

**Third 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, September 1989**

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UNITED NATIONS  
DEPARTMENT FOR DISARMAMENT AFFAIRS  
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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 OCEAN FLOOR AND IN THE  
SUBSOIL THEREOF (1977-1989)

(Background paper prepared by the Secretariat)

## INTRODUCTION

1. In paragraph 20 of its Report, 1/ the Preparatory Committee for the Third 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 requested the Secretary-General of the United Nations to bring up to date the information relating to the Treaty contained in document SBT/CONF.II/3 and Add.1, which the Secretary-General had submitted to the Second Review Conference.

## FIRST REVIEW CONFERENCE

2. The Sea-Bed Treaty \*/ entered into force on 18 May 1972. In accordance with Article VII, which provided that five years after the Treaty's entry into force a Conference of States Parties should be held in order to review the operation of the Treaty, the First Review Conference was held at Geneva from 20 June to 1 July 1977.

3. The Conference adopted a Final Declaration \*\*/ in which it assessed the operation of the Treaty article by article and made a number of recommendations with regard to the further implementation of the Treaty's provisions.

4. As reflected in that document, the review undertaken by the Conference indicated that the Treaty had been faithfully observed by the States Parties and that the five years that had elapsed since its entry into force had demonstrated the Treaty's effectiveness.

5. At the same time, the Conference noted with concern that the Treaty had not yet achieved universal adherence and it therefore called upon the States that had not yet become parties, in particular those possessing nuclear weapons or any other types of weapons of mass destruction, to do so at the earliest possible date. In the view of the Conference, such adherence would be a significant contribution to international confidence.

6. The Conference stated its conviction that the continued observance of Article 1 of the Treaty, by which the States Parties undertook not to emplace nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof, remained essential to the over-all objective of avoiding an arms race in those weapons on the sea-bed.

7. The Conference, at the same time, affirmed the commitment undertaken by States Parties 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. To this end, the Conference requested the Conference of the Committee on Disarmament (CCD), in consultation with the States Parties to the Treaty, taking into account the proposals made at the Review Conference and relevant technological

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\*/ The text of the Treaty is reproduced in Annex I.

\*\*/ The text of the Final Declaration is reproduced in Annex II.

developments, to proceed promptly with the consideration of further measures in the field of disarmament for the prevention of an arms race on the sea-bed.

8. The Conference took note of the fact that no information had been presented to it indicating that major technological developments had taken place since 1972 which affected the operation of the Treaty. It, nevertheless, recognized the need to keep such developments under continuing review and invited the Conference of the Committee on Disarmament, in consultation with the States Parties to the Treaty, to consider establishing an ad hoc expert group under its auspices for that purpose. In view of the Conference, such a group might facilitate the implementation of the purposes stated in the section dealing with Article V and might also contribute to the orderly preparation of the next Review Conference.

9. The Conference noted with satisfaction that no State had found it necessary to invoke the provisions of the Treaty dealing with international complaints and verification procedures. The Conference considered that the provision for consultation and co-operation contained therein included 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.

10. Concerning the question of the relationship between the Sea-Bed Treaty and the law of the sea, the Conference reaffirmed that nothing in the verification provisions of the Treaty should be interpreted 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, and noted with satisfaction that nothing in those provisions had been identified as affecting or limiting those rights. The Conference also reaffirmed that States Parties should exercise their rights under Article III of the Treaty, dealing with complaints and verification procedures, with due regard for the sovereign rights of the coastal States as recognized under international law. Furthermore, the Conference noted the importance of Article IV which provides that nothing in the 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 continued to apply and it agreed that the zone covered by the Treaty reflected the right balance between the need to prevent an arms race in nuclear and other weapons of mass destruction on the sea-bed and the rights of States to control verification activities close to their own coasts.

11. The Conference also recognized that the natural resources of the sea-bed and the ocean floor beyond the limits of national jurisdiction would have an increasing role in assuring the economic progress of States, particularly of developing countries, and in that connection recalled General Assembly resolution 2479 (XXV).

