

~~SECRET~~



DEPARTMENT OF STATE

Washington, D.C. 20520

May 11, 1971
10 A.M.

WCO 4-1

~~EXDIS~~

Subject: Presidential LOS Mission: Meeting with the Foreign Minister

Participants: John R. Stevenson, Legal Adviser of the Department of State
John Warner, Under Secretary of the Navy
Mario Gibson Barbosa, Foreign Minister
Jorge Carvalho e Silva, Secretary General of the Foreign Office
Carlos Calero Rodrigues, Assistant Secretary General for International Organizations Affairs
Ronaldo Costa, Assistant Secretary for Economic Affairs
C. A. Boonstra, Chargé D'Affaires American Embassy
Stephen Low, Political Counselor
Captain Trost, United States Navy

Place: Foreign Ministry, Brasilia, Brazil

1. Following opening of the meeting by the Foreign Minister, Mr. Stevenson described the purpose of the Mission's visit to Brazil. He said it had been instructed by the President to explain in the frankest terms to the Foreign Minister and members of the Government the problems which would be created for the United States Navy in carrying out its responsibilities for free world defense, should a 200 mile territorial limit be declared by nations all over the world. Second, Mr. Stevenson said the United States Government appreciates the need to find an accommodation to protect the legitimate fishing and other economic interests of coastal states outside of the twelve mile limit. In view of this, there were discussions presently under way within the United States Government aimed at developing a position which would be laid before the Expanded Seabeds Committee meeting in Geneva next July and August. The United States hoped that nations would withhold taking positions

SECRET

2.

before that time in order that the matter could be discussed in a multilateral framework as constructively as possible. With this in mind, the Mission had come to Brazil to request that it delay enforcement of its fishing regulations until the fall of this year.

2. Under Secretary Warner described in some detail the problems which a 200 mile limit declared by all nations would present for the United States Navy in its role of defending free world security. He displayed a map which he had recently showed President Nixon, outlining a 200 mile territorial waters band extending from coastal nations. Mr. Warner demonstrated that this would close many straits as well as the Mediterranean and Carribbean Seas and the Southwestern Pacific. He described the difficulties this created for the Poseiden-Polaris submarine defense, as well as surface vessels. Describing Brazil's navy as our partner in defense of the Americas, he said the same problems would be created for Brazil's submarine and surface fleet. Foreign Minister Gibson interrupted briefly to comment, partly facetiously, that he thought Brazil could be described as a sea power but not a naval power. The most that could be said was that it had a few ships afloat. In this connection he said he recalled vividly his experience as Ambassador to the United States trying to convince the United States to sell destroyers to Brazil. The obstacles created, he said, were not placed there by the United States Navy however.

3. Following Under Secretary Warner's exposition, Foreign Minister Gibson responded at length. He said he wanted to make it clear that Brazil neither supported a 200 mile limit for all nations nor was encouraging other nations to adopt such a position. Nations were unequal in this matter. Some had no sea coast at all, others had long ones. It was obvious that nations in the Mediterranean and Carribbean could not adopt 200 mile territorial waters limits. It was Brazil's contention that each nation had the right to decide this matter for itself.

4. So far as Brazil's own 200 mile limit was concerned, there were four aspects to the problem: mineral, scientific, fishing, and security. Turning first to the matter of security, he assured the Mission that the United States and Brazil would have no problem in arriving at arrangements satisfactory to both sides and said that the United States could count absolutely on

SECRET

~~SECRET~~

3.

Brazil's complete cooperation in its security plans. However, this would not be the case with other nations, the names of which he said he preferred to leave unstated. The Minister said that the GOB stand does not affect the position of other countries. If, in fact, Brazil's position did influence others, then its cooperativeness in the security field would carry as much weight as its 200 mile territorial waters Decree. Brazil's Decree furthermore gives the U.S. an advantage because the GOB will not give the same security assurances to other countries. Mr. Stevenson restated the U.S. concern that in fact Brazil's adoption of a 200 mile limit would lead other countries to do the same. To this, the Foreign Minister responded that Brazil was not engaged in inducing other countries to follow its example. It was only taking measures it felt necessary to protect its own interests in view of the present state of world disorder in matters regarding law of the sea. He stated emphatically, as he was to repeat a number of occasions during the course of the conversation, that it was impossible for Brazil at this stage to contemplate revoking its 200 mile territorial waters decree. With regard to the mineral and scientific aspects of the matter, the Foreign Minister said that the GOB had not reached the point of being ready to discuss these matters with other countries.

