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SUBJ: ECUADORIAN FOREIGN MINISTER'S VIEWS ON LAW OF THE SEA

FOLLOWING BASED ON UNCLEARED MEMCONS:

ECUADORIAN FOREIGN MINISTER GARCIA DISCUSSED HIS COUNTRY'S CURRENT POSITION ON POSSIBLE FISHERIES NEGOTIATIONS AND RELATED LAW OF THE SEA (LOS) QUESTIONS WITH BOTH THE UNDER SECRETARY AND MR. MEYER.

1. IN SPEAKING TO MR. MEYER, GARCIA SAID CHILE HAD SUGGESTED THAT A GROUP OF CEP EXPERTS MEET IN NEW YORK THE SECOND WEEK IN OCTOBER TO PREPARE FOR A QUADRIPARTITE CONFERENCE WITH THE US IN BUENOS AIRES. THE CEP POWERS WOULD ONLY BE PREPARED TO ATTEND THE CONFERENCE IF THE US LIFTED THE FMS SUSPENSION.

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WHEN ASKED ABOUT ASSURANCES THAT NO SEIZURES OF OUR VESSELS WOULD TAKE PLACE PENDING OR DURING A CONFERENCE, THE FOREIGN MINISTER ACKNOWLEDGED THAT PRESIDENT VELASCO HAD GIVEN ASSURANCES VALID UNTIL SEPTEMBER 30. HE REFERRED TO THESE AS "WORDS THAT WERE SPOKEN AND NOT WRITTEN THAT YOU MEAN TO LIVE UP TO." HE DIDN'T BELIEVE THAT ASSURANCES COULD BE EXTENDED BEYOND THAT DATE. JUST BEFORE LEAVING TO COME TO THE U.S. HE HAD MET WITH SENIOR MILITARY COMMANDERS, WHO DID NOT REGARD FURTHER ASSURANCES AS ACCEPTABLE.

REGARDING PRACTICAL RESTRAINTS ON SEIZURES IN THE ABSENCE OF ASSURANCES, THE FOREIGN MINISTER'S ONLY SUGGESTION WAS THAT THE U.S. FISHING VESSELS BUY LICENSES UNDER PROTEST FOR THE DURATION OF THE CONFERENCE.

IN SPEAKING OF LOS AND FISHERIES ISSUES, THE FOREIGN MINISTER SAID HE WAS FEARFUL THAT WHAT HE TERMED "U.S. INTRANSIGENCE" WOULD LEAD TO AN INCREASINGLY FIRM AND COHERENT LATIN AMERICAN BLOCK IN OPPOSITION TO OUR LOS OBJECTIVES. ECUADOR HAD AVOIDED SUPPORTING THE HARD BRAZILIAN LINE IN GENEVA OUT OF A DESIRE NOT TO OFFEND THE U.S., BUT COULD NOT CONTINUE TO DO SO IN THE FACE OF FURTHER U.S. INTRANSIGENCE.

2. GARCIA INFORMED THE UNDER SECRETARY ON BEHALF OF THE CEP POWERS THAT THEY WERE PREPARED TO ATTEND A FISHERIES CONFERENCE WITH THE U.S. IF THE FMS SUSPENSION WAS LIFTED. THE PERUVIAN FOREIGN MINISTER HAD ADVISED GARCIA, HOWEVER, THAT HIS FISHERIES SPECIALIST, AS WELL AS MUCH OTHER FOREIGN OFFICE STAFF, WOULD BE TIED UP FOR A GOOD PART OF OCTOBER WITH THE CECLA AND GROUP OF 77 MEETINGS IN LIMA.

GARCIA THEN SAID THAT THE CEP POWERS KNEW ABOUT THE US CONCERN WITH SECURITY PROBLEMS WHICH ECUADOR HAD "TAKEN CARE OF" IN THE VELASCO-ALLENDE DECLARATION. THE CEP POSITION SPECIFIED AN INNER MARITIME AREA UNDER FULL AND ABSOLUTE SOVEREIGNTY OF THE COASTAL STATE, WITH AN OUTER ZONE WHERE FREE PASSAGE AND FREE OVERFLIGHT WERE GUARANTEED ALTHOUGH THE COASTAL STATES RESERVED ALL MARITIME AND SEABED RESOURCES. HE COMMENTED THAT SOME

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LATIN AMERICAN POWERS OPPOSED MAKING THIS CONCESSION ON FREE PASSAGE AND OVERFLIGHT TO THE US AT THIS TIME, SUGGESTING THAT IT BE WITHHELD FOR BARGAINING AT THE 1973 LOS CONFERENCE.

