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

UNION OF SOVIET SOCIALIST REPUBLICS:
PROVISIONAL DRAFT ARTICLES OF A TREATY ON THE USE
OF THE SEA-BED FOR PEACEFUL PURPOSES

The States Parties to this Treaty,

Attaching great importance to the rational and orderly use of the sea-bed and the subsoil thereof beyond the limits of the continental shelf exclusively for peaceful purposes and for the benefit of the peoples of all countries,

Considering that co-operation in this field between States, on the basis of a treaty, would contribute to the maintenance of international peace and security and to the development of international co-operation, and would also promote the utilization of the resources of the sea-bed in the interests of economic progress, including the interests of the economies of the peoples of the developing countries,

Noting the great importance 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, as an important step towards the exclusion of the sea-bed and the ocean floor from the arms race,

Recalling General Assembly resolution 2749 (XXV) approving the Declaration of Principles Governing the Sea-Bed and the Ocean Floor and the Subsoil Thereof beyond the Limits of National Jurisdiction, which provides inter alia that an international régime applying to the sea-bed and the subsoil thereof shall be established by "an International Treaty of a universal character, generally agreed upon",

Convinced that the conclusion of a Treaty on the Use of the Sea-Bed for Peaceful Purposes will contribute to the realization of the Purposes and Principles of the United Nations Charter and to the strengthening of the principles of international law governing the freedom of the seas, including the freedom of research,

GE.71-17212

Have agreed as follows:

Article 1

The sea-bed and the subsoil thereof within the limits specified in articles 2 and 3 of this Treaty shall be open to use exclusively for peaceful purposes by all States, whether coastal or land-locked, without any discrimination whatsoever.

Article 2

The provisions of this Treaty shall apply to the sea-bed of the high seas and the subsoil thereof beyond the limits of the continental shelf. In areas where there is no continental shelf, the provisions of this Treaty shall apply to the sea-bed of the high seas, beginning at the demarcation line provided for in article 3 of this Treaty.

Article 3

(Question of the limits of the sea-bed)

Article 4

The use of the sea-bed and the subsoil thereof for the purpose of exploring and exploiting its resources shall not conflict with the principles of freedom of navigation, fishing, research and other activities on the high seas.

Article 5

1. No State shall claim or exercise sovereignty or sovereign rights over any part of the sea-bed or the subsoil thereof. States Parties to this Treaty shall not recognize any such claim or exercise of sovereignty or sovereign rights.
2. Similarly, the sea-bed and the subsoil thereof shall not be subject to appropriation by any means, by States or persons, natural or juridical.

Article 6

1. The use of the sea-bed and the subsoil thereof for military purposes shall be prohibited.
2. None of the provisions of this Treaty may be applied or construed in a manner prejudicial to any measures which have been or may be agreed upon in the context of international disarmament negotiations and which may be applicable to an area larger than that specified in articles 2 and 3 of this Treaty.
3. Similarly, none of the provisions of this Treaty may be regarded as an impediment to the conclusion or application of disarmament agreements relating to the sea-bed, including the application 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.

4. With a view to the effective implementation of the provisions of paragraph 1 and of the measures provided for in paragraph 2 of this article, and also with a view to the exclusion of the sea-bed and the subsoil thereof from the arms race, the States Parties to this Treaty undertake to conclude further international agreements as soon as possible.

Article 7

In regard to the sea-bed and the subsoil thereof, States shall act in accordance with the 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, and also in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples, in the interests of maintaining international peace and security and in the interests of the peaceful co-existence of States with different social systems and the promotion of international co-operation and mutual understanding.

Article 8

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

Article 9

(Question of licences for industrial exploration
and exploitation of sea-bed resources)

Article 10

1. With a view to the industrial exploration and exploitation of the resources of the sea-bed and the subsoil thereof, stationary and mobile installations may be erected and emplaced.
2. The installations referred to in paragraph 1 of this article shall not be placed in straits and at points where they may obstruct passage on sea-lanes of vital importance for international shipping or at points of intense fishing activities. Such installations shall be erected, emplaced and operated in accordance with article 12 of this Treaty. Safety zones shall be established around these installations, with appropriate navigational markings to ensure the safety both of the installations themselves and of shipping.

3. The safety zones referred to in paragraph 2 of this article may extend for a distance of 500 metres around the installations erected, measured from each point of their periphery. The configuration and location of the safety zones in each area of the world's oceans shall be such that they do not together form a belt barring the access of shipping to particular maritime zones or cutting across international sea-lanes.
4. Installations for the exploitation of the resources of the sea-bed and the subsoil thereof shall be erected and emplaced by States within the limits of the sectors of the sea-bed used by them. On the expiry of the period for which a sector has been allocated to a State, such installations shall be dismantled and removed, unless another State to which the same sector has been allocated under the procedure specified in this Treaty acquires the said installations for the purpose of exploiting the resources of the sector.
5. The construction or emplacement of any under-water or surface installations for the exploration and exploitation of the resources of the sea-bed and the subsoil thereof, and also the removal of such installations, shall immediately be notified by Notices to Mariners or other generally recognized means of notification. Measures shall also be taken to maintain means of warning mariners of the presence of such installations.
6. Such installations shall not possess the status of islands and shall have no territorial sea, and their presence shall not affect the determination of the limits of the territorial sea or of the limits of the sea-bed in accordance with article 3 of this Treaty.

