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A-207

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Department of State

INFO:

Belém, Porto Alegre, Recife, São Paulo, Buenos Aires, Mexico City (for regional fisheries attached), Moscow, Montevideo

AMERICAN CONSULATE GENERAL

Ambassy Office BRASILIA

March 20, 1968

Aeronautical and Space Law Society Studies
Extension of Territorial Waters

Brasilia A-164 of February 6, 1968

Action taken:

Initials:

1. The Jornal do Brasil of March 19 reported that the Brazilian Society of Aeronautical and Space Law (Sociedade Brasileira de Direito Aeronáutico e do Espaço-SBDAL) is considering requesting the government to extend Brazil's territorial waters to 200 miles. The story says that SBDAL--interested in the problem because of the relationship between territorial limits and the concept of the continental shelf as well as sovereignty over air space above territorial waters--is concerned over incidents involving Brazilian fishermen in Uruguayan waters and the presence of a large Soviet fishing fleet in waters adjacent to Brazilian territory. For these reasons SBDAL will send a petition to the President suggesting the increase of territorial waters to 200 miles and multinational measures designed to interest Uruguay in the integration of South Atlantic fishing activities. Copies of the petition will also be sent to the Ministers of Foreign Relations, Navy, Air Force, Industry and Commerce, and Planning and to the National Security Council, the Superintendency of Fishing Development, the Senate and the Chamber of Deputies, where three bills concerning extension of territorial waters are now under committee study (referenced airmgram).

2. The story says that on March 12 the Brazilian fishing ship Millicent King, with a crew of 11, was taken into custody by the Uruguayan destroyer Artigas 7. The case is now in the hands of Uruguayan authorities. The presence of fifty Soviet ships operating for several months in the waters of the continental shelf was also cited. According to Professor Élio Monnerat SOLON DE POMES--a reported expert in international law and member of SBDAL who recommends the extension of territorial limits to

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200 miles--the Soviet fleet represents a grave threat to Brazilian fishing reserves, especially the silver hake (merluza). He stated that this fish is the basic food of certain regions of the Northeast because of its low cost and maintained that in only six months the Soviet factory ships caught two million tons while the Brazilian yearly catch did not surpass 500 thousand tons. He added that the South Atlantic contains the world's most important reserve of fish--ten billion tons of silver hake--and from this comes the interest of other nations in these reserves, especially the silver hake, which has been exterminated in other continents.

3. Solon de Pontes said that in addition to the extension of territorial limits there should be a reciprocal fishing agreement between the nations of the South Atlantic that would be a solidarity pact in defense of territorial waters and their contiguous strip as well as a demarcation of fishing areas, catch, and periods. He said that the argument against extending territorial limits because of inability to effectively control the area "does not merit acceptance of the nation because, for various reasons, it would be a bad precedent and an argument that, if well analyzed, would oppose other national interests intimately linked to sovereignty."

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