

THE OCEAN REGIME  
DRAFT STATUTE  
(Revised, February, 1971)

ARTICLE I

ESTABLISHMENT OF THE REGIME

The Parties hereto establish an International Regime for the Peaceful Uses of the High Seas and of the Seabed Beyond the Limits of national Jurisdiction (hereinafter referred to as "the Regime") upon the terms and conditions hereinafter set forth.

ARTICLE II

DEFINITIONS

- relatively*  
*body water*
1. Ocean Space shall include the high seas, the territorial waters and contiguous zones; the atmosphere above it; the continental shelf; the seabed and what is below it.
  2. The high seas shall include international waters beyond the limits of territorial seas as defined by common accord by a duly constituted international Conference.
  3. The seabed and what is below it shall extend to the outer limit of the legal continental shelf.
  4. The legal continental shelf shall be delimited by the same line delimiting the territorial sea.
  5. The natural resources referred to in this Statute shall include minerals, metals, and other nonliving resources of the seabed and below the seabed as well as living resources of ocean space, both animal and vegetal.
- whole ocean environment international waters = baseline from decisions*

ARTICLE III

FUNDAMENTAL PRINCIPLES

A.

1. Ocean space is an indivisible whole. Geological structures extend, currents and waves move, species migrate across the high seas and the ocean floor regardless of political boundaries. The law of the seas and the seabed must accord with this reality.
  2. The high seas beyond the limits of territorial waters and the seabed beyond the limits of the legal continental
- + p. Mutants*
- Marine environment water above*

shelf as defined in this Statute are the common heritage of mankind. They are not subject to national appropriation by claim of sovereignty, by means of use or occupation or by any other means.

- substantially*
3. Activities of Nations or their subjects within the limits of the territorial seas or of the legal continental shelf, which might affect the ecology of ocean space or the common interest of mankind must be regulated by common accord.
  4. All States members of the Regime shall be subject to the International Mining Regulations and liable for any and all damages resulting from a violation of these Regulations or of any relevant rule of conventional or customary international law.
  5. The natural resources of the high sea and on or below the seabed as defined by this Statute are the common heritage of mankind. They must be developed, administered, conserved, and distributed on the basis of international cooperation and for the benefit of all mankind.
  6. The use, exploration, and exploitation of the seabed beyond the limits of national jurisdiction shall be for peaceful purposes only. Nations shall continue in their efforts to validate this principle by extending it from the seabed to the superjacent waters, and from the international zone to the zones under national jurisdiction.
  7. There shall be freedom of scientific investigation in ocean spaces. In zones under the jurisdiction of a coastal State such freedom shall be subject to the following conditions:
    - (a) that the authorities of the coastal Nation must be informed sixty days in advance of the planned exploration;
    - (b) that experts of the coastal Nation be invited to participate in the exploration;
    - (c) that any vessel used for the exploration, or any part of such vessel, must be open and accessible at all times to the experts from the coastal Nation;
    - (d) that all data and all samples taken must be accessible to the experts from the coastal Nation;
    - (e) that due measures must be taken to protect the coastal zone against dangers arising from seismic explosions, oil spills from deep drillings, or other hazards.
- remains*

8. The use, exploration and exploitation of the seas and seabeds shall conform to international law, to the principles of the Charter of the United Nations, and to the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October, 1970. *at seabed principles*

B.

9. Member States shall bear international responsibility for national activities in ocean space, whether carried out by governmental agencies or nongovernmental entities, and for assuring that national activities are carried out in conformity with the procedures set forth in this Statute.
10. The activities of nongovernmental entities in ocean space shall require authorization and continuing supervision by the appropriate Member State.
11. When activities are carried out in ocean space by an intergovernmental organization or by an international or multinational organization or corporation ("Associate Member") responsibility for compliance with the provisions of this Statute shall be borne by such organizations themselves.
12. In the exploration of ocean space and the exploitation of its resources, Member States and Associate Members shall be guided by the principle of cooperation and mutual assistance and shall conduct all their activities in ocean space with due regard for the corresponding interests of all other Member States and Associate Members.
13. Member States and Associate Members shall render all possible assistance to any person, vessel, vehicle, or facility found in ocean space in danger of being lost or otherwise in distress.
14. Member States and Associate Members engaged in activities of exploration or exploitation in ocean space shall immediately inform the Maritime Secretariat of any phenomenon they discover in ocean space that could constitute a danger to the life or health of persons exploring or working in ocean space.
15. All States shall have the right for their nationals to engage in fishing, aquaculture, in-solution mining, transportation, and telecommunication on and under the high seas.
16. The rights declared in the preceding paragraph shall be subject to the treaty obligations of each Member and to the interests and rights of coastal States and shall be conditioned upon compliance with the rules established

under Articles V,A,4 and VIII,E,7 of this Statute.

C.

17. The International Regime for the Peaceful Uses of the High Seas and of the Seabed Beyond the Limits of National Jurisdiction shall provide a pattern for the future framework of international organization.

ARTICLE IV

OBJECTIVES

1. The Regime shall safeguard the ocean environment as an essential reservoir of life and shall transmit this common heritage of mankind legally intact and ecologically viable to future generations.
2. The Regime shall seek to harmonize the activities of science, industry and politics in the use of ocean space, and to this end
  - (a) it shall develop and enhance research and exploration of ocean space, and the contribution of ocean resources to the world economy;
  - (b) it shall coordinate the activities and plans of all United Nations Special Agencies and other inter-governmental and nongovernmental international organizations engaged in the exploration and exploitation of ocean space and resources.
3. The Regime shall seek to harmonize the interests of all nations, regardless of their ideology or state of development, by increasing the participation of all people in the management of the ocean environment and its resources, and to this end
  - (a) it shall take appropriate measures to protect developing Nations against the danger that might arise from a sudden drop of prices of minerals and metals consequent on progress in ocean-space technology;
  - (b) it shall take appropriate measures for the international training of experts, scientists and technicians from developing Nations.
4. The Regime shall see that conditions are maintained that will encourage enterprises to expand and increase their ability to produce and to promote a policy of rational development of ocean resources avoiding inconsiderate

exhaustion of such resources or pollution of ocean space.

