

**Preparatory Committee for the 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**

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PREPARATORY COMMITTEE OF THE 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

First session

SUMMARY RECORD OF THE 5TH MEETING (CLOSED)

held at the Palais des Nations, Geneva,
on Wednesday, 9 February 1977, at 10.40 a.m.

Chairman: Mr. WYZNER (Poland)

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BUSINESS PERTAINING TO THE SEA-BED TREATY REVIEW CONFERENCE

Agenda and duration (SBT/PC.I/CRD.4) (agenda item 1 (f))

1. The CHAIRMAN invited the Committee to take up the suggested draft agenda for the Review Conference of the Parties to the Sea-Bed Treaty (SBT/PC.I/CRD.4) which he had briefly introduced at the previous meeting.
2. Mr. van der KLAUW (Netherlands), proposed the inclusion of an item reading "Relevant technological developments" before item 12; in his view, it would be appropriate to receive information on any new developments of that kind before reviewing the operation of the treaty, which was the subject matter of item 12. He would be glad to learn whether other representatives considered the existing wording of the title of item 12 sufficient, or whether they thought that it might be subdivided so as to specify discussion according to article or groups of articles.
3. Mr. TUDOR (Romania) thought that real progress could be achieved on the basis of the suggested draft agenda. In the opinion of his delegation, the main purpose of the review conference, which was to review the operation of the treaty, had become rather lost among the other agenda items. He believed that useful guidelines could be provided for the debate in the Conference by making item 12 more detailed. If the draft agenda were submitted to the Conference in its present form, there was a danger that there would be a long discussion on the scope and direction of the debate on item 12. His delegation accordingly wished to propose a number of amendments to items 12, 14 and 15, which read as follows:
 - "12. Review of the operation of the Treaty as provided for in its article VII.
 - A. Implementation of the provisions of the Treaty as a step towards general and complete disarmament; role of the Treaty in strengthening international peace and security.
 - B. Operation of the Treaty from the point of view of the fulfilment of its objective of the exploration and use of the sea-bed and the ocean floor for peaceful purposes."
 - "14. Other matters, including the question of another Review Conference."
 - "15. Preparation and adoption of final documents."
4. His delegation supported the Netherlands representative's proposal to include an additional item in the agenda. The Romanian delegation's amendments were equally pertinent and he hoped they would be reflected in the agenda.

5. Baron HAMILTON (Sweden) said that, when the Sea-Bed Treaty had been drafted, his Government had expressed the view that it was very limited in scope, particularly articles V and VII. The Review Conference would provide an opportunity for a thorough examination of the situation with a view to extending the scope of the treaty or promoting its purposes. Although the Swedish Government had not yet determined its position on that matter of substance, which was not of course under discussion at present, the organizational work of the Conference and questions of substance were to a great extent interrelated. His delegation had come to the conclusion that the best procedure for reviewing the Treaty was that adopted at the Non-Proliferation Treaty (NPT) Review Conference, namely, to discuss it article by article. There was a relationship between the subject matter of many of the articles. For instance, technological developments could be discussed under articles I, III, V and VII, but that would not preclude an article-by-article review. The discussion would undoubtedly focus on article I, dealing with implementation, technological developments and fundamental questions of broadening the scope of the Treaty to include other weapons and military equipment in addition to weapons of mass destruction.

6. In his delegation's view, a recommendation should be made to the Conference not to prolong the general debate (item 11 of the suggested draft agenda) unduly. Two days would perhaps be sufficient. As regards agenda item 12, the Swedish delegation would like to propose the inclusion of two sub-items, entitled "(a) Articles I to XI" and "(b) Preambular paragraphs and purposes of the Treaty". That would facilitate the work of the Conference and give the drafting committee time to accomplish its task. Issues involving the law of the sea could be discussed under each relevant article. Likewise, the question of whether to hold a further review conference could be discussed under article VII.

7. Mr. JAY (Canada) said that it might be difficult to implement the Swedish proposal to shorten the general debate in a Conference attended by approximately 60 delegations, without rendering such debate ineffectual by placing a time limit on statements. His delegation considered that the matter needed further discussion; but otherwise it had no objection to items 1 to 11 of the suggested draft agenda.

8. The CHAIRMAN suggested that the Swedish proposal on the general debate could perhaps be discussed under item I (g) of the Committee's agenda (SBT/PC.I/CRD.1); but he had no objection to its being discussed immediately if that was the Committee's wish.

9. Mr. van der KLAUW (Netherlands) said that the question of the general debate raised by the Canadian representative was very important. He wondered whether the solution might not be to make the general debate a sub-item (a) under item 12 of the suggested draft agenda. That might help to shorten the debate, in that general remarks could be made at that point, after which the Conference would go through the Treaty article by article.

