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COMMITTEE ON THE PEACEFUL USES OF THE  
SEA-BED AND THE OCEAN FLOOR BEYOND THE  
LIMITS OF NATIONAL JURISDICTION

Dual distribution

DRAFT STATUTE FOR AN INTERNATIONAL  
SEA-BED AUTHORITY

As submitted by the United Republic of Tanzania

The Contracting Parties

Recalling resolutions 2340 (XXII) of 18 December 1967, 2467 (XXIII) of 31 December 1968, 2574 (XXIV) of 15 December 1969, and 2750 (XXV) of 17 December 1970 of the General Assembly of the United Nations,

Recalling the Declaration of Principles Governing the Sea-Bed and the Ocean Floor and the Subsoil Thereof, Beyond the Limits of National Jurisdiction adopted by the General Assembly on 17 December 1970,

Desiring to ensure that the exploration and use of the sea-bed and ocean floor should be conducted in accordance with the Purposes and Principles of the Charter of the United Nations and in conformity with the Declaration of Principles Governing the Sea-Bed and the Ocean Floor and the Subsoil Thereof, Beyond the Limits of National Jurisdiction, in the interest of maintaining international peace and security and for the benefit of all mankind and in particular the interests of developing countries,

Mindful of the importance of preserving the sea-bed and the ocean floor and the subsoil thereof, beyond the limits of national jurisdiction from actions and uses which might be detrimental to the common interests of mankind,

Hoping to foster greater international co-operation and co-ordination in the peaceful exploration and exploitation of the sea-bed and ocean floor and its subsoil thereof beyond the limits of national jurisdiction.

Article 1

Agree to establish an international sea-bed authority (hereinafter known as the Authority) to operate in conformity with the Declaration of Principles and in accordance with the Statute that follows:

Fundamental Aims

Article 2

(1) The fundamental aims of the Authority shall be to provide for the orderly and safe development and rational management of the sea-bed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction and its resources and for expanding opportunities in the use thereof and shall ensure the equitable sharing by States in the benefit derived therefrom, taking into particular consideration the interests and needs of the developing countries, whether landlocked or coastal.

(2) In pursuing these aims, the Authority shall pay particular attention to the desirability of minimizing fluctuations of prices of land minerals and raw materials that may result from the exploitation of the resources of the area.

Delimitation

Article 3

(1) The national jurisdiction of a coastal State shall extend to an adjacent area of the sea-bed and the ocean floor and the subsoil thereof, including its resources, to a water depth of ..... metres. A coastal State may, in its discretion, declare that its jurisdiction over such area and its resources extends to a line, every point of which is not more than ..... miles from the nearest points on the base lines, from which the breadth of its territorial sea is measured.

(2) Each Contracting Party shall notify to the International Sea-bed Authority, established pursuant to Article I of this Convention, the limit of its national jurisdiction over the adjacent area of the sea-bed and the ocean floor and the subsoil thereof, including its resources, defined by co-ordinates of latitude and longitude and evidenced by appropriate large-scale maps.

(3) The International Sea-bed Authority may take such steps as may be necessary, in collaboration with the notifying State, to verify the contents of such notification.

(4) Nothing in this Article shall affect any agreement or prejudice the position of any Contracting Party with respect to the delimitation of boundaries of sea-bed areas between opposite or adjacent States.

### Characteristics of the Area

#### Article 4

The sea-bed and the ocean floor and the subsoil thereof and its resources lying beyond the limits of national jurisdiction, as defined in paragraph 1 of Article 3 (hereinafter called the International Sea-bed Area) is the common heritage of mankind and shall, as such, be subject to the régime hereinafter set forth.

#### Article 5

The International Sea-bed Area shall not be subject to appropriation by any means by States or persons, natural or juridical, and no State shall claim or exercise sovereignty or sovereign rights over any part thereof.

#### Article 6

No State or person, natural or juridical, shall claim, exercise or acquire, rights with respect to the International Sea-bed Area or its resources incompatible with the provisions of this Convention.

