

**Review Conference of the Parties to the Treaty on the
Prohibition of the Emplacement of Nuclear Weapons
and Other Weapons of Mass Destruction on the Sea-Bed
and the Ocean Floor and in the Subsoil Thereof**

Geneva, 1977

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INFORMATION PAPER RELATING TO THE TREATY ON
THE PROHIBITION OF THE EMPLACEMENT OF NUCLEAR
WEAPONS AND OTHER WEAPONS OF MASS DESTRUCTION
ON THE SEA-BED AND THE OCEAN FLOOR AND IN THE
SUBSOIL THEREOF

(Prepared by the Secretariat of the Review Conference)

NOTE BY THE SECRETARIAT

This paper combines material contained in document SBT/P.C.I/CRD.2 and the summary of the negotiations within the CCD (Article by Article) leading to the Treaty, requested in paragraph 16(A) of the Final Report of the Preparatory Committee for the Review Conference.

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Information paper relating to the Treaty on the Prohibition of the
Emplacement of Nuclear Weapons and Other Weapons of Mass
Destruction on the Sea-Bed and the Ocean Floor and in the
Subsoil Thereof (Sea-Bed Treaty)

Introduction

Intense interest in the use of the resources of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction developed in the 1960s as it became clear that advances in science and technology would permit man to realize the potential riches of the area. At the same time, it was recognized that an international régime would have to be established to forestall potential rivalries and to ensure that exploration and exploitation of the sea-bed and the ocean floor would be carried out for peaceful purposes and for the benefit of all mankind.

At the initiative of Malta, the whole question was taken up in 1967 by the twenty-second session of the General Assembly which by its resolution 2340 (XXII) established an Ad Hoc Committee with the main task of exploring practical means of promoting international co-operation in the exploration, conservation and use of the sea-bed, the ocean floor and the subsoil thereof beyond the limits of national jurisdiction. The debate revealed widespread support for the principle of reserving this area exclusively for peaceful purposes and many delegations referred to the Antarctic Treaty and the Outer Space Treaty as precedents in this regard. At the same time, it was felt that the effort to ward off the danger of an arms race in the sea-bed should be pursued in the context of disarmament negotiations since the issues at stake concerned matters related to national and international security.

The question of an international agreement limiting the military use of the sea-bed and the ocean floor was first formally raised as a disarmament measure by the Soviet Union in its Memorandum on some urgent measures for stopping the arms race and for disarmament of 1 July 1968,^{1/} submitted to the Eighteen-Nation Committee on Disarmament (ENDC). In the memorandum the Soviet Union stated that advances of technology in this field made it possible to consider the question of establishing a régime such as would ensure "the utilization of the sea-bed

^{1/} ENDC/227

beyond the limits of the present territorial waters solely for peaceful purposes" and, in particular, prohibit the establishment of fixed military installations in that area, and proposed that the ENDC start negotiations towards that end. The President of the United States, in his message of 16 July 1968 to the ENDC,^{2/} urged the Committee to begin negotiations on an agreement "which would prohibit the use of the new environment for the emplacement of weapons of mass destruction". The Committee welcomed these suggestions and agreed that the subject could be considered under the heading "other collateral measures", one of the four principal items of the provisional agenda.

The decision of the Committee met with widespread support at the twenty-third session of the General Assembly in 1968. At the same time, the discussion of the problem revealed the existence of substantial differences of opinion as to the best method of accomplishing this goal. A number of States, including the Soviet Union, supported a complete demilitarization of the area, while the United States, and a number of other member States favoured consideration of an agreement prohibiting only the emplacement of weapons of mass destruction.

The General Assembly did not take a position on either approach. In its resolution 2454 B (XXIII) on general and complete disarmament it only called for urgent measures to negotiate collateral measures of disarmament, which by implication included the question of the sea-bed and the ocean floor.^{3/}

Consideration in the CCD* and the General Assembly

During the 1969 spring session of the ENDC both the Soviet Union and the United States submitted concrete proposals on the military uses of the sea bed

^{2/} ENDC/228

^{3/} At the same time, the General Assembly by its resolution 2467 (XXIII) transformed the Ad Hoc Committee into a permanent forty-two member Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction (Sea-Bed Committee). The military aspects having been brought to the attention of the ENDC, it was understood that the Sea-Bed Committee would direct its efforts, primarily, though not exclusively, towards the study of the non-military aspects of the exploration and exploitation of the sea-bed and the ocean floor.

