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ACTION: Amembassy Madrid
INFO: Amembassy Quito
QUITO FOR LEGAL ADVISER STEVENSON
SUBJECT: Law of the Sea
EXDIS

1. Spanish Ambassador Arguelles met with President Nixon 3:30 p.m. December 9 to deliver personally letter from General Franco on Law of the Sea which is reply to President's letter to Franco of October 19.

2. Following is text of translation of Franco letter:

QUOTE

MADRID, November 18, 1971, ~~XXXX~~

Dear Mr. President:

As Ambassador Hill will have informed you, I received him promptly in order that he might deliver to me personally your letter of October 19 last on the subject of navigation and overflight through and over straits.

I have given the contents of your letter my fullest attention. You are aware of the sincerity of my feelings

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DRAFTED BY: EUR/SPP:TLTowell:jf	DRAFTING DATE 12/14/71	TEL. EXT. 22633	APPROVED BY: EUR - Mr. Fessenden
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CLEARANCES:
L/OA - ~~XXXXXXXXXX~~ Mr. Leitzell
SS - Mr. Miller

WH - Mrs. Davis (subs)

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of friendship toward your country and toward you personally, and you know of my earnest desire always for the best of understanding between our two Governments, since there is so much that links the destinies of the American and Spanish peoples.

Nevertheless, I must tell you that the general proposal of the United States on freedom of navigation and overflight through and over straits particularly affects long-range Spanish interests. The Strait of Gibraltar, which as you know attains ~~of~~ a breadth of seven and a half miles in some places and is partially situated inside Spanish territorial waters, is and has been throughout history a point of vital importance to Spain, both strategically and economically. Its importance has been accentuated by modern progress in all its aspects, and it is not conceivable that my country, or any other country in the same position, should renounce legal protection of its legitimate interests when a possible revision of the Law of

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July 12, 2005

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the Sea is projected.

I wish to mention also that public opinion in my country and the thinking of my own Government attach great importance to all matters relating to the area of Gibraltar, which is the subject of the permanently maintained Spanish claim with which you are familiar.

According to the United States proposal, not only those forces assigned to defense of the West would have the unrestricted right of free navigation and overflight, but also those of any other power, including the Soviet Union and China. This situation would, in my judgment, aggravate the potential threat to which you allude in your letter with a concern that I share.

In my opinion, our Agreement of Friendship and Cooperation with the United States, in its various clauses and in its implementation by the authorities of our two countries, provides an adequate arrangement for ensuring

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the maneuverability of your forces in this area, without the need of modifying the legal regime of innocent passage through the Strait, which respects the sovereignty of the coastal States and their right of self-defense.

In expressing my position with all frankness, as you asked me to do, I wish once more to renew my sentiments of friendship and esteem for you and your country, and I am instructing my Minister of Foreign Affairs, Lopez-Bravo, to consider this matter carefully, but without losing sight of our limitations as long as the colonial situation continues to exist in Gibraltar.

Very cordially yours,

F. Franco

UNQUOTE

END.

IRWIN

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