

On October 7, 1969 the Soviet Union and the United States presented to the Conference of the Committee on Disarmament a joint draft treaty on the denuclearization of the sea-bed.

The cosponsors explained and justified the draft:

Mr. Roshchin, Soviet Union:

"The main underaking of the parties to the treaty is laid down in art. I, which provides for the prohibition of the emplacement on the sea-bed and the ocean floor and in the subsoil thereof of any objects of nuclear weapons or any other types of weapons of mass destruction, as well as structures, launching installations, or any other facilities designed for storing, testing or using such weapons.

(CCD/PV. 440, paragraph 9, page 6, 7 October 1969).

"From the very beginning of the negotiations the Soviet Union has based itself on the premise that the treaty should cover the whole area of the sea-bed and the ocean floor beyond a twelve-mile coastal line. Account has also been taken of the fact that with a few exceptions coastal States have territorial waters within these limits. The draft treaty submitted today mentions precisely a zone with a twelve mile width. It refers to the maximum contiguous zone provided for in the 1958 Geneva Convention, the extent of which under paragraph 2 of art. 24 of that Convention is precisely twelve nautical miles".

(CCD/PV. 440, para. 11, p. 6).

"The principle for measuring the outer limit of the twelve-mile zone is clearly formulated in the text of the treaty, where it is proposed to be guided by the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone and by international law".

(CCD/PV. 440, para. 12, p. 6).

"The draft treaty points out that none of its provisions should be interpreted as supporting or prejudicing the position of States with respect to their rights or claims related to waters off their coasts or to the sea-bed and ocean floor".

(CCD/PV.440, para. 13, p. 7).

"The provisions concerning a specific system of control are important part of the treaty. They include the right of States parties to the treaty to verify the activities of other States parties on the sea-bed and ocean floor and in the subsoil thereof beyond the twelve-mile zone, if these activities raise doubts concerning the fulfilment of the obligation assumed under the treaty, without interfering with such activities or otherwise infringing rights recognized under international law, including the freedom of the high seas. Provision is also made for consultation and cooperation among parties to the treaty in order to remove doubts concerning the fulfilment of the obligations assumed under the treaty".

(CCD/PV. 440, para. 14, p. 7).

"In elaborating the verification provisions the views of various delegations in this regard were taken into account. Thus many delegations expressed the wish that, for the purpose of the widest possible participation of States in the practical conduct of verification of the treaty provisions, the right should be provided to ask other parties to the treaty to extend assistance in this matter. That suggestion was adopted and is reflected accordingly in the text of the draft treaty".

(DDC/PV.440, para. 15, p. 7).

"The system of control provided for in the draft treaty will thus ensure effective verification of the emlementation of the treaty, as well as equal rights for each State party to the treaty to participate in the exercise of control without creating obstacles to unprohibited activities on the sea-bed and the ocean floor".

(CCD/PV.440, para. 16, p. 7).

Mr. Leonard, United States:

"The first paragraph of article I would prohibit any party from emplanting or emplacing on the sea-bed, beyond the outer limites of the contiguos zone, any objects with nuclear weapons or any other types of weapons of mass destruction. This prohibition, like the outer space Treaty (General Assembly resolution 2222 (XXI), Annex) would thus cover in particular nuclear weapons and also any other weapons of mass destruction, such as chemical or biological weapons. This paragraph would also ban structures, launching installations, or any other facilities specifically designed for storing, testing or using such weapons. The treaty would therefore prohibit, inter alia, nuclear mines that were anchored to or emplaced on the sea-bed. The treaty would not however, papply to facilities for research or for commercial exploitation not specifically designed for using nuclear weapons or weapons of mass destruction would not, because they could also use conventional weapons, be exempted from the prohibitions of this treaty".

(CCD/PV. 440, paragraph 24, page 9).

"Since this treaty is concerned with the uses of the sea-bed, vehicles which can navigate in the water above the sea-bed and submarines should be viewd in the same way as any other ships; submarines would therefore not be violating the treaty if they were either anchored to or resting on the sea-bed".

(CCD/PV. 440, para. 25, p. 9).

"Let me now turn to art. II of the new draft. The provisions of this article reflect my delegation's conviction that our effort to develop a sound measure for sea-bed arms-control agreement should not and can not be an instrument to solve complex questions of the Law of the Sea, and of the prospects for broad acceptance of a treaty will be much greater if the treaty is fully in accord with the Law of the Sea".

(CCD/PV. 440, para. 28, p. 10).

"Moreover we believe that there is wide international agreement on the basic principles of the Law of the Sea, particularly as those principles are spelt out in the 1958 Geneva Convention. We have therefore taken the 1958 Geneva Convention on the Territorial Sea and the Contiguos Zone as the basis for measuring the outer limit of the contiguos zone which the prohibition would apply".

(CCD/PV.440, para. 29, p. 10).

" There has already been a good deal of discussion in the Committee concerning the possible elements of a verification provision for the sea-bed treaty".

".... the requirement for verification is dependent on the on the nature of the prohibition. Based on this conclusion, and in view of the difficulties of the sea-bed environment and the limitations of available technology, we believe that the right to verify set forth in Art. III would be appropriate for this treaty. This provision would ensure that parties would be able to check compliance with the treaty, taking into account both the rights and the obligations which they have under international law, including the

freedom of the high seas. At the same time legitimate activities on the sea-bed would not be subject to interference. For example, the provision does not imply the right of access to sea-bed installations or any obligation to disclose activities on the sea-bed that are not contrary to the purposes of the treaty".

(CCD/PV. 440, para. 32, pp. 10-11).

"A number of delegations have made clear that they might wish to consider obtaining assistance from other States in carrying out verification. As provided in para. 2 of art. III, the treaty recognizes that verification may be carried out by a party either by its own means or with the assistance of any other party, thereby facilitating participation by all parties regardless of their technological capabilities. The verification article also includes a commitment by the parties to consult and cooperate in order to clear up questions which might arise as to fulfilment of the obligations of the treaty".

(CCD/PV. 440, para. 33, p. 11).

Mr. Ignatieff, Canada:

"Today I should like to introduce a Canadian working paper, which has been distributed as document CCD/270. This paper sets out specific proposals to the procedures which we believe should be considered as a reasonable basis for the implementation of the "right to verify" under art. III of the co-Chairmen's joint draft on the sea-bed, which was circulated on the last meeting as document CCD/269".

(CCD/PV. 441, paragraph 2, page 5).

"We believe that the verification procedures, to be generally acceptable as giving such an assurance, should be based on two criteria: first, they must, to the satisfaction of all signatories, detect any significant breaches of the treaty with a minimum of delay, providing in the last analysis incontrovertible evidence; and secondly, they must be in accord with and support the existing Law of the Sea as it affects the interests of coastal States".

(CCD/PV. 441, para. 6, p. 6).

"From the draft presented to us by the co-Chairmen we know the engagements their Governments are willing to accept in prohibiting the extension of the nuclear arms race to the sea-bed. What we want to know now is, what engagements are the two Powers willing to accept in relation to others, specially the many coastal States, that these engagements will be kept, and what procedures are they willing to agree to in the event that any State has reasonable concern that a threatening installation may have been observed on the sea-bed clearly within its jurisdiction as defined under the existing Law of the Sea? In other words, what we want to know is just how the "right to verify" specified in art. III of the co-Chairmen's draft is to be exercised".

(CCD/PV. 441, para. 7, p. 6).

"The Canadian delegation suggests that, in order to meet the basic criteria to which I have referred, there are three important aspects of the verification problem which must receive more detailed treatment in any article which might ultimately be accepted by this Committee".

(CCD/PV. 441, para. 8, p. 6).

"In the first place, there must be some mechanism to ensure that, in the final analysis, disputes regarding verification can be solved once the concern of a State is engaged that the treaty is not being fully complied with".

(CCD/PV. 441, para. 9, p. 6).

"There must also be provisions in the article which would guarantee the ability of all signatories to share in the verification procedures either independently or in cooperation with other parties, so that signatories should not be at any unfair disadvantage owing to lack of the necessary technology or skill".

(CCD/PV. 441, para. 10, p. 6).

"The other main concern is that there should be a clear re-statement of the pertinent rights of the coastal States under existing international law, so that these States may be assured that these rights are fully protected under the treaty now under negotiation".

(CCD/PV. 441, para. 11, p. 7).

"Bearing in mind these considerations, I should now like to turn to a very short explanation of the specific points in our working paper".

(CCD/PV. 441, para. 13, p. 7).

"Paragraph 1, which seeks to impose on parties the obligation to recognize existing rights, is in keeping with the proposition that the relevant rights of States under international law should be re-enacted and taken fully into account in this treaty. It also provides specifically for what is clearly the first step in the verification article of the joint draft co-sponsored by the co-Chairmen: the right to observe".

(CCD/PV. 441, para. 13, p. 7)

"Paragraph 2 provides an outline of what would be the second step in a verification effort - the right of all parties to consult an undertaking to cooperate in attempting to resolve difficulties which might arise".