*The ENDC changed its name to the Conference of the Committee on Disarmament (CCD) in August 1969.

and the ocean floor, which reflected the positions they had taken in the General Assembly. Thus the Soviet draft treaty of 18 March 1969^{4/} provided for a complete demilitarization of the sea-bed, the ocean floor and the subsoil thereof beyond a coastal zone of 12 miles, while the United States draft of 22 May 1969^{5/} called for an undertaking not to implant or emplace fixed nuclear weapons or other weapons of mass destruction or associated fixed launching platforms beyond a coastal band of 3 miles. There were also differences on a number of other points, the most important ones relating to verification procedures. The Soviet draft allowed verification on the basis of reciprocity while the United States draft envisaged freedom of observation of activities, supplemented by an undertaking by the parties to consult and co-operate to resolve questions regarding the fulfilment of their obligations in cases where observations did not suffice to eliminate such questions. Despite these differences, the Soviet Union and the United States were soon able to find a common ground and on 7 October 1969 submitted a joint draft treaty to the CCD.^{6/}

With regard to scope, the draft provided for a ban on the emplacement of weapons of mass destruction rather than for a complete demilitarization of the area in question. The geographical zone of the treaty's application was defined as one extending beyond the "maximum contiguous zone" provided for in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone. As to verification, the draft recognized the right of parties to verify suspected activities and envisaged a commitment by them to consult and co-operate with a view to resolving remaining doubts. The draft also provided for amendment by a majority vote, including the vote of all parties possessing nuclear weapons, and for entry into force of the treaty upon ratification by twenty-two Governments, including those designated Depositary Governments.

^{4/} ENDC/240

^{5/} ENDC/249

^{6/} ENDC/269

On the basis of the discussions held both in the CCD and in the General Assembly, the draft was revised on three occasions, on 30 October 1969,^{7/} and 23 April^{8/} and 1 September 1970.^{9/} The final draft was submitted to the twenty-fifth session of the General Assembly.

Preamble

The preambular part of the draft treaty did not raise too much difficulty. Except for one change, concerning the commitment by the parties to continue negotiations which became a separate article (discussed below), the language of the first joint draft of 7 October 1969 remained the same.

By the Preamble, the Parties to the Treaty recognize the common interest of mankind in the progress of the exploration and use of the sea-bed and the ocean floor for peaceful purposes and state that the prevention of the nuclear arms race in this environment serves the interest of maintaining world peace, reduces international tensions and strengthens friendly relations among States. They also express the conviction that the Treaty constitutes a step towards the exclusion of this area from the arms race and towards a treaty on general and complete disarmament and state their determination to continue negotiations to this end. Finally, the Parties express their conviction that the Treaty will further the purposes and principles of the United Nations Charter in a manner consistent with international law and without infringing the freedoms of the high seas.

Article I

Article I, determining the scope of the treaty, was one of the most debated articles. Three main concerns were expressed in connexion with its content and formulation. First, a number of States, particularly non-aligned, were dissatisfied with the limited scope of the proposed draft treaty and expressed preference for a complete demilitarization of the sea-bed, the ocean floor and the subsoil thereof, as it was originally proposed by the USSR. In the course of the debate, the United States explained that a limited approach had been

^{7/} CCD/269/Rev.1

^{8/} CCD/269/Rev.2

^{9/} CCD/269/Rev.3

adopted because a complete demilitarization would be, for the time being, both harmful, because it would prohibit some important self-defence measures, such as the establishment of anti-submarine warning systems, and unworkable, because of insuperable verification problems. No changes were made with regard to the scope of the treaty which remained as formulated in the first joint draft of 7 October 1969.

The second concern expressed during the negotiations had to do with the definition of the geographical zone of the treaty's application. In the first joint draft a specific reference for this purpose was made to the "maximum contiguous zone" provided for in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone. A number of States that had not accepted this Convention objected to this wording, which in their view prejudged their position on the question of the contiguous zone in general. Argentina submitted a substitute text eliminating the controversial reference,^{10/} which was incorporated in the revised joint draft of 23 April 1970. Thus, in the new formulation of article I the phrase "beyond the maximum contiguous zone" was replaced by the expression "beyond the outer limit of a sea-bed zone", defined more precisely in article II.

