

**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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First session

SUMMARY RECORD OF THE NINTH MEETING (CLOSED)

held at the Palais des Nations, Geneva,
on Friday, 11 February 1977, at 10.40 a.m.

Chairman: Mr. WYZNER (Poland)

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TRIBUTE TO THE MEMORY OF MR. ALI AHMED, PRESIDENT OF INDIA

1. On the proposal of the Chairman, the members of the Committee observed a minute's silence in tribute to the memory of Mr. Ali Ahmed, President of India.

BUSINESS PERTAINING TO THE SEA-BED TREATY REVIEW CONFERENCE

(d) FINANCING (SBT/PC.I/CRD.3; SBT/PC.I/CRD.8; SBT/PC.I/CRD.9) (continued)

2. The CHAIRMAN, referring to document SBT/PC.I/CRD.3, said that a number of delegations had suggested that the same footnote should be added to that proposal as the one appearing under rule 12 of the draft rules of procedure for the Review Conference of the Parties to the Non-Proliferation Treaty (NPT/CONF/2).
3. Mr. SUKHDEV (India) said that his delegation could agree to the insertion of that footnote, since it felt that the contributions of the developing countries should be in accordance with the United Nations scale of assessments.
4. Mr. TUDOR (Romania) said that, in view of the increasing burden on the developing countries, his delegation would support the addition of the proposed footnote.
5. Mr. ULUCEVIK (Turkey) said that his delegation could support the proposed footnote, although, in its view, the financing arrangements should not envisage a higher percentage of costs than that of the annual contribution to the United Nations budget of States Members.
6. Mr. von ARX (Switzerland) said that his Government, which was not a member of the United Nations, would like to insert a sentence to cover the special case of countries such as its own. That sentence, which would be inserted after the first sentence in the Canadian proposal (SBT/PC.I/CRD.3), would read as follows: "The contribution of States Parties which are not members of the United Nations shall be determined according to the prevailing scale for determining their contribution to the activities in which they participate." That formula, he believed, already existed in United Nations practice.
7. He said that his delegation would be prepared to meet any special points raised by the Romanian delegation.
8. Mr. JAY (Canada) said that his delegation had no objection to the Swiss proposal, but would suggest that the actual drafting should be left to the Secretariat and the Bureau.
9. Mr. COOMSON (Ghana) said he would like to know whether States Parties which had signed but not ratified the Treaty would be expected to contribute to the costs of the Review Conference.

(e) LANGUAGES AND DOCUMENTATION, RECORDS, ETC. (SBT/PC.I/CRD.2)

10. Mr. HAMILTON (Sweden) read out the following proposal prepared by his delegation and that of Romania:

"Basic documents to be prepared by United Nations Secretariat for the Conference

1. Summary of the negotiations within the CCD (article by article) leading to the Treaty.
2. Available information with regard to the implementation of the objectives and provisions of the Treaty.
3. Technological developments (military as well as peaceful) relevant to the Treaty.
4. Developments at the Law of the Sea Conference relevant to the Treaty."

11. Mr. van der KLAUW (Netherlands) suggested that the words "Basic documents" should be replaced by the words "Background documents".

12. Mr. HAMILTON (Sweden) said that he could accept the Netherlands proposal to replace the words "Basic Documents" by "Background documents". The rest of the text was, in his opinion, self-explanatory and should not, of course, be understood as prejudging in any way the Sea-Bed Treaty.

13. Mr. TUDOR (Romania) referred to the spirit of mutual understanding and concession which had guided his delegation and that of Sweden when preparing their joint proposal. He thought it was essential for the Parties to the Review Conference to have the proposed background documentation as early as possible.

14. Mr. MEYERS (United States of America) commended the successful consolidation of views in the joint proposal. The amendment to the title would underline the background nature of the documents. His delegation had no problems with the first and second points, but noted that the Swedish representative hoped for contributions from States of important technological information at their disposal that was relevant to the subject of the background documents. He referred in that connexion to the Australian representative's suggestion the previous day that the Secretariat should make a compilation of the documents which member States might send in. It would of course be for States themselves to decide whether they wished to make any such contribution.

15. He did not see the purpose of the fourth point. The Conference on the Law of the Sea would have its own sphere of activity and each Member State was obviously capable of using its own internal channels of communication to convey information on the issues discussed there. He therefore doubted whether it was an appropriate matter on which to ask the Secretariat to prepare background documents.

