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INFORMAL COMPOSITE NEGOTIATING TEXT/REVISION 1

CONTENTS

Explanatory memorandum by the President of the Conference

PREAMBLE

PART I. USE OF TERMS

Article 1. Use of terms

PART II. TERRITORIAL SEA AND CONTIGUOUS ZONE

SECTION 1. GENERAL

Article 2. Juridical status of the territorial sea, of the air space over the territorial sea and of its bed and subsoil

SECTION 2. LIMITS OF THE TERRITORIAL SEA

Article 3. Breadth of the territorial sea

Article 4. Outer limit of the territorial sea

Article 5. Normal baseline

Article 6. Reefs

Article 7. Straight baselines

Article 8. Internal waters

Article 9. Mouths of rivers

Article 10. Bays

Article 11. Ports

Article 12. Roadsteads

Article 13. Low-tide elevations

Article 14. Combination of methods for determining baselines
Article 138
General conduct of States in relation to the Area

The general conduct of States in relation to the Area shall be in accordance with the provisions of this Part and other pertinent rules of international law, including the Charter of the United Nations, in the interests of maintaining peace and security and promoting international co-operation and mutual understanding.

Article 139
Responsibility to ensure compliance
and liability for damage

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. 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 article 21 of annex II, damage caused by the failure of a State Party to carry out its responsibilities under this Part 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 152, paragraph 2(b), if the State Party has taken all necessary and appropriate measures to secure effective compliance under article 153, paragraph 4.

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 shall apply mutatis mutandis to international organizations.

Article 140
Benefit of mankind

1. Activities in the Area shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, whether coastal or land-locked, and taking into particular consideration the interests and needs of the developing countries and peoples who have not attained full independence or other self-governing status as specifically provided for in this Part.

2. The authority shall provide for the equitable sharing of benefits derived from the Area through any appropriate mechanism in accordance with article 160, paragraph 2(j).

Article 141
Use of the Area exclusively for peaceful purposes

The Area shall be open to use exclusively for peaceful purposes by all States, whether coastal or land-locked, without discrimination and without prejudice to the other provisions of this Part.