DEVELOPMENTS SINCE THE FIRST REVIEW CONFERENCE

12. In the course of the summer session of the Conference of the Committee on Disarmament, in 1977, several delegations, including those of Bulgaria, the German Democratic Republic, Hungary, Italy, Mongolia, Poland, the USSR and the United Kingdom, noted with satisfaction the results of the Review Conference which, in their view, had confirmed that the Treaty had worked satisfactorily. 2/

13. The Socialist countries drew attention to the Conference's recommendations concerning negotiations on further measures for the prevention of an arms race on the sea-bed. 3/ In this connection, the Soviet Union noted that the Review Conference had requested the Committee to proceed promptly with the consideration of further measures which would completely exclude the sea-bed from the arms race. It considered that the Committee, having worked out the Sea-Bed Treaty and possessing the potential for reaching mutually acceptable agreements on the various problems of disarmament, should conduct negotiations on practical steps leading to that goal. 4/

14. The United Kingdom stated that it did not believe that there had been any recent technological developments affecting the Treaty. However, it expressed the hope that, at an appropriate time, it would be possible to consider establishing an ad hoc expert group to keep technological developments under review to allay fears that possible new technological developments might be affecting the Treaty. 5/

15. At the thirty-second session of the General Assembly, a number of countries among them Czechoslovakia, Finland, Hungary, Italy, Mongolia, Poland, Turkey the USSR and the United Kingdom, drew attention to the results of the Review Conference. It was noted with satisfaction that the Conference had been held in a constructive and business-like atmosphere, that its decisions had been adopted by consensus, that it had achieved its primary purposes and that it had reaffirmed that no violations of the Treaty had occurred during the period under review. 6/ The Socialist States also attached particular significance to the Conference's decision to request the CCD to begin consideration of further measures in the field of disarmament for the prevention of an arms race on the sea-bed. 7/

16. On 12 December 1977, the General Assembly adopted without a vote resolution 32/87 A, which reads as follows:

The General Assembly,

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

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

Recalling that the States Parties to the Treaty met at Geneva from 20 June to 1 July 1977 to review the operation of the Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty were being realized,

Noting with satisfaction that 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 concluded that the obligations assumed under the Treaty had been faithfully observed by the States Parties,

Noting that in its Final Declaration the Review Conference affirmed its belief that universal adherence to the Treaty would enhance international peace and security,

Noting furthermore that the States Parties to the Treaty reaffirmed their strong support for an continued dedication to the principles and objectives of the Treaty, as well as their commitment to implement effectively its provisions,

Recognizing that in the Final Declaration the States Parties to the Treaty reaffirmed 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,

Bearing in mind that, in this connection, they have addressed specific requests to the Conference of the Committee on Disarmament,

Having considered the report of the Conference of the Committee on Disarmament,

Noting the comments with respect to 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, as well as relevant documents submitted to the General Assembly at its thirty-second session,

1. Welcomes with satisfaction the positive assessment by 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 of the effectiveness of the Treaty since its entry into force;

2. Invites all States that have not yet done so, particularly those possessing nuclear weapons or any other types of weapons of mass destruction, to ratify or accede to the Treaty as a significant contribution to international confidence;

3. Affirms its strong interest in avoiding an arms race in nuclear weapons or any other types of weapons of mass destruction on the sea-bed, the ocean floor or the subsoil thereof;

4. Requests the Conference of the Committee on Disarmament - in consultation with the States Parties to the Treaty and taking into account the proposals made during the Review Conference and any relevant technological developments - to proceed promptly with the consideration of further measures in the field of disarmament for the prevention of an arms race in that environment;

5. Calls upon all States to refrain from any action which might lead to the extension of the arms race to the sea-bed and the ocean floor;

6. Requests the Secretary-General to transmit to the Conference of the Committee on Disarmament all documents of the thirty-second session of the General Assembly relevant to 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;

7. Requests the Conference of the Committee on Disarmament to report on its negotiations to the General Assembly at its thirty-third session.

17. In the course of the spring session of the CCD, in 1978, the USSR expressed its readiness to begin consultations with other States Members of the CCD concerning the procedure for starting, in the Committee, discussions on the problem of the further demilitarization of the sea-bed. According to the USSR, the Sea-Bed Treaty should be regarded as a link in the chain of international limitations restraining the nuclear arms race since it limited the possibilities of deployment of nuclear weapons in an environment which constituted most of the surface area of the planet. At the same time, in its view, the Treaty created the prerequisites for the complete exclusion of the sea-bed and the ocean floor and the subsoil thereof from the sphere of the arms race by committing States Parties to continue negotiations on the further demilitarization of that environment. 8/

18. Mongolia and Poland recalled that under the terms of General Assembly resolution 32/87 A the Committee was expected to proceed promptly with the consideration of further measures in this field. Poland, furthermore, expressed the hope that the readiness of the Soviet Union to begin consultations with other States on the most effective implementation of the request of the General Assembly would soon be emulated by other States Members of the CCD and States Parties to the Sea-Bed Treaty. 9/