(CCD/PV. 441, para. 14, p. 7).

"Paragraph 3 is the point at which our proposal begins to go beyond the verification article put forward by the co-Chairmen. While the co-Chairmen have provided indirectly for observation and consultations, the phrase "right to verify" is open to several interpretations, some of which are not very reassuring".

(CCD/PV. 441, para. 15, p. 7).

"It is our view that this concept of verification stops short of providing precisely how a concern of a State is to be adequately met if the second step of bilateral consultations and cooperation fails. The procedure envisaged in our working paper is that the State or States controlling the installation or facilities in question will be given notice of the desire to carry out verification by inspection, without - I emphasize "without" - interfering with the activities involved".

(CCD/PV. 441, para. 16, p. 7).

"Paragraph 4 would provide for ultimate recourse to the Security Council, if the necessary cooperation of such States were not forthcoming. It can be argued that parties already have the right, under the Charter, to raise such issues in the Security Council. But we believe that specific reference to this right will serve to provide assurance that complaining States retain the right of having recourse to the Security Council if the suspected non-compliance gives sufficiently serious concern".

(CCD/PV. 441, para. 17, p. 8).

"It is also in this paragraph that the question of "access" is raised. Such access as an ultimate recourse must be provided, we believe in order to ensure credibility for the whole verification processes. We cannot emphasize too strongly, however, that this provision would be activated only as a last resort, should all other attempts to resolve the point at issue fail, and should be in accordance with the existing La of the Sea. Otherwise, how can we speak of a credible "right to verify?"

(CCD/PV. 441, para. 18, p. 8).

"In paragraph 5 an attempt is made to meet more fully the concern of less technologically developed States that verification should be available to allay any doubts they might have about specific events. Subparagraph 5(a) provides for third party assistance, either bilaterally - a provision whose inclusion in the co-Chairmen's draft the Canadian delegation welcomes - or through the good offices of the Secretary General of the United Nations. Subparagraphs 5(b) and (c) set out suggestions regarding details of the procedures and obligations surrounding a request for assistance in carrying out necessary verification inspection processes, to be channeled through the Secretary General".

(CCD/PV. 441, para. 19, p. 8).

"In paragraph 6 we have sought to point up as fully as possible the rights of coastal States under international law, and particularly under the 1958 Geneva Convention on the Continental Shelf. Through the provision for prior notification to coastal States regarding possible verification on their continental shelf and for their association in a manner acceptable to both parties in the actual verification, the treaty would ensure that the relevant rights of coastal States under international law could be fully protected".

(CCD/PV. 441, para. 20, p. 8).

"Paragraph 7 of our paper is a routine, although important, clause under which all parties to the treaty undertake to cooperate to implement the article on verification".

(CCD/PV. 441, para. 21, p. 8).

"Paragraph 8, which envisages inclusion of review provisions in the final treaty, confirms that the procedures of verification which will obviously have to be altered in the light of experience and changing technology, should be one of the subjects of such review conference".

(CCD/PV. 441, para. 22, p. 9).

"In concluding, I would make the more general remark that modern technology, with its restless urge for constant innovation, is hardly consistent with such static concepts in the co-Chairmen's draft as the veto power on the right to amend the treaty and the lack of provision for review".

(CCD/PV. 441, para. 23, p. 9).

"If the contents of our working paper on verification seem long in relation to the co-Chairmen's draft treaty, or excessively detailed, I would point out that the concept of the "right to verify" requires clarification in some detail, point by point, if the result is to be regarded as effective by the many governments which will wish to be assured about compliance with the terms of the treaty before they decide whether or not to sign it".

(CCD/PV. 441, para. 25, p. 9).

"As to form, our working paper attempts a certain precision of language as an aid to further consultations because, as I am sure we are all agreed, the time for generalities is past and the time for negotiation is at hand. It is not an amendment at this stage, but rather a checklist of revification procedures directly related to the implementation of the right to verify contained in the co-Chairmen's draft treaty".

(CCD/PV. 441, para. 26, p. 9).

Mr. Caracciolo, Italy:

"We think indeed that the problem of control constitutes a complementary and necessary aspect of disarmament measures, without any exception whatsoever, and that it assumes a substantive character as the application of a general principle. The joint declaration made by the United States and the Soviet Union on the principles agreed in 1961 for negotiation concerning general and complete disarmament leaves no room for doubt in this respect; paragraph 6 of the agreed statement say that "All disarmament measures should be implemented from beginning to end under strict and effective international control (ENDC/5)".

(CCD/PV. 441, para. 32, pp. 10-11).

".... the Italian delegation has constantly affirmed the necessity of establishing adequate international machinery to guarantee compliance with the provision of the treaty on the desnuclearization of the sea-bed and the ocean floor"

(CCD/PV. 441, para. 35, p. 11).

"However, we wish to stress once again that it is essential that the principle of international responsibility in the matter of control should be recognized in the provisions of the treaty. In other words, an adequate procedure introducing - through machinery to be determined - recourse to international organizations must be established, and this both on account of the principles I have mentioned and because of the legitimate concern of States with very long coastline at seeing certain of their inalienable sovereign rights - such as that concerning the continental shelf, which is recognized in the Geneva Convention of 1958 - threatened by unjustified verification operations which might be carried out by other States".

(CCD/PV. 441, para. 36, p. 12).

".... it is quite true that, within the present framework of an agreement providing for the prohibition of weapons of mass destruction only, Italy is ready to accept the proposed twelve-mile limit. However, if other agreements were to envisage extending the prohibition to other weapons, we should be compelled, by the requirements of our national security, to reconsider completely the question of the geographical limits relating to any new prohibition".

(CCD/PV. 441, para. 44, p. 14).

"Before concluding, I venture to make a brief comment on art. I of the treaty, an article which we know very well to have been the subject of particularly difficult negotiations between the two co-Chairmen. However, I cannot help remarking that it would have been desirable to make it clear in that article that within the contiguous zone the coastal State fully retains its power of decision regarding the setting up of any military installation, and to make it clear that it retains the right to conclude agreements with third States for the setting up of military installations".

(CCD/PV. 441, para. 47, p. 15).

Mr. Nakayama, Japan:

"Paragraph 1 of art. I of the draft treaty exempts the sea-bed, the ocean floor and the subsoil thereof within twelve miles of the coast of the State from the area of prohibition. Mr. Asakai (EBDC/PV. 420, paras. 7 and 14) asserted that the treaty should cover the entire area of the sea bed and the ocean floor. However, a number of the members of the Committee have pointed out the difficulties involved in the verification to be carried out under the territorial sea. Although our views have not changed, we do not wish to delay unduly the conclusion of this treaty by our insistence on that point. However, we have no intention of emplanting or emplacement nuclear weapons on the sea-bed under our territorial sea in accordance with our fundamental policy in the nuclear field. We earnestly hope that other States also will voluntarily abstain from emplanting or emplacing nuclear weapons on the sea-bed under their territorial seas until such a time as the sea-bed under the territorial sea is covered by the treaty".

(CCD/PV. 442, para. 6, p. 6).

"We welcome the clear stipulation in paragraph 1 of article II of the draft treaty with regard to the baselines. The access to be covered by the treaty will be measured from the baseline drawn in the manner specified in section II of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone. In that context we understand that the question of certain marginal waters which will arise from the implementation of the Geneva Convention and will have an important bearing on the faithful observance of the present treaty will be decided in each specific case in accordance with the rules of international law".

(CCD/PV. 442, para. 9, p. 7).

"Let me turn to the problem of verification. In the light of present technological standards we shall have to be content with the observation and consultation procedures provided for in art. III of the draft treaty. We welcome paragraph 2 of art. III, which guarantees that less technologically developed States will share in the verification procedures with the assistance of more advanced States; and we hope that the procedure of verification, including the setting up of international mechanism, will be examined in the light of technological developments and experience".

(CCD/PV. 442, para. 10, p. 7).

Mr. Eschauzier, Netherlands:

"At this juncture I should like to associate myself with Mr. Caracciolo's observations (CCD/PV. 441, para. 44) that in the event of further measures of arms control or disarmament on the sea-bed and the ocean floor, the present "geographical area" as defined in articles I and II of the draft treaty may have to be reconsidered".

(CCD/PV. 442, para. 19, p. 10).

"As to article I.... we consider it to be an omission in the present draft treaty that it does not make clear that only the coastal State or such other States as are authorized by the coastal State would be entitled to emplant or emplace weapons of mass destruction within its contiguous zone. This omission creates again the well-known "gap" problem for those coastal States which, like my own country, do not claim territorial waters coincidental with a contiguous zone of twelve miles. Therefore it is also the opinion of my delegation that it is preferable to avoid any ambiguity or vagueness on this point".

(CCD/PV. 442, para. 20, p. 10).

"My delegation attaches great importance to the works "and in accordance with international law" in article II, para. 1. This throws into relief the fact that coastal States cannot arbitrarily determine the outer limit of the zone referred to in article I to which the prohibition on emplacing weapons of mass destruction does not apply.

