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Foreign and Commonwealth Office

London SW1A 2AH

30 April 1982

Dear John.

UNLOSC

Further to my letter of 29 April, I attach a copy of a message from Mr Haig to the Secretary of State, following up Mr Buckley's approach of last night and appealing to us to vote against the Convention, when it is presented for adoption today in New York (early this afternoon our time).

The signals from the US Administration are conflicting. At the meeting of the Co-ordinating Group last night in New York, as I explained to you earlier on the telephone, the leader of the US Delegation made it quite clear that the US were not expecting the UK or other Co-ordinating Group Delegations to vote against the Convention and that by abstaining we would adequately demonstrate our solidarity with the United States. It was also clear from that meeting, and from a meeting of EC representatives held in New York yesterday, that despite approaches by the US in Bonn, Paris, Brussels and Rome, similar to the one made by Mr Buckley to us, none of the other industrialised countries are intending to vote against the Convention. The FRG in particular have made it clear that they will abstain. The Quai d'Orsay have rung us this morning to say that they will be recommending to M Cheysson either a vote for or an abstention: they see no likelihood of him agreeing to vote against. Mr Pym has not seen the Haig message. But his view last night, after hearing of the Buckley approach, was that we should stick to our intention of abstaining if the Convention is voted on in New York today, and our delegation will be so instructed, unless we hear that the Prime Minister would wish them to do otherwise by 1300Z today.

/As explained

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As explained in my earlier letter, we will instruct the Embassy in Washington to explain our decision to the State Department at the earliest opportunity.

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

Yours ever,

A handwritten signature in dark ink, appearing to read 'F N Richards', written in a cursive style.

(F N Richards)  
Private Secretary

A J Coles Esq  
10 Downing Street

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SECRET

Dear Francis:

Secretary Buckley telephoned you yesterday and I wish to add my personal expression of serious concern over the recent turn of events at the Law of the Sea Conference in New York. The Seabed Mining provisions recently presented by Conference President Koh are very much against the mutual interests of our two governments. They reject the amendments we jointly filed and much of the compromise proposals made by the Group of Eleven. It is very important that Japan, our Western Allies and the United States act together in the final hours of the Conference to protect our common economic and political principles. I ask that your delegation be authorized to act with the United States and allied delegations in voting against the Law of the Sea Treaty, which will be put before the Conference on Friday, April 30, 1982.

Sincerely,

Al

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JR

Foreign Policy

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10 DOWNING STREET

*From the Private Secretary*

30 April 1982

UNITED NATIONS LAW OF THE SEA CONFERENCE

I have discussed with the Prime Minister the contents of Lord Cockfield's minute of 28 April and Francis Richards' letters of 29 and 30 April.

The Prime Minister agrees that it would be right for the United Kingdom to abstain, if the Convention as a whole is put to a vote. I conveyed this information orally to the Foreign and Commonwealth Office earlier today.

I am copying this letter to the Private Secretaries of those who received Lord Cockfield's minute.

AJC

John Rhodes, Esq.,  
Department of Trade.

VS

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Foreign and Commonwealth Office

London SW1A 2AH

29 April 1982

Dear John,

UNLOSC

Please refer to the Secretary of State for Trade's minute of 28 April about MISC 19's recommendations on how our delegation should vote if the Convention is put to a vote.

Under-Secretary Buckley telephoned this evening to urge that we should vote against the Convention if, as now seems likely, it is put to a vote tomorrow in New York. The Secretary of State was in the House at the time, and I did no more than take note of Mr Buckley's approach.

An approach of this kind by the US in the closing stages of the Conference was expected and the briefing for the MISC 19 meeting on 27 April took account of the possibility of such pressure. It has not been possible to consult the Secretary of State; the view of Mr Rifkind, who has been closely involved in the closing stages of the Conference, however, is that a vote against the Convention would serve no useful purpose at this stage, since the text of the Convention would not be open to further improvement after the vote. A vote against (or indeed one in favour) would also tend to prejudice our position as regards subsequent signature of the Convention on which MISC 19 thought we ought to keep open our options. There is also the point that we would not wish to vote against the Convention in isolation from the FRG, ie as the only supporter of the US, and it is not clear how the FRG will vote. He therefore believes that the recommendation in Lord Cockfield's minute should stand. We shall of course be making early arrangements to explain our vote to the Americans in Washington in the terms of the Secretary of State for Trade's minute. Should Mr Pym have any additional comments to make we shall let you have them tomorrow morning.

I am copying this letter to those who received Lord Cockfield's minute and to the Private Secretary to Lord Cockfield.

Yours ever,

(F N Richards)  
Private Secretary

A J Coles Esq  
10 Downing St

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CONFIDENTIAL Prime Minister

*A decision is needed tonight.  
Content that our delegation should be  
guided by these instructions?*

*A. F. C. 29.  
4*

PRIME MINISTER

UNITED NATIONS LAW OF THE SEA CONFERENCE

The United Nations Law of the Sea (UNLOSC), after nine years of 'informal' negotiations, recently decided to proceed to the formal stage of its negotiations and is now working rapidly towards a climax, which is expected to occur on Friday 30 April. The Ministerial Group on Maritime Affairs (MISC 19) met yesterday under my Chairmanship to consider how the United Kingdom Delegation to UNLOSC should approach the final stages of the Conference.

The position reached in the negotiations in New York was that the draft Convention had survived this formal stage of the negotiations intact. Amendments not already withdrawn were withdrawn on Monday or voted down. Thus the danger that parts of the Convention favourable to United Kingdom interests would be unravelled in the amendment stage has receded. But there is still no agreement on deep sea mining between the Group of 77 and the United States, and this is the issue which will occupy the Conference in the short time left for further negotiations. If a consensus cannot be reached by Friday, the Group of 77 are likely to press for a vote on the Convention as a whole.

MISC 19 agreed that our objective should remain as defined in your letter of 1 March to President Reagan, namely to work towards a generally acceptable Convention. To this end our Delegation would support any compromise proposals which were acceptable to the G 77 and the United States; would seek to persuade the Americans to accept proposals from the G 77 which improved the texts from our point of view; and would take the line with the G 77 that, in reaching our decision on whether to sign the Convention, we would take account of what improvements in the deep sea mining texts had been incorporated in the text of the Convention before it was adopted. This last point is designed both to encourage the incorporation of improved texts (which would make it easier subsequently for the Americans and ourselves to sign the Convention), and to provide a counter to any G 77 offer which is made conditional on our agreeing before voting takes place to sign the Convention.

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The chances of a generally acceptable Convention emerging from this process are not high. If the Convention as a whole is put to a vote on Friday, MISC 19 believes that it would be right for the United Kingdom to abstain. This would be an appropriate expression of our disappointment at the failure to achieve consensus. It would leave open the question of signature. At the same time, it would show some solidarity with the United States: we would not wish to vote for any text which the United States would not support.

I should be glad to know whether you are content that the United Kingdom Delegation to UNLOSC should be instructed accordingly.

I am copying this minute to our OD colleagues, to the Secretaries of State for Northern Ireland, for the Environment, for Scotland, for Industry and for Energy, to the Minister of Agriculture, Fisheries and Food, to the Chief Secretary (Treasury), to the Attorney-General and the Lord Advocate, and to Sir Robert Armstrong.

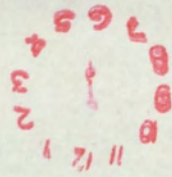
*Arthur Cockfield*

LORD COCKFIELD

Department of Trade  
1 Victoria Street  
London, SW1H 0ET

28 April 1982

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