

NATIONAL SECURITY COUNCIL MEETING:

<u>DATE:</u>	<u>SUBJECT:</u>	<u>PARTICIPANTS:</u>
1/21/82	Law of the Sea (3:30-4:00)	The President* The Vice President* <u>State:</u> Secretary Alexander M. Haig, Jr.* <u>OSD:</u> Secretary Caspar W. Weinberger* Dep Sec Frank C. Carlucci*
	Libya* (4:05-4:25)	<u>Treasury:</u> Secretary Donald T. Regan* <u>Justice:</u> Attorney General Wm French Smith* <u>Commerce:</u> Secretary Malcolm H. Baldrige* <u>Energy:</u> Secretary James B. Edwards* <u>Interior:</u> Secretary James G. Watt <u>Transportation:</u> Mr. John H. Fowler <u>OMB:</u> Mr. William Schneider <u>CIA:</u> Mr. William J. Casey* <u>USUN:</u> Amb Jeane J. Kirkpatrick* <u>JCS:</u> General David C. Jones* Lt General Paul F. Gorman* <u>White House:</u> Mr. Edwin Meese III* Mr. James A. Baker III* Mr. Michael K. Deaver* Judge William P. Clark* Adm James W. Nance* Ms. Janet Colson* Adm John H. Poindexter* <u>NSC:</u> Mr. Michael Guhin Mr. Raymond Tanter*

* - Also attended Libya portion.

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 Sec.3A(b), E.O. 12958, as amended
 White House Guidelines, Sept. 11, 2006
 BY NARA *any* DATE *9/28/07*

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NATIONAL SECURITY COUNCIL MEETING

Thursday, January 21, 1982

TIME AND PLACE: 3:30 - 4:05 PM
Cabinet Room

SUBJECT: Law of the Sea

PARTICIPANTS

The President
The Vice President

State

Secretary Alexander M. Haig, Jr.
Assistant Secretary James L. Malone

Treasury

Secretary Donald T. Regan

Defense

Secretary Caspar W. Weinberger
Deputy Secretary Frank C. Carlucci

Justice

Attorney General William French Smith

Interior

Secretary James G. Watt

Commerce

Secretary Malcolm H. Baldrige

Transportation

Mr. John M. Fowler

Energy

Secretary James B. Edwards

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BY hjt, NARA, DATE 12/21/05

DCI

Mr. William J. Casey

USUN

Ambassador Jeane J. Kirkpatrick

USTR

Ambassador William E. Brock

JCS

General David C. Jones
Lt General Paul F. Gorman

White House

Mr. Edwin Meese III, Counsellor to the President
Mr. James A. Baker III, Chief of Staff to the President
Mr. Michael K. Deaver, Deputy Chief of Staff to the President
Mr. William P. Clark, Assistant to the President for National Security Affairs
Mr. Martin Anderson, Assistant to the President for Policy Development
Mr. Richard G. Darman, Assistant to the President and Deputy to the Chief of Staff
Admiral James W. Nance, Deputy Assistant to the President for National Security Affairs
Mr. Robert C. McFarlane, Deputy Assistant to the President for National Security Affairs

Vice President's Office

Admiral Daniel J. Murphy, Chief of Staff

OMB

William J. Schneider, Jr., Associate Director

CEA

Mr. Murray L. Weidenbaum, Chairman

OPD

Mr. Doug Bandow

NSC

Ms. Janet Colson
Admiral John H. Poindexter
Mr. Michael A. Guhin
Mr. Raymond Tanter
Mr. Peter H. Dailey

MINUTES OF MEETING

Judge Clark introduced the subject and called on Secretary Haig to present the basic issues.

Secretary Haig noted that there was no question that the deep seabed provisions in the draft convention are unacceptable and that, if they are not repaired, we could not sign or ratify the convention. The issue today was whether to go ahead in the negotiations and, if so, what would be the modalities of our participation. There is bureaucratic consensus on returning to the Law of the Sea Conference and failure to return would be a serious and self-defeating step. We might lose navigation provisions that are in our interests and, although not ideal, are acceptable. An erosion of them would be bad. We may also lose by getting no U.S. mining industry. No one will support us if we withdraw from the conference and pulling out would undercut our chances of getting an alternative regime.

The President said that he could not agree more that we should go back to the conference and negotiate. He noted that he had read the interagency study and it is clear that some provisions of the draft convention are in our interest and good. But we need to make clear what is unacceptable and what is acceptable in the draft. We have to be clear on those points.

Secretary Weinberger added that the draft treaty has some value and we should not withdraw.

Attorney General Smith noted that we will need a very tough and strong negotiator.

Secretary Haig noted that we had one.

Secretary Watt said he was delighted with the decision to go back to the negotiations, but wanted to clarify how we would negotiate. We need written instructions with clear, bottom-line positions now and then should walk out of the conference if it did not accept these positions.

He said we expect to have problems only in the seabed regime area.

The President said he differed on one point. We do have a bottom line in terms of knowing where we stand and what we want, but we do not walk out. We sit and negotiate. If the other guy wishes, he can walk out.

Mr. Meese said that it is critical not to have a treaty come back here that is unacceptable. That would put the onus on the United States and the President for turning it down.

The President agreed.

Secretary Haig said we need to consult with our allies without any rigid instructions. We need to be firm, but we cannot demand. We are negotiating, not demanding as Jim Watt indicates we should do. We will do what the President wants but will do it in a way that can achieve our goals and bring success.

Mr. Anderson stated that we should work this out the same way Global Negotiations have been handled, by setting some conditions.

Secretary Haig responded that there would be no problem in working out more details and coming back with more detailed instructions after consultations with our allies.

Ambassador Kirkpatrick said we need to keep in mind that this is in a UN framework, where we are always playing against a stacked deck. The allies are not supportive now and will not be later. They will be willing to accept the treaty and we will be essentially alone. Unremitting pressure will be on us from the very beginning. We need to be clear that there is something worse than no treaty at all and that would be accepting the treaty basically as is.

Mr. Meese noted that we will have another shot or two at the matter, and that we should work on bottom lines now.

Mr. Malone reiterated that the deep seabed regime is not acceptable and we will let our allies know that. However, we need flexibility now in working out our strategy on how to get what we want in consultations with our allies. Then we would develop specific instructions and know more specifically what we can expect to achieve.

The President noted that you have to have some bottom lines -- although that does not mean making them public -- and some give in negotiating positions. But the main thing is to know what points are not acceptable. We do not like the seabed organization the way it is; we know that and we need to know the problems. There are a variety of ways of fixing it as long as we are clear on what the problems are.

Secretary Baldrige said that he liked Mr. Malone's approach. He added that the United States has been highly dependent on imports for several major minerals and that we should be leaders in the technology for these items.

Judge Clark noted that the NSC staff, working with Mr. Malone, would prepare a decision and statement for the President's consideration the next day.

Secretary Haig added that this is a sensitive matter and that we need to hold off on an announcement until early the next week to be able to give advance notice to our allies and other key participants in the conference.

(Law of the Sea discussions concluded at this point)