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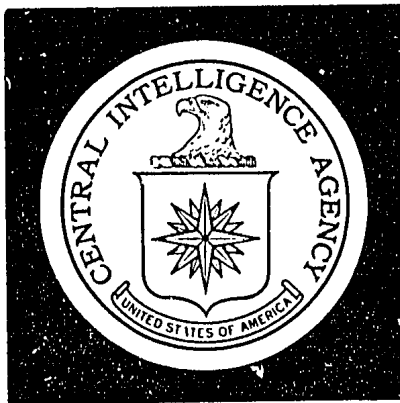
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DIRECTORATE OF
INTELLIGENCE

Intelligence Memorandum

Latin American Ocean Nationalism: The 200-Mile Claim

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CENTRAL INTELLIGENCE AGENCY
Directorate of Intelligence
16 August 1971

INTELLIGENCE MEMORANDUM

Latin American Ocean Nationalism: The 200-Mile Claim

Summary



Since 1947, Latin American territorial-sea claims have been at variance with widely accepted international norms and increasingly a subject of dispute with the US. In the last decade the claims, which reflect in large part the growth of nationalism in the hemisphere, have made considerable headway and have been pressed more forcefully. Fishing disputes and seizures of US vessels by several countries have become a major source of friction in US - Latin American relations, and the controversy has had repercussions for other hemispheric issues as

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well. Brazil, which takes the strongest position of all the 200-mile claimants, is attempting to forge a coordinated Latin American approach to the problem as part of its concerted foreign policy effort to expand its leadership and influence in the hemisphere.

Preparations now under way for the UN-sponsored Law of the Sea Conference in 1973 have brought into clear focus the implications for the US that are inherent in a 200-mile claim. At the same time, they have provided the Latin Americans with an international stage on which to maneuver and a potentially receptive Third World audience on the need for underdeveloped nations to protect their resources by making a 200-mile claim.

Commitment to the 200-mile stand varies and, statements for public consumption notwithstanding, Brazil's tough position is likely to be offset by more flexible positions in other Latin American countries. If isolated, Brazil may find that its long-term plans for leadership in the hemisphere dictate compromise in its position, rather than the obstinacy that sometimes has characterized its attitude. For a variety of external and internal reasons, however, the Latin American nations today are more acutely sensitive than ever to real or imagined threats to their sovereignty. Incidents with US fishing vessels and the consequent use, or alleged use, of US sanctions and pressures have hardened Latin American positions. Similar difficulties in the future would make Brazil's proselyting task easier, because even the moderates have demonstrated that they see little alternative to unified action in the face of anticipated pressures from the US.

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Historical Background

1. Traditionally, major powers have favored a maximum freedom of the seas policy and, consequently, narrowly defined coastal state jurisdictions. This position was an outgrowth of their interests in shipping and trade and their heavy reliance on unrestricted sea power. Smaller states had neither the motivation nor the means to dispute the arbitrarily established three-mile territorial seas limit. The three-mile delineation seems to have no well-documented origin, although it is commonly accepted that it arose because it was the approximate measure of the distance of a cannon shot from shore. A less imaginative explanation claims that it came about because three nautical miles also equals one league, which formerly was a common unit of measure in marine terminology.

2. The Latin American break with precedent, beginning in the late 1940s, has been the most extreme and widely publicized of the departures from the three-mile limit. The Latin Americans, however, attempt to justify their claims by pointing to the earlier Truman proclamations. In a 1945 declaration on the Continental Shelf, the US laid claim to the natural resources of the seabed and subsoil of the continental shelf off its coast. A second Truman proclamation provided for the establishment of fishing conservation zones extending an unspecified distance out to sea. The US did not by these actions attempt to establish full sovereignty over the shelf, nor did it claim sovereignty over the sea above the continental slope. In addition, no fishing conservation zones as provided for in the second proclamation have been established. The Latin American states argue, however, that the principle is the same: The unilateral declarations by the United States reflected its particular interests, just as the Latin Americans' territorial sea claims reflect their national needs.

3. The Truman declarations thus inadvertently provoked Latin American claims that, at this point, challenge the concept of freedom of the high seas. In 1947, both Peru and Chile announced unilateral extensions of their seaward territorial limits without regard for the extent of their continental shelf. In June of that year

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Chile, citing prior action by the US, became the first to proclaim a 200-mile boundary. The Chilean declaration established a zone of protection and control to 200 miles, which served as a model and precedent for other nations. In August, Peru followed suit with a similarly worded claim. Ecuador joined the group in 1952 with fishing and continental shelf claims to 200 miles. Its narrower claim of 12 miles of sovereign territorial sea has since been expanded to encompass the entire zone. In that same year the trio signed the Declaration of Santiago, which recognized and unified their respective claims and established a formal consultative group called the South Pacific Commission. Other Latin American nations, although they did not immediately join in the move for wider seas, expressed solidarity with the Santiago group, known as the CEP countries.