10. Baron HAMILTON (Sweden) said he fully supported the Netherlands representative's suggestion.

11. The CHAIRMAN suggested that the Committee should adopt items 1 - 10 of the suggested draft agenda.

12. Items 1 - 10 of the draft agenda (SBT/PC.I/CRD.4) were adopted.

13. The CHAIRMAN invited comments on the proposals made by the representatives of Romania, Sweden and the Netherlands on items 11 and 12 of the suggested draft agenda.

14. Mr. DAVIS (Australia) said there was much to be said for the proposal to delete item 11 and to include a sub-item "(a) General Debate" under item 12. That would have the effect of limiting the general debate and concentrating discussion on the main purpose of reviewing the Treaty. The Swedish proposal had the merit of simplifying the agenda, whereas the Romanian proposal for item 12 would have the opposite effect. Discussion of the treaty article by article would be the most effective way of making any necessary clarifications of the wording of certain articles. For instance, some of the provisions on the territorial sea and the contiguous zones might be found to be out of date in the light of amendments to the law of the sea. He fully supported the Swedish proposal.

15. The CHAIRMAN read out an amended proposal by the Swedish representative, which read:

"Delete item 11 of the suggested draft agenda.

Item 12 to read:

Review of the operation of the Treaty as provided for in its article VII:

A. General debate

B. Articles I - XI

C. Preambular paragraphs and purposes of the Treaty".

16. Mr. van der KLAUW (Netherlands) supported the Swedish representative's proposal. He understood the concern of the Romanian representative, but he thought that the subjects referred to in the Romanian amendment to item 12 could be discussed under the new sub-item 12 C.

17. Mr. SCHØN (Denmark) expressed his support for the statements made by the representatives of Sweden, the Netherlands and Australia. The main purpose of the Review Conference was to review the operation of the Treaty and the best course was to follow the procedure adopted for the NPT Review Conference. Since the Sea-Bed Treaty Review Conference would only last two weeks, it was important that the general debate should be shortened as much as possible.

18. Mr. LIE (Norway), Mr. MEYERS (United States of America), Mr. FERRETTI (Italy), Mr. LIKHACHEV (Union of Soviet Socialist Republics), Mr. GAYNOR (Ireland), Mr. ULUÇEVİK (Turkey) and Mr. SCHNEEBERGER (Switzerland) supported the Swedish proposal.

19. Mr. TUDOR (Romania) said that, although his delegation appreciated the Swedish proposal, he would like the text of that proposal to be circulated before a decision was taken on it.

20. The CHAIRMAN said that the text of the proposal would be circulated as soon as possible.
21. He invited the Committee to comment on item 13 of the suggested draft agenda.
22. Mr. DAVIS (Australia) pointed out that item 13 might relate only to the Drafting Committee, since it was possible that the credentials committee, and possibly other committees, would have reported earlier.
23. The CHAIRMAN suggested that, for the time being, item 13 should be approved in principle.
24. It was so agreed.
25. The CHAIRMAN invited the Committee to consider item 14 in the light of the Romanian representative's proposal relating to it
26. Mr. JAY (Canada) wondered what questions could be discussed under item 14 other than the question of another Review Conference.
27. Mr. di BERNARDO (Italy) said he supported the Romanian proposal to include a specific reference to another Review Conference.
28. Mr. MEYERS (United States of America) said it was clear from the Swedish proposal that there obviously would be another Review Conference; he questioned, therefore, whether it was really necessary to refer to that Conference in item 14.
29. Mr. van der KLAAUW (Netherlands) said that the question of holding another Review Conference should obviously be left open until the end of the discussion. Consequently, he agreed with the Romanian proposal that it should be mentioned under item 14.
30. The CHAIRMAN suggested that the Romanian proposal relating to item 14 should be adopted.
31. It was so agreed.
32. The CHAIRMAN asked the Committee for its views concerning the Romanian proposal to remove the brackets from the word "Document(s)" in item 15.
33. Mr. van der KLAAUW (Netherlands) said it was difficult to decide at the present stage whether there would be more than one final document. The inclusion of the brackets would leave the Conference free to decide that question itself.
34. Mr. TUDOR (Romania) said that the use of the word "Documents" in the plural was fully justified by precedent and would give the Conference the necessary latitude.

35. The CHAIRMAN said that the officers of the Committee had not wished to prejudge the issue and had taken into account the possibility that there might be one or more final documents. He suggested, therefore, that the brackets should be retained in order to leave the matter open.

36. It was so agreed.

37. The CHAIRMAN said that, pending circulation of the Swedish proposal in writing, the Committee might wish to consider the proposal on financing submitted by a number of delegations (SBT/PC.I/CID.3) and to take up other matters.