(CCD/PV. 442, para. 22, p. 10).

"We therefore share the view that some form of internationalization of the verification procedure would be desirable. In our opinion this could be achieved, inter alia, by adding to art. III a special reference to the already existing right of States parties to the treaty to have recourse to the Security Council in case of failure to cooperate".

(CCD/PV. 442, para. 23, p. 11).

"In principle we see merit also in the Canadian proposal that coastal States should be notified of the initiation of verification procedures on the continental shelf of those States. The modalities of such procedures are still to be examined more closely... We take note of the Canadian view that coastal States should be associated with verification only in a manner acceptable to both parties. In this connexion we should like to state that in our view the practical problems arising with regard to verification in the environment of the sea-bed and the ocean floor are not fully comparable with those of verification procedures on the territories of sovereign States -for instance the safeguards or control measures of the International Atomic Energy Agency, which are being discussed in the context of a comprehensive test ban".

(CCD/PV. 442, para. 24, p. 11).

Mr. Edelstain, Sweden:

"I feel, however, that I should remind my colleagues at the outset that during the earlier discussions in the Committee on the sea-bed issue the vast majority of delegations opted for a more comprehensive formula involving the complete demilitarization of the sea-bed and the ocean floor, thus keeping this new field of human endeavour entirely reserved for peaceful purposes in the interest of all mankind. We are now faced, however, with a new situation. The super-Powers have reached an agreement confined in effect to the denuclearization of the sea-bed. As I said earlier, any agreement between the main Powers leading to a restriction, however limited, of the nuclear arms race is of importance and as such worthy of support by other countries".

(CCD/PV. 44 , para. 6, p. 6).

"I wish to deal first with the issue of the comprehensive demilitarization of the sea-bed. It is not possible at this juncture to arrive to an agreement for such a wider and vastly more important measure. There naturally arises a claim for some assurances in the present context as to further steps in that direction. The Swedish delegation has noticed, of course, that the joint draft treaty on the denuclearization of the sea-bed presented by the co-Chairmen contains in the third preambular paragraph a pledge by the parties to continue negotiations concerning further measures leading to "the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race". We welcome this pledge as a sign of the determination of the main Powers to extend the prohibition contained in the present draft to further areas of military uses of the sea-bed".

(CCD/PV. 44 , para. 8, pp. 6-7).

"We deem it necessary, however, that a more decisive step be taken, and consequently propose that in the operative part of the treaty be included a similar commitment to continue negotiations in order to arrive at a more comprehensive prohibition of the use of the sea-bed for military purposes" (emphasis added).

(CCD/PV. 442, para. 9, p. 7).

"I wish to stress that we are flexible as far as the actual wording is concerned. It is, however, important to avoid any possible misunderstanding as to the interpretation of what sort of disarmament measures should be envisaged. The term "arms race" used in the present third preambular paragraph is fairly regularly used nowadays to denote competition with additional armaments, and it not infrequently even reduced to new types of weapons. It should be unequivocally understood that what we must strive for in connexion with the sea-bed is ultimate disarmament extending to this new geographical area, even if for the time being we have to be content with a first step".

(CCD/PV. 442, para. 11, p. 8).

"Our delegation considers that in a similar way the generally worded declaration of intent in the preamble of the present draft treaty should be completed by an article in the treaty itself whereby the parties to the treaty undertake to continue negotiations on further measures relating to a more comprehensive prohibition of the use of the sea-bed for military purposes. The Swedish delegation has tried to formulate, after consultation with a number of other delegations, a draft article to this effect. I wish to refer my colleagues to document CCD/271, which is before the Committee and which contains possible wording for such an article. The text we are putting forward reads as follows:

"Each of the Parties to the treaty undertakes to continue negotiations in good faith on further measures relating to a more comprehensive prohibition of the use for military purposes of the sea-bed and the ocean floor and the subsoil thereof".

"It might constitute a new article IV, in which case the present article IV would be numbered V, and so on. We have borrowed parts of the language from article VI of the non-proliferation Treaty, and parts from the just mentioned third preambular paragraph in the present draft treaty. We are confident that the suggested strengthening of the commitment to continue negotiations will be generally acceptable".

(CCD/PV. 442, para. 10, pp. 7-8).

"A note of warning seems, however, to be indicated. We know, alas, from experience, that a partial treaty does not entail the conclusion of a comprehensive one. Worse, a partial treaty might be interpreted as legitimizing what is not explicitly forbidden. It is therefore urgent that we do not end our efforts with the present partial measure but prepare ourselves now for further negotiations towards a more comprehensive prohibition of the use of the sea-bed for military purposes. The past discussion in the Committee has undoubtedly revealed the widespread willingness of States to enter into such a far-reaching non-armament commitment. It should be duly noted that such a commitment would entail obligations also for non-nuclear-weapon States. Their adherence to such a treaty would considerably strengthen the prohibitions in the treaty at present under discussion, which, operatively speaking, is dependent on the actions only of the nuclear-weapon States. That is why a specific declaration of intent to continue those negotiations, to be inserted in the main body of the present treaty, is so important".

(CCD/PV. 442, para. 12, p. 8).

"I stressed at the beginning of this statement the importance of a credible verification system for the acceptance by the vast majority of States of a denuclearization treaty. Mr. Ignatieff very eloquently listed some basic criteria on which such generally acceptable verification should be based...."

(CCD/PV. 44 , para. 16, p. 9).

"The present article III does not in the opinion of the Swedish delegation, entirely cover those basic criteria, nor does it provide sufficient clarity as to the meaning of the word "verification" as used. However, it should surely not prove to be beyond the ability of the members of this Committee to arrive at a solution in treaty language acceptable to all".

(CCD/PV. 442, para. 17, p. 10).

"This brings me to the last point of today, that of timing. The time available to us is indeed limited. The First Committee of the General Assembly, to which disarmament matters belong, has started its work. For its forthcoming debate on disarmament that today is, inter alia, dependent on the report of our Committee. Surely we can not let the United Nations wait too long for that report. But there is another aspect. The First Committee of the General Assembly is also seized of the matter of the sea-bed as a whole and intends, I understand, to start its debate on that issue very shortly. Clearly the questions of military and non-military activities on the sea-bed are closely interrelated. Last year the Swedish delegation expressed in the General Assembly the view that there should be joint consideration of what obligations should be undertaken by States to prohibit military uses and what opportunities should be kept open for the international community to develop jointly the resources of the sea-bed".

(CCD/PV. 44 , para. 18, p. 10).

Mr. Christov, Bulgaria:

".... it will undoubtedly be useful to recall that all the speakers who took part in the discussion stressed that the difficulties preventing the Committee from making progress concerned three fundamental problems, namely the scope of the prohibition, the geographical area to be covered by the treaty, and the verification".

(CCD/PV. 44 , para. 24, p. 12).

"As has already been observed, the requirement for verification is dependent on the nature of the prohibition. In the case of a treaty prohibiting the installation of nuclear weapons on the sea-bed and in the subsoil thereof, the primary objective of verification measures is obviously to ensure compliance with the provisions without prejudicing in any way the recognized rights of States or constituting an obstacle to activities not prohibited under the terms of the treaty".

(CCD/PV. 44 , para. 28, p. 13).

"Members of the Committee may possibly recall that the Bulgarian delegation was among those which declared itself, notably at the 410th meeting, in favour of the prohibition of all military activities on the sea-bed and of its use exclusively for peaceful purposes".

(CCD/PV. 44 , para. 33, p. 14).

Mr. Lahoda, Czechoslovakia:

"The Czechoslovak delegation, which since the outset of this year's negotiations has spoken in favour of a measure with the widest possible scope which would exclude the sea-bed and the ocean

floor from the arms race, welcomes the proposed solution as a first step on the road towards the final goal in this issue, which should be the total prohibition of the use of the sea-bed and the ocean floor for military purposes regardless of the type of weapons and the nature of the military installations. At the same time we see this step as a preparatory stage for actual nuclear disarmament, the importance of which will become even more apparent in the future".
(CCD/PV. 443, para. 43, p. 16).

"As for the most widely discussed article concerning control, we appreciate the principle contained in paragraph 2 of art. III according to which every State party to the treaty has the right to carry out verification with the assistance of another member State. In this connexion we regard it as appropriate to include in the treaty a provision granting the possibility of applying to the Security Council to secure the necessary cooperation that would make the right of verification practicable".
(CCD/PV. 443, para. 46, p. 17).

"On the other hand, we do not share the view of those delegations which are advocating the establishment of a special international mechanism of verification to supervise and to check the observance of the undertaking resulting from the denuclearization of the sea-bed. Such a measure does not appear to us necessary either from the point of view of the content of the treaty or from the point of view of financial costs. We have only to point out the frequent comparisons of this treaty, as far as its preventing character is concerned, with the Antarctic Treaty and the Treaty on the Principles Governing the Activities of States in the Exploration and Use of the Outer Space, including the Moon and other Celestial Bodies (General Assembly resolution 2222 (XXI), Annex). As far as we know, neither of them contains a provision concerning international control organ. We hold that in the case of a ban on the emplanting and emplacing of nuclear and other weapons of mass destruction on the sea-bed and the ocean floor it is not necessary to establish and to maintain an expensive international control institution".