At an early stage in the negotiations, a number of States, including Burma, Italy, Japan, Morocco, the Netherlands, Pakistan, Poland and the United Kingdom (which submitted a specific recommendation),^{11/} sought clarification with regard to the status of the zone lying between the outer limit of the zone of 12 miles provided for in the draft treaty and the outer limits of claimed territorial waters when those latter limits were narrower than twelve miles. In their view, it was not sufficiently clear whether or not the treaty, which would be applicable only beyond the 12-mile zone, would allow a party to perform any of the activities specified in article I in a "gap zone" off the coast of another party whose territorial waters were less than twelve miles. In order to eliminate any doubts, a new paragraph was added to article I in the revised draft submitted on 30 October 1969, specifying that the prohibitions of the treaty would apply within the 12-mile zone to all but the coastal State. It was, however, explained that

^{10/} A/C.1/997

^{11/} CCB/PV.444, paras. 68, 69.

the provisions of the treaty, although denying automatic rights to non-coastal States in a "gap zone", or in any other part of the 12-mile zone, did not exclude the right of coastal States to permit other States to undertake the activities referred to in article I on the basis of bilateral agreement and in the exercise of the coastal State's sovereign rights.

In its final form, as it appears in the text of the Treaty, article I prohibits the emplacement on the sea-bed and the ocean floor, and in the subsoil thereof beyond the outer limit of a sea-bed zone, nuclear weapons or other weapons of mass destruction, and structures, launching installations or other facilities for storing, testing or using such weapons (para. 1), except that within the defined sea-bed zone the prohibitions do not apply to the coastal State or the sea-bed beneath its territorial waters (para. 2). The article also prohibits assistance or encouragement to any State to carry out the prohibited activities (para. 3).

Article II

Article II contains the definition of the zone referred to in article I. The redrafting of article I, as a result of the objections expressed in connexion with the formula "beyond the maximum contiguous zone", automatically brought about corresponding changes in the text of article II. Thus, the draft treaty of 23 April 1970, in introducing the new formula "beyond the outer limit of a sea-bed zone" in article I defined it in article II, also on the basis of the Argentinian proposal, as being coterminous with the twelve-mile limit of the zone referred to in the Geneva Convention on the Territorial Sea and the Contiguous Zone. In this context, the reference to the Convention acquired a different meaning. In view of this, no further changes were sought and article II was accepted without objection. It states that, for the purpose of the Treaty, the outer limit of the sea-bed zone referred to in article I shall be coterminous with the twelve-mile outer limit referred to in the Geneva Convention, and shall be measured in accordance with the relevant section of that Convention and with international law.

Article III

Article III, concerning verification, was another provision that received a great deal of attention throughout the negotiations. The first joint draft treaty of 7 October 1969 recognized the right of parties to verify suspected activities and envisaged a commitment by them to consult and co-operate with a view to resolving remaining doubts. Many delegations considered this a solid guarantee against possible breaches of the treaty's obligations. On the other hand, various other members of the CCD, notably Brazil, Bulgaria, Canada, Czechoslovakia, Ethiopia, Italy, Morocco, the Netherlands, Poland, the United Arab Republic and Yugoslavia, made a number of suggestions for improvement. They included provision for international assistance to less technically advanced countries for carrying out verification, the establishment of explicit procedures for notification and participation of a coastal State in verification activities in the vicinity of its continental shelf, access to facilities, and possible recourse that parties would have if there were serious unresolved questions regarding fulfilment of the obligations of the treaty. Several delegations suggested that the treaty would be strengthened if it made specific reference to existing procedures by which States could bring serious matters to the attention of the Security Council. Most of the points raised were covered in a Canadian working paper^{12/} offering elaborate procedures to govern "the right to verify". In addition, Brazil submitted two working papers, one dealing with control provisions, particularly as they affected the "sovereign and exclusive rights" of a coastal State on its continental shelf,^{13/} and another on the settlement of disputes arising from the implementation of the treaty, particularly the provisions on verification.^{14/}

^{12/} CCD/270

^{13/} ENDC/264

^{14/} CCD/267

The revised joint draft treaty of 30 October 1969 contained only one change with regard to article III, namely, it specifically reaffirmed the right of recourse to the Security Council. This prompted Canada and Brazil, supported by many other delegations, to urge the co-sponsors to consider once again the various suggestions that had been made with regard to verification procedures. The second revised joint draft of 23 April 1970 contained a new formulation of article III that included many of the suggestions put forth in the Canadian working paper, but not those concerning recourse to international procedures and the good offices of the United Nations Secretary-General. The debate that followed concentrated on two principal issues: (1) more explicit reference to the right of coastal States to explore and exploit their respective continental shelves and, related thereto, their right to be notified of, and participate in, any verification procedures taking place on their respective continental shelves; and (2) specific reference to an international mechanism for verification in light of the fact that the majority of coastal States would not be in a position to verify by themselves possible violations of the treaty provisions, since they lacked the necessary technology and financial means. Brazil and Canada strongly reiterated their previous proposals in this regard. In addition, nine non-aligned members of the Committee -- Burma, Ethiopia, Mexico, Morocco, Nigeria, Pakistan, Sweden, the United Arab Republic and Yugoslavia -- submitted a working paper proposing changes in the treaty language that covered both problems.^{15/}

