



Department of State TELEGRAM

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FM AMEMBASSY BRASILIA  
TO SECSTATE WASHDC IMMEDIATE 1992  
INFO AMEMBASSY RIO DE JANEIRO IMMEDIATE

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SUBJ: BRAZILIAN TERRITORIAL SEA CLAIMS AND RELATED FISHERIES PROBLEMS

REF: STATE 095382, 095445, 097263; BRASILIA 449 AND 451.

1. ACCOMPANIED BY DE VOS, I CALLED ON PRESIDENT MEDICI THIS MORNING. FOREIGN MINISTER GIBSON WAS ALSO PRESENT. AT OUTSET I REVIEWED SECURITY, AS WELL AS ECONOMIC AND COMMERCIAL, ASPECTS OF US CONCERN REGARDING BRAZIL'S 200-MILE DECLARATION; ACKNOWLEDGED REPEATED ASSURANCES GIVEN BY PRESIDENT AND FOREIGN MINISTER THAT BRAZIL INTENDS FULL COOPERATION WITH US IN SECURITY MATTERS AND PLANS TO DO NOTHING TO RESTRICT MOVEMENT US VESSELS; AGAIN SPELLED OUT THAT OUR CONCERN GOES BEYOND PURELY US-BRAZILIAN BILATERAL ARRANGEMENTS AND INCLUDES EFFECTS WHICH ACTION BY BRAZIL (OR OUR RESPONSE THERETO) MIGHT HAVE UPON THIRD COUNTRIES; AND STATED CONSIDERATIONS WHICH HAD LED PRESIDENT NIXON TO SEND STEVENSON-WARNER MISSION TO ASK THAT IMPLEMENTATION OF BRAZIL'S FISHING REGULATIONS BE DELAYED. I RECALLED GOB'S RESPONSE TO THAT MISSION'S REQUEST AS GIVEN TO ME BY FOREIGN MINISTER.

2. SETTING FORTH PURPOSES OF MY PRESENT VISIT, I SAID USG PREPARED ENTER INTO FISHERIES NEGOTIATIONS WITH BRAZIL THIS FALL AFTER COMPLETION OF PREPARATORY LOS NEGOTIATIONS TO BE HELD IN GENEVA BEGINNING JULY 19; STATED USG CURRENTLY ENGAGED IN COMPREHENSIVE REVIEW OF ITS FISHING

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PROPOSALS, AND BELIEVES OUR AGREEMENT HOLD NEGOTIATIONS THIS FALL IS FAIR AND REASONABLE POSITION; AND EXPRESSED HOPE OUR ACTION WILL PERMIT GOB EXERCISE RESTRAINT IN ENFORCEMENT OF ITS FISHING REGULATIONS. I SAID DECISION, WHICH HAD BEEN TAKEN AT HIGHEST LEVEL, INTENDED AVERT DEVELOPMENT OF UNDESIRABLE SITUATION WHICH WOULD BE PREJUDICIAL TO OUR MUTUAL INTERESTS, AND ALLUDED TO PROBLEMS WHICH COULD ARISE UNDER STATUTORY PROVISIONS. I INFORMED PRESIDENT WE WOULD HAVE NO OBJECTION GOB PUBLICIZING OUR WILLINGNESS TO NEGOTIATE THIS FALL, AND EMPHASIZED HOPE THAT A) MODUS VIVENDI CAN BE FOUND WHICH CONSISTENT OUR MUTUAL INTERESTS AND NOT PREJUDICIAL RESPECTIVE LEGAL POSITIONS, AND B) PENDING THIS, FISHING REGULATIONS WILL BE ENFORCED IN SUCH WAY AS TO AVOID DAMAGE TO OUR RELATIONS.

3. PRESIDENT'S FIRST RESPONSE WAS THAT HIS ATTITUDE HAD, HE HOPED, BEEN REFLECTED IN CONVERSATIONS WITH MEYER AND ME, AND ON OTHER OCCASIONS WITH ME. BRAZIL HAD ALREADY ISSUED FISHING DECREE, WHICH OF COURSE COULD NOT BE RESCINDED OR POSTPONED. HE SAID OTHER COUNTRIES HAD ISSUED SIMILAR DECREES AND MENTIONED URUGUAY'S ARREST OF BRAZILIAN VESSEL FISHING WITHIN URUGUAY'S PROCLAIMED 200-MILE-LIMIT, IMPLYING THAT BRAZIL COULD HAVE NO OBJECTION TO THIS ACTION. BRAZIL CERTAINLY HAD "NO DESIRE OR INTENTION OF HINDERING US". REGARDING SECURITY, HE REPEATED WHOLEHEARTED WILLINGNESS OF GOB TO HAVE US FLEET VISIT ANY HARBOR AT ANY TIME, AN OFFER WHICH WOULD NOT BE GIVEN OTHER COUNTRIES. (HE SPELLED OUT IN SOME DETAIL ATTITUDE TOWARD USSR NAVAL VISITS AND EXTREME COOLNESS WITH WHICH THESE HANDLED BY BRAZIL.)

