competence under article 5 of this Annex over the entire subject-matter of the amendment;

(ii) the instrument of formal confirmation or of accession of an international organization to an amendment, the entire subject-matter over which the international organization has competence under article 5 of this Annex, shall be considered to be the instrument of ratification or accession of each of the member States which are States Parties

for the purposes of applying article 316, paragraphs 1, 2 and 3; (iii) the instrument of formal confirmation or of accession of the interna-

# FINAL ACT OF THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA

#### INTRODUCTION

- 1. The General Assembly of the United Nations on 17 December 1970 adopted resolution 2749 (XXV) containing the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction and resolution 2750 C (XXV) on the same date, wherein it decided to convene, in 1973, a Conference on the Law of the Sea, which would deal with the establishment of an equitable international régime—including an international machinery—for the area and the resources of the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, with a precise definition of that area and with a broad range of related issues including those concerning the régimes of the high seas, the continental shelf, the territorial sea (including the question of its breadth and the question of international straits) and contiguous zone, fishing and conservation of the living resources of the high seas (including the question of the preferential rights of coastal States), the preservation of the marine environment (including, inter alia, the prevention of pollution) and scientific research.
- 2. Prior to the adoption of these resolutions, the General Assembly had con-

Maltal and had subsequently adopted the following resolutions on the question of the reservation exclusively for peaceful purposes of the sea-bed and the

4. Subsequent to the adoption of resolutions 2749 (XXV) and 2750 (XXV), the General Assembly, having considered the relevant reports of the Committee, 4 adopted the following resolutions on the same question:

Resolution 2881 (XXVI) on 21 December 1971, Resolution 3029 (XXVII) on 18 December 1972, and Resolution 3067 (XXVIII) on 16 November 1973.

5. By resolution 3029 A (XXVII) the General Assembly requested the

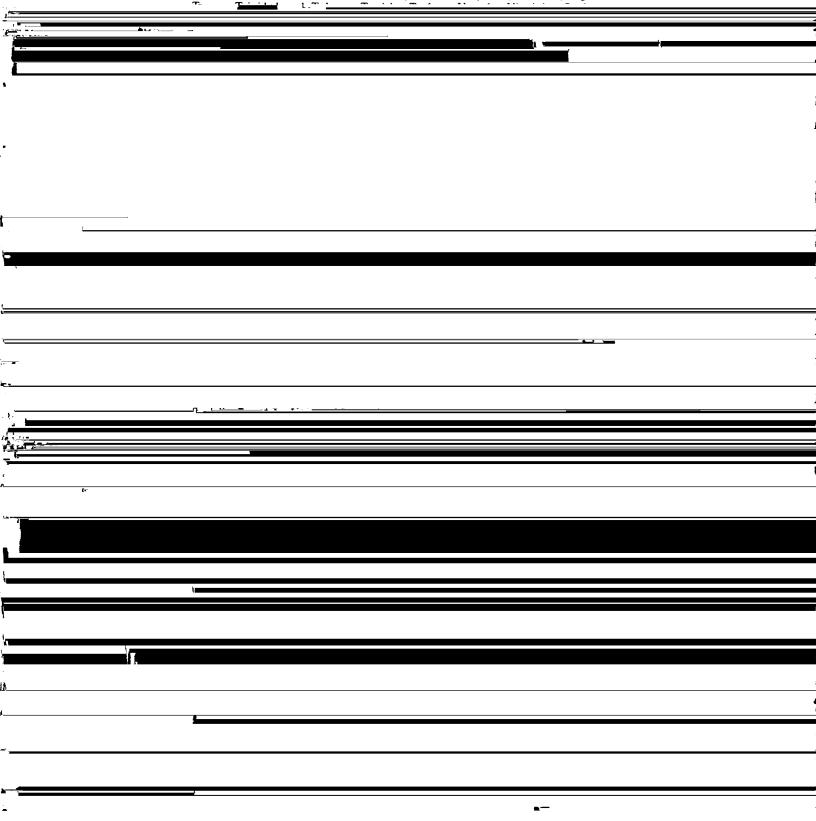
Secretary-General to convene the first and second sessions of the Third United ized, in consultation with the Chairman of the Committee, to make such arrangements as might be necessary for the efficient organization and administra-

Final act

- Fifth session held at United Nations Headquarters in New York, 2 August to 17 September 1976;<sup>8</sup>
- Sixth session held at United Nations Headquarters in New York, 23 May to 15 July 1977;<sup>9</sup>
- Seventh session held at the Office of the United Nations in Geneva, 28 March to 19 May 1978;<sup>10</sup>
- Resumed seventh session held at United Nations Headquarters in New York, 21 August to 15 September 1978; 11
- Eighth session held at the Office of the United Nations in Geneva, 19 March to 27 April 1979;<sup>12</sup>
- Resumed eighth session held at United Nations Headquarters in New York, 19 July to 24 August 1979;<sup>13</sup>
- Ninth session held at United Nations Headquarters in New York, 3 March to 4 April 1980;<sup>14</sup>
- Resumed ninth session held at the Office of the United Nations in Geneva, 28 July to 29 August 1980;<sup>15</sup>
  - Togth coning hald of Heitad Mationa Handausstan in New York O

Geneva, 3 to 28 August 1981;17

 Eleventh session held at United Nations Headquarters in New York, 8 March to 30 April 1982;<sup>18</sup> Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo,



United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe.<sup>20</sup>

United States of America; Yugoslavia; Zaire and Zambia.

