

MEMORANDUM TO CABINET BY THE MINISTER OF COMMONWEALTH  
AND FOREIGN AFFAIRS

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

The United Nations General Assembly approved, at its 25th Session on the 7th December, 1970, a resolution commending this Sea-beds Arms Control Treaty. The resolution requested that the Treaty be opened for signature and ratification at the earliest possible date and expressed the hope for the widest possible adherence to the Treaty. Malta voted in favour of this resolution in the United Nations General Assembly.

The Sea-bed is becoming increasingly accessible and important to mankind. The Treaty would prevent the spread of nuclear weapons and weapons of mass destruction to this new environment, thereby helping to ensure that the potential for peaceful purposes of a vast area of our planet will be fully realized. The Treaty will be an important addition to the growing structure of multilateral arms control agreements contributing to international security. The main provisions of the treaty are contained in Articles I to V.

The principal obligation of the Treaty, contained in Article I, prohibits parties from placing nuclear weapons or other weapons of mass destruction on the sea-bed and the ocean floor beyond a 12-mile coastal "sea-bed zone". For the purposes of the Treaty, Article II provides that the "sea-bed zone" is to be measured in accordance with the provisions of Part I, Section II of the 1958 Convention on the Territorial Sea and the Contiguous Zone. This method of defining the boundaries beyond which the prohibitions would apply was chosen for convenience and uniformity of determination. To avoid any possible implication of prejudice regarding law-of-the-sea issues, the Treaty contains a broad disclaimer clause in Article IV which states that nothing in the Treaty shall be interpreted as supporting or prejudicing the position of any party regarding law-of-the-sea questions.

/The Treaty.....

The Treaty contains adequate and appropriate verification procedures that will allow the parties to assure themselves that the Treaty's obligations are being observed. These verification procedures set forth in Article III are consonant with present and developing technology relevant to verifying activities on the sea-bed. Parties may undertake verification pursuant to the Treaty using their own means or with the full or partial assistance of any other parties or through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

In Article V of the Treaty, the parties undertake 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 Crown Advocate General finds no objection on the legal plane to Malta signing this Treaty, but has drawn the attention to the use of the right of observation and verification which may be availed of under Article III of the Treaty by any power in or visiting the Mediterranean for other purposes than those inherent to the purposes of the Treaty.

Honourable Ministers are invited to agree to the Signing of this Treaty, copy of which is with the Secretary to Cabinet.

(In Cabinet 9.2.71)

Ministers considered Memo. No. 1703 and agreed to authorise the signing of a Treaty on the Prohibition of the 9.2.71. Emplacement of Nuclear Weapons or other Weapons of Mass Destruction on the Sea bed or Ocean Floor and subsoil thereof.