

**DOSSIER SUBMITTED ON BEHALF OF THE SECRETARY-  
GENERAL OF THE INTERNATIONAL SEABED AUTHORITY  
PURSUANT TO ARTICLE 131 OF THE RULES OF THE  
TRIBUNAL**

- Introductory Note and Table of Contents**
- Dossiers Nos. 1-67**

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THE INTERNATIONAL SEABED AUTHORITY PURSUANT TO ARTICLE 131  
OF THE RULES OF THE TRIBUNAL**

**INTRODUCTORY NOTE**

**THE REQUEST**

1. On 6 May 2010, the Council of the International Seabed Authority, at its 161st meeting, decided, in accordance with Article 191 of the United Nations Convention on the Law of the Sea (“the Convention”), to request the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea to render an advisory opinion on legal questions arising within the scope of its activities. The full text of the decision is contained in the document ISBA/16/C/13 and reads as follows:

*The Council of the International Seabed Authority,*

*Considering* the fact that developmental activities in the Area have already commenced,

*Bearing in mind* the exchange of views on legal questions arising within the scope of activities of the Council,

*Decides*, in accordance with Article 191 of the United Nations Convention on the Law of the Sea (“the Convention”), to request the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea, pursuant to Article 131 of the Rules of the Tribunal, to render an advisory opinion on the following questions:

1. What are the legal responsibilities and obligations of States Parties to the Convention with respect to the sponsorship of activities in the Area in accordance with the Convention, in particular Part XI, and the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982?

2. What is the extent of liability of a State Party for any failure to comply with the provisions of the Convention, in particular Part XI, and the 1994 Agreement, by an entity whom it has sponsored under Article 153, paragraph 2 (b), of the Convention?

3. What are the necessary and appropriate measures that a sponsoring State must take in order to fulfil its responsibility under the Convention, in particular Article 139 and Annex III, and the 1994 Agreement?

**FRAMEWORK OF THE DOSSIER**

2. This Dossier, submitted pursuant to Order 2010/3 of 18 May 2010 of the President of the Seabed Disputes Chamber of the International Tribunal for the Law of

the Sea and to Article 131 of the Rules of the Tribunal, contains the relevant rules, regulations and procedures of the Authority as well as other documents, decisions and material likely to throw light upon the three legal questions on which the advisory opinion of the Seabed Disputes Chamber of the Tribunal is requested. The documents are numbered sequentially and identified by title and, where appropriate, by official International Seabed Authority symbol.

3. The Dossier is divided into five Parts. Part I includes material relating to the decisions made by the Council at the sixteenth session of the Authority to request the Seabed Disputes Chamber of the Tribunal for an advisory opinion. Part II contains relevant material relating to the legal regime governing activities with respect to polymetallic nodules in the Area. Part III recalls the negotiating history of Article 139, Article 153 and Annex III of the Convention, to which the request for an advisory opinion refers, during the Third United Nations Conference on the Law of the Sea. Part IV recalls the *travaux préparatoires* of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area. In light of the views expressed during the consideration by the Council of the Authority of item 7 of its agenda during the sixteenth session, Part V refers not to the specific regime of responsibilities and obligations of States sponsoring persons and entities with respect to activities in the Area as *lex specialis*, but refers to the work of the International Law Commission ('ILC') on the Articles on the Responsibility of States for Internationally Wrongful Acts, and the Draft Articles on the Responsibility of International Organizations.

4. The approach taken to the preparation of the dossier is "comprehensive but relevant". The Dossier provides an overview of all aspects of the responsibilities and obligations of States sponsoring activities in the Area as defined in the Convention and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982.

## PART I

### MATERIAL RELATING TO THE REQUEST BY THE COUNCIL OF THE AUTHORITY FOR AN ADVISORY OPINION

#### A. Request by the Council

5. At its 150th meeting, on 27 April 2010, the Council adopted its agenda for the sixteenth session, with no amendment. This agenda is contained in document ISBA/16/C/1. [Dossier no. 1]

6. At the 157th meeting of the Council, on 4 May 2010, the Secretary-General of the Authority informed the Council that, as of 4 May 2010, thirty-five members of the Council had submitted their credentials. In 2006 and 2008, the Assembly elected the present membership of the Council. The decisions of the Assembly on those elections are contained in documents ISBA/12/A/12 and ISBA/14/A/12. Furthermore, in accordance with the system agreed for the allocation of seats among the regional groups at the first election of the Council, France, on behalf of the Group of Western European and other

States, participated in the meetings of the Council in 2010 without the right to vote. This is reflected in the statement of the President of the Council on the work of the Council during the sixteenth session that is contained in document ISBA/16/C/14\*. [Dossier no. 2]

7. The Council considered item 7 of its agenda at its 155th, 160th and 161st meetings. Several delegations took the floor. The Secretariat has prepared a list of speakers and an unofficial account of the summary records of the discussions at those meetings. [Dossier no. 3]

8. Under item 7 of the agenda of the Council, the delegation of the Republic of Nauru submitted a statement dated 3rd May 2010 and the delegation of Fiji submitted two statements dated 3rd and 6th May 2010, respectively. [Dossier no. 4]

