

December 11, 1982

MEMO TO:                   The President  
FROM:                       Don Rumsfeld, Special Emissary

Law of the Sea

A French official said to us in Paris, "Once the Law of the Sea (LOS) process was launched in the U.N., its poor outcome was inevitable." Unfortunately, it seems that matters handled in multilateral arenas -- the U.N., GATT, etc. -- seem to become more difficult and the results more likely to clash with US interests and common sense. The LOS Treaty may be the longest, clearest, and most extreme example.

When asked to serve as your Special Emissary, the Mission was to raise LOS from the level of the experts, who after a multilateral ten year effort had created the problem, up to the top political level - the only level that could avert a damaging outcome at that late date.

This we did, as we traveled nearly 33,000 miles to six cities in five countries. We discussed LOS with the President or Prime Minister of five countries: the U.K., the F.R.G., France, the Netherlands, and Japan, as well as with the President of the European Community.

The reception accorded the Mission shows the importance of the US to these nations and the respect extended to you personally. The reactions of those with whom we met were understandably varied. Prime Minister Thatcher, a most impressive individual, correctly labeled LOS "an international nationalization of the seabeds." Conversely, President Mitterand, as a socialist, was not disturbed by the aspects of the treaty we find most offensive and, as is generally the case, was notably unhelpful.

The Mission's specific objective, problematic at the outset, was to dissuade these key countries from signing the LOS Convention when it was opened for signature in Jamaica. The presumption was that all seven countries would sign.



The Jamaica session has now ended with Germany, Britain, Japan, Belgium and Italy not signing the Convention. Of the seven countries targeted, only France, which announced its decision to sign before the Mission began, and the Netherlands signed in Jamaica.

Notably, except for France, no major Western country visited, which as the capacity for deep seabed mining, signed the Convention last week.

A favorable outcome can be maintained only with the proper follow-up. Pressure on the major industrialized countries to sign the LOS Convention -- which is open for signature over the next two years -- will continue from the Third World. The pressure on the Prime Ministers will continue and increase from their own LOS experts.

Your involvement, Mr. President, will therefore be needed to counter such pressure, especially during your January 18 meeting with Prime Minister Nakasone. Continuing involvement by the Secretaries of State, Defense and the Treasury will be needed with all the key countries as well.

The U.S. must develop and present a more definite and detailed alternative to LOS for the major seabed mining countries. Otherwise, there is a risk that the major Western countries will sign LOS late next year.

### Allied Relations

Symbolic of the problems of major allies is the fact that more than half of the countries you asked me to visit -- four of the seven most important countries to the U.S. in the world -- underwent a change of government since the Mission was launched less than two months ago.

This extraordinary pace of political change is not a healthy sign for stability in the free world. Yet the leaders in Germany and Japan seem more in line with your philosophy and approach to the world than those they replaced.

The Mission's outcome suggests once again that when the U.S. adopts a policy that is correct, lends Presidential prestige to the issue, takes the case to the top free world leaders, and gives them the time to rearrange their internal affairs, the US can have a positive influence on their plans and even, at times, their policies.

The fact of the Mission had the effect of giving heart to those, in and out of government, who agreed with your position, but who had concluded that the battle was lost.



When they saw the effort the U.S. was putting forth, they took heart and joined in to help.

Personal

Allow me to express my appreciation for the confidence you expressed in me in naming me your Special Emissary.

The support given the Mission by your National Security Council Staff, particularly Michael Guhin, and the Department of State, particularly your Deputy Ambassador to the U.N. Kenneth Adelman, was superb.

Donald Rumsfeld

