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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

Preliminary working-paper submitted by Afghanistan,
Austria, Belgium, Hungary, Nepal, Netherlands and
Singapore

Introduction: The present working-paper contains suggestions with respect to a number of specific matters to be regulated, inter alia, in an International Sea-bed Convention.

I. Limits and status of the international area:

- A. The international area shall comprise all sea-bed and subsoil outside the area of the territorial sea (the maximum breadth of which is 12 miles measured from the base-line) and beyond the submarine areas adjacent to the coasts of States. For the purpose of this article submarine areas are considered to be adjacent to the coast of a particular State if
- either their depth does not exceed 200 metres,
 - or they underly a belt of sea the breadth of which is 40 miles measured from the base-line of the territorial sea, according to the choice between the two methods of delimitation to be made by that particular State at the moment of ratification. The choice shall be final and the method of delimitation chosen shall apply to the whole of the coastline of that particular State.
- B. In the international area all powers relating to the exploration and exploitation of its mineral resources are exercised either by or on behalf of the International Authority. "On behalf of the International Authority" means that (a) any State powers within the international area are based on and defined in a licence given by the International Authority and (b) are exercised under supervision of the International Authority, while (c) disputes relating to

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existence and exercise of these powers are to be settled by an impartial tribunal at the request of any member State or the International Authority.

C. Within the international area a belt of sea-bed and subsoil contiguous to the adjacent submarine area as determined in accordance with paragraph A above, and having a breadth of 40 miles measured from the outer limit of such adjacent submarine area, shall constitute the "coastal State priority zone". In this zone the International Authority cannot either explore and exploit directly (see point III below) or license exploration and exploitation by a State, without consent of the coastal State.

II. Representation

Member States to be divided into two categories, Category A consists of primarily coastal States; category B of primarily non-coastal States. Each member State shall indicate at the moment of ratification to which category it belongs. In any organ of the International Authority, in which not all States members are represented (such as the Council) there should be an equal number of representatives of category A and of category B. Within each category developing countries should be adequately represented.

III. Powers of the International Authority

The Assembly may upon recommendation of the Council decide to establish a body charged with direct exploration, exploitation and marketing (including the direct licensing of a private or public enterprise, joint-ventures and service-contracts) of a specified part of the international area.

IV. Facilities for landlocked States

When the Council of the International Authority licenses a landlocked State, acting alone or together with another State, to exploit a particular part of the international area it shall - in accordance with the right of free access of land-locked countries to the sea - recommend arrangements between the landlocked State and one or more other member States designed to ensure effective freedom of communication between the landlocked State and the area under licence, for the purpose of exploration, exploitation, including storage and processing and marketing of the mineral resources of that area.

V. Special interests of developing countries

In the exercise of its powers the International Authority shall at all times take duly into account the primary purpose of promoting the development of developing countries, inter alia by (a) avoiding or compensating, where necessary, possible adverse effects of exploitation of any part of the international area on such development (2) contributing an appropriate part of its revenues to such development, and (c) furthering participation of developing countries in the activities undertaken by it or on its behalf. Sharing of benefits shall be equitable and, in principle, related to need, taking into consideration the stage of economic development of each member State.