

THE LAW OF THE SEA: A CHRONOLOGY

CONFERENCE ON THE LAW OF THE SEA

1958—First United Nations Conference on the Law of the Sea: 86 States meet in Geneva and adopt four international conventions covering the territorial sea, the high seas, the continental shelf and fishing and conservation of living resources.

1960—Second United Nations Conference on the Law of the Sea fails to produce any substantive agreement on the limits of the territorial zone and fishing rights.

1967—The United Nations General Assembly decides that technological and other changes in the world require the international community to address the matter of laws governing the seas beyond national jurisdiction. A 35-member *ad hoc* committee is set up by the Assembly to study the matter.

1968—The *ad hoc* committee grows to 41 members and is renamed *Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction*.

1970—As a result of the Sea Bed Committee's work the General Assembly adopts a *Declaration of Principles Governing the Sea-Bed and Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction*. These areas are declared the “common heritage of mankind”. The Assembly also decides to convene the Third United Nations Conference on the Law of the Sea and the Sea-Bed Committee, enlarged to 91 members, is given the job of preparing for the Conference. By 1973 it puts out a 6-volume report.

1973—First session of the Conference (organizational, New York) elects officers, begins work on rules of procedure. Hamilton Shirley Amerasinghe of Sri Lanka is chosen as President of the Conference.

1974—Second session, Caracas. Adopts rules of procedure; 115 countries speak in general debate. First attempt to deal with alternate texts submitted by Sea-Bed Committee.

1975—Third session, Geneva. A “single negotiating text” produced by Committee Chairmen, sets out in treaty language the provisions to be included.

1976—Fourth session, New York. The results of negotiations set out in a “revised single negotiating text”.

1976—Fifth session, New York. Further progress in some areas, impasse on how deep-sea mining should be organized and regulated.

1977—Sixth session, New York. An “informal composite negotiating text” marks continuing deliberations.

1978—Seventh session, first Geneva, then New York. Seven negotiating groups created to tackle “hard core” differences.

1979—Eighth session, first Geneva, then New York. First revision of the 1977 negotiating text emerges. Decision taken to complete work on Convention by 1980.

1980—Ninth session, first New York, then Geneva. “Informal text” of Draft Convention produced. Plans to hold final session in 1981.

1981—Tenth session, first New York, then Geneva. First official text of Draft Convention issued. Jamaica and Federal Republic of Germany chosen as seats for the International Sea-Bed

Authority and the International Tribunal for the Law of the Sea respectively. United States cites difficulties in sea-bed provisions. "Final decision-making session" set for 1982.

1982—Eleventh session (Part I, 8 March-30 April), New York. All efforts at reaching general agreement having been exhausted, the Conference votes on a number of amendments to the Draft Convention. At the end, at the request of the United States, there is recorded vote. The Convention is adopted on 30 April by 130 votes to 4 against, with 17 abstentions.

Eleventh session (Part II, 22-24 September), New York. Approves Drafting Committee changes in the Convention, adopts draft Final Act, selects Jamaica as site of signing session.

1982 (6-10 December)—Convention and Final Act are signed at Montego Bay, Jamaica, by 119 delegations.

1983—Preparatory Commission meets in Kingston, Jamaica, to begin work on the creation of International Sea-Bed Authority and International Tribunal for the Law of the Sea.

PREPARATORY COMMISSION FOR THE INTERNATIONAL SEABED AUTHORITY AND FOR THE TRIBUNAL FOR THE LAW OF THE SEA

1983—First session in Kingston, Jamaica (Part I, 15 March - 8 April, Part II, 15 August - 9 September). Election of Mr. Joseph Warioba (United Republic of Tanzania) as Chairman of the Preparatory Commission. Adoption of the rules of procedure. Establishment of four Special Commissions:

- Special Commission 1 on the problems that could be encountered by developing land-based producer States likely to be most seriously affected by the production of minerals derived from the International Seabed Area.
- Special Commission 2 for the adoption of measures necessary for the entry into effective operation of the Enterprise.
- Special Commission 3 for the preparation of rules, regulations and procedures for the exploration and exploitation of the Area.
- Special Commission 4 for the preparation of recommendations regarding practical arrangements for the establishment of the International Tribunal for the Law of the Sea.