5. It shall promote the improvement of the living and working conditions of the labor force in each of the industries under its jurisdiction.
6. It shall further the development of international trade.
7. It shall promote the regular expansion and modernization of production as well as the improvement of the quality, under conditions that preclude any protection against competing industries except where justified by illegitimate activities on the part of such industries in their favor.
8. It shall promote the development and harmonization of maritime law and international law relating to ocean space.

## ARTICLE V

### FUNCTIONS

#### A.

The Regime is authorized:

1. to regulate, supervise and control all activities on the high seas and on or under the seabed;
2. to accommodate conflicting uses of ocean space by setting priorities;
3. to fix shipping lanes and make other rules for navigation whenever the multiple use of ocean space so requires and otherwise to protect the freedom of navigation;
4. to make rules for the laying of submarine cables in order to avoid interference with mining or fishing operations or other uses of ocean space and otherwise to protect the freedom of laying submarine cables;
5. to determine universally applicable criteria for fisheries, fish farming and aquaculture and, in cooperation with regional commissions and organizations where such exist, to identify permissible fishing areas, establish fishing seasons, identify methods of capture, fix quotas, and specify types of resources that may be captured;
6. to issue licenses to Member States and Associate Members for the peaceful and orderly exploration and exploitation of the seabed and below the seabed, according to rules to be promulgated by the Regime;
7. to disseminate scientific information and to facilitate the transfer of technologies;

8. to review and revise the International Mining Code whenever changes in the ocean technologies so demand, and in particular
  - (a) to issue regulations concerning pollution, waste of mineral resources and the disposal of radioactive waste materials in ocean space;
  - (b) to promulgate safety standards for the exploration and exploitation of ocean resources, such as the use and equipment of drilling installations, the use of electrical installations, the use of radioactive equipment, the storage and use of explosives and the prohibition of detonating them in the vicinity of vessels engaged in fishing or in the vicinity of drifting or stationary gear or if schools of fish are discovered under or near the shot point; the equipment of vessels with radar, echo-sounder and sonar, where seismic surveys are concerned; the prevention of fire, and the protection of historical and archeological discoveries;
  - (c) to advise Member States with regard to safety regulations within their national jurisdiction so as to harmonize such regulations with those enacted for the area beyond national jurisdiction;
9. to inspect all stations, installations, equipment, and sea vehicles, machines, and capsules on or under the seabed;
10. to order license holders to suspend, modify, or prohibit activities or experiments if they might cause potentially harmful interference with the peaceful exploration and exploitation of ocean space;
11. to impose fines and cancel licenses if a Party violates the provisions of this Statute;
12. to propose development plans and make its own budget, providing for its own administrative and all other legitimate expenses, to accept loans and to make grants;
13. to impose an Ocean Development Tax;
14. to establish Maritime Corporations as subsidiary organs, in accordance with Article XII;
15. to settle disputes between Member States, or between Member States and Associate Members or individuals; or between Associate Members or individuals; or between Members or Associate Members or individuals and the Regime; and to make awards;

16. to control inspectorates, constabularies and armed forces operating on the seabed in accordance with Article XVI, in order to promote the objectives and ensure the observation of the provisions set forth in this Statute.

B.

In carrying out its functions, the Regime shall:

1. conduct its activities in accordance with the purposes and principles of the United Nations to promote peace and international cooperation and in conformity with policies of the United Nations furthering the establishment of safeguarded world-wide disarmament and in conformity with any international agreement entered into pursuant to such policies;
2. render decisions, recommendations, and opinions affecting the area directly subject to the jurisdiction of the Regime;
3. render recommendations and opinions affecting areas under the jurisdiction of coastal States or island States;
4. allocate its financial resources in such a manner as to secure efficient utilization and the greatest possible general benefit in all areas of the world, bearing in mind the special needs of the underdeveloped areas of the world;
5. submit reports on its activities annually to the General Assembly of the United Nations and, when appropriate, to the Security Council. If, in connection with the activities of the Regime, there should arise questions that are within the competence of the Security Council, the Regime shall notify the Security Council, as the organ bearing the main responsibility for the maintenance of international peace and security, and it may also take the measures open to it under this Statute;
6. submit reports to the Economic and Social Council and other organs of the United Nations on matters within the competence of these organs.

C.

In carrying out its functions the Regime shall not make assistance to Members or Associate Members subject to any political, economic, military, or other condition incompatible with the provisions of this Statute.

D.

Subject to the provisions of this Statute and to the terms

of agreement concluded between a State or a group of States and the Regime which shall be in accordance with the provisions of the Statute, the activities of the Regime shall be carried out with due observance of the sovereign rights of States.

#### ARTICLE VI

##### LEGAL STATUS

1. The Regime shall have juridical personality.
2. In its international relationships, the Regime shall enjoy the juridical capacity necessary to the exercise of its functions and the attainment of its ends.
3. In each of the Member States, the Regime shall enjoy the most extensive juridical capacity that is recognized for legal persons of the nationality of the country in question. Specifically, it may acquire and transfer property, and may sue and be sued in its own name.
4. The Regime shall be represented by its institutions, each one of them acting within the framework of its own powers and responsibilities.

#### ARTICLE VII

##### MEMBERSHIP

1. The activities of the Regime shall be conducted by Members, Associate Members, and Individuals.
2. Members shall be States that deposit an instrument of acceptance of this Statute. Members shall be entitled to representation in the Maritime Commission, the Maritime Assembly, and the Maritime Court.
3. Associate Members shall be intergovernmental organizations or nongovernmental international organizations and corporations holding licenses issued by the Regime. Associate Members shall be entitled to representation in the Maritime Assembly and its committees.
4. Individuals shall be experts and civil servants, appointed or elected in a personal capacity to serve in the Maritime Secretariat or any of its organs or in the Planning Agency.
5. The initial members of the Regime shall be those Member States of the United Nations or any of the Specialized Agencies which shall have signed this Statute within ninety days after it is opened for signature and shall have deposited an instrument of ratification.
6. Other Members of the Regime shall be those States, whether or not Members of the United Nations or any of the



Specialized Agencies, which deposit an instrument of acceptance of this Statute after application for registration at the Maritime Secretariat. Any dispute over the qualifications of a State shall be referred by the Maritime Secretariat to the Maritime Court.

7. The Regime is based on the principle of the sovereign equality of all its Members and the full autonomy of all its Associate Members; and all Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with this Statute.

