

ANNEXURE-I

U.N. GENERAL ASSEMBLY RESOLUTION 2749

U.N. DECLARATION OF PRINCIPLES GOVERNING THE SEA-BED  
AND THE OCEAN FLOOR, AND THE SUB-SOIL THEREOF, BEYOND  
THE LIMITS OF NATIONAL JURISDICTION

( Adopted by U. N. General Assembly on 17th  
December 1970 )

**The General Assembly**

*Recalling* its resolutions 2340(XXII) of 18 December 1967, 2467(XXIII) of 21 December 1968 and 2574(XXIV) of 15 December 1969, concerning the area to which the title of the item refers,

*Affirming* that there is an area of the sea-bed and the ocean floor, and the sub-soil thereof, beyond the limits of national jurisdiction, the precise limits of which are yet to be determined,

*Recognizing* that the existing legal regime of the high seas does not provide substantive rules for regulating the exploration of the aforesaid area and the exploitation of its resources,

*Convinced* that the area shall be reserved exclusively for peaceful purposes and that the exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole,

*Believing it essential* that an international regime applying to the area and its resources and including appropriate international machinery should be established as soon as possible,

*Bearing in mind* that the development and use of the area and its resources shall be undertaken in such a manner as to

foster healthy development of the world economy and balanced growth of international trade, and to minimize any adverse economic effects caused by fluctuation of prices of raw materials resulting from such activities,

*Solemnly declares* that :

1. The sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as the area), as well as the resources of the area, are the common heritage of mankind.

2. The area shall not be subject to appropriation by any means by States or persons, natural or juridical, and no State shall claim or exercise sovereignty or sovereign rights over any part thereof.

3. No State or person, natural or juridical, shall claim, exercise or acquire rights with respect to the area or its resources incompatible with the international regime to be established and the principles of this Declaration.

4. All activities regarding the exploration and exploitation of the resources of the area and other related activities shall be governed by the international regime to be established.

5. The area shall be open to use exclusively for peaceful purposes by all States whether coastal or land-locked, without discrimination, in accordance with the international regime to be established.

6. States shall act in the area in accordance with the applicable principles and rules of international law including the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1971,<sup>1</sup> in the interests of main-

<sup>1</sup>, Resolution 2625 (XXV),



taining international peace and security and promoting international co-operation and mutual understanding.

7. The exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, whether land-locked or coastal, and taking into particular consideration the interests and needs of the developing countries.

8. The area shall be reserved exclusively for peaceful purposes, without prejudice to any measures which have been or may be agreed upon in the context of international negotiations undertaken in the field of disarmament and which may be applicable to broader area. One or more international agreements shall be concluded as soon as possible in order to implement effectively this principle and to constitute a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race.

9. On the basis of the principles of this Declaration, an international regime applying to the area and its resources and including appropriate international machinery to give effect to its provisions shall be established by an international treaty of a universal character, generally agreed upon. The regime shall *inter alia*, provide for the orderly and safe development and rational management of the area and its resources and for expanding opportunities in the use thereof and ensure the equitable sharing by States in the benefits derived therefrom, taking into particular consideration the interests and needs of the developing countries, whether land-locked or coastal.

10. States shall promote international co-operation in scientific research exclusively for peaceful purposes :

(a) By participation in international programmes and by encouraging co-operation in scientific research by personnel of different countries;

(b) Through effective publication of research programmes and dissemination of the results of research through international channels;

(c) By co-operation in measures to strengthen research capabilities of developing countries, including the participation of their nationals in research programmes. No such activity shall form the legal basis for any claim with respect to any part of the area or its resources.

11. With respect to activities in the area and acting in conformity with the international regime to be established, States shall take appropriate measures for and shall co-operate in the adoption and implementation of international rules, standards and procedures for, *inter alia* :

(a) Prevention of pollution and contamination, and other hazards to the marine environment, including the coastline, and of interference with the ecological balance of the marine environment;

(b) Protection and conservation of the natural resources of the area and prevention of damage to the flora and fauna of the marine environment.

12. In their activities in the area, including those relating to its resources, States shall pay due regard to the rights and legitimate interests of coastal States in the region of such activities, as well as of all other States which may be affected by such activities. Consultations shall be maintained with the coastal States concerned with respect to activities relating to the exploration of the area and the exploitation of its resources with a view to avoiding infringement of such rights and interests.