9. Dossier no. 5 is the Annual Report of the Secretary-General of the International Seabed Authority under Article 166, paragraph 4, of the United Nations Convention on the Law of the Sea (ISBA/16/A/2). [Dossier no. 5]

10. Dossier no. 6 is the Summary Report of the Chairman of the Legal and Technical Commission on the work of the Commission during the sixteenth session (ISBA/16/C/7). [Dossier no. 6]

11. Dossier no. 7 is the Decision of the Council of the International Seabed Authority requesting an advisory opinion pursuant to Article 191 of the United Nations Convention on the Law of the Sea (ISBA/16/C/13). [Dossier no. 7]

12. Dossier no. 8 is the Statement of the President of the Council of the International Seabed Authority on the work of the Council during the sixteenth session (ISBA/16/C/14\*). [Dossier no. 8]

#### **B. Press Releases**

13. The Authority does not keep verbatim or summary records of meetings. This section therefore contains authorized press releases of the Authority that provide an unofficial account of the meetings at which the Council considered item 7 of its agenda.

14. Press Release SB/16/1. [Dossier no. 9] (In the English Dossier only)

15. Press Release SB/16/12. [Dossier no. 10]

16. Press Release SB/16/13. [Dossier no. 11]

17. Press Release SB/16/18. [Dossier no. 12]

18. Press Release SB/16/19. [Dossier no. 13] (In the English Dossier only)

**PART II****RELEVANT MATERIAL RELATING TO THE LEGAL REGIME GOVERNING ACTIVITIES IN THE AREA, WITH PARTICULAR REFERENCE TO THE REGULATORY REGIME GOVERNING PROSPECTING AND EXPLORATION FOR POLYMETALLIC NODULES IN THE AREA****A. United Nations Convention on the Law of the Sea**

19. This section consists of the United Nations Convention on the Law of the Sea of 10 December 1982. [Dossier no. 14]

**B. Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982**

20. This section contains the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, which the General Assembly of the United Nations adopted on 28 July 1994. The Agreement is formally annexed to GA res. 48/263, 48 GAOR, agenda item 36. [Dossier no. 15]

**C. Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area**

21. This section includes the decisions and draft decision relating to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area.

22. Decision of the Assembly approving the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area (ISBA/6/A/18). [Dossier no. 16]

23. Decision of the Council adopting the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area (ISBA/6/C/12). [Dossier no. 17]

24. Draft decision of the Council relating to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area (ISBA/6/C/L.7). [Dossier no. 18]

**D. Contracts for exploration for polymetallic nodules**

25. This section contains relevant material relating to the fifteen-year contracts for exploration for polymetallic nodules that have been concluded with the Authority so far. This material includes a report on the status of the plans of work for exploration for polymetallic nodules that were submitted for approval by the Council before the conclusion of the contracts, and a report on the status of contracts for exploration issued in accordance with the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area. Pursuant to the Regulations, contracts have been concluded with the following entities:

26. China Ocean Mineral Resources Research and Development Association (sponsoring State: China).
27. Institut Français de Recherche pour l'Exploitation de la Mer (sponsoring State: France).
28. Deep Ocean Resources Development Company Ltd. (sponsoring State: Japan).
29. Yuzhmorgeologiya (sponsoring State: Russian Federation).
30. Government of the Republic of Korea (sponsoring State: the Republic of Korea).
31. Interoceanmetal Joint Organization (sponsoring States: Bulgaria, Cuba, Czech Republic, Poland, Russian Federation and Slovakia).
32. Government of India (sponsoring State: India).
33. Federal Institute for Geosciences and Natural Resources of the Federal Republic of Germany (sponsoring State: Germany).

**[Dossiers nos. 19 through 26: Withdrawn]**

34. Status of contracts for exploration issued in accordance with the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area (ISBA/7/C/4).  
**[Dossier no. 27]**

35. Plans of work for exploration of the Government of India, Institut français de recherche pour l'exploitation de la mer (IFREMER)/Association française pour l'étude et la recherche des nodules (AFERNOD) (France), Deep Ocean Resources Development Co. Ltd. (DORD) (Japan), Yuzhmorgeologiya (Russian Federation), China Ocean Mineral Resources Research and Development Association (COMRA) (China), Interoceanmetal Joint Organization (IOM) (Bulgaria, Cuba, Czech Republic, Poland, Russian Federation and Slovakia), and the Government of the Republic of Korea. Report of the Secretary-General (ISBA/4/A/1/Rev.2). **[Dossier no. 28]**

### PART III

#### NEGOTIATING HISTORY OF ARTICLE 139, ARTICLE 153 AND ANNEX III OF THE CONVENTION AS MENTIONED IN THE REQUEST FOR AN ADVISORY OPINION

36. This Part lists a selection of relevant sources from the documents of the Third United Nations Conference on the Law of the Sea that relate to Article 139, Article 153 and Annex III of the Convention, to which the request for an advisory opinion refers. Dossier no. 29 is outlined below in a sequence from Dossier no. 29/1 to Dossier no. 29/17. Dossier no. 30 is outlined below in a sequence from Dossier no. 30/1 to Dossier no. 30/52. Dossier no. 31 is outlined below in a sequence from Dossier no. 31/1 to Dossier no. 31/50.

