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**EXDIS**

R 102130Z SEP 75  
FM AMEMBASSY SANTIAGO  
TO RUEHC/SECSTATE WASHDC 4733  
INFO RUESBA/AMEMBASSY BUENOS AIRES 3781  
RUESQI/AMEMBASSY QUITO 1162  
RUEHDT/USMISSION USUN 1165

BT  
~~CONFIDENTIAL~~ SECTION 1 OF 2 SANTIAGO 6165

**EXDIS**  
FOR DEPUTY SECRETARY INGERSOLL AND UNDER SECRETARY MAW  
FROM AMBASSADOR MOORE  
DEPT PLEASE PASS STUART FRENCH DOD/ISA AND BRIG. GEN. SERIO OJCS  
E. O. 11652: GDS  
TAGS: PLOS

SUBJECT: LOS TUNA-STRAITS DISCUSSIONS WITH CHILE  
1. SUMMARY: AMBASSADOR JOHN NORTON MOORE AND REAR ADMIRAL MAX MORRIS MET WITH CHILEAN LOS TEAM INCLUDING JBRGE BERGONO, ACTING DIRECTOR GENERAL OF THE FOREIGN MINISTRY, REAR ADMIRAL CARLOS LE MAY, CHIEF OF THE NAVY GENERAL STAFF, AND AMBASSADOR FERNANDO ZEGERS, HEAD OF THE CHILEAN LOS DELEGATION, TO DISCUSS THE EASTERN PACIFIC TUNA INITIATIVE AND THE STRAITS ISSUE. THE CHILEAN TEAM ENDORSED THE ARRANGEMENTS FOR THE UPCOMING TUNA MEETING IN NEW YORK AND OFFERED THEIR ASSISTANCE IN MAKING IT A SUCCESS. THEY STRESSED THEIR INDEPENDENCE FROM THE ECUADORINA POSITION, INDICATED THEY HAD NOT YET ADOPTED A SUBSTANTIVE POSITION ON THE ISSUES, AND STRONGLY ENDORSED THE IDEA OF HAVING GALINDO-POHL CIRCULATE A PAPER AS THE BASIS FOR THE DISCUSSIONS. ON THE STRAITS THE CHILEANS INDICATED THEY SUPPORTED UNIMPEDED PASSAGE OF STRAITS BUT HAD PROBLEMS WITH THE DEFINITION CONTAINED IN THE SINGLE NEGOTIATING TEXT, AFTER A FULL DISCUSSION OF THE POINTS RAISED BY THE CHILEANS THEY SEEMED LESS SURE WHETHER THEY HAD A REAL PROBLEM. IT WAS AGREED THAT THEY WOULD SEND AMBASSADOR MORE SPECIFIC SUGGESTIONS FOR CHANGE IF, ON REFLECTION, THEY BELIEVE THEY HAVE A REAL PROBLEM. END SUMMARY.  
2. AMBASSADOR MORE, REAR ADMIRAL MORR Q AND EMBASSY POLCOUN CHARLES STOUT MADE COURTESY CALL ON JORGE BERGONO, ACTING DIRECTOR GENERAL OF TH FOREIGN MINISTRY. HE INDICATED CHILE STRONGLY SUPPORTED A RAPID CONCLUSION TO THE LOS CONFERENCE AND MADE IT CLEAR THAT CHILE WOULD HAVE NO DIFFICULTY ADOPTING TH EXCLUSIVE ECONOMIC ZONE. DURING CONVERSATION HE ALSO INDICATED THAT CHILEAN STUDIES

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OF ECONOMIC EFFECTS OF DEEP SEABED MINING SHOW NO REAL DANGER TO LAND BASED COPPER PRODUCERS FOR IMMEDIATE FUTURE, ALTHOUGH LONG RANGE CONCERN CONTINUES TO EXIST. FINALLY, THE ACTING DIRECTOR GENERAL STRESSED THE IMPORTANCE OF KEEPING THE ANTARCTIC ISSUE OUT OF LOS AND INDICATED THE CHILEANS WOULD LIKE BILATERAL DISCUSSIONS WITH US TEAMS ON RESOURCE ISSUES IN ANTARTICA PRIOR TO THE SCHEDULED JULY MEETING.

