

MEMORANDUM

NATIONAL SECURITY COUNCIL

October 7, 1975

MEMORANDUM OF CONVERSATION

PARTICIPANTS: President Ford
 Vice President Rockefeller
 Dr. Henry A. Kissinger, Secretary of State
 and Assistant to the President for
 National Security Affairs
 William Simon, Secretary of the Treasury
 Republican Congressional Leaders (List
 Attached)
 Leslie A. Janka (note taker)

DATE AND TIME: Tuesday, October 7, 1975
 8:05 - 9:20 a.m.

PLACE: The Cabinet Room

SUBJECT: 200-Mile Fisheries Legislation

The first half hour of the meeting was taken up with a discussion of the President's spending and tax cut proposals.

The President: I'd like to turn now to another important item on our agenda; that is the vote that will occur later today in the House on the 200-mile fishing legislation. Let me describe the situation as I see it. The Law of the Seas conference is at a crucial point. In the early spring negotiations will reconvene and the United States is advocating a 200-mile fisheries zone, and we are hopeful that we can achieve international agreement on such a zone. However, we would have some very serious problems if we were to declare such a zone unilaterally. We are hoping to bring it about on a world-wide basis through the Law of the Seas negotiations. Henry, do you want to point out some of the problems a unilateral extension will cause us.

Secretary Kissinger: We agree with the objectives of this legislation. There is no fundamental difference between the goals of the Executive and Legislative Branches in this area, but we want to use the leverage

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we have on the fisheries issue to achieve other items such as transit of straits and archipelagos, marine pollution, etc., which we consider absolutely essential to our oceans policy position. We cannot tolerate a situation where other nations and groups of nations establish conflicting claims that can only be settled by force.

We are aware of the concerns over the delay in the negotiations. I can tell you that we will propose a double session next year for the Law of the Seas conference. Despite this delay in the negotiations, we have been able to hold off Canada, Mexico, and others from declaring such zones. If we pass this unilateral legislation, we will not be able to prevent other nations from doing so, and it is our concern that such declarations may not be restricted only to fisheries but could involve territoriality.

We would find it most helpful if Congress could hold off action since we are on the verge of getting the 200-mile economic zone through multi-lateral negotiations. It would be helpful if Congress could hold off as long as a year. If we do not succeed by the end of the second Law of the Seas session, then we will withdraw our objections to such unilateral legislation.

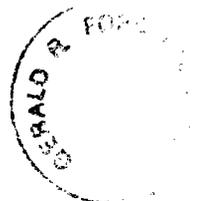
I also want to emphasize that in the meantime we are negotiating on fisheries with the countries that fish off our shores, and we are doing so successfully. For example, in the recent negotiations on the Northwest Atlantic fisheries, we achieved a 43 percent reduction of the catch in the area from Maine to North Carolina.

The President: Henry, what about the two illustrations we talked about yesterday, the Gulf of Baja California and the Gulf of Mexico.

Secretary Kissinger: We've kept Mexico from declaring a 200-mile zone in the Gulf and from claiming a patrimonial sea in the Gulf of California. We feel a great danger of total chaos in the oceans if all countries should move unilaterally towards declaring 200-mile zones. If that happened, we would have to adjudicate the conflicts for 15 years just to wind up where we are today.

Representative Quillen: In the Congress we see this as a stimulus to progress in the negotiations since it is obvious that the Law of the Seas talks are going nowhere now.

Secretary Kissinger: We have insisted on progress in the Law of the Seas talks, and we are continuing to push for action next year.

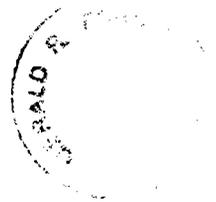


Representative Ruppe: The congressional representatives at the Law of the Seas Conference last year in Geneva clearly felt that there would be no progress or agreement and that we were merely kidding ourselves that the Law of the Seas Conference would achieve anything. The big stumbling block appears to be that the Third World countries are adamant on their position regarding deep sea bed mining benefits. With their insistence there is little likelihood of action on an international treaty.

