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Ref: B06208

(4)

Prime Minister
To Mr.MR ALEXANDER

c Sir Robert Armstrong

Announcement of the Government's Decision to Extend the
United Kingdom Territorial Sea

In his memorandum OD(81) 25 the Secretary of State for Trade, in his capacity as chairman of the Ministerial Group on Maritime Affairs, reports the Group's agreement on the terms and timing of an announcement of the Government's intention to extend our territorial sea to 12 miles. Agreement has been reached because Foreign and Commonwealth Office Ministers have withdrawn both their earlier objections to making such an announcement before the conclusion of the United Nations Law of the Sea Conference (UNLOSC) and their more recent objections to making the announcement before the European Community negotiations on a common fisheries policy (CFP) are completed. The UNLOSC objection was abandoned because of the delays to which UNLOSC has been subjected following the election of President Reagan; and the CFP objection because of expected delays to the fishery negotiations following the election of President Mitterand. The Foreign and Commonwealth Office also accept (paragraph 6 of the paper) that the risk of an announcement seriously upsetting the Americans is small enough to be acceptable.

2. This means that the issue does not now require the further consideration by OD envisaged last July (OD(80) 17th Meeting, Item 1).
3. The announcement will not specify when the Government will actually legislate to give effect to their intention. If UNLOSC reaches a satisfactory conclusion within the next year, our legislation to ratify the new Law of the Sea Convention (for which a contingent slot is available in the 1981-82 parliamentary programme) will include a provision extending our territorial sea. If UNLOSC remains stalled separate legislation will be needed. A Bill for this purpose was included in the 1981-82 programme; but it was among those queried in Cabinet on 14th May, and Mr Biffen is now likely to agree that it should be dropped in 1981-82 provided it can (if needed) have a high priority in 1982-83.
4. The Prime Minister need only take note.

28th May 1981

R L WADE-GERY



Fast Post

SECRETARY OF STATE FOR ENERGY

THAMES HOUSE SOUTH
MILLBANK LONDON SW1P 4QJ
TELEPHONE: 01-211 3000

The Rt Hon John Biffen MP
Secretary of State for Trade
Department of Trade
1 Victoria Street
London SW1H 0ET

La. Mrs.

2 June 1981

Dear John

ANNOUNCEMENT OF THE GOVERNMENT'S DECISION TO EXTEND THE
UNITED KINGDOM TERRITORIAL SEA

I refer to your Memorandum (OD(81)25) on this subject and
confirm that I am content with the actions proposed therein.
Copies of this letter are being sent to OD members.

*Yours
D.A.R.*

D A R HOWELL

RECORDED



CONFIDENTIAL

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Foreign Policy

1 June 1981

Announcement of the Government's Decision to
Extend the United Kingdom Territorial Sea

The Prime Minister has seen and taken note
of the Secretary of State for Trade's minute
(OD(81)25) of 27 May on this subject.

MODBA

John Rhodes, Esq.,
Department of Trade.

CONFIDENTIAL

GR



THE MINISTER OF STATE

HAMISH GRAY ESQ MP

The Hon Douglas R Hurd CBE MP
Minister of State
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DEPARTMENT OF ENERGY
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27 May 1981

Dear Douglas,

UNITED NATIONS LAW OF THE SEA CONFERENCE (UNLOSC)

will request if required.

Thank you for sending me a copy of your letter of 18 May to John Biffen with the draft paper setting out our assessment of the UNLOSC negotiations. At the time of our own policy review in 1980 I made it clear that I was opposed to the role accorded to the Boundary Commission in the present informal text of the Conference and that the issue was sufficiently important to make it arguable whether our continental shelf interests generally would be best served by a convention on these lines. David Howell reaffirmed this at OD later and it was agreed that we would have to consider our position in due course in the light of the results of the Conference as a whole.

It seems to me that the reference at the end of paragraph 7 of the draft paper that "the shelf provisions as a whole are acceptable and important to the UK" and the subsequent inclusion of the continental shelf in the list at paragraph 7 of the positive benefits to the UK and its allies which the Convention affords implies our acceptance of the existing continental shelf package and pre-empts a decision that is yet to be taken.

I cannot support such an implication as my views on this issue are unchanged. I suggest however that the two passages could be deleted without affecting the conclusion of the paper, with which I agree, that the balance of advantage lies in continuing the effort to conclude a Convention commanding general acceptance.

I am copying this letter to colleagues in Misc 19.