**37. Sources relating to Article 139 of the Convention. [Dossier no. 29]**

**Dossier no. 29/1, A/AC.138/25, article 11, at I, 3 (United States).**

**Dossier no. 29/2, A/AC.138/33, article 14, at 1, 4-5 (United Republic of Tanzania).**

**Dossier no. 29/3, A/AC.138/43, article 16, at 1, 6 (USSR).**

**Dossier no. 29/4, A/AC.138/53, articles 77 and 78, at 1, 43-44 (Malta).**

**Dossier no. 29/5, A/AC.138/SC.1/L.18/Add.3, article XX, at 1, 27-28.**

**Dossier no. 29/6, A/AC.138/SC.1/L.22 (1973, mimeo.), article 18, at 1, 31-32.**

**Dossier no. 29/7, A/AC.138/94/Add.1, article 18, at 1, 26-27 (Report of Sub-Committee I [Annex III]).**

**Dossier no. 29/8, A/CONF.62/C.1/L.3 (1974), article 18, III Off. Rec. 157, 163 (First Committee).**

**Dossier no. 29/9, A/CONF.62/WP.8/Part I (ISNT, 1975), article 17, IV Off. Rec. 137, 140 (Chairman, First Committee).**

**Dossier no. 29/10, A/CONF.62/WP.8/Rev.1/Part I (RSNT, 1976), article 17, V Off. Rec. 125, 131 (Chairman, First Committee).**

**Dossier no. 29/11, A/CONF.62/WP.10 (ICNT, 1977), article 139, VIII Off. Rec. 1, 23.**

**Dossier no. 29/12, A/CONF.62/WP.10/Rev.1 (ICNT/Rev.1, 1979, mimeo.), article 139, Reproduced in I Platzöder 375, 438.**

**Dossier no. 29/13, A/CONF.62/WP.10/Rev.2 (ICNT/Rev.2, 1980, mimeo.), article 139, Reproduced in II Platzöder 3, 65-66.**

**Dossier no. 29/14, A/CONF.62/WP.10/Rev.3\* (ICNT/Rev.3, 1980, mimeo.), article 139, Reproduced in II Platzöder 179, 241-242.**

**Dossier no. 29/15, A/CONF.62/L.78 (Draft Convention, 1981), article 139, XV Off. Rec. 172, 195.**

**Dossier no. 29/16, Draft of the ISNT/Part I (1975, mimeo.), article 17. Reproduced in VII Platzöder 110, 117-118.**

**Dossier no. 29/17, C.1/PBE.11 (1976, mimeo.), article 17 (Chairman, First Committee). Reproduced in VI Platzöder 126.**

**38. Sources relating to Article 153 of the Convention. [Dossier no. 30]**

**Dossier No. 30/1, A/AC.138/25, article 10, at i, (United States).**

- Dossier no. 30/2**, A/AC.138/33, articles 8 and 13, at 1, 3-4, (United Republic of Tanzania).
- Dossier no. 30/3**, A/AC.138/43, articles 13, 16, and 22, at 1, 5-8, (USSR).
- Dossier no. 30/4**, A/AC.138/49, article 15, at 1, 3 (Chile, Colombia, Ecuador, El Salvador, Guatemala, Guyana, Jamaica, Mexico, Panama, Peru, Trinidad and Tobago, Uruguay, and Venezuela).
- Dossier no. 30/5**, A/AC.138/53, article 75, at 1, 43, (Malta).
- Dossier no. 30/6**, A/AC.138/SC.I/L.22 (1973, mimeo), article 9, at 1, 16-17, (Sub-Committee I).
- Dossier no. 30/7**, A/AC.138/SC.I/L.26 (1973, mimeo.), Section A, article 3, at 1, 3-4, (Italy).
- Dossier No. 30/8**, A/AC.138/94/Add.1, article 9, at i, 12-13, (Report of Sub-Committee I).
- Dossier no. 30/9**, A/CONF.62/C.1/L.3 (1974), article 9, III Off. Rec. at 157, 159-160, (First Committee).
- Dossier no. 30/10**, A/CONF.62/C.1/L.6 (1974), article IV, III Off. Rec. 169, 170-171, (United States).
- Dossier No. 30/11**, A/CONF.62/C.1/L.9 (1974), articles I and II, III Off. Rec. at 1, (Japan).
- Dossier no. 30/12**, A/CONF.62/WP.8/Part I (ISNT, 1975), article 22, paras. 1 and 2, IV Off. Rec. at 1, 140-141, (Chairman, First Committee).
- Dossier no. 30/13**, A/CONF.62/WP.8/Rev.1/Part I (RSNT, 1976), article 22, V Off. Rec. at 1, 19, (Chairman, First Committee).
- Dossier no. 30/14**, A/CONF.62/WP.10 (ICNT, 1977), article 151, VIII Off. Rec. I, 26.
- Dossier No. 30/15**, A/CONF.62/RCNG/1 (1978), incorporating NG1/10/Rev.1, article 151 (Chairman, NG1), X Off. Rec. 13, 19, 21, 25.
- Dossier No. 30/16**, A/CONF.62/L.35 (1979), Annex III, incorporating NG1/16/rev.1 (Chairman, NG1), article 151, XI Off. Rec. 86, 90-91.
- Dossier no. 30/17**, A/CONF.62/WP.10/Rev.1 (ICNT/Rev.1, 1979), article 153. Reproduced in I Platzöder 375, 444-445.
- Dossier no. 30/18**, A/CONF.62/WP.10/Rev.2 (ICNT/Rev.2, 1980), article 153. Reproduced in II Platzöder 3, 72-73.