#### Article 7

The International Sea-bed Area shall be open to use, exclusively for peaceful purposes, by all States, whether coastal or land-locked, without discrimination in accordance with the provisions of this Convention.

#### Article 8

All activities regarding exploration and exploitation of the resources of the International Sea-bed Area, and other related activities, shall be subject to regulation by the International Sea-bed Authority, established pursuant to Article I of this Convention, and shall in all respects be governed by the provisions of this Convention.

#### Article 9

The exploration of the International Sea-bed Area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, whether land-locked or coastal, and taking into particular consideration the interests and needs of the developing countries.

Obligations of the Parties

Article 10

States shall act in the area in accordance with the applicable principles and rules of international law including the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970, in the interests of maintaining international peace and security and promoting international co-operation and mutual understanding.

Article 11

Exploration and exploitation of the resources of the International Sea-bed Area must not result in any unjustifiable interference with other activities in the marine environment.

Article 12

All activities in the International Sea-bed Area shall be conducted with strict and adequate safeguards for protection of human life and safety of the marine environment.

Article 13

All activities of exploration and exploitation of the resources of the Area and other related activities shall be conducted by or on behalf of the International Sea-bed Authority, or by a Contracting Party or group of Contracting Parties or natural or juridical persons under its or their sponsorship, all subject to the general supervision and control of the International Sea-bed Authority.

Article 14

- (1) Each Contracting Party shall take appropriate measures to ensure that those conducting activities under its sponsorship comply with this Convention.
- (2) Each Contracting Party shall make it an offence for those conducting activities under its sponsorship in the International Sea-bed Area to violate the provisions of this Convention. Such offences shall be punishable in accordance with administrative or judicial procedures established by the Contracting Party sponsoring such activities.

- (3) Each Contracting Party shall be responsible for maintaining public order on manned installations and equipment operated by it or those sponsored by it.
- (4) Each Contracting Party shall be responsible for damages caused by activities which it sponsors, to any other Contracting Party or its nationals.
- (5) A group of States acting together, pursuant to agreement among them or through an international organization, shall be jointly and severally responsible under this Convention.

#### Article 15

All disputes arising out of the interpretation or application of this Convention shall be settled in accordance with the provisions of Article 39 hereunder.

#### Powers of the Authority

#### Article 16

The International Sea-bed Authority is empowered:

- (1) to explore the International Sea-bed Area and exploit its resources for peaceful purposes by means of its own facilities, equipment and services, or such as are procured by it for the purpose;
- (2) to issue licences to Contracting Parties, individually or in groups, or to persons, natural or juridical, under its or their sponsorship with respect to all activities of exploration of the International Sea-bed Area and the exploitation of its resources for peaceful purposes, and related activities, subject to such terms and conditions, including the payment of appropriate fees and other charges, as the Authority may determine;
- (3) to provide for the equitable sharing by Contracting Parties of raw materials obtained from the International Sea-bed Area, funds received from the sale thereof, and all other receipts, as well as scientific information and such other benefits as may be derived from the exploration of the International Sea-bed Area and the exploitation of its resources;
- (4) to establish or adopt in consultation, and where appropriate, in collaboration with the competent organ of the United Nations, and with the specialized agencies concerned, measures designed to minimize and eliminate fluctuation of prices of land minerals and raw materials that may result from the exploitation of the resources of the International Sea-bed Area, and any adverse economic effects caused thereby;

