

The 1982 United Nations Convention on the Law of the Sea



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The Law of the Sea



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United Nations Convention on the Law of the Sea

Agreement relating to the
Implementation of Part XI of the
United Nations Convention
on the Law of the Sea
with Index and excerpts
from the Final Act of the
Third United Nations Conference
on the Law of the Sea



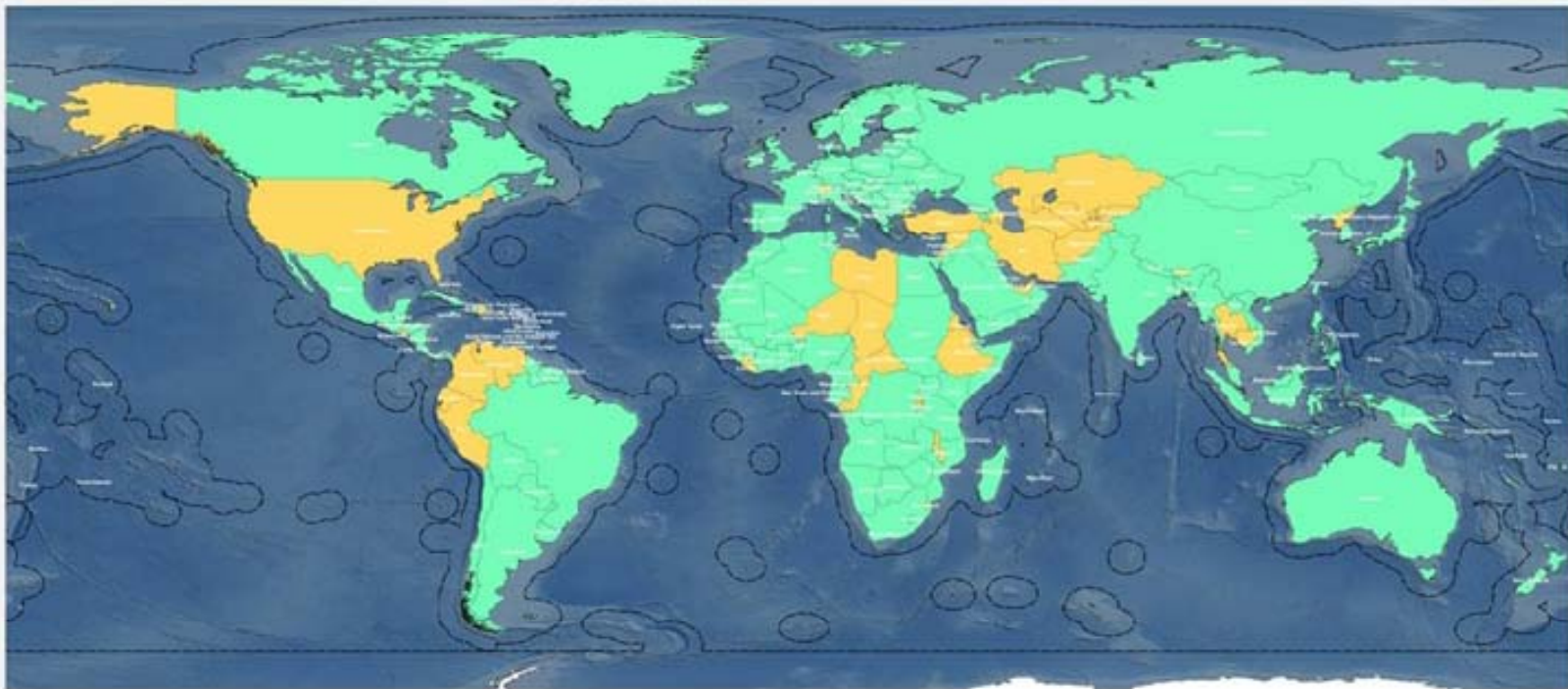
Division for Ocean Affairs and the Law of the Sea
Office of Legal Affairs
United Nations

The Third United Nations Conference on the Law of the Sea opened in 1973 and concluded in 1982. The first draft of the negotiating text for the Treaty was submitted to the Conference in 1975. Following negotiations over the next seven years and after several revisions of the text the new convention was put to vote and adopted in 1982.

The United Nations Convention on the Law of the Sea entered into force on 16 November 1994. It is supplemented by two implementing agreements dealing respectively with the Seabed Mining provisions of the Convention (Part XI) and Straddling and Highly Migratory Fish Stocks.

As at 28 February 2011, there were 161 Parties to the Convention.