The third and last revision of the draft treaty, submitted on 1 September 1970, reflected almost all the proposals and amendments made regarding article III. Pursuant to the proposal of Argentina and Brazil, the reference to the inviolability of "rights recognized under international law, including the freedom of the high seas" made in connexion with the right to verify through observation the activities of States Parties to the Treaty, was amplified by transferring it from paragraph 1 to paragraph 6. Also, as proposed by Argentina and Brazil, supported by other countries, changes were made in paragraphs 2 and 3 which strengthened the right of Parties, including coastal States, to participate in consultations, co-operation and other verification procedures. In accordance with the proposal of nine non-aligned members of the CCD, a provision for notification of verification and its results was included in paragraph 2. As

proposed by the same members, paragraph 5 was amended to include also the right to resort to an international verification procedure. Finally, taking into account the views of Argentina, Brazil and Mexico, the formulation concerning the right of coastal States on the continental shelf was broadened and harmonized with the disclaimer clause in article IV.

In its final form, article III of the Treaty sets out the verification procedures as follows:

1. States Parties have the right to observe the activities of other States Parties on the sea-bed, the ocean floor and in the subsoil thereof beyond the zone referred to in article I.

2. If there are doubts concerning the fulfilment of obligations under the Treaty, the Party having doubts shall consult with the Party giving rise to the doubts with a view to their removal. If the doubts persist, the former Party shall notify the other Parties, and the Parties concerned shall co-operate on further verification procedures, including appropriate inspection of objects, structures, installations or other facilities. The Parties in the region of the activities, including any coastal State, and any other Party so requesting, shall be entitled to participate in such consultation and co-operation. After completion of the further verification procedures, the Party that initiated such procedures shall circulate a report to the other Parties.

3. If the State giving rise to doubts is not identifiable by observation, the State having doubts shall make appropriate inquiries. If identified, the Party creating the doubts shall consult and co-operate with other Parties as provided in paragraph 2, above. Otherwise, further verification procedures, including inspection, may be undertaken by the inquiring Party, with the participation of other Parties in the region of the activities, including any coastal State, and any other Party desiring to co-operate.

4. If consultation and co-operation pursuant to paragraphs 2 and 3 above, do not remove the doubts concerning the activities, and there remains a serious question concerning the fulfilment of the treaty's obligations, the matter may be referred to the Security Council, which may take action in accordance with the Charter.

5. Verification pursuant to this article may be undertaken by a State Party alone or with the assistance of any other Party, or through appropriate international procedures within the framework of the United Nations and in accordance with the Charter.

6. Verification activities pursuant to the Treaty shall not interfere with the activities of other States Parties and shall be conducted with due regard for rights recognized under international law, including those concerning the freedom of the high seas and the exploration and exploitation by coastal States of their continental shelves.

Article IV

Article IV containing the disclaimer clause became a separate article at a later stage in the negotiations. In the first joint draft of 7 October 1969 it was included in paragraph 2 of article II in order to neutralize the implications that might be drawn from the references in article I to the contiguous zone and the Geneva Convention on the subject, with respect to rights on claims related to coastal waters or to the sea-bed and the ocean floor. Parallel with proposals to eliminate the controversial reference to the Convention, a request was made that the disclaimer clause be amplified by inclusion in a separate article. Consequently, in the revised joint draft of 23 April 1970 the clause was removed from paragraph 2 of article II and became a new separate article - article IV. It states that nothing in the Treaty shall be interpreted as supporting or prejudicing the position of a State Party with respect to existing conventions, including the 1958 Geneva Convention, or with respect to rights or claims which such State Party may assert, or with respect to recognition or non-recognition of rights or claims asserted by any other State, related to waters off its coast, including, inter alia, territorial seas and contiguous zones, or to the sea-bed and the ocean floor, including continental shelves.