5. Minister Gibson then turned to fishing, describing the circular which had been distributed to all foreign missions, which enclosed the fishing regulations, declared that they were effective as of the date of issue, but noted that their implementation would not start until June 1. He said that this latter provision arose from a conversation during Assistant Secretary Meyer's recent visit to Brazil. At the end of the conversation with Mr. Meyer he himself had brought up the matter of the fishing regulations which he said were about to be issued. At that time, Mr. Dean had mentioned that the fishing boats needed time before the regulations went into effect. As a result, the Foreign Minister decided to ask the President for a delay in enforcement.

6. The Foreign Minister noted that he could not give an answer to the Mission's request for a delay in enforcement since many ministries, as well as the National Security Council, and the President himself must be consulted. He noted however that there were many difficulties involved in the U.S. request. A delay applied to U.S. vessels would have a number of effects.

~~SECRET~~

~~SECRET~~

4.

Legally, it would create a law which in effect was not being applied. Politically, the matter is becoming a national issue in Brazil and to delay enforcement would lay the Government open to accusations from Congress and the press of failure to take the law seriously. Internationally, he said a delay could create a precedent for other nations. Trinidad and Tobago, as well as France, have already asked to enter into negotiations under the fishing decree and there was some indication the Japanese also wished to do so. The French were sending a delegation at the end of June or beginning of July to begin negotiations. Brazil cannot inform the French that such negotiations are not necessary. Besides, he noted, lack of possibility to identify fishing boats themselves until they are actually seized would make it difficult to delay enforcement for the United States and not others. The Minister then asked whether the United States was contemplating entering into an agreement on fishing. Without waiting for an answer he defended the Decree law as a constitutional rather than an arbitrary act. Its issuance was within the right of the President to decree laws in the realm of national security. The Decree was later approved by the Congress. He said that Brazil is ready to discuss and enter into agreement in order to protect what it thinks is its right to protect; that is, the resources of the sea adjacent to its territory. He said that he could not imagine that the United States would have any difficulty reaching agreement with Brazil in the matter. Acknowledging the legal problem, he said there was no reason why a way could not be found to take this into account.

7. Mr. Warner repeated our desire for another four months in order to consider these problems in a climate free from political pressures. The Foreign Minister again asked what would happen during this time. Stevenson pointed out that the subject would be discussed in detail in Geneva, along with a whole range of other issues. When the Foreign Minister again emphasized that there was no possibility of revoking the Decree, Mr. Warner said we understood that and Mr. Stevenson added that we were merely requesting postponement of enforcement. The Foreign Minister turned the discussion to the Andean countries of the West Coast, noting that the U.S. had been discussing arrangements with them. Mr. Stevenson acknowledged this and stated that it was unlikely we would revive the quadripartite negotiations with them before the Geneva meeting. The Foreign Minister noted that

~~SECRET~~

multilateral agreement on this issue would be much more difficult and would take years. Brazil was ready to try to reach an accord but at the most optimistic this could not happen until 1973. In the meantime, Brazil could not postpone a solution. He again asked what would happen until then. Mr. Stevenson said that the U.S. was not suggesting that we wait until 1973. Next fall the U.S. would be in a much better position to declare its direction, making it easier to deal with bilateral problems. The United States was preparing within the Government to be in a better position to deal with the bilateral situations. The Foreign Minister repeated his understanding of the United States position in the following way: the reason why the United States is asking for a delay in enforcement of the fishing regulations until the Geneva Committee meeting was because it wanted to see what was going to happen there, and only after the results of that meeting were known would it feel it was in a position to negotiate bilaterally. The United States did not contemplate entering U.S.-Brazil bilateral negotiations before the committee meeting.

8. Both sides agreed that the less publicity about the Mission the better. There was some discussion of an answer to the press in case questions were asked. The Brazilian side seemed pleased with the idea of acknowledging that the Mission had visited Brazil to discuss law of the sea matters in general including the Geneva Seabeds Committee meeting in July and August. Mr. Warner wanted a reference made to ongoing discussions. The Minister closed the meeting saying that Secretary General Carvalho e Silva would chair the afternoon meeting at which representatives of the Navy and SUDEPE would be present.