17. The following Committees were set up by the Conference: the General Committee; the three Main Committees; the Drafting Committee and the Credentials Committee. The assignment of subjects to the plenary and each of the Main Committees was set out in section III of document A/CONF.62/29.

pore, replaced by Sri Lanka at the tenth session (by agreement of the regional group concerned); Trinidad and Tobago; Tunisia; Uganda; Union of Soviet Socialist Republics: United Kingdom of Great Britain and Northern Ireland;

The General Committee consisted of the President of the Conference as

Rapporteur

rat and appand agasions

Abdal Manied A. Hannan (Cudan

Third session

Fourth and fifth sessions Fifth to eleventh sessions

Manyang d'Awol (Sudan) Abdel Magied A. Hassan (Sudan) Manyang d'Awol (Sudan)

The Conference elected the following officer and members of the Drafting Committee:

Drafting Committee

Chairman

Members

J. Alan Beesley (Canada) The representatives of:

Afghanistan; Argentina; Bangladesh (alternating with Thailand every year); Ecuador; El Salvador (replaced by Venezuela for the duration of the third session by agreement of the regional group concerned); Ghana; India; Italy; Lesotho; Malaysia; Mauritania; Mauritius; Mexico; Netherlands (alternating with Austria every session); Philippines; Romania; Sierra Leone; Spain; Syrian Arab Republic; Union of Soviet Socialist Republics: United Republic of Tanzania and United States of America.

The Conference elected the following officers and members of the Credentials Committee:

Credentials Committee

Chairman

Second and third sessions Fourth to eleventh sessions Members Franz Weidinger (Austria)
Karl Wolf (Austria)
The representatives of:

Austria; Chad; China; Costa Rica; Hungary; Ireland; Ivory Coast; Japan and Uruguay.

Kenneth Rattray (Jamaica) was elected Rapporteur-General of the Conference.

18 The Secretary General of the United Nations of Secretary Consent of the

- (a) The provisional agenda of the first session of the Conference (A/CONF.62/1);
- (b) The draft rules of procedure prepared by the Secretary-General (A/CONF.62/2 and Add.1-3), containing an appendix which embodied the "Gentleman's Agreement", approved by the General Assembly at its twenty-eighth session on 16 November 1973.

Subsequently, the Conference also had before it the following documentation:

(i) The proposals submitted by the delegations participating in the

(ii) The reports and studies prepared by the Secretary-General; 28

Law of the Sea and related draft resolutions and decision drawn up by the Conference as hereafter set out.

IV. DRAFTING COMMITTEE

70 TO .....

provided that:

"Bearing in mind that the problems of ocean space are closely interrelated and need to be considered as a whole and the desirability of adopting a Convention on the Law of the Sea which will secure the widest possi-

ble acceptance,

"The Conference should make every effort to reach agreement on substantive matters by way of consensus and there should be no voting on such matters until all efforts at consensus have been exhausted."

- 22. The rules of procedure were subsequently amended by the Conference on 12 July 1974,  $^{35}$  on 17 March 1975 $^{36}$  and on 6 March 1980.  $^{37}$
- 23. At its second session, <sup>38</sup> the Conference determined the competence of the three Main Committees by allocating to the plenary or the Committees the subjects and issues on the list prepared in accordance with General Assembly resolution 2750 C (XXV) (A/CONF.62/29). The Main Committees established informal working groups or other subsidiary bodies which assisted the Committees in their work. <sup>39</sup>
- 24. At the third session, at the request of the Conference, the Chairmen of the three Main Committees each prepared a single negotiating text covering the subjects entrusted to the respective Committee which together constituted the Informal Single Negotiating Text (A/CONF.62/WP.8, Parts I, II and III), the nature of which is described in the introductory note by the President. Subsequently, the President of the Conference, taking into consideration the allocation of subjects and issues to the plenary and the Main Committees submitted a single negotiating text on the subject of settlement of disputes (A/CONF.62/WP.9).
- 25. At the fourth session of the Conference, following a general debate in the plenary on the subject, as recorded in A/CONF.62/SR.58 to SR.65, at the request of the Conference<sup>40</sup> the President prepared a revised text on the settlement of disputes (A/CONF.62/WP.9/Rev.1) which constituted Part IV of the

core issue, but was open-ended.