Article V

Article V of the Treaty, concerning further negotiations on the demilitarization of the sea-bed and the ocean floor was for a long time a stumbling-block in the negotiations. As soon as it became obvious that a complete demilitarization of the area, which many States would have preferred, was not possible at the time, the question of the continuation of negotiations for the further demilitarization of the area became of utmost importance to a number of delegations. This concern was also recognized by the co-sponsors who included in their first joint draft of 7 October 1969 a provision on this point in the third preambular paragraph. It stated the determination of the Parties to

continue negotiations for the exclusion of the sea-bed and the ocean floor from the arms race. Although many delegations welcomed it as an appropriate commitment, many others were of the view that it was not sufficiently strong. Thus, for example, Sweden considered it would be preferable to include a statement along those lines in the operative part of the Treaty as a new article, and put forward the text of such an article.^{16/} This view was shared by Bulgaria and Czechoslovakia, which supported the Swedish suggestion. However, in spite of the large measure of agreement among all the delegations that such a provision should find its place in the Treaty, differences persisted concerning the necessity of having a separate article. The view that it was not necessary to include such an article was advocated mainly by the co-sponsors and neither the first nor the second joint revised drafts, submitted on 30 October 1969 and 23 April 1970, introduced any changes in this regard. Nevertheless, in the course of the deliberations, Sweden, supported by Bulgaria, Czechoslovakia, Hungary, Japan, Nigeria and Poland, reiterated on several occasions its proposal for a separate article covering the commitment on further negotiations. The same proposal was contained in a working paper submitted on 30 July 1970 by nine non-aligned members of the Committee.^{17/} Since the substance of the proposed provision was not controversial, the co-sponsors finally agreed to accommodate the demands for a separate article. Consequently, the third and last joint revised draft of 1 September 1970 included a new article, article V, containing an undertaking by the Parties to continue negotiations in good faith concerning further measures in the field of disarmament for the prevention of an arms race on the sea-bed, the ocean floor and the subsoil thereof.

Article VI

Article VI deals with amendment procedures. The main objections to the first version of this article stemmed from the fact that it gave the nuclear Powers Parties to the Treaty the right to veto any amendments. In view of this criticism the right to veto was eliminated in the draft treaty of 30 October 1969. Under this article any Party may propose amendments which will enter into force if accepted by a majority of the States Parties to the Treaty.

^{16/} CCD/271

^{17/} CCD/297

Article VII

Article VII, concerning the review mechanism, was not included in the first joint draft treaty submitted by the Soviet Union and the United States on 7 October 1969. However, in view of the limited scope of the proposed draft, almost all members of the CCD strongly urged the co-sponsors to add a separate article providing for review conferences to examine the operation of the treaty, taking particularly into account the progress of technology in the exploration of the sea-bed and the ocean floor. This was done in the revised draft submitted on 30 October 1969. This article calls for the convening of the first review conference five years after the entry into force of the Treaty. The question of further review conferences is to be decided in accordance with the views of the majority of those Parties attending the conference.

Article VIII

Article VIII, recognizing the right of Parties to withdraw from the Treaty, did not give rise to any difficulty. It was included in the Treaty as formulated in the first draft of 7 October 1969. It provides that whenever a Party decides that extraordinary events related to the subject matter of the Treaty have jeopardized its supreme interests, it has the right to withdraw upon the notification of such withdrawal to all the other Parties and to the Security Council three months in advance. Such notice is to include a statement of the extraordinary events that have jeopardized the supreme interests of the Party.

Article IX

Article IX was included in the text of the Treaty only at a later stage in the negotiations to meet an express request by Mexico, which felt that the provisions of the Sea-Bed Treaty, by excluding from the prohibition the zone of 12 miles, could affect the obligations of States arising from instruments establishing nuclear-weapon-free-zones.^{18/} In order to eliminate any possible doubts, the co-sponsors included in the revised draft of 23 April 1970 a separate article covering this problem. Thus, article IX states that the Treaty shall in no way affect the obligations assumed by States Parties under international instruments establishing zones free from nuclear weapons.

Articles X and XI

Articles X and XI concern signature, ratification, Depositary Governments, entry into force and authenticity of texts in various languages. They were not controversial and did not give rise to much discussion in the course of the negotiations.

