

Center for Oceans Law and Policy  
University of Virginia

**UNITED NATIONS CONVENTION  
ON THE LAW OF THE SEA  
1982**

**A COMMENTARY**

**Volume I**

**MYRON H. NORDQUIST**  
Editor-in-Chief

**1985**  
**Martinus Nijhoff Publishers**  
A Member of the Kluwer Academic Publishers Group  
Dordrecht / Boston / Lancaster



## Distributors

---

*for the United States and Canada:* Kluwer Academic Publishers, 190 Old Derby Street, Hingham, MA 02043, USA

*for the UK and Ireland:* Kluwer Academic Publishers, MTP Press Limited, Falcon House, Queen Square, Lancaster LA1 1RN, UK

*for all other countries:* Kluwer Academic Publishers Group, Distribution Center, P.O. Box 322, 3300 AH Dordrecht, The Netherlands

## Book information

---

ISBN 90-247-3145-3

Library of Congress Catalog Card Number 85-8771

02-0402-100 ts

## Copyright

---

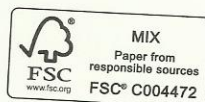
© 2002 Kluwer Law International

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, mechanical, photocopying, recording, or otherwise, without the prior written permission of the publishers,

Martinus Nijhoff Publishers, P.O. Box 163, 3300 AD Dordrecht, The Netherlands; and

Center for Oceans Law and Policy, University of Virginia, Charlottesville, Virginia 22901, USA.

TYPESET IN THE USA AND MANUFACTURED IN THE NETHERLANDS



PRINTED BY DRUKKERIJ WILCO B.V. - AMERSFOORT, THE NETHERLANDS

*This volume is respectfully dedicated to the memory of*

**HAMILTON SHIRLEY AMERASINGHE**

President, Third United Nations Conference on the  
Law of the Sea, 1973–1980

**CONSTANTIN A. STAVROPOULOS**

Under-Secretary-General and Special Representative  
of the Secretary-General to the Third United Nations  
Conference on the Law of the Sea, 1973–1974

*and*

**BERNARDO ZULETA**

Under-Secretary-General and Special Representative  
of the Secretary-General to the Third United Nations  
Conference on the Law of the Sea, 1974–1983

## SUMMARY OF CONTENTS

Introduction	J.N. Moore	xxv
Foreword	M.H. Nordquist	xli
Principal Contributors to Volume I		xliv
List of Abbreviations		xlvii
Table of Cases		xlix
Note on Documentation		li
Statement by C.A. Stavropoulos		lvii
Statement by H.S. Amerasinghe		1
Statement by T.T.B. Koh		11
Statement by B. Zuleta		17
Negotiating Process of UNCLOS III	T.T.B. Koh and S. Jayakumar	29
Work of the Drafting Committee	L.D.M. Nelson	135
General Assembly Resolutions on LOS		153
United Nations Convention on LOS		206
Final Act of UNCLOS III		404
Commentaries		443
Final Act		445
Preamble		450

## CONTENTS

<b>Introduction</b>	<b>John Norton Moore</b>	<b>xxv</b>
<b>Appendix I: Chronology of Significant Law of the Sea Events</b>		<b>xxx</b>
<b>Appendix II: Table of Signatures and Ratifications; United Nations Convention on the Law of the Sea and Final Act, as of 9 December 1984</b>		<b>xxxiv</b>
<b>Foreword</b>	<b>Myron H. Nordquist</b>	<b>xli</b>
<b>Principal Contributors to Volume I</b>		<b>xliv</b>
<b>List of Abbreviations</b>		<b>xlvii</b>
<b>Table of Cases</b>		<b>xliv</b>
<b>Note on Documentation</b>		<b>li</b>
<b>Procedural Problems of the Third Conference on the Law of the Sea</b>	<b>Constantin A. Stavropoulos</b>	<b>lvii</b>
<b>The Third United Nations Conference on the Law of the Sea</b>		<b>1</b>
<b>H. Shirley Amerasinghe</b>		
<b>A Constitution for the Oceans</b>	<b>Tommy T.B. Koh</b>	<b>11</b>
<b>Introduction to the United Nations Convention on the Law of the Sea</b>	<b>Bernardo Zuleta</b>	<b>17</b>
<b>Negotiating Process of the Third United Nations Conference on the Law of the Sea</b>	<b>Tommy T.B. Koh</b>	<b>29</b>
<b>and Shanmugam Jayakumar</b>		
<b>CHAPTER ONE: AN OVERVIEW OF THE NEGOTIATING PROCESS OF UNCLOS III</b>		<b>29</b>
<b>I. DID THE PROCEEDINGS OF UNCLOS III CONFORM TO THE NEGOTIATING PROCESS AND PROCEDURES OF THE PRECEDING CONFERENCES ON THE LAW OF THE SEA?</b>		<b>29</b>
<b>II. THE WIDE SCOPE OF THE AGENDA AND THE THEORY OF INTERRELATIONSHIP BETWEEN THE AGENDA ITEMS</b>		<b>31</b>
<b>A. Why did the UN adopt such a broad and comprehensive agenda for the Conference?</b>		
<b>B. What were the effects of the wide scope of the agenda on the negotiating process and procedures?</b>		
<b>III. THE NATURE OF THE AGENDA ITEMS; THEIR CRUCIAL IMPORTANCE FOR NATIONAL INTERESTS OF STATES; THEIR COMPLEXITY AND NOVEL NATURE</b>		<b>42</b>
<b>A. Crucial importance of agenda items for national interests</b>		
<b>B. Complexity, novel nature, requirement of expertise and knowledge</b>		
<b>IV. THE PREPARATORY WORK FOR UNCLOS III WAS NOT ASSIGNED TO THE INTERNATIONAL LAW COMMISSION OR OTHER SPECIALIZED EXPERT BODY</b>		<b>46</b>
<b>A. The International Law Commission was not utilized</b>		
<b>B. Why was the preparatory work for UNCLOS III not entrusted to the International Law Commission?</b>		