Yours was
Hamish

27 MAY 1981



S E C R E T

PS(2)

GR 230
SECRET
D E D I P
BURNING BUSH
FM ROME 041500Z MAY 1981
TO PRIORITY FCO
TELEGRAM NUMBER 145 OF 4 MAY 1981
INFO PRIORITY WASHINGTON, PARIS, BONN AND UKMIS NEW YORK
(PERSONAL FOR AMBASSADORS)

FOLLOWING FROM PRIVATE SECRETARY

QUADRIPARTITE MINISTERIAL DINNER, 3 MAY: LAW OF THE SEA

1. RAISING THIS, GENSCHER SAID THAT THE GERMANS WERE VERY PLEASED THAT THE AMERICANS WANTED TO REVIEW THEIR POSITION. AT THE VENICE ECONOMIC SUMMIT HE HAD EXPRESSED MISGIVINGS ABOUT THE STATE OF NEGOTIATIONS AT THAT POINT. HIS MISGIVINGS HAD NOT DECREASED SINCE THEN. FOR EXAMPLE, THE PRESENT DRAFT ON FREE PASSAGE THROUGH STRAITS WAS FAR MORE ADVANTAGEOUS TO THE WARSAW PACT THAN TO THE WEST, E.G. IN THE MEDITERRANEAN AND THE BALTIC. THE UNLOSC NEGOTIATIONS WERE OF FUNDAMENTAL STRATEGIC AND ECONOMIC SIGNIFICANCE. GERMANY WOULD LIKE THE ISSUE TO BE DISCUSSED AGAIN QUADRIPARTITELY AFTER THE AMERICAN REVIEW.

2. HAIG WELCOMED THIS: THE AMERICANS DID NOT RELISH BEING A LONE VOICE IN THE WILDERNESS. LORD CARRINGTON AGREED THAT DISCUSSIONS WOULD BE USEFUL. HE POINTED OUT HOWEVER THAT IT WOULD BE STRANGE TO HAVE NO AGREEMENT AFTER TEN YEARS OF DISCUSSION. WE SHOULD HAVE TO DECIDE WHETHER AN AGREEMENT WITH SOME WEAKNESSES WAS BETTER THAN NO AGREEMENT AT ALL.

FRANCOIS PONCET AGREED WITH THE SECRETARY OF STATE. HE WAS NOT SURE THAT THE CONCLUSION AFTER ANY REVIEW WOULD BE VERY DIFFERENT FROM WHAT HAD GONE BEFORE. THE NEGOTIATIONS HAD BEEN DIFFICULT BUT THE OUTCOME WAS BALANCED. HE DOUBTED WHETHER WE COULD ACHIEVE MUCH MORE, AND THE POSITIVE GAIN IN WHAT WE HAD ALREADY GOT SHOULD NOT BE NEGLECTED. HE AGREED HOWEVER TO A DISCUSSION IN QUADRIPARTITE.

ARCULUS

LIMITED

HD/PLANNING STAFF

HD/MAED

HD/NAD

HD/WED

HD/UND

HD/ECD (E)

PS ✓

PS/LPS

PS/PUS

MR BULLARD

MR POWELL-JONES

MR FERGUSSON

S E C R E T



2PB
For Pub.

Foreign and Commonwealth Office
London SW1

2 September 1980

NBPA
1/2/80

John Nott

UNITED KINGDOM DEEP SEABED MINING LEGISLATION

I have seen Memorandum OD(80)52. I entirely agree that the decision on introduction of deep seabed mining legislation should remain confidential for the time being, and that the timing of an announcement should be decided separately. Subject to this, I agree that this legislation should be put in the 'essential' category for the 1980/81 Session.

I am copying this letter to other members of OD.

yes ✓
lan

The Rt Hon John Nott MP
Secretary of State for Trade
1 Victoria Street
London SW1

SEP 3 1980



Ref: BO6010



*P.A. has already indicated
 concurrence with Mr Nott's paper.
 NBP/1 ^{to P.A. informed}
 Hunt - 3/5*

PRIME MINISTER

United Kingdom Interim Deep Seabed Mining Legislation
 (OD(80) 52)

This memorandum by the Secretary of State for Trade has been circulated for clearance out of committee by the Defence and Overseas Policy Committee by 12th September. The subject has already been considered by the Ministerial Group on Maritime Affairs and Mr Nott's paper has been written by him in his capacity as Chairman of that Group.

