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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 I

DRAFT REPORT

Annex I

GE.72-14668

Working Group I

[[UNITED NATIONS] CONVENTION ON THE
SEA-BED AND THE OCEAN FLOOR BEYOND
THE LIMITS OF NATIONAL JURISDICTION]^{1/}

TEXTS ILLUSTRATING AREAS OF AGREEMENT AND
DISAGREEMENT ON PROGRAMME OF WORK, ITEM 1
"STATUS, SCOPE AND BASIC PROVISIONS OF THE
REGIME, BASED ON THE DECLARATION OF PRINCIPLES"

PART I

[BASIC] [FUNDAMENTAL] [GENERAL] PRINCIPLES

^{1/} The Working Group has not considered headings, marginal notes, or the position of texts.

EXPLANATORY NOTE

Following the completion of its first reading the Working Group began its second reading of the texts, during which an attempt was made to narrow the areas of disagreement as far as possible and to merge alternative texts. The working group did not, however, have time to complete its second reading of all the texts. The texts which received a second reading were those which appear under the following four headings: common heritage of mankind; activities regarding exploration and exploitation etc.; non-appropriation and no claim or exercise of sovereignty or sovereign rights, no claim etc., of rights incompatible with the treaty articles, and non-recognition of claims etc.; and use of the Area by all States without discrimination. The second text mentioned, relating to activities regarding exploration and exploitation etc., replaces texts III and VII of the working paper, and the third text, dealing with non-appropriation etc., replaces texts IV, V and VI of the working paper. Because of this consideration of different texts in the course of the second reading, and in order to distinguish texts that have received a second reading, the latter have been given Arabic numerals while texts which have not received a second reading continue with the Roman numerals originally used in the working paper. Thus texts 2, 3, 4 and 5 are a result of the Group's second reading of texts II, III, IV, V, VI, VII and VIII; texts IX to XXI are the texts resulting from the first reading that have not yet received a second reading.

Introductory note concerning the Draft Ocean Space Treaty prepared
by Malta (A/AC.138/53)

The delegation of Malta has presented specific and comprehensive legal principles, incorporated in its Draft Ocean Space Treaty, for each aspect provided for in the present working paper. The Maltese Draft Treaty is based on a unitary approach to the problems of ocean space as a whole and consequently holds to the view that a new international order for ocean space must be constructed. The "area" covered in this working paper forms part of international ocean space as conceived by the delegation of Malta and as defined in its Draft Ocean Space Treaty.

For the purposes of brevity and on account of the Maltese delegation's conceptual approach, the Maltese formulation as it appears in its Draft Ocean Space Treaty is not reproduced under each of the texts in the present working paper but is referred to in each case by an asterisk referring to the introductory note.

I 1/

LIMITS OF THE AREA (CT.2/Sec.1)*/

- [1. Delimitation of national jurisdiction.]
- [2. Procedures for notification, record and publication of actual limits of national jurisdiction.]

1/ The Working Group has not considered this text.

2/ CT = Comparative Table (A/AC.138/L.10)

*/ See introductory note

COMMON HERITAGE OF MANKIND (CT. Sec.2)*

(A)

Common
heritage
Limits
(D.1)2/

1.1/ The sea-bed and ocean floor, and the subsoil thereof beyond the limits of national jurisdiction^{3/}, as defined pursuant to Article ... and hereinafter referred to as the "Area", as well as the resources of the Area, are the common heritage of mankind^{4/}

"Resources"

interpreted [2. The resources referred to in these Articles [are] [include] the mineral and other non-living resources of the Area [and of the water column] [together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the subsoil].]

OR

[The resources referred to in these Articles constitute the organic and the inorganic content composing the Area.]

OR (B)

1. (All of the text of paragraph 1 of (A) above, followed by:)

The Articles contained herein determine the meaning of the common heritage concept.

OR (C) (for the Preamble)

BEARING IN MIND THAT the sea-bed and ocean floor, and the subsoil thereof within the area defined in Article ... are the common heritage of mankind in accordance with the provisions of these Articles.

* See introductory note.

1/ Explanatory note: words underlined are contained in the Declaration of Principles (resolution 2749 (XXV)).

