

and publish such notification in accordance with rules adopted by it for the purpose. (Such registration may be invoked by any State as evidence of the limits of its national jurisdiction).

Article 3

Where areas of national jurisdiction of two or more States are adjacent to or opposite each other, such States shall, by agreement, precisely delimit the boundary separating their respective national jurisdictions and inform the International Sea-bed Authority of such agreement. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary is the median line, every point of which is equidistant from the nearest points of the baselines from which the (seaward) limits of national jurisdiction are measured. If the States concerned agree, the International Sea-bed Authority shall assist them in concluding a satisfactory agreement with respect to the limits of their national jurisdictions.

Article 4

Nothing in this chapter shall affect the validity of any agreement or prejudice the decision of any State with respect to the delimitation of boundaries of sea-bed areas between opposite or adjacent States.

CHAPTER II

BASIC PRINCIPLES APPLICABLE TO THE INTERNATIONAL SEA-BED

Article 5

The International Sea-bed as well as its resources are the common heritage of mankind and shall, as such, be subject to the regime hereinafter set forth.

Article 6

The International Sea-bed shall not be subject to appropriation by any means by States or persons, natural or

juridical, and no State shall claim or exercise sovereignty or sovereign rights over any part thereof. No such appropriation, or claim or exercise of sovereignty or sovereign rights shall be recognized.

Article 7

No State or person, natural or juridical, shall claim, exercise or acquire rights with respect to the International Sea-bed or its resources except as provided in this Convention.

Article 8

The International Sea-bed 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 this Convention.

Article 9

The International Sea-bed shall be reserved exclusively for peaceful purposes, and every effort shall be made to exclude it from the arms race.

Article 10

States shall act in the area in accordance with the applicable principles and rules of international law including the Charter of the United Nations and 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, in the interests of maintaining international peace and security and promoting international co-operation and mutual understanding.

Article 11

All activities regarding exploration and exploitation of the resources of the International Sea-bed, and other related activities, shall be governed by the provisions of this Convention.

Article 12

The exploration of the International Sea-bed 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.

Article 13

1. In their activities with respect to the International Sea-bed including those related to its resources, States shall pay due regard to the rights and legitimate interests of coastal States in the region of such activities, as well as of all other States which may be affected by such activities. Consultation shall be maintained with the coastal States concerned with respect to activities relating to the exploration of the International Sea-bed and the exploitation of its resources with a view to avoiding infringement of such rights and interests.

2. Resources of the International Sea-bed 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 coastal State or States concerned, and where possible, through such State or States.

Article 14

1. With respect to activities in the International Sea-bed and acting in conformity with the provisions of this Convention, States shall take appropriate measures for and shall co-operate in the adoption and implementation of international rules, standards and procedures, for *inter alia* :

- (i) 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 ;

- (ii) the protection and conservation of the natural resources of the International Sea-bed and the prevention of damage to the flora and fauna of the marine environment.

2. Coastal States may take measures to prevent, mitigate or obviate grave and imminent danger to their coastlines or related interests from pollution or threat thereof or from other hazardous occurrences resulting from, or caused by, any activities with respect to the International Sea-bed.

Article 15

1. States shall promote international co-operation in scientific research exclusively for peaceful purposes :

- (i) by participation in international programmes and by encouraging co-operation in scientific research by personnel of different countries ;
- (ii) through effective publication of research programmes and dissemination of the results of research through international channels;
- (iii) by co-operating in measures to strengthen research capabilities of developing countries, including the participation of their nationals in research programmes.

2. No such activity shall form the legal basis for any claims with respect to any part of the International Sea-bed or its resources.

Article 16

Nothing herein shall affect the legal status of the waters superjacent to the International Sea-bed or that of the air space above those waters.

Article 17

1. All activities in the marine environment shall be conducted with reasonable regard for exploration of the International Sea-bed and exploitation of its resources.

2. Exploration of the International Sea-bed and exploitation of its resources shall not result in any unjustifiable interference with other activities in the marine environment.

3. All activities with respect to the International Sea-bed shall be conducted with strict and adequate safeguards for protection of human life and safety of the marine environment.

Article 18

1. Every State shall have the responsibility to ensure that activities with respect to the International Sea-bed, including those relating to 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 this Convention. 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.

2. Accordingly, each Contracting Party shall :

- (i) take appropriate measures to ensure that persons under its jurisdiction or acting on its behalf undertaking such activities comply with the provisions of this Convention ;
- (ii) make it an offence for such persons to violate the provisions of this Convention and make such offences punishable in accordance with its administrative or judicial procedures ;
- (iii) be responsible for maintaining order on manned

installations and equipment operated by it or by such persons ;

(iv) be responsible for damage resulting from such activities to any other Contracting Party or its nationals.