5. Internationally, the difficulties stemming from sometimes imprecise and contradictory claims were creating a problem of major concern. In recognition of this, international conferences on the Law of the Sea were held in Geneva in 1958 and 1960 under UN auspices. Agreement on outstanding issues was not reached, although at the conference in 1960 a proposal for six miles of territorial sea and an additional six-mile fishing zone was defeated by only one vote. The question of the breadth of the territorial seas was the major stumbling block. In addition, the conference did not arrive at a precise definition of the limits of the continental shelf. Conference terminology delineated the shelf as "extending to a depth of 200 meters or...to where the depth of the superjacent waters admits of exploration of natural resources." Advancing technology, facilitating exploration at greater depth, has made even this imprecise definition inadequate and outdated. In addition, widening claims have made the "six plus six" formula proposed in 1960 a relic.

6. Although the Latin Americans are the most visible and vocal of the claimants for expanded territorial sea rights and certainly at the fore of the movement for expanded coastal state ocean rights, they also reflect a gradually shifting sentiment

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that has had an impact beyond Latin American shores. In 1930, the majority of states accepted the traditional three-mile limit for a territorial sea and only the USSR claimed a 12-mile limit. By 1971, about 51 countries, or nearly half of the world's coastal states, claimed a 12-mile territorial sea, and some 14 others claimed various distances between 12 and 200 miles. In 1958, the year of the first Geneva conference, territorial sea claims encompassed 1,397,986 square nautical miles; by 1971 claims were made to 4,463,592 square nautical miles. More than 70 percent of this latter total was accounted for by six Latin American states and by Guinea, Indonesia, and the Philippines.

A Proliferation of Claims in Latin America

7. The ranks of the original three-member, 200-mile club have been swollen by the addition of Argentina, Brazil, El Salvador, Panama, and Uruguay. A less sweeping claim has been lodged by Nicaragua, which decreed a 200-mile fishing zone. Other nations are known to be considering extensions of their present limits. Costa Rican legislators on several occasions have introduced bills allotting an undefined "special competence" over a 200-mile zone to the country. In Colombia, legislation to extend the 12-mile limit was also introduced, although a potential seaward boundary dispute with Venezuela appears, along with other factors, to have put an effective brake on the territorial sea ambitions in the congress.

8. Even the smaller countries see little reason for continuing to adhere to what they consider an antiquated limit. In the Caribbean, Jamaica recently extended its territorial waters from three to 12 miles with so little forethought that, after passing the legislation, it came to light that the Jamaicans were uncertain as to whether their claim was one of nautical or statute miles. The Bahamas, expected to be independent within a few years, is considering an archipelago claim that could close the seas encompassed by its more than 200 islands. During the past several weeks Trinidad has been trying to convoke a meeting of all Caribbean countries to consider a common seas policy.

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9. As the numerous post-1952 claims make evident, a majority of the Latin American states now are dissatisfied with the three miles recognized by the United States. Most of the more extensive Latin American claims have been lodged relatively recently, suggesting that in the absence of an international accord on the issue, sentiment for wider boundaries is still gathering momentum. In addition, there have been further efforts to institutionalize Latin American claims. The CEP countries have used meetings of the Latin American Parliament, representing the several nations' congresses, to push through resolutions recommending that other coastal states proclaim expanded jurisdictions. Aside from the incipient Caribbean move to form a consultative group, Uruguay announced in June that it was undertaking an initiative to create a common organization for the South Atlantic 200-milers--Argentina, Brazil, and Uruguay. The Montevideo group apparently would parallel the South Pacific Commission set up in 1952 by Chile, Ecuador, and Peru.

