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
XX

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

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. */ [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 named installations and equipment operated by those authorized or sponsored by it.

*/ See introductory note.

*/ The Working Group may wish to consider whether to include reference here to a 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].