

CONFIDENTIAL

FILE

da



Foreign Pol

10 DOWNING STREET

From the Private Secretary

24 December 1982

Dear Roger,

The Prime Minister has now seen the Foreign and Commonwealth Secretary's minute of 23 December about the UN Law of the Sea Convention. Mrs. Thatcher has agreed to Mr. Pym's proposals as to our next steps as set out in paragraphs 4 and 5 of his minute, although she has commented that we should already be well aware of the areas in which the Convention requires improvement.

Yours ever

T. Flesher

Timothy Flesher

Roger Bone, Esq.,
Foreign and Commonwealth Office.

CONFIDENTIAL

da



PM/82/110

PRIME MINISTER

Prime Minister: 1

Agree Mr

Pyms proposals
for the next steps?Yes
out

JF

23/12

UN Law of the Sea Convention: Final Session Jamaica
6-10 December 1982

1. In my minute of 26 November, I promised to report after the Final Session of UNLOSC in Jamaica on the degree of support which the Convention had received.
2. 119 delegations signed the Convention at the Final Session and one (Fiji) deposited an Instrument of Ratification. 25 delegations present did not sign the Convention. Apart from the USA and UK, these included among the industrialised countries the FRG, Belgium, Luxembourg, Italy and Japan, although the latter declared its intention of signing soon. Other significant non-signatories included Venezuela, Argentina, Switzerland, Zaire, and two important straits States (Spain and Oman). Nevertheless, signature by over two-thirds of the international community on the day the Convention was opened for signature is unprecedented and reflects the particular importance attached to the Conference and Convention by the developing countries.
3. The UK statement, which followed the lines agreed between us, provoked a good deal of interest. We achieved our objective of getting over to the Conference that we would be unlikely to participate in the Convention without improvements to the mining regime. This position caused disappointment which has been reflected in the serious UK press. But only the Nigerian delegation attacked us directly at Jamaica, expressing the hope that our separation from other Commonwealth countries (all of those present signed) would be only temporary. The statements made by other industrialised countries who did not sign the Convention were, with the exception of the USA, less explicit in their opposition to the Convention than ours. However the statements made by the French and Netherlands Delegations, both of whom did sign the Convention, included passages criticising the deep sea mining provisions and calling for their correction; and the FRG, Belgium and Italy

/also



also referred to the problems which Part XI still presented for them.

NEXT STEPS

4. Our objectives remain as set out by Malcolm Rifkind in his statement in the House on 2 December: to work with the international community to achieve generally agreed provisions for regulating marine matters and in particular to obtain satisfactory improvements in the deep sea mining regime. As reactions to our statement at Jamaica show, although it may be possible to aim for an amelioration of the regime by the adoption of sensible rules in the Preparatory Commission, the prospects of obtaining fundamental changes in the Convention itself within the two year signature period are not at all good. The first stage therefore is to explore what improvements we want, and to what extent they can be achieved in the Preparatory Commission. We shall want to concert our efforts with those who think like us. I therefore propose that officials in the FCO and other interested departments should begin work immediately on identifying more precisely the areas in which we seek improvements. At the same time, officials should liaise on these improvements with their counterparts in the FRG, France, Belgium, Italy and Luxembourg who, unlike the Americans, will probably attend the Preparatory Commission - in which we are also entitled to participate on a non-voting basis. (These contacts might also serve to stiffen the resolve of the Germans, Italians, Belgians and Luxembourg not to sign the Convention at present; should any of them do so, it would not only increase our isolation and lessen the chances of the improvements we seek, but would reopen the question of Community signature by giving the signatories a majority in the EEC). We shall also have to consider when and in what terms to discuss future developments with the Americans.

Study we already know them



5. Thereafter Ministers will have to decide finally on the improvements we should seek and the means by which we should seek them. We will clearly need to have in mind the considerations raised by John Nott in his minute to you of 20 December.

RECIPROCATING AGREEMENT

6. Discussions are meanwhile continuing between ourselves and other potential deep sea mining countries (USA, FRG, France) about the conclusion of an agreement for mutual recognition of exploration licences granted to mining companies under domestic legislation. The Americans are anxious to press ahead more quickly than the French or the FRG. We attach importance to keeping in step with both the Americans and the Germans on a reciprocating agreement.

