

OR

Foreign Policy  
Law of Sea Pt 2

Reg  
Ente & pm

PRIME MINISTER'S  
PERSONAL MESSAGE

SERIAL No. T.130A/83

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OO BONN

GRS 482

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FM FCO 131454Z SEPT 83

TO IMMEDIATE BONN

TELEGRAM NUMBER 459 OF 13 SEPTEMBER

INFO PRIORITY KINGSTON, WASHINGTON, ROME, BRUSSELS, LUXEMBOURG

MIPT: UNLOSC CONVENTION: FRG

1. FOLLOWING IS TEXT OF MESSAGE REFERRED TO IN MIPT  
BEGINS:

I AM WRITING TO YOU ABOUT THE UNITED NATIONS LAW OF THE  
SEA CONVENTION AS I UNDERSTAND THAT YOU AND YOUR COLLEAGUES  
MAY AT SOME TIME IN THE NEAR FUTURE BE GIVING CONSIDERATION TO  
THE POSSIBILITY OF SIGNATURE.

I KNOW THAT YOU ARE ALREADY AWARE OF THE BASIC ARGUMENTS  
AGAINST SIGNATURE OF THE CONVENTION AS IT STANDS AT PRESENT.  
ITS PROVISIONS RELATING TO DEEP SEABED MINING SET UNSATISFACTORY  
PRECEDENTS FOR COMPULSORY TRANSFER TO TECHNOLOGY AND LIMITATION  
OF PRODUCTION. THE STRUCTURE PROPOSED FOR THE INTERNATIONAL  
SEABED AUTHORITY IS DISPROPORTIONATELY ELABORATE FOR THE NATURE  
AND NUMBER OF OPERATIONS IT WOULD OVERSEE AND WOULD REQUIRE  
UNACCEPTABLY HIGH FINANCIAL CONTRIBUTIONS FROM STATES.  
FURTHERMORE, THE POWERS OF THE AUTHORITY GO BEYOND WHAT IS  
NEEDED FOR AN EFFICIENT LICENSING BODY AND WOULD IMPOSE  
UNDESIRABLE FEATURES OF CENTRAL PLANNING. THE EXCESSIVE FEES  
CHARGED BY THE AUTHORITY AND THE OBLIGATIONS FOR COMPULSORY  
TRANSFER OF TECHNOLOGY WOULD CONSTITUTE AN UNACCEPTABLE BURDEN  
ON THE MINING COMPANIES. THESE FACTORS AND THE GENERAL  
UNCERTAINTY ABOUT HOW THE REGIME WOULD FUNCTION IN PRACTICE  
WOULD DISCOURAGE PRIVATE ENTERPRISE FROM INVESTING IN THIS  
EXPENSIVE AND NEW AREA OF DEVELOPMENT. NEITHER THE  
INDUSTRIALISED NOR THE DEVELOPING COUNTRIES WOULD BE ABLE TO  
BENEFIT FROM THE POTENTIAL OFFERED BY THE DEEP SEABED. INDEED,  
WE MAY WELL FIND, WHEN THE AUTHORITY IS SET UP, THAT A MAJORITY  
OF ITS MEMBERS ARE HOSTILE TO PRIVATE ENTERPRISE.

THE ARGUMENT IS SOMETIMES MADE THAT WESTERN COUNTRIES

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COULD ADVANCE THEIR VIEWS ON THE CONVENTION MORE EFFECTIVELY AFTER SIGNATURE. HOWEVER, WHILE WE CONTINUE STRONGLY TO DEFEND THE RIGHT OF OBSERVERS TO PARTICIPATE FULLY IN THE PREPARATORY COMMISSION, WE BELIEVE THAT IN THE LONG TERM MORE ACCOUNT WILL BE TAKEN OF OUR OBJECTIONS IF WE MAINTAIN OUR NON-SIGNATORY STATUS FOR THE TIME BEING. MOREOVER, THERE ARE SOME DEFECTS WHICH CANNOT BE REMEDIED BY THE COMMISSION, HOWEVER WELL IT WORKS. BUT MY FUNDAMENTAL CONCERN REMAINS THAT SIGNATURE BY THE FEDERAL REPUBLIC OF GERMANY, FAR FROM ENCOURAGING IMPROVEMENTS IN THE CONVENTION, WOULD BE TAKEN AS AN INDICATION THAT THE INDUSTRIALISED COUNTRIES WERE BEGINNING TO REDUCE THEIR OPPOSITION TO UNSATISFACTORY ASPECTS OF THE SEABED MINING REGIME.

I THEREFORE URGE THAT THE FEDERAL REPUBLIC SHOULD NOT TAKE A DECISION IN FAVOUR OF SIGNATURE OF THE CONVENTION SO LONG AS THE DIFFICULTIES OF THE MINING REGIME REMAIN.

I WAS GLAD TO HEAR THAT HANS-DIETRICH GENSCHER HAD TOLD GEOFFREY HOWE RECENTLY THAT NO DECISION ON THIS QUESTION WOULD BE TAKEN WITHOUT CONSULTING WITH US FIRST. WE ATTACH CONSIDERABLE IMPORTANCE TO WORKING TOGETHER ON THIS ISSUE IF AT ALL POSSIBLE.

HOWE

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