

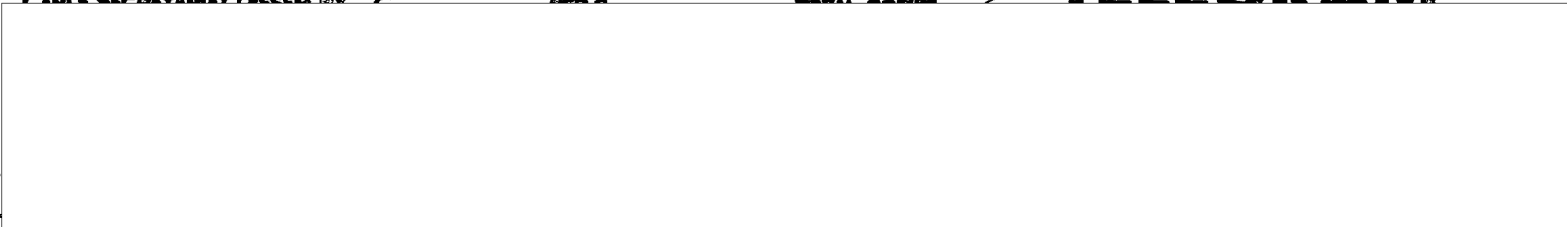
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ACTION L-03

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USIA-12 E-15 DOT-12 COM-08 RSR-01 /121 W

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R 231608Z DEC 69
FM AMEMBASSY QUITO
TO SECSTATE WASHDC 7916
INFO AMEMBASSY LIMA
AMEMBASSY MEXICO CITY
AMEMBASSY SANTIAGO
AMCONSUL GUAYAQUIL
USCINCSO

~~CONFIDENTIAL~~ SECTION 1 OF 2 QUITO 5757

MEXICO CITY FOR FISHERIES ATTACHE

SUBJECT: NEED FOR LONG-RANGE THINKING IN LAW-OF-THE SEA
NEGOTIATIONS

1. THERE IS EVERY REASON TO BELIEVE CEP, AND POSSIBLY OTHER SOUTH AMERICAN COUNTRIES, DO NOT INTEND TO ALTER THEIR JURIDICAL CLAIMS TO A 200-MILE ZONE OF TERRITORIAL SOVEREIGNTY. IT IS POSSIBLE THAT BECAUSE OF OUR DESIRE TO PREVENT TUNA BOAT SEIZURES WHICH WERE POISONING OUR RELATIONS WITH CEP COUNTRIES, U.S. HURRIED INTO FISHERIES NEGOTIATIONS AND INTO A FOUR-POWER FISHERIES CONFERENCE IN BUENOS AIRES WITHOUT GIVING SUFFICIENT PRIOR THOUGHT TO THE INTERRELATIONSHIPS OF FISHERIES PROBLEMS WITH LAW-OF-THE-SEA REQUIREMENTS AND WITHOUT SUFFICIENT DEFINITION OF AND AGREEMENT ON BY U.S. AGENCIES OF OUR LONG-TERM GOAL ON MARITIME ISSUES. NO DOUBT FISHERY NEGOTIATIONS AND THE B.A. CONFERENCE HAVE HAD A SALUTARY EFFECT IN HELPING TO "KEEP THE LID" ON WHILE TALKS WERE CONTINUING. HOWEVER, IT IS NOW POSSIBLE THAT FURTHER FISHERIES CONFERENCES MAY BOG DOWN ON TWO POINTS-- FIRST, OUR INABILITY TO ACCEPT GOVT-TO-GOVT LICENSING

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WITHOUT CAUSING DE FACTO ACCEPTANCE OF 200-MILE SOV-
EREIGNTY AND, MORE IMPORTANTLY, OUR INABILITY TO GRANT
TYPE OF TARIFF CONCESSIONS DESIRED BY CEP.

2. I SUGGEST THAT WE SHOULD LOOK FORWARD A DECADE OR
MORE AND TRY TO DETERMINE WHAT LAW-OF-THE-SEA PROBLEMS
MIGHT LOOK LIKE AT THAT FUTURE DATE, GIVEN THE RAPID
ACCELERATION OF INTERNATIONAL COOPERATION BY ALL
COUNTRIES OF THE WORLD, INCLUDING THE NEED FOR ACCOMMO-
DATION TO FREE PASSAGE OF INTERNATIONAL TRAFFIC, BOTH
ON THE SEA, UNDER THE SEA, AND IN THE AIR ABOVE, AND
NOT LEAST, AN UNDERSTANDING OF THE POTENTIAL PACE OF
SCIENTIFIC ACHIEVEMENT IN THE NEXT DECADE. MY SUGGES-
TIONS FOR A SOLUTION TO LAW-OF-THE-SEA PROBLEMS ARE BASED
ON ACCEPTANCE OF CERTAIN LONG-TERM ASSUMPTIONS.
ACCEPTANCE OF THESE ASSUMPTIONS REQUIRES NOT ONLY AGREE-
MENT WITH THE FOREGOING, BUT ALSO AGREEMENT THAT THE
PRESSURE OF WORLD OPINION, WHICH HAS SO EFFECTIVELY
CONTROLLED THE DANGER OF NUCLEAR WAR, WILL, IN THE NEAR
FUTURE, FORCE THE CONTROL AND CHANNELIZATION OF INTER-
NATIONAL TRANSPORTATION AND COMMUNICATIONS SO THAT THEY
WILL BE USED FOR THE GOOD OF ALL MANKIND. THE ASSUMP-
TIONS ARE:

A) THAT IN CASE OF WAR, NO COUNTRY WILL BE ALLOWED
TO CLOSE ANY INTERNATIONAL STRAIT OR OTHER WATER PASSAGE,
THUS DENYING ACCESS TO INTERNATIONAL TRAFFIC.

B) THAT INTERNATIONAL AIR TRAFFIC OVER SEA AND
LAND WILL BE OPEN TO ALL FORMS OF AIR VEHICLES, WITH
THE ONLY LIMITATIONS EXERCISED THROUGH TRAFFIC CONTROL,
AND SUCH TRAFFIC CONTROL WILL BE REGULATED THROUGH
RULES PROMULGATED BY AN INTERNATIONAL GOVERNING BODY.

C) THAT UNLESS SOME NEW PRACTICAL SOLUTION, DIS-
SIMILAR TO WHAT WE HAVE OFFERED TO DATE, IS FOUND AND
ACCEPTED, THE MARITIME COUNTRIES WILL EXTEND CLAIMS
FURTHER AND FURTHER SEAWARD, SPURRED ON BY SCIENTIFIC
AND TECHNOLOGICAL ADVANCES WHICH WILL MAKE IT EASIER TO
REAP THE ECONOMIC HARVEST OF THE OCEAN WATER AND THE
OCEAN BED.
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C O N F I D E N T I A L SECTION 2 OF 2 QUITO 5757

3. AS A SOLUTION IN PRINCIPLE TO THIS DEEPENING MORASS,
I SUGGEST THE FOLLOWING APPROACH:

A) THAT ALL COUNTRIES DROP ALL TERRITORIAL SOV-
EREIGNTY CLAIMS OVER OCEAN WATERS AND ACCEPT INSTEAD
A FISCAL JURISDICTIONAL AREA WHICH WOULD EXTEND "X"
NUMBER OF MILES OUT INTO THE OCEAN. THIS "X" DISTANCE
WOULD BE DETERMINED BY NEGOTIATION AND MIGHT BE ANYWHERE
FROM 12 TO 200 MILES. EACH MARITIME COUNTRY WOULD HAVE
OWNERSHIP OF ALL THE ECONOMIC BENEFITS OF THE HARVEST
WHICH COULD BE REAPED FROM ITS CONTIGUOUS WATERS AND
SEABED, AND NO CONTROL OF ENTRY AND PASSAGE OVER OR
UNDER THESE WATERS. THESE PASSAGE CONTROLS WOULD BE
SET BY INTERNATIONAL AGREEMENT. ECUADOR, FOR INSTANCE,
IN ITS FISCAL JURISDICTIONAL WATERS WOULD HAVE THE
RIGHT TO REGISTER AND LICENSE ALL FOREIGN FISHING BOATS.

B) COUNTRIES WHICH, BECAUSE OF THE NARROWNESS OF
WATER SEPARATING THEIR SHORES, SUCH AS THOSE BORDERING
ON STRAITS, WOULD HAVE JURISDICTIONAL FISCAL CONTROL
TO THE MEDIAN LINE OF THE STRAITS.

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C) BEYOND THE FIXED JURISDICTIONAL AREA, SAY 200 MILES, THE FISCAL OWNERSHIP CONTROL WOULD REST IN AN INTERNATIONAL BODY AND THE ECONOMIC HARVEST REAPED FROM THE DEEPER OCEAN WATERS AND OCEAN BED WOULD BE APPORTIONED ON AN EQUITABLE BASIS TO ALL COUNTRIES OF THE WORLD, WITH PERHAPS ADDITIONAL SHARES GOING TO THOSE COUNTRIES WHICH ARE LANDLOCKED.

D) NO CANALS, STRAITS, OR PASSAGES, WHETHER MAN-MADE OR NATURAL, MAY BE CLOSED TO FREE PASSAGE AT ANY TIME.

4. IT IS MOST LIKELY THIS APPROACH REPRESENTS A FUTURE GOAL RATHER THAN THE TARGET FOR TODAY. HOWEVER, I BELIEVE THAT UNLESS WE ARE AGREED ON OUR LONG-TERM GOAL AND BRING OUR CURRENT NEGOTIATIONS INTO THE GOAL PATH, WE WILL FIND OUR EFFORTS NEGATED BY THE RUSH OF EVENTS.
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