PRINCIPLES GOVERNING THE AREA

Principal Articles: 133-149

The Area is defined as the sea-bed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction; in other words, it consists of the entire ocean floor which is not subject to sovereign rights of coastal states in an exclusive economic zone or the continental shelf (“the outer shelf”). The water surface above the area is the high seas. While the latter is governed by the principle of freedom of the seas, the Area has been declared the common heritage of mankind. Although this expression is an important political manifest, it is not a recognized legal term which would be directly applicable. The declaration of the common heritage is to be put into effect according to the following principles:

First: All rights to the resources, which means all solid, liquid, or gaseous minerals, including polymetallic nodules, in situ in the Area, and to archaeological and historical objects are vested in mankind as a whole. An international organization, the Sea-Bed Authority, is to act on behalf of mankind and the benefits shared on a non-discriminatory basis which is to provide for the equitable sharing of financial and other economic benefits;

Second: All activities of exploration for and exploitation of the resources from the Area are to be carried out for the benefit of mankind and the states are to adhere to the Convention and the principles of the Charter of the United Nations in the interest of maintaining peace and security;

Third: The Area is open to use by all states exclusively for peaceful purposes. The states are to adhere to the Convention and are to adopt all rules and regulations required for this purpose.

Fourth: All states are to be given the opportunity to participate in activities in the Area, and monopolization must be avoided;

Fifth: In particular, special attention is to be paid to developing countries;

Sixth: The Authority has the power necessary to exercise its functions as set forth in Part XI and is to adopt all rules and regulations required for this purpose.

The Authority is responsible for promoting and encouraging the conduct of marine scientific research in the Area and the acquisition and transfer to developing countries of technology and scientific knowledge. Furthermore, the Authority must with respect to activities in the Area adopt rules for the protection of the marine environment and human life and the use of installations. States Parties may, in accordance with their obligation to act according to the Convention and international law, conduct marine scientific research in the Area, and are in any case obligated to promote international co-operation in such research. States are responsible for ensuring that any activities in the Area, whether they themselves or natural or juridical person of their nationality carry them out, are effectively controlled and that any such undertakings are carried out in conformity with Part XI. States Parties and entities of the same status are liable for damages caused by their failure to carry out their responsibilities under the Convention.

Further Readings:
- Sea-Bed- Common Heritage of Mankind, Page 5
- New Economic Order? Page 12
- The Area-The Deep Sea-Bed, Page 117

1 Art. 1 Subpara. 1(1)
2 Art. 57, 76, 134, 142
3 Art. 135, 86
4 Art. 136, Preamble
5 Art. 133, Subpara. (a)
6 Art. 1, Subpara. 1(1-3)
7 Art. 149
8 Art. 137, Para. 2
9 Art. 156
10 Art. 137, Para. 2; Art. 153, Para. 1
11 Art. 140, Para. 1
12 Art. 140, Para. 2
13 Art. 141
14 Art. 138; Art. 301
15 Art. 150, Subpara, (q)
16 Art. 140, 143-144, 148
17 Art. 157, Para. 2; Annex III, Art. 17; (145-147)
18 Art. 143, Para. 2; 256
19 Art. 144; 274; Annex III, Art. 5
20 Art. 145-146
21 Art. 147
22 Art. 138
23 Art. 143, Para. 3
24 Art. 139, Para. 1
25 Art. 1, Para., 2; Annex IX, Art. 6
26 Art. 139, Para. 2; Art. 304, Annex III, Art. 4, Para. 4
### PRINCIPLES GOVERNING THE AREA

**Articles 133-149**

#### The Area and its resources are the common heritage of mankind

(Article 136)

#### All rights to the resources of the Area are vested in mankind as a whole

(Article 137, Paragraph 2)

**Area** means the sea-bed and ocean floor and subsoil there-of, beyond the limits of national jurisdiction

(Article 1, Subparagraph (1))

**Activities in the Area** means all activities of exploration for and exploitation of the resources of the Area

(Article 1, Subparagraph 3)

**Resources** means all solid, liquid, or gaseous mineral resources, including polymetallic nodules, which have been recovered from the Area

(Article 133, Subparagraph (a))

**Minerals** are resources which have not been recovered from the Area

(Article 133, Subparagraph (b))

**International Organizations and States**

**Sea-Bed Authority (Article 156)**

### Specific Provisions

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<tr>
<td>- No state is to claim sovereignty over any part of the Area and its resources (Article 137, Paragraph 1)</td>
<td>- The Authority is to act for mankind as a whole to the resources (Article 137, Paragraph 2)</td>
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<td>- No State is to claim rights with regard to minerals (Article 137, Paragraph 3)</td>
<td>- Is to provide for an equitable sharing of financial and other benefits (Article 140, Paragraph 2)</td>
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<td>- States are to use the Area and installations exclusively for peaceful purposes (Articles 141; 147, Subparagraph 2(d); Article 143)</td>
<td>- Is to require transfer of technology and knowledge to developing states and assist them (Article 144)</td>
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<td>- Conduct of states in the Area is to be in accordance with Convention AND Principles of UN Charter (Article 138)</td>
<td>- Implement regulations for installations (Article 147)</td>
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<td>- States are to ensure compliance with Convention (Article 139, Paragraph 1)</td>
<td>- Implement regulations for protection of human life (Article 146)</td>
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<td>- States liable for damages (Article 139, Paragraph 2)</td>
<td>- Implement regulations for protection of marine environment (Article 145)</td>
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<td>- The Area is to be open exclusively for peaceful purposes (Article 141)</td>
<td>- Carry out marine scientific research (Article 143)</td>
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<td>- Activities are to be carried out for the benefit of mankind (Article 140, Paragraph 1)</td>
<td>- Due regard is to be given to coastal state rights (Article 142)</td>
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<td>- Developing countries are to be supported (Articles 140, Paragraph 1; 143, Subparagraph 3(b); 144, Paragraph 2; 148)</td>
<td>- Historical finds can be preserved for the benefit of mankind (Article 149)</td>
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