

SUBJECT.



10 DOWNING STREET

THE PRIME MINISTER

1 March 1982

PRIME MINISTER'S

PERSONAL MESSAGE

SERIAL No. T 34/82

Dear Ron.

cc. Master sec  
ops

Foreign Office  
cc J. Hockings  
D/I  
MOD  
DIT  
DES  
DIN  
HM  
MAFF  
N/S  
DB  
CO

Thank you for your message about the Draft Convention on the Law of the Sea.

When we came to office, we also conducted a review of the Convention. Our conclusion was that the adoption of a generally acceptable Convention by agreement would be in the United Kingdom's interest, subject to further consideration of the final text.

Since the talks which our delegations had in Washington on 8/9 February, we have approached some influential Governments and key leaders in the Conference and urged them to accept the necessity for further negotiations on the questions which you raised in your statement of 29 January. We have also spoken with Ambassador Koh, who will be doing his utmost to establish a mechanism for such negotiations. And we persuaded the EC Council of Ministers to adopt a decision on 22 February urging that the matters which you raised should be considered by the Conference.

We have not yet decided how the United Kingdom would react if it proved impossible to achieve a generally acceptable Convention and the group of 77 pressed for a vote. Our objective is an acceptable Convention and we would consider any arrangement which excluded the United States as seriously defective. We shall be making clear to the leaders of the Conference that we would have great difficulty in participating in a Convention in which the US did not take part. All parties have recognised that the Law of the Sea negotiations are a package; we shall therefore need to study the final text especially carefully before reaching a decision on the balance of advantage in the light of our national interest.

/ I was glad

I was glad to note in your statement on 29 January that the US delegation at the Conference will be working with other countries to achieve an acceptable treaty. This commitment has already proved helpful. It will be necessary to convince leading delegations at the Conference of the seriousness of the US commitment to the multilateral treaty process. This leads us to wonder whether it is wise to sign, in the next week, the reciprocating states agreement related to our national mining legislation. We want to sign this agreement with you and the FRG. But signature in the week before the resumption of the Conference will make it more difficult to get the necessary delegations to negotiate on your concerns and so to obtain a generally acceptable international regime of the kind we both want.

Our delegation will, as usual, be working closely with yours to try and achieve a Convention which is in our common interests.

Yours sincerely  
V. Payant

---

The President of the United States of America

PRIME MINISTER'S  
PERSONAL MESSAGE  
SERIAL No. T 56/82

THE WHITE HOUSE

WASHINGTON

cc. Master  
ops

March 29, 1982

Dear Margaret,

Thank you for your letter of March 1 on the Law of the Sea negotiations and the Reciprocating States Agreement. I appreciate your consideration of our positions in the negotiations and your supportive efforts with influential governments, key leaders of the conference, and the EC Council of Ministers.

As you know, we have considered it important to conclude an interim Reciprocating States Agreement as soon as possible and regret that your country and the Federal Republic of Germany decided not to sign the agreement prior to the conclusion of the current Law of the Sea session in New York. The United States remains committed to the agreement as an interim measure, pending entry into force of a Law of the Sea treaty acceptable to our countries. We hope that your government, as well as other like-minded states, will enter into the arrangement in May, shortly after the close of this Law of the Sea session.

We look forward to working closely with you on both of these matters.

Sincerely,

Ron

The Right Honorable  
Margaret Thatcher, M.P.  
Prime Minister  
London

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SECRET



EMBASSY OF THE  
UNITED STATES OF AMERICA  
DEFENSE ATTACHE OFFICE  
London, England

MINISTRY OF DEFENCE  
RECEIVED  
11 FEB 82  
R.S.  
8 February 1982

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The Right Honorable John Nott MP  
Secretary of State for Defense  
Ministry of Defense  
Main Building  
Whitehall SW1A 2HB

Dear Mr. Nott,

I have received a signal from Secretary of Defense Weinberger requesting that the following letter be delivered to you.

"Dear Colleague:

(U) As you are aware, President Reagan announced on January 29 that the United States will return to the LOS Conference and work with other countries to achieve an acceptable treaty.

(S) Several important mutual defense interests are involved in these negotiations. I hope you will agree that the matters listed below are important enough to warrant your urging the positive support of your Law of the Sea Delegation.

A. It is important that the navigation articles remain as currently drafted. While I do not believe that these articles are ideal, they do establish certain international standards which could serve to protect global mobility. Accordingly, to avoid any detrimental changes to these articles, we should ensure that the committee which is responsible for these issues (Committee II) is not reconvened. An example of a possible change to these articles which would be detrimental to defense interests would be a modification to Article 21 that would require warships to give notice to, or seek the permission of, the coastal state before transiting its territorial sea in innocent passage; such tampering would adversely affect mobility and could lead to a general unraveling of the navigation package.

2. =

B. Major elements of the seabed regime are unacceptable to the United States. Of particular concern to you would be the decision-making machinery, and transfer of technology issues. As currently drafted the seabed mining articles place the development of the resources of the deep seabed under burdensome and discriminatory international control. One aspect of this problem is that the draft

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Declassify on 08 Feb 88

SECRET

CONFIDENTIAL

Foreign Pol.

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B.F.

10 DOWNING STREET

*From the Private Secretary*

18 February 1982

LAW OF THE SEA NEGOTIATIONS

I enclose a message which the Prime Minister has received from President Reagan on the above subject and which was forwarded by the American Embassy this morning.

I should be grateful for advice and a draft reply for signature by the Prime Minister as soon as possible.

I am sending a copy of this letter and its enclosure to Jonathan Spencer (Department of Industry).

A. J. COLES

Francis Richards, Esq.,  
Foreign and Commonwealth Office.

CONFIDENTIAL

6/10

Prime Minister

(2)

Advice will follow in due course. A.S.C. 18. 2

SUBJECT

EMBASSY OF THE UNITED STATES OF AMERICA  
LONDON

PRIME MINISTER'S  
PERSONAL MESSAGE  
SERIAL No. T 31 / 82

February 18, 1982

mt

cc memo  
aps  
h-a.  
M<sup>2</sup>/<sub>2</sub>.

