NOTE BY THE PRESIDENT OF THE CONFERENCE

At its 55th plenary meeting on Friday, 18 April 1976, the Conference decided to request the Chairmen of its three Main Committees each to prepare a single negotiating text covering the subjects entrusted to his Committee. The Chairmen were expected, in the preparation of this text, to take into account all the formal and informal discussions that had been held. It was understood that the text would be informal in character and would not prejudice the position of any delegation, nor would it represent any negotiated text or accepted compromise. The informal single negotiating text was to serve purely as a procedural device and only provide a basis for negotiation without affecting either the status of proposals already made by delegations or the right of delegations to submit amendments or introduce new proposals.

The informal single negotiating texts which were released before the adjournment of the third session of the Third United Nations Conference on the Law of the Sea as documents A/CONF.62/WP.8/Parts I, II and III have been the subject of informal negotiations both during the intersessional period and during almost this entire fourth session which started on 17 March 1976.

At the 1st meeting of the fourth session the President indicated that the next phase should be the preparation by the Chairmen of the three Committees of a revised single negotiating text in respect of each of their Committees and that this revised text would reflect as far as possible the result of the informal negotiations that had taken place.

The revised single negotiating text would represent a further stage in the work of the Conference. The Chairmen of the three Committees have accordingly prepared revised single negotiating texts. These texts have been prepared entirely on their own responsibility and will have no other status than that of serving as a basis for continued negotiation without prejudice to the right of any delegation to move any amendments or to introduce any new proposals. The texts must not be regarded as committing any delegation or delegations to any of their provisions. In accordance with the procedure already established, there will be no general discussion of the texts.

A new part IV dealing with the item "Settlement of Disputes" is now being presented on the responsibility of the President following a general debate on the item (A/CONF.62/WP.9/Rev.1). Like the other texts it will only serve as a basis for negotiation and will not affect the right of any delegation to introduce amendments or new proposals.

The President presents these texts to the Conference as a procedural device to carry forward the process of negotiation in the expectation and the hope that the future negotiations will help towards the attainment of general agreement in keeping with the letter and the spirit of the "gentleman's agreement" regarding the conclusion of a treaty or a convention by consensus.


DOCUMENT A/CONF.62/WP.8/REV.1/II

(Text presented by the Chairman of the First Committee)

INTRODUCTORY NOTE

1. The peculiar form of this revised single negotiating text makes an introductory commentary inevitable. The complexity of the issues and the nature of the delicate negotiating effort involved in elaborating treaty articles for a new international régime, including an international machinery, demand a careful identification of the major problems, having regard to the divergent views expressed on them. The informal negotiations in the First Committee were based on the recognition of this fact. Yet, this did not in any way reduce the significance of all aspects of the provisions of the new treaty which must also be negotiated.

2. With the informal single negotiating text I submitted in Geneva, I was presented with an impossible task of trying to present a basic working document for the First Committee's mandate. My preoccupation could not be the reconciliation of these divergent views because none was possible, considering that no meaningful negotiations had begun. The period of consultations preceding its issue was embarrassingly short. Instead, I had to assemble ideas, in some chronological order, which I felt would effectively expose the magnitude of the outstanding issues.

3. The instructions of the Conference, that I produce a revision of that text (the current revised single negotiating text), presented me with an opportunity to reflect, as best I saw them, the content of the debates during the New York session based on the Geneva single negotiating text. What I now present does no more than reflect my personal view, as Chairman, of the possible direction in which the desirable consensus we seek may be found.

4. As with the first text, I have no illusions about the capacity of a single individual with my limitations to produce a compromise, particularly in so short a time. The value of a text like this resides in its own capacity to guide negotiations to a fruitful finality. If it succeeds in doing this, the gratification will be mine, but the credit must go to the first place to all the delegations of the First Committee who have demonstrated such devotion and made available to me the privilege of their wisdom and suggestions. They worked at various informal levels, including the informal meetings of the Committee as a whole, and a multiplicity of smaller groups of experts and interested individuals under my personal supervision. The delegations were also encouraged to meet bilaterally and multilaterally, as well as in groups of interests. The results of all of these were fed into me and in appropriate cases thrown open for further review in larger meetings.