- (5) to encourage and assist research on the development and practical application of scientific techniques for the exploration of the International Sea-bed Area and the exploitation of its resources, and to perform any operation or service useful in such research;
- (6) to make provision in accordance with this Convention for services, equipment and facilities to meet the needs of research on and development and practical application of scientific techniques for the exploration of the International Sea-bed Area and the exploitation of its resources for peaceful purposes;
- (7) to foster the exchange of scientific and technical information on the peaceful uses of the International Sea-bed Area and its resources;
- (8) to promote and encourage the exchange and training of scientists and experts in the field of exploration of the sea-bed and the exploitation of its resources;
- (9) to establish oceanographic institutions on a regional basis for the training of nationals of developing countries in all aspects of marine science and technology;
- (10) to provide, upon request, technical assistance and experts for the use of developing countries in oceanographic exploration and exploitation;
- (11) to establish and administer safeguards designed to ensure that materials, services, equipment, facilities and information made available by the Authority or at its request or under its supervision or control are not used in such a way as to further any military purpose;
- (12) to establish and adopt, in consultation and, where appropriate, in collaboration with the competent organ of the United Nations and with the specialized agencies concerned, standards of safety for protection of health and minimization of danger to life and property, and the protection of the marine environment as a whole, and to provide for the application of these standards to its own operations as well as to all other operations authorized by it or under its control or supervision;
- (13) to acquire or establish any facilities, plant and equipment useful in the carrying out of its authorized functions;
- (14) to take any action necessary to give effect to the provisions of this Convention.

#### Article 17

In carrying out its functions, the International Sea-bed Authority shall:

- (1) conduct its activities in accordance with the purposes and principles of the United Nations to promote peace and international co-operation, and in conformity with policies of the United Nations furthering the establishment of safeguarded worldwide disarmament and in conformity with any international agreements entered into pursuant to such policies;

- (2) establish control over the use of materials obtained by the Authority in order to ensure that these materials are used only for peaceful purposes;
- (3) allocate all benefits derived from the exploration of the International Sea-bed Area and the exploitation of its resources in such a manner as to secure the greatest possible general benefit in all areas of the world, taking into particular consideration interests and needs of the developing countries, whether land-locked or coastal;
- (4) submit reports on its activities annually to the General Assembly of the United Nations and, when appropriate, to the other organs of the United Nations on matters within the competence of those organs: if in connexion with the activities of the Authority there should arise questions that are within the competence of the Security Council, the Authority shall notify the Security Council, as the organ bearing the main responsibility for the maintenance of international peace and security.

#### Membership

##### Article 18

Membership of the International Sea-bed Authority shall be open to all States. All of the Contracting Parties of this Convention shall comprise the membership and such other States as may be invited by the members of the Authority and who accept such invitation.

#### Organs of the Authority

##### Article 19

- (1) The principal organs of the Authority shall be the Assembly, the Council, and the Secretariat headed by the Secretary-General;
- (2) The Authority and each of its organs may establish such subsidiary organs, adopt such rules, and determine their schedules of meetings, as may be necessary to carry out the fundamental aims enumerated in Article 2.

#### The Assembly

##### Article 20

- (1) The Assembly shall be the supreme organ of the Authority and shall be composed of all members of the Authority;
- (2) Each member shall have not more than three representatives who may be assisted by advisers in the Assembly;
- (3) The Assembly may discuss any question or any matter within the scope of the Authority or relating to its powers and functions and may formulate recommendations to the Council on any matter related to the Authority's fundamental aims;

(4) The Assembly may initiate studies designed to advance the fundamental aims of the Authority or to carry out its decisions;

(5) The Assembly shall approve the Authority's budget.

(6) The Assembly shall receive and consider biannual and special reports from the Council and the Secretary-General.

#### Article 21

The Assembly shall meet in ordinary session every two years. Extraordinary sessions may be convened at the request of the Council or of a simple majority of the members of the Assembly.

#### Article 22

The Assembly shall adopt its own rules of procedure. Until such time as it does so, the rules of procedure of the General Assembly of the United Nations shall apply mutatis mutandis.

#### Article 23

The Assembly shall elect its President and Vice-President at the beginning of each session.

#### The Council

#### Article 24

(1) The Council shall consist of 18 members elected by the Assembly and shall include not less than 3 land-locked States. Members serving on the Council shall be selected with due regard to geographic distribution;

(2) Substantive decisions of the Council shall be made by a two-third majority vote of its members. Procedural decisions (including the question what is a substantive decision) shall be made by a simple majority vote;

(3) Terms of office for members of the Council shall be three years. Members may serve successive terms;

(4) The United Nations General Assembly shall conduct the first election; subsequent elections shall be conducted by the Authority's Assembly.

#### Article 25

The Council shall meet at least twice a year.