Dear Mr. Coles:

In the absence of the Ambassador, I am forwarding the attached message to the Prime Minister from President Reagan, which was received at the Embassy this morning.

Sincerely,

*Edward J. Streater*

Edward J. Streater  
Minister

Enclosure:  
CONFIDENTIAL

CONQUEROR

Mr. John Coles,  
Private Secretary  
to the Prime Minister,  
10 Downing Street,  
London, SW1.

T 31/82

CONFIDENTIAL

Dear Margaret:

For years the international community has been striving to develop an agreement concerning the world's oceans. These negotiations are now at an important juncture. I want to share with you some of my country's concerns regarding the current draft treaty on the Law of the Sea.

After a long and detailed review we have concluded that the seabeds provisions of the draft treaty are seriously defective and that, as now written, the treaty would in effect discourage and perhaps prevent the development of deep seabed resources. These resources include not only manganese nodules but other minerals of potentially greater importance. The draft treaty would also subject your government and mine to very large financial obligations.

Western unity will be essential for obtaining improvements in the seabeds provisions of the text while protecting the valuable provisions in such areas as navigation and the continental margin. In the absence of unity of purpose the prospects for a generally acceptable Law of the Sea convention are dim.

If you and other key leaders make it clear to the conference that you are not prepared to conclude a Law of the Sea treaty without the United States, I am convinced that we can succeed in making the changes necessary to transform the draft convention into a widely accepted treaty. If on the other hand, the conference believes that your country and other major industrialized countries might join a treaty which falls short of the necessary improvements, there will be little chance of a successful treaty. I urge you to send your negotiating team back to the conference with full support for the United States position.

I am directing my Law of the Sea negotiators to work closely with your delegation in the weeks to come to achieve a treaty which is acceptable and promotes our common interests.

Sincerely,

/s/

Ronald

The Right Honorable  
Margaret Thatcher, M.P.,  
Prime Minister,  
London.

CONFIDENTIAL

18 FEB 1982







285

10 DOWNING STREET

*From the Private Secretary*

18 February 1982

Thank you very much for your letter of 18 February forwarding a message to the Prime Minister from President Reagan about the Law of the Sea Negotiations. I shall place this before the Prime Minister.

K. J. COLES

The Honourable Edward J. Streator.

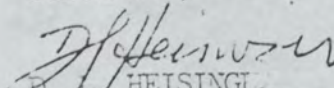
# SECRET

convention creates a one-nation one-vote international organization which is governed by an assembly and a 36-member executive council. In the council, industrialized nations are not guaranteed an ability to influence its actions commensurate with either our required financial contributions to the supranational seabed authority or our potential consumption and production of seabed minerals.

C. I assume that you are aware that the technology transfer provisions of the current text compel the sale of proprietary information and technology. Under these provisions, the supranational mining company, called the enterprise, through mandatory transfer procedures, is guaranteed access to seabed mining technology. The text further guarantees similar access to technology to any developing country planning to go into seabed mining. A major military concern is the adverse impact that these technology transfer provisions would have, not only on the basic incentive for innovation, but also on the stability of our current technology-sharing arrangements. As you are well aware, certain of the technology that could be used in deep seabed mining has military applications. Such security-related technology can be withheld from transfer under the present terms of the draft treaty, but only under a terminal penalty -- the withheld technology cannot be used in any ocean mining project. If not modified, such a sanction provision will undoubtedly generate industry pressure on signatory governments to authorize the transfer of technology which has been embargoed on grounds of national security. Accordingly, the U.S. would be reluctant to transfer ocean related technology to allies who sign the treaty as now drafted because of our concern that their mining industry might be allowed to transfer this technology to the enterprise or developing countries.

(U) Because our respective LCS delegations will begin holding intersessional meetings on February 8, I hope that you can give this matter your earliest attention. Sincerely, Signed:  
Casper W. Weinberger."

Sincerely,

  
D. L. HEISING  
Captain, U.S. Navy  
Defense Attache

## STATEMENT BY THE PRESIDENT

The world's oceans are vital to the United States and other nations in diverse ways. They represent waterways and airways essential to preserving the peace and to trade and commerce; are major sources for meeting increasing world food and energy demands and promise further resource potential. They are a frontier for expanding scientific research and knowledge, a fundamental part of the global environmental balance and a great source of beauty, awe and pleasure for mankind.

Developing international agreement for this vast ocean space, covering over half of the earth's surface, has been a major challenge confronting the international community. Since 1973 scores of nations have been actively engaged in the arduous task of developing a comprehensive treaty for the world's oceans at the Third United Nations Conference on Law of the Sea. The United States has been a major participant in this process.

Serious questions had been raised in the United States about parts of the draft convention and, last March, I announced that my Administration would undertake a thorough review of the current draft and the degree to which it met United States interests in the navigation, overflight, fisheries, environmental, deep seabed mining and other areas covered by that convention. We recognize that the last two sessions of the Conference have been difficult, pending the completion of our review. At the same time, we consider it important that a Law of the Sea treaty be such that the United States can join in and support it. Our review has concluded that while most provisions of the draft convention are acceptable and consistent with United States interests, some major elements of the deep seabed mining regime are not acceptable.

I am announcing today that the United States will return to those negotiations and work with other countries to achieve an acceptable treaty. In the deep seabed mining area, we will seek changes necessary to correct those unacceptable elements and to achieve the goal of a treaty that:

- o will not deter development of any deep seabed mineral resources to meet national and world demand;
- o will assure national access to these resources by current and future qualified entities to enhance U.S. security of supply, to avoid monopolization of the resources by the operating arm of the International Authority, and to promote the economic development of the resources;

- o will provide a decision-making role in the deep seabed regime that fairly reflects and effectively protects the political and economic interests and financial contributions of participating states;
- o will not allow for amendments to come into force without approval of the participating states, including in our case the advice and consent of the Senate;
- o will not set other undesirable precedents for international organizations; and
- o will be likely to receive the advice and consent of the Senate. In this regard, the convention should not contain provisions for the mandatory transfer of private technology and participation by and funding for national liberation movements.

The United States remains committed to the multilateral treaty process for reaching agreement on Law of the Sea. If working together at the Conference we can find ways to fulfill these key objectives, my Administration will support ratification.