## ARTICLE VIII

### THE MARITIME ASSEMBLY

#### A.

The Maritime Assembly shall meet in regular annual session and in such special sessions as shall be convened at the request of the Maritime Commission or a majority of Members and Associate Members. The sessions shall take place at the headquarters of the Regime unless otherwise determined by the Maritime Assembly.

#### B.

The Maritime Assembly shall consist of five chambers, of eighty-one delegates each. Delegates shall serve for three years, except that one third shall be renewed each year.

1. The first chamber shall be elected by the General Assembly of the United Nations with the proviso that
  - (a) nine delegates be elected for each of the nine regions of the world (North America; Latin America; Eastern Europe; Western Europe; the Indian sub-continent; South-East Asia; Africa South of the Sahara; the Middle East and North Africa; the Far East)
  - (b) that every Member of the U.N. General Assembly be automatically a candidate for election to the Maritime Assembly, except those not Members of the Regime;
  - (c) that additional candidates up to a total of twenty-seven for each of the nine regions be nominated by national parliaments or governments or regional parliaments or intergovernmental organizations, including any that may be Members of the Regime but not Members of the United Nations;
  - (d) that any Member not represented in the first chamber for a three-year period shall have mandatory precedence in the election for the next following Assembly.

For Regions consisting of more than nine Nations the General Assembly thus shall elect alternate Nations for alternate periods, and not all Nations shall be represented in the first chamber at all times. For Regions consisting of less than nine Nations, the General Assembly shall elect more than one, and up to nine delegate(s) for each Nation, such delegates to be nominated by the national or regional bodies indicated under (c) above.

The eighty-one delegates of the first chamber shall have each one vote.

2. The second chamber, representing international mining corporations, organizations, unions, producers, and consumers directly interested in the extraction of oil, metals, minerals, and other nonliving resources from the seabed and below the seabed, shall be elected in a manner to be determined.
3. The third chamber, representing fishing organizations, fish processors and merchants, unions of seamen serving on fishing vessels, consumers, as well as representatives of regional fishing commissions, shall be elected in a manner to be determined.
4. The fourth chamber, representing shipping companies, cable companies and other organizations providing services or communications on or under the oceans, shall be elected in a manner to be determined.
5. The fifth chamber, representing scientists in oceanography, marine biology, meteorology, and various other sectors related to the exploration of the seas and the seabed, from intergovernmental and nongovernmental international scientific organizations, regional or universal, shall be elected in a manner to be determined.

C.

1. Each chamber shall elect its own president. The Assembly as a whole shall elect its president and make its own rules of procedure.
2. A majority vote of two chambers -- i.e., of the first chamber and the chamber competent in the matter voted upon -- shall be required for the adoption of any decision or recommendation. If the two competent chambers fail to agree, they shall discuss the matter in a joint session and vote in common. A simple majority vote of the two joint chambers shall suffice for the adoption of a decision or recommendation.
3. The initiative in making recommendations and expressing opinions shall be shared equally by all four chambers of the Assembly and by the Commission.

4. Decisions adopted by the Commission shall become effective when approved by two chambers of the Assembly including the first chamber. Decisions adopted by the Assembly shall become effective when passed by the Commission. By a three-fourth majority vote the Commission may return decisions and recommendations to the Assembly where they may not be taken up again before the lapse of a two year period.
5. In any dispute as to which chamber is competent in a matter, the decision of the first chamber of the Assembly shall be final.

D.

The Maritime Assembly may discuss any questions or any matters within the scope of this Statute, issue decisions and recommendations for consideration by the Commission, and give opinions to the membership of the Regime on any such questions or matters.

E.

The Maritime Assembly shall:

1. elect members of the Maritime Commission in accordance with Article IX,A,2;
2. elect members of the Maritime Planning Agency in accordance with Article X,A,2;
3. confirm the appointment of the Secretary-General and the Heads of the Secretariats in accordance with Article XI, 1 and 4;
4. confirm the appointment of the Chairmen of the Maritime Corporations and members of their Boards in accordance with Article XII,3;
5. make rules for the issuing of licenses for the exploitation of the seabed and for the collection of rents and royalties;
6. make rules for the international operations of multinational corporations and joint ventures;
7. establish criteria for the conservation, development, and exploitation of the living resources of the oceans;
8. make recommendations for navigation, the laying of submarine cables and other uses of ocean space;
9. impose an Ocean Development Tax;

10. review action taken by the Maritime Commission concerning licenses;
11. approve suspension of a Member or Associate Member from the privileges and rights of membership or associate membership;
12. consider the annual report of the Commission;
13. approve the development plan and the budget recommended by the Commission or return it with recommendations as to its entirety or parts to the Commission, for resubmission to the Maritime Assembly;
14. review and revise the International Mining Code;
15. review the performance of members and Associate Members with regard to the International Mining Code;
16. approve reports to be submitted to the United Nations as required by the relationship agreement between the Regime and the United Nations, or return them to the Commission with its recommendations;
17. approve any agreement or agreements between the Regime and the United Nations and other organizations or return such agreements to the Commission with its recommendations, for resubmission to the Maritime Assembly;
18. approve rules and limitations regarding the exercise of borrowing powers by the Commission; approve rules regarding the acceptance of grants to the Regime; and approve the manner in which general funds may be used;
19. approve amendments to this Statute in accordance with Article XVII.

#### ARTICLE IX

#### THE MARITIME COMMISSION

##### A.

The Maritime Commission shall consist of seventeen members and shall be composed as follows:

1. The outgoing Commission (or, in the case of the first Commission, the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction, of the General Assembly of the United Nations) shall designate five Member States for membership on the Commission.

2. The Maritime Assembly shall elect twelve Member States to membership in the Commission, with due regard to equitable representation on the Commission as a whole of developed and developing Nations, maritime and land-locked Nations, and Nations operating under free-enterprise and socialist economic systems.
3. Any Member State not represented on the Commission may appoint an ad hoc representative with the right to vote, whenever its own vital interests are directly concerned; but the number of ad hoc members at any time shall be limited to four.
4. The members of the Maritime Commission shall serve for three years; they shall be eligible for re-election for the following term of office.

B.

The Maritime Commission shall meet at such times as it may determine. The meetings shall take place at the headquarters of the Regime, unless otherwise determined by the Commission.