7. I am copying this minute to members of OD, the Secretary of State for Industry, the Minister of Agriculture, Fisheries and Food, the Secretary of State for Energy, the Attorney-General and Sir Robert Armstrong.

(FRANCIS PYM)

Foreign and Commonwealth Office
23 December, 1982

FOREIGN POL : 3rd UN Law of the Sea
May 1980.

23 DEC 1982

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PRIME MINISTER

Prime Minister

To note.

A.J.C. 1/12.

UN LAW OF THE SEA CONVENTION

I have seen Francis Pym's minute of 26 November and your Private Secretary's letter of 29 November.

2 I am pleased to note that our efforts to lobby others are continuing and meeting with success. I can see some force in Francis Pym's argument that we may need to exert maximum influence shortly after the Jamaica session when those who have simply deferred a decision may come under further pressure to sign. I would therefore like us to keep in very close touch with the like-minded members of the Community so that we know when an approach at the highest level will have maximum impact.

3 As to the proposed statement to be made in the House I have some misgivings about providing an opportunity for discussion of this sensitive issue at the present time. But it may be unavoidable and there could be advantage in giving a clear signal to the international Community before the Jamaica session. In that case it would be desirable to make plain that our concerns relate to fundamental principles within the proposed deep sea mining regime so that no-one is misled into believing that a few textual changes will suffice.



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4 I am sending copies of this minute to the Private Secretaries of Members of OD and to Sir Robert Armstrong.

PJ

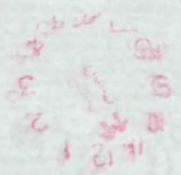
P J

1 December 1982

Department of Industry
Ashdown House
123 Victoria Street
LONDON
SW1E 6RB

For Pod

UNVLOSC



71 DEC 1962



DEPARTMENT OF INDUSTRY
ASHDOWN HOUSE
123 VICTORIA STREET
LONDON SW1E 6RB

TELEPHONE DIRECT LINE 01-212 3301
SWITCHBOARD 01-212 7676

Secretary of State for Industry

JU282

30 November 1982

Brian Fall Esq
Private Secretary
Foreign & Commonwealth Office
Downing Street
London SW1

AA 1/2
h-a.

Dear Brian,

UN LAW OF THE SEA CONFERENCE

I am writing to draw your attention, and that of other copy recipients, to my Secretary of State's active interest in the current discussions concerning UNLOSC. This has been the subject of recent Ministerial correspondence, including my Secretary of State's minute to the PM of 26 November, but as this Department is not a regular member of OD we are regularly omitted from the list of those to whom correspondence is copied, as correspondents are in the habit of only circulating to "other Members of OD".

2 It would be very helpful if you and other Departments involved in this correspondence could ensure that this Department is included in the list of copy recipients.

3 I am sending a copy of this letter to John Coles (No 10), other Members of OD, and to Sir Robert Armstrong's office.

Yours ever,

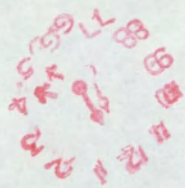
Caroline Varley

CAROLINE VARLEY
Private Secretary

For Pol

UNLose

May 80



-1 DEC 1982



November 1982

Prime Minister

This statement is now
due to be made on Friday this
week.

WR

John

*WR
John*

ADL 30/11

UN LAW OF THE SEA CONVENTION

WR

The Lord President has seen a copy of the Foreign and Commonwealth Secretary's minute of 26 November on this subject and of John Coles reply to you dated 29 November. He believes that the announcement to be made in Parliament should be by means of an Oral Statement. Perhaps we could be in touch about the timing.

I am copying this letter to the Private Secretaries of members of OD and to Sir Robert Armstrong.

John Coles
12.11.82

D C R Heyhoe
Private Secretary

John Holmes Esq
Private Secretary
Foreign and Commonwealth Office
Downing Street
London SW1

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10 DOWNING STREET

c. CO
CDL
DTde
LPS
MOD
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FCO

For Pol.