Members of and Observer States to the International Seabed Authority



Note:
As at 1 July 2007, 154 states and the European Community were members of the International Seabed Authority. The map only shows individual members.

Legend

	Member State		Limits of Exclusive Economic Zones
	Observer State		

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Latin American and Caribbean States Group

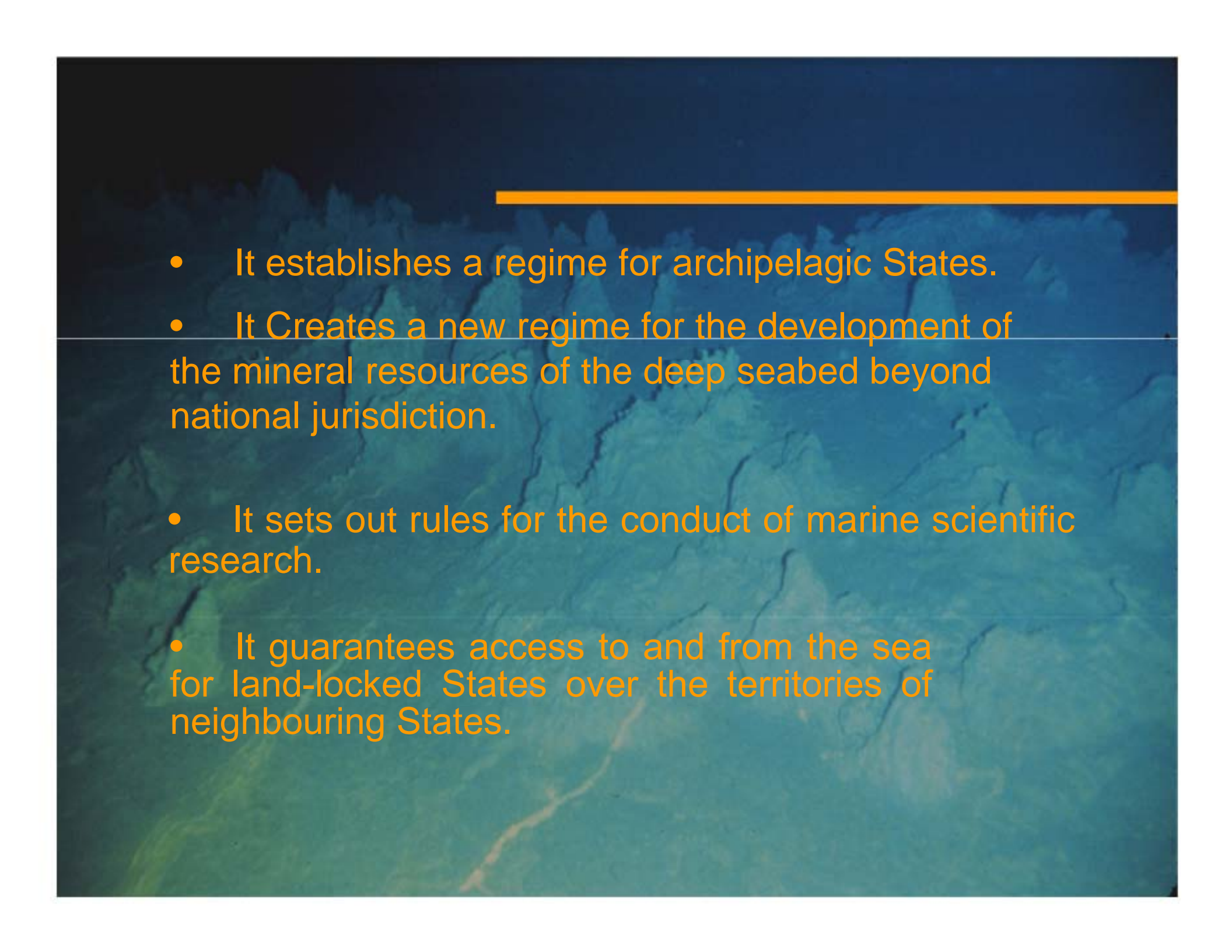
The Latin American and Caribbean States Group has 28 members . They area: Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Costa Rica, Cuba, Dominica, Dominican Republic, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, and Uruguay.