Establishment of a General Committee, consisting of the Chairman and other officers of the Preparatory Commission and of the four Special Commissions, to act on behalf of the Preparatory Commission as the executive organ for the administration of Resolution II.

1984—Second session held in Kingston, Jamaica from 19 March - 13 April, 1984. Adoption of the rules for registration of pioneer investors. Composition and functions of the group of technical experts. Examination of the draft rules of procedure for the Assembly of the International Seabed Authority. Elaboration of a draft headquarters agreement, draft agreement on privileges and immunities, draft rules of procedure, and draft rules and regulations for the International Tribunal for the Law of the Sea. Receipt of India's application for registration as a pioneer investor (14 February 1984). Receipt of application from Government of Japan for registration of the Japanese enterprise Deep Ocean Resources Development Co. Ltd. as a pioneer investor (22 August 1984). Receipt of application from the Government of France for registration of Institut Française de recherché pour l'exploitation de la mer (IFREMER)/ Association Française pour l'étude et la recherché des nodules (AFERNOD) as a pioneer investor (23 August 1984). Consideration of procedure for resolution of overlapping claims.

1985—Third session (Part I, 11 March - 4 April, Kingston, Jamaica. Part II, 12 August - 4 September, Geneva). Completion of second reading of draft rules of procedure of the Assembly of the Authority. Examination of draft rules of procedure of the Council of the Authority. Consultations on resolution of conflicts arising from overlapping claims. Continuation of the work of the four Special Commissions.

1986—Fourth session (Part I, 17 March - 11 April, Kingston, Jamaica. Part II, 11 August - 5 September, New York). Adoption of declaration by the Preparatory Commission reiterating its rejection of any claim, agreement or action undertaken outside the Preparatory Commission which is incompatible with the Convention and related resolutions (LOS/PCN/78). Completion of the first reading of the draft rules of procedure of the Council and the Legal and Technical Commission. Consideration by Special Commission 3 of a draft mining code. Exchange of views in Special Commission 1 on the establishment of a compensation fund and other measures to reduce adverse effects through bilateral agreements between developing traditional exporters and traditional importing States of minerals found in the Area. Completion of second reading of the draft rules of the Tribunal.

1987—Fifth session (Part I, 30 March - 16 April, Kingston, Jamaica. Part II, 27 July - 21 August, New York). Adoption of statement of understanding on the implementation of resolution II (10 April 1987) based on Arusha Understanding reached among France, India, Japan and the former U.S.S.R. Election of Mr. Jose Luis Jesus (Cape Verde) as Chairman of the Preparatory Commission in succession to Mr. Joseph S. Warioba. Receipt of revised applications from the Governments of India, Japan (DORD), U.S.S.R. (Yuzhmorgeologiya) and France (IFREMER/AFERNOD) for registration as pioneer investors (20 July 1987). Completion of second reading of the rules of procedure of the Council of the Authority and first reading of the draft rules of procedure of the Economic Planning Commission. Initial consideration of the issue of subsidization in relation to deep seabed mining. Discussion of issues relating to the training requirements of personnel of the Enterprise and its administrative structure. Examination of draft articles for financial terms of a model mining contract. Completion of second round of discussions on the draft rules of the Tribunal with substantial agreement arrived at on the majority of issues except the procedures for the prompt release of vessels and crews. Progress made on the draft headquarters agreement between the Tribunal and the host country. Registration of Government of India as the first pioneer investor in the International Seabed Area (17 August 1987). Registration of IFREMER/AFERNOD (France), DORD (Japan) and Yuzhmorgeologiya (U.S.S.R.) as pioneer investors on 17 December 1987.

