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~~HMS~~
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important shrimp fishery carried on by Americans and nationals of other countries on the high seas off the coast of Brazil. It appeared to lay numerous non-Brazilian vessels in any territorial sea, but especially in the 100 miles nearest the coast, where most shrimp fish-
 Dear Mr. Gibbons: to be fishing by foreign vessels for crustaceans such as shrimp, unless the foreign vessels Secretary Rogers has asked me to reply to your letter of June 7, in which you expressed concern over the effects of actions of the Government of Brazil on United States shrimp fishery interests within the 200-mile territorial sea claimed by that Government. This response will review basic aspects of the situation, details of which were discussed in your briefing by Department officers on June 10. Representations were made at very high levels to urge the Government of Brazil to rescind the decree. In March 1970 the Government of Brazil issued a decree purporting to extend the limits of the Brazilian territorial sea to a distance of 200 nautical miles from the mainland and island possessions of that country. The United States promptly informed the Government of Brazil that in its view such an extension of territorial waters was contrary to international law and would therefore not be recognized by the United States. At the same time this Government pointed out to the Brazilian Government that we have important fishery, defense and other interests on the high seas within the affected waters, and reserved its rights and those of its nationals in these high seas areas. At the same time, the United States Government urged the Government of Brazil to refrain from any action affecting the rights of the United States and its citizens within the claimed extension of the territorial sea. order to ply their trade legally in waters beyond 12 miles from the coasts of One year later, in March 1971, the Government of Brazil issued a decree implementating the fishery jurisdiction claimed within the 200-mile territorial sea. Taken at its face value, the decree posed a serious threat to the wellbeing of their crews by continued operations in

Pol 33-4 BR 2-25

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S/FW-COA

A - Van Campen

DECLASSIFIED
 Authority NND969033

important shrimp fishery carried on by Americans and nationals of other countries on the high seas off the northeast coast of Brazil. It appeared to lay onerous conditions on fishing by non-Brazilian vessels in any part of the claimed territorial sea, but especially in the 100 miles nearest the coast, where most shrimp fishing is done, and to ban fishing by foreign vessels for crustaceans such as shrimp, unless the foreign vessels were placed under lease to Brazilian firms.

Our Embassy pointed out to the Brazilian Government the serious consequences of any enforcement of this decree for our fishery interests and the possibly grave harm that could result to relations between the two countries if United States fishing vessels were seized and their crews punished under the terms of the decree. Representations were made at very high levels to urge the Brazilian Government to exercise restraint.

We are not yet certain of the effects of these representations. On June 1, as it had informed us that it would, the Brazilian Government had its navy begin enforcement actions. These actions so far have been limited to aerial scouting of United States and other non-Brazilian fishing vessels on the high seas off northeastern Brazil and warning their captains to quit the 200-mile zone on pain of imprisonment if they disobey. There have so far been no actions by the Brazilian Navy beyond these warnings.

In the meanwhile, the Department has announced that it is the position of the United States that American fishermen are not obliged, under international law, to purchase Brazilian licenses in order to ply their trade legally in waters beyond 12 miles from the coasts of Brazil. At the same time, we have had to make it clear that, in view of our uncertainty at this moment as to Brazil's intentions, it is up to the vessel owners to decide whether they wish to risk their vessels and the wellbeing of their crews by continued operations in

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PROFESSIONAL - FOR IMMEDIATE ACTION

DATE

Brazilian claimed waters, pending a resolution of the problem by the governments concerned. If the operators choose to continue fishing and their vessels are seized beyond 12 miles from the coast, they will of course have the right to file claims for reimbursement under the terms of the Fishermen's Protective Act of 1967, as is done by owners of tunaboats which are seized by Ecuador and Peru. However, the important difference between the situation off Brazil and that off the west coast of South America is that whereas Ecuador and Peru punish violators of their claimed jurisdiction only by fines, the Brazilian law provides for punishment principally by imprisonment. There is no United States law which would provide adequate compensation to a fishermen who might have to spend several years in a Brazilian prison.

The Department is of course deeply concerned about the actions of the Brazilian Government and the effects of those actions on the right of our flag on a large area of the high seas and on the economic interests of our fishing industry. We have been working and will continue working diligently to find a way to reach an amicable and mutually acceptable resolution of this jurisdictional dispute between two Governments which otherwise enjoy friendly and cooperative relations.