The final text of the draft treaty, as proposed by the CCD, was sent to the General Assembly in September 1970 for its consideration and adoption. The debates in the First Committee showed that, in spite of negative comments as to its rather limited nature, there was a general agreement that the proposed Treaty represented an important achievement in the field of collateral measures of arms regulation. However, several delegations, in particular Mexico, Peru, El Salvador, Ecuador, Indonesia and the Philippines expressed reservations concerning some of its provisions. The co-sponsors considered it impossible at that stage in the negotiations to accept any additional amendments to the draft, and the First Committee by a vote of 91 to 2, with 6 abstentions, approved a draft resolution sponsored by 37 member States, including the Soviet Union and the United States, commending the proposed text of the Treaty. The draft resolution was adopted by the General Assembly on 7 December 1970 as resolution 2660 (XXV) by a vote of 104 in favour, 2 against (El Salvador and Peru) and 2 abstentions (Ecuador and France) (see Annex I). By the resolution the Assembly commended the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof, and requested the Depositary Governments to open it for signature and ratification.

Status of the Treaty

The Treaty was opened for signature on 11 February 1971 in the capitals of the Soviet Union, the United Kingdom and the United States which had been designated by article X as the Depositary Governments. It entered into force on 18 May 1972, upon the deposit of the twenty-second instrument of ratification, including the instruments of the three Depositary Governments, as stipulated in paragraph 2 of article X. Lists of States that have signed and ratified or acceded to the Treaty are maintained by the Depositary Governments.^{19/}

^{19/} Up-to-date lists may be made available to the participants in the Review Conference by those Governments.

Developments since the conclusion of the Treaty

There have been few developments in connexion with the Treaty following its entry into force. Some references to it were made in the CCD and in the course of the work of the United Nations Conference on the Law of the Sea.

The only substantive issue raised in the CCD related to the implementation of Article V on continued disarmament negotiations. During the period 1971-1975, several members of the CCD, including Czechoslovakia, Mexico, Poland, Sweden and the USSR, spoke at various times about the importance they attached to continuing negotiations, in accordance with Article V of the Treaty, for further demilitarization of the sea-bed and the ocean floor. At the 1974 session of the CCD, Mexico again drew attention to Article V of the Treaty and stated that, despite the fact that more than three years had passed since the conclusion of the Treaty, the promised negotiations had not taken place. In early 1975, Czechoslovakia, reminding the CCD that the Review Conference of States Parties to the Treaty would be meeting in Geneva in 1977 in accordance with Article VII, maintained that the CCD might appropriately begin a discussion of the problem of demilitarization of the sea-bed. However, no such discussion was held at the 1975 or 1976 sessions of the CCD.

At the fourth session of the Third United Nations Conference on the Law of the Sea, held in New York in March-May 1976, a number of delegations, including Iran, Madagascar, Malta, Pakistan, Peru and Romania, referred to the Sea-Bed Treaty during the consideration of the item entitled "Peaceful uses of ocean space: zones of peace and security". These delegations felt that there was a need to develop further the concept of peaceful uses in the law of the sea convention and that it was appropriate for the Conference to take up disarmament-related matters, and raised specific issues for discussion. Other delegations were of the view that the Conference, in endeavouring to formulate a comprehensive convention on the law of the sea, should not turn its attention to specific peace and security problems in ocean space. It was pointed out that such problems could not be dealt with in isolation from other problems relating to the maintenance of international peace and security and disarmament and that, therefore, their solution should be sought within the framework of the appropriate bodies.^{20/}

^{20/} Details of these discussions can be found in the Official Records of the Fourth Session of the Third United Nations Conference on the Law of the Sea, 15 March - 7 May 1976, Volume V, pp. 54 to 68.

Review Conference of the Parties to the Treaty

At the initiative of seven member States - Denmark, Finland, India, Japan, Romania, Sweden and Yugoslavia - the General Assembly, at its thirtieth session, adopted on 12 December 1975 resolution 3484 E (XXX) (see Annex II). By this resolution the Assembly, after noting the provisions of Article VII and that the Treaty will have been in force for five years on 18 May 1977, and expecting that the review conference would take place soon after that date, noted that, after appropriate consultations, a preparatory committee of Parties to the Treaty was to be arranged. It also requested the Secretary-General to render the necessary assistance and to provide such services, including summary records, as might be required for the review conference and its preparation.

The Preparatory Committee for the Review Conference held its first meeting in Geneva from 7 to 11 February 1977. The Committee decided that the dates of the Conference would be 20 June - 1 July 1977.

