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

UNITED STATES OF AMERICA: DRAFT ARTICLES FOR A CHAPTER
ON THE SETTLEMENT OF DISPUTES

ARTICLE 1

In any dispute between the Contracting Parties relating to the interpretation or application of the present Convention, any party to the dispute may invite the other party or parties to the dispute to settle the dispute by direct negotiation, good offices, mediation, conciliation, arbitration, or through special procedures provided for by an international or regional organization.

ARTICLE 2

Notwithstanding the provisions of Article 1, any Contracting Party which is a party to a dispute relating to the interpretation or application of this Convention which is required by this Convention to be submitted to compulsory dispute settlement procedures on the application of one of the parties, may refer the dispute at any time to the Law of the Sea Tribunal (the Tribunal).

ARTICLE 3

Notwithstanding the provisions of Article 2, if the parties to a dispute have agreed in any general, regional, or special agreement to resort to arbitration, any party to the dispute shall be entitled to refer it to arbitration in accordance with that agreement in place of the procedures specified in this Chapter.

ARTICLE 4

The Tribunal shall be established and shall function in accordance with the annexed Statute. Its members shall be nominated and elected in accordance with the procedure provided for in the Statute of the International Court of Justice for the election of the judges of the Court. They shall be lawyers of recognized competence in law of the sea matters.

ARTICLE 5

When a dispute involves technical questions, such as safety of navigation, ship construction, pollution, scientific research, fishing, or seabed exploration or exploitation, the Tribunal shall be assisted in the consideration of the case by four technical assessors sitting with it, but without the right to vote. These assessors shall be chosen by the President of the Tribunal from the list of qualified persons prepared pursuant to the annexed Statute.

ARTICLE 6

The jurisdiction of the Tribunal shall comprise all disputes submitted to it in accordance with this Chapter and all matters specifically provided for in other Chapters of this Convention or in any other international agreement, public or private, which confers jurisdiction on the Tribunal with respect to a dispute relating to the interpretation or application of this Convention.

ARTICLE 7

The decisions of the Tribunal shall be binding upon the parties.

ARTICLE 8

1. The Tribunal shall expeditiously handle disputes which are of an urgent character and shall in appropriate cases issue binding interim orders for the purpose of minimizing damage to any party pending final adjudication. The Tribunal may also take such binding interim action in cases which have been submitted to arbitration under Articles 1 or 3.
2. The owner or operator of any vessel detained by any State shall have the right to bring the question of the detention of the vessel before the Tribunal in order to secure its prompt release in accordance with the applicable provisions of this Convention, without prejudice to the merits of any case against the vessel.
3. Nothing in these Articles shall abridge the sovereign immunity to which certain vessels and aircraft are entitled under international law.

ARTICLE 9

Any undertaking to have recourse to a particular means for compulsory settlement of a dispute relating to the interpretation or application of this Convention, whether contained in a general, regional or special international agreement, a licence, lease or contract, constitutes an obligation to be carried out in good faith.