REPORT OF SUB-COMMITTEE I

ANNEX III

TEXTS ILLUSTRATING AREAS OF AGREEMENT AND DISAGREEMENT ON ITEMS 1 AND 2 OF THE SUB-COMMITTEE'S PROGRAMME OF WORK

Item 1 "Status, scope and basic provisions of the régime, based on the Declaration of Principles (resolution 2749 (XXV))"

Item 2 "Status, scope, functions and powers of the international machinery"
Responsibility to ensure observance of the international regime and liability for damages (CT. Sec. 19) **/ 27/  

1. 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, 28/ 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.  

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**/ Second reading.  

**/ See introductory note.  

27/ Although the Working Group carried out a second reading of this Article, it was agreed that the scope and complexity of the subject-matter were such that it would be necessary for the Group to give further detailed consideration to the issues involved at a later stage. The view was expressed that the matter needed to be examined in the light of Article 9, "Who May Exploit the Area."  

28/ The Working Group may wish to consider whether to include reference here to the question of limits of liability as well as to other liability questions.
(iii) Be responsible for maintaining public order on manned installations and equipment operated by those authorized or sponsored by it.

(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 or 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.]