

The 1982 United Nations Convention on the Law of the Sea

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The inexhaustible ocean?





OLVS. ART. ICVS

ADA. ZONA.

CRI.

NA.

PR. ICORNIO.

MR. DO SVL.

DA. ZONA.

TERA. N. O. VA.

MAR. NEGRO.

L. A. FLORIDA.

MEXICO.

MAR. OCCEANO.

ANTILHAS.

MAR. PA. NAMA.

NA.

EQVINOCIAL.

BRASIL.

PERV.

MUNDVS.

NO. VA.

ESTREITO. DE. FERN. DE. MA.
GA. L. H. A. E. S.

MOSCOVIA.

MAR. C.

TRINQVIA.

IERVS. ALEM.

PARTES. DA. AFRICA.

ONILLO.

CASTEL. O. DAMNA.

OPRE. S. TIOA.

CO. NGO.

SAN. LOVRENCO.

CABO. DO. A. ESPERACA.

DOM. TEL.

POLOS. AN. TART. ICVS.



UNCLOS III



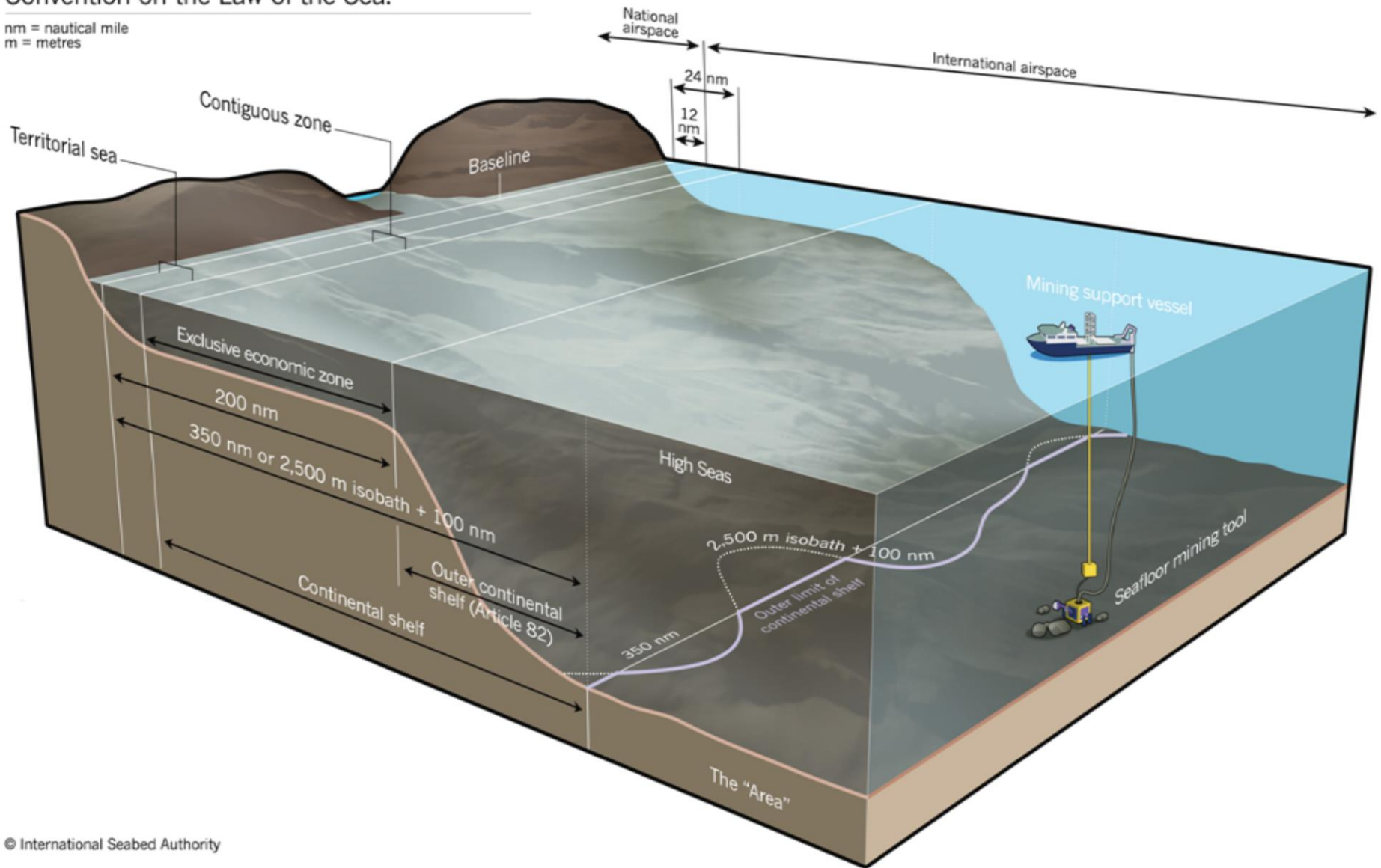
1973

1982

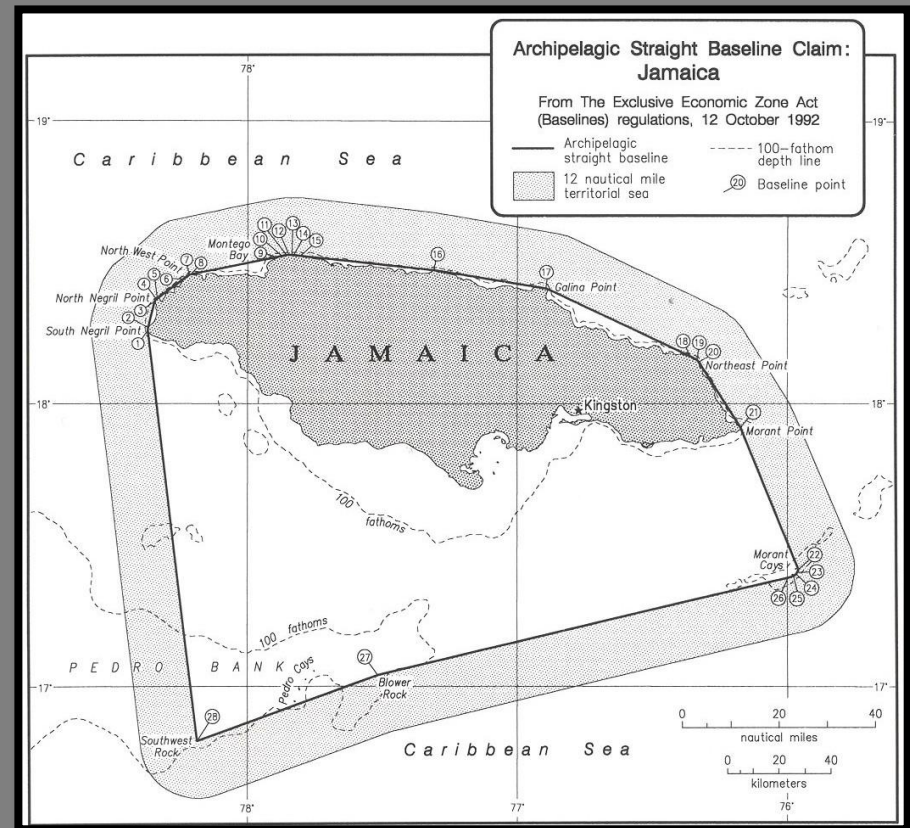


Maritime space under the 1982 United Nations Convention on the Law of the Sea.