3. US TEAM THEN MET FOR MORNING SESSION TO DISCUSS LOS-TUNA INITIATIVE WITH CHILEAN TEAM HEADED BY BERGONO AND INCLUDING AMBASSADOR ZEGERS AND SEVERAL EXPERTS. DISCUSSION CENTERED ON PROCEDURAL ARRANGEMENTS AGREED IN QUITO MEETING AND ON GENERAL REVIEW OF PRINCIPAL SUBSTANTIVE ISSUES FOR REVISED ARTICLE 53 OF SINGLE TEXT AND IMPLEMENTING REGIONAL TUNA CONSERVATION AGREEMENT. PROCEDURAL ARRANGEMENTS FOR NEW YORK MEETING WERE ENDORSED AS AGREED IN QUITO. THE FOLLOWING DIFFERENCES IN EMPHASIS WERE EVIDENT, HOWEVER, IN DISCUSSION WITH THE CHILEANS:

A) PRESUMABLY FOR BILATERAL REASONS, CHILE SEEMED TO WISH TO INCLUDE FRANCE IN THE TALKS UNDER THE SAME ARRANGEMENTS TO BE MADE FOR THE JAPANESE. AMBASSADOR MOORE INDICATED WE SUPPORTED THIS BUT WERE UNDER SOME CONSTRAINTS RESULTING FROM OUR QUITO MEETING, ALTHOUGH WE WOULD HAVE NO OBJECTION IF THE CHILEAN GOVERNMENT WOULD MAKE KNOWN THEIR VIEWS ON THIS ISSUE TO THE ECUADORIAN GOVERNMENT AND TRY TO MAKE ARRANGEMENTS FOR INCLUSION OF THE FRENCH ON THE SAME BASIS AS THE JAPANESE;

B) CHILE INDICATED THE PAPER PRESENTED TO US BY THE ECUADORANS DID NOT REPRESENT A CHILEAN SUBSTANTIVE POSITION SINCE THEY HAD NOT YET ADOPTED A POSITION ON SUBSTANCE;

C) CHILE WAS MORE INTERESTED IN HAVING AMB GALINDO-POHL PREPARE A PAPER TO FOCUS THE DISCUSSIONS AND INDICATED THEY WOULD WORK WITH THE ECUADORANS AND BE BACK IN TOUCH WITH US TO SEE WHAT MIGHT BE DONE. IN THIS CONNECTION THEY APPEARED TO BE PLANNING A C.E.P. COUNTRY CONSULTATION ON THE ISSUES IN NEW YORK ON SEPTEMBER 26;

D) CHILE SEEMED MORE INTERESTED IN CONCLUDING BOTH ISSUES, ARTICLE 53 AND THE REGIONAL IMPLEMENTING AGREEMENT, AT THE NEW YORK MEETING. THEY CONFIRMED HOWEVER THAT THE ECUADORANS SEEMED TO HAVE IN MIND A TWO-STEP PROCESS ON THIS;

E) CHILE STRESSED THAT THEIR OBLIGATION TO THE C.E.P. COUNTRIES WAS ONLY TO INITIALLY COORDINATE AND THEY WOULD THEN BE FREE TO ADOPT THEIR OWN POSITION. ON THE SUBSTANCE OF THE ISSUES

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THE CHILEANS SAID LITTLE SINCE THEY INDICATED THEY HAD NOT YET ADOPTED A POSITION. THEY SEEMED TO BE FAIRLY CLOSE TO THE U.S. POSITION, HOWEVER, IN TERMS OF QUESTIONS ASKED, SPECIFICALLY THEY SEEMED INTERESTED IN HOW STATES FROM OUT OF THE REGION WOULD BE INCLUDED AND IN THE PROPOSED COASTAL STATE PREFERENCE FOR VESSELS OPERATING SOLEY WITHIN THEIR OWN ECONOMIC ZONE. AMBASSADOR MOORE STRESSED THE COMMON INTEREST OF CHILE AND THE U.S. ON THE SUBSTANCE OF THE TUNA ISSUES. TONE OF MORNING SESSION WAS POSITIVE AND OPTIMISTIC.

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 TO RUEHC/SECSTATE WASHDC 4734  
 INFO RUESBA/AMEMBASSY BUENOS AIRES 3782  
 RUESQI/AMEMBASSY QUITO 1163  
 RUEHDT/USMISSION USUN 1166

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 C O N F I D E N T I A L SECTION 2 OF 2 SANTIAGO 6165

EXDIS  
 FOR DEPUTY SECRETARY INGERSOLL AND UNDER SECRETARY MAW  
 FROM AMBASSADOR MOORE  
 DEPT PLEASE PASS STUART FRENCH DOD/ISA AND BRIG. GEN. SERIO OJCS  
 4, CHILEAN TEAM THEN HOSTED LUNCH FOR AMBASSADORS POPPER  
 AND MOORE AND REAR ADMIRAL MORRIS. AMBASSADOR POPPER RETURNED  
 THE COMPLIMENT AT A LUNCH GIVEN FOR THE CHILEAN TEAM ON WEDNESDAY,  
 SEPTEMBER 10.