16. Mr. DAVIS (Australia) said that, in making his comments the day before, he had assumed that technological developments would inevitably be discussed in compliance with article VII, and that to do so effectively Member States would need to have the relevant information in their possession before the Conference began.

17. He doubted whether the United Nations Secretariat would be able to prepare the necessary documents with the information available to it at present and even if States Parties provided it with information, it might be difficult for it to prepare a really comprehensive paper. The answer might therefore be for States that were willing and able to do so to contribute the relevant technical papers in advance of the Conference.

18. Mr. LIKHACHEV said that his delegation wished to know whether documents prepared by the Secretariat would be communicated to the States represented on the Preparatory Committee before they were submitted at the Conference itself.

19. With regard to the substance of the proposal, he agreed that it was desirable to have information papers to facilitate the work of the delegations to the Conference, but the question of what kind of papers to prepare should be considered realistically. With regard to the first point in the proposal, he understood that the intention was to select extracts relevant to the Sea-Bed Treaty from the CCD material for 1969 and 1970. However, as all States Members of the United Nations had the CCD reports for those years, he failed to see why it was necessary to ask the Secretariat to undertake the purely mechanical and costly task of reproducing familiar material, when each State should be free to choose what it wished from the reports available.

20. He shared the fear expressed by other representatives that it would be difficult for the Secretariat to compile material on technological developments, and asked the Special Representative of the Secretary-General whether the Secretariat would really be able to undertake that task.

21. Lastly, with regard to the forthcoming Conference on the Law of the Sea, it was of course desirable to have unified services, but all the States that had signed the Sea-Bed Treaty had also participated in the earlier conferences and were familiar with their work. Moreover, States would not have the conclusions of the next one before them as it would still be in session when the Review Conference began. Each State should extract whatever material it needed in that respect.

22. Mr. HAMILTON (Sweden) said that the suggestion that the Secretariat should prepare the necessary studies itself was intended to help smaller countries which were unable to obtain all the necessary information or to defray the cost of doing so. He hoped the Secretariat would provide all States Parties with the documentation well in advance of the Conference.

23. With regard to the first point in the proposal, he reminded the meeting that negotiations in CCD had covered a number of years and, as the work of compilation would be difficult for smaller countries, it was hoped that a summary could be made available by the Secretariat.

24. On the question of technological developments, referred to in article VII, it might be difficult for the Secretariat to provide States Parties with the requisite information, so it would be greatly appreciated if countries that could do so would submit papers on the subject before the Conference. In answer to the point made by the United States representative, he said that developments at the Conference on the Law of the Sea were very relevant to the Sea-Bed Treaty, as was evident from a number of articles in that Treaty.
25. Mr. OLSZOWKA (Poland) said that his delegation shared the point of view expressed by the representative of the Soviet Union. A comprehensive summary of the negotiations in CCD was available in a United Nations publication on the United Nations and disarmament. Moreover, in 1972, the Secretariat had issued a booklet devoted specifically to the negotiations on the Sea-Bed Treaty.
26. Mr. van der KLAUW (Netherlands) said that it was important for States to have the proposed background papers, which would help them to arrive at decisions without being binding on them. He agreed with the Swedish representative that it should be left to the United Nations Secretariat to prepare the papers. States that had participated in CCD would not need the material, but those which had not been represented at its meetings would find the summary of the negotiations useful.
27. Although the session of the Conference on the Law of the Sea would not have finished by the time the Review Conference was convened, the other proposed background documents could in any case be prepared and sent to States Parties well in advance, and the one on the latest developments at the Conference on the Law of the Sea could be prepared at the last minute.
28. Mr. OGISO (Japan) said he would like to know what the financial implications of the proposal would be. For instance, would it be necessary to engage consultants to prepare papers on the third point?
29. Mr. BJORNERSTEDT (Special Representative of the Secretary-General) said that the Secretariat would do its best to comply with any requests from the Committee. In practice, however, there were certain constraints such as time, which was rather short. He presumed the documents would be wanted towards the middle of May. With regard to the nature of the documentation, in the case of the NPT Review Conference the Secretariat had provided background information, first in draft form and then in the form of a definitive text after the papers had been discussed at the Conference. He understood that that system had been chosen because of the sensitivity of the material concerned. As, in the present case, many of the elements involved related to the Conferences on the Law of the Sea, it was difficult for him to foresee how the Secretariat's work would be organized, and consultations would have to be held on that point. With regard to the question put by the Japanese representative, he doubted whether there would be sufficient time to recruit outside consultants; if consultants were not engaged, the costs could be kept fairly low.
30. Mr. NOTERDAEME (Belgium) said that his delegation's approach to the matter of the background papers was the same as that of the representative of the Netherlands, but proposed that they should be called "information papers" instead of "background papers" in the title. In French at least, the term "document de base" could mislead participants into believing that it was intended as a basis for the conference debates, whereas he believed that it was the intention of the delegations of Romania and Sweden that such papers be provided merely for information purposes.