REGARDING THE RESOURCES ZONE, GARCIA ASSERTED THAT COASTAL NATIONS HAD THE RIGHT TO ESTABLISH THEIR OWN LIMITS ACCORDING TO GEOGRAPHIC AND ECOLOGICAL NECESSITIES. THE CEP POWERS HAD NOT SIGNED THE 1958 GENEVA CONVENTION AND WOULD NOT SIGN ANY NEW CONVENTION WHICH DID NOT CONTAIN A FORMULA RESPECTING THEIR POSITION ON LOS.

THE UNDER SECRETARY SAID THAT THE USG RECOGNIZED THE SPECIAL NEEDS OF COASTAL STATES FOR MARITIME RESOURCES, BUT COULD NOT ACCEPT THE POSITION THAT EVERY COUNTRY COULD ESTABLISH ITS OWN RULES AND LIMITS. THE US DRAFT FORMULA PREPARED FOR DISCUSSION AT GENEVA RECOGNIZED LEGITIMATE COASTAL STATE CLAIMS AND TOOK THE INTERESTS OF DISTANT FISHING STATES INTO ACCOUNT AS WELL. THE US

BELIEVED THAT ALL INTERESTS COULD BEST BE SERVED BY ARRANGEMENTS UNDER SOME FORM OF INTERNATIONAL GUIDANCE.

THE UNDER SECRETARY STATED THAT UNDER US LAW THE LIFTING OF FMS SUSPENSION WOULD TAKE PLACE IF IT WERE JUSTIFIED BY SOME CHANGE IN THE SITUATION WHICH HAD CAUSED THIS SUSPENSION TO BE IMPOSED. TALKS WITH THE GOE IN JUNE HAD LED US TO HOPE THAT SUCH A NEW SITUATION HAD DEVELOPED AS A RESULT OF ECUADOR'S ASSURANCES THAT THERE WOULD BE NO SEIZURES PENDING OR DURING NEGOTIATIONS. ECUADORIAN STATEMENTS IN AUGUST, HOWEVER, APPEARED TO CHANGE THESE ASSURANCES. IN ANY EVENT THE DATE OF SEPTEMBER 30, WHEN THE ORIGINAL ASSURANCES WERE SCHEDULED TO EXPIRE, WAS NOW AT HAND AND UNLESS THEY COULD BE EXTENDED THE DEPARTMENT WOULD LACK A CLEAR BASIS FOR JUSTIFYING THE LIFTING OF FMS SUSPENSION TO CONGRESS. ECUADOR MUST UNDERSTAND THAT IF THE US LIFTED THE SUSPENSION IN ORDER TO BEGIN NEGOTIATIONS AND SEIZURES DID OCCUR, CONGRESS MIGHT RESPOND WITH EVEN MORE RESTRICTIVE LEGISLATION. HE HOPED THAT CONVERSATIONS COULD BE HELD SEEKING A SOLUTION TO OUR OWN DILEMMA WITH

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CONGRESS, AS WELL AS AN INTERNAL ECUADORIAN POLITICAL DILEMMA WHICH WE RECOGNIZED EXISTED. BOTH ECUADOR AND THE US WOULD HAVE TO SEEK SOLUTIONS TO FISHERIES AND LOS PROBLEMS WHICH WOULD NOT RISK INTERNAL POLITICAL REACTIONS WHICH WOULD EXACERBATE THE BILATERAL RELATIONS WHICH EVERYONE WANTED TO IMPROVE.

FOREIGN MINISTER CONCLUDED HIS MEETING WITH THE UNDER SECRETARY BY SAYING THAT HIS GOVERNMENT WANTED TO IMPROVE ITS RELATIONS WITH THE US AND HOPED TO HOLD CONVERSATIONS ON FISHERIES AND LOS WHEN SUCH CONVERSATIONS WOULD CONTRIBUTE TO THAT OBJECTIVE. ROGERS

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