5. THE AFTERNOON SESSION FOCUSED ON CHILEAN STRAITS CONCERNS AND  
 WAS CO-CHAIRED BY REAR ADMIRAL LE MAY. AMBASSADOR ZEGERS BEGAN  
 BY INDICATING CHILE SUPPORTED UNIMPEDED TRANSIT OF STRAITS AND  
 THAT CHILE AGREED NOT TO SEEK TO CHANGE EXISTING INTERNATIONAL  
 LAW WITH RESPECT TO THE DEFINITION OF STRAITS USED FOR INTERNATIONAL  
 NAVIGATION. HE INDICATED, HOWEVER, THEY WERE CONCERNED ABOUT  
 CERTAIN PROVISIONS OF THE SINGLE NEGOTIATING TEXT RELATING TO WHAT  
 HE TERMED THE DEFINITION OF COVERED STRAITS. HE LISTED THE FOLLOWING  
 PROVISIONS:

A) ARTICLE 34 (3) - - CHILE SEEKS REVISED DEFINITION AND  
 IS CONCERNED ABOUT USING THE TERM "BORDERING" AND WORRIED ABOUT  
 THE INTERACTION WITH ARTICLE 41 IN TERMS OF WHERE IN A STRAIT  
 A STRAIT STATE MAY MAKE PERMITTED LAWS AND REGULATIONS;

B) ARTICLE 35 (A) -- CHILE SEEKS TO REVISE THIS TO READ  
 "ANY AREA OF INTERNAL WATER, UNLESS THEY WERE PREVIOUSLY CONSIDERED  
 AS PART OF THE HIGH SEAS OR TERRITORIAL SEAS." CHILE INDICATED  
 THEY FELT CANADA AND NORWAY WOULD ALSO ACCEPT THIS;

C) ARTICLE 38 (3) -- CHILE INDICATED THIS NEEDED TO  
 BE RE-WORDED;

D) ARTICLE 44 (A) AS IT INTERACTS WITH ARTICLE 38 (1) --  
 CHILE SOUTH A REARRANGEMENT AND REORDERING OF THESE PROVISIONS.  
 AMBASSADOR MOORE INDICATED THAT THE U.S. MUST REMAIN STRICTLY  
 NEUTRAL IN THE CHILEAN-ARGENTINIAN DISPUTED BOUNDARY CASE  
 AND THAT IN ANY EVENT THE ONLY WAY TO RESOLVE THE DEFINITIONAL

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ISSUES WAS TO LEAVE THE LANGUAGE CONCERNING STRAITS USED FOR INTERNATIONAL NAVIGATION STRICTLY ALONE. HE THEN POINTED OUT THAT AS HE UNDERSTOOD THE CHILEAN POSITION ON BOTH THE BEAGLE CHANNEL AND THE FRINGING ISLANDS IT RESTED ON EITHER OF TWO BASIS, I.E. THAT AREA WAS HISTORIC INTERNAL WATERS OR THAT IT WAS NOT A STRAIT USED FOR INTERNATIONAL NAVIGATION. NEITHER ISSUE WAS AFFECTED IN ANY SENSE BY THE SINGLE TEXT. AFTER A LENGTHY DISCUSSION OF THE ISSUES IN WHICH THE CHILEAN MILITARY PRESENT SEEMED TO AGREE WITH AMBASSADOR MOORE AND ADMIRAL MORRIS, IT WAS LEFT THAT IF THE CHILEANS STILL FELT THEY HAVE A PROBLEM ON THE DEFINITION THEY WILL SEND A MEMORANDUM TO AMBASSADOR MOORE WITH THEIR SUGGESTED CHANGES. ADMIRAL MORRIS FOLLOWED THIS UP WITH A PRIVATE MEETING WITH ADMIRAL LE MAY ON WEDNESDAY.