29 November 1982

From the Private Secretary

Foreign Policy

Dear Sir,

UN LAW OF THE SEA CONVENTION

The Prime Minister has seen the minute of 26 November by the Foreign and Commonwealth Secretary on the above subject, as well as the minute of 24 November by the Chief Secretary and of 26 November by the Secretary of State for Industry.

The Prime Minister agrees with Mr. Pym that for the time being we have taken sufficient action with our European partners. She also agrees that, subject to the views of the Lord President, our position should be made clear in Parliament this week either through an Oral statement or a Written Answer.

The Prime Minister is broadly content with the points to be made in such a statement, as outlined in paragraph 4 of Mr. Pym's minute. But in sub-paragraph (b) she would prefer the deletion of the words "contained elements which" and she would like sub-paragraph (e) to read:

"The Convention will remain open for signature for two years and there is ample time for revision before taking a final decision on signature."

Our delegation to the final session of UNLOSC in Jamaica from 6-10 December could then take a similar line to that which had been adopted in the House.

I am copying this letter to the Private Secretaries of Members of OD and to Sir Robert Armstrong.

*Yours ever
John Holmes -*

John Holmes, Esq.,
Foreign and Commonwealth Office.



PM/82/105

PRIME MINISTER

See 2 amendments
notUN Law of the Sea Convention

A.S.C. 26/11

Agree that:-

Yes

(a) we have taken sufficient action with the Europeans for the time being?

Yes

(b) a parliamentary statement should be made about our position next week? (subject to the views of the Lord President)

(c) that statement, and our statement in Jamaica, should take the line in para. 4 below?

1. We have now lobbied strongly in appropriate capitals explaining our misgivings about the deep sea mining provisions of the Convention. Posts were asked to cover all Ministries concerned and to register our views at the political as well as the official level where possible. The FRG seems set to follow our lead, although their final decision will not be taken until a Cabinet meeting on 1 December. The Belgians also seem likely to share our views on signature (at any rate at Jamaica) as do the Italians. The Japanese are likely to sign the Convention at the final session of UNLOSC due to be held in Jamaica on 6-10 December, although they may not be ready in time because of their government changes. The Netherlands and possibly the Luxembourgers may also sign at Jamaica - the subject was due to be discussed in the Dutch Cabinet on 26 November. The } Australians, New Zealanders and Canadians have meanwhile announced their firm intention of signing the Convention at Jamaica.

2. I think that the action we have taken should meet the concern of Leon Brittan and Patrick Jenkin about the need to encourage uncommitted governments to follow our lead. I agree with Leon Brittan that the next step should be to make our position clear publicly. We should then draw attention to it in capitals. We shall continue to lobby further as well, particularly in the light of the Dutch Cabinet decision. But as things stand, I am not sure we need to lobby the FRG, Belgium, Italy and Luxembourg again at the highest level, as Patrick has suggested. It would perhaps be better to hold this card in reserve for the post-Jamaica period, when some non-signers may begin to waiver.

3. Our delegation will in any case need to make a statement at the final session in Jamaica if only to repudiate the claim of others that the Convention is more than a contractual act between parties (ie that it can have validity for parties and non-parties alike). Such a statement should clearly also include an indication of our position on signature of the Convention. The degree of

/interest

(see Mr. Jenkin's minute attached)



interest also means that we should inform Parliament before our statement at Jamaica, either by an inspired written PQ or possibly an oral statement in the House. On timing, it would be wise to wait at least until 2 December because of the German cabinet meeting on 1 December, but go ahead immediately thereafter. (Although it now seems that the FRG will adopt, at any rate for the time being, much the same policy as ourselves, I would prefer that nothing be said in public until we are sure of their decision). This timing would enable our Parliamentary statement to have an impact on others and to be clear to all before Jamaica, where our objective should, I think, be to signal to the G77 that we would be highly unlikely to participate in the Convention unless significant improvements are made to the deep sea mining provisions.