V. FAILURE OF THE UNITED NATIONS SEA-BED COMMITTEE TO PRODUCE A SINGLE PREPARATORY TEXT	50
A. What was the effect of the absence of a single preparatory text?	
B. Would the International Law Commission have been more successful?	
C. Why did the General Assembly convene UNCLOS III in 1973 as planned when the preparatory Committee had failed to produce a single text?	
VI. SPECIAL RULES OF PROCEDURE CONCERNING THE TAKING OF DECISIONS	54
VII. THE EMERGENCE AND FORMATION OF NEW INTEREST GROUPS AND INFORMAL PRIVATE NEGOTIATING GROUPS	54
VIII. AN UNPRECEDENTED DEGREE OF AUTHORITY WAS VESTED IN A FEW INDIVIDUALS	55
How did individual authority affect the negotiating process?	
IX. THE UNUSUAL DURATION OF THE CONFERENCE: DEVELOPMENT OF STATE PRACTICE	57
X. EVENTS AND ACTIVITIES OUTSIDE THE CONFERENCE	57
A. Bilateral diplomatic discussions, agreements and deals	
B. Conferences and other international meetings held outside the UNCLOS framework	
C. Unilateral actions by States on law of the sea questions	
XI. THE ROLE OF INDIVIDUALS	61
A. Who were these influential individuals?	
B. Some comments on the impact of the Chairmen of the main Committees, Drafting Committee and negotiating groups	
XII. THE ROLE OF THE SECRETARIAT	66
XIII. THE ROLE OF THE COLLEGIUM	66
XIV. THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS	68
CHAPTER TWO: THE GROUP SYSTEM	68
I. HOW DID THE NEW SPECIAL INTEREST GROUPS EMERGE?	69
II. THE NEW SPECIAL INTEREST GROUPS	70
A. The Coastal States Group	
B. The Land-Locked and Geographically Disadvantaged States Group (LL/GDS)	
C. The Territorialist Group	
D. The Margineers or Group of Broad-Shelf States	
E. The Straits States Group	
F. The Group of Archipelagic States	
G. The Delimitation Group supporting the Median Line or Equidistance Principle	
H. The Delimitation Group supporting Equitable Principles	
I. The Oceania Group	
J. The Group of Maritime States	
K. The Great Maritime Powers	
L. The Group of 12	

CONTENTS

ix

III. THE TRADITIONAL GROUPS	81
A. The Group of 77	
B. The Regional Groups	
C. The Group of EEC Countries	
D. The Arab Group	
IV. USEFULNESS OF THE INTEREST GROUPS IN THE NEGOTIATING PROCESS	85
CHAPTER THREE: THE OFFICIAL NEGOTIATING PROCESS	86
I. EXISTENCE OF TWO PARALLEL STRUCTURES OF NEGOTIATIONS	86
II. THE FORMAL NEGOTIATING STRUCTURE: SOME OBSERVATIONS	87
A. Futility of meetings of the entire Conference membership	
B. Why was it difficult for the Conference to establish groups of limited size?	
C. Informal private negotiating groups had to fill the vacuum	
D. Failure of the Conference's only attempt to close meetings of WG.21	
E. Establishment of small, official negotiating groups at the seventh session (1978)	
F. Examples of how the negotiations were actually conducted	
III. THE UNIQUE NATURE OF THE RULES OF PROCEDURE AND THEIR AFFECT ON THE NEGOTIATIONS	99
A. The unique nature of the Rules of Procedure	
B. Background to these special Rules of Procedure	
C. Were the Rules of Procedure observed?	
D. How did the Rules of Procedure affect the Negotiations?	
CHAPTER FOUR: THE UNOFFICIAL NEGOTIATING PROCESS	104
I. WHAT WAS THE OBJECTIVE OF THE PRIVATE GROUPS?	105
II. WHAT WAS THE PROCESS BY WHICH THESE GROUPS EMERGED?	105
III. EXAMPLES OF PRIVATE GROUPS	105
A. The Evensen Group of Juridical Experts	
B. The Private Group on Straits cochaired by Fiji and U.K.	
C. The Castañeda Group on Legal Status of the EEZ and related matters	
D. The Nandan Group or Group of 21 on rights of LL/GDS in the EEZ	
E. The Private Group on Settlement of Disputes	
F. Secret Groups	
IV. USEFULNESS OF SUCH PRIVATE GROUPS	111
V. WHY WERE MORE PRIVATE GROUPS NOT FORMED?	112
CHAPTER FIVE: THE EVOLUTION OF THE CONVENTION	113
I. THE NEGOTIATING PROCESS LEADING TO THE PREPARATION OF THE SINGLE NEGOTIATING TEXT (SNT)	113
II. PREPARATION OF THE REVISED SINGLE NEGOTIATING TEXT (RSNT)	117