13. Nothing herein shall affect :

(a) The legal status of the waters superjacent to the area or that of the air space above those waters;

(b) The rights of coastal States with respect to measures to prevent, mitigate or eliminate grave and imminent



danger to their coastline or related interests from pollution or threat thereof resulting from, or from other hazardous occurrences caused by, any activities in the area, subject to the international regime to be established.

14. Every State shall have the responsibility to ensure that activities in the area, including those relating to 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 international regime to be established. 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.

15. The parties to any dispute relating to activities in the area and its resources shall resolve such dispute by the measures mentioned in Article 33 of the Charter of the United Nations and such procedures for settling disputes as may be agreed upon in the international regime to be established.

(Adopted by 108 votes in favour,  
none against, and with 18 abstentions).

### ANNEXURE-III

#### U.N. GENERAL ASSEMBLY RESOLUTION 2750

RESERVATION EXCLUSIVELY FOR PEACEFUL PURPOSES OF THE SEA-BED AND THE OCEAN FLOOR, AND THE SUBSOIL THEREOF, UNDERLYING THE HIGH SEAS BEYOND THE LIMITS OF PRESENT NATIONAL JURISDICTION AND USE OF THEIR RESOURCES IN THE INTERESTS OF MANKIND, AND CONVENING OF A CONFERENCE ON THE LAW OF THE SEA.

#### A

##### The General Assembly

*Reaffirming* that the area of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, and its resources are the common heritage of mankind,

*Convinced* that the exploration of the area and the exploitation of its resources should be carried out for the benefit of mankind as a whole, taking into account the special interests and needs of the developing countries,

*Reaffirming* that the development of the area and its resources shall be undertaken in such a manner as to foster healthy development of the world economy and balanced growth of international trade, and to minimize any adverse economic effects caused by the fluctuation of prices of raw materials resulting from such activities,

*I. Requests* the Secretary-General to co-operate with the United Nations Conference on Trade and Development, specialized agencies and other competent organizations of the United Nations system in order to:

(a) Identify the problems arising from the production of certain minerals from the area beyond the limits of national



jurisdiction and examine the impact they will have on the economic well-being of the developing countries, in particular on prices of mineral exports on the world market;

(b) Study these problems in the light of the scale of possible exploitation of the sea-bed taking into account the world demand for raw materials and the evolution of costs and prices;

(c) Propose effective solutions for dealing with these problems.

2. *Requests* the Secretary-General to submit his report thereon to the Committee on the Peaceful Uses of the Sea-bed and the Ocean Floor beyond the Limits of National Jurisdiction for consideration during one of its sessions in 1971, and for making its recommendations as appropriate to foster healthy development of the world economy and balanced growth of international trade, and to minimize any adverse economic effects caused by the fluctuation of prices of raw materials resulting from such activities.

3. *Requests* the Secretary-General, in co-operation with the United Nations Conference on Trade and Development, specialized agencies and other competent organizations of the United Nations system, to keep this matter under constant review so as to submit supplementary information annually or whenever it is necessary and recommend additional measures in the light of economic, scientific and technological developments.

4. *Calls upon* the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction to submit a report on this question to the General Assembly at its twenty-sixth session.

## B

### The General Assembly,

*Recalling* its resolutions 1028 (XI) of 20 February 1957 and 1105 (XI) of 21 February 1957 concerning the problems

of land-locked countries,

*Bearing in mind* the replies to the inquiries made by the Secretary-General in accordance with paragraph 1 of resolution 2574 A (XXIV), which indicate wide support for the idea of convening a conference relating to the law of the sea, at which the interests and needs of all States, whether land-locked or coastal, could be reconciled,

*Noting* that many of the present land-locked States Members of the United Nations did not participate in the previous United Nations Conference on the Law of the Sea,

*Reaffirming* that the area of the sea-bed and the ocean floor, and their subsoil, lying beyond the limits of national jurisdiction, together with the resources thereof, are the common heritage of mankind,

*Convinced* that the exploration of that area and the exploitation of those resources must be carried out for the benefit of all mankind, taking into account the special interests and needs of the developing countries, including the particular needs and problems of those which are land-locked,

1. *Requests* the Secretary-General to prepare, in collaboration with the United Nations Conference on Trade and Development and other competent bodies, an up-to-date study of the matters referred to in the memorandum dated 14 January 1958 prepared by the Secretariat on the question of free access of land-locked countries to the sea<sup>2</sup> and to supplement that document, in the light of the events which have occurred in the meantime, with a report on the special problems of land-locked countries relating to the exploration and exploitation of the resources of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction;

2. United Nations Conference on the Law of the Sea, 1958 Official Records, Vol. I; United Nations publication, Sales No. 58.V.4, Vol. 1; Preparatory Document 23 (A CONF. 13 29 and Add. 1) pp. 306 to 335.



