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THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA

Letter dated 23 October 1979 from the Permanent Representative of  
India to the United Nations addressed to the Secretary-General

I have the honour, in my capacity as Chairman of the Group of 77, to enclose herewith a copy of a resolution adopted by the Ministers for Foreign Affairs of the States members of the Group of 77 which represents the position of the Group of 77 on the question of unilateral legislation on sea-bed mining.

I shall be grateful if this could be circulated as a document of the General Assembly under agenda item 22.

(Signed) B. C. MISHRA  
Permanent Representative of India to  
the United Nations

ANNEX

Resolution on the question of unilateral legislation of sea-bed mining  
adopted by Ministers for Foreign Affairs of States members of the  
Group of 77

The Ministers for Foreign Affairs of the States members of the Group of 77,

Recalling General Assembly resolution 2749 (XXV) of 17 December 1970, whose principles held that the sea-bed and the ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, as well as the resources thereof, are the common heritage of mankind, to be explored and exploited for the benefit of mankind as a whole and taking into particular consideration the interests of the developing countries,

Recalling various resolutions of the General Assembly, United Nations agencies, and regional and subregional groups, as well as resolutions 51 (III) of 19 May 1972 a/ and 108 (V) of 1 June 1979 of the United Nations Conference on Trade and Development affirming the principle that all States should refrain from adopting legislation or any other measures designed to carry out the exploration and exploitation of these resources until an international régime and machinery is adopted by the Third United Nations Conference on the Law of the Sea,

Taking note of the fact that negotiations to create an international régime and machinery for the exploration and exploitation of these resources for the benefit of mankind as a whole are in progress under the auspices of the United Nations,

Convinced that such unilateral legislations would create a situation which would be prejudicial to the orderly exploration and exploitation of the resources of the sea-bed for the benefit of mankind as a whole,

Convinced also that unilateral legislation on sea-bed mining and other related matters will be contrary to well-established principles of negotiations and will have considerable negative impact upon the successful conclusion of the conference and would endanger other economic negotiations and affect the interests of the international community,

1. Declare that:

(a) Any unilateral measures, legislation or agreement restricted to a limited number of States on sea-bed mining are unlawful and violate well-established and imperative rules of international law;

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a/ Proceedings of the United Nations Conference on Trade and Development, Third Session, vol. I, Report and Annexes (United Nations publication, Sales No. E.73.II.D.4), annex I.

(b) Such unilateral acts will not be recognized by the international community, and that, these acts, being unlawful, will entail international responsibility on the part of States who commit them, and an investor will not have legal security for his investments in activities in pursuance of such acts;

2. Urge all States to refrain from taking any unilateral action on sea-bed mining and appeals to them to bring the Third United Nations Conference on the Law of the Sea to a successful and early conclusion.

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