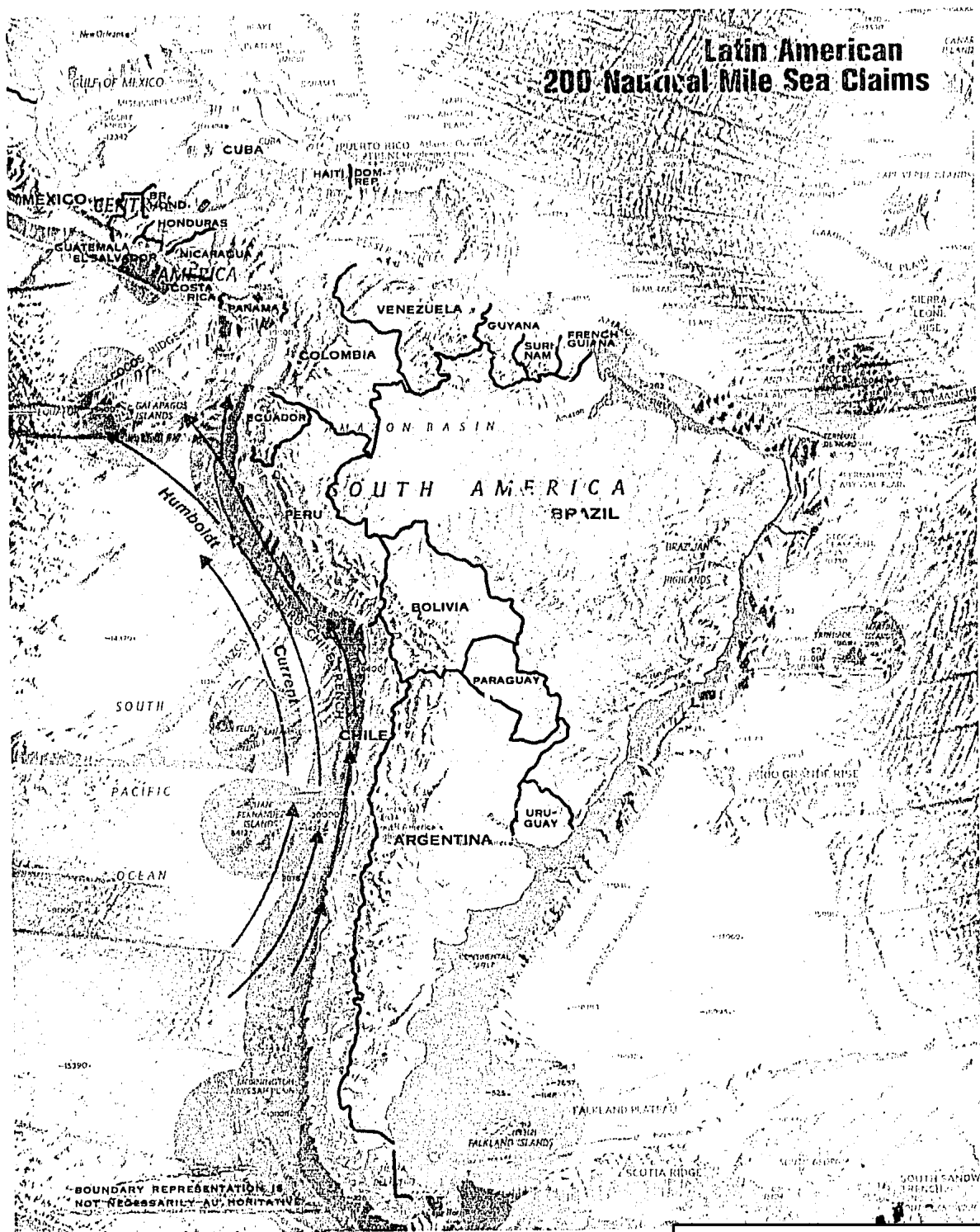
10. Brazil is the most recent 200-mile claimant and, by virtue of its size and importance in Latin America and the fact that a large foreign fleet fishes off its shores, is also the most significant. Its decree of March 1970 was implemented in June of this year and is the most restrictive to date. In addition to claiming complete sovereignty over the continental shelf, subsea resources, the sea, and the airspace above, Brazil later issued detailed decrees regulating fishing in its claimed waters. In the first 100-mile zone, fishing is reserved exclusively for Brazilian vessels or boats under charter to Brazilian firms. Foreign craft may purchase licenses for fishing privileges only in the 100-to 200-mile zone, and, even here, only Brazilian boats are permitted to fish for crustaceans. Brazil thus reserves for itself the shrimp and lobster harvests, which are the most profitable and account for the bulk of the catch in the area.

Rationale of the Latin American Claim

11. As previously noted, the Latin Americans contend that the Truman declarations furnished both legal and moral precedents. Even today, the 200-milers are quick to seize on any indication that

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wider territorial boundaries are being favored in the US. Statements from US congressmen advocating a US 200-mile decree, or actions by coastal state legislators aimed at expanding state boundaries to protect fishing resources, are exploited and circulated.

