

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

Geneva, 1983

SBT/CONF.II/18
21 September 1983

Original: ENGLISH

UNITED NATIONS
DEPARTMENT FOR DISARMAMENT AFFAIRS
REFERENCE LIBRARY

REPORT OF THE DRAFTING COMMITTEE

1. In accordance with Rule 35 of the Rules of Procedure, the Conference established a Drafting Committee composed of representatives of the States represented on the General Committee, that is, Afghanistan, Argentina, Australia, Canada, Cuba, Ethiopia, German Democratic Republic, Ghana, India, Japan, Mongolia, Morocco, Norway, Sweden, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia.

2. The Committee met under the Chairmanship of Ambassador J. Carasales (Argentina). Ambassador A. Skalli (Morocco) served as Vice-Chairman.

3. The Committee held six meetings between 19 and 21 September.

4. The Committee had before it the following proposals formally submitted by delegations:

Proposals for inclusion in the Final Declaration submitted by the delegation of Australia (SBT/CONF.II/8);

Proposal for inclusion in the Final Declaration submitted by the delegation of the Netherlands (SBT/CONF.II/9);

Proposal for inclusion in the Final Declaration submitted by the delegation of Romania (SBT/CONF.II/10);

Proposal for inclusion in the Final Declaration submitted by the delegation of Japan (SBT/CONF.II/11);

Proposals for inclusion in the Final Declaration submitted by the delegation of Czechoslovakia (SBT/CONF.II/12);

Proposal for inclusion in the Final Declaration submitted by the delegation of Hungary (SBT/CONF.II/13);

Proposal for inclusion in the Final Declaration submitted by the delegation of the Netherlands (SBT/CONF.II/14);

Proposals for inclusion in the Final Declaration submitted by the delegation of Colombia (SBT/CONF.II/15);

Proposals for inclusion in the Final Declaration submitted by the delegation of the German Democratic Republic (SBT/CONF.II/16).

In addition, the Committee considered a number of informal proposals.

5. As agreed by the Conference at its 7th plenary meeting on 16 September, the Final Document of the First Review Conference (SBT/CONF/25) served as the basis for the work of the Drafting Committee.

6. The Drafting Committee gave careful and thorough consideration to the various proposals put forward by delegations. Its deliberations were marked by a spirit of goodwill and mutual accommodation which enabled it to adopt by consensus a Draft Final Document for consideration by the Conference (see Annex). The Final Document consists of three Parts: I. Organization and Work of the Conference; II. Final Declaration; III. Summary Records of the Plenary Meetings of the Conference.

ANNEX

Draft Final Document of the Second 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

I. ORGANIZATION AND WORK OF THE CONFERENCE

INTRODUCTION

1. The Final Declaration of the First 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, in the section dealing with the review of Article VII of the Treaty, contains the following decision:

"The Conference, recognizing the importance of the review mechanism provided in Article VII, decides that a further review conference should be held in Geneva in 1982 unless a majority of the States Parties indicate to the Depositaries that they wish it to be postponed. In any case a further review conference shall be convened not later than 1984. The next conference shall determine in accordance with the views of a majority of those States Parties attending whether and when an additional conference shall be convened." 1/

2. At an informal meeting of States Parties, held during the thirty-sixth session of the General Assembly of the United Nations, it was agreed that the second Review Conference should not be held in 1982. Subsequently, informal consultations were held during the Assembly's thirty-seventh session. At those consultations it was agreed that the Conference should be held in 1983. At that session, the General Assembly adopted resolution 37/99H. In its Preamble the General Assembly recalled resolution 2660 (XXV) of 7 December 1970, in which it had commended the Treaty, noted the provisions of its Article VII, bore in mind that in its Final Declaration the first Review Conference had decided that a further review conference should be held at Geneva in 1982, unless a majority of States Parties indicated to the Depositaries that they wished such a Conference to be postponed, in which case it should be convened not later than 1984, recalled resolution 32/87A of 12 December 1977, in which it made an assessment of the outcome of the First Review Conference, and bore in mind all the relevant paragraphs of the Final Document of the tenth special session of the General Assembly, the first special session devoted to disarmament. The operative part of resolution 37/99H reads as follows:

"1. Notes that, following appropriate consultations, a preparatory committee for the second 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 Ocean Floor and in the Subsoil Thereof is to be established prior to holding a further review conference in 1983;

1/ SBT/CONF/25/II.