ANNEX I

General Assembly Resolution 2660 (XXV)

Treaty on the Prohibition of the Emplacement
of Nuclear Weapons and Other Weapons of Mass
Destruction on the Sea-Bed and the Ocean
Floor and in the Subsoil Thereof

The General Assembly,

Recalling its resolution 2602 F (XXIV) of 16 December 1969,

Convinced that the prevention of a nuclear arms race on the sea-bed and the ocean floor serves the interests of maintaining world peace, reducing international tensions and strengthening friendly relations among States,

Recognizing the common interest of mankind in the reservation of the sea-bed and the ocean floor exclusively for peaceful purposes,

Having considered the report of the Conference of the Committee on Disarmament,^{1/} dated 11 September 1970, and being appreciative of the work of the Conference on the draft Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof, annexed to the report,

Convinced that this Treaty will further the purposes and principles of the Charter of the United Nations,

1. Commends the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof, the text of which is annexed to the present resolution;
2. Requests the depositary Governments to open the Treaty for signature and ratification at the earliest possible date;
3. Expresses the hope for the widest possible adherence to the Treaty.

1919th plenary meeting,
7 December 1970.

^{1/} Official Records of the Disarmament Commission, Supplement for 1970,
document DC/233.

ANNEX

Treaty on the Prohibition of the Emplacement of Nuclear
Weapons and Other Weapons of Mass Destruction on the
Sea-Bed and the Ocean Floor and in the Subsoil Thereof

The States Parties to this Treaty,

Recognizing the common interest of mankind in the progress of the exploration and use of the sea-bed and the ocean floor for peaceful purposes,

Considering that the prevention of a nuclear arms race on the sea-bed and the ocean floor serves the interests of maintaining world peace, reduces international tensions and strengthens friendly relations among States,

Convinced that this Treaty, constitutes a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race,

Convinced that this Treaty constitutes a step towards a treaty on general and complete disarmament under strict and effective international control, and determined to continue negotiations to this end,

Convinced that this Treaty will further the purposes and principles of the Charter of the United Nations, in a manner consistent with the principles of international law and without infringing the freedoms of the high seas,

Have agreed as follows:

ARTICLE I

1. The States Parties to this Treaty undertake not to emplant or emplace on the sea-bed and the ocean floor and in the subsoil thereof beyond the outer limit of a sea-bed zone, as defined in article II, any nuclear weapons or any other types of weapons of mass destruction as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons.

2. The undertakings of paragraph 1 of this article shall also apply to the sea-bed zone referred to in the same paragraph, except that within such sea-bed zone, they shall not apply either to the coastal State or to the sea-bed beneath its territorial waters.

3. The States Parties to this Treaty undertake not to assist, encourage or induce any State to carry out activities referred to in paragraph 1 of this article and not to participate in any other way in such actions.

ARTICLE II

For the purpose of this Treaty, the outer limit of the sea-bed zone referred to in article I shall be coterminous with the twelve-mile outer limit of the zone referred to in part II of the Convention on the Territorial Sea and the Contiguous Zone, signed at Geneva on 29 April 1958, and shall be measured in accordance with the provisions of part I, section II, of that Convention and in accordance with international law.

ARTICLE III

1. In order to promote the objectives of and ensure compliance with the provisions of this Treaty, each State Party to the Treaty shall have the right to verify through observation the activities of other States Parties to the Treaty on the sea-bed and the ocean floor and in the subsoil thereof beyond the zone referred to in article I, provided that observation does not interfere with such activities.

2. If after such observation reasonable doubts remain concerning the fulfilment of the obligations assumed under the Treaty, the State Party having such doubts and the State Party that is responsible for the activities giving rise to the doubts shall consult with a view to removing the doubts. If the doubts persist, the State Party having such doubts shall notify the other States Parties, and the Parties concerned shall co-operate on such further procedures for verification as may be agreed, including appropriate inspection of objects, structures, installations or other facilities that reasonably may be expected to be of a kind described in article I. The Parties in the region of the activities, including any coastal State, and any other Party so requesting, shall be entitled to participate in such consultation and co-operation. After completion of the further procedures for verification, an appropriate report shall be circulated to other Parties by the Party that initiated such procedures.

3. If the State responsible for the activities giving rise to the reasonable doubts is not identifiable by observation of the object, structure, installation or other facility, the State Party having such doubts shall notify and make appropriate inquiries of States Parties in the region of the activities and of any other State Party. If it is ascertained through these inquiries that a particular State Party is responsible for the activities, that State Party shall consult and co-operate with other Parties as provided in paragraph 2 of this article. If the identity of the State responsible for the activities cannot be ascertained through these

inquiries, then further verification procedures, including inspection, may be undertaken by the inquiring State Party, which shall invite the participation of the Parties in the region of the activities, including any coastal State, and of any other Party desiring to co-operate.