2/ D - Declaration of Principles

3/ The term "national jurisdiction" is not intended to prejudice the nature and content of such jurisdiction.

4/ The view was expressed that, depending on the elaboration of later texts, consideration should be given to the insertion of the phrase "and as such are administered in the name and on behalf of the international community by the Authority established under Article ..." after the word "mankind".

ACTIVITIES REGARDING EXPLORATION AND EXPLOITATION, ETC. (CT. Sec.5)*

Activities
covered
(D.4)

(A)

1. All activities in the Area, including scientific research^{1/} and the exploration and exploitation of the resources of the Area, and other related activities shall be governed by the provisions of these Articles and shall, unless otherwise provided in these Articles, be subject to regulation by the Authority established pursuant to Article ...

"Activities"
interpreted

[2. For the purposes of this Article, the term "activities" shall include scientific research, preservation of the marine environment, the prevention of pollution, processing and marketing of commodities recovered from the Area, accommodation of uses of the Area, conservation of living resources and the protection of archaeological and historical treasures].

* See introductory note.

^{1/} The view was expressed that the reference to scientific research in this text is outside the terms of reference of the Working Group.

OR (B)

The provisions of these Articles shall govern the exploration and exploitation of the resources of the Area and other related activities which are specified herein. The Authority shall have the functions with regard to those activities which are conferred on it by these Articles.

OR (C)

1. All activities in the Area shall be governed by the international régime established by these Articles. The International Authority established under Article ... shall enjoy in respect of these activities such powers as are conferred upon it by the terms of these Articles.

[2. Under this text the question of an interpretative paragraph for the term "activities" is left open.]

4

NON-APPROPRIATION AND NO CLAIM OR EXERCISE OF SOVEREIGNTY OR
SOVEREIGN RIGHTS; NO CLAIM ETC., OF RIGHTS INCOMPATIBLE WITH THE
TREATY ARTICLES; NON-RECOGNITION OF CLAIMS ETC., (CT. Sec. 3 and 4)*

(A)

(D.2 and 5) Neither the Area nor [its resources nor] any part thereof shall be subject to appropriation by any means whatsoever, by States or persons natural or juridical, and no State shall claim or exercise sovereignty or sovereign rights over the Area or [its resources or] any part thereof; nor, except as hereinafter otherwise specified in these Articles, shall any State or any person natural or juridical claim, acquire, or exercise any rights over the resources of the Area or of any part thereof. Subject to the foregoing, no such claims or exercise of such rights shall be recognized.

OR (B)

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.

* / See introductory note.

USE OF THE AREA BY ALL STATES WITHOUT
DISCRIMINATION (CT. Sec.6)^{*/1/}

Non-discrimination
(D.5)

The Area shall be open to use exclusively for peaceful purposes by all States, whether coastal or land-locked, without discrimination [in accordance with the provisions of these Articles.^{2/}]

^{*/} See introductory note.

^{1/} One delegation suggested that 5 and X could be combined. For the alternative text proposed see XI A.

^{2/} One delegation expressed the view that the text should end after the word "discrimination", the remainder of the text being deleted. Another delegation suggested that a further sentence should be added at the end of the existing text, reading as follows: "All States, whether land-locked or coastal, shall have access to the Area in accordance with the provisions of these Articles."

IX

APPLICABILITY OF PRINCIPLES AND RULES
OF INTERNATIONAL LAW (CT. Sec.7)^{*/} 1/

General
conduct
of States
(D.6)

[In regard to the Area] States shall act in [and in relation to] the [Area] in accordance with [The use of the Area shall be governed in accordance with] the provisions of these Articles, the applicable principles and rules of international law, including [those contained in] the Charter of the United Nations, [and taking into account] [in] [the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970,] [and in general all the Declarations of the United Nations which are applicable] [and [in]] the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted by the General Assembly on 14 December 1960] 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 promoting international co-operation and mutual understanding.

^{*/} See introductory note.

1/ The Working Group began, but did not complete, its second reading of this text.