I have instructed the Secretary of State and my Special Representative for the Law of the Sea Conference, in coordination with other responsible agencies, to embark immediately on the necessary consultations with other countries and to undertake further preparations for our participation in the Conference.

(29 January 1982)



26 FEB 1968

PHILIP  
POST  
OFFICE  
SINGAPORE

CONFIDENTIAL

*Foreign Policy*



Foreign and Commonwealth Office

London SW1A 2AH

16 April 1982

*N. B. P. D.*

*ADL 16/4*

*f-a.*

*Dear John,*

Thank you for your letter of 1 April enclosing President Reagan's answer to the Prime Minister's letter of 1 March about the Law of the Sea negotiations.

Our advice, with which the other interested Departments agree, is that the President's latest letter does not require a reply. No useful purpose would be served by sending one at the present time. Although the letter expresses the hope that we will sign the Reciprocating States Agreement as soon as possible after the present UNLOSC session ends on 30 April, we would prefer to wait and see the outcome of the session before giving any definite undertaking on this point. (There could be developments during the session, especially on preliminary investment protection, which would affect the Agreement and if such an undertaking became public at this stage of the Conference, it could be unhelpful to our negotiating stance at New York.) Therefore any reply which was sent to the President now would have to be in terms less forthcoming than the US would clearly like. This would be undesirable in the context of our overall relations with them at the present time.

Meanwhile you may like to know that Mr Haig wrote to Lord Carrington on 5 April urging that the UK state publicly that we would not adhere to a Law of the Sea Treaty to which the US is not a party. I enclose a copy of his message and of Mr Pym's reply. Since Ministers have not yet considered the possibility of a Treaty without the US, we obviously cannot go as far as Mr Haig wants. But, as you will see, the reply to Mr Haig does show our wish to maintain as much unity as possible with the US in the final stage of the negotiations.

I am copying this to the Private Secretaries to the Secretaries of State for Defence, Industry and Trade.

*Yours ever*

(J E Holmes)  
Private Secretary

*John Holmes*

A J Coles Esq  
10 Downing Street

CONFIDENTIAL

EMBASSY OF THE UNITED STATES OF AMERICA  
LONDON

April 5, 1982

Dear Foreign Secretary:

I have been asked to deliver the enclosed message to you from Secretary Haig, which was received at the Embassy this morning.

Sincerely.

Edward J. Streater  
Charge d'Affaires, a.i.

Enclosure:  
CONFIDENTIAL

The Rt. Hon. The Lord Carrington, KCMG, MC,  
Secretary of State  
for Foreign and Commonwealth Affairs,  
Foreign and Commonwealth Office,  
London, SW 1.

CONFIDENTIAL

April 5, 1982

Dear Peter:

I am writing to express my serious concern with developments at the Law of the Sea conference in New York. Unfortunately, so far during this session, there has been no serious negotiation of the United States concerns with the Deep Seabed provisions of the Treaty, although these issues are of major importance to this country. The United States delegation has made every effort to meet the timetable adopted by the conference and to present its proposals in the form desired by the other delegations. Despite that, the United States proposals have not been given a full hearing.

We are convinced that, were the conference to engage in actual negotiations, an acceptable compromise would emerge. Without negotiations, the objectives that our governments share cannot be met and United States participation in the Law of the Sea Treaty would be foreclosed.

There is a widely held view among the Group of 77 that the United Kingdom and other major industrialized countries may sign the present Law of the Sea convention with few if any changes. It would be very helpful if the United Kingdom also could publicly state that substantial changes need to be made to the existing text and that, in any event, the United Kingdom would not adhere to a Law of the Sea Treaty to which the United States is not a party.

I am gratified with your continuing support at the Law of the Sea conference. The United States remains committed to the process of negotiating a universally acceptable Law of the Sea Treaty.

Sincerely,

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OUT TELEGRAM

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	↓	CONFIDENTIAL	IMMEDIATE

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CLASS  
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1 ZCZC  
2 GRS  
3 CONFIDENTIAL  
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5  
6 FM FCO 161400Z APRIL 82  
7 TO IMMEDIATE WASHINGTON  
8 TELEGRAM NUMBER  
9 REPEATED FOR INFORMATION TO UKMIS NEW YORK  
10 ROUTINE TO BONN, PARIS, AND TOKYO  
11 UNLOSC  
12 1. Please pass the following message from me to Haig:  
13 BEGINS  
14 Thank you for your letter of 5 April to Peter Carrington about the  
15 Law of the Sea Conference.  
16 We share your disappointment that there has been little serious  
17 negotiation in the Conference so far, and therefore no real  
18 progress on the issues which were outlined in President Reagan's  
19 statement of 29 January. Margaret Thatcher's letter to the  
20 President of 1 March explained what we had been doing to ensure  
21 that these issues were discussed by the Conference. Since the  
22 session began the leader of the United Kingdom delegation has  
23 constantly repeated our view of the necessity for engaging in  
24 negotiations on these issues.  
25 We have also made it clear on a number of occasions that our

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NNNN ends telegram	BLANK	Catchword object
File number	Dept PRIVATE OFFICE	UNLOSC.
Drafted by (Block capitals) J E HOLMES		
Telephone number		
Authorised for despatch <i>J. Holmes 16/4</i>		
Comcen reference	Time of despatch	

OUT TELEGRAM (CONT)

	Classification and Caveats		Page
↓	CONFIDENTIAL	IMMEDIATE	2.

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 2 object is a generally acceptable convention, and that any  
 3 convention which the United States was unable to accept would  
 4 be seriously defective. In the First Committee debate on 16  
 5 March, our representative said that we would have great difficulty  
 6 in participating in such a convention. He also made it clear in  
 7 Plenary on 30 March that we do not think the proposals put  
 8 forward so far as a basis for a compromise go far enough. And on  
 9 25 March, Lord Trefgarne told the House of Lords that we  
 10 certainly believe there is room for improvement in the deep sea  
 11 mining texts.