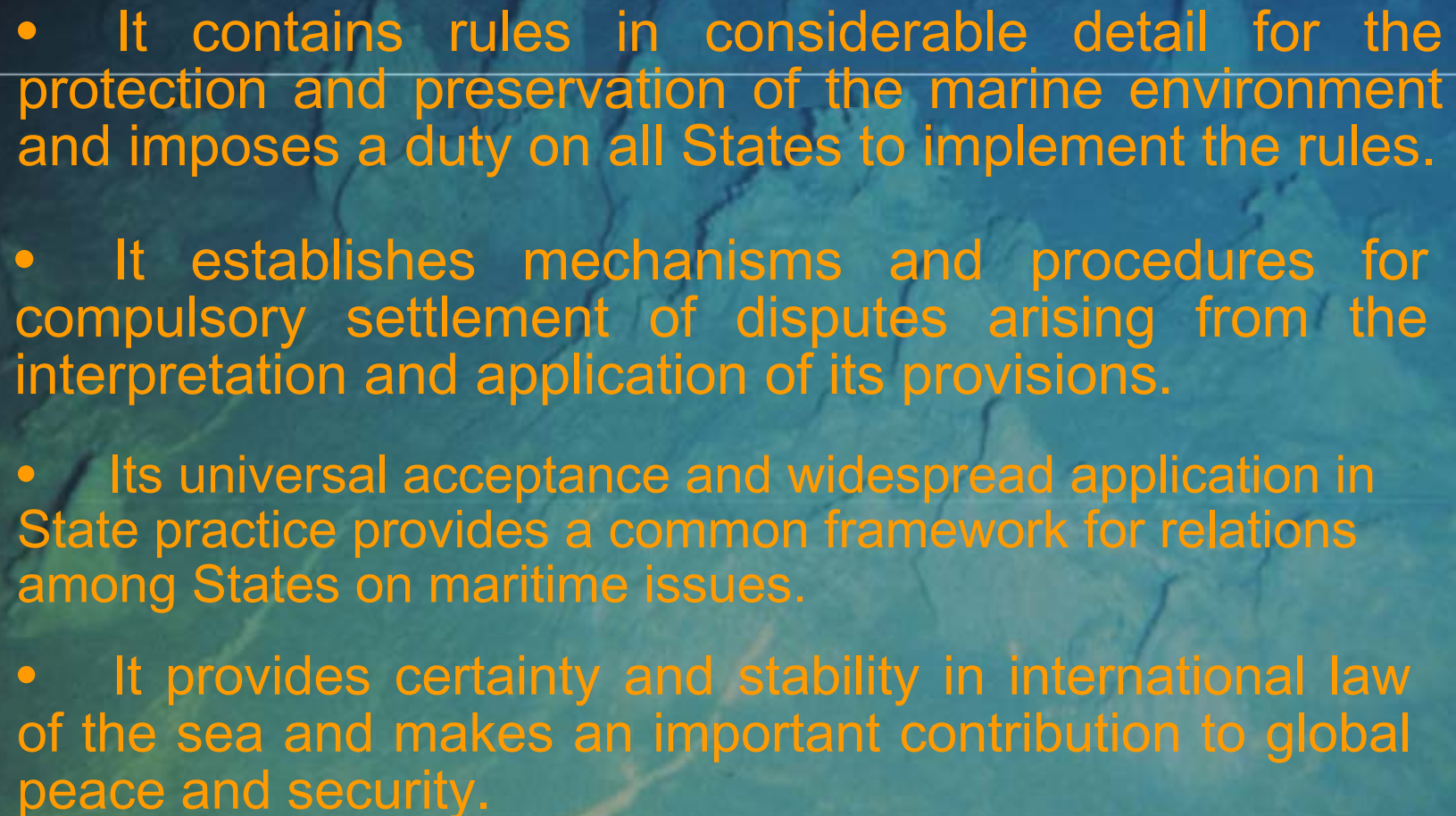
Success of the Convention

- It is widely accepted and applied in state practice with considerable uniformity and consistency and followed by competent international organizations and technical bodies related to oceans.
 - It is recognized as the paramount source for the modern Law of the Sea by judicial bodies.
 - It provides important point of reference for parties and non-parties.
It has provided stability in and certainty in the law of the sea.