X

BENEFIT OF MANKIND AS A WHOLE (CT.Sec.8)* /

General objective:
benefit of mankind
as a whole
(D.7)

[Scientific research and] the [industrial] exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, whether land-locked or coastal, and taking into particular consideration the interests and needs of the developing countries.

[For the purposes of this Article the term "industrial exploration" shall mean]

Special
interest
groups

[Due regard shall be paid to the need to protect the interests of [coastal States,] land-locked and shelf-locked countries [countries with a coastline of less than miles, and those whose continental shelf at a depth of 200 metres or less, is less than square miles] in the development of sea-bed resources]

"Shelf-locked
country"
interpreted

[For the purpose of this Article the term "Shelf-locked country" shall mean]

* / See introductory note

XI

PRESERVATION OF THE AREA EXCLUSIVELY FOR
PEACEFUL PURPOSES (CT. Sec. 9)*

Peaceful
uses
(D.8)

The Area shall be reserved exclusively for peaceful purposes, [, and every effort shall be made to exclude it from the arms race] [and its use for military purposes shall be prohibited].

[The Contracting Parties undertake to conclude further international agreements as soon as possible] with a view to effective implementation of this Article.]

[The emplacement of nuclear weapons and of other weapons of mass destruction in the area is prohibited.]

[Nuclear and thermonuclear weapon test explosions are prohibited in the Area].

Proposal to replace third and fourth paragraphs:

[The activities of all nuclear submarines in the Area and in the sea-bed area of other States shall be prohibited. The emplacement of nuclear weapons and all other weapons in the Area and in the sea-bed area of other States shall be prohibited].

*/ See introductory note.

XIA

PROPOSED AMALGAMATION OF TEXTS 5 AND X

[The Area shall be open to use exclusively for peaceful purposes by all States without discrimination. Scientific research, the exploration and exploitation of its resources shall be carried out for the benefit of mankind as a whole, irrespective of the geographical position of States, whether coastal or land-locked, and taking into particular consideration the interests and needs of the developing countries.]

XII

WHO MAY EXPLOIT THE SEA-BED

(COMPARE CT. Sec.11)*

[All exploration and exploitation activities in the Area shall be conducted by a Contracting Party or group of Contracting Parties [or natural or juridical persons under its or their authority or sponsorship].] [, subject to regulation by the Authority and in accordance with the rules regarding exploration and exploitation set out in these Articles.]

[All activities of exploration and exploitation of the resources of the Area and other related activities shall be conducted [by or on behalf of the Authority,] [or] [by a Contracting Party or group of Contracting Parties [or natural or juridical persons under its or their sponsorship], all subject to the general supervision and control of the Authority].] [, and to the rules regarding exploration and exploitation set out in these Articles.]

OR (A)

[Subject to the power of the Authority set out in the following paragraph, all activities of exploration for and exploitation of the resources of the Area shall be conducted pursuant to a licence issued by the Authority to a Contracting Party or group of Contracting Parties. A Contracting Party or groups of Contracting Parties to whom a licence has been issued may authorize a natural or juridical person or persons to carry out the activities covered by the licence. Nevertheless, the Contracting Party or Parties remain responsible to the Authority and other Contracting Parties for ensuring that the activities so authorized are carried out in accordance with these Articles.]

*/ See introductory note.

In addition to licensing activities by Contracting Parties, the Authority may decide to conduct activities of exploration for and exploitation of the resources of the Area when it is in a position to finance such activities.]

NOTE: The Group will have to consider whether to set out here, as is done in some proposals, the general rules regarding exploitation of the sea-bed. These could include rules on licensing, fees payable, areas to be allotted, work requirements, work plans, inspection, revocation of licences, integrity of investments, notice to mariners and other safety procedures. On the other hand, the Group may decide to omit them from Part I of the Articles.

XIII

GENERAL NORMS REGARDING EXPLOITATION

(CT. SECS. 12 and 13)*

As
management
aims or
guidelines
(D.9)

[The Authority established pursuant to Article ...] [shall have exclusive jurisdiction [to administer] [over] the Area and its resources for mankind as a whole and] [shall provide for] [inter alia] the orderly and safe development and rational management of the Area and its resources and for expanding opportunities in the use thereof, and ensure the equitable sharing by States [Contracting Parties] in the benefits derived therefrom taking into particular consideration the interests and needs of the developing countries, whether land-locked or coastal.]

