INFORMAL COMPOSITE NEGOTIATING TEXT/REVISION 2

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Explanatory memorandum by the President of the Conference

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

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1. No State shall claim or exercise sovereignty or sovereign rights over any part of the Area or its resources, nor shall any State or natural or juridical person, appropriate any part thereof. No such claim or exercise of sovereignty or sovereign rights, nor such appropriation shall be recognized.

2. All rights in the resources of the Area are vested in mankind as a whole, on whose behalf the Authority shall act. These resources are not subject to alienation. The minerals derived from the Area, however, may only be alienated in accordance with this Part and the rules and regulations adopted thereunder.

3. No State or natural or juridical person shall claim, acquire or exercise rights with respect to the minerals of the Area except in accordance with the provisions of this Part. Otherwise, no such claim, acquisition or exercise of such rights shall be recognized.

Article 138
General conduct of States in relation to the Area

The general conduct of States in relation to the Area shall be in accordance with the provisions of this Part, the principles embodied in the Charter of the United Nations and other rules of international law in the interests of maintaining peace and security and promoting international cooperation and mutual understanding.

Article 139
Responsibility to ensure compliance and liability for damage

1. States Parties shall have the responsibility to ensure that activities in the Area, whether undertaken by States Parties, or State enterprises, or natural or juridical persons which possess the nationality of States Parties or are effectively controlled by them or their nationals, shall be carried out in conformity with the provisions of this Part. The same responsibility applies to international organizations for activities in the Area undertaken by such organizations. Without prejudice to applicable principles of international law and article 22 of annex III damage caused by the failure of a State Party to carry out its responsibilities under this Part shall entail liability. A State Party shall not however be liable for damage caused by any failure to comply by a person whom it has sponsored under article 153, paragraph 2 (b), if the State Party has taken all necessary and appropriate measures to secure effective compliance under article 153, paragraph 4 and article 4, paragraph 3 of annex III.

2. A group of States Parties or a group of international organizations, acting together, shall be jointly and severally responsible under these articles.
3. States Parties shall take appropriate measures to ensure that the responsibility provided for in paragraph 1 shall apply mutatis mutandis to international organizations.

**Article 140**

**Benefit of mankind**

1. Activities in the Area shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, whether coastal or land-locked, and taking into particular consideration the interests and needs of the developing States and peoples who have not attained full independence or other self-governing status recognized by the United Nations in accordance with General Assembly resolution 1514 (XV) and other relevant General Assembly resolutions as specifically provided for in this Part.

2. The Authority shall provide for the equitable sharing of benefits derived from the Area through any appropriate mechanism in accordance with article 160, paragraph 2 (f).

**Article 141**

**Use of the Area exclusively for peaceful purposes**

The Area shall be open to use exclusively for peaceful purposes by all States, whether coastal or land-locked, without discrimination and without prejudice to the other provisions of this Part.

**Article 142**

**Rights and legitimate interests of coastal States**

1. Activities in the Area, with respect to resource deposits in the Area which lie across limits of national jurisdiction, shall be conducted with due regard to the rights and legitimate interests of any coastal State across whose jurisdiction such resources lie.

2. Consultations, including a system of prior notification, shall be maintained with the State concerned, with a view to avoiding infringement of such rights and interests. In cases where activities in the Area may result in the exploitation of resources lying within national jurisdiction, the prior consent of the coastal State concerned shall be required.

3. Neither the provisions of this Part nor any rights granted or exercised pursuant thereto shall affect the rights of coastal States to take such measures consistent with the relevant provisions of Part XII as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coasts, or related interests from pollution or threat thereof or from other hazardous occurrences resulting from or caused by any activities in the Area.

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1. Marine scientific research in the Area shall be carried out exclusively