12 You ask if we can go further and state publicly that in any  
 13 event, the UK would not adhere to a Law of the Sea Treaty to which  
 14 the US is not a party. As you know, the Treaty covers a wide  
 15 variety of subjects other than deep sea mining, including  
 16 some which are of very great concern to us, given our  
 17 geographical and economic circumstances. If we are faced with  
 18 a Convention which has been adopted under pressure from the  
 19 G77 and which you could not be a party to, we would have to  
 20 examine our options very carefully taking account of our overall  
 21 interests. The Cabinet has not yet looked at this question, which  
 22 we hope will not arise. But I do not think a statement of the  
 23 sort you suggest would necessarily have the effect of making  
 24 the G77 compromise. On the contrary, it could provoke them into  
 25 making no further effort to reach a solution on the deep sea  
 26 mining texts and also encourage them to attack the other texts  
 27 which are at present favourable to us, eg on navigation and the  
 28 shelf. This could have very unfortunate effects, for instance  
 29 on the question of innocent passage of warships through the  
 30 territorial sea, which is, I understand, of equal significance  
 31 to the deep sea mining issue in the view of your delegation.

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32 However, I agree that the best way to avoid such a  
 33 situation is to maintain our unity in the negotiations at the  
 34

NNNN ends telegram	BLANK	Catchword Conference
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OUT TELEGRAM (CONT)

	Classification and Caveats		Page
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Conference. Accordingly, as Douglas Hurd told Walter Stoessel on 13 April, our delegation was instructed to co-sponsor the formal amendments which your delegation wished to put forward on the deep sea mining texts. I understand both delegations worked hard and successfully to get agreement on a comprehensive list of proposals which, following our lead, were also supported in most cases by the other major industrialised countries.

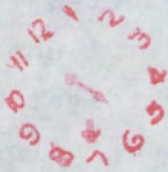
Meanwhile, I have been heartened to learn that your delegation have received new instructions which will introduce a greater flexibility in any negotiations. As you know, when you embarked upon your review, we felt that any proposals for change should be limited if they were to have a chance of being incorporated in the draft convention. We hope that a readiness to compromise will now be maintained on all sides. We will be urging this view on the G77 while repeating that we consider a treaty without the US would be seriously defective. This seems to us the best way forward towards a convention which can, as we hope, be adopted by consensus.

ENDS  
  
PYM  
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NNNN ends telegram	BLANK	Catchword
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16 APR 1962



MFJ

Foreign pot

6 April 1982

I write to acknowledge receipt of your letter of 6 April enclosing a letter from President Reagan to the Prime Minister about the Law of the Sea negotiations and the Reciprocating States Agreement.

JC

Mr. Edward J. Streater.

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EMBASSY OF THE UNITED STATES OF AMERICA  
LONDON

April 6, 1982

*M 6/4*

Dear Mr. Coles:

I have been asked to forward the enclosed letter to the Prime Minister from President Reagan, which was received at the Embassy this afternoon. The text of the letter was forwarded on April 1, 1982.

Sincerely,

*Edward C. Streater*  
Edward C. Streater  
Chargé d'Affaires a.i.

Enclosure:  
SECRET

Mr. John Coles,  
Private Secretary  
to the Prime Minister,  
10 Downing Street,  
London, SW1.

THE WHITE HOUSE

WASHINGTON

March 29, 1982

Dear Margaret,

Thank you for your letter of March 1 on the Law of the Sea negotiations and the Reciprocating States Agreement. I appreciate your consideration of our positions in the negotiations and your supportive efforts with influential governments, key leaders of the conference, and the EC Council of Ministers.

As you know, we have considered it important to conclude an interim Reciprocating States Agreement as soon as possible and regret that your country and the Federal Republic of Germany decided not to sign the agreement prior to the conclusion of the current Law of the Sea session in New York. The United States remains committed to the agreement as an interim measure, pending entry into force of a Law of the Sea treaty acceptable to our countries. We hope that your government, as well as other like-minded states, will enter into the arrangement in May, shortly after the close of this Law of the Sea session.

We look forward to working closely with you on both of these matters.

Sincerely,

*Ron*

*Text was delivered  
earlier by cable  
April 1, 1982*

The Right Honorable  
Margaret Thatcher, M.P.  
Prime Minister  
London

SECRET



4  
Foreign Pol.

6/1F

10 DOWNING STREET

*From the Private Secretary*

1 April, 1982.

I enclose a copy of a letter from President Reagan to the Prime Minister in reply to Mrs. Thatcher's letter of 1 March about the Law of the Sea negotiations and the reciprocating states agreement.

I should be grateful to know in due course whether you consider that President Reagan's letter requires a reply.

I am sending copies of this letter to the Private Secretaries to the Secretaries of State for Defence, Industry and Trade.

A. J. COLES

Francis Richards, Esq.,  
Foreign and Commonwealth Office.

SECRET



1 April, 1982.

I write to acknowledge your letter of 1 April enclosing a message to the Prime Minister from President Reagan about the Law of the Sea negotiations.

COLES

The Honourable Edward J. Streater




EMBASSY OF THE UNITED STATES OF AMERICA  
LONDON

April 1, 1982

Dear Mr. Coles:

In the absence of the Ambassador, I am forwarding the attached message to the Prime Minister from President Reagan, which was received at the Embassy this morning.

Sincerely,

  
Edward G. Streater  
Minister

Enclosure:  
SECRET

Mr. John Coles,  
Private Secretary  
to the Prime Minister,  
10 Downing Street,  
London, SW1.

SUBJECT

SECRET

PRIME MINISTER'S 3  
PERSONAL MESSAGE  
SERIAL No. T 56/82

Dear Margaret:

Thank you for your letter of March 1 on the Law of the Sea negotiations and the Reciprocating States Agreement. I appreciate your consideration of our positions in the negotiations and your supportive efforts with influential governments, key leaders of the conference, and the EC Council of Ministers.

cc. Nastes  
Ops.

As you know, we have considered it important to conclude an interim Reciprocating States Agreement as soon as possible and regret that your country and the Federal Republic of Germany decided not to sign the Agreement prior to the conclusion of the current Law of the Sea session in New York.

