SUBJECT: CO-CHAIRMEN MEETING ON REVISED SEABED TREATY

REF: GENEVA 1145

1. At co-chairmen meeting afternoon April 13, Roshchin (USSR) gave Leonard (US) text of revised draft seabed treaty (RefTel#), and proposed that it be tabled in CCD as joint US-USSR draft ASAP.

2. Sov draft is identical to text contained in annex A of US position paper (with deletion of bracketed language and addition of underscored language) except for expected deletion of references to international procedures and good offices of SyG in paras 3 and 5 of article III, and following minor drafting changes: article II reference to "that convention" in second line from bottom appears: "This convention" in Sov draft. Article III, para 3, end of second sentence: "words "paragraph 2 above" appear as "paragraph 2 of this article". Article V phrase "to the treaty" in first sentence and at beginning of second sentence is deleted in Sov draft.

DECLASSIFIED
PA/HQ Department of State
E.O. 12958, as amended
August 6, 2007
ARTICLE VIII - SOVS SUBSTITUTED WORDS "THREE TREATY" FOR WORD "IT" IN SECOND LINE. ARTICLE IX, PARA. 2. - SOVS HAVE NOT LISTED NAMES OF DEPOSITARY STATES. COMMENT: USDELI RECOMMENDS THAT WE AGREE TO AND TABLE SOV DRAFT AS REVISED JOINT DRAFT TREATY END COMMENT.

3. IN CONVEYING TEXT, ROSCHIN POINTED OUT THAT IT INCORPORATES ALL CHANGES DESIRED BY US, OR RECOMMENDED BY US IN RESPONSE TO SUGGESTIONS OF OTHER CCD DELS. HE NOTED THAT DEPOSITARY GOVTS ARE LEFT BLANK IN PARA. 2. ARTICLE IX TO ALLOW FRANCE TO ASSOCIATE ITSELF WITH TREATY AT A LATER STAGE IF IT SO DESIRES (A PROCEDURE WE SAID WAS USED WITH NPT).

4. RECALLING PROBLEM OF UIAR (SEE GENEVA 718) WITH WHAT IT CONSIDERED "REQUIREMENT" IN CANADIAN ARTICLE III THAT PARTIES CONSULT OTHER PARTIES ABOUT SUSPECTED VIOLATION BEFORE REFERRING MATTER TO SECURITY COUNCIL, ROSCHIN SAID HE WAS INSTRUCTED TO MAKE FOLLOWING STATEMENT WHEN PRESENTING DRAFT TO CCD AND TO REQUEST THAT US CO-CHAIRMAN MAKE PARALLEL STATEMENT IN CCD. LEONARD SAID HE WOULD RECOMMEND TO WASHINGTON THAT WE DO SO, SINCE THE STATEMENT SETS FORTH THOUGHTS WE HAD ALREADY EXPRESSED TO UIAR DELEGATION BEGIN TEXT:

CONSULTATIONS AMONG THE STATES PARTIES PROVIDED FOR IN PARAGRAPH 2 OF ARTICLE III WITH A VIEW TO REMOVING DOUBTS THAT MAY ARISE REGARDING THE FULFILLMENT OF THE TREATY ARE NOT OF COURSE AN OBLIGATORY PRECONDITION OF THE USE UNDER PARAGRAPH 4 OF THE SAME ARTICLE BY THE STATES PARTIES OF THE RIGHT TO APPLY TO THE SECURITY COUNCIL IN ACCORDANCE WITH THE PROVISIONS OF THE CHARTER OF THE UNITED NATIONS IN CASES WHEN THERE EXIST SERIOUS GROUNDS TO DO SO. THEREFORE, ANY PARTY MAY APPLY DIRECTLY TO THE SECURITY COUNCIL WITHOUT RESORTING TO CONSULTATIONS END TEXT.

5. ROSCHIN SAID HIS INSTRUCTIONS CALLED FOR COMPLETING CONSIDERATION OF SEALED TREATY AT SPRING SESSION OF CCD. HE THOUGHT IT SHOULD BE POSSIBLE TO DO THIS SINCE SOVS HAD ACCEPTED SO MANY SUGGESTIONS OF OTHER DELS AND HAD EXHAUSTED POSSIBILITIES FOR FURTHER SUBSTANTIVE CHANGES. IN TREATY TEXT, LEONARD ARGUED AGAINST SUCH COURSE, POINTING OUT THAT MANY NONALIGNED DELS HAVE TOLD US IT WOULD TAKE THEM AT LEAST A MONTH TO GET INSTRUCTIONS ON NEW TEXT. HE SAID IT WOULD CREATE AN EXTREMELY BAD ATMOSPHERE IN COMMITTEE IF CO-CHAIRMEN PRESSED FOR QUICK ACTION ON TREATY BEFORE RECESS, HOLDING DELS HERE FOR SEVERAL WEEKS FOR THIS PURPOSE, AND THAT WE WOULD HAVE BETTER CHANCE OF DEVELOPING CONSENSUS IN SUPPORT OF.
TREATY IF WE ALLOWED DELS AND THEIR GOVTS SUFFICIENT TIME TO REVIEW TEXT. CO-CHAIRMEN AGREED TO POSTPONE DECISION ON RECESS AND TO CONSULT WITH OTHER CCD DELS ON THIS MATTER DURING NEXT FEW DAYS.

6. ON TIMING OF TABLING, LEONARD SAID HE WOULD REPORT IMMEDIATELY TO WASHINGTON AND HOPED TO HAVE REACTION TO NEW TEXT WITHIN A FEW DAYS. HE SAID WE WOULD INFORM OUR CCD ALLIES MORNING APRIL 13 THAT SOVS HAD GIVEN US RESPONSE ON SEABED TREATY; HOWEVER, WE WOULD GIVE OUR ALLIES COPY OF REVISED DRAFT ONLY AFTER WE HAD RECEIVED WASHINGTON'S COMMENTS AND HAD CONFIRMED TO SOV CO-CHAIRMAN THAT THERE WERE NO OUTSTANDING PROBLEMS BETWEEN OURSELVES REGARDING TEXT. LEONARD ADDED THAT WE WOULD NEED ABOUT TEN DAYS TO COMPLETE CONSULTATIONS WITHIN USG AND WITH ALLIES BEFORE ACTUALLY TABLING TREATY AND THEREFORE DATE FOR TABLING WOULD PROBABLY BE ABOUT APRIL 23. GP=3.

RIMESTAD