[In the exercise of its powers the 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 Area on such development, (b) 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.]]
[existing levels of development as well as potential for development of the developing countries.]

*/ See introductory note

[The Authority and the Contracting Parties shall pay due regard to the need for minimizing adverse effects of the development of the sea-bed resources on the prices of land-based minerals.]^{1/}

As objectives
obligations
with respect
to
exploration
and
exploitation
(D.9)

[The exploration of the Area and the [development and] exploitation of its resources shall be carried out in an orderly, safe and rational manner, so as to provide for] expanding opportunities in the use thereof, and to ensure the equitable sharing by States [parties] in the benefits derived therefrom, taking into particular consideration the interests and needs of the developing countries, whether land-locked or coastal.]

[Exploitation of the resources of the Area shall be carried out in a rational manner so as to ensure their conservation and to minimize any fluctuation in the prices of minerals and raw materials from terrestrial sources that may result from such exploitation and adversely affect the exports of the developing countries.]

[The benefits obtained from exploitation of the resources of the Area shall be distributed equitably among all States [parties], irrespective of their geographical location, giving special consideration to the interests and needs of developing countries, whether coastal or land-locked.]

NOTE: The Group may wish to consider whether to set out here, as is done for example, in the US draft, Art. 5(1), the basic principles of benefit-sharing, or to deal with this subject in a subsequent chapter of the Articles.

^{1/} With reference to the three paragraphs above, the USSR delegate referred to the explanatory note to Article 9 of the provisional draft articles submitted by the USSR, reproduced in Section 11 of the Comparative Table (p. 34 of the English text).

[The proceeds from any tax levied by a State in connexion with activities relating to the exploitation of the Area, either in respect of profits realized, services provided or equipment and materials supplied, or in respect of remuneration or interest received, by individuals or bodies corporate under its jurisdiction shall be paid by the State to the Authority for distribution among the developing countries.]

XIV

SCIENTIFIC RESEARCH (CT. Sec.14)* /

Right to under- [1. Every State, whether coastal or not, has the right to
take scientific undertake scientific research in [ocean space] [the Area].
research

This right is subject to such regulation of a general and
non-discriminatory character as may be prescribed by the
[relevant authority]] [the Authority].

Non-interference [1. Each Contracting Party agrees to encourage and to obviate
with scientific interference with scientific research].
research

[1. Neither these Articles, nor any rights granted pursuant
thereto shall affect the freedom of research on the sea-bed and
the subsoil thereof].

Promotion of [Contracting Parties] [States] shall promote international
scientific co-operation in scientific research [concerning the Area]
research; [exclusively for peaceful purposes];
dissemination of results;

training
(D.10) (a) By participation in international programmes and by
encouraging co-operation in scientific research by personnel of
different countries;

(b) Through effective publication of research programmes
dissemination of the results of research through international
channels;

(c) By co-operation in measures to strengthen research
capabilities of developing countries, including the participation
of their nationals in research programmes.

Research not to [No such [research] activity shall form the legal basis
form basis of for any claim with respect to any part of the Area or its
claim resources.

[For the purpose of this Article the term "scientific
research" shall mean].

* / See introductory note.

XV

TRANSFER OF TECHNOLOGY^{*/}

[Contracting Parties undertake to establish as soon as possible, in consultation with the Authority, and co-operate in, programmes facilitating the transfer of technology relating to the exploration of the Area and the exploitation of its resources, including wherever feasible, such technology as may be protected by patents. The Authority may serve as an intermediary for the purpose of facilitating such transfer on as wide a basis as possible and shall assist Contracting Parties by drawing up programmes for the purpose].