2. *Requests* the Secretary-General to submit the above-mentioned study to the Enlarged Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, for consideration at one of its 1971 sessions, so that appropriate measures may be evolved within the general framework of the law of the sea, to resolve the problems of land-locked countries;

3. *Requests* the Committee to report on this question to the General Assembly at its twenty-sixth session.

#### **The General Assembly,**

*Recalling* its resolutions 798 (VIII) of 7 December 1953, 1105 (XI) of 21 February 1957 and 2574 A (XXIV) of 15 December 1969,

*Recalling further* its resolutions 2340 (XXII) of 18 December 1967, 2467 (XXIII) of 21 December 1968 and 2574 (XXIV) of 15 December 1969,

*Taking into account* the results of the consultations undertaken by the Secretary-General in accordance with paragraph 1 of resolution 2574 A (XXIV), which indicate widespread support for the holding of a comprehensive conference on the law of the sea,

*Conscious* that the problems of ocean space are closely inter-related and need to be considered as a whole,

*Noting* that the political and economic realities, scientific development and rapid technological advances of the last decade have accentuated the need for early and progressive development of the law of the sea, in a framework of close international co-operation,

*Having regard* to the fact that many of the present States Members of the United Nations did not take part in previous United Nations Conferences on the Law of the Sea,

*Convinced* that the elaboration of an equitable international regime for the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction

would facilitate agreement on the questions to be examined at such a conference,

*Affirming* that such agreements on these questions should seek to accommodate the interests and needs of all States, whether land-locked or coastal, taking into account the special interests and needs of the developing countries, whether land-locked or coastal,

*Having considered* the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction,

*Convinced* that a new conference on the Law of the Sea would have to be carefully prepared to ensure its success and that the preparatory work ought to start as soon as possible after the termination of the twenty-fifth session of the General Assembly, drawing on the experience already accumulated in the Committee on the Peaceful Uses of the Sea-bed and the Ocean Floor beyond the Limits of National Jurisdiction and using fully the opportunity provided by the 1972 United Nations Conference on the Human Environment to further its work :

1. *Notes with satisfaction* the progress made so far towards the elaboration of the international regime for the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction through the Declaration of Principles Governing the Sea-bed and the Ocean Floor, and the Subsoil thereof beyond the Limits of National jurisdiction, adopted by the General Assembly on 17 December 1970 ;

2. *Decides* to convene in 1973, in accordance with the provisions of paragraph 3 hereof, a conference on the Law of the Sea which would deal with the establishment of an equitable international regime—including an international machinery—for the area and the resources of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction, a precise definition of the area, and a



broad range of related issues including those concerning the regimes of the high seas, the continental shelf, the territorial sea (including the question of its breadth and the question of international straits) and contiguous zone, fishing and conservation of the living resources of the high seas (including the question of the preferential rights of coastal States), the preservation of the marine environment (including, *inter alia*, the prevention of pollution) and scientific research;

3. *Decides further* to review at its twenty-sixth and twenty-seventh sessions the reports of the Committee referred to in paragraph 6 below on the progress of its preparatory work with a view to determining the precise agenda of the conference, its definitive date, location and duration, and related arrangements; if the twenty-seventh General Assembly determines the progress of the preparatory work of the Committee to be insufficient, it may decide to postpone the conference;

4. *Reaffirms* the mandate of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the limits of National Jurisdiction set forth in resolution 2467 A (XXIII) of 21 December 1968 as supplemented by the present resolution;

5. *Decides* to enlarge the Committee by 44 members, appointed by the Chairman of the First Committee in consultation with regional groups and taking into account equitable geographical representation thereon;