(CCD/PV. 443, para. 47, pp. 17-18).

"In spite of the successes achieved in penetrating the ocean depths, human possibilities in this environment are, and for some years to come will continue to be, only limited and rudimentary. In these circumstances, when it is not at all clear what such an international control body should look like and how and by what means it should perform its tasks, we cannot agree with the protagonists of this idea. We think, on the contrary, that for the time being the procedures outlined in art. III of the operative part of the draft treaty are fully sufficient".

(CCD/PV. 443, para. 48, p. 18).

Should the need become apparent in the future, the questions connected with verification measures could be discussed again at the review conference mentioned by some delegations in their comments. The undertaking to convene such a conference after a certain period of time could therefore, in our opinion, be included in the treaty".

(CCD/PV. 443, para. 49, p. 18).

Mr. Leonard, United States:

"There has already been considerable discussion on the possible need for a right of access to facilities on the sea-bed. As Mr. Fischer pointed out in some detail in his statement on 22 May, the United States believes that a right of access, for the purpose of

a nuclear measure would be both impractical and unnecessary".
(CCD/PV. 443, para. 62, p. 20).

"Before we go further, however, I should like to explain that when the United States delegation refers to the right of access we mean the right to go into a facility or the right to open up a piece of equipment. When we say that such access is impractical and unnecessary, we are not referring to access in the sense of ability to go close to the object or facility in question. In other words, in one sense access would be permitted, that is, under the freedom of the high seas parties could have access - close access - to the area of a facility or an object, so long as there was no interference with the activities of the State concerned".

(CCD/PV. 443, para. 63, p. 21).

".... access in the narrow, specific sense of physical intrusion into a sea-bed installation would be impractical and unnecessary. Such access into sea-bed installations would be difficult, hazardous and costly, and could be destructive of both property and human life owing to the high pressures in deep waters around the object to be verified. Furthermore, the resources which might be available for this purpose are in very short supply".

(CCD/PV. 443, para. 64, p. 21).

"We believe that the sea-bed emplacements for nuclear weapons, on the scale required to be of significant military value, would be difficult to build without the knowledge of other countries. Emplacing such installations would involve a great deal of sophisticated equipment, it would involve unusual engineering activities and it would involve highly visible support effort. In addition, the deploying country would be involved in such installations. All those activities would undoubtedly attract the attention of other maritime countries".

(CCD/PV. 443, para. 65, p. 21).

"Even if one were to assume, for the sake of argument, that some facilities for the emplacement of weapons of mass destruction might be emplaced before the construction was discovered, the configuration and operation of facilities specifically designed for nuclear weapons or other weapons of mass destruction would be plainly observable and identifiable, without access to such facilities being required".

(CCD/PV. 443, para. 66, p. 21).

".... the United States has always sought to establish verification procedures appropriate to the particular measure in question. In some instances it may be necessary to have certain types of on-site inspections; in other cases, as for example the ban on stationing nuclear weapons in outerspace, access to the objects is not required".

(CCD/PV. 443, para. 67, p. 22).

"I think it would be correct to say that this Committee has an interest in demonstrating its ability to fashion verification procedures uniquely tailored for the needs of each unique situation. That is the pragmatic way to achieve progress; and we ask the Committee's support for proceeding in this manner".

(CCD/PV. 443, para. 68, p. 22).

"If it is suggested, as we have sometimes heard, that the 500 metres safety zone permitted under the Geneva Convention on the Continental Shelf, would preclude close examination of a particular installation, I would respond that it is highly unlikely that a

potential violator of this treaty would announce the precise location of his violation by giving notice of the installation and the safety zone, as provided in that Convention. Even if he were to do just that, observation -close and continuous observation- would still be possible and the nature of the activities being carried out at the installation could indicate whether further consultation was required".

(CCD/PV. 443, para. 70, p. 22).

"I believe it would be a mistake to try to turn the question of verification to United Nations. Instead, I believe that reliance should be placed on informal procedures for consultation and cooperation as already envisioned in the draft. States that have mutual interests in particular areas of the sea-bed would no doubt wish to work out appropriate arrangements. All this would take place within the framework of normal international relations".

(CCD/PV. 443, para. 75, p. 24).

"The draft treaty is written in such a way as to ensure that it would not infringe or otherwise interfere with existing rights or obligations under international law, except in so far as the parties would accept the new prohibitions of the treaty itself, such as not to emplace weapons of mass destruction beyond the contiguous zone. The provision for verification depends directly on international law and the exercise of the freedoms of the high seas. As a practical matter, we are confident that parties would be able to verify effectively without in any way infringing the rights of coastal States regarding the continental shelf".

(CCD/PV. 443, para. 78, pp. 24-25).

"Exploitation of the resources of the sea-bed is a big and a difficult job. It takes equipment and men on a large scale. It cannot be done in an hour or two by a ghost ship in the night. These obvious realities should not be ignored in this Committee. On the other hand, if it were felt that the verification activities of another State under the sea-bed arms-control treaty were somehow being used as a cover to circumvent the coastal State's exclusive right for exploration and exploitation of the continental shelf, those activities could certainly be brought into question by the coastal State. On the basis of these realities, our conclusion is that special new procedures providing for "cooperation" or "association" are simply not needed to protect the rights of the coastal State on the continental shelf. All of these considerations have convinced my delegation that an attempt to develop these procedures would seriously complicate the negotiation of this treaty and would be undesirable in any case. Such procedure would raise difficult and complex questions of the law of the sea. Furthermore, there would be important and adverse security implications since the procedures would inevitably infringe the right to use the high seas freely".

(CCD/PV. 443, para. 82, p. 26).

Mr. Komives, Hungary:

"As is known, my delegation -together with the majority of other delegations- has supported the complete demilitarization of the sea-bed and the ocean floor. The Hungarian delegation continues to consider that desirable".

(CCD/PV. 444, para. 8, p. 6).

"In the present circumstances and conditions, however, that is not possible. Nevertheless, my delegation considers it very important that the idea and the aim of achieving the complete demilitarization of the sea-bed and the ocean floor should find its proper place in the draft treaty".

(CCD/PV. 444, para. 9, p. 7).

Mr. Zybylski, Poland:

".... paragraph 1 of article I of the draft treaty is sufficiently ambiguous to lead to a possible interpretation by which any State could emplant or emplace nuclear weapons on the sea-bed in a zone between three and twelve miles from the coast of any other State which had fixed the limit of its territorial sea at three miles. In fact, paragraph 1 of article I of the treaty does not state sufficiently clear that only the coastal State, in the exercise of its sovereign right, may undertake measures intended to reinforce its security. In order to avoid any ambiguous interpretation of this question, we believe that it would be useful to work clear in the text of the treaty the rights of the coastal State in this field".

(CCD/PV. 444, para. 32, p. 12).

Mr. Husain, India:

"On the fundamental question of the nature of the prohibition to be incorporated in the treaty, my delegation had expressed the view at our meeting on 14 August that "the treaty should not limit its prohibition to weapons of mass destruction only but should, in principle, extend to all weapons and to military bases and fortifications and to other installations and structures of military nature (ENDG/PV. 428, para. 13) which could pose a threat to the security of a coastal State". We therefore find the nature of the prohibition envisaged in article I of the joint draft to be greatly limited; but this appears to have been well recognized in the preamble of the treaty... The need for continuing negotiations for a more comprehensive prohibition is obvious; and my delegation would therefore like to see a precise commitment to this and embodied in the operative part of the treaty".

(CCD/PV. 444, para. 42, pp. 15-16).

"Article III does not specify that the "right to verify" entails for nuclear-weapon Powers and non-nuclear-weapon coastal States to ensure to the satisfaction of all concerned the observance of the prohibition contained in the treaty. How can the right to verify be exercised if a nuclear-weapon Power is entitled not to disclose its activities on the sea-bed not to permit access to its sea-bed installations; How does one know what is emplaced unless the proximity of approach and observation of a kind which would be adequate to ascertain whether or not nuclear or other weapons of mass destruction had been emplaced are assured? To leave the matter to the total discretion of a suspected nuclear-weapon State is not good enough".

(CCD/PV. 444, para. 48, p. 18).

Lord Chalfont, United Kingdom :

"First of all there is the phrase "other types of weapons of mass destruction". It is an expression which seems to me unduly imprecise, specially in this context. If, in fact, the object of that phrase is to ban the emplacement of chemical and biological weapons as well as nuclear weapons on the sea-bed, would it not be better to say so? Given the present drafting, some people might think that for example, a mine anchored on the sea-bed and capable of sinking a ship drowning a thousand people is a weapon of mass destruction. Nobody who was in the south-east England during the V-bomb attacks in the last war, at that time at any rate, have had any hesitation, I think, in describing them as weapons of mass destruction,"

(CCD/PV. 444, para. 64, p. 22).

