

Third United Nations Conference on the Law of the Sea

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

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Resolution 108 (V) adopted by the Trade and Development Board of the United Nations Conference on Trade and Development at its 170th meeting on 1 June 1979

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DOCUMENTS OF THE CONFERENCE

DOCUMENT A/CONF.62/79

Resolution 108 (V) adopted by the Trade and Development Board of the United Nations Conference on Trade and Development at its 170th meeting on 1 June 1979*

[Original: Spanish]
[26 July 1979]

108 (V) EXPLOITATION OF THE RESOURCES OF THE SEA-BED¹

The United Nations Conference on Trade and Development,

Recalling General Assembly resolution 2574 D (XXIV) of 15 December 1969 declaring that, pending the establishment of an international régime, States and persons, physical or juridical, are bound to refrain from all activities of exploitation of resources of the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction and that no claim to any part of that area or its resources shall be recognized,

Recalling General Assembly resolution 2749 (XXV) of 17 December 1970 declaring that the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, as well as the resources of that area, are the common heritage of mankind,

Bearing in mind Conference resolution 51 (III) of 19 May 1972, in which it was decided that the question of the economic consequences and implications for the economies of the developing countries resulting from the exploitation of mineral resources should be kept constantly under review by the Conference,

Considering that the Trade and Development Board, by resolution 176 (XVIII) of 17 September 1978, called upon all States to refrain from adopting legislation or any other measures designed to carry on the exploitation of the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, until an international régime is adopted

*Circulated at the request of the secretariat of the United Nations Conference on Trade and Development.

¹The Conference adopted this resolution by a roll-call vote of 107 to 9, with 13 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Bahrain, Bangladesh, Barbados, Bhutan, Botswana, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Central African Empire, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic People's Republic of Korea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Malta,

by the Third United Nations Conference on the Law of the Sea,

Considering that any unilateral action designed to carry on the exploitation of the area in question prior to the adoption of a convention on the law of the sea would violate the above-mentioned resolutions, would endanger the ongoing negotiations and would affect the interests of the international community,

1. *Reiterates* that any unilateral action in contravention of the pertinent resolutions would not be recognized by the international community and would be invalid according to international law;

2. *Requests* all States to refrain from adopting legislation or any other measure designed to carry on the exploitation of the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, until an international régime is adopted by the United Nations Conference on the Law of the Sea;

3. *Warns* that States which might take such unilateral actions would have to assume the responsibility for their consequences both with respect to their impact on the United Nations Conference on the Law of the Sea and with regard to the negotiations on commodities related to the exploitation of mineral resources of the sea-bed;

4. *Requests* the Secretary-General of the United Nations Conference on Trade and Development to transmit this resolution to the Secretary-General of the United Nations and to the Third United Nations Conference on the Law of the Sea, in order that its contents be made known to member States.

Mauritius, Mexico, Mongolia, Morocco, Mozambique, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Republic of Korea, Romania, Rwanda, São Tomé and Príncipe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Belgium, France, Germany, Federal Republic of Italy, Japan, Luxembourg, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstentions: Australia, Austria, Canada, Denmark, Finland, Greece, Ireland, Israel, New Zealand, Norway, Portugal, Spain, Sweden.