[Revenues derived from sea-bed exploration and exploitation shall be used, through or in co-operation with other international or regional organizations, to promote efficient, safe and economic exploitation of mineral resources of the sea-bed; to promote research on means to protect the marine environment; to advance other international efforts designed to promote safe and efficient use of the marine environment; to promote development of knowledge of the Area; and to provide technical assistance to Contracting Parties or their nationals for these purposes, without discrimination.]^{1/}

^{*/} See introductory note

^{1/} With reference to this paragraph, the USSR delegate referred to the explanatory note to article 9 of the provisional draft articles submitted by the USSR, reproduced in section 11 of the Comparative Table (p.34 of the English text).

[The Authority shall establish permanent facilities for the transfer of marine science technology and know-how to developing countries; and shall give opportunities for personnel of developing countries to participate as far as possible in ventures undertaken by the authority or by entities operating under the Authority.]

XVI

PROTECTION OF THE MARINE ENVIRONMENT ETC. (CT. Sec. 15)*

Protection of
the marine
environment;
safety of
human life.
(D.11)

With respect to [all] activities [of industrial exploration and exploitation][by States][in the Area][and acting in conformity with [the provisions of these Articles]], [States][The Authority] shall [take appropriate measures for and shall co-operate [with each other and with the Authority] in the adoption and implementation of international][comply with the provisions of these Articles with respect to] rules, standards and procedures for, inter alia:

(a) The prevention of pollution and contamination, and other hazards to the marine environment, including the coastline, and of interference with the ecological balance of the marine environment;

(b) The protection and conservation of the natural resources of the Area and the prevention of damage to the flora and fauna of the marine environment;

[(c) The protection of human life at sea].

[All activities in the Area shall be conducted with strict and adequate safeguards for protection of human life and [safety][and of the][preservation] of the marine environment].

[All operations in the Area shall be carried out in such a manner as to protect and conserve the natural resources of the Area and to prevent damage to the fauna and flora of the marine environment]

[States][The Authority] shall establish rules for the operational safety of installations for exploration and exploitation of the Area and shall co-operate with one another in this regard].

NOTE: The Group may wish to consider whether or not to deal in Part I of the Articles with the subject of marine pollution in greater detail, as is done for example in the Malta draft, Arts. 80-83. (Compare also US draft, Art. 23).

* / See introductory note.

XVII

DUE REGARD TO THE RIGHTS ETC. OF COASTAL STATES (CT. Sec. 16)*

Rights of
coastal
States
(D.12)

[1. In their activities in the Area, including those relating to its resources, States [and the Authority] shall pay due regard to the rights and legitimate interests [under these Articles and international law] of coastal States in the region of such activities, as well as of all other States, which may be affected by such activities. Consultations [as appropriate][, including a system of prior notification,][by the Authority] shall be maintained with the [coastal] States concerned with respect to [all such] activities [relating to the exploration of the Area and the exploitation of its resources] with a view to avoiding infringement of such rights and interests.]

OR (A)

The first sentence of the above to read:

[All activities in the Area, including those relating to its resources, shall be carried out with due regard to the rights and legitimate interests of coastal States in the region of such activities.]

Emergency
measures.
(D.13(b))

[2. Coastal States shall have [subject to the provisions of these Articles] the right to adopt such measures as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat thereof or from other hazardous occurrences resulting from or caused by any [such] activities [in the Area].

Resources
near limits
of national
jurisdiction

[3. Resources of the Area which lie across limits of national jurisdiction shall not be explored or exploited, except in agreement with the coastal State or States concerned. Where such resources are located near the limits of national jurisdiction, their exploration and exploitation shall be carried out in consultation with the coast State or States concerned, and where possible through such State or States]

* / See introductory note.

XVIII

LEGAL STATUS OF WATER SUPERJACENT TO THE AREA ETC. (CT. Sec. 17)*

Status of
water column
and air
space (D.13(a))
Rights under
existing
international
law

- [Except as provided in these Articles nothing][nothing herein]
[neither these Articles nor any rights granted or exercised pursuant
thereto] shall affect:
- (a) the legal status of the waters superjacent to the Area [as high seas
or that of the airspace above those waters;
 - (b) the rights of coastal States with respect to measures [in
accordance with international conventions] to prevent, mitigate or
eliminate grave and imminent danger to their coastline or related
interest from pollution or threat thereof or from other hazardous
occurrences resulting from or caused by any activities [in the
Area];
 - (c) such rights as are clearly recognized under existing international
law, inter alia, the right to lay and maintain submarine cables
and pipelines.