12. The Latin Americans now justify their claim, to a large extent, on economic grounds. The Humboldt Current flows off the west coast of South America, and most of the commercially profitable schools of fish follow the current--some 30 to 200 miles offshore. At present, the bulk of the fishing catch taken off the shores of South America, aside from Peru's anchovy haul, is netted by foreign fleets--largely US, Japanese, and Russian. The South American states are not in direct competition with these boats; their own fishing fleets are relatively small and generally confine their activities to sea lanes close to shore. The South American states argue, however, that narrow boundaries deprive them of their control over the foreign fleets and of their right to protect a potentially valuable national economic resource. A 200-mile boundary is justified as an ecological buffer as well. Recent oil spills, for example, reinforce the argument that a wide sovereign zone is necessary, if only to protect shorelines. The Latin Americans also contend that their expanded claims to the sea are justified because the biological riches of the ocean contiguous to their shores stem in part from the land. The Peruvians point to ocean-bound rivers rich with nutrients and to the highly fertile guano droppings that add to the enrichment of the waters. An additional economic impetus for these developing states is the generally unvoiced but widely held belief that coastal seas will yield as yet undiscovered natural riches.

13. Using the presence of fish as an argument enables the 200-milers to turn aside the blandishments of the advocates for a claim based on the continental shelf. They contend that the use of a geological concept such as the shelf as a base for claims favors the US, which has a wide shelf and an extensive foreign fleet with which to fish other

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shores. The biological zone, which takes fish and other living resources into account, is more suited to their needs. As a final counter to the continental shelf proponents, the Latin states point to the west coast of South America in rebuttal. Here, especially along the Ecuadorean coast, the shelf is narrow and drops off precipitously, naturally limiting a claim based on the underwater slope.

14. Relatively little effort is made to justify the 200-mile claim in terms of national defense. In the case of Argentina, and perhaps Uruguay and Brazil, the presence of Soviet boats fishing in coastal waters has sometimes aroused concern, and the use of expanded claims as a means of future control may have been a minor consideration for the extension of sea jurisdiction. With respect to contemporary needs and capabilities, however, the national defense argument is implicitly recognized as untenable. Even in Brazil, the most powerful of the Latin American states, the influential newspaper O Estado de Sao Paulo cautioned after the extension of Brazilian claims that the country was in no position to control and monitor movement in its far-flung territorial waters, given the size of its sea and air patrol forces. Naval spokesmen are now attempting to use this argument to justify increased expenditures for new equipment with which to fulfill their expanded responsibilities.

Nationalism as a Factor

15. The 200-mile issue is firmly rooted in the nationalism that has gained an increasingly firm hold on Latin American policies in the last decade. It has become a major irritant in US bilateral relations with several countries and already has demonstrated its potential for sparking diplomatic confrontations. Invariably, related problems with the US, such as those involving fishing disputes, have united both the rulers and the opposition in condemnation of US "affronts" to national sovereignty. Mass media across the political spectrum applaud the unified stand against the US "colossus." The reaction has been uniform, varying only in the degree of its virulence, throughout Latin America whether the regime has been of the left or right, military or civilian.

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16. With the waning of the optimism surrounding the years of the Alliance for Progress, the Latin Americans have gradually lost confidence in bilateral US aid as a panacea for their problems. With US attentions and priorities focused elsewhere, the Latin Americans have come to believe in a self-help nationalism, with greater interest in multilateral approaches to difficulties. This view of foreign events, in conjunction with increasing domestic pressures for rapid solutions to economic and political problems, has made US interests more vulnerable than at any time in the past. The rash of nationalization legislation, from the graduated approach taken by Venezuela to the sweeping approach taken by Chile, is the most obvious manifestation of the new order. Other illustrations abound, such as Panama's unyielding approach to canal negotiations with the US and the current effort by several states to expand trade and contacts with the Communist world.

17. The territorial seas controversy has been carried along in this rush to nationalism. In taking over US companies, the Latin Americans accuse the US of economic rape of the land. Few voices would be raised in opposition to the contention that 200-mile legislation forestalls similar rapacious intent via the sea.