C.

The Maritime Commission shall elect its own Chairman and make its own rules of procedure.

D.

In accordance with Article X, the Maritime Commission shall elect one-half of the elective membership of the Maritime Planning Agency.

E.

In accordance with Article XI, it shall appoint a Secretary General.

F.

In accordance with Article XII, the Maritime Commission shall appoint the Chairmen and at least one-half of the members of the Boards of Directors of the Maritime Corporations.

G.

1. Each member of the Maritime Commission shall have one vote.
2. Decisions on the Regime's development plan and budget shall be made by a two-thirds majority of those present and voting. Decisions on other questions, including the determination of additional questions or categories of questions to be decided by a two-thirds majority, shall be made by a majority of those present and voting.

3. Two-thirds of all members of the Commission shall constitute a quorum.

H.

The Maritime Commission shall have authority to carry out the planning, regulatory, and operative functions of the Regime in accordance with this Statute, subject to its responsibilities to the Maritime Assembly as provided in this Statute.

1. The planning function, under the responsibility of the Commission, is entrusted to the Maritime Planning Agency, in accordance with Article X.
2. The regulatory function, under the responsibility of the Commission, is entrusted to the Maritime Secretariats, in accordance with Article XI.
3. The operative function, under the responsibility of the Commission, is entrusted to the Maritime Corporations in accordance with Article XII.

I.

Subject to the rules enacted by the Maritime Assembly, the Maritime Commission is authorized to issue, regulate, supervise, amend, revoke, and enforce licenses to Member States and to Associate Members for the peaceful and orderly exploration and exploitation of the ocean floor beyond the limits of national jurisdiction and to collect royalties.

J.

At the request of any Member or Associate Member, the Maritime Commission is authorized to issue emergency orders to prevent serious harm to the marine environment arising out of any exploration or exploitation activity and communicate them immediately to parties involved.

K.

The Maritime Commission shall prepare an annual report to the Maritime Assembly concerning the affairs of the Regime. The Commission shall also prepare for submission to the Maritime Assembly such reports as the Regime is or may be required to make to the United Nations or to any other organization the work of which is related to that of the Regime. These reports, along with the annual reports, shall be submitted to Members and Associate Members of the Regime at least one month before the regular annual session of the Maritime Assembly.

L.

The Maritime Commission may establish such committees as it

may deem useful. It may appoint persons to represent it in its relations with other organizations.

## ARTICLE X

### THE MARITIME PLANNING AGENCY

#### A.

The Maritime Planning Agency shall be composed of economists, scientists, administrators, and other experts, selected as follows:

1. One-half of its elective membership shall be elected by the Maritime Commission.
2. One half of its elective membership shall be elected by the Maritime Assembly.
3. The members of the Intersecretariat Committee on Scientific Programmes Relating to Oceanography, the members of the Inter-Agency Consultative Board of the U.N. Development Programme, the President of the World Bank, and the Chairmen of the Maritime Corporations shall be members ex officio.

#### B.

The Maritime Planning Agency shall elect its own chairman, establish its own subcommittees, and adopt its own rules and regulations.

#### C.

It shall be the responsibility of the Planning Agency to coordinate all efforts and projects presently undertaken by all organizations, within the U.N. system and outside, in the sphere of its competence; to prepare plans to maximize development and exploitation of living and nonliving ocean resources and to ensure their conservation; to prepare a budget for the Regime; to redistribute revenue accruing to the Regime from fees, royalties, taxes or grants, and to take appropriate measures to protect developing Nations against the fluctuation of prices of minerals and metals and, in general, maximize the creation of wealth from the oceans while minimizing harmful interference with the interests of land-based industries and economies.

#### D.

Each Member State and each Associate Member and each Regional Committee referred to under Article XIII shall submit each year to the Planning Agency a progress report and development plan to be stored in the Agency's computer and included in the world plan. In integrating the plans,

the Planning Agency shall give due consideration to:

1. the usefulness of the plan, including its scientific and technical feasibility;
2. the adequacy of funds and technical personnel to assure its effective execution;
3. the adequacy of proposed health and safety standards;
4. the equitable distribution of financial grants;
5. the special needs of the underdeveloped areas of the world;
6. and such other matters as may be relevant.

E.

The Planning Agency shall make long-range ecological projections and over-all forecasts up to fifty years and beyond; ten-year plans, and annual programs. The long-range projections shall be published every five years. The ten-year plan shall be a general estimate of probable developments; the first ten-year plan shall give form and substance to the International Decade of Ocean Exploration. The annual program shall provide readjustments to developing conditions and fix the annual budget.

F.

The ten-year plan shall be submitted by the Chairman of the Planning Agency to the Maritime Commission, and with the Commission's recommendations, to the Maritime Assembly, one year prior to its going into effect. The annual program shall be submitted to the Commission, to Members and Associate Members, one month prior to the opening of the Regular Annual Session of the Maritime Assembly.

G.

Plans shall be published in every Member State and shall be fully discussed by all chambers of the Assembly and by all interested scientific, economic, and social organizations.

H.

To go into effect, plans must be adopted by the Commission and by the first chamber of the Assembly while the remaining four chambers must adopt only the sections of the plan that concern their respective activities. The first chamber of the Assembly shall determine whether the adoption of a given section by a given chamber is required.



I.

The Chairman of the Planning Agency shall give to the Assembly an annual progress report.

ARTICLE XI

THE MARITIME SECRETARIATS

1. The Maritime Commission, with the approval of the Maritime Assembly, shall appoint a Secretary General who shall be the chief administrative officer of the Regime.
2. The Secretary General shall act in that capacity in all meetings of the Maritime Assembly, the Maritime Commission, and the Maritime Planning Agency, and shall perform such other functions as are entrusted to him by these organs.
3. The Secretary General may bring to the attention of the Commission, the Assembly, or the Planning Agency any matter within each organ's competence; he shall bring to the attention of the Commission any matter that in his opinion may threaten the maintenance of international peace and security.
4. The Secretary General shall establish a Secretariat for Ocean Mining, a Secretariat for Deep-Sea Oil Extraction, a Secretariat for Fisheries and Aquaculture, a Secretariat for Shipping and Communications, a Secretariat for Science and Technology, and others as they may become necessary. The heads of the Secretariats shall be elected by the Maritime Assembly in accordance with Article VIII, E.3, upon nomination by the Secretary General.
5. The Secretary General shall prepare the slates of candidates for the elections to the Maritime Assembly and the Maritime Planning Agency.
6. In the performance of their duties the Secretary General and the staff shall not seek or receive instructions from any government or from any other authority external to the Regime. They shall refrain from any action that might reflect on their position as international officials responsible only to the Regime.
7. Each Member and each Associate Member of the Regime undertakes to respect the exclusively international character of the responsibilities of the Secretary General and the staff and not to seek to influence them in the discharge of their responsibilities.