III. THE PREPARATION OF THE INFORMAL COMPOSITE NEGOTIATING TEXT (ICNT)	121
IV. THE PROCESS LEADING TO ICNT REVISION 1	125
V. THE PROCESS LEADING TO ICNT REVISION 2	129
VI. THE PROCESS LEADING TO THE DRAFT CONVENTION (INFORMAL TEXT)	130
VII. THE PROCESS LEADING TO THE DRAFT CONVENTION (OFFICIAL TEXT)	131
VIII. THE PROCESS LEADING TO THE ADOPTION OF THE CONVENTION	132
<b>The Work of the Drafting Committee L. Dolliver M. Nelson</b>	<b>135</b>
A. Membership	
B. Competence	
C. Modus Operandi of the Drafting Committee	
D. The Work of the Drafting Committee	
E. The Language Groups	
F. The Policy of the Drafting Committee	
G. The Procedure for Adoption of the Committee's Recommendations	
H. Interpretation of the Convention in the Context of the Work of the Drafting Committee	
<b>General Assembly Resolutions on the Law of the Sea (1949-1983)</b>	<b>153</b>
I. Resolutions up to and including UNCLOS I and II (1949-1959)	153
II. Resolutions relating to the Sea-Bed Committee (1967-1973)	161
III. Resolutions adopted during UNCLOS III (1974-1982)	191
IV. Resolution adopted after UNCLOS III (1983)	203
<b>United Nations Convention on the Law of the Sea</b>	<b>206</b>
PREAMBLE	207
PART I. INTRODUCTION	208
Article 1. Use of terms and scope	
PART II. TERRITORIAL SEA AND CONTIGUOUS ZONE	209
SECTION 1. GENERAL PROVISIONS	209
Article 2. Legal status of the territorial sea, of the airspace over the territorial sea and of its bed and subsoil	
SECTION 2. LIMITS OF THE TERRITORIAL SEA	209
Article 3. Breadth of the territorial sea	
Article 4. Outer limit of the territorial sea	
Article 5. Normal baseline	
Article 6. Reefs	
Article 7. Straight baselines	
Article 8. Internal waters	
Article 9. Mouths of rivers	



Article 10. Bays	
Article 11. Ports	
Article 12. Roadsteads	
Article 13. Low-tide elevations	
Article 14. Combination of methods for determining baselines	
Article 15. Delimitation of the territorial sea between States with opposite or adjacent coasts	
Article 16. Charts and lists of geographical co-ordinates	
<b>SECTION 3. INNOCENT PASSAGE IN THE TERRITORIAL SEA</b>	<b>213</b>
<b>SUBSECTION A. RULES APPLICABLE TO ALL SHIPS</b>	<b>213</b>
Article 17. Right of innocent passage	
Article 18. Meaning of passage	
Article 19. Meaning of innocent passage	
Article 20. Submarines and other underwater vehicles	
Article 21. Laws and regulations of the coastal State relating to innocent passage	
Article 22. Sea lanes and traffic separation schemes in the territorial sea	
Article 23. Foreign nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances	
Article 24. Duties of the coastal State	
Article 25. Rights of protection of the coastal State	
Article 26. Charges which may be levied upon foreign ships	
<b>SUBSECTION B. RULES APPLICABLE TO MERCHANT SHIPS AND GOVERNMENT SHIPS OPERATED FOR COMMERCIAL PURPOSES</b>	<b>216</b>
Article 27. Criminal jurisdiction on board a foreign ship	
Article 28. Civil jurisdiction in relation to foreign ships	
<b>SUBSECTION C. RULES APPLICABLE TO WARSHIPS AND OTHER GOVERNMENT SHIPS OPERATED FOR NON-COMMERCIAL PURPOSES</b>	<b>218</b>
Article 29. Definition of warships	
Article 30. Non-compliance by warships with the laws and regulations of the coastal State	
Article 31. Responsibility of the flag State for damage caused by a warship or other government ship operated for non-commercial purposes	
Article 32. Immunities of warships and other government ships operated for non-commercial purposes	
<b>SECTION 4. CONTIGUOUS ZONE</b>	<b>219</b>
Article 33. Contiguous zone	
<b>PART III. STRAITS USED FOR INTERNATIONAL NAVIGATION</b>	<b>219</b>
<b>SECTION 1. GENERAL PROVISIONS</b>	<b>219</b>
Article 34. Legal status of waters forming straits used for international navigation	
Article 35. Scope of this Part	
Article 36. High seas routes or routes through exclusive economic zones through straits used for international navigation	

## SECTION 2. TRANSIT PASSAGE 220

- Article 37. Scope of this section
- Article 38. Right of transit passage
- Article 39. Duties of ships and aircraft during transit passage
- Article 40. Research and survey activities
- Article 41. Sea lanes and traffic separation schemes in straits used for international navigation
- Article 42. Laws and regulations of States bordering straits relating to transit passage
- Article 43. Navigational and safety aids and other improvements and the prevention, reduction and control of pollution
- Article 44. Duties of States bordering straits