The United States remains committed to the Agreement as an interim measure, pending entry into force of a Law of the Sea Treaty acceptable to our countries. We hope that your government, as well as other like-minded states, will enter into the arrangement in May, shortly after the close of this Law of the Sea session.

We look forward to working closely with you on both of these matters.

Sincerely,

/s/

Ron

The Right Honorable  
Margaret Thatcher, M.P.,  
Prime Minister,  
London.

SECRET



10 DOWNING STREET

From the Private Secretary

15 March 1982

Law of the Sea

Thank you for your letter of 11 March describing the latest position reached with regard to the reciprocating states agreement. The Prime Minister has noted the contents of your letter.

I am copying this letter to the Private Secretaries to the Secretaries of State for Defence, Industry and Trade.

A. J. COLES

John Holmes, Esq.,  
Foreign and Commonwealth Office.

RB



Prime Minister

For information. Department are  
agreed on this line.

Foreign and Commonwealth Office

London SW1A 2AH

A.S.C.  $\frac{12}{3}$

11 March 1982

MF

Dear John,

Law of the Sea

On 1 March the Prime Minister wrote to President Reagan about the Law of the Sea Conference. In her letter, Mrs Thatcher suggested that it might not be wise to sign at this stage a reciprocating states agreement (RSA) related to national mining legislation; although we wanted to sign such an agreement with the US and the FRG, signature now would make it more difficult to get leading delegations at the UNLOSC Conference session (which opened this week) to negotiate on American concerns and so to obtain a generally acceptable international regime of the kind both countries want.

On 6 March our Embassy in Washington informed us that despite this message, the Administration felt itself under such strong pressure from Congress and industry that they wanted an RSA signed as soon as possible: this decision was subsequently refined to "closing the window" on further licence applications on 12 March, with an extension until 16 March for signature of the RSA.

see below X

If we had fallen in with this timetable we would have provoked a very angry response from the Group of 77 at the UNLOSC Conference who would have seen these moves as an attempt to pre-empt the international regime for deep seabed mining covered by the draft Convention. They might have responded by refusing to negotiate on the latest American amendments to the draft Convention; and by reopening sections of the draft covering continental shelf and marine navigation with which we are content, and have much interest in maintaining. This would have destroyed any chance of achieving the universally acceptable Convention which remains our long-term objective. On the other hand, provided that there is progress at the Conference in the meantime, signature of an RSA later in the year may be possible without risking the same disruptive effect.

/The risks might

X "Closing the window"

Those companies who apply for licenses to mine in the deep sea-bed before the window is closed get preferential treatment over those which apply afterwards.



The risks might in any case have been worth running if there were no other way of safeguarding important British commercial interests. But this was not the case. The international companies involved have recently signed an agreement for commercial arbitration on disputes between them; and we (and the French and Germans) will be ready to keep up the pressure on the Americans if they show signs of seeking to apply their law in a way which would certainly discriminate against our companies.

On this basis it was agreed between FCO and DOI Ministers that we should ask the Americans one last time not to push for signature of an RSA; if they persisted, we should say that we would not sign now because of the disruptive effect on UNLOSC, but we would want to do so as soon as developments in UNLOSC permitted (probably in May). Meanwhile, we would close our window at the same time as the Americans; and we would hope that they could find ways of taking account of our mutual interests. With the agreement of other interested Ministers (MOD, DOT, Department of Energy) and the approval of Lord Carrington and Mr Jenkin, instructions to that effect were issued on 11 March. I enclose a copy of the telegram to Washington. (In order to take account of a request from the British companies involved, it was agreed at the last minute that our window would not actually close until 16 March, even if the Americans closed theirs on 12 March.)

We have kept the Germans fully informed of our thinking as it developed, both in Bonn and New York. They have all along made it clear that they would not sign an RSA without us; and they have agreed to support our approach to Mr Haig. We hope the French may do so also.

I am copying this letter to the Private Secretaries to the Secretaries of State for Defence, Industry and Trade.

*Yours ever*

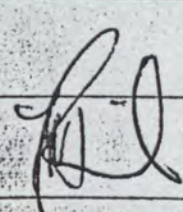
*John Holmes.*  
(J E Holmes)  
Private Secretary

A J Coles Esq  
10 Downing Street

OUT TELEGRAM

	Classification and Caveats <b>CONFIDENTIAL</b>	Precedence/Deskby IMMEDIATE DESKBY 111500Z
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ZCZC	1	ZCZC
GRS	2	GRS
CLASS	3	CONFIDENTIAL
CAVEATS	4	
DESKBY	5	DESKBY 111500Z
FM FCO	6	FM FCO 111345Z MAR 82
PRE/ADD	7	TO IMMEDIATE WASHINGTON
TEL NO	8	TELEGRAM NUMBER
	9	REPEATED FOR INFORMATION TO IMMEDIATE BONN, PARIS, UKMIS NEW YORK,
	10	(For Leader of UKDEL TO UNLOSC)
	11	UKMIS NEW YORK TELNO 216 AND TELECON GRAY/FRENCH 10 MARCH: UNLOSC
	12	1. Grateful if you could speak to the Americans at an
	13	appropriate level as soon as possible to make the following
	14	points. In doing so you should stress my personal interest and
	15	concern.
	16	(i) We are we think agreed that government and industry in
	17	both our countries would stand to gain from agreement at
	18	UNLOSC on a universally acceptable Convention, providing,
	19	among other things, for a satisfactory international
	20	regime on deep seabed mining. It is therefore in our
	21	mutual interest to ensure that the Conference is not
///	22	disrupted by any action of ours at the beginning of the
//	23	current crucial session.
/	24	(ii) We are both, of course, also anxious to protect the
	25	interests of our governments and industries in the short-

NNNN ends telegram	BLANK	Catchword term,
File number	Dept	Distribution UNLOSC Limited MAED UND ECD(E) PS PS/Mr Hurd PS/PUS Lord Bridges Mr Adams Legal Advisers
Drafted by (Block capitals) PRIVATE SECRETARY		
Telephone number 233 4641		
Authorised for despatch 		
Comcen reference	Time of despatch	

OUT TELEGRAM (CONT)

Classification and Caveats

CONFIDENTIAL

Page

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1 <<<<

2 term, and particularly those who have already invested  
 3 considerable sums in deep seabed exploration. That  
 4 requires not only that we close our windows, but that we  
 5 negotiate a reciprocating agreement which would place the  
 6 applicants through the window of one country on a basis of  
 7 equality with applicants through the window of the other  
 8 country. Unfortunately, if we sign such an agreement now,  
 9 the Group of 77 at UNLOSC will see this as an attempt to  
 10 undermine the Conference by establishing an international  
 11 regime outside the UNLOSC framework. In response they  
 12 may well refuse to discuss the amendments you have put to  
 13 the Conference with the inevitable result that our long-  
 14 term objective of a universally acceptable Convention would  
 15 not be met.

