

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Subsequent to the adoption of the 1958 Conventions (see the 1958 Conventions on the Law of the Sea), the General Assembly requested that the Secretary-General convene a Second United Nations Conference on the Law of the Sea to consider the topics of the breadth of the territorial sea and fishery limits, which had not been agreed upon in the said Conventions (resolution 1307 (XIII) of 10 December 1958). The Conference, held from 17 March to 26 April 1960, was however unable to make any substantive decision on those issues.

On the initiative of the representative of the Government of Malta, the General Assembly considered at its twenty-second session, in 1967, an item entitled "Examination of the question of the reservation exclusively for peaceful purposes of the seabed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind". By resolution 2340 (XXII) of 18 December 1967, the Assembly established an Ad Hoc Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, consisting of thirty-six Member States. The Ad Hoc Committee was requested to prepare a study, to be presented at the following session of the General Assembly, on the scientific, technical, economic, legal and other aspects of use of the seabed and the ocean floor, including a survey of past and present activities of the United Nations and other intergovernmental organizations in this regard. The Ad Hoc Committee held three sessions during 1968, and presented its study (A/7230) to the General Assembly at its twenty-third session, in 1968. While having carried out a comprehensive study of the various aspects of the item within the limits of the time available, the Ad Hoc Committee recognized the need for further study, and made suggestions for this purpose. Having considered the report, the General Assembly adopted on 21 December 1968 resolution 2467 A (XXIII), by which it decided to establish a Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, consisting of forty-two Member States. The Committee was instructed to study the elaboration of legal principles and norms which would promote international co-operation in the exploration and the use of the seabed and ocean floor, and to make recommendations to the General Assembly thereon. At its subsequent session, the General Assembly, having considered the report of the Committee (A/7622), requested the Secretary-General to ascertain the views of Member States on the desirability of convening, at an early date, a conference on the law of the sea (resolution 2574 A (XXIV) of 15 December 1969).

In the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and Subsoil Thereof, beyond the Limits of National Jurisdiction (resolution 2749 (XXV) of 17 December 1970), the General Assembly recognized that the existing legal framework did not sufficiently regulate the use of the seabed and ocean floor. Bearing in mind the answers by Governments to the inquiries made by the Secretary-General (report A/7925 and Add. 1-3), the General Assembly decided on the same day, in resolution 2750 C (XXV), to convene a third conference on the law of the sea in 1973, and instructed the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction to act as preparatory body for the conference. The Committee subsequently held six sessions and a number of additional meetings in New York and Geneva between 1971 and 1973. The General Assembly noted the progress in the Committee's work in resolution 2881 (XXVI) of 21 December 1971, by which it also decided to enlarge the Committee, adding another five members to its membership. On 18 December 1972, having considered the report on the Committee's work during its 1972 sessions (A/8721 and Corr.1), the General Assembly requested the Secretary-General to convene the first session of the Third

United Nations Conference on the Law of the Sea in 1973 to deal with organizational matters, and a second session in 1974, as well as subsequent sessions if necessary, to deal with substantive work (resolution 3029 (XXVII)). The Committee submitted its final report to the General Assembly at its twenty-eighth session, in 1973 (A/9021 and Corr.1 and 3). Having considered the report, the General Assembly requested the Secretary-General to invite States to the Conference, and decided that the mandate of the Conference was the adoption of a Convention dealing with all matters relating to the Law of the Sea (resolution 3067 (XXVIII) of 16 November 1973).

The Conference, in which 160 states participated, held eleven sessions between 1973 and 1982. At the first session, the Conference set up a General Committee, three Main Committees, a Drafting Committee and a Credentials Committee. The Conference allocated to the First Committee the topic of the international regime of the seabed and ocean floor beyond national jurisdiction, and to the Second Committee the topics of the territorial sea, the contiguous zone, the continental shelf, the exclusive economic zone, the high seas, land-locked countries, shelf-locked States and States with narrow shelves or short coastlines and the transmission from the high seas, while the topic of the preservation of the marine environment was allocated to the Third Committee. All the main Committees, as far as the topics were relevant to their mandates, were to deal with regional arrangements, responsibility and liability for damage resulting from the use of the marine environment, settlement of disputes, and the peaceful uses of the ocean space, zones of peace and security. The latter, as well as the topic of enhancing the universal participation of States in multilateral conventions relating to the law of the sea, were to be considered directly by the plenary (see A/CONF.62/29). The following sessions were held by the Conference:

- First session held at United Nations Headquarters in New York, 3 to 15 December 1973;
- Second session held at Parque Central, Caracas, 20 June to 29 August 1974;
- Third session held at the Office of the United Nations in Geneva, 17 March to 9 May 1975 (General Assembly resolution 3334 (XXIX) of 17 December 1974);
- Fourth session held at United Nations Headquarters in New York, 15 March to 7 May 1976 (General Assembly resolution 3483 (XXX) of 12 December 1975);
- Fifth session held at United Nations Headquarters in New York, 2 August to 17 September 1976 (Decision taken at the 69th meeting of the plenary Conference on 7 May 1976. See Official Records of the Third United Nations Conference on the Law of the Sea, vol. V, A/CONF.62/SR.69);
- Sixth session held at United Nations Headquarters in New York, 23 May to 15 July 1977 (General Assembly resolution 31/63 of 10 December 1976);
- Seventh session held at the Office of the United Nations in Geneva, 28 March to 19 May 1978 (General Assembly resolution 32/194 of 20 December 1977);
- Resumed seventh session held at United Nations Headquarters in New York, 21 August to 15 September 1978 (Decision taken at the 106th meeting of the plenary on 19 May 1978. See Official Records of the Third United Nations Conference on the Law of the Sea, vol. IX, A/CONF.62/SR.106);
- Eighth session held at the Office of the United Nations Headquarters in Geneva, 19 March to 27 April 1979 (General Assembly resolution 33/17 of 10 November 1978);
- Resumed eighth session held at United Nations Headquarters in New York, 19 July to 24 August 1979 (Decision taken at the 115th meeting of the plenary on 27 April 1979. See Official Records of the United Nations Conference on the Law of the Sea, vol. XI, A/CONF.62/SR.115);
- Ninth session held at United Nations Headquarters in New York, 3 March to 4 April 1980 (General Assembly resolution 34/20 of 9 November 1979);
- Resumed ninth session held at the Office of the United Nations in Geneva, 28 July to 29 August 1980 (General Assembly resolution 34/20 of 9 November 1979);

- Tenth session held at United Nations Headquarters in New York, 9 March to 24 April 1981 (General Assembly resolution 35/116 of 10 December 1980, and decision taken at the 147th meeting of the plenary Conference on 20 April 1981, A/CONF.62/SR.147).

- Resumed tenth session held at the Office of the United Nations in Geneva, 3 to 28 August 1981 (General Assembly resolution 35/452 of 11 May 1981);

- Eleventh session held at United Nations Headquarters in New York, 8 March to 30 April 1982 (General Assembly resolution 36/79 of 9 December 1981);

- Resumed eleventh session held at United Nations Headquarters in New York, 22 to 24 September 1982 (Decision taken at the 182nd meeting of the plenary Conference on 30 April 1982, A/CONF.62/SR.182).

On 10 December 1982, the Conference adopted the United Nations Convention on the Law of the Sea, containing 320 articles and nine annexes. The Convention was opened for signature, until 9 December 1984, first at the Ministry of Foreign Affairs of Jamaica (from 10 December 1982), and then at United Nations Headquarters in New York (from 1 July 1983).

In 1990, the Secretary-General initiated an informal consultation process with a view to achieve universal participation in the United Nations Convention on the Law of the Sea. While he recommended States to ratify the Convention, he acknowledged that some provisions relating to deep seabed mining had so far hindered some states from doing so. Fifteen meetings were held under the auspices of the Secretary-General between 1990 and 1994. The consultations can be divided into two phases. The first phase was devoted to identification of issues of concern to some States, the approach to be taken in examining them and the search for solutions. During the second phase more precision was given to the results reached so far; additional points were raised for consideration and participants directed their attention to an examination of consolidated texts embodying these solutions and on the procedure by which they might be adopted (See Consultations of the Secretary-General on outstanding issues relating to the deep seabed mining provisions of the United Nations Convention on the Law of the Sea. Report of the Secretary-General, A/48/950 of 9 June 1994, pp. 1-8). A draft resolution was adopted and submitted to the General Assembly for consideration at its forty-eighth session (See *ibid.*, Annex 1). The General Assembly considered the agenda item entitled "The Law of the Sea" in 1993 on 9 December, and in 1994 on 27 and 28 July. By resolution 48/263 of 28 July 1994 the General Assembly adopted the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, consisting of ten articles and nine annexes.

The United Nations Convention on the Law of the Sea entered into force twelve months after the deposit of the sixtieth instrument of ratification, on 16 November 1994. The Agreement relating to the implementation of Part XI of the Convention entered into force on 28 July 1996, thirty days after the deposit of the fortieth instrument of ratification.

In accordance with its mandate under Agenda 21, agreed upon at the United Nations Conference on Environment and Development in 1992, the General Assembly decided in resolution 47/192 of 22 December 1992 to convene the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. Six sessions were held between April 1993 and August 1995, which representatives of 140 states participated.¹ On 4 August 1995 the Conference adopted the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, which was opened for signature until 4 December 1996. The Agreement entered into force on 11 December 2001, thirty days after the deposit of the thirtieth instrument of ratification.

¹ See *Final Act of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks*, paras. 6 and 8.