

THE GENERAL ASSEMBLY

Recognizing the historic significance of the United Nations Convention on the Law of the Sea, 1982 (hereinafter referred to as "the Convention") as a unique contribution to the maintenance of peace, justice and progress for all peoples of the world;

Reaffirming the principle of the Common Heritage of Mankind codified in that Convention as a principle of international law;

Noting that the Convention provides the most comprehensive framework for the regulation and management of ocean space, its resources and related services;

Noting, also, that the Convention contains, *inter alia*, the only existing comprehensive, mandatory, enforceable international environmental law;

Convinced, therefore, that the implementation and progressive development of the Law of the Sea as embodied in the Convention is essential for the attainment of Sustainable Development envisaged by the United Nations Conference on Environment and Development and its follow-up activities;

Aware that the problems of ocean space are closely interrelated and must be considered as a whole, and that this requires the full participation of all States whatever their stage of economic development;

Bearing in mind that the prospects of commercial exploitation of deep seabed mineral resources have receded into the future, generating an *interim period* between the coming into force of the Convention and the beginning of commercial seabed mining;

To this end desiring to embody the results of the consultations and negotiations organized by the Secretary-General of the United Nations in order to promote the universal acceptance of the Convention in accordance with the mandate given by the General Assembly of the United Nations;

Expresses its consent by the present resolution, to adopt the Agreement contained in the Annex attached to the present Resolution.

DRAFT PAPER

BY G-77

AGREEMENT ON THE ESTABLISHMENT OF AN INTERIM REGIME FROM
THE COMING INTO FORCE OF THE CONVENTION
TO THE TIME WHEN COMMERCIAL SEABED MINING BECOMES
ECONOMICALLY AND ECOLOGICALLY FEASIBLE

AGREEMENT ON THE ESTABLISHMENT OF AN INTERIM REGIME FROM THE COMING INTO FORCE OF THE CONVENTION TO THE TIME WHEN SEABED MINING BECOMES ECONOMICALLY AND ECOLOGICALLY FEASIBLE

THE GENERAL ASSEMBLY HAS AGREED AS FOLLOWS:

- . to extend the mandate of the Preparatory Commission for the interim period from the coming into force of the Convention to the time when commercial sea-bed mining becomes economically and ecologically feasible;
- . to authorise the Preparatory Commission to exercise all the initial functions of the Authority and the Enterprise in accordance with the Convention, in an evolutionary manner, during this interim period;
- . to convene a review conference at the time when commercial seabed mining is about to begin.

Ratifying States may make a declaration, in accordance with Article 310 of the Convention, that they reserve their right to denounce the Convention in accordance with Article 317, in case they are not satisfied with the results of the Review Conference.

A. INSTITUTIONAL ARRANGEMENTS

Article 1

Membership

1. In order to give time to States and entities entitled to become parties to the Convention, such States and entities may, upon notification given to the Depositary of the Convention, become Provisional Parties to the Convention and its Interim Regime.
2. Provisional membership shall not exceed 3 years after the date of entry into force of the Convention.
3. During this period, Provisional Parties shall fulfil all duties and obligations, and enjoy all rights of Parties to the Convention.

Article 2

Powers and Functions

In accordance with Paragraph 6 of Resolution I, the Commission shall continue to have such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes as adjusted to this interim regime.

Article 3

Organs

1. For the duration of the Interim Period, the Plenary of the Preparatory Commission shall perform the functions of the Assembly of the Authority. Each Party and each Provisional Party shall have one vote. The Rules of Procedure of the Preparatory Commission shall continue to apply.
2. For the duration of the Interim Period, the General Committee of the Preparatory Commission shall perform the functions of the Council of the Authority. Each party and each Provisional Party shall have one vote. The Rules of Procedure of the Preparatory Commission shall continue to apply. Upon the coming into force of the Convention, the Membership of the General Committee shall be renewed through election by the Assembly.
3. For the duration of the Interim Period, the Division for Ocean Affairs and the Law of the Sea shall perform the functions of the Secretariat. The Undersecretary-General of the United Nations, in charge of Legal Affairs, shall perform the functions of the Secretary-General of the Authority.
4. For the duration of the Interim Period, the Group of Technical Experts and the Training Panel established by the Preparatory Commission, shall perform the functions of the Economic Planning Commission and the Legal and Technical Commission, with such adjustments as may be considered necessary.
5. For the duration of the Interim Period, the Enterprise shall be constituted as a joint undertaking on the basis of the MOU on the Obligations of Pioneer Investors and the Plan for the Exploration of the First Mine Site for the Enterprise, adopted by the Preparatory Commission in 1990, as well as the Training Programme, adopted by the Preparatory Commission in 1989. A Governing Board, consisting of Members appointed by the Pioneer Investors and by the Commission, shall be responsible for its activities. The functions of this

joint undertaking shall be carried out in an evolutionary manner. They shall include joint exploration, the testing, and upgrading, and environmental impact assessment of technologies used in the exploration of the mine site, development of human resources and economic feasibility studies.

6. As far as the applicants referred to in Resolution II, paragraph 1,a),ii) are concerned, approval of an application for pioneer activities shall be facilitated provided that they assume the same obligations than those of the applicants referred to in the understanding on the implementation of Resolution II contained in LOS/PCN/L.41/Rev. 1 (Annex of 11 September 1986).

Article 4

Financial Arrangements

- 1. In accordance with paragraph 14 of Resolution I, the expenses of the Commission shall continue to be met from the regular budget of the United Nations, subject to the approval of the General Assembly of the United Nations.
- 2. The Commission may raise additional funds for specified activities as they may evolve.

Article 5

Review Conference

- 1. Upon the first application for Approval of Plan of Work for Exploration and Exploitation by a Pioneer Investor or by the Joint Exploration Enterprise, a Review Conference should be convened.
- 2. The Review Conference shall review those provisions of Part XI and the relevant Annexes which govern the system of exploration and exploitation of the resources of the Area in the light of the scientific, technological, and economic reality of that future time and in consideration of the experience, the methodologies developed, and the activities conducted in an evolutionary manner during the interim regime, as well as the outcome of the of the Secretary-General's Consultations, 1990-1993.

[Article 6

Dispute Settlement

The question of adjustment of the Seabed Dispute Chamber of the International Tribunal for the Law of the Sea, during the Interim Regime, pending the feasibility of commercial seabed mining, should be determined by the States Parties at the meeting to be convened pursuant to Article 4 of Annex VI to the Convention.]