3. Every State shall take appropriate measure 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.

4. A group of States acting together, pursuant to agreement among them or through an international organization, shall be jointly and severally responsible under this Convention.

Article 19

All disputes relating to the interpretation or application of this Convention shall be settled in accordance with the provisions of Chapter VII of this Convention.

CHAPTER III**THE INTERNATIONAL SEA-BED AUTHORITY
AIMS AND FUNCTIONS***Section 1**Establishment and aims***Article 20**

There is hereby established the International Sea-bed Authority (hereinafter called the Authority).

Article 21

1. The seat of the Authority shall be at.....The seat may be moved to another place by decision of the Assembly adopted by a majority of two-thirds of its members.

2. The Authority may establish such regional centres or offices as it deems necessary for the performance of its functions.

Article 22

The fundamental aims of the Authority shall be :

- (i) to give effect to the provisions of Chapter I and to exercise such powers and perform such functions as may be necessary for the purpose ;
- (ii) to provide for the orderly and safe development and rational management of the area and its resources and for expanding opportunities in the use thereof ;
- (iii) to ensure the equitable sharing by States in the benefits derived therefrom, taking into particular consideration the interests and needs of the developing countries, whether land-locked or coastal ;
- (iv) to take such measures as may be necessary to minimize fluctuations of prices of land minerals and raw materials that may result from the exploitation of the resources of the area and any adverse economic effects caused thereby ; and
- (v) to perform such other functions and exercise such other powers as are conferred upon it by other provisions of this Convention or, consistent therewith, by agreement among Contracting Parties.

*Section 2**Functions of the Authority***Article 23**

The Authority is empowered :

- (i) to explore the International Sea-bed and exploit its resources for peaceful purposes by means of its own facilities, equipment and services, or such as are procured by it for the purpose ;

- (ii) to issue licences to Contracting Parties, individually or in groups, or to persons, natural or juridical, under its or their sponsorship with respect to all activities of exploration of the International Sea-bed and the exploitation of its resources for peaceful purposes, and related activities, subject to such terms and conditions, including the payment of appropriate fees and other charges, as the Authority may determine ;
- (iii) to provide for the equitable sharing by Contracting Parties of raw materials obtained from the International Sea-bed, funds received from the sale thereof, and all revenues and other receipts, as well as scientific information and such other benefits as may be derived from the exploitation of the International Sea-bed and the exploitation of its resources ;
- (iv) to establish or adopt in consultation, and where appropriate, in collaboration with the competent organ of the United Nations, and with the specialised agencies concerned, measures designed to minimize and eliminate fluctuation of prices of land minerals and raw materials that may result from the exploitation of the resources of the International Sea-bed, and any adverse economic effects caused thereby ;
- (v) to reserve or open specific areas of the International Sea-bed for exploration or exploitation ;
- (vi) to encourage, assist and regulate on the International Sea-bed, the development and practical application of scientific techniques for the exploration and exploitation of its resources, and to perform any operation or service useful in such research ;
- (vii) to make provision in accordance with this Con-

vention for services, equipment and facilities to meet the needs of research on and development and practical application of scientific techniques for the exploration of the International Sea-bed and the exploitation of its resources for peaceful purposes ;

- viii) to foster the exchange of scientific and technical information and transfer of technology on the peaceful uses of the International Sea-bed and its resources ;
- (ix) to promote and encourage the exchange and training of scientists and experts in the field of exploration of the sea-bed and the exploitation of its resources ;
- (x) to establish and administer safeguards designed to ensure that materials, services, equipment, facilities and information made available by the Authority or at its request or under its supervision or control are not used in such a way as to further any military purpose ;
- (xi) to establish and adopt, in consultation and where appropriate, in collaboration with the competent organ of the United Nations and with the specialised agencies concerned, rules and regulations relating to any aspect of the activities covered by this Convention, including standards of safety for protection of health and minimisation of danger to life and property, and the protection of the marine environment as a whole, and to provide for the application of these rules, regulations and standards to operations covered by this Convention ;
- (xii) to acquire or establish any facilities, plant and equipment useful in the carrying out of its authorised functions ; and

- (xiii) to take any other action necessary to give effect to the provisions of this Convention.

Article 24

In carrying out its functions, the Authority shall :

- (i) conduct its activities in accordance with the purposes and principles of the United Nations to promote peace and international co-operation, and in conformity with policies of the United Nations furthering the establishment of safeguarded worldwide disarmament and in conformity with any international agreements entered into pursuant to such policies ;
- (ii) submit reports on its activities annually to the General Assembly of the United Nations and, when appropriate, to the Security Council ; if in connection with the activities of the Authority there should arise questions that are within the competence of the Security Council, the Authority shall notify the Security Council, as the organ bearing the main responsibility for the maintenance of international peace and security ;
- (iii) submit reports to the Economic and Social Council and other organs of the United Nations on matters within the competence of those organs.