19. The United States expressed the view that the Sea-Bed Treaty had not only achieved its primary purpose but had also played a broader role in preventing the emergence of an arms race on the sea-bed. The United States stated that it had as yet seen no evidence of an arms race on the sea-bed and saw little prospect for one in the future. In light of that, it did not believe that it was necessary for the Committee, or any other forum, to consider further disarmament measures in this area at that time; however, it thought that the subject should be kept under careful review. 10/

20. The question of an arms race on the sea-bed was considered at the first special session of the General Assembly devoted to disarmament. In paragraph 79 of the Final Document adopted at that session, the General Assembly stated that:

"In order to promote the peaceful use of and to avoid an arms race on the sea-bed and the ocean floor and the subsoil thereof, the Committee on Disarmament is requested - in consultation with 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 the Subsoil Thereof, and taking into account the proposals made during

the 1977 Review Conference and any relevant technological developments - to proceed promptly with the consideration of further measures in the field of disarmament for the prevention of an arms race in that environment." 11/

21. During the 1978 summer session of the CCD, the Soviet Union noted that, in addition to the decision taken by the 1977 Review Conference on the Sea-Bed Treaty and the relevant resolution adopted at the thirty-second session of the United Nations General Assembly, which had entrusted the Committee with the task of proceeding promptly to the consideration of further measures aimed at preventing an arms race on the sea-bed and the ocean floor and in the subsoil thereof, the special session had also adopted an appropriate recommendation to that effect. The Soviet Union recalled that during the spring session it had affirmed its readiness to begin consultations with other States Members of the Committee on possible ways of initiating discussions regarding the problem of demilitarizing the sea-bed and the ocean floor. That proposal had met with the support of a number of delegations and the Soviet Union now awaited a response to its proposal from other delegations. 12/ Bulgaria, the German Democratic Republic, Hungary and Poland also underscored the need to undertake consultations on further measures for the demilitarization of the sea-bed. 13/

22. At the thirty-third session of the General Assembly, Poland expressed the hope that the Committee on Disarmament would be able to proceed promptly with the consideration of further disarmament measures in the sea-bed environment. 14/ Congo expressed the view that the Sea-Bed Treaty had established the necessary conditions for preventing the extension of the arms race to the sea-bed by obliging States Parties to continue negotiations with a view to a more developed demilitarization of that environment. 15/

23. When the Committee on Disarmament convened in 1979, some attention was devoted to questions relating to the Sea-Bed Treaty. Sweden, recalling that the First Review Conference had requested the Conference of the Committee on Disarmament, in consultation with States Parties to the Treaty, to keep under continuing review relevant technological developments which might affect the operation of the Treaty, expressed the view that the Committee on Disarmament had inherited the responsibility to fulfil that task. 16/ Poland expressed the hope that the Committee would, pursuant to relevant General Assembly resolutions, including the recommendations contained in the Final Document of the first special session, consider at the earliest opportunity the elaboration of further international agreements in the field of disarmament for the prevention of an arms race on the sea-bed and ocean floor. 17/ Subsequently, Poland submitted a working paper on the subject. 18/

24. It should be noted that, as indicated in the report of the Committee, an understanding was reached in connection with the adoption of the Committee's agenda to the effect that heading IX of the so-called "Decalogue" dealing, inter alia, with "collateral measures", included among other questions to be considered by the Committee at appropriate stages of its work, the question of "further measures in the field of disarmament to prevent an arms race on the sea-bed and the ocean floor and in the subsoil thereof". 19/

25. In the course of the thirty-sixth session of the General Assembly in 1981, Sweden stressed the need to follow closely what it saw as the expanding military utilization of the oceans and the sea-bed. Recalling that the first steps to control this development had been made in the Sea-bed Treaty and that

the Treaty would soon be reviewed for the second time, Sweden proposed that the Depositary States take urgent steps towards fulfilling the Treaty's provision in Article V for a continuation of negotiations concerning further measures for the prevention of an arms race on the sea-bed, the ocean floor and the subsoil thereof. In Sweden's view, the second review of the Treaty was desirable, particularly in view of rapid developments in the field of marine technology, Sweden noted that the First Review Conference in 1977 had decided that possible technological developments since the conclusion of the Treaty should be monitored and suggested that a survey of technological developments relevant to the Sea-Bed Treaty could take place at expert level within the Committee on Disarmament. 20/

26. The question of the prevention of an arms race on the sea-bed was examined at the second special session of the General Assembly devoted to disarmament in the context of the consideration of the draft comprehensive programme for disarmament submitted by the Committee on Disarmament. 21/ However, no agreement was reached on the relevant text. 22/