## SECTION 3. INNOCENT PASSAGE 223

- Article 45. Innocent passage

## PART IV. ARCHIPELAGIC STATES 224

- Article 46. Use of terms
- Article 47. Archipelagic baselines
- Article 48. Measurement of the breadth of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf
- Article 49. Legal status of archipelagic waters, of the air space over archipelagic waters and of their bed and subsoil
- Article 50. Delimitation of internal waters
- Article 51. Existing agreements, traditional fishing rights and existing submarine cables
- Article 52. Right of innocent passage
- Article 53. Right of archipelagic sea lanes passage
- Article 54. Duties of ships and aircraft during their passage, research and survey activities, duties of the archipelagic State and laws and regulations of the archipelagic State relating to archipelagic sea lanes passage

## PART V. EXCLUSIVE ECONOMIC ZONE 228

- Article 55. Specific legal régime of the exclusive economic zone
- Article 56. Rights, jurisdiction and duties of the coastal State in the exclusive economic zone
- Article 57. Breadth of the exclusive economic zone
- Article 58. Rights and duties of other States in the exclusive economic zone
- Article 59. Basis for the resolution of conflicts regarding the attribution of rights and jurisdiction in the exclusive economic zone
- Article 60. Artificial islands, installations and structures in the exclusive economic zone
- Article 61. Conservation of the living resources
- Article 62. Utilization of the living resources
- Article 63. Stocks occurring within the exclusive economic zones of two or more coastal States or both within the exclusive economic zone and in an area beyond and adjacent to it
- Article 64. Highly migratory species
- Article 65. Marine mammals
- Article 66. Anadromous stocks
- Article 67. Catadromous species
- Article 68. Sedentary species

- Article 69. Right of land-locked States
- Article 70. Right of geographically disadvantaged States
- Article 71. Non-applicability of articles 69 and 70
- Article 72. Restrictions on transfer of rights
- Article 73. Enforcement of laws and regulations of the coastal State
- Article 74. Delimitation of the exclusive economic zone between States with opposite or adjacent coasts
- Article 75. Charts and lists of geographical co-ordinates

PART VI. CONTINENTAL SHELF 239

- Article 76. Definition of the continental shelf
- Article 77. Rights of the coastal State over the continental shelf
- Article 78. Legal status of the superjacent waters and air space and the rights and freedoms of other States
- Article 79. Submarine cables and pipelines on the continental shelf
- Article 80. Artificial islands, installations and structures on the continental shelf
- Article 81. Drilling on the continental shelf
- Article 82. Payments and contributions with respect to the exploitation of the continental shelf beyond 200 nautical miles
- Article 83. Delimitation of the continental shelf between States with opposite or adjacent coasts
- Article 84. Charts and lists of geographical co-ordinates
- Article 85. Tunnelling

PART VII. HIGH SEAS 243

SECTION 1. GENERAL PROVISIONS 243

- Article 86. Application of the provisions of this Part
- Article 87. Freedom of the high seas
- Article 88. Reservation of the high seas for peaceful purposes
- Article 89. Invalidation of claims of sovereignty over the high seas
- Article 90. Right of navigation
- Article 91. Nationality of ships
- Article 92. Status of ships
- Article 93. Ships flying the flag of the United Nations, its specialized agencies and the International Atomic Energy Agency
- Article 94. Duties of the flag State
- Article 95. Immunity of warships on the high seas
- Article 96. Immunity of ships used only on government non-commercial service
- Article 97. Penal jurisdiction in matters of collision or any other incident of navigation
- Article 98. Duty to render assistance
- Article 99. Prohibition of the transport of slaves
- Article 100. Duty to co-operate in the repression of piracy
- Article 101. Definition of piracy
- Article 102. Piracy by a warship, government ship or government aircraft whose crew has mutinied
- Article 103. Definition of a pirate ship or aircraft
- Article 104. Retention or loss of the nationality of a pirate ship or aircraft
- Article 105. Seizure of a pirate ship or aircraft
- Article 106. Liability for seizure without adequate grounds
- Article 107. Ships and aircraft which are entitled to seize on account of piracy

- Article 108. Illicit traffic in narcotic drugs or psychotropic substances
- Article 109. Unauthorized broadcasting from the high seas
- Article 110. Right of visit
- Article 111. Right of hot pursuit
- Article 112. Right to lay submarine cables and pipelines
- Article 113. Breaking or injury of a submarine cable or pipeline
- Article 114. Breaking or injury by owners of a submarine cable or pipeline of another submarine cable or pipeline
- Article 115. Indemnity for loss incurred in avoiding injury to a submarine cable or pipeline

SECTION 2. CONSERVATION AND MANAGEMENT OF THE LIVING  
RESOURCES OF THE HIGH SEAS 253

- Article 116. Right to fish on the high seas
- Article 117. Duty of States to adopt with respect to their nationals measures for the conservation of the living resources of the high seas
- Article 118. Co-operation of States in the conservation and management of living resources
- Article 119. Conservation of the living resources of the high seas
- Article 120. Marine mammals

PART VIII. REGIME OF ISLANDS 254

- Article 121. Régime of islands

PART IX. ENCLOSED OR SEMI-ENCLOSED SEAS 255

- Article 122. Definition
- Article 123. Co-operation of States bordering enclosed or semi-enclosed seas