ARTICLE XII

THE MARITIME CORPORATIONS

1. The Maritime Commission, with the approval of the Maritime Assembly, may establish
  - (a) An Ocean Science Corporation, responsible for conducting programs of research development of ocean science and technology; for coordinating national and private programs; for servicing an international ocean data center; and for acting as a repository and clearing house for information;
  - (b) an Ocean Weather Corporation, responsible for meteorological data gathering, weather forecasting, control and modification and providing services for a fee to nations and corporations;
  - (c) an Ocean Petroleum Corporation, responsible for prospecting, developing, and producing petroleum products from the deep oceans, by itself or in joint ventures with other national or private oil corporations;
  - (d) an Ocean Mining Corporation, responsible for prospecting for minerals, developing underwater recovery methods, and producing minerals from the seabed, by itself or in joint venture with corporations;
  - (e) an Ocean Insurance Corporation, and other operative corporations, in accordance with technological and economic requirements.
2. The Corporations are controlled subsidiaries of the Ocean Regime. The Ocean Regime shall advance at least one-half of their capital and elect at least one-half of the members of their boards of directors. The balance of their capitals and boards shall be supplied by those States or public or private corporations who choose to subscribe, subject to the reservation of adequate representation for the developing Nations.
3. The Chairmen of the Boards and at least one-half of the Members of the Boards shall be elected by the competent chambers of the Maritime Assembly in accordance with Article VIII, E,4.
4. The Corporations shall be entitled to representation in the second, fourth and fifth chambers of the Maritime Assembly.
5. Profits on the Regime's investment in the Corporations' stocks will be returned to the Regime's assets.

ARTICLE XIII

REGIONAL ARRANGEMENTS

A.

Coastal States adjacent to land-locked seas may establish regional organizations to meet the special needs of such areas. There shall not be more than one regional organization in each area.

B.

Each regional organization shall be an integral part of the Regime in accordance with this Statute.

C.

Each regional organization shall consist of a regional committee and a regional office.

D.

Regional committees shall be composed of representatives of Member States and Associate Members, including scientific institutions and organizations.

E.

Regional committees shall meet as often as necessary and shall determine the place of each meeting.

F.

Regional committees shall adopt their own rules of procedure.

G.

The functions of regional committees shall be:

1. to formulate policies governing matters of an exclusively regional character;
2. to supervise the activities of the regional office;
3. to suggest to the regional office the calling of technical conferences and such additional work or investigation and research as in the opinion of the regional committee would promote the objectives of the Regime within the region;
4. to cooperate with the respective regional committees of the United Nations and with those of

other specialized agencies and with other regional international organizations having interests in common with the Regime;

5. to advise the Maritime Assembly, the Commission and the Planning Agency on matters which have wider than regional significance;
6. to recommend additional regional appropriations by the governments of the respective regions if the proportion of the world budget of the Regime allotted to that region is insufficient for the carrying out of the regional functions;
7. to perform such other functions as may be delegated to the regional committee by the Assembly, the Commission, or the Planning Agency.

#### H.

Subject to the general authority of the Maritime Commission, the regional office shall be the administrative organ of the regional committee. It shall, in addition, carry out within the region the decisions of the Maritime Assembly and the Commission.

#### I.

The head of the regional office shall be the regional secretary appointed by the regional committee.

#### J.

The staff of the regional office shall be appointed by the regional secretary in agreement with the regional committee.

### ARTICLE XIV

#### THE MARITIME COURT

1. The function of the Court is to ensure the rule of law in the interpretation and application of the law of the seas, of the present Statute, and of its implementing regulations.
2. The Court shall be composed of eleven Judges, elected for six years, from among persons of recognized independence and competence. A partial change in membership of the Court shall occur every three years. No more than two Judges from any region and no more than one Judge from any nation shall sit on the Court at any given time.
3. Each Member State shall be entitled to nominate candidates for membership on the Court. The Maritime Assembly shall

elect the Court from a list of these nominations.

4. The Number of Judges may be increased by unanimous vote of the Commission on proposal by the Court. The Judges shall designate one of their number as president for a three-year term.
5. The Court shall have jurisdiction over appeals by the Regime against the action of a Member State, Associate Member, or individuals, and over appeals by a Member State or by an Associate Member or individual for the annulment of decisions and recommendations of the Regime on the grounds of lack of legal competence, substantial procedural violations, violation of the Statute or of any rule of law relating to its application, or abuse of power. Associate Members of the Regime shall have the right of appeal on the same grounds against individual decisions and recommendations concerning them, or against general decisions and recommendations that they deem to involve an abuse of power affecting them. The appeals provided for in this Article must be taken within one month from the date of the notification or the publication, as the case may be, of the decision or recommendation.
6. If the Court should annul a decision or recommendation of the Regime, the matter shall be remanded to the competent organ. The latter must take the necessary measures in order to give effect to the judgment of annulment. In case a decision or recommendation is adjudged by the Court to involve a fault for which the Regime is liable, and causes a direct and particular injury to an enterprise or a group of enterprises, the Commission must take such measures, within the powers granted to it by the present Statute, as will assure an equitable redress for the injury resulting directly from the decision or recommendation that has been annulled, and, to the extent necessary, must grant reasonable indemnity. If the Commission fails to take within a reasonable period the measures required to give effect to a judgment of annulment, an appeal for damages may be brought before the Court.
7. In cases where the Commission is required by a provision of the present Statute or of implementing regulations to issue a decision or recommendation, and fails to fulfil this obligation, such omission may be brought to its attention by the Member States, the Associate Members, or the Maritime Assembly, as the case may be. The same shall be true if the Commission refrains from issuing a decision or recommendation which it is empowered to issue by the provisions of the present Statute or implementing regulations, where such failure to act constitutes an abuse of power. If at the end of a period of two

months the Commission has not issued any decision or recommendation, an appeal may be brought before the Court, within a period of one month, against the implicit negative decision which is presumed to result from such failure to act.