2. There are at present three United Kingdom companies (British Petroleum, Rio-Tinto Zinc and Consolidated Gold Fields) who are involved in research and development of seabed mining as members of the United States-led Kennecott consortium. The minerals which are likely to be produced from the seabed are in the form of manganese nodules which contain, in commercially recoverable amounts, nickel, copper, cobalt and manganese. As you know, these minerals are of critical importance to British industry. At present the United Kingdom is totally dependent on imports for its supply of all four. Moreover cobalt comes almost entirely - and our copper and manganese very largely - from countries in Southern Africa which are for political reasons uncertain sources of supply. Manganese nodules constitute an important alternative source of these minerals in the future and participation by United Kingdom companies in seabed mining will ensure greater security of supply for United Kingdom consumers. In the long term, as higher grade land based sources of these minerals begin to be exhausted, the value of seabed nodules as a source of supply will become even greater.

3. As Mr Nott explains, United Kingdom legislation is now urgently needed by our companies if they are not to be put at a disadvantage vis-a-vis their American and other competitors. There will be a gap of several years until an international regime can be established under the new Law of the Sea Convention which the United Nations Law of the Sea Conference (UNLOSC) has been working on since the early 70s. National legislation will fill that gap on an interim basis. The Americans enacted theirs in mid-summer and others are doing the same. In theory our companies could operate under



a United States licence. But they are in practice unwilling to do so; and RTZ would be in a difficult position since they are at present at odds with the American Administration because of litigation over uranium. In any case, if the United Kingdom companies were to operate under a United States licence, security of supply and other advantages to the United Kingdom would be lost.

4. Good progress was made at the UNLOSC session which has just ended. But finalising the Convention will take at least one more session, fixed for next spring; and time will be needed thereafter for ratification.

5. Domestically, our proposed legislation is likely to be well received. The only part of it which may be controversial is the proposed "revenue sharing provision", which is intended to moderate the hostility of the under-developed countries to national licensing in anticipation of an international regime. But the other developed countries who are passing such legislation are also including such provision; and a United Kingdom Bill which did not do so would attract hostility in UNLOSC and thus jeopardise other very important material interests which we there have at stake (notably in relation to the Continental Margin).

6. None of your OD colleagues have so far commented. The Chancellor of the Exchequer, Lord Chancellor, Defence Secretary and Lord President are not expected to do so. The Foreign and Commonwealth Secretary or Lord Privy Seal is likely only to underline the point in Mr Nott's paragraph 4, that a later decision will be needed on the timing of an announcement; and to add the obvious rider that it should not coincide with the next UNLOSC session.

7. The Legislation Committee will wish to have the views of OD on the priority to be accorded to the proposed legislation. Although as the paper says the Chancellor of the Duchy is naturally anxious to avoid another crowded session, I understand that the proposed legislation would not be unwelcome to him if it could come forward early. As it has already reached the "first print stage", this should be possible.



8. I recommend that you concur in Mr Nott's paper, which you can do (under the terms of his final paragraph) by letting 12th September pass without commenting.

R L Wade-Gery

2nd September 1980

R L WADE-GERY

CONQUEROR



2 SEP 1980

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4 5 6 7 8 9 10 11

COMMISSION

Foreign Policy



✓ MP

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THE MINISTER OF STATE

Hamish Gray Esq MP

Douglas Hurd Esq CBE MP
Minister of State
Foreign and Commonwealth Office
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19th August 1980

Dear Douglas,

will request if required

UN LAW OF THE SEA CONFERENCE: VOTING IN THE COUNCIL AND BOUNDARY COMMISSION

I have seen a copy of your letter of 15 August to John Nott concerning developments at UNLOSC.

My particular concern is with the role of the Boundary Commission, and the political pressures under which it will undoubtedly find itself, however ~~political~~ may be the intentions of its creators. I note that your assessment of the position is that attempts to press for reinsertion of 'taking into account' would not be successful at Geneva and that our Delegation are therefore taking whatever action is necessary to maintain our formal reservation on this issue.

However I made my position clear at MISC 19 and David Howell reaffirmed this at OD later. Events so far at Geneva have not changed our views. You mentioned to the Chairman of Committee II whilst you were in Geneva that the change of wording to 'on the basis of' seemed to be a large price for the UK to pay (Geneva telegram no. 362) and I could not agree more with you, indeed I would suggest that it is a huge price.

I certainly agree with you that we shall have to consider our position in due course in the light of the results of the Conference as a whole.

I am copying this letter to colleagues in MISC 19.

*Yours sincerely
Hamish*

02 AUG 1980