Article 11

1. All types of activities by States on the sea-bed and in the subsoil thereof, as provided for in this Treaty, shall be undertaken in compliance with the rules for the protection of human life at sea.
2. States engaged in the industrial exploration or exploitation of the resources of the sea-bed and the subsoil thereof shall take appropriate measures and co-operate with one another to prevent pollution and contamination of the marine environment and also to prevent interference with its ecological balance as a result of activities on the sea-bed. Furthermore, such activities must not cause damage to the flora and fauna of the marine environment.
3. The aforementioned States shall establish rules for the operational safety of the installations referred to in article 11 of this Treaty, and shall co-operate with one another in this regard.

Article 12

1. The industrial exploration and exploitation of the resources of the sea-bed and the subsoil thereof shall not create any unjustifiable obstacles to activities in the marine environment which are conducted in accordance with the generally recognized principles of international law.
2. Accordingly, the dimensions and configuration of sectors of the sea-bed used for the exploitation of the resources of the sea-bed and the subsoil thereof, the location of these sectors in relation to one another and the number of sectors in a particular area of the world's oceans shall not be such that the sectors (even with spaces between them) together form a belt across maritime zones through which the vessels of States having no coastline on the Atlantic, Pacific or Indian Oceans make their way to the waters of these oceans or to the international sea-lanes crossing them.
3. The foregoing provision shall apply also to areas in which the industrial exploration of the resources of the sea-bed and the subsoil thereof is being undertaken and to the number and location of the installations erected for the industrial exploration of the resources of the sea-bed and the subsoil thereof.
4. Installations erected for the industrial exploration or exploitation of the resources of the sea-bed and the subsoil thereof shall not be used for military purposes of any kind. In particular, they shall not be used for the emplacement, storage or testing of any military equipment or weapons.
5. Shipping and other activities in the marine environment in the areas in question shall be exercised with reasonable regard for the industrial exploration and exploitation of the aforementioned resources, provided that activities on the sea-bed and in the subsoil thereof are conducted in accordance with the provisions of paragraphs 1-4 of this article.

Article 13

States Parties shall, in accordance with the provisions of this Treaty, take steps for the orderly and rational exploitation of the resources of the sea-bed and the subsoil thereof.

Article 14

(Question of the distribution of benefits)

Article 15

1. A State Party to this Treaty, which has grounds for believing that activities on the sea-bed by another State Party are contrary to the provisions of this Treaty, may request that consultations be held on the subject of those activities.

2. States Parties to the Treaty shall not, as a rule, refuse requests for consultations as provided for in paragraph 1 of this article.

3. In the event that a request for consultations is refused, the States concerned shall settle their dispute in accordance with the procedure provided for in article 22, paragraph 2 (i), of this Treaty.

Article 16

1. A State Party to the Treaty shall be responsible for ensuring that activities connected with the industrial exploration and exploitation of the resources of the sea-bed, including the activities of natural and juridical persons under its jurisdiction or acting on its behalf, are conducted in accordance with this Treaty.

2. A State Party to the Treaty shall be responsible for any damage caused to another State Party to the Treaty as a result of activities on the sea-bed.

Article 17

1. The International Sea-Bed Resources Agency, of which States Parties to this Treaty may become members, is hereby established.

2. The principal organs of the International Agency shall be the Conference of States members of the Agency and the Executive Board.

3. The administrative and technical servicing of the activities of the Agency and its organs shall be undertaken by the Secretariat, headed by the Executive Secretary.

Article 18

1. The Conference of the Agency shall be composed of all States members of the Agency.

2. The functions of the Conference shall be to:

- (a) Establish the Executive Board;
- (b) Consider and approve the Agency's administrative budget;
- (c) Consider general questions relating to the exploitation of the resources of the sea-bed and the subsoil thereof;
- (d) Adopt resolutions, on the recommendation of the Executive Board, depriving States of the rights and privileges arising from membership of the Agency, in the event of systematic violations of the provisions of this Treaty, and adopt resolutions, depriving States of the said rights and privileges on the recommendation of the United Nations Security Council;
- (e) Consider the reports of the Executive Board;
- (f) Appoint, on the recommendation of the Executive Board, the Executive Secretary of the Agency, and consider questions concerning the staff of the Secretariat;

- (g) Draft general principles and also recommendations to States concerning the prevention of pollution and contamination of the marine environment as a result of the exploration and exploitation of sea-bed resources;
- (h) Consider other questions which may arise in connexion with application of this Treaty, unless they come within the competence of the Executive Board.