"Indeed, I note from the remarks made by the United States co-Chairman on 7 October (CCD/PV. 440, para. 24) that there is an implication that the launching installations and other facilities for missiles with conventional warheads might be very similar to, and

perhaps even identical with, those required for nuclear weapons. If that is so, I take it that any installation with a dual capability - anything that was capable of firing both a nuclear and a conventional warhead- would be banned by the treaty".

(CCD/PV. 444, para. 65, p. 22).

"There is another matter on which I would like to ask a specific question. There has been considerable speculation in the Press and elsewhere about whether this treaty as it is at present drafted would prohibit the emplacement on the sea-bed and ocean floor of what some people have called "creepy-crawlies", that is to say, vehicles which carry nuclear weapons or other weapons of mass destruction and which crawl along the ocean floor. I should like to ask the co-Chairmen, therefore, whether the treaty as at present drafted does, in fact, cover these "creepy-crawlies", this types of vehicles that can navigate only when in contact with the sea-bed".

(CCD/PV. 444, para. 66, p. 22).

"I should now like to turn to article III of the draft treaty, which concerns the vital subject of verification. The draft submitted to us by the co-Chairmen meets the requirements of my Government and we are prepared to accept it... Verification -as everyone who has had experience of this Committee is aware- has never been a constant factor in disarmament negotiations. If we always insisted upon 100 per cent certainty of verification in every arms-control measures, we should never get anywhere. On the other hand, we must be satisfied that the verification arrangements are adequate for our security..."

(CCD/PV. 444, para. 70, p. 24).

"Even if we were to accept the hypothesis that the Government of a State party to the treaty might try to emplant nuclear weapons on the sea-bed in the prohibited area -and I personally regard this as a most improbable hypothesis- it is conceivable that such a Government would be so rash as to put those weapons on the sea-bed without proper protection? Would not weapons of that sort be provided with extensive command and control arrangements? Would they not be continuously and strongly guarded? Would they not need frequent maintenance and examination? Would any State be careless enough to leave such weapons lying around for other people to find? Surely, if a State did decide for one reason or another to put such weapons on the sea-bed, it would take the very greatest care to ensure their security".

(CCD/PV. 444, para. 71, p. 24).

Mr. Frazao, Brazil:

Many have wondered whether the proposed treaty on sea-bed de-nuclearization would not fit into a pattern of purely bilateral negotiation between the United States of America and the Soviet Union. That would explain why so little attention has seemingly been given to the rights and interests of the smaller States".

(CCD/PV. 444, para. 88, p. 30).

"We cannot be expected to accept generously a draft that has not paid sufficient attention to those concerns. At best the mechanism it proposes is a matter of relatively smaller significance for the purpose of disarmament. On the other hand, more detailed analysis of its provisions has led us and many others for that matter, to believe that a number of dubious and hazardous situations could derive from its implication. Therefore, apart from having achieved very little progress towards disarmament, we would be exposed to new risks and, perhaps, to serious negative consequences".

(CCD/PV. 444, para. 94, p. 31).

"As I said in an informal meeting last spring, I would appreciate more detailed clarification of the inclusion in the ban of movable containers or vehicles. As the American Press has reminded us, references have been made to the eventual deployment of nuclear weapons in barges that would crawl along the ocean floor".

(CCD/PV. 444, para. 94, p. 31)-

Mr. Smith, United States:

"In the course of our talks last year we succeeded in elaborating a draft of a maximum agreement to prevent the deployment of weapons of mass destruction on the two-thirds of the earth's surface which lies beneath the oceans".

(CCD/PV. 449, pp. 9-10, 17 February 1970).

"The work which has already been devoted to this problem both in the Conference of the Committee on Disarmament and in the General Assembly demonstrates that agreement on all aspects of a draft sea-bed treaty is not an easy task. That is particularly true with respect to language defining the area to which the treaty will apply and the procedures for verifying fulfilment of the treaty's obligations. Those issues touch on concerns of importance to many countries".

(CCD/PV. 449, p. 10).

Mr. Roshchin, Soviet Union:

"One can say that there is a consensus of opinion regarding the need to take the first step towards complete demilitarization of the sea-bed and to prevent the emplacement of weapons of mass destruction on the sea-bed and the ocean floor and its subsoil thereof".

(CCD/PV. 449, p. 18).

".... we attach importance to the fact that a 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 the subsoil thereof must become an important stage towards the next step, which will later completely exclude the sea-bed and the ocean floor and the subsoil thereof from the sphere of arms race. In the preamble of the draft treaty it is stated that the parties to the treaty are "determined to continue negotiations concerning further measures leading to this end (CCD/269/Rev. i). We are aware of the political significance of this provision".

(CCD/PV. 449, p. 18).

"The draft treaty defines the scope of the prohibition of weapons of mass destruction and the area of prohibition covering the sea-bed and the ocean floor beyond the twelve-mile contiguous zone of the coastal States".

(CCD/PV. 449, p. 19).

Mrs. Myrdal, Sweden:

"I would suggest therefore that a working group, however informal, be created, consisting of the main authors of the draft, this is the representative of the United States and the Soviet Union, as well as representatives of all the delegations which submitted working papers in New York". "Such a working group would, I suggest, hold informal meetings, the purpose of which would be to arrive at a more definite treaty text, acceptable to all delegations. If this suggestion were adopted, we might devote the formal meetings of the Committee to other subjects in the meantime; and the sea-bed treaty would come before the Committee later when the working group has accomplished its task".

(CCD/PV. 450, p. 12, 18 February 1970).

Lord Chalfont, United Kingdom:

"We have before us the text of the draft treaty presented by the co-Chairmen on 30 October last (CCD/269/Rev.1) together with several proposals, including some made by my own delegation. I do not wish today to go into the details of our own views, but I should like to remaind my colleagues of my proposals of 21 October 1969 in Geneva (CCD/PV.444, paras. 68-70) nad of November 1969 in New York (A.C.1/PV.1694, pp. 23 et seq.)

Mr. Natorf, Poland:

The General Assembly of the United Nations "welcomed the third preambular paragraph, containing a pledge by the parties to continue negotiations concerning further measures leading to the exclusion of the sea-bed from the arms race. It was welcomed as a determination of the parties to extend at a later stage the prohibitions contained in the draft also to other military uses of the of the sea-bed. It was generally felt that such a commitment should be not only reflected in the preambular paragraph but also clearly stated in the operative part of the treaty, as was done in art. VI of the non-proloferation treaty (ENDC/226). This has also been the view of the Polish delegation and shall continue to support the amendment of the Swedish delegation contained in document CCD/271".

"As far as the other aspects of that draft treaty are concerned my delegation is aware of the reasons which have led to the inclusion in art. I and art. II of reference to the 1958 Geneva Convention on the Territorial Sea and the Contiguos Zone. However, the Polish delegation understands the concern of those who expressed the fear that reference to another treaty might raise problems of a legal nature and a practical nature. We have to take into account the fact that a number of countries which we hope would adhere to the sea-bed treaty might not have ratified the aforesaid 1958 Geneva Convention. We therefore see considerable merit in a clear stipulation of a twelve mile delimitation in the treaty itself".

"Finally, one of the controvertible aspects of the draft lies in its verification provisions. In the course of our previous debate on this subject, it might be recalled, the Polish delegation was of the opinion that the provisions contained in article III would be technically sufficient (CCD/PV.444, paras. 33 et seq.). Serious concern was expressed, however, by a number of coastal States which believed that such verification might be prejudicial to their national sovereignty. A number of very important arguments were advanced and specific suggestions were formulated by the Canadian delegation (CCD/270). My delegation would favour the adoption of most of the modifications on this point. The debate on this subject in this Committee has demonstrated a large degree of mutual accommodation and compromise, and that is why we are confident that it will be possible to reach agreement on a draft treaty for the sea-bed in relatively short time".

(CCD/PV. 452, pp. 9-10, 24 February 1970).

Mr. Khattab, Morocco:

"During the discussion of this very question of the sea-bed one sometimes had the impression that it was no longer a question of finding the means of halting the race in the field of weapons of mass destruction, but simple one of lim ting the geographical scope and fixing the area within which those arms should be placed".

(CCD/PV.452, p. 20, 24 February 1970).

Mr Christov, Bulgaria:

"Most of these proposals deserve to be retained because to our mind, they would essentially tend to place the future treaty in the setting of subsequent negotiations on disarmament and to establish a clear and unambiguous text. One of them, for example, is to request to include in the operative paragraph of the treaty

a commitment similar to that contained in art. VI of the non-proliferation treaty".

"The Bulgarian delegation considers that the conclusion of a treaty on the partial demilitarization of the sea-bed and the ocean floor is a first step which will be followed by others leading towards the goal of complete demilitarization of the sea-bed".

"My delegation will thus continue to support the amendment (CCD/271) submitted by the Swedish delegation".

(CCD/PV. 454, pp. 15-16, 3 March 1970).