6. *Instructs* the enlarged Committee to hold two meetings in Geneva in March and July-August 1971 in order to prepare for the Conference draft treaty articles embodying the international regime—including an international machinery—for the area and the resources of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction, taking into account the equitable sharing by all States in the benefits to be derived therefrom,

bearing in mind the special interests and needs of developing countries, whether coastal or land-locked, on the basis of the Declaration of Principles Governing the Sea-Bed and the Ocean Floor and the Subsoil thereof beyond the Limits of National Jurisdiction adopted by the General Assembly on 17 December 1970 and a comprehensive list of subjects and issues relating to the Law of the Sea referred to in operative paragraph 2 above which should be dealt with by the conference, and draft articles on such subjects and issues;

7. *Authorizes* the Committee to establish such subsidiary organs as it deems necessary for the efficient performance of its functions, bearing in mind the scientific, economic, legal and technical aspects of the issues involved;

8. *Requests* the Committee to prepare, as appropriate, reports to the General Assembly on the progress of its work;

9. *Requests* the Secretary-General to circulate those reports to Member States and Observers to the United Nations for their comments and observations;

10. *Decides* to invite other member States which are not appointed to the Committee to participate as observers and to be heard on specific points;

11. *Requests* the Secretary-General to render the Committee all the assistance it may require in legal, economic, technical and scientific matters, including the relevant records of the General Assembly and specialized agencies for the efficient performance of its functions;

12. *Decides* that the enlarged Committee, as well as its subsidiary organs, shall have summary records of its proceedings;

13. *Invites* the United Nations Educational, Scientific and Cultural Organization and its Inter-governmental Oceanographic Commission, the Food and Agriculture Organization of the United Nations and its Committee on Fisheries, the World Health Organisation, the Inter-Govern-



mental Maritime Consultative Organization, the World Meteorological Organization, the International Atomic Energy Agency and other inter-governmental bodies and specialized agencies concerned to co-operate fully with the Committee in the implementation of the present resolution, in particular by preparing such scientific and technical documentation as the Committee may request.

#### ANNEXURE-IV

##### REGIME FOR THE SEA-BED BEYOND NATIONAL JURISDICTION

##### Summary of U.S. Proposal

The United States proposal calls for an international agreement to establish the International Sea-bed Area beyond a water depth of 200 metres as the common heritage of mankind, to be explored and developed under an international regime. Such a regime would provide for the collection of revenues from mineral production throughout the entire International Sea-bed Area to be used for international community purposes, taking into account the special needs of developing countries. The international regime would also establish certain basic principles and both general and specific rules applicable throughout the International Sea-bed Area.

The United States concept, however, provides that coastal States act as Trustees for the international community with respect to certain exploration and exploitation functions in that part of the International Sea-bed Area extending from 200 metre depth to the seaward edge of the continental margin. In return for the performance of these functions, Trustee States would receive a share of the international revenues developed from the exploration and exploitation of sea-bed resources within the Trusteeship Area, and they would establish some of the terms governing among other things the licensing of exploration and exploitation of sea-bed resources in that area.

In keeping with the common heritage concept, under the United States proposal no State could exercise sovereignty or sovereign rights over the International Sea-bed Area or its resources, nor claim any right, title, or interest in the Area or its resources unless specifically allowed to do so



by the Convention. The International Sea-bed Area would be open to use by all States without discrimination, except, that in the Trusteeship Area, the Trustee Party could decide whether, how and to whom licences should be issued. The International Sea-bed Area would be reserved exclusively for peaceful purposes.

All exploration except scientific research, as well as exploitation of the mineral deposits in the International Sea-bed Area would be licensed, and would be subject to general provisions governing the entities permitted to apply for them, the conditions under which licences would be issued, the size of the areas to which licences may apply, their duration, the minerals to be covered by licences, and the magnitude of fees and payments.

Trustee States would be permitted discretion in establishing some of these terms in the Trusteeship Area. The international regime would also establish standards governing construction, equipment, and operations related to sea-bed resource exploration and exploitation, in order to safeguard human life, protect the marine environment from pollution, and avoid unjustifiable interference with other users of the area. Detailed provisions on the nature and extent of State responsibility for violation of these standards and rules would need to be included as well as provisions establishing State responsibility for all damage arising from activities which it authorized or sponsored. It would call for full international and State inspection of licensed activities, and for the revocation of licences and for other penalties for those violating rules and regulations. And it would provide for the peaceful and compulsory settlement of disputes.