5. I decided to submit first impression drafts of various articles, known as the "PDB Series", of the negotiations in the hope that they would be studied and comments made to aid the production of the revised single negotiating text. I am grateful to those who responded to my appeal. However, I take full responsibility for the text which I now present to the
ACCOMMODATION OF ACTIVITIES IN THE AREA AND IN THE MARINE ENVIRONMENT

Article 16

1. Activities in the Area shall be carried out with reasonable regard to other activities in the marine environment.

2. Stationary and mobile installations relating to the conduct of activities in the Area shall be subject to the following conditions:

(i) Such installations shall be erected, equipped and removed solely in accordance with the provisions of this Part of the Convention and subject to rules and regulations adopted by the Authority. The erection, emplacement and removal of such installations shall be the subject of timely notification through Notices to Mariners or other generally recognized means of notification;

(ii) Such installations shall not be located in the Area where they may obstruct passage through sea lanes of vital importance for international shipping or in areas of intense fishing activity;

(iii) Safety zones shall be established around such installations with appropriate markings to ensure the safety both of the installations themselves and of shipping. The configuration and location of such safety zones shall not be such as to form a belt impeding the lawful access of shipping to particular maritime zones or navigation along international sea lanes;

(iv) Such installations shall be used exclusively for peaceful purposes;

(v) Such installations shall not possess the status of islands. They shall have no territorial sea, nor shall their presence affect the determination of territorial or jurisdictional limits of any kind.

3. Other activities in the marine environment shall be conducted with reasonable regard for activities in the Area.

RESPONSIBILITY TO ENSURE COMPLIANCE AND LIABILITY FOR DAMAGE

Article 17

1. States Parties shall have the responsibility to ensure that activities in the Area, whether undertaken by States Parties, or state enterprises, or persons natural or juridical which possess the nationality of States Parties or are effectively controlled by them or their nationals, shall be carried out in conformity with the provisions of this Part of the Convention. The same responsibility applies to international organizations for activities in the Area undertaken by such organizations. Without prejudice to applicable principles of international law and paragraph 18 of Annex I, damage caused by the failure of a State Party to carry out its responsibilities under this Part of the Convention shall entail liability. A State Party shall not however be liable for damage caused by any failure to comply by a person whom it has sponsored under Article 22, paragraph 1, if the State Party has taken all necessary and appropriate measures to secure effective compliance under Article 22, paragraph 3.

2. A group of States Parties or a group of international organizations, acting together, shall be jointly and severally responsible under these Articles.

3. States Parties shall take appropriate measures to ensure that the responsibility provided for in paragraph 1 of this article shall apply mutatis mutandis to international organizations.

PARTICIPATION OF DEVELOPING COUNTRIES, INCLUDING LAND-LOCKED AND OTHER GEOGRAPHICALLY DISADVANTAGED STATES

Article 18

Effective participation in the activities in the Area of developing countries shall be promoted as specifically provided for in this Part of the Convention, having due regard to their special needs and interests, and in particular, the special needs of the land-locked and geographically disadvantaged States among them in overcoming obstacles arising from their disadvantaged location.

ARCHAEOLOGICAL AND HISTORICAL OBJECTS

Article 19

All objects of an archaeological and historical nature found in the Area shall be preserved or disposed of for the benefit of the international community as a whole, particular regard being paid to the preferential rights of the State or country of origin, or the State of cultural origin, or the State of historical and archaeological origin.

ESTABLISHMENT OF THE INTERNATIONAL SEA-BED AUTHORITY

Article 20

1. There is hereby established the International Sea-Bed Authority which shall function in accordance with the provisions of this Part of the Convention.

2. All States Parties to this Convention are ipso facto members of the Authority.

3. The seat of the Authority shall be at Jamaica.

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

NATURE AND FUNDAMENTAL PRINCIPLES OF THE FUNCTIONING OF THE AUTHORITY

Article 21

1. The Authority is the organization through which States Parties shall organize and control activities in the Area, particularly with the view towards the administration of the resources of the Area, in accordance with this Part of the Convention.

2. The Authority is based on the principle of the sovereign equality of all of its members.

3. All members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with this Part.

FUNCTIONS OF THE AUTHORITY

Article 22

1. Activities in the Area shall be conducted directly by the Authority and, in association with the Authority and under its control in accordance with paragraph 3 of this article, by States Parties, or state enterprises, or persons natural or juridical which possess the nationality of States Parties or are effectively controlled by them or their nationals, when sponsored by such States, or any group of the