27. Also at the special session, Sweden, holding that the sea-bed was threatened by growing militarization, stressed that technological developments in that field should be kept under review in preparation for the Second Review Conference of the Parties to the Sea-Bed Treaty. It furthermore emphasized that the Committee on Disarmament should play an active role in such preparations. 23/

28. Sweden raised this matter again during the second part of the 1982 session of the Committee on Disarmament. 24/

29. At the thirty-seventh session of the General Assembly, the Soviet Union, referring to resolution 37/99 H of 3 December 1982 relating to the preparation and convening in 1983 of the Second Review Conference, attached great importance to the further strengthening and effective implementation of the provisions of the Sea-Bed Treaty and, in that connection, stressed the significance of Article V of the Treaty under which States Parties undertook the obligation to continue negotiations concerning further measures in the field of disarmament for the prevention of an arms race on the sea-bed and ocean floor. 25/

30. It should be noted that the United Nations Convention on the Law of the Sea, which was opened for signature on 10 December 1982, contains provisions relating to peaceful uses of the sea-bed and ocean floor and subsoil thereof beyond the limits of national jurisdiction. 26/

31. In the course of the first part of the 1983 session of the Committee on Disarmament, Sweden renewed its proposal concerning consideration by the Committee of major technological developments which affect the operation of the Treaty. 27/

32. The Preparatory Committee for the Second Review Conference, in paragraph 21 of its Final Report, 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 and requested the Committee to enable States Parties not members of the Committee on Disarmament to participate in that follow-up in accordance with its rules of procedure.



33. In accordance with the decision taken at its 225th plenary meeting, on 14 July 1983, the Committee on Disarmament held an informal meeting on 9 August 1983 to exchange views on follow-up measures to the conclusions of the First Review Conference. 28/

34. The participants in that informal meeting provided the Chairman of the Preparatory Committee for the Second Review Conference with summaries of their statements, 29/ which are reproduced below:

Sweden

Sweden noted the rapid civilian technological development in the field as a consequence of the ongoing enormous exploitation of the sea-bed; developments which are directly applicable for military purposes and thus could affect the Sea-bed Treaty. Some examples hereof were given. Sweden also pointed at the increasing need and capacity to hide military activity in the water and on the sea-bed, including non-nuclear activity, which gives strong reasons to broaden the Treaty. Sweden referred to Articles V and VII of the Treaty. Sweden also urged all States, especially those having the most advanced technology and weapons, to make available at the coming review conference all possible information concerning actual and foreseeable developments in the field.

Union of Soviet Socialist Republics

The Union of Soviet Socialist Republics emphasized the desirability of universal participation in the Treaty and said it was in favour of a complete demilitarization of the sea-bed. The Union of Soviet Socialist Republics also stated that it had received no official communications with respect to the implementation of the Treaty and had no information concerning technological developments which affect the functioning and effectiveness of that international instrument.

The United Kingdom of Great Britain and Northern Ireland

The United Kingdom stated that it continued to believe the Sea-bed Treaty was a valuable measure of arms control which had worked in a satisfactory manner for the past 12 years. The United Kingdom was not aware of any technological developments which affected the operation of the Treaty, nor of any change in circumstances which had broken or invalidated any of the original provisions contained in the Treaty. The United Kingdom also urged the widest possible adherence to the Treaty.

The United States of America

The United States delegation noted its satisfaction with the Treaty but expressed willingness to be attentive to any concerns of States that might feel otherwise. The United States called for wider adherence and, while noting important advances relating to the sea-bed in a number of scientific disciplines, indicated that the United States perceives none that have constituted a technological development affecting the purposes or implementation of the Treaty.

SECOND REVIEW CONFERENCE

35. At its thirty-seventh session in 1982, the General Assembly adopted resolution 37/99 H, which reads as follows:

The General Assembly,

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

Noting the provisions of article VII of that Treaty concerning the holding of review Conferences,

Bearing in mind that, in its Final Declaration, 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 at Geneva from 20 June to 1 July 1977, 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,

Recalling its resolution 32/87 A of 12 December 1977, in which it made an assessment of the outcome of the First Review Conference,

Bearing 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,

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 the Ocean Floor and in the Subsoil Thereof is to be established prior to holding a further review conference in 1983;

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.

36. The Preparatory Committee for the Second Review Conference of the Sea-Bed Treaty held one session at Geneva from 2 to 5 May 1983 and considered matters relating to the organization of work for the Review Conference.

37. In accordance with the decision of the Preparatory Committee, the Second Review Conference was convened at Geneva from 12 to 23 September 1983. The Conference adopted a Final Declaration in which it assessed the operation of the Treaty article by article and made a number of recommendations concerning the further implementation of the Treaty's provisions.

