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

UNITED STATES OF AMERICA: DRAFT ARTICLES FOR A CHAPTER ON
THE RIGHTS AND DUTIES OF STATES IN THE COASTAL SEABED ECONOMIC AREA^{*/}

ARTICLE 1

1. The coastal State shall have the exclusive right to explore and exploit and authorize the exploration and exploitation of the natural resources of the seabed and subsoil in accordance with its own laws and regulations in the Coastal Seabed Economic Area.
2. The Coastal Seabed Economic Area is the area of the seabed which is
 - (a) seaward of _____; and
 - (b) landward of an outer boundary of _____
3. The coastal State shall in addition have the exclusive right to authorize and regulate in the Coastal Seabed Economic Area or the superjacent waters:
 - (a) the construction, operation and use of offshore installations affecting its economic interests, and
 - (b) drilling for purposes other than exploration and exploitation of resources.

^{*/} This Chapter deals with seabeds resources, and does not deal with fisheries. The proposal of the United States with respect to fisheries beyond the territorial sea was introduced in Subcommittee II on 4 August 1972 (A/AC.138/SC.II/SR.40) (Official Records of the General Assembly, Twenty-seventh session, Supplement No. 21, A/8721)

4. The coastal State may, where necessary, establish reasonable safety zones around such offshore installations in which it may take appropriate measures to protect persons, property, and the marine environment. Such safety zones shall be designed to ensure that they are reasonably related to the nature and function of the installation. The breadth of the safety zones shall be determined by the coastal State and shall conform to international standards in existence or to be established pursuant to Article 3.

5. (a) For the purposes of this Chapter, the term "installations" refers to all offshore facilities, installations, or devices other than those which are mobile in their normal mode of operation at sea.

(b) Installations do not possess the status of islands. They have no territorial sea or Coastal Seabed Economic Area of their own, and their presence does not affect the delimitation of the territorial sea of the coastal State.

6. The coastal State may, with respect to the activities set forth in this Article, apply standards for the protection of the marine environment higher than those required by applicable international standards pursuant to Article 2.

7. The coastal State may, with respect to the activities set forth in this Article, take all necessary measures to ensure compliance with its laws and regulations subject to the provisions of this Chapter.

ARTICLE 2

The coastal State, in exercising the rights referred to in Article 1, shall ensure that its laws and regulations, and any other actions it takes pursuant thereto in the Coastal Seabed Economic Area, are in strict conformity with the provisions of this Chapter and other applicable provisions of this Convention, and in particular:

(a) the coastal State shall ensure that there is no unjustifiable interference with other activities in the marine environment, and shall ensure compliance with international standards in existence or promulgated by the Authority or the Inter-Governmental Maritime Consultative Organization, as appropriate, to prevent such interference;

(b) the coastal State shall take appropriate measures to prevent pollution of the marine environment from the activities set forth in Article 1 and shall ensure compliance with international standards in existence or promulgated by the Authority or the Inter-Governmental Maritime Consultative Organization, as appropriate, to prevent such pollution;

(c) the coastal State shall not impede, and shall co-operate with the Authority in the exercise of its inspection functions in connection with subparagraph (b) above;

(d) the coastal State shall ensure that licenses, leases, or other contractual arrangements which it enters into with the agencies or instrumentalities of other States, or with natural or juridical persons which are not nationals of the coastal State, for the purpose of exploring for or exploiting seabed resources are strictly observed according to their terms. Property of such agencies, instrumentalities or persons shall not be taken except for a public purpose, on a non-discriminatory basis, nor shall it be taken without the prompt payment of just compensation. Such compensation shall be in an effectively realizable form and shall represent the full equivalent of the property taken and adequate provision shall have been made at or prior to the time of the taking to ensure compliance with the provisions of this paragraph;

(e) the coastal State shall make available in accordance with the provisions of Article _____, such share of revenues in respect of mineral resource exploitation from such part of the Coastal Seabed Economic Area as is specified in that Article.

ARTICLE 3

1. All activities in the marine environment shall be conducted with reasonable regard to the rights of the coastal State referred to in Article 1.
2. States shall ensure compliance with international standards in existence or to be promulgated by Inter-Governmental Maritime Consultative Organization in consultation with the Authority:

(a) regarding the breadth, if any, of safety zones around offshore installations;

(b) regarding navigation-outside the safety zones, but in the vicinity of offshore installations.

ARTICLE 4^{*/}

Nothing in this Chapter shall affect the rights of freedom of navigation and overflight and other rights to carry on activities unrelated to seabed resource exploration and exploitation in accordance with general principles of international law, except as otherwise specifically provided in this Convention.

ARTICLE 5

Any dispute with respect to the interpretation or application of the provisions of this Chapter shall, if requested by either party to the dispute, be resolved by the compulsory dispute settlement procedures contained in Article _____, of Chapter _____.

^{*/} It is assumed that the general articles of the Law of the Sea Convention will contain an article such as Article 4 applicable to all areas beyond the territorial sea. Such an article would obviate the need for several articles making the same point here and in other chapters of the Convention.