38. Mr. GAYTOR (Ireland) said that his Delegation wished to be added to the list of sponsors of document SBT/PC.I/CRD.3.

39. Mr. DAVIS (Australia) said that, as a matter of form, the Committee should give the Secretariat the necessary instructions concerning notifications to the participants and signatories, the Secretary-General of the United Nations, non-governmental organizations, etc., concerning the date of the Conference and the last date for giving notice of their intention to attend it.

40. The CHAIRMAN, referring to the available precedents concerning the question of participation, said that paragraph 13 of the final report of the Non-Proliferation Treaty Preparatory Committee (NPT/CONF/3) read as follows: "The Committee also decided that invitations to States which, in accordance with the decision on participation, were entitled to participate in the Conference, as well as to the Secretary-General of the United Nations and the Director General of the IAEA, should be issued by the Chairman of the third session. It was also decided that, for practical reasons, the Governments of States intending to participate in the Conference should be requested to so notify the Provisional Secretary-General before 15 April 1975." He suggested, therefore, that the Secretariat should be requested to propose an appropriate formula for invitations to participate in the Conference.

41. With regard to press and publicity arrangements, paragraph 23 of the same report read: "At its third session, the Committee approved certain press and publicity arrangements suggested by the Office of Public Information of the United Nations." He suggested that the Committee might also wish to ask the Office of Public Information of the United Nations to suggest the necessary arrangements for the Review Conference. If necessary, the Committee could meet again before that Conference for the purpose of examining those suggestions.

42. Mr. ALLEN (United Kingdom) said that his delegation hoped that it would be possible for any such arrangements to be considered at the present meeting of the Preparatory Committee, so that it would not be necessary to hold another meeting before the Review Conference.

43. The CHAIRMAN suggested that the Committee should request the Office of Public Information, through the Secretariat, to submit the necessary proposals, before the end of the present session.

44. It was so decided.

45. The CHAIRMAN said that another question which would have to be decided by the Preparatory Committee was whether it wished to have its summary records distributed to the parties to the Treaty as an annex to its report. That had been done in the case of the Non-Proliferation Treaty Preparatory Committee. If there were no objections, he would take it that the Committee wished that course to be adopted.
46. It was so agreed.
47. The CHAIRMAN invited the Committee to examine the text of the Swedish proposal (SBT/PC.I/CRD.6) relating to agenda items 11 and 12 of the draft agenda for the Review Conference.
48. Mr. TUDOR (Romania) said he would like certain aspects of the Swedish proposal to be clarified. First, with regard to the articles to be examined, he wondered whether it was intended that article VII should be considered separately because it involved the question of technological development and the convening of an additional review conference. Secondly, the preambular paragraphs of the Treaty had not been linked to the operative part. In the NPT Preparatory Committee, a more logical division of the work had been achieved by combining part of the preamble with the operative provisions; that arrangement could be followed in the present case. Thirdly, he wished to know whether the Swedish delegation would agree to put sub-headings in sections B and C. Fourthly, as the order in which the different parts of the Treaty were to be examined had been laid down in article VII precisely to ensure that the purposes of the preamble and provisions were being realized, the same sequence should be followed in the present case.
49. Baron HAMILTON (Sweden) said that article VII would be discussed as part of section B and taken up again when other questions arising under it were discussed, such as the place and date of a further review conference. His delegation thought it was more logical to consider the individual articles first and then to return to the preamble and purposes of the Treaty. In the case of the Non-Proliferation Treaty, part of the preamble had been closely linked to the operative provisions but there was no such link in the Sea-Bed Treaty.
50. He wondered if it was really necessary to have sub-headings for sections B and C. In his opinion, the more condensed wording of his delegation's proposal was clearer.
51. The CHAIRMAN suggested that the meeting should be suspended for consultations on the Swedish proposal.
52. The meeting was suspended at 12.05 p.m. and resumed at 12.45 p.m.
53. Mr. TUDOR (Romania) said that, although he could see the merits of the Swedish proposal, he continued to have reservations about the way in which the debate would be conducted; there should be references to the relevant articles, and to the order in which the various articles and paragraphs would be taken up. If the Committee followed the guidelines in article VII, matters arising from the preamble should be dealt with first, before those arising from the articles themselves.
54. In a spirit of compromise, his delegation would accept the Swedish proposal, on the understanding that the order of the sub-items in item 11 did not prejudice the order in which discussion would take place at the Review Conference itself, and that his delegation's ideas would be reproduced in the Preparatory Committee's report, so that the Review Conference could take them into account.

55. The CHAIRMAN suggested that the Committee should agree that the order of the sub-items in item II would not prejudge the decision of the Conference on the order of debate; that the Romanian delegation should submit a working paper with its ideas on the matter, to be appended to the report of the Preparatory Committee; and that the Romanian representative's statement should be reflected in the summary records of the Committee. If there were no objections, he would take it that, with those provisos, the Committee approved the Swedish proposal.

56. It was so agreed.

The meeting rose at 12.50 p.m.