16 (iii) Even the closing of the window now could have a similar  
 17 provocative effect. We hope therefore that even at this  
 18 late stage you can persuade your colleagues not to close  
 19 the window now, but to wait until the current discussions  
 20 in UNLOSC end on 30 April. By then there may have been  
 21 sufficient progress at the Conference to give the Group  
 22 of 77 confidence that we take UNLOSC seriously, and they  
 23 may react more moderately to a reciprocating states  
 24 agreement.

25 (iv) We know that your authorities are being pressed to close  
 their window on 12 March. If they decide that they have  
 no alternative but to do so, then we would like to keep  
 in step. We understand, however, that the UK applicant  
 would in that case wish to adjust its application in the  
 light of that development and we would therefore close  
 the UK window on Tuesday 16 March. We would not, however,  
 be able to sign a reciprocating states agreement then  
 because we wish to avoid the disruptive effect which this  
 would have on UNLOSC. But we want to conclude

NNNN ends telegram	BLANK	Catchword reciprocating
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OUT TELEGRAM (CONT)

Classification and Caveats

CONFIDENTIAL

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2 reciprocating arrangements with you on a retroactive basis  
 3 as soon as possible after the current discussions finish.  
 4 In the meantime, we hope that the Administration can find  
 5 means of recognising applications from other countries  
 6 filed before the closing of their window despite the  
 7 delay in conclusion of an agreement.

8 (v) In view of the importance of harmonising positions in  
 9 the interests of our countries, we hope we can all remain  
 10 closely in contact on this question.

11 2. (For Bonn) Please give the text of these points to  
 12 Lautenschlager so that the Germans can now take action in support  
 13 (your telno 205). Please explain that the decision to defer  
 14 closure of our window until 16 March is a last-minute decision  
 15 intended to help the UK applicant protect its position under  
 16 US laws; the same point may be valid for the German applicant.

17 3. (For Paris) Please give this text to the Quai and say that  
 18 we would welcome any action of a similar nature which they felt  
 19 able to take with the Americans.

20 4. (For UKmis New York) We would not wish leader of UKDel  
 21 to UNLOSC to convey this text to Koh: but we would be content  
 22 for Koh to be told that his appeal (UKMis telno 214) had been  
 23 given sympathetic consideration and that HMG will seek to avoid  
 24 any action which would disrupt the Conference at this critical  
 25 juncture.

26  
 27 CARRINGTON

28 NNNN

29

30

/// 31

// 32

/ 33

34

NNNN ends  
 telegram

BLANK

Catchword



10 DOWNING STREET

Prime Minister

Agree the text of the  
reply to President Reagan,  
subject to any comment from  
the Foreign Secretary who is  
being consulted over the weekend  
(all departments concerned agree with  
the text) ?

A.J.C.

It really does need  
redrafting (see text). It  
is very verbose  
no.

CONFIDENTIAL



Foreign and Commonwealth Office

London SW1A 2AH

26 February 1982

f.a.  
M  $\frac{3}{8}$

Dear John,

Law of the Sea

I wrote to you earlier today enclosing a draft reply from the Prime Minister to President Reagan's message.

Following further interdepartmental discussion today, a revised version of the draft reply has now been agreed. I enclose this revised version.

I am copying this to the recipients of my previous letter.

Yours ever

*John Holmes*

(J E Holmes)  
Private Secretary

A J Coles Esq  
10 Downing Street

CONFIDENTIAL

2 pps. 2



Foreign and Commonwealth Office

London SW1A 2AH

26 February 1982

Dear John,

Law of the Sea

Thank you for your letter of 18 February enclosing a message from President Reagan to the Prime Minister. I enclose a draft reply.

As you are aware the US have been urging us in various ways to take their side in the confrontation which is likely to develop between them and the Group of 77 at the next session of UNLOSC. Apart from the approaches referred to in your letters of 10 and 16 February, the Secretary of State for Defence has also received a message from Mr Weinberger (enclosed). On 25 February Aims of Industry gave a press conference on the lines of Professor Denman's letter to the Prime Minister, stressing the disadvantages of the Convention, which has received attention in today's press. The Leader of the US Delegation will be in London next week to speak at Chatham House and give a press conference on Law of the Sea.

In response to American appeals, we have been making strenuous efforts to persuade leading members of the Conference to accept the need for consideration of the concerns expressed by President Reagan at the next session which starts on 8 March. We also persuaded our EC partners to express the view at the Council of Ministers' meeting on 22 February that such negotiations should take place so that a generally acceptable treaty can be obtained.

President Reagan is asking us to go further than this, and to say clearly now that we are not prepared to participate in a treaty without the US. When OD considered the issue in June 1980, the Prime Minister concluded that the adoption of a generally accepted convention by consensus would be likely to be in the UK's interest, subject to further consideration of the final text. But Ministers have not yet decided whether to accept the Draft Convention in its present form if pressed to a vote by the G77: nor have they considered what to do if the Americans decide not to participate in the Convention. There are important national interests involved apart from deep sea mining, eg the continental shelf and navigational provisions, with which other Departments in Whitehall are closely concerned. The US do not share all these interests and there is a danger that these texts could be unravalled to our disadvantage.

In these circumstances we recommend the adoption of a reasonably positive stand in reply to President Reagan. We would

/make



make it clear to the G77 that we believe a treaty without the US would be seriously defective and it is unlikely we would join such a treaty. This would:

- (a) show our commitment to Anglo/American cooperation;
- (b) put pressure on the G77 to negotiate seriously about the US concerns;
- (c) help us cope with the criticism being expressed by British industrialists.