31. The CHAIRMAN suggested that, in view of the divergencies of opinion on the proposal made by the delegations of Sweden and Romania, further consideration of it be deferred to allow time for informal consultations among the interested parties. In the meantime, the Secretariat would like some guidance on the background paper at present before the Committee (SBT/PC.I/CRD/2).

32. Mr. LIKHACHEV (Union of Soviet Socialist Republics) recalled that his delegation had already made a number of comments on the document. The introductory chapter of the background paper prepared by the Secretariat gave the misleading impression that the Sea-Bed Treaty was bound up with the peaceful uses of the sea-bed and stood in some kind of subordinate relationship to it. His delegation felt it was important to emphasize the treaty's significance as an independent instrument in arms limitation. The need for the treaty had derived from the spread of the arms race to the sea-bed and that was the only aspect that should be dealt with in the background paper. By confining it to that issue, the introduction could be made much shorter. As a guide, he referred the Committee to the report of the Conference of the Committee on Disarmament (CCD/476, para. 4) dealing with the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor.

33. In the section of the background paper entitled "Developments since the conclusion of the Treaty" attention was focused on the fourth session of the third United Nations Conference on the Law of the Sea and the discussions which had taken place there on issues of peace and security in ocean space. That was in no way related to the subject-matter of the Sea-Bed Treaty Review Conference and might divert attention from the main purpose of that Conference. He proposed therefore that the chapter in question be deleted from the background paper.

34. Mr. MEYERS (United States of America) said his delegation wished to associate itself with the remarks just made by the Soviet representative. In the light of the proposal made by the representative of Belgium, it might be useful to supply the information paper as an annex to the Preparatory Committee's report, it being made clear that the document had been prepared by the Secretariat but not adopted by the Preparatory Committee.

35. The CHAIRMAN proposed that the document be henceforth referred to as "Information paper", as suggested by the Belgian representative and supported by the representative of the United States of America.

36. Mr. van der KLAUW (Netherlands) said he had an open mind as far as the title of the document was concerned, but agreed with the representative of the United States of America that it should be made perfectly clear that the paper was the exclusive responsibility of the United Nations Secretariat. The Preparatory Committee was not a drafting committee and would not therefore be adopting the text, but merely commenting on it. That applied to all background papers, since most members of the Committee would have no instructions to commit themselves on such documents. As long as he was not asked to adopt it, he regarded the title of the paper as immaterial.

37. The CHAIRMAN expressed his agreement with those views, but reminded the Committee that it had been decided during the informal consultations in New York that the paper would be considered by the Preparatory Committee. That was precisely what the Committee was doing and he was sure the Secretariat would find the Committee's comments extremely helpful. The final form of the document was of course the Secretariat's responsibility.

38. Mr. HAMILTON (Sweden) said that he agreed with the remarks made by the representative of Belgium and that his delegation also shared the view that the paper should be presented by the Secretariat but not recommended by the Preparatory Committee.

39. The CHAIRMAN asked if the Committee agreed to change the title to "Information paper".

40. Mr. JAY (Canada) said he agreed with that suggestion, but wondered if it might not be a good idea to add a bibliography to the paper for the benefit of observers, the press and others interested in the Conference. Such a bibliography should of course list United Nations documents and publications, and not be a politically controversial one referring to national sources.

41. Mr. ERDEMBILEG (Mongolia) said it would be inappropriate for the Preparatory Committee to decide to change the title of the paper, if, as a number of representatives had pointed out, it was a document issued by the Secretariat. It would be more appropriate to leave the Secretariat to decide on the title.

