

Subject

PC

PRIME MINISTER'S
PERSONAL MESSAGE
SERIAL No. T.183^B/84



MINISTER-PRESIDENT

cc Master
OPS

No. :349949.

The Hague, 5th November, 1984.

Dear Prime Minister,

As you will be aware, 9 December, 1984 is the deadline for signature of the UN Convention on the Law of the Sea. Denmark, France, Greece, Ireland and The Netherlands have already signed the Convention and there is a possibility that other EEC countries will follow suit before 9 December, 1984.

The Netherlands Government have strong objections to a number of the provisions relating to deep sea mining, such as the compulsory transfer of technology and the introduction of production ceilings, which could prevent deep seabed exploitation on a large enough scale and thus hamper commercial activities. Despite these objections the Netherlands Government decided to sign the Convention in November, 1982.

One consideration which influenced the Netherlands decision to sign was the fact that the Convention is so comprehensive. As well as the seabed, it regulates for example the delimitation of maritime boundaries, innocent passage in the territorial sea and passage through straits, the regime of the exclusive economic zone and protection of the marine environment. There are important new rules which we believe will be beneficial to our trading and marine interests.

The Netherlands Government is also of the opinion that the improvements needed in the provisions relating to the deep sea mining regime can best be achieved through full and active participation in the work of the Preparatory Commission.

-In a statement.....-

The Right Honourable
Margaret Thatcher
Prime Minister
of the
United Kingdom.

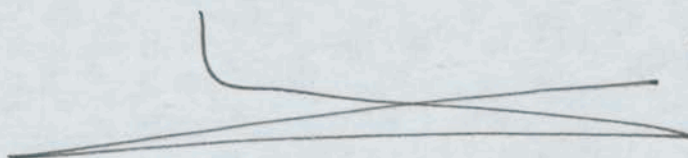
In a statement made on the occasion of the Netherlands becoming a signatory, and in a separate statement to the Netherlands Parliament, it was made clear that the decision to sign did not mean that the Government intended to ratify the Convention, and that a separate decision in this matter would be taken subsequent to elaboration of the regime for deep sea mining and regulation of the financial burden to be borne by the parties after the Convention enters into force.

By signing the Convention the United Kingdom would acquire a vote in the Preparatory Commission responsible for elaborating the rules laid down in the Convention concerning the deep sea mining regime. This will increase the cohesion and negotiating strength in the Preparatory Commission of the group of six deep sea mining countries, namely the United Kingdom, Belgium, the Federal Republic of Germany, Italy, Japan and, in a coordinating role, The Netherlands. It is important that this group retain the maximum measure of influence in the negotiations in the Preparatory Commission so that it can work for an acceptable and realistic deep sea mining regime.

Signing the Convention does not imply acceptance of the seabed regime. It does not for us. It is an indication of our country's willingness to conduct further negotiations in the Preparatory Commission and thus to seek to achieve a generally acceptable and practicable deep sea mining regime. In view of the above the Netherlands Government considers it to be of particular importance that the United Kingdom be among the signatories. The addition of the United Kingdom influence will improve the prospect of achieving a satisfactory amelioration of the deep sea mining regime.

Finally, I wish to inform you that I sent a letter of the same tenor to Federal Chancellor Kohl of the Federal Republic of Germany in view of the fact that in the Federal Republic a decision on the signing of the Convention will be taken in due course.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'R.F.M. Lubbers', written over a horizontal line.

(R.F.M. Lubbers)



Letter from Prime Minister Lubbers to Prime Minister Thatcher concerning the Law of the Sea.

The Hague, 5th November, 1984

Dear Prime Minister,

As you will be aware, 9 December, 1984 is the deadline for signature of the UN convention on the Law of the Sea. Denmark, France, Greece, Ireland and the Netherlands have already signed the convention and there is a possibility that other EEC countries will follow suit before 9 December, 1984.

The Netherlands Government have strong objections to a number of the provisions relating to deep sea mining, such as the compulsory transfer of technology and the introduction of production ceilings, which could prevent deep seabed exploitation on a large enough scale and thus hamper commercial activities. Despite these objections the Netherlands Government decided to sign the convention in November, 1982.

One consideration which influenced the Netherlands' decision to sign was the fact that the convention is so comprehensive. As well as the seabed, it regulates for example the delimitation of maritime boundaries, innocent passage in the territorial sea and passage through straits, the regime of the exclusive economic zone and protection of the marine environment. There are important new rules which we believe will be beneficial to our trading and marine interests.

The Netherlands Government is also of the opinion that the improvements needed in the provisions relating to the deep sea mining regime can best be achieved through full and active participation in the work of the Preparatory Commission.

In a statement made on the occasion of the Netherlands becoming a signatory, and in a separate statement to the Netherlands Parliament, it was made clear that the decision to sign did not mean that the Government intended to ratify the convention, and that a separate decision in this matter would be taken subsequent to elaboration of the regime for deep sea mining and regulation of the financial burden to be borne by the parties after the convention enters into force.

By signing the convention the United Kingdom would acquire a vote in the Preparatory Commission responsible for elaborating the rules laid down in the convention concerning the deep sea mining regime, this will increase the cohesion and negotiating strength in the Preparatory Commission of the group of six sea mining countries, namely the United Kingdom, Belgium, The Federal Republic of Germany, Italy, Japan and, in a coordinating role, the Netherlands. It is important that this group retain the maximum measure of influence in the negotiations in the preparatory commission so that it can work for an acceptable and realistic deep sea mining regime.

Signing the convention does not imply acceptance of the seabed regime. It does not for us. It is an indication of our country's willingness to conduct further negotiations in the Preparatory Commission and thus to seek to achieve a generally acceptable and practicable deep sea mining regime. In view of the above the Netherlands Government considers it to be of particular importance that the United Kingdom be among the signatories. The addition of the United Kingdom influence will improve the prospect of achieving a satisfactory amelioration of the deep sea mining regime.

Finally, I wish to inform you that I sent a letter of the same tenor to Federal Chancellor Kohl of the Federal Republic of Germany in view of the fact that in the Federal Republic a decision on the signing of the convention will be taken in due course.

Yours sincerely,

R.F.M. Lubbers



SH

c HMT DTI
WFO CAB
MOD LCO
WFO D/N
CO

10 DOWNING STREET

From the Private Secretary

5 November, 1984

Dear Colin,

UNLOSC

The Netherlands Ambassador called this afternoon to deliver a message from Mr. Lubbers to the Prime Minister, urging that the United Kingdom sign the UN Convention on the Law of the Sea.

The Ambassador stressed particularly that in signing the Convention, the Netherlands Government had made an explicit statement that signature did not commit them to ratification. This was the first occasion on which they had made such a declaration.

The Ambassador also claimed that the Netherlands Government had good reason to think that the FRG would also decide to sign.

I am copying this letter to the Private Secretaries to members of OD, to Mike Reidy (Department of Energy) and to Richard Hatfield (Cabinet Office).

Yours sincerely,

C. D. POWELL

Colin Budd, Esq.,
Foreign and Commonwealth Office

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