- Dossier no. 30/19**, A/CONF.62/WP.10/Rev.3\* (ICNT/Rev.3, 1980), article 153. Reproduced in II Platzöder 179, 248-249.
- Dossier no. 30/20**, A.CONF.62/L.78 (Draft Convention, 1981), article 153, XV Off. Rec. 172, 198.
- Dossier no. 30/21**, A/CONF.62/L.121 (1982), article 153, paragraphs 2, 4 and 5, XVI Off. Rec. 226, 227 (Belgium, France, Federal Republic of Germany, Italy, Japan, United Kingdom, and United States).
- Dossier no. 30/22**, C.1/CRP.1 (1974, mimeo.), article 9. Reproduced in V Platzöder at 485.
- Dossier no. 30/23**, C.1/CRP.3 (1974, mimeo.), article 9. Reproduced in V Platzöder at 487.
- Dossier no. 30/24**, C.1/CRP.4 (1974, mimeo.), article 9 (G77). Reproduced in V Platzöder at 489.
- Dossier no. 30/25**, CP/cab.7 (1974, mimeo.), article 9 (First Committee). Reproduced in VI Platzöder at 4, 5.
- Dossier no. 30/26**, A/CONF.62/C.1/CRP.5/Add.2 (1974, mimeo.), article 9 (First Committee). Reproduced in V Platzöder at 494.
- Dossier no. 30/27**, CP/Working Paper n° 1 (1974, mimeo.), article 9, para. 2 (First Committee, Working Group). Reproduced in V Platzöder at 506.
- Dossier no. 30/28**, United States (1974, mimeo.), articles I, II, and III. Reproduced in VII Platzöder at 95-99.
- Dossier no. 30/29**, CP/Working Paper n° 3 (1974, mimeo.), article 9(2) (First Committee, Working Group). Reproduced in V Platzöder at 526.
- Dossier no. 30/30**, CP/Working Paper n° 4 (1974, mimeo.), article 9, para. 2 (First Committee, Working Group). Reproduced in V Platzöder at 527.
- Dossier no. 30/31**, Draft of the ISNT/part I (1975, mimeo.), article 22, paras. 1 and 2 (Chairman, First Committee). Reproduced in VII Platzöder at 110, 120.
- Dossier no. 30/32**, United States (1975, mimeo.), article 22. Reproduced in VII Platzöder at 153, 156.
- Dossier no. 30/33**, Nigeria (1976, mimeo.), article 22. Reproduced in VII Platzöder at 236-237.
- Dossier no. 30/34**, Belgium (1976, mimeo.), article 22. Reproduced in VII Platzöder at 238.

- Dossier no. 30/35**, C.1/PBE.8 (1976, mimeo.), article 22 (Chairman, first Committee).  
Reproduced in VI Platzöder at 111.
- Dossier no. 30/36**, First Committee Workshop (1976, mimeo.), article 22 (G77).  
Reproduced in VII Platzöder at 302.
- Dossier no. 30/37**, Workshop Paper No. 2 (1976, mimeo.), article 22 (Soviet Union).  
Reproduced in VI Platzöder at 176.
- Dossier no. 30/38**, Workshop Paper No. 3 (1976, mimeo.), article 22 (U.S.A.).  
Reproduced in VI Platzöder at 177.
- Dossier no. 30/39**, Nigeria (1976, mimeo.), "Joint venture." Reproduced in VII  
Platzöder at 325.
- Dossier no. 30/40**, Note by the Secretariat [Jens Evensen] (1977, mimeo.), Enclosure 2,  
article 22. Reproduced in VII Platzöder at 335, 349, 351.
- Dossier no. 30/41**, Note by the Secretariat [Jens Evensen] (1977, mimeo.), Enclosure 4,  
article 22. Reproduced in VII Platzöder at 335, 365- 366.
- Dossier no. 30/42**, Note by the Secretariat [Jens Evensen] (1977, mimeo.), Enclosure 6,  
article 22 [Austria]. Reproduced in VII Platzöder at 335, 373-374.
- Dossier no. 30/43**, "Financing of the Enterprise" (1977, mimeo.), article 22 [Castañeda  
and Evensen]. Reproduced in VII Platzöder at 379-380.
- Dossier no. 30/44**, Norway (1977, mimeo.), article 22. Reproduced in VII Platzöder at  
404-406.
- Dossier no. 30/45**, Norway (1977, mimeo.), article 22. Reproduced in VII Platzöder at  
439, 441.
- Dossier No. 30/46**, Group of 77 (1977, mimeo.), article 22. Reproduced in VII Platzöder  
at 448-449.
- Dossier no. 30/47**, NG1/2 (1978, mimeo.), article 151. Reproduced in IX Platzöder at 80.
- Dossier no. 30/48**, NG1/6 (1978, mimeo.), article 151. Reproduced in IX Platzöder at 85,  
89.
- Dossier no. 30/49**, NG1/10 (1978, mimeo.), article 151 (Chairman, NG1). Reproduced in  
IX Platzöder at 117, 121.
- Dossier no. 30/50**, WG.21/1 (1979, mimeo.), article 153 (Chairmen, informal Working  
Groups). Reproduced in VI Platzöder at 317, 324-325.
- Dossier no. 30/51**, "The Green Book" (1982, mimeo.), article 153 (United States).  
Reproduced in VIII Platzöder at 304, 308-309.