38. As reflected in the Final Declaration, the States Parties to the Treaty reaffirmed 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. The review undertaken by the Conference further confirmed that the Treaty had been faithfully observed by the States Parties since its entry into force in 1972.

39. In welcoming the adherence of 10 States to the Treaty since the First Review Conference, the Conference, at the same time, noted with concern that the Treaty has not yet achieved universal acceptance.

40. The Conference reiterated its conviction that the continued observance of Article I of the Treaty, by which the States Parties undertook not to emplace nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof, remained essential to the objective of avoiding an arms race in those weapons on the sea-bed.

41. The Conference noted with satisfaction that no State Party had 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 stressed 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 lacked the technical means to carry out the verification procedures unaided.

42. The Conference reaffirmed its support for the provisions of Article II, which defined the zone covered by the Treaty. The Conference agreed that the zone covered by the Treaty reflected 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.

43. The Conference also reaffirmed 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 noted with satisfaction that nothing in these provisions had 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 also reaffirmed that States Parties should exercise their rights under Article III of the Treaty with due regard for the sovereign rights of coastal States as recognized under international law.

44. With respect to the relationship between the Treaty and international law, the Conference noted the importance of Article IV, which provides that nothing in this Treaty should 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 might 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 continued to apply.

45. The Conference reaffirmed the commitment undertaken by States Parties 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 and the ocean floor and in the subsoil thereof. In this regard, the Conference noted that negotiations on such measures had not yet taken place. Consequently, the Conference again requested 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.

46. The Conference further took note of the fact that no information had been presented to it indicating that major technological developments had taken place since 1977 which affected the operation of the Treaty. The Conference, nevertheless, recognized that such developments needed to be kept under continuing review, and that relevant information should be available at the time of the next review conference. It considered 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 on further measures under Article V.

47. The Conference reaffirmed its conviction that nothing in the Treaty affected the obligations assumed by States Parties to the Treaty under international instruments establishing zones free from nuclear weapons.

48. The Conference, recognizing the importance of the review mechanism provided in Article VII, decided that a third Review Conference should 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 should determine, in accordance with the views of a majority of those States Parties attending, whether and when an additional review conference should be convened.

#### DEVELOPMENTS SINCE THE SECOND REVIEW CONFERENCE

49. At the thirty-eighth session of the General Assembly, in 1983, a number of countries, including Angola, Denmark, Norway, the USSR and the United Kingdom, reaffirmed their support for the Sea-bed Treaty. Denmark, Norway and the United Kingdom welcomed the Second Review Conference's positive assessment of the effectiveness of the Treaty and the USSR called for wider adherence to it. Denmark saw as positive the Conference's recognition of the importance of providing information on technological developments relevant to the operation of the Treaty before the next review conference. 30/

50. On 20 December 1983, the General Assembly adopted without a vote resolution 38/188 B, which reads as follows:

The General Assembly,

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

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

Recalling that the States parties to the Treaty met at Geneva from 12 to 23 September 1983 to review the operation of the Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty were being realized,

Noting with satisfaction that 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 concluded that the obligations assumed under the Treaty had been faithfully observed by the States parties,

Noting that in its Final Declaration the Review Conference affirmed its belief that universal adherence to the Treaty would enhance international peace and security,

Noting furthermore that the States parties to the Treaty reaffirmed their strong support for and continued dedication to the principles and objectives of the Treaty, as well as their commitment to implement effectively its provisions,

Recognizing that in the Final Declaration the States parties to the Treaty reaffirmed 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,

1. Welcomes with satisfaction the positive assessment by 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 of the effectiveness of the Treaty since its entry into force, as reflected in its Final Declaration;
2. Reiterates its expressed hope for the widest possible adherence to the Treaty;
3. Affirms its strong interest in avoiding an arms race in nuclear weapons or any other types of weapons of mass destruction on the sea-bed, the ocean floor or the subsoil thereof;
4. Calls again upon all States to refrain from any action which might lead to the extension of the arms race to the sea-bed and the ocean floor;
5. Requests the Conference on Disarmament, in consultation with the States parties to the Treaty, taking into account existing proposals and any relevant technological developments, to 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;

6. Requests the Secretary-General to transmit to the Conference on Disarmament all documents of the thirty-eighth session of the General Assembly relevant to 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;

7. Requests the Conference on Disarmament to report on its 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 to the General Assembly at its fortieth session.

51. In the light of the successful conclusion of the Second Review Conference, there was not much discussion on issues related to the Sea-bed Treaty during 1984, either in the Conference on Disarmament or at the thirty-ninth session of the General Assembly.