1988—Sixth session (Part I, 14 March - 8 April, Kingston, Jamaica. Part II, 15 August - 2 September, New York). Consideration of matters relating to training of personnel designated by the Preparatory Commission. Introduction by an *ad hoc* working group of draft principles and policies for the Preparatory Commission's training programme. Provisional approval of the draft rules of procedure of the Legal and Technical Commission and of the Economic Planning Commission. Preliminary discussion of implementation of the obligations of the pioneer investors to collaborate in the exploration of a mine site for the Enterprise. First reading of draft regulations on the transfer of technology. Informal consultations on the seat of the Tribunal. Completion of examination of the draft headquarters agreement between the Tribunal and the Federal Republic of Germany. Procedures to ensure the prompt release of vessels and crews adopted.

1989—Seventh session (Part I, 27 February - 23 April, Kingston, Jamaica. Part II, 14 August to 1 September, New York). Chairman's paper submitted to the plenary on the discharge of obligations by the four pioneer investors and their certifying States in accordance with resolution II. Group of Technical Experts submits a proposal for an exploration plan and identifies the priority disciplines for the training of personnel. Special Commission 1 agrees on a provisional list of 66 key recommendations to be submitted to the Authority on the protection of developing land-based producer States. Further consideration of the structure and organization of the Enterprise and of a training programme under resolution II, paragraph 12 (a)(ii). Proposal on the establishment of a training programme for the Enterprise adopted by the Preparatory Commission. Conclusion of the first reading of draft regulations on the transfer of technology for the period of ten years from the date of commencement of commercial production by the Enterprise. Completion of examination of the draft Protocol on the Privileges and Immunities of the Tribunal. Continuation of informal consultations on matters relating to the seat of the Tribunal. Discussion on universal participation in the Convention. Decision to set the end of 1991 as a target date for the completion of the work of the Preparatory Commission.

1990—Eighth session (Part I, 5 - 30 March, Kingston, Jamaica. Part II, 13 - 31 August, New York). Adoption of a statement of understanding on the fulfilment of obligations under resolution II by the registered pioneer investors and their certifying States (30 August 1990). Completion of second reading of the draft Headquarters Agreement between the Authority and

the Government of Jamaica and the draft Protocol on the Privileges and Immunities of the Authority. Completion of first reading of the provisional conclusions that would form the basis of the Preparatory Commission's final recommendations to the Authority on the protection of developing land-based mineral producer States. Continuation of examination by *ad hoc* working group of Special Commission 1 of questions relating to the establishment of a compensation fund, the effects of subsidized seabed mining, and dependency and activation thresholds in respect of applications for assistance. Completion of first reading of draft regulations on production authorization. Consideration of draft regulations on the protection and preservation of the marine environment from activities in the Area. Continuation of consideration of the administrative arrangements, structure and financial implications of the Tribunal and the draft relationship agreement between the Tribunal and the United Nations. Receipt of application from the Government of the People's Republic of China for registration of China Ocean Mineral Research and Development Association (COMRA) as a pioneer investor (22 August 1990).