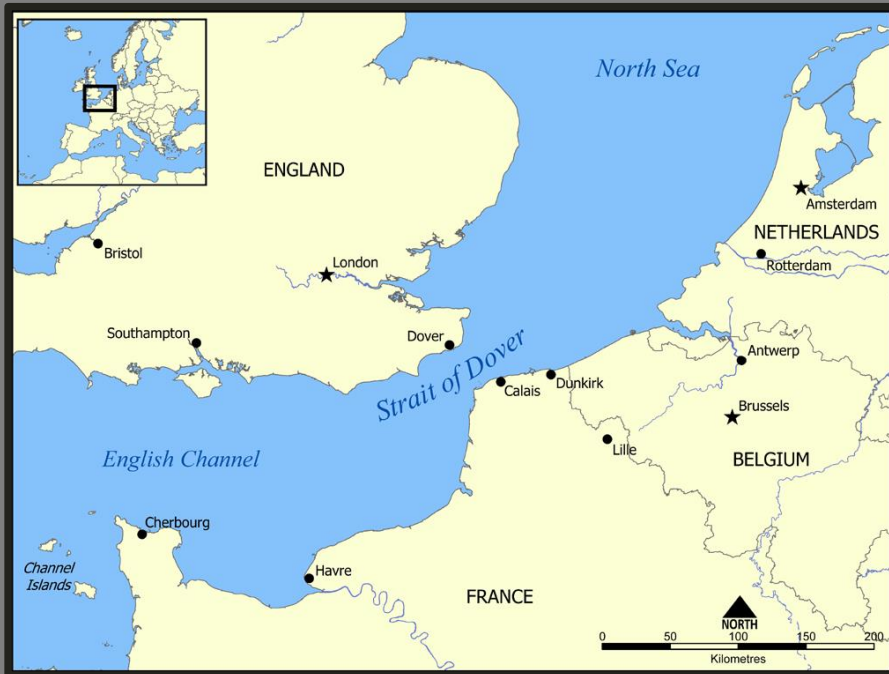
nm = nautical mile
m = metres



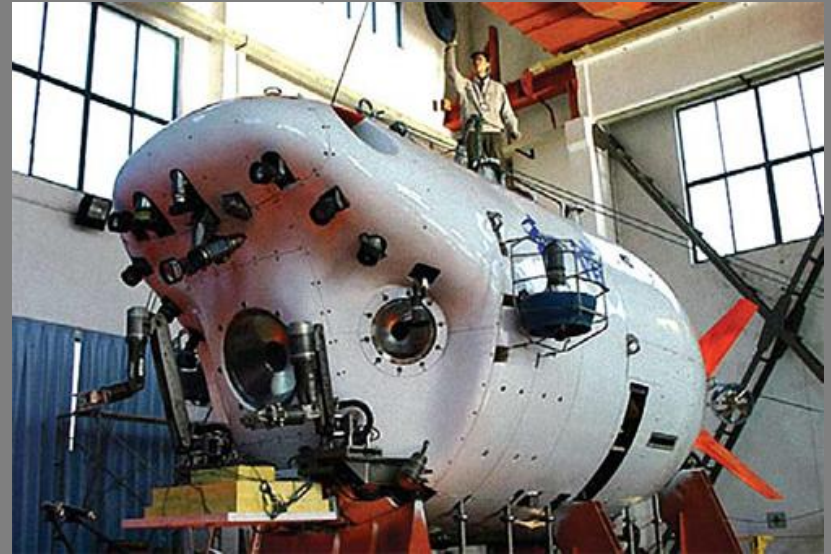
Archipelagic waters

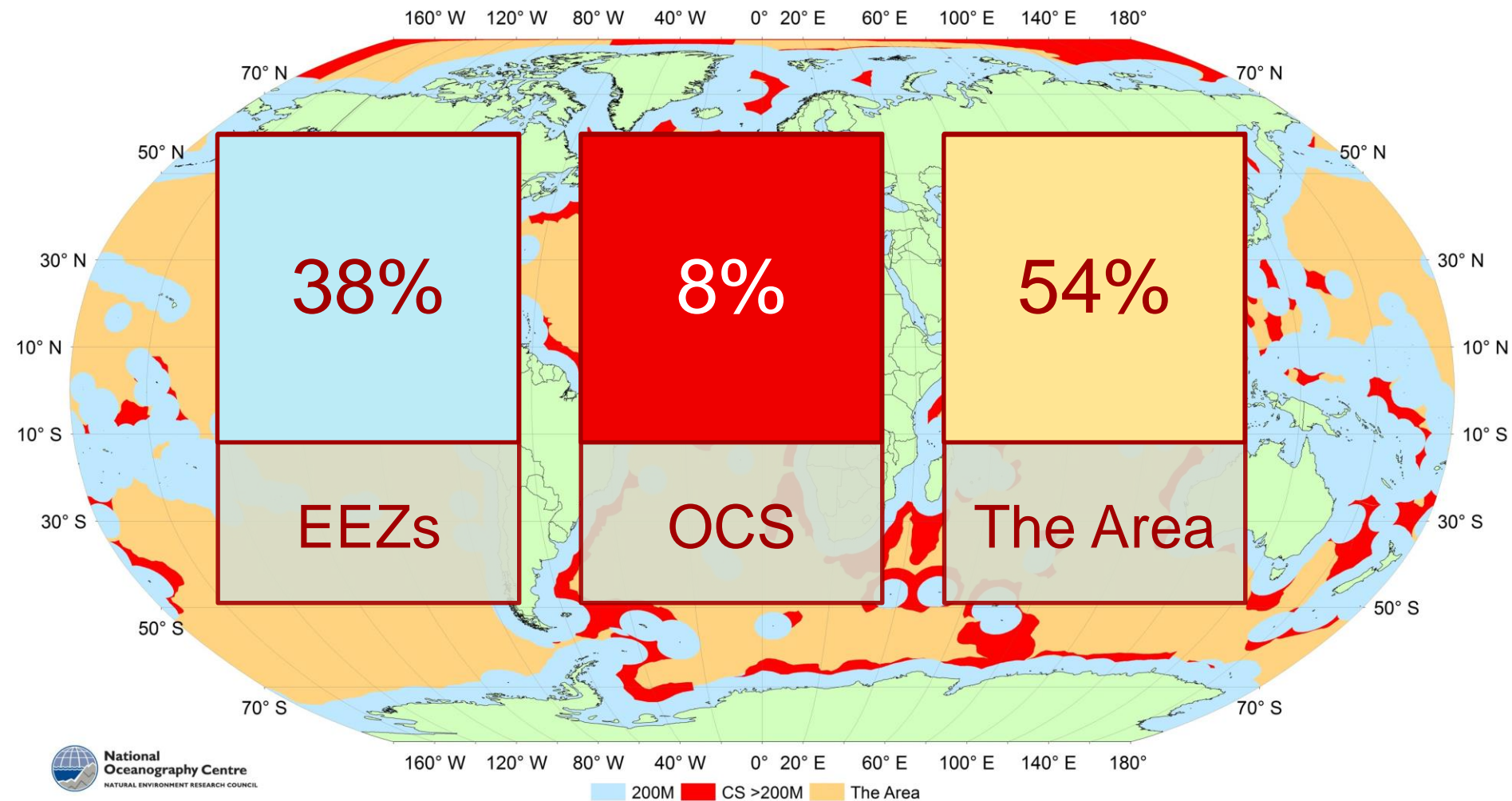


Regime of straits

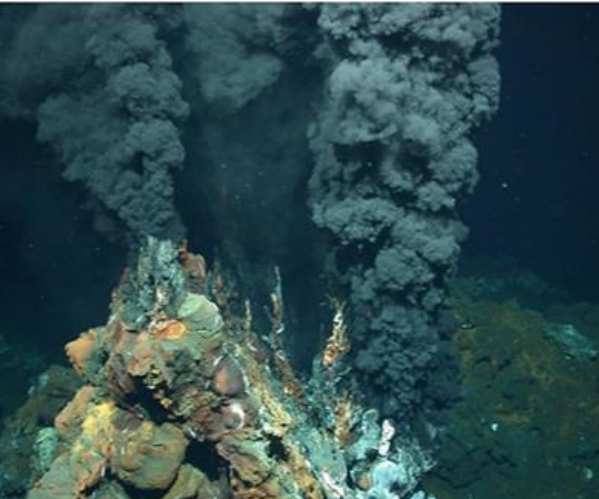


Marine Scientific Research





Part XI



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

Common heritage principle

No sovereignty

Rights vested in mankind

Benefit of mankind

Exclusively peaceful purposes

International machinery

The Enterprise

Private sector

“Parallel system”

- State party to the 1982 Convention *or*
- State enterprise sponsored by a State party *or*
- Natural or juridical person possessing the nationality of a State Party and sponsored by a State Party *or*
- The Enterprise

Access permitted only on the basis of a contract with the ISA acting on behalf of mankind as a whole

1994 Agreement

- Radical changes to Part XI of the Convention
- Enabled entry into force in November 1994
- Single regime



Agreement for the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, adopted by General Assembly in July 1994.



Structure and functions of the International Seabed Authority

Established under the United Nations Convention on the Law of the Sea 1982 and the 1994 Agreement for the Implementation of Part XI of the Convention

Principal organs

Article 158(3) – “Each principal organ of the Authority and the Enterprise shall be responsible for exercising those powers and functions which are conferred on it.”

Assembly

165 States and the European Union

Article 160 – Supreme organ of the Authority with the power to establish general policies on any question or matter within the competence of the Authority

■ Finance Committee

1994 Agreement (Section 9) – Composed of 15 members, which must include 5 largest contributors for as long as Authority relies on assessed contributions.