2. Requests the Secretary-General to render the necessary assistance and to provide such services, including summary records, as may be required for the Review Conference and its preparation;

3. Recalls its expressed hope for the widest possible adherence to the Treaty."

3. The Preparatory Committee held one session at Geneva from 2 to 5 May 1983. The following States Parties to the Treaty participated in the Preparatory Committee: Afghanistan, Argentina, Australia, Austria, Belgium, Bulgaria, Byelorussian SSR, Canada, Cuba, Czechoslovakia, Denmark, Ethiopia, Finland, German Democratic Republic, Germany, Federal Republic of, Hungary, Iceland, India, Ireland, Italy, Japan, Jordan, Luxembourg, Malaysia, Mongolia, Morocco, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Sweden, Switzerland, Tunisia, Turkey, Ukrainian SSR, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia and Zambia.

4. At its second meeting on 2 May 1983, the Committee decided that its Bureau would be composed of Dr. Hubert Thielicke, German Democratic Republic, Ambassador Martin Huslid, Norway and Mr. Miodrag Mihajlović, Yugoslavia, and that, pending the election of the Chairman, each member of the Bureau would chair a meeting of the Preparatory Committee in turn. At its 6th meeting on 5 May 1983, the Preparatory Committee elected Ambassador Martin Huslid of Norway as its Chairman. The Committee authorized the Bureau to handle technical and other matters in the period before the Review Conference was convened.

5. The Secretary-General of the United Nations was represented by Mr. Jan Mårtenson, Under-Secretary-General for Disarmament Affairs, who opened the session of the Preparatory Committee. Mr. Vicente Berasategui, Principal Officer, Department for Disarmament Affairs, served as Alternate Representative of the Secretary-General. Miss Aida Luisa Levin, Political Affairs Officer, Department for Disarmament Affairs, served as Secretary of the Committee.

6. The Committee, taking note of their written requests, decided to invite the representatives of four signatories of the Treaty, Greece, Lebanon, Madagascar and Senegal, to participate in its discussions without the right to take part in the making of decisions.

7. In the course of its session, the Committee considered the following questions relating to the organization of the Conference:

- (a) Date and duration
- (b) Provisional agenda
- (c) Composition of the Bureau
- (d) Draft Rules of Procedure
- (e) Background documentation
- (f) Final document(s).

8. At its last meeting, on 5 May 1983, the Preparatory Committee adopted its final report, which was issued as a pre-session document of the Conference (SBT/CONF.II/1). The report contained, inter alia, the Provisional Agenda and the Draft Rules of Procedure for the Conference.

9. The Committee decided to request the Secretariat to circulate a revised estimate of the cost of the Conference reflecting the actual cost of the session of the Preparatory Committee, which is contained in document SBT/CONF.II/2.

10. The Committee decided to request that the following two background papers be issued as pre-session documentation for the Conference:

- (1) Developments Relating to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof (1977-1983) (SBT/CONF.II/3);
- (2) A document containing the information requested in section b (i) and (ii) of paragraph 18 of the Preparatory Committee's Final Report, namely:
 - (i) A compilation of official communications with regard to the implementation of the objectives and provisions of the Treaty, which the Secretary-General might have received, and
 - (ii) A compilation of papers on technological developments (military as well as peaceful) relevant to the Treaty, which Parties may wish to provide, or which were otherwise available to the Secretary-General from Governments (SBT/CONF.II/4).

11. In its Final Report, the Preparatory Committee, recalling the request in the Final Document, part II, of the First Review Conference with respect to Articles V and VII of the Treaty, invited the Committee on Disarmament to undertake appropriate follow-up measures. In that connection, the Committee on Disarmament, in accordance with the decision taken at its 225th plenary meeting, on 14 July 1983, held an informal meeting on 9 August to exchange views on follow-up measures to the conclusions of the First Review Conference. The delegations that participated in the discussion at that informal meeting provided summaries of their statements for the information of the Review Conference, which were circulated in document SBT/CONF.II/3/Add.1.

Organization of the Conference

12. In accordance with the decision of the Preparatory Committee, the Conference was convened on 12 September 1983 at the Palais des Nations in Geneva for a period of two weeks.

13. At its 1st meeting, on 12 September, the Conference elected by acclamation as its President, Mr. Martin Huslid, Permanent Representative of Norway to the Office of the United Nations and Other International Organizations at Geneva.

14. At the same meeting, a message from Secretary General of the United Nations Javier Pérez de Cuéllar, was read out by the Special Representative of the Secretary-General, Mr. Jan Mårtenson, Under-Secretary-General of the United Nations for Disarmament Affairs.