Mr. Lahoda, Czechoslovakia:

"The draft treaty on the denuclearization of the sea-bed and the ocean floor envisages further progress directed towards the complete demilitarization of that environment, thus creating conditions for additional measures of a much wider significance. This would become particularly likely if the authors adopted the Swedish suggestion (CCD/271), which was fully endorsed by the Czechoslovak delegation at our meeting on 16 October last (CCD/PV.443, para. 45) to the effect that the third paragraph of the preamble referring to the necessity of continued negotiations on further measures conducive to the complete elimination of the sea-bed and ocean floor from the arms race, should be inserted as a separate paragraph in the operative part of the treaty".

(CCD/PV. 455, p. 13, 5 March 1970).

Mr. Kömives, Hungary:

"In the opinion of the Hungarian delegation the conclusion of such a treaty would be only the first step but a very important step towards the complete demilitarization of the sea-bed and ocean floor, which is our ultimate goal". "This is why my delegation deems necessary to insert the first preambular paragraph of the present draft in the operative part of the draft. In this connexion the Hungarian delegation supports wholeheartedly the proposal of the Swedish delegation contained in document CCD/271".

(CCD/PV. 456, 10 March 1970).

Mr. Abe, Japan:

"We believe, however, that in any attempt to improve the present text the most careful attention must be paid to the question of the base-lines from which the distance of twelve miles is to be measured. It is a well-known fact that one of the problems which required our Committee's most strenuous efforts last year was how to find the most suitable wording for the provisions of articles I and II while leaving no loopholes with regard to the question of the base-lines. Taking this into consideration we feel that the provisions of articles I and II as they stand in the present draft treaty are acceptable to our delegation".

Japan suggested the following wording of the paragraphs on verification:

"In order to promote the objectives of and ensure compliance with the provisions of this treaty, each State party shall have the right to verify the activities of other States parties to the Treaty on the Sea-Bed and Ocean Floor and the Subsoil Thereof beyond the zone referred to in article I in accordance with the conditions and procedures laid down in the following paragraphs".

"Such a right of verification shall be exercised through observation in the first instance".

"All verification activities conducted pursuant to the Treaty shall be carried out in such a manner as not to interfere with activities of other States parties to the Treaty as referred to in para. 1 of this article, nor to infringe rights recognized under international law including the freedom of the high seas, and shall be conducted with due regard for the sovereign or exclusive rights of a coastal State with respect to the natural resources of the continental shelf recognized under international law".

".... I wish to recall the view of many delegations to the effect that the verification procedures shall not be based solely on the good will of the super-Powers and that the principle of some kind of international verification should be reflected in the treaty".

"All in all, if we take into consideration the enormous difficulties involved in the process of verification in the extraordinary environment of the sea-bed and the ocean floor, and also the present level of technology available for conducting such verification, we can see that it would be extremely difficult to work out more stringent verification procedures than those provided for in the Canadian paper".

"In this connexion we should like to emphasize that the question of verification should be one of the most important subjects of examination at the time of review of the treaty envisaged in article V of the draft text".

(CCD/PV. 460, pp. 5-8, 24 March 1970).

Mr. Alhaji Sule Kolo, Nigeria:

"Furthermore we still maintain that the rights of coastal States should be guaranteed and the verification procedures amended in line with the Canadian proposals (CCD/270). In this connexion we observe that the revised Canadian proposals submitted in New York (A/C.1/992) have been weakened, particularly in regard to the right of inspection on their continental shelves. I believe that the adoption of the original Canadian proposals would ensure wider acceptance of the proposed treaty".

(CCD/PV. 462, p. 40, 7 April 1970).

Mr. Roshchin, Soviet Union:

"This new international agreement can and must become an important stage towards the next step, which will completely exclude the sea-bed and the ocean floor from the sphere of the arms race".

(CCD/PV. 467, p. 5, 23 April 1970).

"As you know, during the preparation of the draft submitted to the Committee on 30 October 1969 (CCD/269/Rev. 1), account was taken of proposals made by many States, including proposals on the following questions: participation of the Security Council in the verification of the implementation of the treaty; the convening of periodic conferences to review the operation of the treaty; the procedure for the adoption of amendments to the treaty, etc."

The cosponsors made a number of changes in the text in relation to four major provisions of the treaty: control over its implementation, the area to which it is applicable, the relationship of the obligations assumed under the treaty to another international obligations of the States parties, and the relationship of the treaty to international agreements concerning the establishment of nuclear free zones".

With regard to the problem of control, "many delegations suggested that the verification procedure should be worked out more fully and put forward specific proposals to that end" "The most detailed exposition of these proposals was contained in the working paper submitted by Canada, Brazil and Mexico".

"These proposals were taken into account in drafting the amended text of article III we are submitting today. In particular, this article provides not only for observation of the activities of other States parties, but also for an effective investigation procedure, including inspections which arise concerning compliance by a given Party to the treaty with the obligations it has assumed. The treaty also specifies that all countries concerned may participate in mutual consultations and verification arrangements".

"It is highly significant that, under the new version of article III, States parties undertake, before proceeding to a verifi-

cation, not only notify of their intentions to States parties in the regio where the investigation is to take place, but also invite their cooperation in clarifying the situation that has arisen".

(CCD/PV. 467, p. 7).

"The detailed verification procedure which has been worked out, coupled with the right accorded ba article III to every party to the treaty to refer to the Security Council the question of the activities of any State on the sea-bed giving rise to serious doubts which have not been removed by consultation and cooperation constitute a clear, yet flexible system of control over fulfilment of the obligations assumed under the treaty".

"... any State party to the treaty may apply directly to the Security Council without resorting to consultations".

(CCD/PV. 467, p. 8).

"General agreement was in fact reached in this Committee on the substance of the question of the twelve-mile zone. However, a number of delegations advocated the omission from article I of the draft treaty of the words "the maximum contiguous zone provided for in the 1958 Geneva Convention", beyond which the emplacement of weapons of mass destruction on the sea-bed and ocean floor is to be prohibited".

"It was also suggested that the treaty (article I, paragraph 2) clearly specify "that the prohibition of the emplacement of nuclear weapons did not apply either to the twelve miles sea-bed zone of the coastal State or to the sea-bed beneath its territorial waters, it was also pointed out that it would be desirable for article III to state directly that the outer limit of the sea-bed zone within which the coastal States have special rights is coterminous with the twelve-mile outer limit of the zone referred to in the 1958 Convention".

(CCD/PV. 467, p. 9).

Mr. Leonard, United States:

"The 1958 Geneva Convention is thus utilized in the new article II as an instrument in the solution of the difficult baseline problem. Moreover, the words "the twelve-mile outer limit" are used in article III in order to accomodate the points raised at various times by the delegations of Ethiopia, India, Marocco, Nigeria, Pakistan and the United Arab Republic about the desirability of including in the treaty such a specific reference to the width of the sea-bed zone".

(CCD/PV. 467, p. 13, 23 April 1970).

"The new article III contains all suggestions of the working paper (A.C.1/992) submitted by the Delegation of Canada on 27 November in New York, except for the reference to international procedures and the good offices of the United Nations Secetary General".

(CCD/PV. 467, pp. 13-14).

We realize that not all the suggestions and recommendations put forward in this Committee an in New York are to be found in the revised draft. I can say, however, that they have all received very careful study and consideration. One of those recommendations, the draft amendment submitted last year by the representative of Sweden (CCD/271), reflected concern about whether the draft of 7 October went for enough as a commitment to further negotiations on additional measures to preven an arms race on the sea-bed. The United States believes that it did go far enough and that accordingly the present draft also goes far enough. We are firmly convinced

that the correct approach to this problem lies in adopting now a measure which is realistic in the light of the present state of technology and verification capabilities and in reviewing this measure later as those capabilities may change. Our commitment to this principle is clearly reflected in the third preambular paragraph and in the provision in art. VI for a review conference".

"I would urge members of this Committee to consider carefully the provisions of art. VI. This provides that the treaty will be reviewed with a view to assuring that both "the purposes of the preamble and the provisions of the treaty are being realized". Thus the charter for the review conference is very broad indeed. It ensures an opportunity to consider the effect of technological or other changes upon the operation of the treaty".

(CCD/PV. 467, pp. 14-15).

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, Final Document, SBT/Conf/25, Geneva, 1977.

CONCLUSIONS OF THE CONFERENCE

The States Parties to the Treaty reaffirm their strong common interest in avoiding an arms race on the sea-bed in nuclear weapons or any other types of weapons of mass destruction. They reaffirm their strong support for the Treaty, their continued dedication to its principles and objectives and their commitment to implement effectively its provisions.

ARTICLE I....

Article II...

"Article III. The Conference notes with satisfaction that no State Party has found it necessary to invoke the provisions of article III, paragraphs 2, 3, 4 and 5 dealing with international complaints and verification procedures. The Conference considers that the provisions for consultation and cooperation contained in paragraphs 2, 3 and 5 include the right of interested States Parties to agree to resort to various international consultative procedures, such as ad hoc consultative groups of experts and other procedures."