8. Prior to imposing a pecuniary sanction or fixing a daily penalty payment, the Commission shall give the interested enterprise an opportunity to present its views. An appeal to the general jurisdiction of the Court may be taken from the pecuniary sanctions and daily penalty payments imposed under the provisions of the present Statute or implementing regulations. In support of such an appeal, and under the terms of paragraph 5 of the present Article, the petitioners may contest the regularity of the decisions and recommendations which they are charged with violating.
9. If a Member State shall deem that in a given case an action of the Regime or a failure by it to act is of such a nature as to provide fundamental and persistent disturbances in the economy of such State, it may bring the matter to the attention of the Commission. The latter, after having obtained the opinion of the Assembly, will recognize the existence of such situation if any, and decide on the measures to be taken, under the terms of the present Statute, to correct such situation while at the same time safeguarding the essential interests of the Regime. When an appeal is taken to the Court under the provisions of the present Article against such decision or against the explicit or implicit decision refusing to recognize the existence of the situation mentioned above, the Court shall review the sufficiency of the grounds of such decision. In case of annulment, the Commission shall decide, within the framework of the Court's judgment, the measures to be taken to fulfil the objectives set forth in this paragraph.
10. Appeals to the Court shall not have the effect of suspending the execution of a decision or recommendation. However, if in the Court's judgment circumstances so demand, the Court may order the suspension of the execution of the decision or recommendation in question. It may prescribe any other necessary provisional measures.
11. Subject to the provisions of paragraph 6, the Court shall have jurisdiction to assess damages against the Regime, at the request of the injured party, in cases where an injury results from a fault involved in an official act of the Regime in the execution of the present Statute law. It shall also have jurisdiction to assess damages against any official or

employee in the performance of his duties. If the injured party is unable to recover such damages from such official or employee, the Court may assess an equitable indemnity against the Regime.

12. Litigation between two or more Member States may be brought before the International Court of Justice by agreement between the Member States.
13. All other litigation between the Regime and third parties, other than that relating to the application of the provisions of the present Statute and implementing regulations, shall be brought before the national tribunals.
14. When the validity of acts of the Regime is contested in litigation before a national tribunal, such issue shall be certified to the Court, which shall have exclusive jurisdiction to rule thereon.
15. The Court shall have such jurisdiction as may be provided by any clause to such effect in a public or private contract to which the Regime is a party or which is undertaken on its account.
16. The Court shall have jurisdiction in any other case provided for in any supplementary provision of the Statute. It may also exercise jurisdiction in any case relating to the objects of the present Statute, where the laws of a Member State grant such jurisdiction to it.
17. Litigant parties shall have the right of appeal from the determinations of the Maritime Court to the International Court of Justice. Such appeals may be taken by means of a request by the Regime for an advisory opinion, with the litigants stipulating in advance, as a condition of such appeal, to be bound by such advisory opinion.
18. The Court shall have jurisdiction to decide any dispute or controversy as to membership in the Regime or any of its organs.
19. The Code of the Court shall be contained in a Protocol annexed to the present Statute.

ARTICLE XV

DEVICES AND INSTALLATIONS

1. Subject to appropriate regulations prescribed by the Regime, a Member State or Associate Member shall be entitled to construct and maintain or operate on the sea-bed and below the sea-bed installations and other devices necessary for the exploration and exploitation of its natural resources and to establish safety zones around such installations and devices and to take in those zones measures necessary for their protection.
2. The safety zones referred to in this Article may extend to a distance of a 500-meter radius around the installations and other devices which have been erected, measured from each point of their outer edge. Ships of all nationalities must respect these safety zones.
3. Such installations and devices do not possess the status of islands and have no territorial sea of their own.
4. Due notice must be given of the construction of any such installations, and permanent means for giving warning of their presence must be maintained. Any installations which are abandoned or disused must be entirely removed by the Member State or Associate Member responsible for its construction.
5. Neither the installations and devices nor the safety zones around them may be established where interference may be caused to the use of recognized sea lanes essential to international commerce and navigation.
6. All stations, installations, equipment, and sea vehicles, machines, and capsules used on the sea-bed or below the sea-bed, whether manned or unmanned, shall be open to representatives of the Regime.

ARTICLE XVI

THE PEACEFUL USE OF THE SEA BED  
AND OF OCEAN SPACE

A.

The sea-bed and what is below the sea-bed shall be used for peaceful purposes only.



B.

Each Member State or Associate Member shall refrain from the implacement or installation on or below the Sea-bed of any object containing nuclear weapons or any weapons of mass destruction, or the stationing of such weapons on or under the sea-bed in any other manner. Each Member State and Associate Member shall undertake, furthermore, to refrain from causing, encouraging, or in any way participating in the conduct of the activities described in this paragraph.

C.

The prohibitions of this Article shall not be construed to prevent:

1. the use of military personnel or equipment for scientific research or any other peaceful purpose;
2. the use or stationing of any device on the sea-bed or below the sea-bed that is designed and intended for purposes of submarine or weapons detection, identification, or tracking.

D.

Any military personnel used for the above purposes must wear the insignia of the United Nations Peace-Keeping Forces and must report on its activities and findings to the Maritime Commission and to the Security Council of the United Nations.

E.

Any device installed on or under the ocean floor in accordance with paragraph C,3, above, shall be open to inspection by representatives of the Regime in accordance with Article XV,6.

F.

The complete demilitarization of ocean space shall proceed in consultation between the Disarmament Committee, the Regime, and the Member States.

G.

1. Existing fishery constabularies and patrols, whether national or cooperating on a regional basis; inspectorates under the responsibility of organizations such as FAO, IMCO, IOC; patrols such as those of the International Cable Protection Committee; inspectorates of multi-national insurance companies and other such security

bodies, including stand-by units of national coast-guards and navies thus designated by their Nations, shall register with the Secretary General and with the Regional Offices.

2. They shall cooperate and integrate their activities at the regional or global level wherever possible.
3. The Secretary General or the Regional Offices may call on registered forces for a period of training in international peace-keeping and for such tasks as the inspection of installations and see-going equipment, the enforcement of safety standards, the prevention of damages to the ocean environment and, where such damages have occurred, for the assessment of liabilities.