**Dossier no. 30/52, WG.21/Informal Paper 18 (1982, mimeo.), article 153 (United States).**  
Reproduced in VI Platzöder at 278, 281-282.

**39. Sources relating to Annex III to the Convention. [Dossier no. 31]**

**Dossier no. 31/1, A/AC.138/25 (1970), Appendix A and B (United States).**

**Dossier no. 31/2, A/AC.138/33 (1971), at 1, 4-5 (Tanzania).**

**Dossier no. 31/3, A/AC.138/94/Add.1 (1973), Annex D, at 116-117.**

**Dossier no. 31/4, A/CONF.62/C.1/L.6 (1974), III Off. Rec. 169-172 (United States of America: draft appendix to the Law of the Sea Treaty concerning mineral resource development in the international sea-bed area).**

**Dossier no. 31/5, A/CONF.62/C.1/L.7 (1974), III Off. Rec. 172-173 (Text on conditions of exploration and exploitation prepared by the Group of 77).**

**Dossier no. 31/6, A/CONF.62/C.1/L.8 (1974), III Off. Rec. 173-175 (Belgium, Denmark, France, Germany [Federal Republic of], Italy, Luxembourg, Netherlands, United Kingdom of Great Britain and Northern Ireland: Working Paper).**

**Dossier no. 31/7, A/CONF.62/C.1/L.9 (1974), III Off. Rec. 175-177 (Japan: working paper on conditions of exploration and exploitation).**

**Dossier no. 31/8, A/CONF.62/C.1/L.12 (1975), IV Off. Rec. 182-188 (USSR: working document on the basic provisions of the rules and conditions governing the evaluation and exploitation of the mineral resources of the sea-bed beyond the limits of the continental shelf – provisions which should form an integral part of the Law of the Sea Convention).**

**Dossier no. 31/9, A/CONF.62/WP.8/Part I (ISNT, 1975), Annex I, IV Off. Rec. 137, 149-152 (Chairman, First Committee).**

**Dossier no. 31/10, A/CONF.62/WP.8/Rev.1/Part I (RSNT, 1976), Annex I, V Off. Rec. 125, 139-142.**

**Dossier no. 31/11, A/CONF.62/WP.10 (ICNT, 1977), Annex II, VIII Off. Rec. 1, 49-54.**

**Dossier no. 31/12, A/CONF.62/WP.10/Rev.1 (ICNT/Rev.1, 1979, mimeo.), Annex II.**  
Reproduced in I Platzöder 375, 500-514.

**Dossier no. 31/13, A/CONF.62/C.1/L.26 (1979), XII Off. Rec. 77, 84-86, 90 (Report on negotiations held by the Chairman and Coordinators of WG.21).**

**Dossier no. 31/14, A/CONF.62/L.35 (1979), Annex II, XI Off. Rec. 86, 92-96.**

**Dossier no. 31/15, A/CONF.62/C.1/L.27 and Add.1 (1980), Annex II, XIII Off. Rec. 113, 116-120 (Report of the Coordinators of WG.21 to the First Committee).**

- Dossier no. 31/16**, A/CONF.62/WP.10/Rev.2 (ICNT/Rev.2, 1980, mimeo.), Annex III. Reproduced in II Platzöder 3, 129-147.
- Dossier no. 31/17**, A/CONF.62/WP.10/Rev.3\* (ICNT/Rev.3, 1980, mimeo.), Annex III. Reproduced in II Platzöder 179, 494-511.
- Dossier no. 31/18**, A/CONF.62/L.78\*, Annex III, XV Off. Rec. 172, 225-231 (Draft Convention on the Law of the Sea, 1981).
- Dossier no. 31/19**, A/CONF.62/L.104 and Add.1 (1982), XVI Off. Rec. 219-220 (Australia, Austria, Canada, Denmark, Finland, Iceland, Ireland, New Zealand, Norway, Sweden, and Switzerland: amendments).
- Dossier no. 31/20**, A/CONF.62/L.106 (1982), XVI Off. Rec. 221-222 (France).
- Dossier no. 31/21**, A/CONF.62/L.121 (1982), XVI Off. Rec. 226, 228-231 (Belgium, France, Germany [Federal Republic of], Italy, Japan, United Kingdom, and United States of America: amendments).
- Dossier no. 31/22**, C.1/CRP.7 (1974, mimeo.), First Committee Informal Proposals. Reproduced in V Platzöder 498-500.
- Dossier no. 31/23**, C.1/CRP.8 (1974, mimeo.), Belgium, Denmark, France, Germany [Federal Republic of], Italy, Luxembourg, Netherlands, United Kingdom of Great Britain and Northern Ireland: working document. Reproduced in V Platzöder 500-505.
- Dossier no. 31/24**, CP/Working paper no. 2 (1974, mimeo.), Proposals regarding conditions of exploration and exploitation (First Committee). Reproduced in V Platzöder 507-516.
- Dossier no. 31/25**, CP/cab.10 (1974, mimeo.), First Committee informal proposals regarding conditions of exploration and exploitation. Reproduced in VI Platzöder 64-70.
- Dossier no. 31/26**, CP/cab.11 (1975, mimeo.), Opening statement by the Chairman of the First Committee working group. Reproduced in VI Platzöder 71-81.
- Dossier no. 31/27**, CP/cab.12/Rev.1 (C.1) (1975, mimeo.), First Committee Working Group, Annex I; Basic conditions of General Survey, Exploration and Exploitation. Reproduced in VI Platzöder 90-99.
- Dossier no. 31/28**, First Committee, Workshop Paper no. 1 (1976, mimeo.), Group of 77 Contact Group on First Committee Matters. Reproduced in VI Platzöder 174-176.
- Dossier no. 31/29**, First Committee, Workshop Paper no. 2 (1976, mimeo.), (USSR). Reproduced in VI Platzöder 176-177.

