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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

Netherlands:

Proposal concerning an Intermediate Zone.

Article 1: Limits

The Intermediate zone comprises:

(a) Insofar as the living resources, with the exception of "highly migratory oceanic fish species", are concerned, the superjacent waters contiguous to the territorial sea (12 miles) up to an outer limit of ... miles;

(b) Insofar as the non-living resources are concerned, the sea-bed and subsoil underlying a belt of sea up to 40 miles seaward of the outer limit of the "continental shelf" */ but not exceeding the distance of ... N.M. measured from the baselines of the territorial sea.

Article 2: Issuing of licenses

All exploration for, and exploitation of, the living or non-living resources of the intermediate zone shall be licensed by the coastal State, subject to the rules and regulations established by the competent international authorities [global, regional and/or sub-regional authorities].

*/ The continental shelf is understood here as the sea-bed and subsoil adjacent to the coast:

- not exceeding the 200 meters isobath or
- underlying a belt of sea the breadth of which is 40 N.M. measured from the baselines of the territorial sea,

according to the choice between the two methods of delimitation to be made by the State concerned at the moment of ratification. Such choice shall be final and the method of delimitation shall apply to the whole of the coastline of the State concerned.

Article 3: Limitation of licenses

Coastal States which have been determined to be advantaged, in accordance with the provisions of article 5, may limit the total amount of living or non-living resources which may be extracted from the intermediate zone during a specified period and reserve licenses for the option of such operators as are its own nationals and nationals of disadvantaged States, in proportions to be determined in accordance with the rules and procedures set forth in article 5.

Article 4: Limitation of disposal of a resource

The advantaged coastal state may determine that the whole or part of the living or non-living resources extracted by licensed foreign operators from the intermediate zone during a specified period, shall be offered at world market prices for processing or consumption in its territory and in the territories of the disadvantaged states in proportions to be determined in accordance with the rules and procedures set forth in article 5.

Article 5: Determination of advantaged and disadvantaged states

1. The proportions mentioned in articles 3 and 4 shall be determined by the competent International Authority in such a manner that the sum total of the "advantages" of States advantaged in the intermediate zone, can be shared among the disadvantaged States pro rata of the "disadvantage" of each of them.

The rates of (dis)advantage may be determined in two phases:

(a) The competent International Authority shall determine firstly, in accordance with the provisions of paragraph 2 of this article, rates of "(dis)advantage" in terms of surface;

(b) The competent International Authority has the power to revise from time to time the rates determined in accordance with (a), with a view to equalize possible gross disproportions among actual benefits accruing to particular states, if such disproportions result from grossly unequal distribution of resources in the respective areas of intermediate zone.

2. For the determination of the rates mentioned under (a) of the preceding paragraph the "advantage" of a given State is the amount of surface (N.M.²) by which the actual intermediate zone of that state exceeds% of a theoretical surface "A" and the "disadvantage" of a given State is the amount of surface by which the actual intermediate zone of that State falls short of% of "A".

"A" in relation to any State is the surface, expressed in square nautical miles, of a theoretical sea-area of a width of nautical miles around a theoretical circular island area equal in size to the actual total land area of that State.

Article 6: Negotiations between advantaged and disadvantaged states

1. Any disadvantaged state is entitled to enter into negotiations with any advantaged state, within groups of States to be determined by the competent international authority, in order to determine by agreement its share for the purpose of the application of article 3 or 4.

Notification shall be made to the competent international authority of any such negotiations having been entered into and of any agreement reached. [The competent international authority shall have the power once in 20 years to revise its determination of groups of States].

2. If agreement is not reached within three years after negotiations have commenced, the competent international authority shall be requested to make recommendations to the Contracting Parties concerned.

If agreement is not reached within one year after such recommendations are made, the determination recommended by the authority shall take effect unless either Party, within 90 days thereafter, brings the matter before the Tribunal.

Article 7: Optional transfer of part of the intermediate zone to the competent International Authority

Any geographically advantaged state may decide to transfer a part of its intermediate zone equal to its "advantage" to the competent International Authority to be administered by it in accordance with articles 5 and 6.

Article 8: Revenue sharing

Any State which derives revenue from exploitation of the intermediate zone shall make available% of these revenues to the competent international authority.