But the message to President Reagan should also stress that we expect the US to negotiate seriously as well and that our attitude is based on that assumption. (His statement of 29 January, which I enclose, was helpful in that respect.)

It is also relevant that the US are now pressing us to sign an agreement about the implementation of the interim deep sea mining laws, which have been passed by the US, UK, FRG and France. This Agreement is strongly criticised by the G77 as a 'mini-treaty' contrary to the spirit of UNLOSC. We were hoping that France would join in the Agreement and that it would have been completed in January. But the French are now refusing to sign before the next UNLOSC session. Attempts by the Germans and ourselves respectively to persuade the French not to drop out and the US to defer signature have been unsuccessful and it now seems that the US may want to go ahead on 3 March. Chancellor Schmidt is speaking to President Mitterrand today to press the French again and President Reagan's message to the Prime Minister offers us an opportunity to repeat our representations to the US. Although we would wish, even if these efforts fail, to go ahead with signature of the Agreement (otherwise our mining interests will be disadvantaged), it would be worth urging the Americans at the highest level to reconsider the tactical disadvantages of signature now in relation to our common long-term objective of obtaining a generally acceptable international Convention. A passage on this subject is therefore included in the draft reply to President Reagan.

Since the proposed date for the signature of the Agreement is now so close, to have the necessary impact on the Americans it would be helpful if the message could be despatched as soon as possible.

I am copying this letter to the Private Secretaries of the Secretaries of State for Industry, Defence, Trade, Education and Science, and Energy; of the Chancellor, Attorney-General, Minister of Agriculture, Fisheries and Food and Minister for Local Government and Environment Services; and of Sir Robert Armstrong.

*Yours ever*

(J E Holmes)  
Private Secretary

*John Holmes*

A J Coles Esq  
 10 Downing St

DSR 11 (Revised)

DRAFT: minute/letter/teleletter/despach/note

TYPE: Draft/Final 1+

FROM:

Reference

Prime Minister

DEPARTMENT:

TEL. NO:

SECURITY CLASSIFICATION

TO:

Your Reference

- Top Secret
- Secret
- Confidential
- Restricted
- Unclassified

President Reagan

Copies to:

PRIVACY MARKING

SUBJECT:

.....In Confidence

Thank you for your message about the Draft Convention on the Law of the Sea.,

CAVEAT.....

When we came to office, we also conducted a review of the Convention. Our conclusion was that the adoption of a generally acceptable Convention by ~~consensus~~ <sup>agreement</sup> would be in the United Kingdom's interest, subject to further consideration of the final text.

Since the talks which our delegations had in Washington on 8/9 February, we have ~~asked our missions in~~ <sup>approach</sup> ~~certain capitals to approach~~ <sup>some</sup> influential Governments and key leaders in the Conference and urged <sup>h</sup> them to accept the necessity for further negotiations on the questions which you raised in your statement of 29 January. We have also spoken with Ambassador Koh, who will be doing his utmost to establish a mechanism <sup>to</sup> ~~whereby~~ such negotiations ~~can take~~ <sup>we persuaded</sup> place. And ~~(largely due to our efforts)~~ the EC Council of Ministers <sup>to</sup> ~~adopted~~ a decision on 22 February urging that the matters which you raised should be considered by the Conference.

Enclosures—flag(s).....

We have not yet decided how the United Kingdom would react if it proved impossible to achieve a generally acceptable Convention and the group of 77 press <sup>ask for</sup> it to a vote. ~~I can assure you that our objective remains~~ a generally acceptable Convention ~~which can be adopted by consensus.~~ ~~This means that~~ we would consider any arrangement which excluded the US as seriously defective. We shall be making ~~this~~ clear to the leaders of the conference, ~~and~~ that we would ~~certainly~~ have considerable difficulty in participating in a Convention in which the US did not take part. ~~I think that~~ <sup>A</sup> all parties have recognised that the Law of the Sea negotiations are a package; <sup>shall</sup> and we would need to <sup>study</sup> look very carefully <sup>at</sup> the final text in the light of all our national interests before making up our minds.

*I was glad to note*

Your statement on 29 January that the US delegation at the Conference will be working with other countries to achieve an acceptable treaty <sup>This commitment has already proved helpful.</sup> ~~has greatly assisted those who, like~~ ~~Executive~~ ourselves, wish to help. <sup>next</sup> ~~At the forthcoming session of the~~ Conference <sup>at the balance</sup> it will be necessary to convince leading delegations of the seriousness of the US commitment to the multilateral treaty process. <sup>This leads us to</sup> ~~In this connection~~ we wonder whether it is <sup>wise</sup> advisable to <sup>sign</sup> proceed, in the next week, ~~to~~ ~~signature~~ of the reciprocating states agreement related to our national mining legislation. We want to sign this agreement with you and the FRG. But signature in the week before the resumption of the Conference will make it more difficult to get the necessary delegations to negotiate on your concerns and <sup>so</sup> ~~thus~~ to obtain a generally acceptable international regime of the kind we both want.

*This is really drafted, very wondrous.*

/Our delegation

Our delegation will, as usual, be working closely with yours to try and achieve a Convention which is in our common interests.



D 11 (Revised)

**DRAFT:** minute/letter/teleletter/despatch/note

**TYPE:** Draft/Final 1+

**FROM:**  
PRIME MINISTER

Reference

**DEPARTMENT:** **TEL. NO:**

SECURITY CLASSIFICATION

**TO:**

Your Reference

- Top Secret
- Secret
- Confidential
- Restricted
- Unclassified

President Reagan

Copies to:

PRIVACY MARKING

**SUBJECT:**

.....In Confidence

Thank you for your message about the Draft Convention on the Law of the Sea.

CAVEAT.....

When we came to office, we also conducted a review of the Convention. Our conclusion was that the adoption of a generally acceptable Convention by consensus would be in the United Kingdom's interest, subject to further consideration of the final text.