1991—Ninth session (Part I, 5 - 30 March, Kingston, Jamaica. Part II, 12 - 30 August, New York). Receipt of application from the Governments of Bulgaria, Cuba, the former Czech and Slovak Federal Republics, the Republic of Poland and the former U.S.S.R. for registration of Interoceanmetal Joint Organization (IOM)) as a pioneer investor (8 March 1991). Registration of COMRA (China) as a pioneer investor (5 March 1991). Registration of IOM as a pioneer investor (21 August 1991). Completion of preparatory work for the exploration of one mine site in the areas reserved for the Authority by France, Japan, and Russian Federation. Joint report forwarded for evaluation by Group of Technical Experts. Completion of second reading of the draft relationship agreement between the United Nations and the Authority. Continuation of work on problems that will be encountered by developing land-based producer States and criteria for the identification of land-based producer States actually or likely to be affected as a result of the production of deep seabed minerals. Agreement reached by Special Commission 2 on the purpose and functions of the transitional arrangements for the Enterprise. A joint venture option considered the preferred option for the Enterprise in its initial operations. Completion of the first reading of Part VIII of the draft regulations on prospecting, exploration and exploitation of polymetallic nodules in the Area, relating to the protection and preservation of the marine environment. Continuation of examination of the administrative arrangements, structure and financial requirements of the Tribunal, the draft Headquarters Agreement between the Tribunal and Germany and the draft Protocol on the Privileges and Immunities of the Tribunal. Establishment and composition of the Training Panel. Training programmes submitted by France, Japan and the Russian Federation.

1992—Tenth session (Part I, 24 February - 13 March, Kingston, Jamaica. Part II, 10 - 21 August, New York). Adoption of a statement of understanding on the fulfilment of obligations under resolution II by the newly registered pioneer investors (COMRA and IOM) and their certifying States. Approval of the report submitted by the Group of Technical Experts on the preparatory work undertaken by registered pioneer investors on the exploration of the area reserved for the Authority. Periodic reports submitted by France, India, Japan, and the Russian Federation on pioneer activities. Training programme submitted by Government of India. Consideration of draft Headquarters Agreement between the Authority and the Government of Jamaica, draft Protocol on the Privileges and Immunities of Officials and Experts of the Authority and a draft relationship agreement between the United Nations and the Authority. Completion of the work by *ad hoc* working group of Special Commission 1 on the three "hard core" issues related to the protection of developing land-based producer States. Completion of the study on demand, supply and price of metals contained in polymetallic nodules. Completion of work on comprehensive draft regulations on prospecting, exploration and exploitation of polymetallic nodules in the Area. Completion of review of the draft Headquarters Agreement between the Tribunal and the Federal

Republic of Germany. Adoption by Special Commission 4 of draft Protocol on the Privileges and Immunities of the Tribunal.

1993—Eleventh session held in Kingston, Jamaica from 22 March - 2 April. Consideration of periodic reports submitted by the registered pioneer investors. Draft provisional final reports of the Informal Plenary and of Special Commissions 1, 2, 3, and 4. Decision not to hold any further meeting in 1993 but to continue to make provision for the servicing of an annual two-week session of the Preparatory Commission until entry into force of the Convention. Completion of training programme of France.

1994—Twelfth session (Part I, 7 - 11 February, Kingston, Jamaica. Part II, 1-12 August, New York). Completion of the training programmes of India, Japan and the Russian Federation. Consideration of matters relating to the implementation of resolution II, including relinquishment of pioneer areas in accordance with resolution II, paragraph 1(e). Registration of the Government of the Republic of Korea as a pioneer investor on the basis of the report of the Group of Technical Experts and adoption of an understanding on the fulfilment of its obligations under resolution II. Issue of certificate of compliance to the registered pioneer investors. Waiver of the annual fixed fee and the obligations of three registered pioneer investors (IFREMER/AFERNOD, DORD, and Yuzhmorgeologiya) and their certifying States (France, Japan and the Russian Federation) to carry out stage I of the exploration work.

Consideration of matters arising from the imminent entry into force of the Convention, including consideration of provisional agenda for the first session of the Assembly of the Authority, final report of the Training Panel, budget for the first financial period of the Authority and date of the first session of the Assembly of the Authority (16-18 November 1994), report containing recommendations for submission to the first meeting of States Parties to be convened in accordance with annex VI, article 4, of the Convention regarding practical arrangements for the establishment of the Tribunal, final report on all matters within the mandate of the Preparatory Commission to be submitted to the Assembly of the Authority at its first session.

16 November 1994—Entry into force of the United Nations Convention on the Law of the Sea