4. If consultation and co-operation pursuant to paragraphs 2 and 3 of this article have not removed the doubts concerning the activities and there remains a serious question concerning fulfilment of the obligations assumed under this Treaty, a State Party may, in accordance with the provisions of the Charter of the United Nations, refer the matter to the Security Council, which may take action in accordance with the Charter.

5. Verification pursuant to this article may be undertaken by any State Party using its own means, or with the full or partial assistance of any other State Party, or through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

6. Verification activities pursuant to this Treaty shall not interfere with activities of other States Parties and shall be conducted with due regard for rights recognized under international law, including the freedoms of the high seas and the rights of coastal States with respect to the exploration and exploitation of their continental shelves.

ARTICLE IV

Nothing in this Treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to existing international conventions, including the 1958 Convention on the Territorial Sea and the Contiguous Zone, or with respect to rights or claims which such State Party may assert, or with respect to recognition or non-recognition of rights or claims asserted by any other State, related to waters off its coasts, including, inter alia, territorial seas and contiguous zones, or to the sea-bed and the ocean floor, including continental shelves.

ARTICLE V

The Parties to this Treaty undertake to continue negotiations in good faith concerning further measures in the field of disarmament for the prevention of an arms race on the sea-bed, the ocean floor and the subsoil thereof.

ARTICLE VI

Any State Party may propose amendments to this Treaty. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and, thereafter, for each remaining State Party on the date of acceptance by it.

ARTICLE VII

Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held at Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized. Such review shall take into account any relevant technological developments. The review conference shall determine, in accordance with the views of a majority of those Parties attending, whether and when an additional review conference shall be convened.

ARTICLE VIII

Each State Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject-matter of this Treaty have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it considers to have jeopardized its supreme interests.

ARTICLE IX

The provisions of this Treaty shall in no way affect the obligations assumed by States Parties to the Treaty under international instruments establishing zones free from nuclear weapons.

ARTICLE X

1. This Treaty shall be open for signature to all States. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositary Governments of this Treaty.

4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform the Governments of all signatory and acceding States of the date of each signature, of the date of deposit of each instrument of ratification or of accession, of the date of the entry into force of this Treaty, and of the receipt of other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XI

This Treaty, the Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the States signatory and acceding thereto.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Treaty.

DONE in _____, at _____, this _____ day of _____, 2/

2661 (XXV). General and complete disarmament

A

The General Assembly

Convinced of the necessity, for the very survival of mankind, of bringing the nuclear arms race to an immediate halt,

Recalling its resolutions 2456 D (XXIII) of 20 December 1968 and 2602 A (XXIV) of 16 December 1969,

2/ The Treaty was signed in London, Moscow and Washington on 11 February 1971.

Noting with satisfaction the continuation of bilateral negotiations between the Governments of the Union of Soviet Socialist Republics and the United States of America on the limitation of offensive and defensive strategic nuclear-weapon systems,

Believing that the possibilities for rapid success in these negotiations would increase if steps were taken now by the nuclear-weapon Powers to halt the development of new nuclear weapons,

Urges the Governments of the nuclear-weapon Powers to bring about an immediate halt in the nuclear arms race and to cease all testing as well as deployment of offensive and defensive nuclear-weapon systems.

1919th plenary meeting,
7 December 1970.

ANNEX II

GENERAL ASSEMBLY RESOLUTION 3484 E (XXX)

The General Assembly

Recalling its resolution 2660 (XXV) of 7 December 1970, in which it commended the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil thereof,

Noting that article VII of the Treaty provides:

"Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held at Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized. Such review shall take into account any relevant technological developments. The review conference shall determine, in accordance with the views of a majority of those Parties attending, whether and when an additional review conference shall be convened.",

Bearing in mind that the Treaty will have been in force for five years on 18 May 1977 and expecting that the review conference called for in the Treaty will take place soon after that date,

1. Notes that after appropriate consultation a preparatory committee of parties to the Treaty is to be arranged;
2. Requests the Secretary-General to render the necessary assistance and to provide such services, including summary records, as may be required for the review conference and its preparation;
3. Recalls its expressed hope for the widest possible adherence to the Treaty.

2439th plenary meeting
12 December 1975

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Non-Armament of the Sea-bed and Ocean Floor (ENDC/264,
21 August 1969)
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USSR/USA	Draft Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-bed and the Ocean Floor and in the Subsoil Thereof (CCD/269/Rev.5, 1 September 1970)

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