"The Conference reaffirms in the framework of Article III and Article IV that nothing in the verification provisions of this Treaty should be interpreted as affecting or limiting, and notes with satisfaction that nothing in these provisions has been identified as affecting or limiting, the rights of States Parties recognized under international law and consistent with their obligations under the Treaty, including the freedom of the high seas and the rights of coastal States!"

"The Conference reaffirms that State Parties should exercise their rights under Article III with due regard for the sovereign rights of coastal States as recognized under international law".

"Article IV. The Conference notes the importance of Article IV which provides that 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 Contiguous Zone, or with respect to rights or claims which such State Party may assert, or with respect to recognition or non-recognition or rights or claims asserted by any other State, related to waters off its coasts, including, inter alia, territorial seas and contiguous zones, and to the sea-bed and the ocean floor, including continental shelves. The Conference also noted that obligations assumed by States Parties to the Treaty arising from other international instruments continue to apply. The Conference agreed that the zone covered by the Treaty reflects the right balance between the need to prevent the arms race in nuclear weapons and any other types of weapons of mass destruction on the sea-bed and the rights of States to control verification activities close to their own coasts".

"Article V. The Conference affirms the commitment undertaken in Article V to continue negotiations in good faith concerning measures in the field of disarmament for the prevention of an arms race on the sea-bed, the ocean floor and the subsoil thereof. To this end the Conference requests that the Conference of the Committee on Disarmament in consultation with the States Parties to the Treaty, taking into account the proposals made during this Conference and any relevant technological developments, proceed promptly with the consideration of 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. The Conference notes that over the five years of the operation of the Treaty no State Party proposed any amendments to this Treaty according to the procedure laid down in this Article".

"Article IX. The Conference reaffirms its conviction that nothing in the Treaty affects the obligations assumed by States Parties to the Treaty under international instruments establishing zones free from nuclear weapons."

--- SBT/CONF/25/II, pages 3-5.

STATEMENTS OF DELEGATIONS IN THE GENERAL DEBATE

Mr. Issraelyan, Soviet Union:

"As a State Party to the Treaty and a Depository Government, the Soviet Union was gratified to note that, in the five years since its entry into force, all States Parties had scrupulously fulfilled their basic obligations under the Treaty. That was true, for example, of article I, and his delegation had no knowledge of any case giving rise to doubts as to the non-fulfilment by any State Party of the obligations assumed under that article. A further positive fact was that no circumstance has as yet occurred which might have induced to States Parties to put into operation the verification procedures provided in paragraphs 2, 3 and 4 of article III. It could therefore be stated that the Treaty had effectively excluded a significant part of the sea-bed, the ocean floor and the subsoil thereof from the arms race, and that the Treaty had exercised -and was continuing to exercise- a beneficial effect upon the international situation as a whole".

(SBT/CONF/SR.2, 21 June 1977, para. 17, p. 4).

Mr. Ashe, United Kingdom:

The pace of political and scientific development in the twentieth century had accentuated the tendency to take for granted what had already been achieved and to stress the difficulties which lay ahead. However, it was largely due to the Sea-Bed Treaty that the forebodings of the 1960s about nuclear missiles on the ocean floor had not been realized. The treaty had been a useful preemptive arms control measure which had been negotiated at the right time when the dangers were obvious and sufficiently clearly defined to be embodied in such a document but before the relevant weapons had been introduced. It had kept the ocean floor free of nuclear weapons and had confined military activities on the sea-bed to those traditional since the introduction of submarines. The only part of the sea-bed excluded from the Treaty was that within the 12-mile limit, because the verification procedures set out in article 3 were inappropriate close to the coastlines of sovereign States".

(SBT/CONF/SR.2, 21 June 1977, para. 22, p. 5).

Mr. Sloss, United States:

"The United States believed that the Treaty had also played a broader role in preventing the emergence of an arms race on the sea-bed. Although there was no evidence of such a race at present and little prospect for one in the future the matter should nevertheless be kept under careful review. His delegation saw no need to amend the Treaty for the time being, although it was prepared to consider proposals for strengthening its operations. They might be dealt with in the context of the final document adopted by the Conference." (para. 3).

"Turning to the specific articles of the Treaty, he said that the United States had had no evidence of any violation of ar-

ticle I, under which the Parties undertook not to implant or emplace any nuclear weapons on the sea-bed, and that its effective operation was universally recognized. Since no Party to the Treaty cause to invoke the verification procedure set out in article III, its practical effectiveness has remained untested. Although it might be improved by taking account of verification procedures embodied in subsequent treaties, his delegation was not convinced that modifications or additions would be useful for the time being" (para. 4).

"In view of the fact that there was little likelihood of an arms race on the sea-bed, further work on multilateral arms control measures relating exclusively to the sea-bed, as required by article V, was not justified at the present time. The United States, together with several other States parties to the Sea-Bed Treaty, continued to be engaged in disarmament negotiations which, although not directly related to the sea-bed, might serve to prevent an arms race in that area by restraining the development of use of certain weapons or methods of warfare" (para. 5).

(SBT/CONF/SR.2, paras. 3, 4 and 5, 21 June 1977, pp.2-3).

Mr. van der Klauuw, Netherlands:

"The fact that no follow-up action had been taken with respect to article V of the Treaty, which concerned possible negotiations on further measures to prevent an arms race on the sea-bed and ocean floor, made it all the more necessary that a discussion should take place on the issues at stake." (paragraph 1).

"He was somewhat disappointed that the Conference had not received any information on "relevant technological developments", to quote the expression used in article VII of the Treaty. It was hard to believe that there was nothing to be said on that subject: that would imply the absence of all military activities on the sea-bed, which seemed rather unlikely. Participants may well reach the conclusion that further arms control or disarmament measures with respect to the sea-bed were superfluous or impracticable, at least for the time being, but such a conclusion should not be drawn until after the relevant issues had been examined" (para. 2).

"In general, his country -and presumably most of the other countries represented at the Conference- lacked the means to detect a violation to the Treaty; they depended on the great powers to provide them with the necessary information. That situation was acceptable in the context of the Treaty, in view of its character and limited scope. However, in his country's view, small countries should also be able to play a role in the verification process when it came to more far-reaching multilateral measures in the field of arms control and disarmament. That observation led him to repeat the Netherlands proposals to set up an international disarmament agency: that proposal, submitted to CCD in a document dated 31 July 1973 (CCD/410), had suggested the establishment of an international organ which could be entrusted with certain functions under the chemical weapons convention, but which could also assume responsibilities in other disarmament areas" (para. 3).

(SBT/CONF/SR.3, paras. 1, 2 and 3, 21 June 1977, pp. 2-3).

Mr. Sandström, Sweden:

"In reviewing the operation of the Treaty, account must be taken of any relevant technological developments, as well as of two basic principles: shared responsibility and shared information, in accordance with articles I, III and VI. Indeed the operation of the Treaty depended on all the States Parties to it, because the provisions of the preamble were valid for all and verification of the operation of the Treaty was a common task. That common responsibility

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was closely connected with the right to obtain information, for the very nature of the Treaty and the verification procedures -as well as the Review Conference itself- implied that the parties should share information to some extent" (para. 9).

"With regard to verification it seemed difficult, in view of the vast areas which had to be inspected, to determine exactly the efficacy of surveillance of the sea-bed, at the present time or in the foreseeable future. But technically and economically, the possibilities of local inspection, under the auspices of the industrialized nations, had increased. There was reason to suppose therefore, that methods of verification had improved since 1972" (para. 16).

"His delegation was aware that the phrase "take into account any relevant technological developments" in article VII, lent itself to different interpretations. In its view, that wording related both to the preamble and to the various articles, including article V. It should also include information on the technological developments required in order to determine what measures might be appropriate in accordance with article V. His delegation also believed that the review could not be limited to military technology; for under-water operations, whether peaceful or military, often required the same technology. Nor should be overlooked that efforts to prevent the further militarization of the sea-bed and its subsoil were also aimed at facilitating their peaceful exploitation. Although both military and peaceful technology should be taken into account in the review, it was nevertheless advisable to concentrate on military technology " (para. 17).

"Lastly, his Government hoped that the work of the Conference would show that the Treaty was not the final measure aimed at limiting the military activities of States on the sea-bed" 6Para. 20). (SBT/CONF/SR.3, paras. 9, 16, 17 and 20, pp. 3-6, 21 June 1977).

Mr. Ene, Romania:

"The first (conclusion), which was moreover noted in information paper SBT/CONF/4, was that "there have been few developments in connexion with the Treaty following its entry into force". That would seem to show that no violation of the provisions of the Treaty relating to the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and ocean floor has been reported. In making that finding, his delegation realized now difficult it was to reach precise conclusions on the subject. That difficulty revealed a gap in the Treaty, which failed to specify how information relating to technological progress made in sea and ocean research could be made available to all States. However, article VII provided that the review of the Treaty "shall take into account any relevant technological developments". To judge by the enormous sums spent on research in the ocean depths, significant progress, which was likely to have an impact on the operation of the Treaty and about which the States Parties should be informed, must have been made" (para. 25).