PART X. RIGHT OF ACCESS OF LAND-LOCKED STATES TO AND FROM  
THE SEA AND FREEDOM OF TRANSIT 255

- Article 124. Use of terms
- Article 125. Right of access to and from the sea and freedom of transit
- Article 126. Exclusion of application of the most-favoured-nation clause
- Article 127. Customs duties, taxes and other charges
- Article 128. Free zones and other customs facilities
- Article 129. Co-operation in the construction and improvement of means of transport
- Article 130. Measures to avoid or eliminate delays or other difficulties of a technical nature in traffic in transit
- Article 131. Equal treatment in maritime ports
- Article 132. Grant of greater transit facilities

PART XI. THE AREA 258

SECTION 1. GENERAL PROVISIONS 258

- Article 133. Use of terms
- Article 134. Scope of this Part
- Article 135. Legal status of the superjacent waters and air space

SECTION 2. PRINCIPLES GOVERNING THE AREA 258

- Article 136. Common heritage of mankind
- Article 137. Legal status of the Area and its resources
- Article 138. General conduct of States in relation to the Area

Article 139. Responsibility to ensure compliance and liability for damage	
Article 140. Benefit of mankind	
Article 141. Use of the Area exclusively for peaceful purposes	
Article 142. Rights and legitimate interests of coastal States	
Article 143. Marine scientific research	
Article 144. Transfer of technology	
Article 145. Protection of the marine environment	
Article 146. Protection of human life	
Article 147. Accommodation of activities in the Area and in the marine environment	
Article 148. Participation of developing States in activities in the Area	
Article 149. Archaeological and historical objects	
<b>SECTION 3. DEVELOPMENT OF RESOURCES OF THE AREA</b>	<b>264</b>
Article 150. Policies relating to activities in the Area	
Article 151. Production policies	
Article 152. Exercise of powers and functions by the Authority	
Article 153. System of exploration and exploitation	
Article 154. Periodic review	
Article 155. The Review Conference	
<b>SECTION 4. THE AUTHORITY</b>	<b>271</b>
<b>SUBSECTION A. GENERAL PROVISIONS</b>	<b>271</b>
Article 156. Establishment of the Authority	
Article 157. Nature and fundamental principles of the Authority	
Article 158. Organs of the Authority	
<b>SUBSECTION B. THE ASSEMBLY</b>	<b>272</b>
Article 159. Composition, procedure and voting	
Article 160. Powers and functions	
<b>SUBSECTION C. THE COUNCIL</b>	<b>275</b>
Article 161. Composition, procedure and voting	
Article 162. Powers and functions	
Article 163. Organs of the Council	
Article 164. The Economic Planning Commission	
Article 165. The Legal and Technical Commission	
<b>SUBSECTION D. THE SECRETARIAT</b>	<b>284</b>
Article 166. The Secretariat	
Article 167. The staff of the Authority	
Article 168. International character of the Secretariat	
Article 169. Consultation and co-operation with international and non-governmental organizations	
<b>SUBSECTION E. THE ENTERPRISE</b>	<b>286</b>
Article 170. The Enterprise	
<b>SUBSECTION F. FINANCIAL ARRANGEMENTS OF THE AUTHORITY</b>	<b>286</b>
Article 171. Funds of the Authority	

- Article 172. Annual budget of the Authority
- Article 173. Expenses of the Authority
- Article 174. Borrowing power of the Authority
- Article 175. Annual audit

SUBSECTION G. LEGAL STATUS, PRIVILEGES AND  
IMMUNITIES 288

- Article 176. Legal status
- Article 177. Privileges and immunities
- Article 178. Immunity from legal process
- Article 179. Immunity from search and any form of seizure
- Article 180. Exemption from restrictions, regulations, controls and moratoria
- Article 181. Archives and official communications of the Authority
- Article 182. Privileges and immunities of certain persons connected with the Authority
- Article 183. Exemption from taxes and customs duties

SUBSECTION H. SUSPENSION OF THE EXERCISE OF RIGHTS AND  
PRIVILEGES OF MEMBERS 290

- Article 184. Suspension of the exercise of voting rights
- Article 185. Suspension of exercise of rights and privileges of membership

SECTION 5. SETTLEMENT OF DISPUTES AND ADVISORY  
OPINIONS 290

- Article 186. Sea-Bed Disputes Chamber of the International Tribunal for the Law of the Sea
- Article 187. Jurisdiction of the Sea-Bed Disputes Chamber
- Article 188. Submission of disputes to a special chamber of the International Tribunal for the Law of the Sea or an *ad hoc* chamber of the Sea-Bed Disputes Chamber or to binding commercial arbitration
- Article 189. Limitation on jurisdiction with regard to decisions of the Authority
- Article 190. Participation and appearance of sponsoring States Parties in proceedings
- Article 191. Advisory opinions

PART XII. PROTECTION AND PRESERVATION OF THE MARINE  
ENVIRONMENT 293

SECTION 1. GENERAL PROVISIONS 293

- Article 192. General obligation
- Article 193. Sovereign right of States to exploit their natural resources
- Article 194. Measures to prevent, reduce and control pollution of the marine environment
- Article 195. Duty not to transfer damage or hazards or transform one type of pollution into another
- Article 196. Use of technologies or introduction of alien or new species

