

Foreign Policy: Law of the Sea Pt 2

CC OPPS
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Prime Minister
He may raise
this with you
at the
week-end.
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PRIME MINISTER'S
PERSONAL MESSAGE
SERIAL No. T189A/84



Oifig an Taoisigh
Office of the Taoiseach

12 November, 1984.

Rt. Honourable Margaret Thatcher, M.P.,
Prime Minister.

Dear Margaret

No. 10

As you will be aware the closing date for signature of the UN Convention on the Law of the Sea, 9 December, 1984, is now very close.

The Irish Government see the Convention as probably the most significant achievement of the United Nations in recent years and one which should not be diminished by lack of support, in particular by the major industrialised countries.

The failure of the Convention for lack of support, because of present dissatisfaction with one aspect of what is a very comprehensive instrument, would have a disproportionate effect in relation to the benefits to the international community which support of the Convention could confer.

Apart from the benefits which will accrue particularly to coastal States, including the European Economic Community, there is the overall contribution towards a stable world order and a reduction of international tension which support for the Convention, which lays down generally acceptable rules for a large proportion of the world's surface, will provide. On the other hand action by some States to claim marine jurisdiction in excess of what is permitted under the Convention could adversely affect the major maritime and industrialised countries such as the United Kingdom. Similarly the uncertainty as to whether States would consider engaging in sea-bed mining outside the Convention regime could increase tension and adversely affect North/South relations.



Oifig an Taoisigh
Office of the Taoiseach

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Given that the crucial date falls within the term of the Irish Presidency of the Council of the Communities I am also concerned to ensure, if possible, that the European Economic Community should be in a position to sign this Convention. As you will know, the condition which would enable such signature is that a majority of the Member States should also be signatories. To date, only five Community Member States have signed the Convention.

I am aware of the United Kingdom's preoccupations regarding the Convention which relate in particular to some of the provisions covering the regime for the international sea-bed area. This regime is a new venture and one which, in my view, can only develop successfully as more information becomes available and as the countries most directly concerned contribute towards the working of the regime. In this context, it seems that the Preparatory Commission is the only appropriate forum in which to elaborate the procedures and provisions for implementation of the Convention and that it is therefore in the interest of the States concerned to be members of the Preparatory Commission and thus to participate in its decision making. It may be possible in this way to alleviate some of the fears which the mining industry now understandably has in relation to what is a new and developing aspect of their industry and to give it an opportunity, indirectly, to have a voice in how the regime will evolve.

In relation to the Community, I would stress that virtually all areas of the Convention where there is Community competence are considered totally satisfactory and it is appropriate in my view therefore that the Community should be in a position to sign before the closing date. In addition to being detrimental to the interests of those Member States which have signed the Convention and whose direct national interests are affected, non-signature prejudices the position of the Community itself which supports the majority of provisions in the Convention.

It does not appear that the interests of the United Kingdom would be damaged by the signature of the European Economic Community and in effect it could be helpful in the future work of the Preparatory Commission. Signature merely commits a signatory not to act against the objectives of the Convention. By not signing, the opportunity for showing support for the Convention, with a minimum of cost, will have been lost. Accession will then be the only avenue available to States.



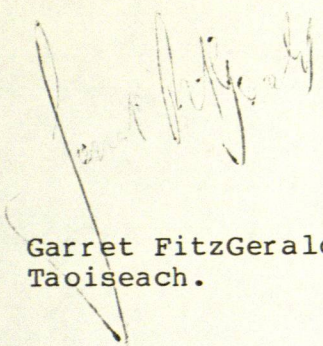
Oifig an Taoisigh
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I would, therefore, urge your support for the Convention and for signature, subject to ratification, by the United Kingdom.

Finally, I would urge, whatever the decision taken with regard to signature by the United Kingdom, that your Government facilitate signature by the European Economic Community if one other Member State signs the Convention before the closing date.

I have also written to the Heads of Government of other Member States which have not signed the Convention.



Garret FitzGerald, T.D.,
Taoiseach.