Article 25

The Authority shall exercise jurisdiction over the International Sea-bed and its resources, for the purpose of performing its functions and giving effect to the provisions of this Convention.

Article 26

The Authority is based on the principle of the sovereign equality of all its members, and all members, in order to ensure to all of them the rights and benefits resulting from

membership, shall fulfil in good faith the obligations assumed by them in accordance with this Convention.

CHAPTER IV ORGANS OF THE AUTHORITY

Section I

The Assembly

Article 27

The Assembly shall consist of representatives of all Contracting Parties and shall meet in regular [annual] session and in such special sessions as may be determined by the Assembly or convened by its Chairman or convened by the President of the Council at the request of the Council or of a majority of members of the Assembly. The sessions shall take place at the seat of the Authority unless otherwise determined by the Assembly.

Article 28

As such sessions, each Contracting Party shall have one representative who may be accompanied by alternates and by advisers. The cost of attendance of any delegation shall be borne by the member concerned.

Article 29

The Assembly shall elect a Chairman and such other officers as may be required at the beginning of each session. They shall hold office for the duration of the session. The Assembly shall, subject to the provisions of this Convention, adopt its own rules of procedure.

Article 30

1. Each Contracting Party shall have one vote. Decisions pursuant to Articles.....shall be made by a majority of two-thirds of the votes cast. Decisions on other questions, including the determination of additional questions

or categories of questions to be decided by a two-thirds majority, shall be made by a majority of the votes cast.

2. A majority of members shall constitute a quorum.

3. The Assembly may establish, by a majority of two-thirds of its members, a procedure whereby the Council may seek a vote of the Assembly without convening a meeting of the Assembly. The vote shall be considered valid only if the majority of the members of the Assembly cast their votes within the time fixed by the said procedure.

Article 31

The Assembly may discuss any questions or matters within the scope of this Convention or relating to the powers and functions of any organs provided for therein, and make recommendations to the members of the Authority, or to the Council, or to both on any such questions or matters.

Article 32

The Assembly shall be the supreme organ of the Authority and shall perform such functions and exercise such powers as are vested in the Authority under this Convention, including the power to :

- (i) elect members of the Council in accordance with Article 33 ;
- (ii) suspend a member from the privileges and rights of membership in accordance with Article.....;
- (iii) consider the Annual Report of the Council ;
- (iv) in accordance with Article 46 approve the budget of the Authority recommended by the Council ;
- (v) make arrangements to co-operate with other international organisations (other than informal arrangements of a temporary and administrative character) ;

- (vi) approve reports to be submitted to the United Nations pursuant to any arrangement entered into by the Authority pursuant to sub-paragraph (v) hereof ;
- (vii) approve decisions of the Council relating to the reservation or opening of specific areas of the International Sea-bed for exploration or exploitation ;
- (viii) approve rules and regulations relating to the issue of licences for the exploration of the International Sea-bed and the exploitation of its resources, including the payment of appropriate fees and other charges ; registration of limits of national jurisdiction ; protection of life and property and of the marine environment as a whole ; operational standards and practices ; design and construction standards ; scientific research and any other aspect of the activities covered by this Convention ;
- (ix) approve measures designed to minimise and eliminate fluctuation of prices of land minerals and raw materials that may result from the exploitation of the resources of the International Sea-bed, and any adverse economic effects caused thereby ;
- (x) approve the financial rules of the Authority, including rules relating to its borrowing powers and acceptance of voluntary contributions, and the manner in which the expenses of the Sea-bed Development Corporation provided for in Chapter V shall be borne ;
- (xi) approve rules relating to the equitable sharing by States of benefits of the International Sea-bed and the exploitation of its resources taking into particular consideration the interest and needs of the developing countries, whether land-locked or coastal, in accordance with Chapter VI ;

- (xii) approve amendments to this Convention in accordance with Chapter IX ;

Article 33

The Assembly shall have the authority :

- (i) to take decisions on any matter specifically referred to the Assembly by the Council ;
- (ii) to propose matters for consideration by the Council, and request from the Council reports on any matter relating to the functions of the Council ;
- (iii) to determine the remuneration to be paid to the members of the Council, and the salary and terms of the contract of service of the President.

Section 2

The Council

Article 34

1. The Council shall be composed of 35 members as follows :

- (a) The outgoing Council (or in the case of the first Council, the Preparatory Committee) shall designate for membership on the Council, the seven Contracting Parties most advanced in sea-bed technology, and the Contracting Party most advanced in sea-bed technology in each of the following areas not being one of the aforementioned seven :

(1)

(2)

(3)

(4)

(5)

(6)

(For negotiation)

- (7)
- (8)
- (9)
- (10)

- (b) The Assembly shall elect to membership of the Council two members which have no sea coast and two members the total area of whose continental shelf at a depth of 200 metres or less is..... ;
- (c) The Assembly shall elect to membership of the Council other members, with due regard to equitable representation on the Council as a whole of the areas specified in sub-paragraph (a) of this paragraph so that the Council shall at all times include in this category a representative of each of those areas except North America.