7. WEDNESDAY MORNING REAR ADMIRAL MORRIS CALLED ON ADMIRAL LE MAY, NAVY CHIEF OF STAFF. DISCUSSIONS CENTERED ON NAVIGATIONAL AND MARINE SCIENTIFIC RESEARCH ISSUES. LE MAY INDICATED THAT AFTER AMBASSADOR MOORE'S DETAILED EXPLANATION, THEY NOW UNDERSTOOD FOR THE FIRST TIME HOW EXISTING NEUTRAL DEFINITION OF QUOTE STRAITS USED FOR INTERNATIONAL NAVIGATION UNQUOTE WOULD GIVE BEST PROTECTION TO CHILEAN CLAIMS. MORRIS INDICATED THAT US TEAM WOULD BE HAPPY TO STUDY AND FUTURE CONCERNS CHILEAN TEAM MIGHT HAVE ON STRAITS SECTION OF TREATY, THUS AVOIDING ANY OPEN SPLITS AND LE MAY AGREED.

8. ON MARINE SCIENTIFIC RESEARCH, ADMIRAL MORRIS INDICATED THAT THERE SEEMED TO BE A PROBLEM IN CHILEAN DELEGATION AS TO CERTAIN ASPECTS OF TEXT AS IT MIGHT RELATE TO LEGITIMATE MILITARY ACTIVITIES BEYOND TERRITORIAL SEAS. REAR ADMIRAL LE MAY GAVE STRONG ASSURANCE THAT CHILE WAS INTERESTED ONLY IN CONTROL OF RESOURCE-RELATED RESEARCH AND THAT HE WOULD INSURE THAT NO FURTHER PROBLEMS ON MORE SENSITIVE ASPECTS OF COMMITTEE III NEGOTIATIONS WOULD ARISE FROM CHILEAN SIDE.

9. WITH RESPECT TO THE ARGENTINE/CHILEAN ARBITRATION RELATING TO THE DISPUTED BEAGLE CHANNEL AND ISLAND BOUNDARIES, JORGE BERGUND INDICATED IT WAS ON TRACK AGAIN, THAT A VISIT BY THE JUDGES TO THE AREA MIGHT BE MADE IN JANUARY OR FEBRUARY, THAT CHILE HAD IMPLICITLY ACCEPTED THE MIDLINE IN THE CHANNEL, AND THAT THE OUTCOME OF THE CASE WOULD ALSO HAVE SIGNIFICANCE FOR ARGENTINE VERSUS CHILEAN CLAIMS IN ANTARCTICA, SINCE IT WAS A QUESTION OF WHETHER THE BOUNDARY WENT NORTH-SOUTH OR EAST-WEST.

10. COMMENT: THE TRIP TO SANTIAGO WAS EXTREMELY WORTHWHILE. THE CHILEANS SEEM CLOSE TO THE US POSITION ON TUNE THAN TO THE

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PERUVIAN AND ECUADORAN POSITIONS, AND THEY STRESSED THEIR INDEPENDENCE. THEY ALSO SEEM WILLING TO HELP OUT ON PROVIDING A TEXT FOR GALINDO-POHL TO USE IN THE TALKS AND IN SEEKING TO OBTAIN FRENCH PARTICIPATION IN THE TUNA TALKS. WITH RESPECT TO STRAITS, IT WAS MADE CLEAR THAT CHILE SUPPORTS UNIMPEDED TRANSIT AND IT WAS ACCEPTED AFTER DISCUSSION THAT NO PARTY SHOULD SEEK TO DEFINE STRAITS USED FOR INTERNATIONAL NAVIGATION. IT WAS AGREED THAT IF AFTER STUDY CHILE STILL FELT THAT CHANGES WERE NECESSARY IN THE SINGLE TEXT THEY WOULD SEND SPECIFIC SUGGESTIONS FOR CHANGE TO AMBASSADOR MOORE. IF ANY SUCH SUGGESTIONS ARE FORWARDED WE WOULD THEN HAVE THE OPTION OF ADOPTING A NO-OBJECTION POSITION ON THOSE, IF ANY, WHICH CAUSED US NO PROBLEM OR OR AGREEING TO SUPPORT, SUBJECT ARGENTINA'S AGREEMENT, AND CHILEAN AGREEMENT TO SUPPORT OUR PACKAGE OF STRAITS AMENDMENTS. THE MEETING WAS ALSO EXTREMELY USEFUL IN CLARIFYING THAT THE CHILEANS HAD NO INTENTION OF CAUSING DIFFICULTIES WITH RESPECT TO US DEFENSE RESEARCH OBJECTIVES IN THE NEGOTIATIONS.

11. AMBASSADOR MOORE AND REAR ADMIRAL MORRIS WOULD LIKE TO THANK AMBASSADOR POPPER AND EMBASSY POLCOUN CHARLES STOUT FOR THEIR GREAT ASSISTANCE AND HOSPITALITY. POPPER

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