- Dossier no. 31/30**, First Committee, Workshop Paper no. 3 (1976, mimeo.), (United States: Proposals Regarding the System of Access). Reproduced in VI Platzöder 177-180.
- Dossier no. 31/31**, C.1/PBE.1-C.1/PBE.9 (1976, mimeo.) [Chairman, First Committee]. Reproduced in VI Platzöder 100-120.
- Dossier no. 31/32**, France (1976, mimeo.), "Clause anti-position dominante". Reproduced in VII Platzöder 243.
- Dossier no. 31/33**, United Kingdom (1976, mimeo.), "Draft of a Anti-Dominant Position Clause". Reproduced in VII Platzöder 244-245.
- Dossier no. 31/34**, Note by the Secretariat (1977, mimeo.) [Evensen Report]. Reproduced in VII Platzöder 335-339.
- Dossier no. 31/35**, Norway (1977, mimeo.), Annex I. Reproduced in VII Platzöder 439, 441.
- Dossier no. 31/36**, Group of 77 (1977, mimeo), Annex I. Reproduced in VII Platzöder 448-453.
- Dossier no. 31/37**, Anonymous (1978, mimeo.), "Clause anti-monopole". Reproduced in VIII Platzöder 17-18.
- Dossier no. 31/38**, Soviet Union (1978, mimeo.), "Statement on a Quota-System and Anti-Monopoly Provision". Reproduced in VIII Platzöder 19-21.
- Dossier no. 31/39**, NG1/10/Rev.1 (1978, mimeo.), Annex II, paragraph 4. Reproduced in IX Platzöder 125, 130-131.
- Dossier no. 31/40**, NG1/13 and Add.1 (1978, mimeo.), Annex II, Chairman NG1. Reproduced in IX Platzöder 138-143.
- Dossier no. 31/41**, NG1/15 (1979, mimeo.), Annex II, paragraph 5. Reproduced in IX Platzöder 149-150.
- Dossier no. 31/42**, NG1/16/Rev.1 (1979, mimeo.), Annex II. Reproduced in IX Platzöder 172, 178-191.
- Dossier no. 31/43**, WG.21/1 (1979, mimeo.), Annex II, (Coordinator, WG.21). Reproduced in VI Platzöder 317, 342-357.
- Dossier no. 31/44**, WG.21/2 (1979, mimeo.), Appendix A to A/CONF.62/L.43, (Coordinator, WG.21), XII Off. Rec. 74, 84-86, 90.
- Dossier no. 31/45**, WG.21/Informal Paper 3 (1979, mimeo.), Annex II, articles 6 and 7. Reproduced in VI Platzöder 188-197.

**Dossier no. 31/46**, WG.21/Informal Paper 5 (1979, mimeo.), (Chairman, NG1 and Coordinator, WG.21). Reproduced in VI Platzöder 199-202.

**Dossier no. 31/47**, France (1980, mimeo.), Approval of Plans of Work. Reproduced in VIII Platzöder 198-201.

**Dossier no. 31/48**, United States (1980, mimeo.), Annex III, articles 6 and 7. Reproduced in VIII Platzöder 269.

**Dossier no. 31/49**, A/CONF.62/WG.21/3 (1980, mimeo.), Annex III (Coordinators WG.21). Reproduced in VI Platzöder 382, 393-404.

**Dossier no. 31/50**, WG.21/Informal paper 18 (1982, mimeo.), Annex III (U.S.A.). Reproduced in VI Platzöder 278, 293-298. [cf. U.S. "Green Book", in VIII Platzöder 304, 323-330].

#### PART IV

#### TRAVAUX PRÉPARATOIRES OF THE REGULATIONS ON PROSPECTING AND EXPLORATION FOR POLYMETALLIC NODULES IN THE AREA

40. The material selected in this Part refers to the *travaux préparatoires* of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area. It consists of draft texts, proposals and statements, statements of the President of the Council of the Authority, statements of the President of the Assembly of the Authority, working papers and background documents, and relevant annual reports of the Secretary-General of the Authority, in which the Regulations are discussed, submitted to the Assembly pursuant to Article 166, paragraph 4, of the Convention.

