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Mr. Borden

MD 711

5 November 1984

PRIME MINISTER

UNITED NATIONS LAW OF THE SEA CONVENTION

While you may find the recommendation of the Foreign and Commonwealth Office, together with the Cabinet Office, both forceful and persuasive to the effect that Britain should adopt the most unusual course of signing the above international Convention with no intention of ratifying it, this course has one risk that has not been set out clearly. We will be open to severe international criticism for this unless the reservations are exceptionally clear. If the reservation is not adequate, we will rightly be accused of double dealing. The principal reason for signing in this way - namely to maintain British influence on further negotiations - is a good one, provided the British signature to this convention is not a signal to other Western powers that we have capitulated over the main problems with the Treaty. The following matters should be made clear, in addition to, or together with, the matters set out in the Cabinet Office Annex, page 8. Accordingly, Britain must state that:

- 1) It is not satisfied with the composition of the Council.
- 2) The powers given to the Council to control the production and the price of minerals in the sea bed are unacceptable. In particular, the power to govern production could, for example, allow the Council to ban

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No -
remain
open with
signature

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the exploitation of manganese throwing Britain back on
the only other Western producer - South Africa, a country
uncontrolled by this Convention.

Conclusion

No
While signing this convention with clear reservations by
9 December must be right, the messages that go out at the time
we sign must be carefully watched.

Hartley Booth

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