The Fishing Rights Controversy

18. The most dramatic effect of the 200-mile claim has been to embroil the US and several of the Latin American countries in disputes over fishing rights. Although boats from several nations have occasionally been rounded up--Soviet craft have been fined for several years, Argentina fined a Greek trawler several months ago, and the Central Americans have fired on one another's boats--the principal target of the 200-mile decrees has been the US. Until this year, the controversy principally concerned the CEP countries, and of the three, Ecuador has been the primary disputant. Chile, whose cold waters are less attractive to the deep-water fleets, has seized only one US boat since promulgating its claim. Peru and Ecuador have been seizing and fining US boats since 1958. Enforcement of the claims, however, has been uneven and generally has depended on the internal

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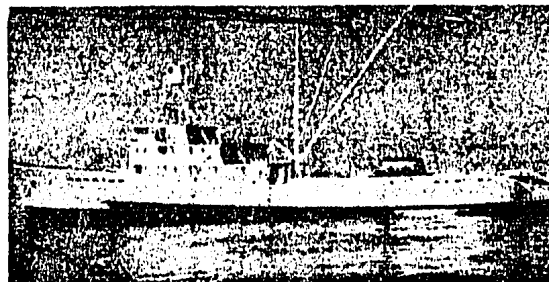
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political situation and the current state of bilateral relations with the US. The government in Peru, for example, currently moderating its policies following a hectic rush to a revolutionary pose after taking power in 1968, apparently has seen fit to ignore boats in its waters this year.

19. The dispute moved to the negotiating table in 1969 when the CEP countries agreed to join the US in four-power talks. US bilateral relations with Peru were strained at the time by the Peruvian expropriation of the International Petroleum Company and by the US suspension of military sales to Peru imposed as a consequence of earlier boat seizures. The agreement to proceed with the talks was reached after the US had lifted the military sales suspension.

20. The talks have dragged on for more than two years, with no appreciable progress toward a solution. A basic tenet of the CEP coalition at the outset was that the 200-mile claim itself was not negotiable. It was this stance that had led the three countries to refuse an earlier US proposal for talks that would have included Japan and Canada, as the Latin Americans feared their agreement to participate in more wide-ranging talks would implicitly compromise the validity of their claim. At present, the talks are again stalemated by the refusal of the CEP countries to attend scheduled sessions. They contend that US pressures, e.g., the present US suspension of military sales to Ecuador as a consequence of the spate of Ecuadorean seizures of US boats earlier this year, make it impossible to negotiate.

21. Ecuador's sudden and active enforcement of its 200-mile law began in January of this year: over a period of two and a half months the Velasco Ibarra government captured 26 US ships (including two seizures of the world's largest tuna fishing vessel, the Apollo) and collected \$1 million in fines. President Velasco may have ordered the initial seizures;



The Tuna Ship Apollo, the largest in the world, seized by Ecuador on 17 January.

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in any event, he quickly gave his consent to continued naval operations. He hoped that the US-Ecuadorean conflict would generate some popular enthusiasm for his troubled administration that was, at best, regarded with indifference by the population. The Ecuadorean campaign went to new extremes--a US naval cargo vessel was fired upon when it passed close to Ecuador's Galapagos Islands, almost 600 miles from shore. In response to the US suspension of arms sales, the Velasco government charged the US with "economic aggression" and used an OAS meeting in Washington in January as a forum to plead its case. In response to an Ecuadorean request for a special meeting of foreign ministers to consider its charges, the OAS voted 19-0 (with the US abstaining) to convoke the session. The net result of the meeting was an evenhanded resolution calling on both parties not to aggravate the situation, but the controversy created considerable political embarrassment for the US and a short-term propaganda coup for the Ecuadorean Government.

22. President Velasco's victory, if it was one, was both pyrrhic and short-lived. Most Ecuadoreans automatically supported the government's stand, but the dispute did little to stir popular support for the Velasco regime. Pressing his anti-US stance further, Velasco decided to expel the US military group from Ecuador in March. The decision, taken without consultation, was regretted generally in the government and certainly by a majority in the relatively moderate military. At present, opinion in the armed forces would clearly seem to favor some modification of the anti-US stance into which Velasco has maneuvered himself in attempting to court popular support.

23. The glare of publicity surrounding fishing disputes has shifted since early this year to South America's east coast, with the emergence of Brazil as a late-blooming but vociferous proponent of the 200-mile thesis. With the gradual expansion of the 200-mile club to include most coastal state countries, it was not surprising that Brazil was drawn into the group, and it began enforcing its legislation on 1 June 1971. Brazil's entry into the debate at this time also reflects the government's confidence in its domestic economic achievements and its desire to expand its foreign role. Since promulgation of the

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legislation, Brazilian policy has been one of relative restraint on the seas combined with an active and concerted foreign-policy effort to force the US into making concessions.