The Chairmen of the Negotiating Groups were:

Francis X. Njenga (Kenya) Negotiating Group on item 1 Negotiating Group on item 2 Tommy T. B. Koh (Singapore)

Paul Bamela Engo (United Republic of Negotiating Group on item 3

Committee

Negotiating Group on item 4

Satya N. Nandan (Fiji)

Negotiating Group on item 5 Negotiating Group on item 6 Constantin A. Stavropoulos (Greece)

Andrés Aguilar (Venezuela), Chairman of the Second Committee

<del>ك باي</del>

Collegium<sup>49</sup> undertook a second revision of the Informal Composite Negotiating Text presented as the Informal Composite Negotiating Text/Rev.2 (in document A/CONF.62/WP.10/Rev.2), the nature of which was described in the President's explanatory memorandum attached to it.

35. At its resumed ninth session, on the basis of the deliberations of the Conference (A/CONF.62/SR.134-SR.140) concerning the reports of the President and the Chairmen of the Main Committees on the consultations conducted by them, the Collegium prepared a further revision of the Informal Composite Negotiating Text. The revised text, titled "Draft Convention on the Law of the Sea (Informal Text)" (A/CONF.62/WP.10/Rev.3), was issued together with the explanatory memorandum of the President (A/CONF.62/WP.10/Persident) (A/CONF.62/WP.10/Persident)

36. The Conference also decided that the statement of understanding on an ex-

41. The eleventh session had been declared as the final decision-making session of the Conference. During that session, on the basis of the deliberations of the Conference (A/CONF.62/SR.157-SR.166) concerning the report of the President (A/CONF.62/L.86) and the reports of the Chairmen of the Main Committees (A/CONF.62/L.87, L.91 and L.92), on the negotiations conducted by them and the report of the Chairman of the Drafting Committee on its work (A/CONF.62/L.85 and L.89), the Collegium issued a memorandum (A/CONF.62/L.83 and Corr.1) containing changes to be incorporated in the

A/CONF.62/L.94 setting out three draft resolutions and a draft decision of the Conference which were to be adopted at the same time as the draft Convention.

The Conference determined that all efforts at reaching general agreement had been exhausted.<sup>54</sup> Throughout the preceding eight years of its work the Conference had taken all decisions by consensus although it had exceptionally resorted to a vote only on procedural questions, on questions concerning the appointment of officials and on invitations to be extended to participants in the Conference as observers.

42. On the basis of the deliberations recorded in the records of the Conference (A/CONF 62/SR 167-SR 182), the Conference drew up:

Resolution naving tribute to Simón Bolívar the Liberator (annex III):57

Resolution expressing gratitude to the President, the Government and officials of Venezuela (annex IV);  $^{58}\,$ 

Tributate the Americanic Consess of Danome (annex 17).59

Resolution on Development of National Marine Science, Technology and Ocean Service Infrastructures (annex VI);  $^{60,\,60\,bis}$ 

IN WITNESS WHEREOF the representatives have signed this Final Act.

DONE AT MONTEGO BAY this tenth day of December, one thousand nine hundred and eighty-two in a single copy in the Arabic, Chinese, English,

16 Camarat A 222- 1070 15 *Ibid*. <sup>16</sup> 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). <sup>17</sup> General Assembly resolution 35/452 of 11 May 1981. <sup>18</sup> General Assembly resolution 36/79 of 9 December 1981. <sup>19</sup> Decision taken at the 182nd meeting of the plenary Conference on 30 April 19 bis Final part of the eleventh session held at Montego Bay, Jamaica from 6 to 10 December 1982: decision taken at the 184th meeting of the plenary on 24 September 1982. Thalist. of Ctatos manticimatina at each assertant is responded in the annuous nicto

report of the Credentials Committee.

Batter | El Grandistina for Chatca Darties to the future Convention on

the Law of the Sea (A/CONF.62/L.65) dated 20 February 1981.

Effects of the production limitation formula under certain specified assumptions (A/CONF.62/L.66) dated 24 February 1981 and (A/CONF.62/L.66/Corr.1) dated 3 March 1981.

Preliminary study illustrating various formulae for the definition of the continental shelf: *ibid.*, vol. IX (A/CONF.62/C.2/L.98) dated 18 April 1978; map illustrating various formulae for the definition of the continental shelf

172 Final Act ing groups set up by it between the second and eleventh sessions:

<sup>44</sup> President's explanatory memorandum attached to A/CONF.62/WP.10/Rev.2, dated 11 April 1980.

45 Official Records of the Third United Nations Conference on the Law of the Sea, YOLLY AS ONF 67/SB 89 and 90. The descriptions of the items are recorded

in A/CONF.62/62, ibid., vol. X.