SECTION 2. GLOBAL AND REGIONAL CO-OPERATION 295

- Article 197. Co-operation on a global or regional basis
- Article 198. Notification of imminent or actual damage
- Article 199. Contingency plans against pollution

Article 200. Studies, research programmes and exchange of information and data	
Article 201. Scientific criteria for regulations	
<b>SECTION 3. TECHNICAL ASSISTANCE</b>	<b>296</b>
Article 202. Scientific and technical assistance to developing States	
Article 203. Preferential treatment for developing States	
<b>SECTION 4. MONITORING AND ENVIRONMENTAL ASSESSMENT</b>	<b>297</b>
Article 204. Monitoring of the risks or effects of pollution	
Article 205. Publication of reports	
Article 206. Assessment of potential effects of activities	
<b>SECTION 5. INTERNATIONAL RULES AND NATIONAL LEGISLATION TO PREVENT, REDUCE AND CONTROL POLLUTION OF THE MARINE ENVIRONMENT</b>	<b>298</b>
Article 207. Pollution from land-based sources	
Article 208. Pollution from sea-bed activities subject to national jurisdiction	
Article 209. Pollution from activities in the Area	
Article 210. Pollution by dumping	
Article 211. Pollution from vessels	
Article 212. Pollution from or through the atmosphere	
<b>SECTION 6. ENFORCEMENT</b>	<b>302</b>
Article 213. Enforcement with respect to pollution from land-based sources	
Article 214. Enforcement with respect to pollution from sea-bed activities	
Article 215. Enforcement with respect to pollution from activities in the Area	
Article 216. Enforcement with respect to pollution by dumping	
Article 217. Enforcement by flag States	
Article 218. Enforcement by port States	
Article 219. Measures relating to seaworthiness of vessels to avoid pollution	
Article 220. Enforcement by coastal States	
Article 221. Measures to avoid pollution arising from maritime casualties	
Article 222. Enforcement with respect to pollution from or through the atmosphere	
<b>SECTION 7. SAFEGUARDS</b>	<b>307</b>
Article 223. Measures to facilitate proceedings	
Article 224. Exercise of powers of enforcement	
Article 225. Duty to avoid adverse consequences in the exercise of the powers of enforcement.	
Article 226. Investigation of foreign vessels	
Article 227. Non-discrimination with respect to foreign vessels	
Article 228. Suspension and restrictions on institution of proceedings	
Article 229. Institution of civil proceedings	
Article 230. Monetary penalties and the observance of recognized rights of the accused	
Article 231. Notification to the flag State and other States concerned	
Article 232. Liability of States arising from enforcement measures	
Article 233. Safeguards with respect to straits used for international navigation	

SECTION 8. ICE-COVERED AREAS	311
Article 234. Ice-covered areas	
SECTION 9. RESPONSIBILITY AND LIABILITY	311
Article 235. Responsibility and liability	
SECTION 10. SOVEREIGN IMMUNITY	312
Article 236. Sovereign immunity	
SECTION 11. OBLIGATIONS UNDER OTHER CONVENTIONS ON THE PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT	312
Article 237. Obligations under other conventions on the protection and preservation of the marine environment.	
PART XIII. MARINE SCIENTIFIC RESEARCH	313
SECTION 1. GENERAL PROVISIONS	313
Article 238. Right to conduct marine scientific research	
Article 239. Promotion of marine scientific research	
Article 240. General principles for the conduct of marine scientific research	
Article 241. Non-recognition of marine scientific research activities as the legal basis for claims	
SECTION 2. INTERNATIONAL CO-OPERATION	314
Article 242. Promotion of international co-operation	
Article 243. Creation of favourable conditions	
Article 244. Publication and dissemination of information and knowledge	
SECTION 3. CONDUCT AND PROMOTION OF MARINE SCIENTIFIC RESEARCH	315
Article 245. Marine scientific research in the territorial sea	
Article 246. Marine scientific research in the exclusive economic zone and on the continental shelf	
Article 247. Marine scientific research projects undertaken by or under the auspices of international organizations	
Article 248. Duty to provide information to the coastal State	
Article 249. Duty to comply with certain conditions	
Article 250. Communications concerning marine scientific research projects	
Article 251. General criteria and guidelines	
Article 252. Implied consent	
Article 253. Suspension or cessation of marine scientific research activities	
Article 254. Rights of neighbouring land-locked and geographically disadvantaged States	
Article 255. Measures to facilitate marine scientific research and assist research vessels	
Article 256. Marine scientific research in the Area	
Article 257. Marine scientific research in the water column beyond the exclusive economic zone	
SECTION 4. SCIENTIFIC RESEARCH INSTALLATIONS OR EQUIPMENT IN THE MARINE ENVIRONMENT	321