##### A. Draft texts

41. Draft regulations on prospecting and exploration for polymetallic nodules in the Area. Prepared by the Secretariat (ISBA/3/LTC/WP.1) [Dossier no. 32]

42. Draft regulations on prospecting and exploration for polymetallic nodules in the Area. Provisional text prepared by the Legal and Technical Commission (ISBA/3/LTC/WP.1/Rev.1) [Dossier no. 33]

43. Draft standard terms of exploration contract (ISBA/3/LTC/WP.2). [Dossier no. 34]

44. Draft regulations on prospecting and exploration for polymetallic nodules in the Area. Consolidated version of ISBA/3/LTC/WP.1/Rev.1 and ISBA/3/LTC/WP.2 prepared by the Secretariat (ISBA/3/LTC/WP.1/Rev.2) [Dossier no. 35]

45. Draft regulations on prospecting and exploration for polymetallic nodules in the Area. Provisional text prepared by the Legal and Technical Commission (ISBA/3/LTC/WP.1/Rev.3) [Dossier no. 36]

46. Draft regulations on prospecting and exploration for polymetallic nodules in the Area. Proposed by the Legal and Technical Commission (ISBA/4/C/4) [Dossier no. 37]
47. Draft regulations on prospecting and exploration for polymetallic nodules in the Area. Prepared by the Secretariat, incorporating suggested amendments in the light of comments submitted by member States (ISBA/4/LTC/TNF/1) [Dossier no 38]
48. Draft regulations on prospecting and exploration for polymetallic nodules in the Area. Prepared by the Secretariat, incorporating suggested amendments in the light of comments submitted by member States (ISBA/4/LTC/TNF/1/Add.1) [Dossier no 39]
49. Draft regulations on prospecting and exploration for polymetallic nodules in the Area. Prepared by the Secretariat, incorporating suggested amendments in the light of comments submitted by Member States (ISBA/4/LTC/TNF/1/Add.2) [Dossier no. 40]
50. Draft regulations on prospecting and exploration for polymetallic nodules in the Area. Proposed by the Legal and Technical Commission (ISBA/4/C/4/Rev.1) [Dossier no 41]
51. Recommended technical revisions to ISBA/4/C/4/Rev.1 of 29 April 1998. Proposed by the Secretariat (ISBA/5/C/CRP.1, English only) [Dossier no 42]
52. Informal revisions of Regulations 1 and 22 to 33 of the Mining Code (ISBA/4/C/4/Rev.1) prepared by the Secretariat together with the President of the Council (ISBA/5/C/CRP.2, English only) [Dossier no 43]
53. Informal revisions of Annex 4 of the Mining Code (ISBA/4/C/4/Rev.1) prepared by the Secretariat together with the President of the Council (ISBA/5/C/CRP.3, English only) [Dossier no. 44]
54. Draft regulations on prospecting and exploration for polymetallic nodules in the Area. Revision by the Council of ISBA/4/C/4/Rev.1 of 29 April 1998 (ISBA/5/C/4/Add.1 and Corr.1, ISBA/5/C/4/Rev.1) [Dossier no. 45]
55. Draft regulations on prospecting and exploration for polymetallic nodules in the Area. Annotated version of ISBA/5/C/4/Rev.1 (ISBA/6/C/CRP.1, English only) [Dossier no. 46]
56. Draft regulations on prospecting and exploration for polymetallic nodules in the Area. Revision of ISBA/5/C/4/Rev.1 (ISBA/6/C/2\*) [Dossier no. 47]
57. Draft regulations on prospecting and exploration for polymetallic nodules in the Area. Annotated version of ISBA/6/C/ 2\* (ISBA/6/CRP.2, English only) [Dossier no. 48]

**B. Proposals and statements**

58. Statement by the Group of Latin American and Caribbean States presented by the permanent representative of Chile to the Authority (ISBA/5/C/12). [Dossier no. 49]

59. Proposal by the delegation of the Netherlands on the precautionary principle (ISBA/5/C/L.8). [Dossier no 50]

60. Proposal submitted by the delegation of Chile concerning document ISBA/5/C/4/Rev.1 (ISBA/6/C/L.3). [Dossier no 51]

61. Draft regulations on prospecting and exploration for polymetallic nodules in the Area. Proposal by the President of the Council (ISBA/6/C/8 and Corr. 1). [Dossier no. 52]

**C. Statements of the President of the Council of the Authority**

62. Statement of the President on the work of the Council during the third session (ISBA/3/C/L.4). [Dossier no 53]

63. Statement of the President on the work of the Council during the first part of the fourth session (ISBA/4/C/5). [Dossier no. 54]

64. Statement of the President on the work of the Council at the fifth session (ISBA/5/C/11). [Dossier no. 55]

65. Statement of the President on the work of the Council at the sixth session (ISBA/6/C/3). [Dossier no. 56]

**D. Statements of the President of the Assembly of the Authority**

66. Statement of the President on the work of the Assembly during the third session (ISBA/3/A/L.4). [Dossier no. 57]

67. Statement of the President on the work of the Assembly at the resumed sixth session (ISBA/6/A/19). [Dossier no. 58]

**E. Working papers and background documents**

68. Outstanding issues with respect to the draft regulations on prospecting and exploration for polymetallic nodules in the Area - ISBA/5/C/4/Rev.1 (ISBA/6/C/INF.1). [Dossier no. 59]