## ARTICLE XVII

### AMENDMENTS

Any Member State or Associate Member may propose amendments to this Statute. Amendments shall enter into force when approved by a majority of the Assembly and the Commission and ratified by a majority of Member States.

## ARTICLE XVIII

### HEADQUARTERS OF

### THE REGIME

The Headquarters of the Regime shall be established on the Island of Malta.

## ARTICLE XIX

### SIGNATURE, ACCEPTANCE, AND ENTRY INTO FORCE

1. This Statute shall be open for signature on \_\_\_\_\_, 1971, by all Member States of the United Nations or any of the Specialized Agencies, and shall remain open for signature by those States for a period of ninety days.
2. The signatory States shall become parties to this Statute by deposit of an instrument of ratification.
3. Instruments of ratification by signatory States and instruments of acceptance by States whose membership has been established under Article VII of this Statute shall be deposited with the governments of the United Kingdom, the U.S.A., and the U.S.S.R., hereby designated as Depositary Governments.

4. Ratification or acceptance of this Statute shall be affected in accordance with the respective constitutional processes of the States concerned.
5. This Statute shall come into force when eighteen States have deposited instruments of ratification in accordance with paragraph 2 of this Article.
6. The Depositary Governments shall promptly inform all States signatory to this Statute of the date of each deposit of ratification and the date of entry into force of the Statute. The Depositary Governments shall promptly inform all signatories and members of the dates on which States subsequently become parties thereto.

#### ARTICLE XX

##### WITHDRAWALS

Any Member State or Associate Member may give notice of its withdrawal from the Regime one year after its entry into force, by written notification to the Secretary General. Such withdrawal shall take effect one year from the date of receipt of this notification.

#### ARTICLE XXI

##### REGISTRATION WITH THE UNITED NATIONS

1. This Statute shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.
2. Agreements between the Regime and any Member or Members, agreements between the Regime and any other organization or organizations, and agreements between Members subject to approval of the Regime shall be registered with the Regime. Such agreements shall be registered by the Regime with the United Nations if registration is required under Article 102 of the Charter of the United Nations.

#### ARTICLE XXII

##### AUTHENTIC TEXTS AND CERTIFIED COPIES

This Statute, done in the Chinese, English, French, Russian, and Spanish languages, each being equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Statute shall be transmitted by the Depositary Governments to the governments of the other signatory States, to the governments of States admitted

to membership under Article VII, and to the executive organs of Associate Members.

In witness whereof the undersigned, duly authorized, have signed this Statute.

Done at the Headquarters of the United Nations, this tenth day of March, nineteen hundred and seventy-two.

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

DEPARTMENT OF FISHERIES

Definitions of some concepts used in fishery management

Sustainable Yield, or Maximum Sustainable Yield

These are essentially mathematical concepts relating to a stock of a single species living in a uniform, steady but limited environment. In the absence of harvesting, such a stock will grow to some fixed limiting size, set by the carrying capacity of the environment. When the stock is very small in relation to the limiting size, it will grow at a considerable rate. As the stock size increases, the (percentage) rate of growth will diminish, though up to a point (A in Fig. 1) the absolute growth will still be increasing. After that, both rate of growth and growth in absolute terms will diminish until the stock reaches its limiting size, when they will be zero.

If the annual catch is equal to the absolute growth or natural increase corresponding to the current stock size, then the stock will, on simple mathematical computation, remain unchanged. On this simple hypothesis this process can be sustained indefinitely. The sustainable yield can then be defined as this catch, i.e., the catch which, if taken, will maintain the stock at the same level.

If, further, the stock is at the point of giving the maximum natural increase (A in Fig. 1), the sustainable catch will be a maximum. The maximum sustainable yield may then be defined as the greatest catch that can be taken (from a given stock of fish) continuously year after year. A greater catch could be maintained for a short period but would lead to the depletion of the stock to a level at which only small catches can be taken.

Difficulties in the MSY concept

Unfortunately, this concept, strictly applied, does not, for a variety of reasons, provide a directly useful guide to management practices. No real population of fish follows the simple mathematical formulation on which the concept is based. The natural growth of a population of a given size, and the catch that can be taken without changing this size, can vary substantially from year to year, depending on the sizes and ages of fish in the population and in the catch, and on the physical and biological characteristics of the environment in which it lives. For example, recent cooling of the waters round Greenland has reduced the survival of young cod, and subsequently, the yield from the cod fisheries. The biological environment includes the abundance of other fish stocks in the region which in turn may be affected by fishing on them. There are, therefore, different sustainable yield curves for each set of conditions, and no unique maximum sustainable yield (Fig. 2).

However, if the sole objective of the fishery in a particular region is a single species of fish, MSY can be defined in practice as the average of the maxima over the range of expected environmental conditions.

If more than one species of fish are exploited in the same region, it is not in general possible to maximize simultaneously the yield of each. For instance, in the northwest Atlantic capelin is a major food of cod. Any harvest of capelin will decrease the food supply to the cod, and hence, to some extent, reduce the possible catch, i.e., the maximum cod yield may occur when there is no capelin fishery at all, although the reduction caused by a moderate capelin fishery may be extremely small. Conversely, catching cod will reduce predation on capelin, and hence tend to allow a greater harvest of capelin. It is likely that the greatest possible catch of capelin could be taken if the cod population were reduced by an extremely intense fishery on cod, to such an extent that the yield of cod would fall well below its maximum. In theory, it would be possible to compute (for constant environmental conditions) a combination of harvesting practices on cod and capelin which would maximize the combined yield of the two species. This seems unlikely to be a useful management criterion because of the very different values placed on the two species - significant fishing for capelin has only just begun - and the very different interests in the two species by different participants in the fisheries.

A significant practical difficulty in pursuing such a policy, and in pursuing the policy of MSY in general without qualification, is that it can be extremely difficult to determine when a stock of fish is at the level giving the MSY rather than being a little above or below it. Thus the International Whaling Commission has found the MSY a useful criterion in respect of those stocks (e.g. blue and fin whales) which are clearly below the level giving the MSY, but the scientific advice, using this criterion, is much less clear in respect of those stocks (e.g. sperm whales) which are probably close to the MSY level. Another of the few Commissions that explicitly use MSY as a guide, the Inter-American Tropical Tuna Commission, has found it desirable to introduce an experimental management scheme to determine more clearly the position of the MSY. But, because of changes in the nature of the fishery, the position of the yellowfin tuna stocks relative to the MSY level is still not at all clear.