52. During its 1985 session, the Conference on Disarmament considered the question of further measures in the field of disarmament for the prevention of an arms race on the sea-bed and the ocean floor and in the subsoil thereof, keeping in mind the request addressed to it by the General Assembly in paragraphs 5 and 7 of resolution 38/188 B. In the course of the consideration of this subject, the view was expressed that the scope of the Treaty should be broadened, that its provisions governing procedures for verification and compliance should be improved and that access to information on relevant technological developments should be facilitated. In this context, it was pointed out that the continuing deployment of nuclear weapons throughout the seas was a threat to all coastal States and regions involved and that, consequently, it was essential to begin negotiations on this question. It was stated by the delegation of a depositary State that the Treaty was fulfilling its objectives and that the very lack of controversy attested to its success. That Treaty was, in its view, of the greatest importance to the security of all nations. One delegation belonging to another depositary State recalled that it attached great significance to further measures to prevent an arms race on the sea-bed and the ocean floor and confirmed its readiness to conduct appropriate negotiations in order to achieve an international agreement or agreements on the full demilitarization of the sea-bed. 31/

53. At the fortieth session of the General Assembly, a number of countries, including Bulgaria, India, Morocco, the Philippines, Singapore and the USSR expressed their continued support of the Sea-Bed Treaty. The USSR and the Ukrainian SSR urged wider adherence to the Sea-bed Treaty and called for continued negotiations on additional measures to prevent an arms race on the sea-bed. 32/

54. On 12 December 1985, the General Assembly adopted without a vote resolution 40/94 J, which reads as follows:

The General Assembly,

Recalling its resolution 38/188 B of 20 December 1983, in which it reiterated its hope for the widest possible adherence 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, called again upon all States to refrain from any action which might lead to the extension of the arms race to the sea-bed and ocean

floor, and also requested the Conference on Disarmament to 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 in the subsoil thereof,

Taking note of the part of the report of the Conference on Disarmament on its consideration of further measures in the field of disarmament for the prevention of an arms race on the sea-bed, the ocean floor and in the subsoil thereof,

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

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

Requests the Conference on Disarmament, in consultation with 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, taking into account existing proposals and any relevant technological developments, to continue its consideration of further measures in the field of disarmament for the prevention of an arms race on the sea-bed, the ocean floor and in the subsoil thereof.

55. During the period 1986-1988, there was no substantive discussion on issues relating to Sea-Bed Treaty, either in the Conference on Disarmament or in the sessions of the General Assembly.

56. As contained in its Final Declaration, the Second Review Conference of the Parties to the Sea-Bed Treaty decided to hold a Third Review Conference in Geneva at the request of a majority of States Parties not earlier than 1988 and, in any case, not later than 1990. At an informal meeting of States Parties held during the forty-third session of the General Assembly of the United Nations, it was agreed that the Third Review Conference should be held in 1989.

57. At its forty-third session in 1988, the General Assembly adopted without a vote resolution 43/75 M, which reads as follows:

The General Assembly,

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

Noting the provisions of article VII of that Treaty concerning the holding of review conferences,

Bearing in mind that, in its Final Declaration, 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, held at Geneva from 12 to 23 September 1983, decided that a third review conference should be held at Geneva at the request of a majority of States parties not earlier than 1988 and not later than 1990,

Recalling also its resolution 38/188 B of 20 December 1983, in which it made an assessment of the outcome of the Second Review Conference,

Bearing in mind also all the relevant paragraphs of the Final Document of the Tenth Special Session of the General Assembly,

1. Notes that, following appropriate consultations, a preparatory committee for the Third 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 is to be established prior to holding a further review conference in 1989;

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.

58. The Preparatory Committee for the Third Review Conference of the Sea-Bed Treaty held one session from 24 to 27 April 1989 and adopted its report to the Conference, including recommendations regarding the organization of work of the Third Review Conference, as contained in document SBT/CONF.III/1. Among other things, the Committee decided that the Third Review Conference would be convened from 19 to 29 September 1989.

59. Furthermore, recalling the request in the Final Document, Part II, of the Second Review Conference with respect to Article V, the Preparatory Committee decided to invite the Conference on Disarmament to proceed promptly with consideration of further measures in the field of disarmament for prevention of an arms race on the sea-bed and the ocean floor and in the subsoil thereof. In this connection, the Preparatory Committee further decided to request the Conference on Disarmament to enable States Parties not members of the Conference on Disarmament to participate in this consideration in accordance with its rules of procedure.