**F. Annual reports of the Secretary-General of the Authority**

69. Report of the Secretary-General of the International Seabed Authority under article 166, paragraph 4, of the United Nations Convention on the Law of the Sea (ISBA/3/A/4 and Corr.1). [Dossier no. 60]



70. Report of the Secretary-General of the International Seabed Authority under article 166, paragraph 4, of the United Nations Convention on the Law of the Sea (ISBA/4/A/11). [Dossier no. 61]

71. Report of the Secretary-General of the International Seabed Authority under article 166, paragraph 4, of the United Nations Convention on the Law of the Sea (ISBA/5/A/1 and Corr. 1). [Dossier no. 62]

72. Report of the Secretary-General of the International Seabed Authority under article 166, paragraph 4, of the United Nations Convention on the Law of the Sea (ISBA/6/A/9). [Dossier no. 63]

## PART V

### OTHER MATERIAL

73. This part contains the articles on the responsibility of States for internationally wrongful acts that the International Law Commission adopted in 2001. It also includes the report on the work of the Commission at the session at which those articles were adopted, and an analytical guide relating to the *travaux préparatoires* of the articles and to the resolutions of the General Assembly of the United Nations on this topic. Part V also presents the Draft articles on the responsibility of international organizations that the ILC is considering, and an analytical guide recalling the *travaux préparatoires* and the relevant resolutions of the General Assembly of the United Nations on this subject.

#### A. ILC Articles on Responsibility of States for Internationally Wrongful Acts

74. ILC articles on responsibility of States for internationally wrongful acts. [Dossier no. 64]

75. At its fifty-third session, in 2001, the Commission adopted the entire set of draft articles on responsibility of States for internationally wrongful acts, consisting of 59 articles as well as commentaries thereto. The General Assembly, in resolution 56/83 of 12 December 2001, as recommended by the Commission, took note of the articles on responsibility of States for internationally wrongful acts, the text of which was annexed to the resolution, and commended them to the attention of Governments without prejudice to the question of their future adoption or other appropriate action. Further, the General Assembly decided to include in the provisional agenda of its fifty-ninth session, in 2004, an item entitled "Responsibility of States for internationally wrongful acts".

76. The General Assembly, in resolution 59/35 of 2 December 2004, again commended the articles on responsibility of States for internationally wrongful acts, and requested the Secretary-General to invite Governments to submit their written comments on any future action regarding the articles. The General Assembly also requested the Secretary-General to prepare an initial compilation of decisions of international courts, tribunals and other bodies referring to the articles, and to invite Governments to submit information on their practice in this regard. The General Assembly further requested the Secretary-General to submit this material well in advance of the sixty-second session and

decided to include in the provisional agenda of its sixty-second session (2007) an item entitled "Responsibility of States for internationally wrongful acts".

77. The General Assembly, in resolution 62/61 of 6 December 2007, commended once again the articles on responsibility of States for internationally wrongful acts to the attention of Governments, without prejudice to the question of their future adoption or other appropriate action. The General Assembly also requested the Secretary-General to invite Governments to submit their written comments on any future action regarding the articles. It further requested the Secretary-General to update the compilation of decisions of international courts, tribunals and other bodies referring to the articles, and to invite Governments to submit information on their practice in this regard. The General Assembly also requested the Secretary-General to submit this material well in advance of its sixty-fifth session and decided to include in the provisional agenda of its sixty-fifth session (2010) an item entitled "Responsibility of States for internationally wrongful acts". The General Assembly also decided to further examine, within the framework of a working group of the Sixth Committee, the question of a convention on responsibility of States for internationally wrongful acts or other appropriate action on the basis of the articles.

78. Report and analytical guide relating to the ILC articles on responsibility of States for internationally wrongful acts. [Dossier no. 65]

Dossier no. 65/1, A/56/10 and Corr.1, Report of the fifty-third session of the International Law Commission. This report covers the adoption by the Commission of the articles on the responsibility of States for internationally wrongful acts. This report also includes an historical background of the work done by the Commission since the selection of the topic as a matter for codification in 1949, along with commentaries under each article.

Dossier no. 65/2, Analytical guide prepared by the Secretariat of the International Law Commission (source: [http://untreaty.un.org/ilc/guide/9\\_6.htm](http://untreaty.un.org/ilc/guide/9_6.htm)).

## B. ILC Draft Articles on Responsibility of International Organizations

79. At the sixty-first session, in 2009, the ILC adopted a set of 66 articles on the responsibility of international organizations on first reading. The Commission also decided to transmit those draft articles, through the Secretary-General, to Governments and international organizations for comments and observations to be submitted to the Secretary-General by 1 January 2011. The text of the draft articles adopted by the Commission on first reading is reproduced as it appears in the report of the Commission on the work of its sixty-first session (A/64/10 and Corr.1). [Dossier no. 66]

80. Analytical guide prepared by the Secretariat to the International Law Commission on the draft articles on the topic "Responsibility of international organizations" (source: [http://untreaty.un.org/ilc/guide/9\\_11.htm](http://untreaty.un.org/ilc/guide/9_11.htm)). [Dossier no. 67]