[Except as provided in these Articles][the use of the sea-bed
and the subsoil thereof for the purpose of exploration and exploitation
of its resources shall not conflict with the principles of freedom of
navigation, fishing research and other activities on the high seas.]

[Except as provided in these Articles nothing][Nothing herein
contained shall affect the freedom to lay and maintain submarine cables
and pipelines and other freedoms of the high seas which are recognized
by the general principles of international law.]

* / See introductory note.

XIX

NON-INTERFERENCE WITH OTHER ACTIVITIES AND PROTECTION OF
ACTIVITIES IN THE AREA. (CT. Sec. 18) */

Non-
interference
with seabed
activities.

[1. All activities in the marine environment shall be conducted with reasonable regard for exploration and exploitation of the natural resources of the Area].

Non-
interference
of Seabed
activities
with other
marine
activities

[2. Exploration and exploitation of the natural resources of the Area must not result in any unjustifiable interference with other activities in the marine environment].

Non-
interference
with
navigation.

[3. Exploration and exploitation of natural resources shall not be permitted in areas where interference may be caused to the use of recognized sea-lanes essential to international navigation or where scientific findings indicate the probability that exploitation may result in extensive pollution of the marine environment].

NOTE: The Group may wish to consider whether or not to include here a more detailed treatment of "non-interference rules" such as is contained in the USSR draft, Arts. 4, 10, 12, US draft article 21 and other relevant texts.

*/ See introductory note.

XX

RESPONSIBILITY TO ENSURE OBSERVANCE OF THE INTERNATIONAL REGIME AND
LIABILITY FOR DAMAGES. (CT. Sec. 19) */

International
responsibility
(D.14)

Every State shall have the responsibility to ensure that activities in the Area, including those relating to [the industrial exploration and exploitation of] its resources, whether undertaken by governmental agencies, or non-governmental entities or persons under its jurisdiction, or acting on its behalf, shall be carried out in conformity with the [provisions of these Articles]. The same responsibility applies to international organizations and their members for activities undertaken by such organizations or on their behalf. Damage caused by such activities shall entail liability,^{1/} [on the part of the State or international organization concerned, in respect of activities which it undertakes itself or authorizes.][A State Party to these Articles shall be responsible for any damage caused to another State Party to these Articles as a result of its activities on the sea-bed].

[2. A group of States acting together shall be jointly and severally responsible under these Articles].

[3. Each Contracting Party shall:

- (i) Take appropriate measures to ensure that those conducting activities under its authority or sponsorship comply with these Articles.
- (ii) Make it an offence for those conducting activities under its authority or sponsorship in the Area to violate the provisions of these Articles. Such offences shall be punishable in accordance with administrative or judicial procedures established by the Authorizing or Sponsoring Party.
- (iii) Be responsible for maintaining public order on manned installations and equipment operated by those authorized or sponsored by it.

*/ See introductory note.

^{1/} The Working Group may wish to consider whether to include reference here to the question of limits of liability as well as to other liability questions.

(iv) Be responsible for damages caused by activities which it authorizes or sponsors to any other Contracting Party or its nationals.

(v) Be responsible for carrying out all measures necessary for the restoration of any damaged property or area to its condition immediately prior to such damage].

[4. Every [Contracting Party][State] shall take appropriate measures to ensure that the responsibility provided for in paragraph 1 of this Article shall apply mutatis mutandis to international organizations of which it is a member].

XXI

SETTLEMENT OF DISPUTES. (CT. Sec. 20)^{*/}

[All disputes arising out of the interpretation or application of these Articles shall be settled in accordance with the provisions of Article ...]

NOTE: An article of this kind which does no more than foresee more detailed provision for settlement of disputes may be all that is required under Part I of these Articles. Any further detailed consideration which the Group may wish to give to this subject may take as a starting point paragraph 15 of the Declaration of Principles.^{1/}

^{*/} See introductory note.

^{1/} The view has been expressed that text XXI is acceptable only if later coupled with procedures for compulsory disputes settlement.