Article 19

Regular sessions of the Conference shall be convened every two years. Extraordinary sessions may be held at the request of the Executive Board or a majority of the Parties to this Treaty.

Article 20

- 1. Each State participating in the Conference shall have one vote.
- 2. Decisions by the Conference on questions of substance shall be made by a two-thirds majority of the members of the Agency present and voting; decisions on procedural questions shall be made by a simple majority.

Article 21

- 1. The Executive Board shall consist of thirty States. The Board shall accordingly include five States from each of the following groups of countries:

- (a) the socialist countries,
 - (b) the countries of Asia,
 - (c) the countries of Africa,
 - (d) the countries of Latin America,
 - (e) the western European and other countries not coming within the categories specified in sub-paragraphs (a) to (d) of this paragraph;
 - and (f) one land-locked country from each of the aforementioned groups of States.
- 2. Members of the Executive Board shall be elected for a term of four years.

Article 22

- 1. The Board shall be the executive organ of the International Agency.
- 2. The functions of the Board shall be to:
 - (a) Supervise the implementation of the provisions of this Treaty by States Parties to the Treaty, and supervise activities in connexion with the industrial exploration and exploitation of the resources of the sea-bed and the subsoil thereof;
 - (b) Co-ordinate the activities of States Parties to this Treaty in the industrial exploration of the resources of the sea-bed and the subsoil thereof, and make a general evaluation, on the basis of data obtained from States, of the reserves of proven resources of the area over which they extend and their geographical distribution on the sea-bed, and also of the depth at which they occur in the subsoil;

- (c) (Functions in regard to the issue of licences);
- (d) (Functions in regard to the distribution of benefits);
- (e) Supervise compliance with the provisions of articles 10 and 12 of this Treaty;
- (f) Consider specific problems arising for land-locked countries in connexion with the exploration and exploitation of the resources of the sea-bed and the subsoil thereof;
- (g) Promote exchanges of scientific and technical information on questions concerning the exploration and exploitation of the resources of the sea-bed and the subsoil thereof;
- (h) Adopt recommendations to States Parties to this Treaty concerning ways of preventing pollution of the marine environment and damage to the living resources of the sea as a result of the industrial exploration and exploitation of the resources of the sea-bed and the subsoil thereof;
- (i) Assist in settling disputes between States concerning implementation of this Treaty, by applying the means for peaceful settlement listed in Article 33 of the United Nations Charter; and establish, at the request of parties to a dispute, organs of conciliation, arbitration, etc., for settling the dispute;
- (j) Consider other questions arising out of the provisions of this Treaty.

Article 23

1. Decisions of the Executive Board on questions of substance shall be made by agreement; decisions on procedural questions shall be made by the majority of the members of the Board present and voting.
2. Decisions relating to article 22, paragraph 2 (i) shall be considered as adopted only if the parties to the dispute so agree.
3. Sessions of the Executive Board shall be held not less than once a year.

Article 24

Any State Party to the Treaty which is not represented on the Executive Board may, if the question under consideration directly affects its interests, participate in the discussions in the Executive Board, without the right to vote.

Article 25

Neither this Treaty nor any rights granted or exercised pursuant thereto shall affect the legal status of the superjacent waters of the high seas, or the legal status of the air space above those waters.

Article 26

None of the provisions of this Treaty or the rights granted to the International Sea-Bed Resources Agency or its organs, and similarly none of the functions exercised by

the Agency or its organs, shall mean that the Agency has jurisdiction over the sea-bed and the subsoil thereof or shall give the Agency rights or legal grounds to consider the sea-bed and the subsoil thereof as owned, possessed or used by it, or at its disposal

Article 27

1. Neither this Treaty nor any rights granted or exercised pursuant thereto shall affect the freedom of research on the sea-bed and the subsoil thereof.
2. Without prejudice to the freedom of research referred to in paragraph 1 of this article, the States Parties to the Treaty agree, in the interests of the effective exploitation of the resources of the sea-bed and the subsoil thereof, to promote international co-operation in research on the resources of the sea-bed and the subsoil thereof, in particular by:

- (a) participating in international programmes and encouraging co-operation between scientists of different countries in the conduct of research;
- (b) publishing programmes and disseminating the results of research, through international as well as other channels;
- (c) co-operating in measures to expand the research facilities of the developing countries, including measures to increase the participation of the nationals of those countries in research.

Article 28

This Treaty shall be open for signature by all States. Any State which does not sign the Treaty before it enters into force may accede to it at any time thereafter.

Article 29

(Other final clauses)