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FOREIGN POLICY

10 DOWNING STREET

From the Private Secretary

22 December 1982

UNLOSC

The Prime Minister has seen your Secretary of State's minute of 20 December about the question of signature and ratification of the Law of the Sea Convention. Mrs. Thatcher has expressed doubt as to whether it is necessary to return to the question of signature and ratification of this instrument. She does not find herself in agreement with Mr. Nott's arguments.

With regard to Mr. Nott's paragraph 5, in which he argues that coastal states will dispute our right to send ships and aircraft through straits and archipelagos if we stand outside the Convention, the Prime Minister has commented that such passage takes place at present, at a time when the Convention is not in force.

I am copying this letter to the Private Secretaries of members of OD, the Secretary of State for Industry and Sir Robert Armstrong.

A. J. COLES

Richard Mottram, Esq.,
Ministry of Defence.

Prime Minister

A. J. C. 21/12

MO 12/3

PRIME MINISTER1 disagree.
msUNLOSC

Now that the statement to Parliament on signature of UNLOSC has been made and the Final Act ceremony has taken place we shall in due course have to return to the question of signature and ratification of the Convention. I hope that in the intervening period we can avoid actions and statements which might prejudice our final decision, which as Malcolm Rifkind explained to the House on 2nd December is still to be taken.

2. I accept that we have adopted a forward public position in order to influence friendly countries to join together to press for the amendment of the deep-sea mining provisions. But we should surely return to the question of signature and ratification on the basis of the broad range of national interests involved, and uninfluenced by the particular tactics adopted to win concessions.

3. It was explained to MISC 19 that there would be substantial damage to our security interests if we do not become party to the Convention. In fact, there is evidence that some damage has already been caused by the failure to achieve a generally accepted Convention: Spain, bordering as it does the strategically important straits of Gibraltar, looks set to follow the US example of rejecting the Convention in order to impose tighter controls on navigation and overflight in her waters than those permitted by the Convention (Morocco has, however, signed). It was to avoid a general dissipation of the navigational benefits that the Chiefs of Staff were keen for early signature and ratification as soon as appropriate.



4. It is clear from the statements made at the signing of the Final Act that the great majority of the world's coastal states will in due course become parties. The attached map shows (in blue) the coasts of states who have already signed. Some of these states may not in the event ratify; on the other hand some other states who have not yet taken a decision are likely to join the signatories. It is therefore clear that most of the world's strategically important straits and archipelagos will come under the Convention.

5. The aspect which most concerns me is our continued ability to send submerged submarines, military aircraft and surface warships with air cover and helicopter patrols through straits and archipelagos in support of our defence responsibilities outside NATO. Many coastal states will dispute our right to do this if we stand outside the Convention. A superpower like the US has a sufficient margin of military capability to face down the disputes that are likely to occur. But a medium sized naval and air power such as the UK with far-flung interests to defend could find its capability to react at a distance unacceptably degraded by friction and disagreements. These could also adversely affect diplomatic support for us in any dispute involving maritime or air freedoms.

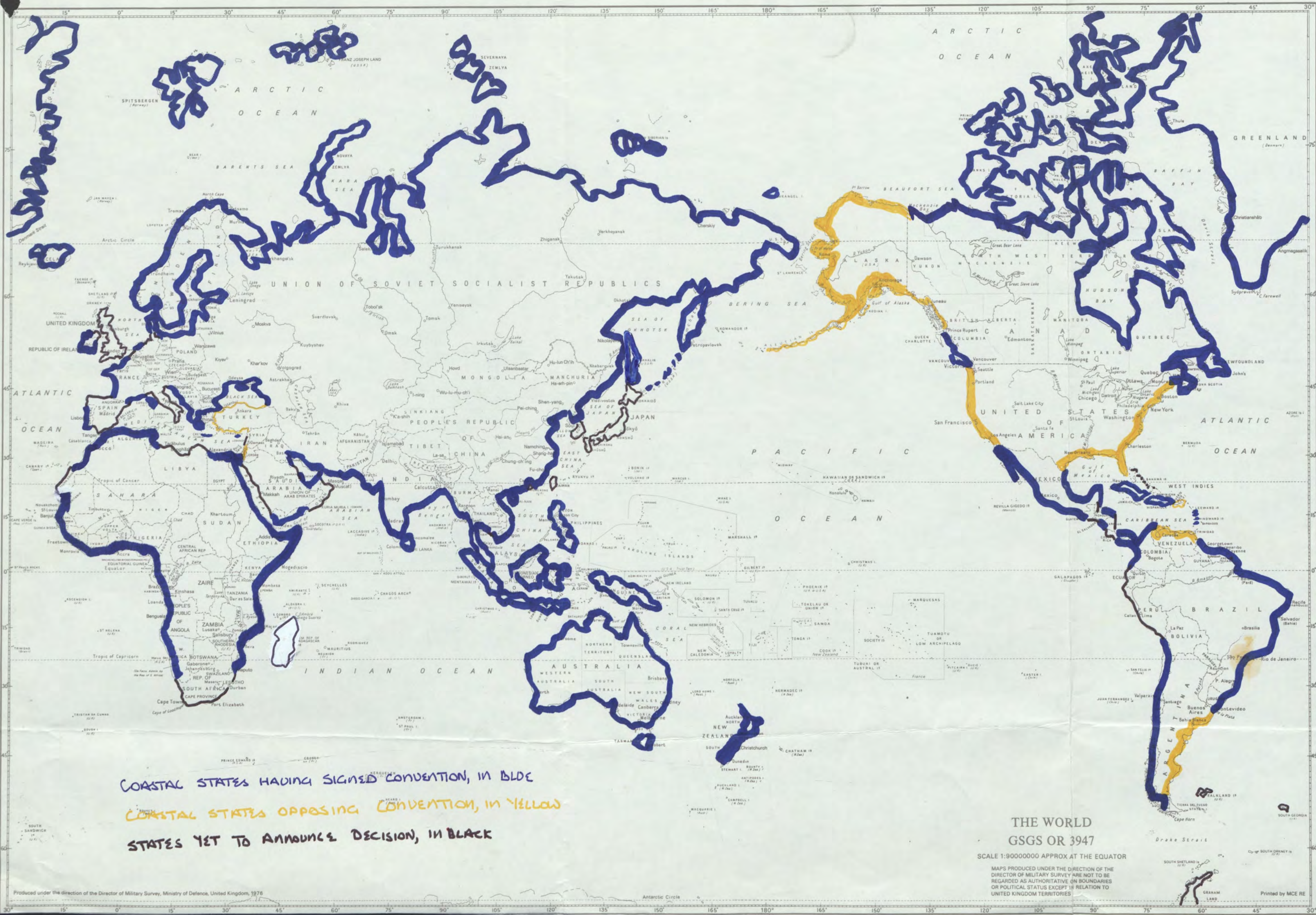
They do have the now.

6. I believe that these implications for our wider responsibilities are sufficiently serious for them to weigh heavily in our final decision on signature and ratification of the Convention. In the meantime I hope that colleagues will bear in mind the possible long term strategic consequences of isolating ourselves outside the Convention.

7. I am copying this minute to OD Colleagues, to Patrick Jenkin and to Sir Robert Armstrong.

Ministry of Defence
20th December 1982

Jaw.



COASTAL STATES HAVING SIGNED CONVENTION, IN BLUE
 COASTAL STATES OPPOSING CONVENTION, IN YELLOW
 STATES YET TO ANNOUNCE DECISION, IN BLACK

THE WORLD
 GSGS OR 3947

SCALE 1:90000000 APPROX AT THE EQUATOR

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