Representative Forsythe: We have gone through three years of holding back on legislation for the Law of the Seas Conference. When the Geneva Conference broke up in May this year, Ambassador Moore said that the Administration might consider some interim measures. I think the current bill will pass the House easily. We've been very careful to see this bill does not touch on territoriality or migratory fish. You should know, Mr. President, that the feelings of sports fishermen on this issue are very strong. This year we have 148 sponsors in the House. Let me make one other point. President Truman moved unilaterally to declare continental shelf rights for the United States, and that position ultimately became recognized international law. The same thing could happen on this 200-mile legislation. Frankly, I believe the international agreements on fishing we've achieved this year are a direct result of the threat of this 200-mile legislation. We sincerely believe that this pressure helps move the Law of the Sea talks along.

We should also recognize that the current bill says that a new law would not change any existing treaty obligations and the 200-mile zone will not take effect until July 1976, which is timed to be after the Law of the Seas talks in New York, and clearly a new Law of the Seas treaty would overtake this legislation.

Senator Stevens: We are concerned with preserving the living resources of our seas. We have to recognize that there is no agreement in the Law of the Seas committees on all of the concepts of our Law of the Seas position, especially with regard to deep sea bed mining. In all of the time we have lost on these negotiations we have lost 12 species of fish which used to be commercially fished. The giant fishing ships of other countries are destroying the coastal fisheries, and this affects the millions of recreational sports fishermen. What we are seeing is the total depletion of our coastal fishing stocks. I have no confidence that the Law of the Seas conference will ever agree to anything. The committees dealing with these subjects are just too far apart. I believe Secretary Kissinger's people must not be informing him of the facts if they say an agreement can be reached in one year. There is no question in my mind that we will not achieve an agreement.



You know, Mr. President, that we get 80 percent of our fish from our 200-mile coastal zone. But the Japanese get 80 percent of their fish from our 200-mile zone. I can't put it more forcefully that this is a very great political issue. The Japanese and the Russians are taking the sports fishing away from the Americans. A veto of this legislation will be political suicide.

Senator Case: I've come to the conclusion that we have to have this legislation. I think some of our negotiations are useful, but I can't agree more with Ed Forsythe and Ted Stevens that the developing countries are holding up a Law of the Seas treaty over the deep sea mining issue. We cannot allow ourselves to be held up in a weak bargaining position by the less developed countries.

The President: Let me call on John Anderson, who I understand takes a different position on this bill.

Representative Anderson: I'm not sure I have a different position, Mr. President, but I certainly don't have much coastline in my district. I will preside today at a Republican conference on this issue. I am not a hot protagonist one way or another. But to be honest with you, a great many members have come to me expressing a lack of confidence that the next Law of the Seas meetings will produce anything.

Representative Edwards: We are going to have real problems in the Gulf as well. Our fishermen hate the big trawling ships and every one of them has over his mantel a piece of the trawling gear he has chopped off.

Representative Forsythe: It is true that the tuna fishermen are concerned about this bill, which in effect does what the Peruvians and the Ecuadorians are doing to them. We are doing our darndest to accommodate their interests in this bill.

Secretary Kissinger: I just want to say that my people think we can indeed reach an agreement by 1976. I will be ready to withdraw our objections to unilateral action if there is no agreement in 1976. With regard to the deep-sea bed mining issue, we are facing the same problem we had in the UN Special session. We will be able to give something in order to avoid an ideological confrontation but still retain controls which will work to our benefit due to our overwhelming technology in this area. We want to work to solve this problem in a way which avoids needless conflict while protecting the benefits to us.



Senator Case: We are worried that pressure on our fishing industry will force us to make unwise concessions in the Law of the Seas talks.

Senator Stevens: Mr. President, you have to recognize that a failure of the Law of the Seas talks next October would pose a terrible political problem for you just before the elections, and it would be a problem not only with the sports fishermen but throughout the country.

The President: When will the bill come up in the Senate?

Senator Stevens: We have reported it out of the Commerce Committee. We expect to bring it to the floor soon, but we have given the Foreign Relations Committee 30 days to take a look at it and report.

(The remaining half hour of the meeting was taken up in a discussion of the status of the energy legislation.)



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