15. The Conference adopted its agenda as recommended by the Preparatory Committee (SBT/CONF.II/5).

16. The Conference took note with appreciation of the Final Report of the Preparatory Committee (SBT/CONF.II/1).

17. The Conference adopted its Rules of Procedure as recommended by the Preparatory Committee (SBT/CONF.II/6). The Rules of Procedure provided for (a) a General Committee, chaired by the President of the Conference and composed of the Chairman of the Drafting Committee and of the Credentials Committee, as well as the 17 Vice-Presidents of the Conference; (b) a Drafting Committee, composed of representatives of the same 20 States Parties represented on the General Committee; (c) a Credentials Committee, composed of a Chairman and Vice-Chairman elected by the Conference, and five other members appointed by the Conference on the proposal of the President.

18. The Conference elected by acclamation 17 Vice-Presidents from the following States Parties: Afghanistan, Australia, Canada, Cuba, Ethiopia, Ghana, India, Japan, Mongolia, Morocco, Sweden, Tunisia, Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia. The Conference elected by acclamation the Chairman and the Vice-Chairman of the Drafting Committee, as follows:

Chairman	Mr. J. Carasales (Argentina)
Vice-Chairman	Mr. A. Skalli (Morocco)

The Conference also elected by acclamation the Chairman and the Vice-Chairman of the Credentials Committee, as follows:

Chairman	Mr. G. Rose (German Democratic Republic)
Vice-Chairman	Mr. S.K. Sharma (India)

The Conference also appointed the following five States Parties as members of the Credentials Committee: Bulgaria, Ghana, Netherlands, Nicaragua and Switzerland.

19. The Conference confirmed by acclamation the nomination of Miss Aida Luisa Levin as Secretary-General of the Conference. The nomination had been made by the Secretary-General of the United Nations, following an invitation by the Preparatory Committee.

Participation at the Conference

20. Forty-five States Parties to the Treaty participated in the Conference as follows: Afghanistan, Argentina, Australia, Austria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cuba, Cyprus, Czechoslovakia, Denmark, Ethiopia, Finland, German Democratic Republic, Germany, Federal Republic of, Ghana, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Luxembourg, Malaysia, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Romania, Sweden, Switzerland, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia.

II. DRAFT FINAL DECLARATION

PREAMBLE

The States 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 which met in Geneva in September 1983 in accordance with the provisions of Article VII to review the operation of the Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized:

Recognizing the continuing importance of the Treaty and its objectives,

Recalling the Final Declaration of the First 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 held in Geneva from 20 June to 1 July 1977,

Affirming their belief that universal adherence to the Treaty would enhance international peace and security,

Recognizing that an arms race in nuclear weapons or any other types of weapons of mass destruction on the sea-bed would present a grave threat to international security,

Recognizing also the importance of negotiations concerning further measures in the field of disarmament for the prevention of an arms race on the sea-bed, the ocean floor and the subsoil thereof,

Considering that a trend towards a relaxation of tension in international relations would provide a favourable climate in which more significant progress can be made towards the cessation of the arms race,

Reaffirming their conviction that the Treaty constitutes a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race, towards a treaty on general and complete disarmament under strict and effective international control,

Emphasizing the interest of all States, including specifically the interest of developing States, in the progress of the exploration and use of the sea-bed and the ocean floor and its resources for peaceful purposes,

Noting that the Third United Nations Conference on the Law of the Sea has concluded and the Convention on the Law of the Sea was opened for signature on 10 December 1982,

Affirming that nothing contained in the Convention on the Law of the Sea affects the rights and obligations assumed by States Parties under the Treaty,

21. In addition, four States which have signed the Treaty but have not yet ratified it participated in the Conference without taking part in its decisions, as provided in Rule 43, paragraph 1, of the Rules of Procedure: Brazil, Colombia, Greece and Madagascar.

22. Two additional States, Algeria and Mexico, neither Party nor Signatory of the Treaty, applied for Observer status in accordance with Rule 43, paragraph 2. Such status was granted to them by the Conference.

23. Two Non-Governmental Organizations attended the Conference under Rule 43, paragraph 5.

24. A list of all delegations to the Conference, including States Parties, Signatories, Observer States and Non-Governmental Organizations is contained in Annex ____.

25. The Credentials Committee met on 13 and 21 September and reported on the credentials of States Parties (SBT/CONF.II/17). At its 9th plenary meeting on 22 September the Conference took note of the report.

Work of the Conference

26. The Conference held ____ plenary meetings between 12 and ____ September when it concluded its work.

27. The general debate in plenary, in which 32 States Parties and Signatories made statements, took place from 13 to 15 September. The Conference, at its 7th and 8th plenary meetings, on 16 September reviewed the provisions of the Treaty article by article, followed by the preamble and purposes of the Treaty.

28. At a series of meetings held from 19 to 21 September, the Drafting Committee considered the proposals referred to it by the Conference, and submitted its report to the Conference on 22 September (SBT/CONF.II/18). The Conference, at its 9th plenary meeting, on 22 September, took note of the report.

