

UNCLASSIFIED

POL 33-4

XR INCO FISHING

DATE: November 24, 1967

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FROM: American Embassy - Rio de Janeiro
SUBJECT: Background Paper on Territorial Waters Issue

Attached is an unclassified background paper on territorial waters. Much of the material in it was summarized from a study made by Admiral H. E. Shear of MILGRP. It is being forwarded for your information.

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Territorial Waters

DECLASSIFIED BY: 6032 JAW/STW/STW

1. Brazil:

By Decree No. 44 of 1966 Brazil extended its territorial waters from three to six nautical miles. It also claimed exclusive fishery rights in an additional contiguous zone of six miles. Since 1958 Brazil has claimed sovereign rights to explore and exploit the natural resources of its continental shelf.

At present, largely because of foreign -- mainly Russian -- fishing activity off the Brazilian coast, two bills have been introduced in Congress to extend Brazil's territorial waters further. One proposes a 100 nautical mile and the other a 200 nautical mile limit. In a statement published October 31, Admiral Rademaker, Minister of the Navy, specifically opposed creation of a 200 mile limit, contending that Brazil does not have the resources to maintain it and that it would imply recognition of Argentina's 200 mile limit which in his opinion has impeded Brazilian fishery in that area. Admiral Saldanha da Gama, President of the Foundation for Oceanic Studies and President of the Naval Club, has publicly opposed both bills on the ground that extension of territorial waters by Brazil would be against treaty commitments and international tradition and would also be impossible to enforce.

2. United States:

Traditionally, the United States has always advocated a three-mile limit for territorial waters. At international conferences we have sought to prevent extension of that limit. However, at the 1958 Law of the Sea conference as a compromise the United States supported adoption of a 6 mile limit. When that proposal was not accepted, the United States reaffirmed its adherence to the three-mile limit established by international law and announced that it assumed no obligation to recognize claims of other states for broader territorial waters. In 1966 the United States declared and has since enforced a 12 mile contiguous zone for fishing rights only. Since 1945 the United States has claimed jurisdiction and control over the natural resources of the subsoil and the sea bed of the United States continental shelf.

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November 24, 1967

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