Achievements of the Convention

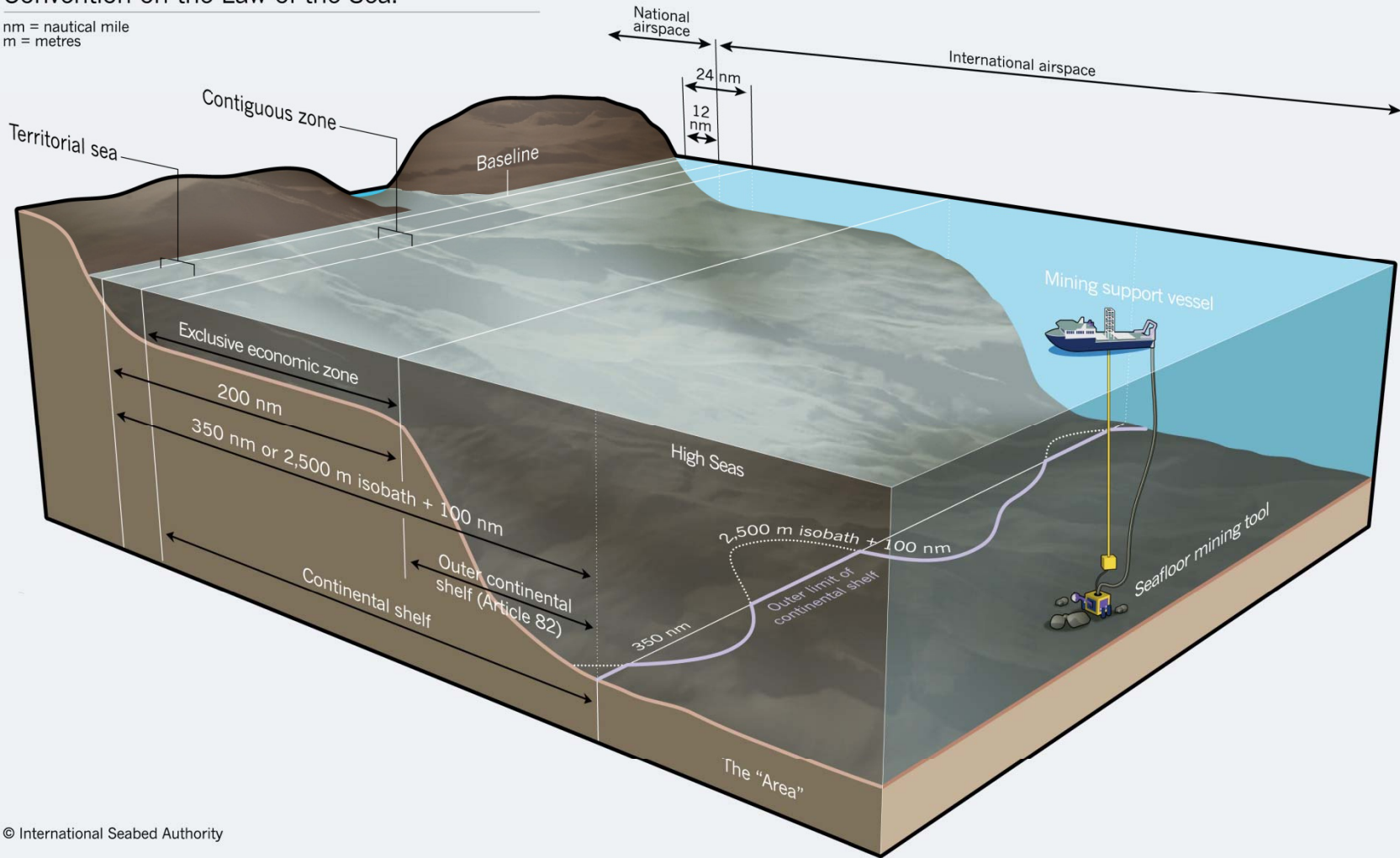
- It settles the breadth of the territorial sea at 12 nautical miles, with the right of innocent passage through those waters and a right of transit passage through narrow straits in the territorial sea for the purpose of international navigation.
- It provides for resource jurisdiction in a 200 nautical mile exclusive economic zone, including measures for the long-term sustainability of fisheries resources and jurisdiction for environmental regulations.
- It provides for extended continental shelf jurisdiction, where it exists beyond 200 nautical miles combining scientific and geological criteria for the outer limit.

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- It establishes a regime for archipelagic States.
 - It Creates a new regime for the development of the mineral resources of the deep seabed beyond national jurisdiction.
 - It sets out rules for the conduct of marine scientific research.
 - It guarantees access to and from the sea for land-locked States over the territories of neighbouring States.

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- It contains rules in considerable detail for the protection and preservation of the marine environment and imposes a duty on all States to implement the rules.
 - It establishes mechanisms and procedures for compulsory settlement of disputes arising from the interpretation and application of its provisions.
 - Its universal acceptance and widespread application in State practice provides a common framework for relations among States on maritime issues.
 - It provides certainty and stability in international law of the sea and makes an important contribution to global peace and security.