4. If these arrangements are agreed, I propose to instruct our delegation to the Jamaica session to follow the line taken by you in answer to Sir C Fletcher Cooke on 9 November: that the seabed clauses would be very disadvantageous to this country, although there are others, such as those on the freedom of navigation, that would help us and that the balance of advantage will be carefully looked at before a final decision. The statement would go on to make the following points (a draft will be circulated at official level as soon as possible):

- (a) there has been a failure of consensus due to the deep sea mining provisions;
- (b) despite some helpful sections in the Convention, the deep sea mining provisions ~~are unacceptable~~ are unacceptable to ourselves and a number of other industrialised countries;
- (c) a number of our friends and allies share these misgivings;
- (d) we need to obtain satisfactory improvements in the deep sea mining regime and will therefore explore the prospects with interested states;
- (e) the Convention will remain open for signature for two years and there is ample time for ^{revision} ~~full consideration~~ of ~~the prospects~~ before taking a final decision on signature;

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5. Our announcement to Parliament next week would cover the same ground and draw attention to the undesirable precedents the industrial provisions would set if they were accepted.
6. After Jamaica, I will report on the degree of support which the Convention has received, in order that we can consider whether there is need for further discussion.
7. I am sending this minute to members of OD and to Sir Robert Armstrong.

A handwritten signature in dark ink, appearing to be 'F. Pym', written in a cursive style.

(FRANCIS PYM)

Foreign and Commonwealth Office
26 November, 1982

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JU254

PRIME MINISTER

SIGNATURE OF THE UNLOSC CONVENTION

I have seen copies of the recent correspondence following up the MISC 19 meeting. I support Leon Brittan's comments about the importance of the damaging industrial precedents in the Convention and I believe we should emphasise the point in making known the UK position.

2 I am concerned that we are not yet giving a clear signal about our intentions on signature, particularly to those of our Community partners who have not reached a decision on signing the Convention. If, as I believe we should, we are to decide that the UK ought not to sign the Convention for the time being, then we have an interest in influencing as many others as possible, particularly within the Community, to take a similar position.

3 From recent enquiries in capitals I understand that we have established that the Germans and Italians, probably the Belgians and possibly the Luxemburgers would incline towards our view. In the same way that we are influenced by the position of our Community partners they will be influenced by ours. While I understand Francis Pym's arguments for not undertaking an



anti-signature crusade in the international Community at large
this does not preclude some selective lobbying to persuade FRG,
Italy, Belgium and Luxemburg not to sign the Convention. I spoke
to Count Lambsdorff last week who was sympathetic to our view:
others may also respond to a clear signal from us.

4 To be effective we must make our position known soon as Leon
Brittan suggests. To preserve the selective approach advocated
by Francis Pym you may wish to do this by writing to the German,
Belgian, Italian and Luxemburg Prime Ministers urging them to
defer signature of the Convention.

5 I trust we shall also continue to take a robust line about
deferring the question of signature of the Convention by the
Community.

6 Copies of this minute go to members of OD and to Sir Robert
Armstrong.

PJ

P J

26 November 1982

Department of Industry
Ashdown House
123 Victoria Street

Foreign Pol, May '80, UNLOSC

26 NOV 1982



1982 NOV 26

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SECRET

Prime MinisterA.S.C. $\frac{24}{4}$

Treasury Chambers, Parliament Street, SW1P 3AG

Rt Hon Francis Pym MC MP
 Secretary of State
 Foreign & Commonwealth Office
 Downing Street
 London SW1A 2AL

24 November 1982

Re: Secretary of State,
 UNLOSC: SIGNATURE

I have seen copies of Peter Rees' minute to the Prime Minister recording our discussions in MISC 19 and your subsequent minute to the Prime Minister about the question of signature of the Law of the Sea Convention.

I was rather surprised to see that Peter Rees' minute made only the slightest reference to the provisions in the Convention relating to transfer of technology. Some of us in MISC 19 regarded these provisions as setting potentially very damaging precedents and I think the report to the Prime Minister might have given greater emphasis to this point.

MISC 19 also concluded that a decision by the UK to sign now would be premature and tactically unwise. Our aim is to get the unsatisfactory provisions relating to deep sea mining, including the transfer of technology provisions, changed and to explore the scope for putting together a substantial consensus.

