



Foreign Office

PRIME MINISTER

United Nations Law of the Sea Conference (UNLOSC) and the  
Extension of the United Kingdom Territorial Sea

(OD(80) 47 and 48)

## BACKGROUND

1. (i) UNLOSC

The United Nations Law of the Sea Conference is coming close to its decisive phase. The work programme for the remainder of the Ninth Session in Geneva in August provides for the completion of the negotiating text and its formal transformation into a draft Convention. If that happens it will be virtually impossible for the United Kingdom, or the small group of states with similar interests at stake, subsequently to secure changes in the text. On the other hand the opportunities for obtaining an improved text by holding out for later sessions are narrowing rapidly: both the United States and the Soviet Union want to bring the Conference to an end soon, while the developing countries are becoming impatient at the continuing search for consensus on each point. A resort to voting could unravel many of the gains we have made in negotiation. The crunch may not come in this round of negotiation, but, if it does, the Government is likely to be faced with a difficult choice between the conclusion of a Law of the Sea Convention which meets some but not all United Kingdom objectives, and the break up of a conference in which the United Kingdom has obtained a great deal of its requirements. OD has not hitherto discussed the British interests in UNLOSC. This paper was initiated by the Foreign and Commonwealth Secretary because the Secretary of State for Energy suggested that it would be desirable for Ministers to take stock collectively of the situation reached in and our strategy at UNLOSC. His proposal was welcomed by the other Ministers most concerned - the Secretaries of State for Defence, Trade and Foreign and Commonwealth Affairs. Officials prepared a paper (annexed to the Secretary of State for Trade's memorandum OD(80) 48) which has been discussed by Mr Nott's Ministerial Group on Maritime Affairs (MISC 19). The Group agreed that it would not be possible to obtain a partial Convention, but some reservations were expressed by the Minister of



of State for Energy, with some Treasury support; and, to a lesser extent by the Minister of State for Industry (who is interested in deep sea mining potentialities).

(ii) Extension of the United Kingdom Territorial Sea

This is a major issue arising from the UNLOSC negotiations. The United Kingdom has traditionally favoured a narrow territorial sea and is now in a fairly small minority of countries which have not claimed 6, 12 or 200 mile limits. There is wide agreement at UNLOSC that a 12 mile limit would be appropriate and the text which successive governments have agreed that our negotiators should endorse permits extension to 12 miles. The Ministerial Group on Maritime Affairs agree that it would be in the United Kingdom interest to go to 12 miles and seek OD's endorsement of this view. They also seek OD's view on the timing of our extension or announcement of intention to extend. The arguments are summarised in OD(80) 47.

HANDLING

2. It will probably be most convenient to take the two papers separately beginning with that on UNLOSC. You will wish the Secretary of State for Trade to introduce his paper (which sets out the main points of difficulty) and then ask the Foreign and Commonwealth Secretary to say how he sees the conference developing. The Secretary of State for Energy and Minister of State, Department of Industry (Mr Adam Butler) (both have been invited for this item) will want to explain the points which concern them; and the Secretary of State for Defence and the Secretary of State for Trade (wearing his Departmental hat) the reasons for settling sooner rather than later. You will wish the Chancellor of the Exchequer to comment on the financial and the Attorney General (who has also been invited) on the legal aspects.

3. The questions to resolve in discussion are -

- a. how strong is the evidence for the existence of large hydrocarbon deposits around Rockall? How large are these deposits in relation to those for which a Convention on present lines would give us a secure title?



- b. What would our position be if -
- i. UNLOSC failed?
  - ii. UNLOSC produced a Convention to which we did not accede?
- c. Can we rely on the United States to obtain all that we want as regards sea bed mining? Is there any risk that, by treating this question (which the developing countries look at in pure North-South terms) as overriding in importance, the United States could bring about the collapse of the Conference?
- d. Are the likely financial implications tolerable as regards both actual public expenditure and potential revenue foregone?

HANDLING - Territorial Sea

4. You will wish the Secretary of State for Trade, as Chairman of MISC 19, to introduce his paper and then to present his own department's case for early extension. You might then invite the Foreign and Commonwealth Secretary to describe the difficulties he sees this causing to our negotiators in UNLOSC; and the Secretary of State for Defence to say why the possible risk to a satisfactory straits regime would harm our defence interests. You will wish to establish how seriously the Secretary of State for Energy regards the potentially increased threat to our landing requirements of an extension to our territorial waters stemming from the resultant increase in the competence of the European Community.

CONCLUSIONS - UNLOSC

5. Subject to the points made in discussion you might guide the Committee to -
1. Endorse the recommendations in paragraph 11 of OD(80) 48.
  2. Take note that urgent Ministerial decisions may be required in the latter part of August.

CONCLUSIONS - Territorial Sea

6. Subject to points made in discussion you might guide the Committee to -
1. Agree in principle that the United Kingdom should extend its territorial sea to 12 miles.
  2. Agree that this decision remain confidential.
  3. Invite the Secretary of State for Trade in his capacity as Chairman of MISC 19 to consider further the timing of any announcement of our intention to extend in the light of the outcome of the forthcoming part-Session of UNLOSC.

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ROBERT ARMSTRONG

1 July 1980