#### Article 26

The Council shall elect a Chairman from among its members to serve for the first month. Thereafter the Chairmanship shall rotate among the members of the Council in alphabetical order.



Article 27

Save as in herein provided, the Council shall adopt its own rules of procedure.

Article 28

- (1) The Council shall be the executive organ of the Authority and shall execute policy decisions of the Assembly;
- (2) Between sessions of the Assembly, the Council shall take such administrative and technical decisions as may be necessary within the functions and financial resources of the Authority, and shall report the decisions which have been taken to the Assembly at the Assembly's following session, for approval.

Article 29

- (1) The Council shall be responsible for the promulgation of rules and regulations pertaining to the following subjects:
  - (a) Issuing of licences for the exploration of the area;
  - (b) Issuing of licences for the exploitation of the resources of the area;
  - (c) Collection of fees and royalties as provided by the terms of the licences;
  - (d) Prevention of pollution and contamination from sea-bed activities;
  - (e) Establishment of liability for damages arising from exploration and exploitation of the area and its resources;
  - (f) Prevention of harmful interference with marine resources from activities conducted in the area;
  - (g) Provision of technical assistance to developing countries to increase their capabilities to participate in activities related to the area;
  - (h) Inspection of exploration and exploitation activities in relation to the area and its resources;
  - (i) Arbitral procedure for the settlement of disputes;
  - (j) And such other matters as the Assembly may authorize.
- (2) The Council shall issue licences for exploration or exploitation of the area and its resources to members of the Authority or groups of members in accordance with such criteria as may be laid down by the Assembly.
- (3) Regulations issued by the Council shall take effect on dates specified by the Council and may be revoked only by the Council or the Assembly.
- (4) Regulations issued by the Council may specify, but are not limited to, such matters as:

- (a) The minimum and maximum areas in which exploration or exploitation rights shall be granted;
  - (b) Time limits for such rights;
  - (c) Performance requirements upon which the grants are based;
  - (d) Payments to be made to the Authority;
  - (e) Rules to be observed in order to minimize interference with navigation, fishing and other marine activities, submarine cables, and pipelines; and
  - (f) Anti-pollution standards.
- (5) The Council shall have the Authority subject to Article 21 to remind or suspend a licence of any member who violates its conditions.
- (6) Opportunities to apply for licences and information about all licences and information about all licences allocated shall be publicized to all States and to the Press.

#### Article 30

Individual States or groups of States receiving licences may themselves engage in authorized activities, or they may transfer their rights to individuals or to private or public enterprises within their jurisdiction. They may not, however, transfer their rights to other States without the consent of the Authority. States receiving licences remain responsible for the performance of their conditions.

#### The Secretariat

##### Article 31

- (1) The Secretariat shall consist of a Secretary-General elected by the Assembly and such staff as the Authority may require.
- (2) The Secretary-General shall prepare the Authority's budget and shall present it to the Council which shall then submit it, with its recommendations, to the Assembly for its approval.
- (3) The Secretary-General shall report biannually to the Assembly, and shall have the power to propose items for the agenda of the Assembly and the Council.
- (4) The Secretary-General shall serve for a term of five years which may be extended or renewed by the Assembly.
- (5) The Secretary-General may, subject to financial provisions, recruit such staff as may be necessary to carry out the aims of the Authority.
- (6) Members of the staff, designated by the Secretary-General, shall, at all reasonable times, have access to the installations, facilities, and activities of members relating to the area and its resources, for inspection and enforcement purposes.

Article 32

The Authority shall co-operate with the United Nations, the specialized agencies, and other agencies related to the United Nations, in carrying out its functions, especially in those areas where previously existing agencies are already conducting significant programmes relating to the area and its resources.

Revenue - Sharing

Article 33

(1) Members of the Authority engaged in exploring and exploiting the area and its resources or who have authorized such activities to be carried out within their jurisdiction agree to pay whatever monies are due to the Authority according to scales established by the Council and specified in each licence.

(2) After administrative costs and the costs of the Authority's own programmes are met, income received by the Authority shall be made available, on the basis of equitable sharing to be determined by the Assembly, to member States for their development.

