

UNITED NATIONS

GENERAL
ASSEMBLY



Distr.
LIMITED

A/AC.138/SC.1/L.4/Rev.1
24 August 1970

Original: ENGLISH

COMMITTEE ON THE PEACEFUL USES OF THE SEA-BED
AND THE OCEAN FLOOR BEYOND THE LIMITS OF
NATIONAL JURISDICTION

Legal Sub-Committee

DECLARATION OF PRINCIPLES GOVERNING THE ACTIVITIES
OF STATES WITH RESPECT TO THE SEA-BED AND THE OCEAN
FLOOR, AND THE SUBSOIL THEREOF, UNDERLYING THE HIGH
SEAS BEYOND THE LIMITS OF NATIONAL JURISDICTION

Norway: draft resolution

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 items refers,

Reaffirming that there is an area of the sea-bed and the ocean floor and the subsoil thereof that lies beyond the limits of national jurisdiction (herein-after collectively referred to as the area), the precise limits of which are yet to be determined,

Convinced of the need for international co-operation in reserving the area exclusively for peaceful purposes and in reserving the exploration, conservation, use and exploitation of that area and its resources for the benefit of mankind as a whole, irrespective of the geographical location of states, whether land-locked or coastal, taking into particular consideration the interests and needs of the developing countries,

Believing it essential that an international regime including an appropriate international machinery should be established for this area and its resources as soon as possible,

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Recognizing that this regime shall not affect the legal status of the superjacent waters of the area and of the airspace above these waters,

Mindful of the threat to the marine environment caused by pollution and other hazardous and harmful effects which might result from such activities and

Desiring to promote effective measures, international and national, for the effective control and prevention of such pollution and to allay and repair the serious damage which might be caused to the marine environment by such pollution.

Seeking to enrich the knowledge of all mankind by encouraging the free flow and dissemination of information on these areas and the ocean as a whole.

Solemnly declares:

1. The area and its resources is the common heritage of all mankind and as such shall enjoy a special status in accordance with the present Declaration and the international regime to be established.
2. The area shall not be subject to appropriation by any means by States or by persons, natural or juridical, and no State shall claim or exercise sovereignty or sovereign rights over any part of it.

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

3. The regime applying to the area and its resources shall be established by a basic international instrument generally agreed upon, inter alia, reflecting applicable principles of international law and the principles of this Declaration.
4. Without prejudice to any wider limits which may be agreed upon or any other measures which have been or may be agreed upon in the context of international negotiations undertaken in the field of disarmament, the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction shall be reserved exclusively for peaceful purposes.

International agreement or agreements shall be concluded as soon as possible in order to implement effectively this principle and to prevent an armaments race on the sea-bed, the ocean floor and the subsoil thereof.

5. 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 coastal or landlocked, taking into particular consideration the needs and interests of the developing countries. Efforts should be made to minimize fluctuations in prices of raw materials that may result from the exploitation of the resources of the area.

6. Nothing herein shall affect the legal status of the waters superjacent to the area as high seas or that of the air space above these waters; in particular there shall be no infringement of the recognized freedoms of the high seas nor shall activities in the area interfere unjustifiably with the exercise of these freedoms.

7. In their activities in the area States shall take appropriate measures and shall co-operate in the adoption and implementation of international rules, standards and procedures for:

- (a) prevention of pollution, contamination and other harmful effects and hazards to the area and the marine environment including the coastlines concerned and of interference with the ecological balance of the marine environment.
- (b) Protection and conservation of the resources of the area and prevention of damage to flora and fauna of the marine environment.

8. States shall take appropriate measures to ensure that activities carried out on the sea-bed, the ocean floor and in the subsoil thereof, both within and outside the area shall not infringe upon the rights and legitimate interests of other states, in particular those of coastal states.

Consultations should be held in particular with the coastal states concerned with a view to avoiding infringement of such rights and interests.

9. States shall have the obligation to ensure that activities in the area whether undertaken by governmental agencies or by non-governmental entities or persons under their jurisdiction or acting on their behalf shall be carried out in conformity with the international regime to be established.

The same obligation applies to international organizations and their members of activities undertaken by such organizations or on their behalf.

Damage caused by activities undertaken in the area shall entail liability and the obligation to make effective reparation.

10. The area shall be open to scientific research exclusively for peaceful purposes by or on behalf of all states without discrimination.

States shall promote international co-operation in such research.

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

- (b) through effective dissemination of research programmes and the results of such programmes through international channels,
- (c) by co-operation in measures to strengthen the research capabilities of developing countries including the participation of their nationals in research programmes.

No such activity shall form the legal basis for any claims in respect to any part of the area and its resources.

11. The regime to be established shall, inter alia, provide for:

- (a) the orderly development and the rational management of the area and its resources,
- (b) the equitable sharing by the international community in the proceeds and other benefits to be derived from the exploration and exploitation of the resources of the area taking into particular account the interests and needs of the developing countries whether coastal or landlocked,
- (c) international arrangements concerning the international machinery endowed with the necessary authority and jurisdiction for regulating, co-ordinating, and supervising activities in the area.

12. The parties to any dispute relating to activities in the area shall resolve such dispute by the means mentioned in article 33 of the United Nations Charter and such procedures for settling disputes as may be agreed upon in the regime to be established.