Council

■ Group A (4)

Major consumers:

Currently China, Italy, Japan, Russian Federation

■ Group B (4)

Major investors:

Currently France, Germany, India, ROK

■ Group E (18)

Equitable geographic representation:

Currently Argentina, Cameroon, Czech Republic, Ghana, Guyana, Indonesia, Kenya, Mozambique, Mexico, Namibia, Netherlands, Nigeria, Norway, Poland, Senegal, Singapore, Spain, Tonga, Trinidad & Tobago.

■ Group C (4)

Major exporters:

Currently Australia, Canada, Chile, South Africa

■ Group D (6)

Developing States and special interests:

Currently Bangladesh, Brazil, Fiji, Jamaica, Lesotho, Uganda

Secretariat

■ Secretary-General

40 Professional and technical staff

The Enterprise

Article 170 - The Enterprise shall be the organ of the Authority which shall carry out activities in the Area directly.
1994 Agreement (Section 2) - The Secretariat shall perform the functions of the Enterprise until it begins to operate independently of the Secretariat. Interim Director-General to be appointed from within the staff of the Authority

■ Legal and Technical Commission

Articles 163 and 165 – Composed of 15 members, currently enlarged to 25.

■ Economic Planning Commission

Articles 163 and 164, 1994 Agreement (Section 1)
Not currently operational. Functions carried out by Legal and Technical Commission

Functions

Regulate deep seabed mining



Functions

Regulate deep seabed mining

Equitable sharing of benefits



Functions

Regulate deep seabed mining

Equitable sharing of benefits

Distribute Article 82 revenues



Functions

Regulate deep seabed mining

Equitable sharing of benefits

Distribute Article 82 revenues

Protection of marine environment



Functions

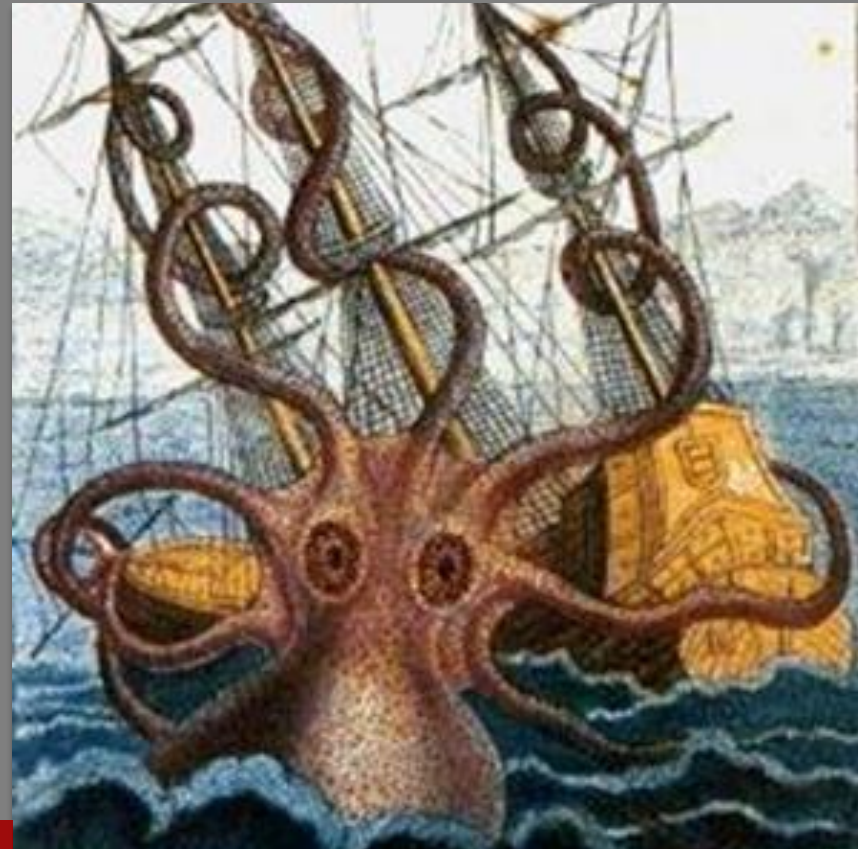
Regulate deep seabed mining

Equitable sharing of benefits

Distribute Article 82 revenues

Protection of marine environment

Promote and encourage MSR in the Area



Seabed Disputes Chamber



Contentious and advisory jurisdiction

Summary

- UNCLOS as the constitution for the oceans
- In force 1994
- 166 States parties (including all SADC countries)
- The Area and its resources are the common heritage of mankind
- Implemented through International Seabed Authority
- Future challenges met through framework of UNCLOS