Article 258. Deployment and use	
Article 259. Legal status	
Article 260. Safety zones	
Article 261. Non-interference with shipping routes	
Article 262. Identification markings and warning signals	
<b>SECTION 5. RESPONSIBILITY AND LIABILITY</b>	<b>322</b>
Article 263. Responsibility and liability	
<b>SECTION 6. SETTLEMENT OF DISPUTES AND INTERIM MEASURES</b>	<b>322</b>
Article 264. Settlement of disputes	
Article 265. Interim measures	
<b>PART XIV. DEVELOPMENT AND TRANSFER OF MARINE TECHNOLOGY</b>	<b>323</b>
<b>SECTION 1. GENERAL PROVISIONS</b>	<b>323</b>
Article 266. Promotion of the development and transfer of marine technology	
Article 267. Protection of legitimate interests	
Article 268. Basic objectives	
Article 269. Measures to achieve the basic objectives	
<b>SECTION 2. INTERNATIONAL CO-OPERATION</b>	<b>324</b>
Article 270. Ways and means of international co-operation	
Article 271. Guidelines, criteria and standards	
Article 272. Co-ordination of international programmes	
Article 273. Co-operation with international organizations and the Authority	
Article 274. Objectives of the Authority	
<b>SECTION 3. NATIONAL AND REGIONAL MARINE SCIENTIFIC AND TECHNOLOGICAL CENTRES</b>	<b>326</b>
Article 275. Establishment of national centres.	
Article 276. Establishment of regional centres	
Article 277. Functions of regional centres	
<b>SECTION 4. CO-OPERATION AMONG INTERNATIONAL ORGANIZATIONS</b>	<b>327</b>
Article 278. Co-operation among international organizations	
<b>PART XV. SETTLEMENT OF DISPUTES</b>	<b>328</b>
<b>SECTION 1. GENERAL PROVISIONS</b>	<b>328</b>
Article 279. Obligation to settle disputes by peaceful means	
Article 280. Settlement of disputes by any peaceful means chosen by the parties	
Article 281. Procedure where no settlement has been reached by the parties	
Article 282. Obligations under general, regional or bilateral agreements	
Article 283. Obligation to exchange views	
Article 284. Conciliation	
Article 285. Application of this section to disputes submitted pursuant to Part XI	

SECTION 2. COMPULSORY PROCEDURES ENTAILING BINDING DECISIONS	330
Article 286. Application of procedures under this section	
Article 287. Choice of procedure	
Article 288. Jurisdiction	
Article 289. Experts	
Article 290. Provisional measures	
Article 291. Access	
Article 292. Prompt release of vessels and crews	
Article 293. Applicable law	
Article 294. Preliminary proceedings	
Article 295. Exhaustion of local remedies	
Article 296. Finality and binding force of decisions	
SECTION 3. LIMITATIONS AND EXCEPTIONS TO APPLICABILITY OF SECTION 2	334
Article 297. Limitations on applicability of section 2	
Article 298. Optional exceptions to applicability of section 2	
Article 299. Right of the parties to agree upon a procedure	
PART XVI. GENERAL PROVISIONS	337
Article 300. Good faith and abuse of rights	
Article 301. Peaceful uses of the seas	
Article 302. Disclosure of information	
Article 303. Archaeological and historical objects found at sea	
Article 304. Responsibility and liability for damage	
PART XVII. FINAL PROVISIONS	338
Article 305. Signature	
Article 306. Ratification and formal confirmation	
Article 307. Accession	
Article 308. Entry into force	
Article 309. Reservations and exceptions	
Article 310. Declarations and statements	
Article 311. Relation to other conventions and international agreements	
Article 312. Amendment	
Article 313. Amendment by simplified procedure	
Article 314. Amendments to the provisions of this Convention relating exclusively to activities in the Area	
Article 315. Signature, ratification of, accession to and authentic texts of amendments	
Article 316. Entry into force of amendments	
Article 317. Denunciation	
Article 318. Status of Annexes	
Article 319. Depositary	
Article 320. Authentic texts	
ANNEX I. HIGHLY MIGRATORY SPECIES	345
ANNEX II. COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF	345
ANNEX III. BASIC CONDITIONS OF PROSPECTING, EXPLORATION AND EXPLOITATION	348

Article 1.	Title to minerals	
Article 2.	Prospecting	
Article 3.	Exploration and exploitation	
Article 4.	Qualifications of applicants	
Article 5.	Transfer of technology	
Article 6.	Approval of plans of work	
Article 7.	Selection among applicants for production authorizations	
Article 8.	Reservation of areas	
Article 9.	Activities in reserved areas	
Article 10.	Preference and priority among applicants	
Article 11.	Joint arrangements	
Article 12.	Activities carried out by the Enterprise	
Article 13.	Financial terms of contracts	
Article 14.	Transfer of data	
Article 15.	Training programmes	
Article 16.	Exclusive right to explore and exploit	
Article 17.	Rules, regulations and procedures of the Authority	
Article 18.	Penalties	
Article 19.	Revision of contract	
Article 20.	Transfer of rights and obligations	
Article 21.	Applicable law	
Article 22.	Responsibility	
ANNEX IV. STATUTE OF THE ENTERPRISE		370
Article 1.	Purposes	
Article 2.	Relationship to the Authority	
Article 3.	Limitation of liability	
Article 4.	Structure	
Article 5.	Governing Board	
Article 6.	Powers and functions of the Governing Board	
Article 7.	Director-General and staff of the Enterprise	
Article 8.	Location	
Article 9.	Reports and financial statements	
Article 10.	Allocation of net income	
Article 11.	Finances	
Article 12.	Operations	
Article 13.	Legal status, privileges and immunities	
ANNEX V. CONCILIATION		379
SECTION 1. CONCILIATION PROCEDURE PURSUANT TO SECTION 1 OF PART XV		379
Article 1.	Institution of proceedings	
Article 2.	List of conciliators	
Article 3.	Constitution of conciliation commission	
Article 4.	Procedure	
Article 5.	Amicable settlement	
Article 6.	Functions of the commission	
Article 7.	Report	
Article 8.	Termination	
Article 9.	Fees and expenses	
Article 10.	Right of parties to modify procedure	
SECTION 2. COMPULSORY SUBMISSION TO CONCILIATION PROCEDURE PURSUANT TO SECTION 3 OF PART XV		381