4. REVERTING TO FISHING, PRESIDENT SAID HE FORESAW NO INSUPERABLE PROBLEM, COMMENTING THAT WHAT HAD HAPPENED IN THE LAST FEW DAYS WAS THAT SOME VESSELS HAD BEEN ADVISED BY BRAZILIAN AUTHORITIES TO LEAVE THE AREAS AND HAD DONE SO. HE SAID BRAZILIAN ADMINISTRATION OF ITS PROCLAIMED 200-MILE-SEA MUST CONTINUE IN ORDERLY FASHION, AND MADE STRONG POINT THAT CONGRESS INCLUDING OPPOSITION AND PUBLIC FULLY SUPPORTED GOVERNMENT IN THIS RESPECT. HE STATED THAT RESTRAINT WOULD CONTINUE TO BE EXERCISED BUT, ALLUDED WITH SOME IRRITATION TO DEPARTMENT'S STATEMENT

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TO PRESS (STATE 096894), HE THOUGHT IT WOULD HAVE BEEN BEST IF US FISHERMEN HAD BEEN ADVISED TO EXERCISE CAUTION, RATHER THAN BEING TOLD SIMPLY THAT THEY NOT OBLIGED TO PURCHASE LICENSES.

5. RE PRESIDENT'S COMMENTS ON SECURITY ASPECTS, I ENDEAVORED YET AGAIN TO BRING HIM AND FOREIGN MINISTER TO UNDERSTAND IMPLICATIONS OF ANYTHING THAT WOULD PROLIFERATE TERRITORIAL SEA CLAIMS BEGGD THREE OR TWELVE MILES, OUR CONCERN THAT BRAZILIAN ACTION MIGHT TEND TO ENCOOGTAGE SUCH PROLIFERATION, AND FACT THAT USG DID NOT AND COULD NOT ACCEPT UNILATERAL DECLARATION OF THIS TYPE AS LEGALLY BINDING. THUS WHILE WE WARMLY WELCOMED REITERATION OF BRAZIL'S INTENTION TO COLLABORATE WITH US IN SECURITY MATTERS, WE NEVERTHELESS CONTINUED TO BE DEEPLY CONCERNED OVER BROADER ASPECTS. REGARDING PRESIDENT'S COMMENTS ON FISHING, I EXPLAINED THAT WE COULD NOT OF COURSE ADVISE US COMPANIES ALONG ANY LINES THAT MIGHT IMPLY OUR RECOGNITION OF LEGALITY OF UNILATERAL 200-MILE CLAIM. IT OUR EARNEST HOPE THAT NEGOTIATIONS WHICH WE WILLING UNDERTAKE IN FALL WILL BRING ABOUT MODUS VIVENDI WHICH WILL NOT PREJUDICE EITHER OF OUR POSITIONS IN THESE MATTERS PENDING THE OUTCOME OF THE 1973 LOS CONFERENCE. MEANWHILE, IT EXTREMELY IMPORTANT IN THE IMPLEMENTATION OF BRAZIL'S FISHING REGULATIONS TO AVOID ANY INCIDENT WHICH MIGHT JOEPARDIZE SUCH ORDERLY RESOLUTION OF PROBLEM. I EXPRESSED CONFIDENCE THAT IN ALL OF THESE MATTERS DIRECT DISCUSSIONS BY PRESIDENT MEDICI WITH PRESIDENT NIXON IN SEPTEMBER WOULD CONTRIBUTE TO EFFECTIVE SOLUTIONS.