24. Thus far, no US ship has been seized by Brazil; Brazilian boats have simply warned US vessels to depart their claimed waters. Although Brazilian harassing tactics and the truculence of some US ship captains have combined to create the potential for several serious incidents, none has yet occurred. Several Brazilian officials have commented that they would prefer to apply the new law for the first time to a ship within the more widely recognized zone of 12 miles. There is little reason to doubt the Brazilians' oft-repeated statements that their policy is designed to minimize the possibility of an ocean incident that would jeopardize historically close relations with the US, which they value highly. If at some time in the future the Brazilians were to believe, however, that a selective seizure was needed to strengthen their case or to serve their tactical aim of creating a united front in Latin America on the 200-mile issue, they would probably proceed.

25. Brazil's moderate ocean tactics have been backed by an energetic diplomatic campaign. Since June, Foreign Minister Gibson Barbosa has met with several other Latin American foreign ministers in Brazil and is himself engaged in an extensive tour of other Latin American capitals. At each stop, the Brazilians coaxed a communiqué from their hosts that directly or indirectly supported the Brazilian territorial waters stand. In addition, Brazil has begun fisheries negotiations with several foreign governments whose boats fish its shores. Tiny Surinam and Trinidad-Tobago, out of whose ports many of the major fishing companies have operated, can ill afford a further pinch from the loss of fishing rights. These countries are presently engaged in fisheries negotiations with Brazil, and France has entered similar discussions and seems willing to negotiate some sort of settlement. The Brazilians, hard bargainers from all accounts, will be attempting to use any agreements that are reached to suggest that their claims have recognized legal validity.

26. Brazil's sea claims involve several considerations that are not applicable to other Latin

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American nations. Brazil aspires to leadership in Latin America, and its aggressive foreign policy is designed to establish such a role for itself not only in the hemisphere but also in the Third World generally. It has recently been the most outspoken advocate in international meetings of the need for greater attention to the interests of the less developed countries and the most aggressive complainant that major powers, principally the US, dominate international organizations and control them for their own purposes. Seeing the Law of the Seas issue as a Great Powers vs. the Third World contest, Brazil is determined to play a leading role. Further, within Latin America the nationalistic territorial seas issue also presents rightist Brazil with an opportunity to occupy political center stage in the hemisphere. Previously, such leftist regimes as those of Peru and Chile, which have defied the US on bilateral issues, have held the spotlight. To add further impetus, the Brazilians have long been convinced that their country is destined for eventual great-power status. With this future in mind, they seek to preserve for their own exploitation as much of the territorial sea, and its presumed riches, as possible.

27. The ill feeling created by several of these bilateral disputes has spilled over onto multilateral hemispheric issues as well. US legislators have proposed mandatory sanctions against those countries that seize US vessels in waters the US regards as high seas. The Vessel Loan Act requires the President to cancel such a loan if the participating country captures a US vessel in international waters. The President is also empowered, at his discretion, to withhold foreign aid in the case of seizures. Neither of those provisions has been applied, but each elicited protests from Latin America when enacted. Recently, the US Congress blocked, at least temporarily, continued US participation in the International Coffee Agreement, of which Brazil is a principal beneficiary, and legislators' public statements linked the action to Brazil's 200-mile decree. In response, the foreign minister of Colombia, which claims only a 12-mile sea, warned that such action on the part of the US could only provoke a hardened and unified stand on territorial waters from the rest of Latin America.

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International Impact

28. The Latin Americans have attempted, by several means, to promote acceptance and support for the 200-mile policy elsewhere in the world. Invitations were extended to African and Asian countries to attend both the 1970 and 1971 Law of the Sea conferences held in Latin America, and several delegates from Latin American countries took advantage of reciprocal invitations to attend the Afro-Asian Legal Consultative Committee Meeting in Ceylon this year. In addition to such multilateral action, both the Peruvian and Brazilian governments reportedly have pressed bilateral campaigns in the nonaligned world through the diplomatic representatives and UN delegations. One aspect of the situation that promotes inflexibility in the Latin Americans' position is their belief that support for a 200-mile limit or something similar is growing and that the US, Russia, and other developed countries preferring a narrow limit will eventually find themselves an isolated minority. To emphasize this view, the Latin Americans can point to the sentiment for expanded claims discernible in such diverse areas of the world as Canada, Sierra Leone, and Iceland. The Latin Americans have also found a more than willing propaganda ally in mainland China. China, although not claiming a 200-mile limit for itself, has strongly endorsed the efforts of others in the Third World to stand firm against what it sees as US and Russian pressure.

