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SUBJECT:

FOREIGN POLICY: Law of the Sea

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NEW ZEALAND HIGH COMMISSION

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From the High Commissioner  
H.E. The Hon W.L. Young

**PRIME MINISTER'S**

**PERSONAL MESSAGE**

**SERIAL No: T 177/84**

24 October 1984

*Dear Prime Minister*

I have been asked to pass to you the following cabled message from the Prime Minister, the Hon. David Lange, MP:

"Dear Prime Minister,

Given the very close cooperation between our countries on Law of the Sea matters I hope you will understand the spirit behind my writing to encourage British signature of the Convention on the Law of the Sea.

It is no secret that New Zealand attaches very considerable importance to the Convention. We hope that it will come to enjoy universal support. I know, however, that parts of the Convention dealing with deep seabed mining, and especially the aspects relating to finance, continue to cause your Government concern.

It is my hope, however, that your decision in 1982 to stand aside from the Convention is not irrevocable. I can understand your concern that signature might be seen as United Kingdom endorsement of a financial structure that you regard as prohibitive. However, signature binds the United Kingdom to nothing and it gives you an opportunity to play an effective role in changing what you do not like.

These questions are now being addressed in the Preparatory Commission which is considering measures to bring the institutions of the Convention into life. Our assessment, through our participation in the group of Western "Friends of the Convention" which has worked actively to ensure that British concerns receive a fair hearing, is that substantial progress can be made.

/The Group

The Rt. Hon. Margaret Thatcher, FRS, MP  
Prime Minister,  
10 Downing Street,  
Whitehall,  
LONDON SW1.

The Group of 77, which is now under new and moderate leadership, appear to accept the need to accommodate your interests. This improved negotiating climate would be enhanced if Britain were able to sign the Convention. Such a step would certainly deny the Soviet Union the propaganda advantage which they are seeking to achieve out of the recent signature of the Provisional Understanding on seabed mining by the Western highly industrialised countries.

Our assessment is that the Convention will become a reality, that it will enter into force relatively quickly and that the opportunities to modify the structures it establishes will diminish if the possibilities which are currently offered to the United Kingdom, at no cost, are let go. As you know, after the 9 December deadline participation can only be on the basis of full acceptance of the Treaty regime as legally binding.

But the Convention has more to it than the seabed mining provisions and I hope that you would also give real weight in your consideration of this question to the important new rules on maritime transit.

I would like to give you a practical example of the significance of these provisions of the Convention. As you know, New Zealand and the United Kingdom have joint responsibilities under the Five Power Defence Arrangements for the defence of Singapore and Malaysia. We recently had an incident, relating to the transit of one of our frigates through the Philippines Archipelago, which points out the significance of the transit provisions of the Convention. The fact is that there is not universal acceptance of the rules in the Convention as part of customary international law and until the Convention is widely accepted there is a serious risk that political and security interests which we share could be jeopardised.

In my view the advantages of agreed and stable rules on such important questions cannot be underestimated. For these reasons, New Zealand, the Pacific countries, and indeed the Commonwealth, attach a great deal of importance to the Convention. I know that you will be seriously considering your own Government's

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position but I thought I should draw to your attention at this time the range of factors to which New Zealand attaches great importance.

Yours sincerely,

David Lange."

A copy of the text of this message has also been passed to the Secretary of State for Foreign and Commonwealth Affairs, the Rt. Hon. Sir Geoffrey Howe, QC, MP

The original of this letter will be sent to you as soon as it is received.

*Kindest Personal Regards  
Yours Sincerely  
Bill Young*