As to the machinery required to implement this regime, the United States proposes that there be established an International Sea-bed Resource Authority with primary responsibility for overall supervision of sea-bed exploration and

exploitation activities, to be complemented and supplemented by State machinery. The concepts "authorise" and "sponsor" are used to distinguish between activities which States permit as Trustees, on the one hand, and those which are licensed by the International Sea-bed Resource Authority, on the other. The term "authorized" also applies to any other activity which a State conducts or permits to be conducted not related to exploration and exploitation.

The principal organs of the proposed International Sea-bed Resource Authority would be an Assembly of all Contracting Parties : a Council of 24 members ; a Tribunal of 5 to 9 judges elected by the Council ; and a Secretariat. The U.S. proposal, however, also provides for the establishment of three Commissions, each composed of 5 to 9 experts to be elected by the Council on the basis of nominations submitted by all Contracting Parties. A Rule and Recommended Practices Commission would formulate, and recommend to the Council, rules concerning the level, basis and accounting procedures for determining international fees and other forms of payment, work requirements, criteria for defining the technical and financial competence of applicants for licences, and standards governing equipment and operations, and the prevention of waste in mineral extraction. These would be adopted in the form of Annexes to the Convention.

An Operations Commission would issue licences, supervise and inspect operations in co-operation with the Trustee or Sponsoring Party, and initiate proceedings in the case of violations. It would arrange for the collection of international fees and payments, issue deep drilling permits, and, at the request of a Trustee Party, supervise the management of exploration and exploitation on the Trustee Party's behalf in the International Trusteeship Area.

An International Boundary Review Commission would review the boundaries of the International Sea-bed Area



delineated by States within the area under their respective trusteeships, negotiate any differences with Contracting Parties, and if these differences are not resolved, initiate proceedings before the Tribunal.

The Assembly would meet at least once every three years. It would elect members of the Council, approve budgets proposed by the Council, and approve proposals of the Council for changes in allocation of net income within prescribed limits. Most important, it would consider proposals for amendments to the Convention, and if it approved them, would submit such amendments to Contracting Parties for ratification.

The Council would submit to the Assembly budgets and proposals for changes in the allocation of net income and adopt and amend Rules and Recommended Practices upon the recommendations of the Rules and Recommended Practices Commission. It would have the power to issue emergency orders at the request of a Contracting Party to prevent serious harm to the marine environment arising from sea-bed activities. It would also establish procedures for co-ordination between the International Sea-bed Resource Authority, the United Nations and its specialized agencies, and other international or regional organizations concerned with the marine environment. The Council would consist of the six most industrially advanced Contracting Parties as designated members, and eighteen additional contracting parties, including at least 12 developing countries. Two of the 24 members must be land-locked or shelf-locked countries. The requirement that decisions of the Council be taken by a concurrent majority of designated and elected members is designed to insure that its decisions will have the support necessary for their execution.

The Tribunal would decide all disputes and advise on all questions concerning the interpretation and application of the Convention. It would also have compulsory jurisdiction

over any complaint brought by a Contracting Party against another Contracting Party for failure to fulfill its obligations under the Convention, or whenever the Operations Commission on its own initiative or at the request of any licensee considered that the Contracting Party or licensee had failed to fulfill its obligations under the Convention.

If the Tribunal found that the Contracting Party or licensee were in default, such party or licensee would be bound to take the measures required to implement the Tribunal's judgment. The Tribunal would have the power to impose fines of not more than \$ 1000 for each day of an offence as well as to award damages to the other party concerned. Where the Tribunal determined that a licensee had committed a gross and persistent violation of the provisions of the Convention and had not brought its operations into compliance within a reasonable time, the Council could either revoke the licence or request the Trustee Party to do so.

When a Contracting Party failed to perform the obligations incumbent on it under a judgment of the Tribunal, the Council, on application of the other party to the case, could decide to suspend temporarily in whole or in part the rights of the defaulting party, including a Trustee Party. This function, we believe, will gain maximum protection to the international community interests, which the draft Convention is designed to advance.

In addition, any Contracting Party, and any person directly affected, could bring before the Tribunal the legality of any measures taken by the Council or one of its Commissions, and the Tribunal could declare such measures null and void.

Under the United States proposal, States would be responsible for supervising the licensees they sponsor or authorize, but the International Sea-bed Resource Authority would have full power to inspect all sea-bed exploration and exploitation operations in the International Sea-bed Area.