60. In that connection, at its 513th plenary meeting on 29 June 1989, the Conference on Disarmament decided to hold an informal meeting on 18 July 1989 to consider the issue and, if necessary, an additional meeting on 20 July 1989.

#### STATUS OF THE TREATY

61. Since the First Review Conference in 1977, 18 countries have become Parties to the Treaty: Antigua and Barbuda, Argentina, Benin, Brazil, Cape Verde, Central African Republic, Congo, Democratic Yemen, Ethiopia, Greece, Jamaica, Luxembourg, Mexico, Republic of Korea, Sao Tome and Principe, Solomon Islands, Spain and Viet Nam. A list of Parties to the Treaty is reproduced in Annex IV.



Notes

- 1/ SBT/CONF.II/1.
- 2/ See Official Records of the General Assembly, Thirty-second session, Supplement No. 27 (A/32/27), paragraphs 240 and 241.
- 3/ Ibid.
- 4/ Ibid.
- 5/ Ibid.
- 6/ A/AC.1/32/PV.7 to 38, 40 and 44.
- 7/ Ibid.
- 8/ See Official Records of the General Assembly, Thirty-third session, Supplement No. 27 (A/33/27), paragraphs 219 to 221.
- 9/ Ibid.
- 10/ Ibid.
- 11/ See Official Records of the General Assembly, Tenth special session, Supplement No. 4 (A/S-10/4), p. 9.
- 12/ See Official Records of the General Assembly, Thirty-third session, Supplement No. 27 (A/33/27), paragraphs 222 and 223.
- 13/ Ibid.
- 14/ See A/C.1/33/PV.6.
- 15/ See A/C.1/33/PV.46.
- 16/ See CD/PV.2
- 17/ See CD/PV.5.
- 18/ See Document CD/13.
- 19/ See Official Records of the General Assembly, Thirty-fourth session, Supplement No. 27 (A/34/27), para. 21.
- 20/ See A/C.1/36/PV.12.
- 21/ See Official Records of the General Assembly, Twelfth special session, Supplement No. 2 (A/S-12/2) Appendix I.
- 22/ See Official Records of the General Assembly, Twelfth special session, Document A/S-12/32, Annex I. chapter V, Section E.
- 23/ See A/S-12/AC.1/PV.9.

24/ See CD/PV.187. See also Official Records of the General Assembly, Thirty-seventh session, Supplement No. 27 (A/37/27), para. 108.

25/ See A/C.1/37/PV.43.

26/ See Article 141 of the Convention.

27/ See CD/PV.190.

28/ See CD/421, para. 95.

29/ SBT/CONF.II/SR.1.

30/ The United Nations Disarmament Yearbook, Volume 8: 1983, pp. 403-404.

31/ Official Records of the General Assembly, Fortieth Session, Supplement No. 27 (A/40/27), paras. 112-113.

32/ A/C.1/40/PV.10, p. 37; A/C.1/40/PV.40, pp. 2-7.

ANNEX I

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

OPENED FOR SIGNATURE AT LONDON, MOSCOW AND WASHINGTON: 11 February 1971

ENTERED INTO FORCE: 18 May 1972

THE DEPOSITARY GOVERNMENTS: The Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

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The States Parties to this Treaty,

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

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

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

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

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

Have agreed as follows:

Article I

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

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

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

#### Article II

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

#### Article III

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

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

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

4. If consultation and co-operation pursuant to paragraphs 2 and 3 of this article have not removed the doubts concerning the activities and there remains a serious question concerning fulfilment of the obligations assumed

under this Treaty, a State Party may, in accordance with the provisions of the Charter of the United Nations, refer the matter to the Security Council, which may take action in accordance with the Charter.

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

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

#### Article IV

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

#### Article V

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

#### Article VI

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

#### Article VII

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

#### Article VIII

Each State Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that

extraordinary events related to the subject-matter of this Treaty have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it considers to have jeopardized its supreme interests.

#### Article IX

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

#### Article X

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

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

3. This Treaty shall enter into force after the deposit of instruments of ratification by 22 Governments, including the Governments designated as Depositary Governments of this Treaty.

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

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

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

#### Article XI

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

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

DONE in triplicate, at the cities of London, Moscow and Washington, this seventh day of February, one thousand nine hundred seventy-one.

## ANNEX II

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 \*/

## 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 June 1977 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,

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 continuing 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 the continuation of the trend towards a relaxation of tension in international relations provides 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,

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

Recognizing that the natural resources of the sea-bed and ocean floor beyond the limits of national jurisdiction, will have an increasing role in assuring the economic progress of States, particularly of developing countries, and recalling in this connection General Assembly resolution 2749 (XXV),

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,

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\*/ SBT/CONF/25/II

Affirming that no measures which may be decided upon in the context of international negotiations on the Law of the Sea will affect the rights and obligations assumed by the States parties under this Treaty,

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.