*Prompt handling
For appropriate
For direct
XX Prepare
Prepare a
Refer to
XX Due in
For your

REMARKS

Sincerely,

David M. Abshire
Assistant Secretary for
Congressional Relations

- COPIES TO
- S/FW-COA:WGVanCampen:eb
 - 6/17/71, #13348 x21073
 - L - Mr. Harris (w/att)
 - S/FW - Mrs. Fleri (w/att)
 - H - Mr. Clearances:ARA/AP-Miss Ridgeay (draft)
 - L/OA-Mr. Shamwell (draft)
 - H-Mr. Leahy

H - MRS SANDERS / mas
H - AND SYMMES / [signature]
x21522
STAFF

DECLASSIFIED
Authority NND969033

ACTION SLIP

(To Remain With Correspondence)

*Rec'd
And
6-14-71*

7108723

TO ~~ARA - Lois Roberson~~ S/FW - Mrs. Fleri

DATE 6/11/71

SUBJECT Gibbons letter to S of 6/7/71 regarding shrimp fishermen and Brazilians territorial sea claims

*EP
BR
Action
10/5/71*

ACTION

*Prompt handling is essential. Return basic correspondence with reply. If delayed call telephone extension below.

For appropriate action.

For direct reply. Comeback copy required _____

XX Prepare reply.

A response for signature by the H - Mr. Abshire

Clear with _____

Prepare a _____ to _____

Refer to White House request of _____

H

XX Due in ~~XX~~ by June 15 noon Please mark comeback copy for S/S-S when signed by H.

For your information.

REMARKS

I would like to know what action the United States has taken regarding the decision of Brazil to enforce its claim of a 200-mile territorial limit. In addition, I would appreciate knowing what protection the United States Government is ready to offer to fishermen who may be arrested by Brazilian authorities.

COPIES TO

- L - Mr. Harris (w/att)
- S/FW - Mrs. Fleri (w/att)
- H - Mr. Weiss (w/att)

PW Borg (cler)

Parker W. Borg, x21522

SECRETARIAT STAFF

EXT.

DECLASSIFIED

Authority NND969033

HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
TELEPHONE: 225-3376

HECTOR ALCALDE
ADMINISTRATIVE ASSISTANT

Congress of the United States

House of Representatives

Washington, D.C. 20515

June 7, 1971

DISTRICT OFFICE:
500 ZACK STREET
TAMPA, FLORIDA

MAY 25 1971

Honorable William P. Rogers
Secretary of State
Washington, D. C.

ACTION
is assigned to

Dear Secretary Rogers:

Members of the shrimp industry in my area have been in contact with me concerning actions by the Government of Brazil to enforce its territorial claim of a 200-mile limit into the Atlantic Ocean. This action, of course, seriously affects the activities of the U. S. flag shrimp vessels operating from bases in Trinidad and all of the Guyanas.

I have been advised that all of the fishing activities of U. S. ships, without exception, take place on the high seas well off the coast of Brazil. The major concentration of these is in an area 50 to 60 miles off shore. This particular fishery, I understand, was discovered, pioneered, and developed by U. S. fishermen. The unilateral action taken by the Brazilian Government greatly concerns the members of the shrimp industry.

I would like to know what action the United States has taken regarding the decision of Brazil to enforce its claim of a 200-mile territorial limit. In addition, I would appreciate knowing what protection the United States Government is ready to offer to fishermen who may be arrested by Brazilian authorities.

Sincerely,

Sam H. Gibbons
Sam H. Gibbons
United States Congressman

Sam H. Gibbons
United States Congressman

SMG:o

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ANALYSIS BRANCH

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Authority NND969033

Congress of the United States

HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
TELEPHONE: (202) 225-3376

Congress of the United States

House of Representatives

Washington, D.C. 20515
May 21, 1971

DEMOCRATIC COMMITTEE
ON COMMITTEES

S/FW HECTOR ALCALDE
ADMINISTRATIVE ASSISTANT
NELL HOWLETT
LEGISLATIVE ASSISTANT

MAY 26 1971

Honorable David M. Abshire
Assistant Secretary for
Congressional Relations
Department of State
Washington, D. C.

ACTION
is assigned to
S/FW

POL 33-4 BRAZ

Dear Mr. Secretary:

I have had a call from some people who are in the shrimp industry about the proposed 200-mile limit Brazil is planning to put into effect June 1st.

They are greatly concerned, and feel that their industry will be greatly harmed. I would appreciate your advising me as soon as possible about this matter.

Sincerely,

Sam M. Gibbons
Sam M. Gibbons
United States Congressman

*next wk.
set up appt.*

SMG:h

RECEIVED
DEPARTMENT OF STATE

1971 MAY 25 AM 9 20

RS/AN
ANALYSIS BRANCH

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*Wants written
reply.*

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