42. The CHAIRMAN said that the view expressed by the representative of Mongolia was correct in principle, but since the representatives of the Secretariat who were present had already accepted the change, he thought the document should henceforth be described as the "Information paper".

43. Mr. NOTERDAEME (Belgium) welcomed the Canadian suggestion for the addition of a bibliography to the paper. The first information paper mentioned in the joint Swedish and Romanian proposal could then be dispensed with.

44. The CHAIRMAN said he was sure the Secretariat would carefully consider all the comments which had been made. He understood there was a general feeling among members of the Committee that the information paper might be issued as an annex to the Preparatory Committee's report. However, in order not to delay distribution of that report, he proposed for purely practical reasons that the text of the information paper, as amended by the Secretariat in the light of the comments made by the Committee, be circulated separately to States parties and signatories to the Treaty.

45. It was so decided.

(b) COMPOSITION OF THE BUREAU

46. The CHAIRMAN said he understood that consultations had taken place on the composition of the bureau and the geographical distribution of offices in the General Committee.

47. Mr. DJOKIĆ (Yugoslavia) confirmed that such discussions had taken place and hoped that the proposal would enable the Committee to reach a consensus. His delegation wished to submit a proposal which he felt would meet the requirement for a geographical distribution reflecting that of the States parties and signatories to the Treaty and for a reasonable number of Vice-Presidents to ensure that the General Committee would be both functional and representative. According to that proposal, the General Committee would have 19 members, consisting of a President, 16 Vice-Presidents, the Chairman of the Drafting Committee and the Chairman of the Credentials Committee. The proposed geographical distribution of those offices was as follows: Africa - 4; Asia - 4; Latin America - 1; Western Europe (including Depositary States) - 6; Eastern Europe (including Depositary State) - 4. The President of the Conference and the two Committee Chairmen were included in the geographical distribution.

48. He thanked all those who had helped to work out the formula for their co-operation and understanding and expressed the hope that the proposal would assist the Preparatory Committee in reaching a consensus.

49. The CHAIRMAN endorsed the hope expressed by the representative of Yugoslavia.

50. Mr. FERRETTI (Italy) expressed his delegation's full support for the imaginative and equitable proposal submitted by the representative of Yugoslavia.

51. Mr. TUDOR (Romania) said his delegation wished to associate itself with the tribute paid by the representative of Italy to the Yugoslav proposal, but would like a little more time to study it before coming to a decision.

52. The CHAIRMAN said he thought that the wish of the delegation of Romania could be met by deferring consideration of the Yugoslav proposal until the afternoon meeting. He reminded the Committee that the joint Swedish/Romanian proposal was still pending and asked whether that issue should also be deferred to give interested delegations time for further consultations.

53. Mr. HAMILTON (Sweden) proposed that the meeting be adjourned to enable further consultation to take place on the joint Swedish/Romanian proposal.

54. The CHAIRMAN appealed to members of the Committee to make every possible effort to reach an acceptable solution to the outstanding issues in view of the short time remaining for the Committee's work.

OTHER PREPARATORY COMMITTEE BUSINESS (agenda item 2):

(a) APPROVAL OF FINAL TEXT OF PRESS RELEASE AT THE CONCLUSION OF THE CURRENT SESSION OF THE COMMITTEE

55. Mr. van der KLAUW (Netherlands) pointed out that the Preparatory Committee would need to adopt the text of the final press release and asked when the draft would be available.

56. The CHAIRMAN said the Secretariat would be willing to circulate the draft of the press release if the Committee so wished. However, to facilitate the Committee's work, he suggested that the same procedure be adopted as at the first meeting, namely that the Secretariat and the officers be entrusted with the task of drawing up a very brief and formal press release.

57. It was so decided.

58. Mr. MEYERS (United States of America) said he wished to return briefly to the subject of the geographical distribution and to express his delegation's support for the concept, form and geographical distribution proposed in the ingenious and equitable formula outlined by the representative of Yugoslavia. He hoped that an additional voice in support of those who had already expressed appreciation of that formula would help others who had not yet fully accepted that proposal to decide.

59. The CHAIRMAN proposed that the meeting be adjourned for further consultation.

60. It was so decided.

The meeting rose at 12.30 p.m.