Maritime space under the 1982 United Nations Convention on the Law of the Sea.

nm = nautical mile
m = metres



Institutions created by the Convention

The new institutions created by the Convention are :

- International Tribunal for the Law of the Sea
- Commission on the Limits of the Continental Shelf
- International Seabed Authority

International Tribunal for the Law of the Sea

The International Tribunal for the Law of the Sea is a specialized body created by the Convention to settle disputes that arise in the interpretation and application of the provisions of the Convention.

The Tribunal, which has its headquarters in Hamburg, Germany, became operational in October 1996, two years after the Convention came into force.

Commission on the Limits of the Continental Shelf

The purpose of the Commission is to facilitate the implementation of the Convention with respect to the establishment of the outer limits of the continental shelf beyond 200 nautical miles.

Coastal States are required by the Convention to submit data and information on the outer limit of the Continental Shelf in accordance with the technical and scientific formula provided in the Convention.

The Commission examines the data and information to determine if the coastal state's claim to the outer limits of its continental shelf is in conformity with the Convention provisions. If satisfied the Commission makes its recommendation to the coastal state. The coastal state then establishes the outer limits of its shelf on the basis of the recommendations.

The International Seabed Authority

- The International Seabed Authority is an autonomous international organization with its headquarters in Kingston, Jamaica.
- It is the organization through which States organize and control activities in the seabed and the subsoil beyond the limits of national jurisdiction (the Area), particularly with a view to administering the resources of the Area.
- The Area and its resources are the common heritage of mankind, and should be developed for the benefit of mankind as a whole, on whose behalf the Authority administers the Area.

Main Functions of the Authority

- Adopt rules, regulations and procedures for conduct of activities in the Area.
- Promote and encourage marine scientific research in the Area.
- Protect and conserve the natural resources of the Area and prevent damage to the flora and fauna of the marine environment.

Other activities of the Authority

- Technical workshops
- Publications
- Central data Repository
- Maintaining Informative and interactive webpage and Library
- Geological Model for Polymetallic Nodule deposits in the Clarion-Clipperton Fracture zone

Quantitative Model (improve resource assessment)

Predictive Model (identify high grade areas)

Prospector's Guide

Endowment Fund

The Authority established an Endowment Fund to promote and encourage collaborative marine scientific research through two main activities:

It supports the participation of qualified scientists and technical personnel from developing countries in research programmes and activities.

This is achieved through the cooperation of national and international scientific institutions and Contractors.

New Challenges for the Law of the Sea

- An important feature of the Convention is its capacity to adapt to new and changing circumstances.
- It allows for flexibility within its framework in the implementation of many of its provisions through competent international organizations such as the International Maritime Organization, FAO, regional fisheries commissions and regional environmental programmes.
- A few situations that required the resolution of certain issues relating to the Convention have been dealt with through implementing agreements :
 - (1) The 1994 Implementing Agreement to resolve the outstanding issues relating to Part XI (the deep seabed mining provisions) of the Convention
 - (2) The 1996 Implementing Agreement on the problems of management of Straddling and Highly Migratory Fish Stocks, inspired by the Rio Conference on Environment and Development.

Some Current Challenges

- Ecosystem approach to fisheries management
- Action to be taken to protect biodiversity in the world's oceans
- How to deal with the so-called genetic resources of the ocean

Ecosystem - based fisheries Management

- The main goal is to ensure sustainability of catches without compromising the inherent structure and functioning of the marine ecosystem
- It requires much more data and information about ecological relationships and the impact of human activities than in single-species management regimes
- It requires greater regional integration and more coordinated approach at global level e.g. data collection and scientific analysis of large marine ecosystems

Protection of marine biodiversity

- Need for action to reduce the current rate of biodiversity loss for benefit of all life on earth. The need is compelling because many marine species and ecosystems are poorly understood and are subjected to rapid increase in the level of anthropogenic impacts - coastal area population growth, bad fishing practices and impacts such as climate change • Cause for establishment of marine protected areas is a response. This has to be balanced with competing uses of oceans including the mandate of the International Seabed Authority to administer and promote the development of the mineral resources of the deep seabed.

Marine genetic resources

- Management of marine genetic resources has become a prominent issue. The issues are multifaceted
 - (1) concerns on the impact on the marine environment of the recovery of genetic resources
 - (2) fair access to genetic resources for less technologically advanced states
 - (3) sharing of the financial and other benefits derived from genetic resources
 - (4) lack of environmental regulations of unrestrained scientific activity



THANK YOU