29. Preparations for the 1973 Law of the Sea Conference under UN sponsorship have brought some of the questions involved in the territorial-seas dispute into clear focus. Shipping and trade would be restricted by world-wide acceptance of a 200-mile limit. Enforcement would close virtually all of the important straits and seas of the world. In addition, one of the chief spokesmen for the Latin Americans on territorial sea matters, UN Chilean representative Zegers, has been quick to perceive the security interests behind US proposals on Law of the Sea questions. In several instances, he warned that if some compromise between the US and Latin America on territorial limits could not

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be reached, then as a tactical move the Latin American delegations might try to have the matter of peaceful uses of the sea addressed in greater detail. This issue, which would raise a host of problems for US security-related operations, would not only stir greater opposition to US proposals among nonaligned nations, but also might make it more difficult for the US and USSR to reach agreement on the maritime subjects.

30. In addition to that tactical gambit, the Latin Americans can also hope to use the conference to promote Third World sentiment for a substantial reordering of international law as it pertains to the sea. One of the attractions of the 200-mile figure for former colonial possessions is that it represents an almost complete reworking of the international norms set up when they were colonies and excluded from the process. The Law of the Sea problem thus presents an opportunity for the less developed countries to force new departures in the field of international law and to tie the specific matters at hand to the general aspirations of those countries vis-a-vis the super powers.

31. Although there is a host of complicated questions involved in the prospective 1973 conference, the territorial-limits controversy is the focus of Latin American efforts. The Latin Americans in general, for example, pay heed to the concept of an international regime for the control of the seabed beyond national jurisdiction with benefits from exploitation to be distributed to all countries, whether or not they possess a coastline. This notion, however, takes a back seat to the basic question of coastal-state sovereignty. Latin American countries are primarily interested in retaining as many economic advantages for the coastal states as possible. Only two states in Latin America, Bolivia and Paraguay, are landlocked.

The 200-Mile Claim: Is It Really Non-negotiable?

32. The present public position of the recent 200-mile adherents is that the claim is a non-negotiable, sovereign issue. In countries where the claim has existed for decades, such as in Chile and

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CLAIMED MARITIME LIMITS			
<i>(in miles)</i>			
Country	Territorial Sea	Fishing Limit	Year of Expanded Claim
Argentina	200	200	1967
Barbados	3	12	*
Brazil	200	200	1970
Chile	27 (50 km.)	200	1947
Colombia	12	12	1923
Costa Rica	3	12	*
Cuba	3	3	*
Dominican Republic	6	12	1967
Ecuador	200	200	1952
El Salvador	200	200	1950
Guatemala	12	12	1958
Guyana	3	12	*
Haiti	6	6	*
Honduras	12	12	1965
Jamaica	12	12	1971
Mexico	12	12	1969
Nicaragua	3	200	1965
Panama	200	200	1967
Peru	200	200	1947
Trinidad—Tobago	12	12	1969
Uruguay	200	200	1969
Venezuela	12	12	1956
United States	3	12	*
*Not Applicable			

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Peru, it has gained stature over a period of almost 25 years. In El Salvador, the 200-mile claim is enshrined as part of the national constitution. Several of the Latin American governments lay claim not only to the sea and its resources, but also to the continental shelf, the seabeds and subsea resources, and to the airspace 200 miles out to sea. Each government is more than ready to engage in a bit of saber-rattling for receptive domestic audiences in the event of a real or imagined threat to its territorial sovereignty. Despite the bravado, however, a majority of the Latin Americans would now appear willing to accept considerably less than the complete sovereignty they currently claim.

33. At present, the Latin American position may seem uncompromising, at least on the surface. Even the CEP fisheries talks are stalled, with the Latin Americans refusing to attend. There is little doubt, however, that the three countries would be willing to resume talks as soon as the US lifts the suspension of military sales to Ecuador. In public statements making reference to the talks, representatives of Peru and Ecuador have repeatedly singled out the suspension as the primary--and probably only--roadblock to their continued participation. Privately, the Ecuadoreans have also signalled a more conciliatory position on law of the sea matters.