(3) Until the Authority becomes self-sufficient, administrative costs will be met by members of the Authority in conformity with the United Nations' scale of contributions.

Article 34

(1) For the purposes specified in Article 33 (2) the Authority shall establish a Distribution Agency and a Stabilization Board.

(2) The Distribution Agency shall be composed of three to five persons appointed by the Assembly whose task will be to assess all the income available to the Authority from the sale of raw materials, from licence fees, royalties and any other charges or payments and on the basis of such assessment, to recommend to the Assembly the equitable sharing of such income among members according to the inverse ratio of their respective contributions to the annual budget of the United Nations. In the case of members of the Authority who are not Members of the United Nations, their share of income shall be determined by the Agency according to their stage of development. Upon approval by the Assembly of its recommendations, the Agency shall supervise the distribution of such income.

Price Stabilization

Article 35

(1) In exercise of the powers conferred in Article 16 (4), the Authority shall establish a Stabilization Board.

(2) The Stabilization Board shall be composed of three to five persons appointed by the Assembly whose task will be to investigate the current conditions of supply and demand and the price rates regarding raw materials obtained from the international sea-bed and those obtained on land. The Board shall have the power to fix the price rates at which shall be sold all raw materials obtained from the International Sea-bed Area and to determine the quantities of such materials which may at any given time be sold or made available to those desiring them. In considering what prices shall be fixed and what quantities shall be sold or made available, the Board shall balance the need of the world community for raw materials and the need for stability of the economies of the producers of land minerals, particularly when such producers are among the developing countries.

#### Article 36

If a dispute arises between the Agency or the Board and a member or group of members regarding the distribution of income or the price or the marketing of raw materials obtained from the International Sea-bed Area, such dispute shall be settled according to the procedure set out in Article 39 (2).

#### Headquarters and Regional Centres

##### Article 37

(1) In order to fulfil its role the Authority shall establish and maintain in addition to a headquarters, four regional sub-headquarters or centres for the direction of scientific training and research programmes and the performance of such administrative functions as may be assigned by the Authority.

(2) The location of the headquarters shall be in . . . . . and of the regional sub-headquarters or centres shall be . . . . . and . . . . .

#### Legal Personality

##### Article 38

(1) The Authority shall have legal personality and may sue or be used in its own name.

(2) Staff members of the Authority when engaged in the execution of its functions, shall have in the country of each member such privileges and immunities as may be necessary for the performance of their duties.

## Settlement of Disputes

### Article 39

- (1) The members agree that any dispute between them in regard to the meaning or the scope of a licence which cannot be settled by negotiation, mediation or arbitration shall be submitted for decision to the International Court of Justice.
- (2) Any dispute between the Authority and a member shall be submitted if negotiation, mediation or arbitration fail to the International Court of Justice.

## Suspension

### Article 40

- (1) If any member is found by the Assembly to persist in a policy that is contrary to the fundamental aims of the Authority or to the Charter of the United Nations, the Assembly may, by a resolution adopted by a majority of two-thirds of members present and voting, suspend such member from exercising the rights and enjoying the privileges of membership.
- (2) The suspension shall remain in force until a change of such policy is recognized by the Assembly.

## Withdrawal

### Article 41

Any member may withdraw from the Authority on the expiry of one year's notice in writing to the Secretary-General. A member withdrawing shall be liable for assessments on a pro rata basis up to the time the withdrawal becomes effective.

## Loss of Voting Privileges

### Article 42

A member which is in arrears in the payment of its financial contribution to the Authority's expenditure shall be deprived of the privileges enjoyed by the members of voting in the Assembly or Council if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two financial years.

## Languages

### Article 43

The official language of the Authority shall be English, French, Spanish and Russian. The working languages of the regional sub-headquarters or centres may be any languages agreed upon by the members in the area concerned.

Review

Article 44

The Contracting Parties shall review this Statute every five years. The Statute may be amended by consent of two-thirds of the members.

Entry into Force

Article 45

This Convention shall enter into force when ratified by ..... States.