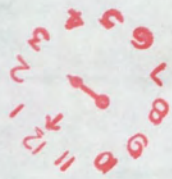
While this need not take the form of an "anti-signing crusade", putting together a consensus must mean making a determined attempt to influence the uncommitted. Clearly, such action on our part will have much more effect if we have made our own firm statement against signing the Convention in its present form before the meeting in Jamaica. To give sufficient time for parallel lobbying in appropriate capitals, the statement should be made very soon. I hope colleagues will be consulted in good time on the precise terms of such a statement.

I am copying this to members of OD and to Sir Robert Armstrong.

yours sincerely

Pal
 LEON BRITTAN
 (approved by the Chief Secretary & signed in his absence).

Foreign Pd, May '80, UNCLASC



24 NOV 1982



10 DOWNING STREET

From the Private Secretary

cc: OD for s. Pot ²⁰⁸
✓ Ho
✓ to C's off.
✓ Hunt
✓ to Pres's off.
✓ Med
19 November 1982
✓ to Privy Seal's off.
✓ Trade
✓ Ch/Duchy/hare. off.
+ CO ✓

LAW OF THE SEA

The Prime Minister has noted the contents of the minute of 17 November by the Foreign and Commonwealth Secretary and that of 15 November by the Minister for Trade.

Mrs. Thatcher remains convinced that we cannot endorse a Convention which contains the present sea bed mining provisions. She will consider, in the light of further reports on Community and other attitudes, whether there is a need for OD discussion.

I am sending copies of this letter to the Private Secretaries to the members of OD, and to Sir Robert Armstrong.

A. L. COLES

John Holmes, Esq.,
Foreign and Commonwealth Office.

BM

PRIME MINISTER

Law of the Sea Convention

I attach a minute by the Foreign and Commonwealth Secretary.
In view of your comments on Mr. Rees' minute of 15 November
(attached) I also attach again the minutes of Misc 19.

May I say that:-

- (a) You have noted these papers.
- (b) You remain convinced that we cannot endorse a Convention which contains the present sea-bed mining provisions.
- (c) You will consider, in the light of further reports on Community and other attitudes, whether there is a need for OD discussion.

Agree that I should write in this sense?

Yes
mb

A.J.C.

18 November, 1982.



PM/82/99

PRIME MINISTER

UN Law of the Sea Conference: Signature of the Convention

- TPM
with ASC
1. Peter Rees minuted to you on 15 November recording the outcome of the MISC 19 meeting on 9 November.
 2. I agree that we must now press ahead with clarifying the position of our European partners and others (notably Japan), and representing our misgivings to those who are undecided. It emerged from the Community Co-ordination meeting on 15 November, when our representative set out our position and sought the reactions of others, that four countries (Denmark, France, Greece and Ireland) have taken a decision to sign the Convention at Jamaica next month. The representatives of the Netherlands and Luxembourg thought that their Governments might take a similar decision by the end of the month. Germany is the key remaining country from our point of view; FCO and Department of Industry officials visited Bonn on 3 November to explore and influence German thinking in line with our own. This was followed up after MISC 19 with an instruction to our Ambassador to pursue the issue further. The other Community countries which in my view are most likely to have doubts about the Convention are Belgium (because of Union Minière) and the Italians, who are represented in one of the mining consortia. I have asked my officials to work closely with their Department of Industry colleagues to formulate instructions to our Community posts in order to influence those decisions which have yet to be taken. But I should say that it is still possible that we shall end up as the only member of the Community not to sign the Convention, if that is how our own decision in the end goes.
 3. I also strongly endorse the need not to be seen by the international community at large to be embarking on an anti-signature crusade. There is no doubt that the Commonwealth (both old and new) are strongly in favour of the Convention, as we have already seen from messages to you from the acting Prime Minister of Australia and the Prime Minister of Fiji. (Some of those in the

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Commonwealth who gave us strongest support over the Falklands, eg the Pacific and Caribbean Islands, are, incidentally, among those who are strongest advocates of British signature of the Convention). Their disappointment, and in some cases resentment, if we decide not to sign, will be considerable.