6. FURTHER DISCUSSIONS OF MATTER ELICITED STATEMENTS FROM PRESIDENT THAT "THERE WILL BE NO INCIDENTS FROM OUR POINT OF VIEW" AND "NO INCIDENT WILL OCCUR IF EVERY BOAT ADVISED TO LEAVE BRAZILIAN WATERS ACTUALLY LEAVES". THE FOREIGN MINISTER COMMENTED THAT HE THOUGHT LATTER WAS A VERY GOOD POSITION. TO ME IT WAS NOT, HOWEVER,

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A VERY CLEAR POSITION AND WHEN I ENDEAVORED TO OBTAIN ELUCIDATION THE PRESIDENT OBSERVED THAT EXPERIENCE FROM JUNE 1 TO DATE WAS THAT VESSELS ACTUALLY WARNED TO LEAVE BRASILIAN WATERS (200 MILES) HAD LEFT. NO ARREST OR DETENTION HAD TAKEN PLACE, AND THUS NO "INCIDENT" HAD OCCURRED. PRESIDENT COMMENTED THAT SADDEST DAY OF HIS PRESIDENCY WOULD BE IF HE HAD TO RESOLVE AN INCIDENT BETWEEN BRAZIL AND THE UNITED STATES, AND HE HOPED THIS AV WOULD NEVER ARRIVE. I SHARED PRESIDENT'S SENTIMENT, AND MEETING ENDED ON THIS NOTE, WITH MEDICI ASKING ME CONVEY TO PRESIDENT NIXON HIS APPRECIATE OF HAVING INSTRUCTED ME TO TALK WITH HIM ABOUT THIS MATTER.

7. COMMENTS: A. ONE INTERESTING ASPECT OF DISCUSSION WAS THAT PRESIDENT MEDICI, ALTHOUGH DEEPLY INVOLVED IN PHILOSOPHIES OF GOB POLICY CONCERNING 200-MILE SEA, DID NOT SEEM CONVERSANT WITH SEVERAL IMPORTANT ASPECTS OF CURRENT DECREE INCLUDING, FOR EXAMPLE, AREAS FOR WHICH LICENSES REQUIRED, AND EXTENT TO WHICH SHRIMPING PROHIBITED IN ABSENCE INTERNATIONAL AGREEMENT. NEVERTHELESS HE MADE CLEAR HIS AND HIS GOVERNMENT'S COMMITMENT TO PRESENT POLICY LINE AND HIS UNWILLINGNESS TO DO ANYTHING WHICH WOULD APPEAR TO BE BACKTRACKING.

B. AT SAME TIME, PRESIDENT'S SINCERITY IN EXPRESSING GOB ATTITUDE TOWARD US-BRASILIAN COOPERATION IN SECURITY MATTERS, AND DESIRE AVOID ANY INCIDENT WHICH WOULD JEOPARDIZE US-BRASILIAN RELATIONS, SEEMED CLEAR.

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C. MEDICI, AND TO AN EVEN GREATER EXTENT GIBSO, APPEARED PLEASED AT INDICATION US WILLINGNESS NEGOTIATE FISHING ARRANGEMENTS THIS FALL, ALTHOUGH THEIR GENERAL RECEPTIVITY TO IDEA DID NOT RESULT IN ANY SPECIFIC SUGGESTIONS. PRESUMABLY THEY WILL AWAIT FURTHER INITIATIVES ON OUR PART.

D. IT APPARENT THAT GOB WILL NOT AT THIS STAGE GIVE CLEAR INDICATION OF ITS WILLINGNESS TO PERMIT AMERICAN VESSELS TO CONTINUE FISHING UNIMPEDED PENDING NEGOTIATIONS THIS FALL. MEDICI SAID SPECIFICALLY THAT IT WOULD BE IMPOSSIBLE, IN ABSENCE OF AGREEMENT, TO UNDERTAKE SPECIAL ARRANGEMENTS WITH RESPECT US FISHING VESSELS WHICH WOULD NOT HAVE EQUAL APPLICATION TO VESSELS OF OTHER FRIENDLY COUNTRIES. PRESIDENT'S ASSURANCE THAT HE WISHED AVOID INCIDENTS AND HIS COMMENTS CONCERNING ENFORCEMENT PROCEDURES TO DATE SUGGEST THAT, AT THIS STAGE, US VESSELS WOULD BE UNLIKELY TO BE SEIZED OR FINED, AT LEAST UNLESS THEY WERE IN VIOLATION OF SPECIFIC PREVIOUS ORDERS TO DEPART FROM "BRAZILIAN TERRITORIAL WATERS". THIS LEAVE MUCH IN DOUBT THE ACTION WHICH WOULD BE TAKEN IN THOSE CASES: WHERE CAPTAINS ELECT NOT TO DEPART AS "SUGGESTED" OR "ORDERED", OR RETURN FOLLOWING A PREVIOUS WARNING. DESPITE MEDICI'S ASSURANCES RE WISHING AVOID INCIDENT, WHETHER OR NOT ONE OCCURS DEPENDS IN SOME MEASURE UPON THE INDIVIDUAL REACTIONS OF THE AMERICAN FISHING BOAT CAPTAIN AND THE COMMANDER OF BRAZILIAN NAVY VESSEL.  
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