Documentation

29. A list of the documents of the Conference is attached in Annex ____.

Conclusion of the Conference

30. At its ____ and final plenary meeting, on ____ September, the Conference adopted its Final Document as recommended by the Drafting Committee in document SBT/CONF.II/18. The Final Document consists of three Parts: I. Organization and work of the Conference; II. Final Declaration; and III. Summary Records of Plenary Meetings of the Conference.

Taking note of the information concerning the informal meeting held in 1983 under the auspices of the Committee on Disarmament 1/ as well as the communications from the Depositary Governments, 2/

Appealing to States to refrain from any action which might lead to the extension of the arms race to the sea-bed and ocean floor, and might impede the exploration and exploitation by States of the natural resources of the sea-bed and ocean floor for their economic development,

Declare as follows

PURPOSES

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

The review undertaken by the Conference confirms that the obligations assumed under Article I of the Treaty have been faithfully observed by the States Parties. The Conference is convinced that the continued observance of this Article remains essential to the objective which all States Parties share of avoiding an arms race in nuclear weapons or any other type of weapons of mass destruction on the sea-bed.

ARTICLE II

The Conference reaffirms its support for the provisions of Article II which define the zone covered by the Treaty. The Conference agrees that the zone covered by the Treaty reflects the right balance between the need to prevent an arms race in nuclear weapons and any other types of weapons of mass destruction on the sea-bed and the right of States to control verification activities close to their own coasts.

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 co-operation contained in paragraphs 2, 3 and 5 include the right of interested States Parties to agree to resort to various international consultative procedures. These procedures could include ad hoc consultative groups of experts in which all States Parties could participate, and other procedures. The Conference stresses the importance of co-operation between States Parties with a view to ensuring effective implementation of the international consultative procedures provided for in Article III of the Treaty, having regard also for the concerns expressed by some States Parties that they lack the technical means to carry out the verification procedures unaided.

1/ SBT/CONF.II/3/Add.1.

2/ SBT/CONF.II/4.

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 States 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 of rights or claims asserted by any other State, related to waters off its coast, including, inter alia, territorial seas and contiguous zones, or to the sea-bed and the ocean floor, including continental shelves. The Conference also noted that obligations assumed by States Parties to the Treaty arising from other international instruments continue to apply.

ARTICLE V

The Conference reaffirms the commitment undertaken in Article V to continue negotiations in good faith concerning further measures in the field of disarmament for the prevention of an arms race on the sea-bed, the ocean floor and the subsoil thereof.

In this regard, the Conference notes that negotiations on such measures have not yet taken place. Consequently, the Conference again requests that the Conference on Disarmament, in consultation with the States Parties to the Treaty, taking into account existing proposals and any relevant technological developments, proceed promptly with 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 11 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 VII

The Conference notes with satisfaction the spirit of co-operation in which the Review Conference was held.

The Conference takes note of the fact that no information has been presented to it indicating that major technological developments have taken place since 1977 which affect the operation of the Treaty. The Conference, nevertheless, recognizes the need to keep such developments under continuing review, and that relevant information should be available at the time of the next review Conference. It considers that for this purpose timely preparations should be made by the

Preparatory Committee for the next Review Conference with a view to providing information on major technological developments relevant to the Treaty. Such preparations, which could include the assistance of appropriate expertise, might facilitate the implementation of the purposes stated in the section dealing with Article V. Such preparation might also be useful to the Conference on Disarmament in its negotiations of further measures under Article V.

In order further to facilitate the dissemination of information relevant to the Treaty to States for their assessment, the Conference invites the Secretary-General of the United Nations to collect such information from officially available sources and publish it in the United Nations Yearbook on Disarmament.

The Conference, recognizing the importance of the review mechanism provided in Article VII, decides that a third Review Conference shall be held in Geneva at the request of a majority of States Parties not earlier than 1988 and, in any case, not later than 1990. The next conference shall determine in accordance with the views of a majority of those States Parties attending whether and when an additional review conference shall be convened.

ARTICLE VIII

The Conference notes with satisfaction that no State Party has exercised its rights to withdraw from the Treaty under Article VIII.

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.

ARTICLE X

The Conference stresses that the 11 years that have elapsed since the date of entry of the Treaty into force have demonstrated its effectiveness. The Conference welcomes the adherence of 10 States to the Treaty since the First Review Conference. At the same time the Conference notes with concern that the Treaty has not yet achieved universal acceptance. Therefore the Conference calls upon the States that have not yet become Parties particularly those possessing nuclear weapons or any other types of weapons of mass destruction, to do so at the earliest possible date. Such adherence would be a significant contribution to international confidence.