4. The need for caution is underlined by the fact that the President of the UNLOSC Conference, Ambassador Koh of Singapore, who is generally well-disposed to this country, has threatened to seek an advisory opinion from the International Court of Justice if any country attempts to mine the deep sea bed outside the Convention. It will no doubt be said that by signing a Reciprocating State Agreement (or whatever we decide to call it), which we are seeking to do with the Americans, Germans and possibly the French, we would lay ourselves open to such action. We must make sure that we can convincingly refute any such suggestion.

5. I agree with Peter Rees that we shall need to look at the position again in the light of our soundings of others. I assume that the next step will be a discussion in OD.

6. I am copying this minute to members of OD and to Sir Robert Armstrong.

(FRANCIS PYM)

Foreign and Commonwealth Office

17 November, 1982

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For. Pol: Third UN Law of the Sea Cont. 5/80



17 NOV 1982

Prime Minister



PRIME MINISTER

SIGNATURE OF THE UNLOSC CONVENTION

Content with these conclusions?

I thought the meeting was rather more decisively against - judging by the minutes than the minutes indicate was

A.F.C. 16.11

Arthur Cockfield chaired a meeting which I also attended, of the Ministerial Group on Maritime Affairs (MISC 19) on 9 November to consider whether the United Kingdom should sign the UNLOSC Convention and if so when and under what circumstances. In Arthur's absence on an overseas visit, I would like to report the outcome to you and other OD members.

It was clear that major elements in the Convention, notably the navigation package, with its important defence implications, and some of the Continental Shelf provisions would be of significant benefit to British interests. But it was the damaging implications and precedents of the deep sea mining regime which were at the centre of the Group's deliberations. All of us recognised that the deep sea mining provisions of the Convention were unsatisfactory, in some respects profoundly so; and it was agreed that, whatever the decision on signature, there could be no question of the United Kingdom ratifying the Convention without significant improvements to the provisions and rules governing the operation of the mining regime. Even if we were to sign the Convention and participate in the Preparatory Commission



as a voting member, it was thought that the chances of securing such changes were not high.

It was recognized that failure to sign might leave the United Kingdom uncomfortably isolated: but it was pointed out that the present United States Administration has decided against signature and that the Federal Republic of Germany, whose attitude could be of crucial importance, was still hesitating. Nor were the attitudes of our other Community partners in all cases clear. It was felt that, for once, time was on our side, in so far as we have up to two years before the period when the Convention is open for signature runs out and we could always accede to it thereafter. Against this background, the balance of opinion in the Group was against early signature; and it was considered that it would in any case be premature to take a decision until we had firmer information about the intentions of other Community countries, particularly the Federal Republic of Germany. It was therefore decided:

- (a) to seek to establish urgently the views of our Community partners and other friendly governments, and especially those of the Federal Republic of Germany, with whom we are already in close touch. Without embarking on an anti-signature crusade, which could expose us to criticism from the many countries which have already decided to sign (including France



and both the Old and the New Commonwealth), we should make no secret of our reluctance to commit ourselves in any way to the Convention on the basis of the present deep sea mining provisions. If our soundings showed that the Federal Republic and perhaps one or two other countries of weight seemed likely to join us in deciding against signature for the time being, this would be a better way of putting pressure on the G77 to agree to amend the Convention, which must remain our aim, than signing within the next three months so as to be able to participate in the Preparatory Commission as a voting member.

- (b) to press ahead with the negotiation of a Reciprocating States Agreement with the United States and the Federal Republic, and if possible with France. This seems the best way to protect the position of our deep sea mining interests in the immediate period ahead.
- (c) to seek to form a clearer view of the extent to which the substantial changes we want in the deep sea mining regime might become attainable. There will be a continuing need to monitor this closely over the next two years, particularly as the G77 comes to realise the

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full implications of continuing United States hostility to the mining regime and the adverse consequences that this will have for their interests.

It will probably be necessary to review the position again in the light of the soundings referred to in paragraph 4(a) above, and a further report will be made at that time.

I am copying this minute to members of OD and to Sir Robert Armstrong.

PR

PETER REES
MINISTER FOR TRADE

15.11.1982

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FOREIGN POLICY: 3rd UN Law of the Sea Conference
(UNLOS)

11
11
NOV 1982