34. It is doubtful, however, that there will be much progress on territorial sea problems in the CEP-US talks when they resume. Among other factors, the participants will be engaged in formulating their over-all strategy for the 1973 Law of the Sea Conference and probably will be reluctant to enter into agreements that might inadvertently bargain away any tactical advantage they can save for the conference itself. The CEP participants probably also look to the talks not so much as a means of resolving the multifaceted problems surrounding the fisheries dispute, but rather as a face-saving mechanism allowing tensions to abate, even if there is no real change in the practical situation.

35. The Chileans, for a variety of reasons, have played a relatively moderate role in regard to the fishing dispute, as was illustrated by their generally constructive actions during the OAS meeting

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in Washington earlier this year that considered Ecuador's charges of aggression against the US. Chile, despite its position as historic groundbreaker on the 200-mile question, seems reluctant to press the fight, for several reasons. Its claim calls for complete territorial sovereignty only to 27 miles (50 kilometers), with the 200-mile boundary termed a "zone of protection." At the 1960 Geneva Conference, the CEP countries proposed only that states with "exceptional" circumstances be granted special jurisdictions. Also some of the anchoveta schools, which Chile fishes, have at times moved north into Peruvian waters and so placed the Chilean fishing industry at a disadvantage. In addition, Chile already has considerable problems with US interests and may not be particularly eager to lock horns on this issue. It also has less at stake than several other countries.

36. The Ecuadoreans, Peruvians, and Chileans seem to be lobbying among the other Latin American states for a united position behind a substantially modified proposal. The plan envisages laying claim only to a 12-mile territorial sea in the classic sense, but at the same time decreeing a 200-mile economic zone. The wider economic jurisdiction would presumably encompass special fishing rights and probably a general claim to economic resources as well. There is some evidence that the other mainland South American 200 milers, with the exception of Brazil, have found merit in the proposal. The Brazilians, however, will presumably continue to argue strongly against the plan as well as any effort to make it public in the near future. The Brazilians apparently believe that such a public declaration would risk losing a valuable negotiating position better saved for the 1973 Law of the Sea Conference and certainly should not be floated now during the six week Law of the Sea Preparatory Conference that opened in Geneva on 19 July.

Prospects

37. Whether the potential Latin American position is made public at the Geneva talks or not, it is apparent that there is considerable flexibility on the territorial limits question, even among the 200-milers. The Central Americans, as well as many of the mainland South Americans, will probably find themselves in general agreement with the economic-zone proposal presently being floated. It preserves one aspect of the claim that is, in fact, probably non-negotiable. The 200-mile figure, if in

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somewhat diluted form, will be a necessary ingredient in any territorial-seas agreement with the Latin Americans. A second necessary aspect, given the widespread publicity accorded the fishing disputes, would be some special coastal-state control over living resources.

38. There are two possible exceptions to the softening position evident in Latin America. Panama, presently engaged in attempting to wring as many concessions from the US as possible during new canal negotiations, may use its stand on the 200-mile question as a bargaining wedge. In that case, its position would be tempered or hardened depending on its estimate of its chances in the canal talks.

39. Brazil has also demonstrated a penchant for obstinacy in international negotiations. When its arguments in favor of a strong agreement on terrorism failed to carry the day during an OAS meeting this year, it led an unprecedented six-nation walkout from the deliberations rather than be voted down. The Brazilians will probably be hard bargainers right down to the wire and will try to prevent the Latin Americans from breaking ranks. Confronted with considerable sentiment for compromise, however, the Brazilians may decide that their objective of becoming senior statesmen for the Southern Hemisphere dictates that they assume a leading position within the Latin American bloc, rather than play the role of maverick. Their strategy will depend in part on what success their demarches on the 200-mile question have in Africa and Asia, and to what extent they have boxed themselves in on the question at home.

40. To some degree, each nation's position on the 200-mile issue will depend on its domestic political situation. As has been repeatedly demonstrated, US pressures and incidents involving US interests only trigger a predictable chain reaction from both the population and nationalistic-minded politicians. The end result effectively reduces the government's ability to compromise. Ecuador, stung by the US suspension of military sales earlier this year, responded by expelling the US military mission and initiating an anti-US campaign. Even the moderates saw no alternative to voting with Ecuador at the OAS meeting called in January to consider charges of US

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aggression. Pressures and actions that the Latin Americans can interpret as sanctions designed to force them toward an accommodation with US ocean interests will only prompt the opposite effect. They may also furnish Brazil, and possibly others, with an appealing argument for holding firm to a 200-mile claim. If even a small minority of states elects to hold firm to a 200-mile position, the remainder will be that much more reluctant to compromise and leave themselves prey to charges of a sellout of nationalism.

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