- Article 11. Institution of proceedings
- Article 12. Failure to reply or to submit to conciliation
- Article 13. Competence
- Article 14. Application of section 1

ANNEX VI. STATUTE OF THE INTERNATIONAL TRIBUNAL FOR THE  
LAW OF THE SEA 382

- Article 1. General provisions

SECTION 1. ORGANIZATION OF THE TRIBUNAL 382

- Article 2. Composition
- Article 3. Membership
- Article 4. Nominations and elections
- Article 5. Term of office
- Article 6. Vacancies
- Article 7. Incompatible activities
- Article 8. Conditions relating to participation of members in a particular case
- Article 9. Consequence of ceasing to fulfil required conditions
- Article 10. Privileges and immunities
- Article 11. Solemn declaration by members
- Article 12. President, Vice-President and Registrar
- Article 13. Quorum
- Article 14. Sea-Bed Disputes Chamber
- Article 15. Special chambers
- Article 16. Rules of the Tribunal
- Article 17. Nationality of members
- Article 18. Remuneration of members
- Article 19. Expenses of the Tribunal

SECTION 2. COMPETENCE 388

- Article 20. Access to the Tribunal
- Article 21. Jurisdiction
- Article 22. Reference of disputes subject to other agreements
- Article 23. Applicable law

SECTION 3. PROCEDURE 389

- Article 24. Institution of proceedings
- Article 25. Provisional measures
- Article 26. Hearing
- Article 27. Conduct of case
- Article 28. Default
- Article 29. Majority for decision
- Article 30. Judgment
- Article 31. Request to intervene
- Article 32. Right to intervene in cases of interpretation or application
- Article 33. Finality and binding force of decisions
- Article 34. Costs

SECTION 4. SEA-BED DISPUTES CHAMBER 391

- Article 35. Composition
- Article 36. *Ad hoc* chambers
- Article 37. Access

Article 38. Applicable law	
Article 39. Enforcement of decisions of the Chamber	
Article 40. Applicability of other sections of this Annex	
<b>SECTION 5. AMENDMENTS</b>	<b>393</b>
Article 41. Amendments	
<b>ANNEX VII. ARBITRATION</b>	<b>393</b>
Article 1. Institution of proceedings	
Article 2. List of arbitrators	
Article 3. Constitution of arbitral tribunal	
Article 4. Functions of arbitral tribunal	
Article 5. Procedure	
Article 6. Duties of parties to a dispute	
Article 7. Expenses	
Article 8. Required majority for decisions	
Article 9. Default of appearance	
Article 10. Award	
Article 11. Finality of award	
Article 12. Interpretation or implementation of award	
Article 13. Application to entities other than States Parties	
<b>ANNEX VIII. SPECIAL ARBITRATION</b>	<b>397</b>
Article 1. Institution of proceedings	
Article 2. Lists of experts	
Article 3. Constitution of special arbitral tribunal	
Article 4. General provisions	
Article 5. Fact finding	
<b>ANNEX IX. PARTICIPATION BY INTERNATIONAL ORGANIZATIONS</b>	<b>400</b>
Article 1. Use of terms	
Article 2. Signature	
Article 3. Formal confirmation and accession	
Article 4. Extent of participation and rights and obligations	
Article 5. Declarations, notifications and communications	
Article 6. Responsibility and liability	
Article 7. Settlement of disputes	
Article 8. Applicability of Part XVII	
<b>Final Act</b>	<b>404</b>
<b>INTRODUCTION</b>	<b>404</b>
I. Sessions	
II. Participation in the Conference	
III. Officers and Committees	
IV. Drafting Committee	
V. Rules of procedure and conduct of negotiations	
<b>ANNEX I.</b>	<b>423</b>
Resolution I. Establishment of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea	

Resolution II. Governing preparatory investment in pioneer activities relating to polymetallic nodules	
Resolution III.	
Resolution IV.	
ANNEX II: Statement of understanding concerning a specific method to be used in establishing the outer edge of the continental margin	434
ANNEX III: Tribute to Simón Bolívar the Liberator	435
ANNEX IV: Resolution expressing gratitude to the President, the Government and officials of Venezuela	435
ANNEX V: Tribute to the Amphictyonic Congress of Panama	436
ANNEX VI: Resolution on development of national marine science, technology and ocean service infrastructures	436
ANNEX VII: Resolution expressing gratitude to the Prime Minister, Foreign Minister and Deputy Prime Minister, the Government and Officials of Jamaica	438
APPENDIX: Observers that participated at sessions of the Conference	438
<b>Commentaries</b>	<b>443</b>
Final Act	445
Preamble	450