"The second finding concerned the fact that States Parties had not abided by their commitment to continue negotiations in accordance with the preamble and article V of the Treaty. Since its conclusion, no specific problem relating to disarmament in the marine space had been negotiated in the Committee on Disarmament or other United Nations body, despite the fact that many delegations had emphasized the need for new measures and requested that negotiations should be initiated on the subject." (para. 26).

(SBT/CONF/SR.3, paras. 25 and 26, p. 7, 21 June 1977).

Mr. Sadi, Jordan:

"With regard to specific provisions of the Treaty, he agreed with the view expressed by other delegations that its verification machinery required improvement. In particular, there were obvious practical and political obstacles to the cooperation called for in article III between the State Party having doubts and the State Party responsible for the activities giving rise to such doubts. His delegation also disapproved of the principle enunciated in article VIII under which a State Party to the Treaty might, in exercise of its national sovereignty, withdraw from the Treaty upon three months' notice. There was a contradiction between the commitment to the ideals and objectives of the Treaty and the ease with which a State Party might withdraw from them" (para. 3).

(SBT/CONF/SR.4, para. 3, p. 2, 22 June 1977).

Mr. Sawai, Japan:

... "Although the ultimate goal was certainly to secure the use of the sea-bed solely for peaceful purposes, without any hindrance to the exploration and development of its resources, it would not be realistic in present circumstances, when warships and submarines were freely navigating in the waters above the sea-bed, to aim at a comprehensive prohibition that would ban the use of the sea-bed for purely defensive purposes, such as the emplacement of anti-submarine sonar equipment. In any case, effective verification of such a comprehensive prohibition would be extremely difficult" (para. 6).

"With regard to the geographical zone of the Treaty's application, his delegation had been among those that had advocated the prohibition of the emplacement of nuclear weapons on the sea-bed even within territorial waters. Although the prohibitions of the Treaty did not apply within the 12-mile zone to coastal States, his delegation hoped that the Parties concerned would voluntarily refrain from emplacing or emplanting nuclear weapons on the sea-bed within their territorial waters. As to the relationship between the Treaty and the outstanding problems under discussion at the Conference on the Law of the Sea, it should be recalled that the Treaty had been drawn up on the understanding that the question of the geographical zone of its application was separate from that of national jurisdiction and territorial seas dealt with in the framework of that Conference. His delegation therefore took it that the outcome of the Conference on the Law of the Sea would have no effect on the Treaty" (para. 8).

"Turning to the question of verification he said that international control was the cornerstone of all disarmament measures, for agreement without control were conducive to insecurity rather than security. The verification provisions should therefore be regarded as the key element in all disarmament measures, which should be accompanied by clauses providing for strict international control. His delegation considered that the verification procedures of the Treaty should be reviewed with a view to their further improvement in the light of the progress made on deliberations on the question of verification in disarmament treaties at the CCD. Notwithstanding the verification provisions provided for in article III, his delegation considered that it would be appropriate to establish a consultative body of experts responsible for fact-finding and other related activities, as an intermediary step, before resorting directly to the Security Council for a political settlement" (para. 9).

"Although article III, paragraph 5 referred to "appropriate international procedures", the Treaty did not define clearly which procedures would be available to States having reasonable doubts but no adequate means of verification. His delegation was cognizant of the technical difficulties involved in verification in the sea-bed

environment, and would be interested to hear the views of other delegations or how the international procedures laid down in the Treaty could be further strengthened" (para. 9).

(SBT/CONF/SR.4, paras. 6, 8, 9 and 10, pp. 3-4, 22 June 1977).

Mr. Fartash, Iran:

"Article III, concerning verification, had perhaps been the most controversial article in the Treaty and had only partially satisfied many of the negotiating States. The original verification proposals had been couched in terms which would have enabled only the most technically advanced States to participate in verification procedures. Despite the arguments advanced by the nuclear powers that a attempt to emplace nuclear weapons on the sea-bed or ocean floor would be easily detectable by simple observation, many non-nuclear States had insisted on expanding the verification provisions to include series of procedures to be followed in case of suspected violation of the Treaty. Agreement had eventually been reached on article III, paragraphs 2 and 3, which provided for a process of consultation and cooperation, while paragraph 4 contained a reference to the Charter of the United Nations and made provision for ultimate recourse to the Security Council. Although it could reasonably be assumed that no treaty violations had occurred so far, the need for effective verification was borne out by the speed of technological change. Progress had been made in the ability both to verify the peaceful nature of the sea-bed installations and to place structures beyond territorial waters. Consequently, both the possibility of treaty violations and the need to be able to deter them had increased. Effective verification was all the more essential as the installation of facilities designed for storing, testing or using nuclear weapons (article I, paragraph 1) was no longer in the realm of science fiction" (para. 20).

(SBT/CONF/SR.4, para. 20, p. 6, 22 June 1977).

"Thus the question of further measures to restrain the military use of the sea-bed and the ocean floor would lead into the area of conventional weapons. One of the approaches that had been advocated in 1969 when the question of scope had been discussed was to take as the starting point the security needs of the coastal States and to prohibit military use of the continental shelf by foreign States without the consent of the coastal States concerned. Such a measure would be directed towards meeting the security requirements of coastal States and would promote further demilitarization of the sea-bed. Other suggestions included prohibition of the emplacement of conventional weapons in the sea-bed zone and the possibility of extending the proscriptions of the Treaty to reduce or prevent military support activities on the sea-bed. Such measures appeared to be the most conducive to preventing an arms race on the sea-bed, and their potential value should be carefully assessed by the Conference. In particular, the Conference should examine whether it had now become feasible and useful from the military standpoint to place on the sea-bed and ocean floor weapons other than those already prohibited. If that was the case, every effort must be made to broaden the scope of the Treaty" (para. 25).

(SBT/CONF/SR.4, para. 25, pp. 7-8, 22 June 1977).

Mr. Jay, Canada:

"In 1969, Canada had been one of the participants in the negotiations on the possibility of extending the prohibition to cover conventional weapons and had provided an illustrative list of such weapons which might be emplaced on the sea-bed; however it had not proved possible to reach agreement on the subject. From his delegation's examination of the question, any delimitation of the sea-bed and ocean floor beyond the limits of national jurisdiction

appeared to be no more technically or politically feasible or desirable than it had been at that date. Certain military uses of the sea-bed continued to be considered as an important part of national defense and were viewed by most States as being compatible with the principle of the peaceful use of the deep ocean floor. However his delegation would support a recommendation to CCD that it should keep under review the question of possible military developments on the sea-bed. Although it would not be a matter of high priority for CCD in the absence of any known conventional military deployments in that area, such a recommendation nevertheless seemed desirable in view of article V of the Treaty, in order to ensure that any negotiations required to prevent an arms race on the sea-bed might be considered "in good time" (para. 29).

"Since the Treaty represented a compromise, it was not surprising that the verification procedure set out in article III was not perfect. During the negotiations on the subject, the Canadian delegation had endeavoured, in cooperation with many other delegations, to devise procedures which would enable all States to initiate the verification process. The verification arrangements could be improved if provision were made for a consultative committee of parties on the lines of the Consultative Committee of Experts provided for in the Environmental Modification Convention, and for that reason the constructive Japanese suggestion (SBT/CONF/7) deserve careful consideration. It was true that the Sea-Bed Treaty's verification machinery was not likely to be put to the test, but it was desirable to evolve more refined machinery for future international arms control, and the procedure set out in article III should not serve as a precedent for other agreements of a different character. However, as the adoption of any amendment or supplementary protocol to a treaty already in force presented serious difficulties and required a broad measure of agreement among the parties concerned, his delegation had decided not to submit any proposal of its own with regard to article III" (para. 30).

"It was not yet possible to assess the Sea-Bed Treaty in the light of the law of the sea as it might emerge from the Conference on that subject. Nevertheless it seemed desirable to reiterate the declaration which Canada had made in ratifying the Treaty to the effect that the provisions of article III could not be interpreted as indicating any restrictions or limitations upon the sovereign rights of the coastal State, consistent with its exclusive sovereign rights with respect to the continental shelf. It would be useful if the present Conference made a similar statement" (para.31).

(SBT/CONF/SR.4, paras. 29, 30 and 31, pp. 8-9, 22 June 1977).

Mr. Gharekhan, India:

"It was important, in the opinion of his Government, that in the matter of disarmament no measure prejudging questions regarding the law of the sea should be taken under cover of the Sea-Bed Treaty. Nor should that treaty affect the rights of coastal States on their continental shelf. As a coastal State, India, which had full and exclusive sovereign rights over the continental shelf adjoining its territory and beyond its territorial waters and the subsoil thereof, considered that other States could not use its continental shelf for military purposes. There could be no question of limiting in any way its sovereign right as a coastal State to verify, inspect, remove or destroy any weapon, device, structure or installation implanted or emplaced on or beneath its continental shelf by any other country".(para. 11).

(SBT/CONF/SR.5, para. 11, pp. 3-4, 22 June 1977).