Since the talks which our delegations had in Washington on 8/9 February, we have asked our missions in certain capitals to approach influential Governments and key leaders in the Conference and urge them to accept the necessity for further negotiations on the questions which you raised in your statement of 29 January. We have also spoken with Ambassador Koh, who will be doing his utmost to establish a mechanism whereby such negotiations can take place. And (largely due to our efforts) the EC Council of Ministers adopted a decision on 22 February urging that the matters which you raised should be considered by the Conference.

Enclosures—flag(s).....

We have not yet decided how the United Kingdom would react if it proved impossible to achieve a generally acceptable Convention and the Group of 77 press it to a vote. The Law of the Sea negotiations have been recognised by all parties to be a package, and we would

need to look very carefully at the final text in the light of all our national interests before making up our minds. I can assure you that our objective remains a generally acceptable Convention which can be adopted by consensus. This means that we would consider any arrangement which excluded the US as seriously defective. We shall be making this clear to the leaders of the Conference, together with our view that it is unlikely we could participate in a Convention in which the US did not take part.

Your statement on 29 January that the US delegation at the Conference will be working with other countries to achieve an acceptable treaty has greatly assisted those who, like ourselves, wish to help. At the forthcoming session of the Conference it will be necessary to convince leading delegations of the seriousness of the US commitment to the multilateral treaty process. In this connection we wonder whether it is advisable to proceed in the next week to signature of the reciprocating states agreement related to our national mining legislation. We want to sign this Agreement with you and the FRG. But signature in the week before the resumption of the Conference will make it more difficult to get the necessary delegations to negotiate on your concerns and thus to obtain a generally acceptable international regime of the kind we both want.

Our delegation will, as usual, be working closely with yours to try and achieve a Convention which is in our common interests.



*With the compliments of*

THE PRIVATE SECRETARY

John Holmes.

26.2.82

k.a.

AL 3/3.

FOREIGN AND COMMONWEALTH OFFICE  
SW1A 2AH

**RESTRICTED**

RESTRICTED

FM OTTAWA 252152Z FEB 82

TO IMMEDIATE FCO

TELEGRAM NUMBER 110 OF 25 FEBRUARY

INFO IMMEDIATE UKMIS NEW YORK

*cc Mrs Coles (No 10)*

LAW OF THE SEA CONFERENCE

1. ACTING LEGAL ADVISER AT EXTERNAL AFFAIRS CALLED ME IN THIS AFTERNOON AT VERY SHORT NOTICE TO DELIVER AN AIDE MEMOIRE WHICH READS AS FOLLOWS:

THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA IS SCHEDULED TO BEGIN ITS ELEVENTH (AND FINAL) SESSION IN NEW YORK ON MARCH 8, 1982. THE CANADIAN GOVERNMENT ATTACHES THE HIGHEST IMPORTANCE TO THE SUCCESSFUL CONCLUSION OF THE CONFERENCE AND THE ADOPTION OF A BROADLY ACCEPTABLE CONVENTION ON THE LAW OF THE SEA. IT CONSIDERS THAT SUCH A CONVENTION IS NECESSARY FOR ASSURING WORLD PEACE AND STABILITY AND THE RATIONAL AND EQUITABLE UTILIZATION OF THE OCEANS.

THE CANADIAN GOVERNMENT WISHES TO EXPRESS THE FIRM VIEW THAT NO STEPS SHOULD BE TAKEN OR ANY ARRANGEMENTS ENTERED INTO BY ANY GOVERNMENT UNTIL THE CONCLUSION OF THE CONFERENCE WHICH WOULD BE INCONSISTENT WITH THE PRINCIPLES AND SPIRIT OF THE NEGOTIATED COMPROMISES REFLECTED IN THE DRAFT CONVENTION. SPECIFICALLY, IF THE RECIPROCAL STATES AGREEMENT WERE TO BE SIGNED EITHER DURING THE INTERSESSIONAL MEETING CURRENTLY UNDERWAY OR DURING THE GROUP OF 77 MEETING FROM MARCH 3 TO 5, OR DURING THE ELEVENTH SESSION OF THE CONFERENCE ITSELF, THE LOS CONFERENCE COULD WELL BE ADVERSELY AFFECTED, AND THE GROUP OF 77 AND OTHERS MIGHT BE LESS WILLING TO CONSIDER ANY FURTHER COMPROMISES. THE POSSIBILITY OF ADOPTING A CONVENTION ON THE LAW OF THE SEA BY CONSENSUS WOULD THEREBY BE SIGNIFICANTLY REDUCED.

2. IN DISCUSSION, HE EMPHASISED THE SERIOUSNESS WITH WHICH CANADA WOULD REGARD ANY MOVE TO A RECIPROCAL STATES AGREEMENT, PARTICULARLY WHEN THE CONFERENCE WAS ABOUT TO RECONVENE.

3. I SAID THAT I HAD ABSOLUTELY NO INFORMATION ABOUT WHETHER OR NOT WE WERE CONSIDERING SUCH AN AGREEMENT BUT WOULD CONVEY THE CANADIAN GOVERNMENT'S VIEWS URGENTLY TO YOU.

DAVIES

LIMITED

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UND  
ECD (E)  
LEGAL ADVISERS  
PS  
PS/LPS

PS/MR HURD  
PS/PUS  
LORD BRIDGES  
MR ADAMS  
MR POWELL-JONES  
MR EVANS

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FM OTTAWA 252152Z FEB 82

TO IMMEDIATE FCO

TELEGRAM NUMBER 110 OF 25 FEBRUARY

INFO IMMEDIATE UKMIS NEW YORK

*cc Mrs Coles (Nota)*

LAW OF THE SEA CONFERENCE

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2. IN DISCUSSION, HE EMPHASISED THE SERIOUSNESS WITH WHICH CANADA WOULD REGARD ANY MOVE TO A RECIPROCAL STATES AGREEMENT, PARTICULARLY WHEN THE CONFERENCE WAS ABOUT TO RECONVENE.

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DAVIES

LIMITED

MAED  
UND  
ECD (E)  
LEGAL ADVISERS  
ES  
PS/LPS

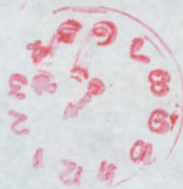
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SECRET



26 FEB 1982