the limits of the 3-mile territorial sea and 12-mile contiguous zone and then submit the approved charts to the Coast and Geodetic Survey for inking. Upon approval by the LOS Task Force, the charts will be reproduced. Such printed representations, however, will only be provisional guidelines to be used when necessary, and will contain sufficient caveats to indicate that they are not a final and definitive United States position. It is hoped that rapid progress can be made to do the necessary archival and survey work to facilitate the revision of these charts to show a precise determination of the location of [the] United States territorial sea and contiguous zone. It is not intended that the charts resulting from the committee's work will be circulated throughout the Government, even as a provisional United States position, but rather will be available for use when current pressing problems arise. Such use will be conditioned by the relevant caveats.

While the committee is carrying out the above functions, a record will be maintained of the discussions engaged in and the factors considered in coming to the conclusions which are reached. It is hoped that this record will be available for use by Government agencies along with the charts, as necessary. This background material should prove helpful in understanding the significance to be attached to the representations made on the charts.