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December 22, 1973

Memorandum for Secretary Kissinger from John A. Froebe, Jr., “Korean West Coast Island Situation"

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Summary:

John A. Froebe, Jr., briefs Henry Kissinger on the Northern Limit Line Dispute.

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MEMORANDUM

NATIONAL SECURITY COUNCIL

ACTION

~~SECRET~~

December 22, 1973

MEMORANDUM FOR: SECRETARY KISSINGER

FROM: JOHN A. FROEBE, JR.

SUBJECT: Korean West Coast Island Situation

At Tabs A and B are draft joint State-Defense cables to Embassy Seoul giving guidance for the Military Armistice Commission (MAC) meeting tentatively scheduled for December 24 and comments on the ROK's proposed memorandum to be circulated to all diplomatic missions in Seoul explaining the South Korean position on the west coast island situation.

-- The proposed guidance for the MAC meeting at Tab A -- which will be the first full MAC meeting since that on December 1, in which the North Koreans attempted to restrict access to the UNC-controlled islands on the basis of claimed territorial waters -- would have our UNC representative avoid the conflicting territorial waters claim of the two Koreas. Rather, he would base our rejection of the North Korean demand on our rights of access to the islands as conferred by the Armistice Agreement. He would also not make a legal defense of the Northern Limit Line (see map at Tab C), which the UNC declared unilaterally in the mid-1950s but which North Korean naval patrols began penetrating in late October. Rather, to solve the question of overlap between the "contiguous waters" (the term used in the Agreement) of the islands and those of North Korea we would use a median line, which is the customary solution under international law.

I have no objection to the legal case proposed in the cable, but would propose deleting the second sentence of paragraph 5, and reword the preceding sentence to eliminate reference to reference B. I disagree with the draft cable's assertion that the talking points contained in reference B which were used with the ROKs are appropriate for our UNC representative's use in the MAC meeting.

-- The proposed comments on the ROK memorandum defending its position on the island situation (Tab B) are aimed at bringing the ROK memorandum in line with the legal position proposed in Tab A -- that we not attempt to defend the legality of the Northern Limit Line. We would

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E.O. 12958 (as amended) SEC 3.3
NSC Memo, 9/30/06, State Dept. Guidelines, State review 2/14/03
By NARA, Date 2/14/11

~~SECRET~~ GDS

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inform the ROK that we believe that the U. S. and ROK must take consistent positions on the legal aspects of the island issue. I have no objection to this draft cable.

Recommendation:

That you approve the draft State-Defense cables at Tab A (as amended) and Tab B.

Approve _____ Disapprove _____

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MEMORANDUM 6747

NATIONAL SECURITY COUNCIL

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