



SECRETARY OF STATE FOR ENERGY
THAMES HOUSE SOUTH
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Prime Minister

The Rt Hon Lord Carrington KCMG MC
Secretary of State for Foreign
and Commonwealth Affairs
Downing Street
LONDON SW1

for
R. S. 11/5

R. S.

6 May 1980

See Peter

THIRD UN LAW OF THE SEA CONFERENCE (UNLOSC)

My Department's primary objective at UNLOSC is to secure in any eventual Convention test provisions that would enhance our claim to sovereign rights over areas of the outer continental shelf ie, beyond 200 miles from our coasts. These outer areas (notably in the West Rockall area) are the ones to which we shall probably be looking in perhaps 20 to 30 years hence for a contribution to our energy requirements, after we have exploited the oil resources in the shallower waters around our coast. Our present guess is that up to 275 million tonnes of oil might eventually be recovered from these outer areas, worth at the top of the range some £25 billion at 1980 prices. I recognise that it is speculative whether it will ever be economic to recover any such oil, but it is obviously important to secure our sovereign rights over these outer areas and hence our right to exploit the oil deposits which might be present there.

It is against the foregoing background that I have read the Report by the Leader of the UK Delegation on the first part of the Ninth Session of UNLOSC held in New York between 3 March - 4 April. Paragraphs 12 and 13 of that Report offer a package of provisions which we are invited to accept as a final settlement of the continental shelf issues. It seems that similar package offers have emerged in other areas outside my Department's area of interest, eg. navigation, fishing and pollution, but that, as the Report makes clear, other important issues, particularly the regime for mining manganese nodules, are further away from settlement.



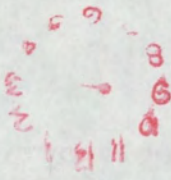
Nevertheless the Report seems reasonably optimistic that a settlement of all the outstanding issues could be reached at the resumed Ninth Session in August, and stresses (paragraph 19(a)) that in that event, there would be little opportunity for delegations to consult governments between the adoption of the formal text and the closing date for amendments. It might be particularly difficult for us because of the summer recess. I therefore suggest that it would be sensible for us to meet to take stock of the UK's objectives and strategy across the range of issues before the Conference, so that our Delegation's instructions for the resumed Ninth Session will reflect our collective views. I have some doubts about the merits of the package on continental shelf issues, which seems to be emerging despite the resolute efforts of our Delegation. It is possible that other of our colleagues too may have reservations. In particular I fear that an UNLOS Convention on the lines proposed may have the effect of giving the proposed Boundary Commission a stronger position than we could accept in determining the outer edge of our continental margin. This could mean that those important outer areas referred to in the first paragraph of my letter could end up under the International Seabed Authority and not under the UK. This risk seems to be increased by the latest changes in the text on the Boundary Commission, which, as you know, we opposed at the time.

If you agree to a discussion along the lines proposed, it would be helpful to have a paper, prepared by officials, setting out the situation in the principal areas under discussion in the Conference, identifying the major UK interests and what we are putting at risk by accepting the compromises now being discussed in the Conference, and the scope for further initiatives on the part of the UK.

I am copying this letter to the Prime Minister, the Chancellor of the Exchequer, the Secretaries of State for Trade, Industry, Defence, Agriculture, Fisheries and Food, Education and Science, Home Office, Scotland, Wales and Northern Ireland, to the Attorney General, to the Lord Advocate and to Sir Robert Armstrong.

D A R HOWELL

Handwritten signature:
G...
D...
→



- 6 MAY 1980



*With the Compliments
of*

THE LORD ADVOCATE

..... 20 May 1980

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The Rt. Hon. David Howell MP.,
Secretary of State for Energy,
Department of Energy,
Thames House South,
Millbank,
London SW1P 4QJ.

22 May 1980

And 22/5

Thank you for sending me a copy of your letter of 6th May to the Secretary of State for Foreign and Commonwealth Affairs seeking an appraisal of UK objectives and strategy in the UNLOSC negotiations on continental shelf issues.

I have now seen a copy of Peter Carrington's reply, and I would agree with his suggested way of proceeding to discuss this important matter. I should very much like to participate in the discussions, and if it is agreed that MISC.19 should consider the question first an opportunity to do so will present itself since I am a member of that Committee.

I am copying this letter to the recipients of yours.

MACKAY OF CLASHFERN



NRPA

Foreign
Policy
Unit
- 2/5

MINISTRY OF DEFENCE WHITEHALL LONDON SW1A 2HB

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MO 12/3

19th May 1980

Dear Peter,

THIRD UN LAW OF THE SEA CONFERENCE

I have seen David Howell's letter to you of 6th May.

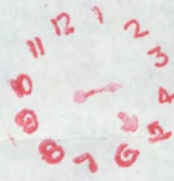
From the defence viewpoint, we attach much importance to reaching agreement on a satisfactory Convention and this view is shared by our NATO allies. The defence-related articles in the draft Convention have for the most part achieved a stable and acceptable form and, if international agreement to them can be achieved, would offer the best safeguard of the navigational freedom to which we attach much importance. Without an agreed Convention we would expect renewed attempts by coastal states unrestrained by international law, to extend their jurisdiction at the expense of the freedom of action of maritime powers, including ourselves.

I agree that it would be useful for Ministers to meet to review the UK's objectives and strategy for the remaining stages of the conference. I also agree that officials should draw up a paper along the lines suggested by David Howell, but it would, I think, also be worth including in the paper an assessment of the implications for the UK of not achieving an agreed Law of the Sea Convention.

I am copying this letter to the recipients of David Howell's.

Francis Pym

20 MAY 1980





FCS/80/93

SECRETARY OF STATE FOR ENERGY

UN Conference on the Law of the Sea (UNLOSC)

- h.c.*
Min
19/5
1. Thank you for your letter of 6 May.
 2. I agree that it would be sensible for Ministers to take stock of the UK's objectives and strategy at UNLOSC, as you suggest, given that these important negotiations are approaching what could be their final stages. Co-ordination between departments has worked well, but at Ministerial level we do not want to be faced, on a take-it or leave-it basis after negotiations are complete, with a text covering general matters of great economic and political importance. I suggest that MISC 19 under John Nott, if he agrees, should consider the question first and should aim at a meeting for the purpose about mid-June. I should add that I think it may be advisable for OD also to consider it thereafter, both because of the importance of our senior colleagues giving attention to the main issues, and in order to resolve any outstanding differences between Departments. My officials will prepare a paper to serve as a basis for discussion.
 3. I am copying this minute to the Prime Minister, John Nott, and the other recipients of your letter.

(CARRINGTON)

Foreign and Commonwealth Office

19 May 1980