#### 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, 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 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. 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 V

The Conference affirms 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. 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 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 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 1972 which affect the operation of the Treaty. The Conference, nevertheless, recognizes the need to keep such developments under continuing review and invites the Conference of the Committee on Disarmament, in consultation with the States parties to the Treaty, to consider establishing an ad hoc expert group under its auspices for this purpose. Such a group might facilitate the implementation of the purposes stated in the section dealing with Article V. It might also contribute to the orderly preparation of the next Review Conference.

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 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 review conferences 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 five years that have elapsed since the date of entry of the Treaty into force have demonstrated its effectiveness. 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.

## ANNEX III

FINAL DECLARATION 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 \*/

## 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, and 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,

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\*/ SBT/CONF.II/20

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,

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 paragraph 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

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

2/ SBT/CONF.II/4.

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.

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 State 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.

## ANNEX IV

LIST OF STATES PARTIES TO AND SIGNATORIES OF 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. States Parties

- |   |  |
|---|--|
| 1. Afghanistan                                | 43. Malaysia   |
| 2. Antigua and Barbuda                        | 44. Malta  |
| 3. Argentina                                  | 45. Mauritius  |
| 4. Australia                                  | 46. Mexico   |
| 5. Austria                                    | 47. Mongolia   |
| 6. Belgium                                    | 48. Morocco  |
| 7. Benin                                      | 49. Nepal  |
| 8. Botswana                                   | 50. Netherlands  |
| 9. Brazil                                     | 51. New Zealand  |
| 10. Bulgaria                                  | 52. Nicaragua  |
| 11. Byelorussian Soviet<br>Socialist Republic | 53. Niger  |
| 12. Canada                                    | 54. Norway   |
| 13. Cape Verde                                | 55. Panama   |
| 14. Central African Republic                  | 56. Poland   |
| 15. Congo                                     | 57. Portugal   |
| 16. Côte D'Ivoire                             | 58. Qatar  |
| 17. Cuba                                      | 59. Republic of Korea  |
| 18. Cyprus                                    | 60. Romania  |
| 19. Czechoslovakia                            | 61. Rwanda   |
| 20. Democratic Yemen                          | 62. Sao Tome and Principe                                      |
| 21. Denmark                                   | 63. Saudi Arabia   |
| 22. Dominican Republic                        | 64. Seychelles   |
| 23. Ethiopia                                  | 65. Singapore  |
| 24. Finland                                   | 66. Solomon Islands  |
| 25. German Democratic Republic                | 67. South Africa   |
| 26. Germany, Federal Republic of              | 68. Spain  |
| 27. Ghana                                     | 69. Swaziland  |
| 28. Greece                                    | 70. Sweden   |
| 29. Guinea-Bissau                             | 71. Switzerland  |
| 30. Hungary                                   | 72. Togo   |
| 31. Iceland                                   | 73. Tunisia  |
| 32. India                                     | 74. Turkey   |
| 33. Iran (Islamic Republic of)                | 75. Ukrainian Soviet<br>Socialist Republic                     |
| 34. Iraq                                      | 76. Union of Soviet<br>Socialist Republics                     |
| 35. Ireland                                   | 77. United Kingdom of Great<br>Britain and Northern<br>Ireland |
| 36. Italy                                     | 78. United States of America                                   |
| 37. Jamaica                                   | 79. Viet Nam   |
| 38. Japan                                     | 80. Yugoslavia   |
| 39. Jordan                                    | 81. Zambia   |
| 40. Lao People's Democratic<br>Republic       |  |
| 41. Lesotho                                   |  |
| 42. Luxembourg                                |  |

II. Signatories

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|-------------------------|---------------------------------|
| 1. Bolivia              | 13. Lebanon                     |
| 2. Burma                | 14. Liberia                     |
| 3. Burundi              | 15. Madagascar                  |
| 4. Cameroon             | 16. Mali                        |
| 5. Colombia             | 17. Paraguay                    |
| 6. Costa Rica           | 18. Senegal                     |
| 7. Democratic Kampuchea | 19. Sierra Leone                |
| 8. Equatorial Guinea    | 20. Sudan                       |
| 9. Gambia               | 21. United Republic of Tanzania |
| 10. Guatemala           | 22. Uruguay                     |
| 11. Guinea              | 23. Yemen                       |
| 12. Honduras            |                                 |
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