Except for the seven members chosen in accordance with paragraph 3(b) of this Article, no members in this category shall be eligible for re-election for the following term of office.

2. The designations provided for in sub-paragraph 1(a) of this Article shall take place not less than 60 days before each regular session of the Assembly. The elections provided for in sub-paragraphs 1(b) and 1(c) of this Article shall take place at regular sessions of the Assembly.

3. (a) Designated members of the Council shall hold office from the next regular session of the Assembly after their designation until the end of the following regular session of the Assembly.

(b) Elected members of the Council shall hold office from the end of the regular session of the Assembly at which they are elected until the end of the second regular session of the Assembly thereafter. In the election of these members for the first Council, however, seven shall be chosen for a term of one year.

4. Each member of the Council shall have one vote. Decisions on the amount of the Authority's budget shall be made by a two-thirds majority of those present and voting. Decisions on other questions, including the determination of additional questions or categories, of questions to be decided by a two-thirds majority, shall be made by a majority of those present and voting. Two-thirds of the members of the Council shall constitute a quorum.

Article 35

1. Each member of the Council shall appoint an alternate with full powers to act for him when he is not present. An alternate may participate in meetings, but shall not vote.

2. The Council shall function in continuous session at the seat of the Authority, and shall meet as often as the business of the Authority may require.

3. A quorum for any meeting of the Council shall be a majority of its members.

Article 36

1. The Council shall carry out the functions of the Authority in accordance with this Convention, subject to its responsibilities to the Assembly.

2. The Council may appoint such committees as it deems desirable. Membership of such committees need not be limited to members of the Assembly or of the Council or their alternates.

3. The Council shall prepare an annual report to the Assembly concerning the affairs of the Authority and any projects approved by the Authority. The Council shall also prepare for submission to the Assembly such reports as the Authority may be required to make to the United Nations or to any other organisation the work of which is related to that of the Authority. These reports, together with the annual reports, shall be submitted to all members of the Authority at least

one month before the regular session of the Assembly at which they are to be considered.

4. The Assembly shall adopt regulations under which a Contracting Party not represented on the Council may send a representative to attend any meeting of the Council when a request is made by, or a matter particularly affecting that member is under consideration.

5. The Council may, to the extent authorised by the Assembly, adopt such rules and regulations as may be necessary or appropriate for the efficient performance of the functions of the Authority and the conduct of its business including rules and regulations relating to all matters specified in Article 23 of this Convention.

Section 3

The President and Staff

Article 37

1. The Council shall select a President who shall not be a member of the Assembly or of the Council or an alternate for either. The President shall be Chairman of the Council, but shall have no vote except a deciding vote in case of an equal division. He may participate in meetings of the Assembly, but shall not vote at such meetings. The President shall cease to hold office when the Council so decides.

2. The President shall be chief of the operating staff of the Authority and shall conduct, under the direction of the Council, the ordinary business of the Authority. Subject to the general control of the Council, he shall be responsible for the organization, appointment and dismissal of officers and staff.

3. The staff shall include such qualified scientific and technical and other personnel as may be required to fulfil the objectives and functions of the Authority. The Authority

shall be guided by the principle that its permanent staff shall be kept to a minimum.

4. The paramount consideration in the recruitment and employment of the staff and in the determination of their conditions of service shall be to secure employees of the highest standards of efficiency, technical competence and integrity. Subject to this consideration, due regard shall be paid to the contributions of members of the Authority and to the importance of recruiting the staff on as wide a geographical basis as possible.

5. The terms and conditions on which the staff shall be appointed, remunerated and dismissed shall be in accordance with regulations made by the Council, subject to the provisions of this Convention and to general rules approved by the Assembly on the recommendation of the Council.

6. In the performance of their duties, the President and the staff shall not seek or receive instructions from any source external to the Authority. They shall refrain from any action which might reflect on their position as officials of the Authority; subject to their responsibilities to the Authority, they shall not disclose any industrial secret or other confidential information coming to their knowledge by reason of their official duties for the Authority. Each Contracting Party undertakes to respect the international character of the responsibilities of the President and the staff and shall not seek to influence them in the discharge of their duties.

Article 38

1. The International Sea-bed Authority shall, as necessary, establish a staff of inspectors. The staff of the inspectors shall have the responsibility of examining all operations conducted within the International Sea-bed to determine whether an operator is complying with the rules and regulations established by the Authority pursuant to this Convention.