#### Optimum Yield

The unqualified application of the MSY concept in management is, however, not only hampered by the difficulties outlined above. Modifications have also in many instances been introduced because it is recognized that the MSY concept by itself does not lead to the achievement of the real objectives of a fishery, which are generally economic and may also be social, nutritional, etc. Such a modified concept may be described as "optimum yield" as was done by the International Technical Conference on the Conservation of the Living Resources of the Sea (Rome, 1955), which in its report stated

"The principal objective of conservation of the living resources of the seas is to obtain the optimum sustainable yield so as to secure a maximum supply of food and other marine products".

This definition was subsequently used in the 1958 Geneva Convention on Fishing and Conservation of the Living Resources of the High Seas (Article 2).

This definition, which by implication applies to a region as a whole, and all the fish stocks in it, circumvents several of the disadvantages of the MSY. Consideration of a maximum rather than the maximum emphasizes that there probably is no unique and readily determinable maximum, and that the choice of policy must include some weighting of different objectives, e.g., between maximizing catches of cod or of capelin. With this, or some similar definition, the optimum sustainable yield appears to be a useful basis for determining policy, though even less strictly defined objectives have been found useful. For example, the Convention on the Conservation of the Living Resources of the Southeast Atlantic refers only to "conservation and rational exploitation", and the revised Article VIII of the International Convention for the Northwest Atlantic Fisheries refers to "optimum utilization of the stocks" (without further definition) rather than "maximum sustained catch", as in the original text.

The optimum yield concept also takes into account an important economic argument commonly raised against the MSY concept. Stocks somewhat larger than those giving the MSY will give very nearly the same catch, but this catch can be taken with less fishing effort. If the stock is at such a point, it makes little economic sense to increase the cost of fishing beyond it, by perhaps 15-20%, in order to bring the catch up to the MSY, an increase of a few percent. These savings in costs, compared with fishing at the MSY level, could be applied outside fisheries altogether, but if applied to another and less heavily exploited fish stock, could well produce a greater net yield, i.e., the pursuit of MSY from an individual stock can reduce the total yield from the fisheries as a whole.

Against these advantages of the optimum yield concept, it must be recognized that, unlike the MSY concept, it cannot even in theory be applied on a purely scientific basis, but requires determination of, and in the case of several parties being involved, agreement on, policy objectives.

#### Allowable Catch

Whatever the long-term objectives of fishery management - which may themselves change in view of possible changes in the weighting between different social or economic objectives, and improvements in the knowledge of the dynamics of marine living resources - quite specific measures must be taken each year to achieve these objectives. Among the most widely applicable measures is a limit on the catch. This limit will depend on the objective chosen, and is likely to vary from year to year particularly in accordance with variations in the fish stock due to natural or fishery causes. For each stock it is possible to determine for a particular year a Total Allowable Catch, which is that catch which if taken in the year in question, will best enable the objectives of management (e.g., the optimum long-term yield) to be achieved.

While the major consideration is to ensure that the total catch taken from the stock during the year, whenever and however taken, does not exceed the Total Allowable Catch, in any heterogenous fishery it may be desirable to divide up the Total Allowable Catch into portions to be taken by different segments of the fishery, e.g., in different areas in which the stock is found (which may include areas of different national jurisdiction), different seasons, different types of fishing gear, etc. This division into individual Allowable Catches can also take account of economic and social factors. In addition some division may be desirable on biological grounds between e.g. different types of gear, or different seasons, so as to ensure the proper division of the total catch between different sizes or conditions of fish e.g. to prevent too heavy exploitation of small fish, or of fish immediately before spawning.



Figure 1

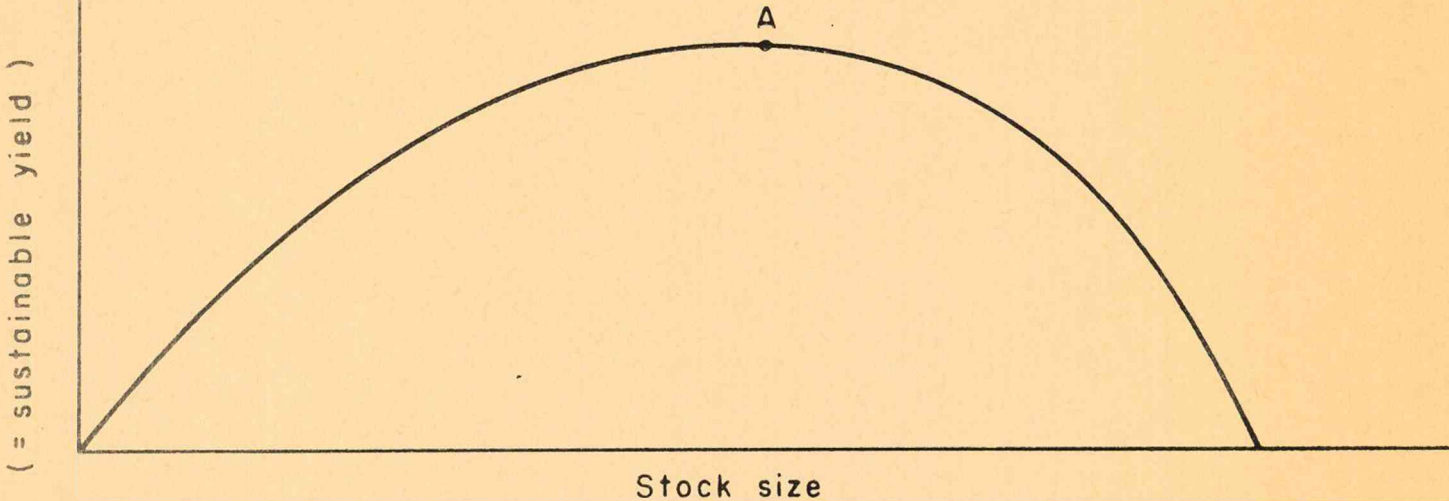


Figure 2