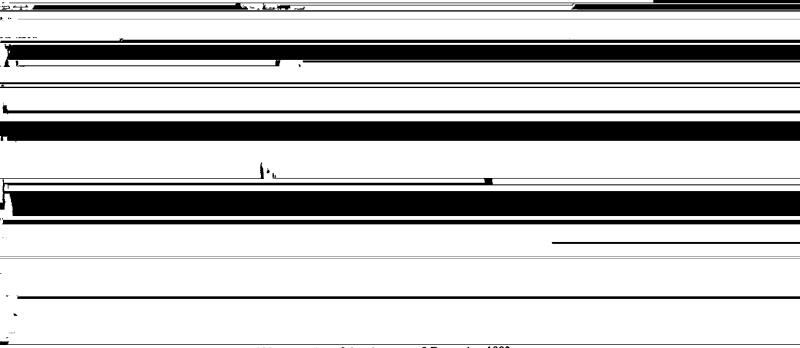
46 *Ibid.*, vol. X.

Alter C

of the Informal Composite Negotiating Text was established by the Chairman of the First Committee in consultation with the President as reflected at the 114th meeting of the plenary and in A/CONF.62/C.1/L.25 and L.36, *ibid.*, vol. XI.

Acknowledging with grateful appreciation the generosity of the Government and the people of Jamaica, which enabled the Conference to meet in a congenial atmosphere under excellent conditions,

Decides to express to their Excellencies the Prime Minister and the Deputy Prime Minister and Minister for Foreign Affairs and Government and people of Jamaica, its profound gratitude for the exceptional hospitality extended to it.



the 192nd meeting of the plenary on 9 December 1982.

Additions to the Final Act, in the form in which it was presented to the Conference, are given in footnotes 19 bis and 60 bis.

#### Annex I

#### **RESOLUTION I**

ESTABLISHMENT OF THE PREPARATORY COMMISSION FOR THE INTERNATIONAL SEA-BED AUTHORITY AND FOR THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

The Third United Nations Conference on the Law of the Sea,

Having adopted the Convention on the Law of the Sea which provides for the establishment of the International Sea-Bed Authority and the International Tribunal for the Law of the Sea,

Having decided to take all possible measures to ensure the entry into effective operation without undue delay of the Authority and the Tribunal and to make the necessary arrangements for the comencement of their functions,

Having decided that a Preparatory Commission should be established for the fulfilment of these purposes,

Decides as follows:

tional Sea-Bed Authority and for the International Tribunal for the Law of the Sea. Upon signature of or accession to the Convention by 50 States, the Secretary-General of the United Nations shall convene the Commission, and it

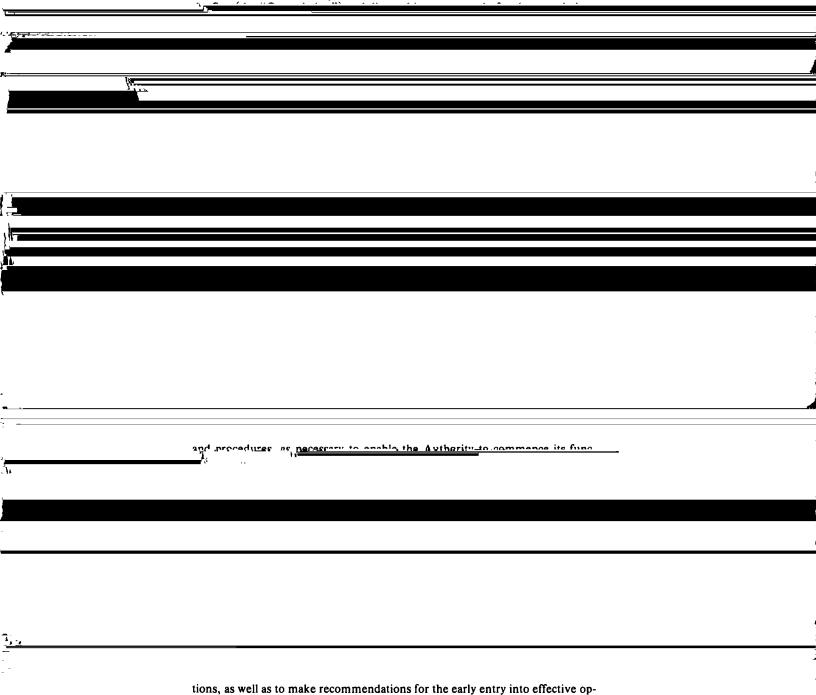
Final Act 176 (g) prepare draft rules, regulations and procedures, as necessary, to enable concerning the financial management and the internal administration of the Authority; (h) exercise the powers and functions assigned to it by resolution II of the Third United Nations Conference on the Law of the Sea relating to preparatory investment; (i) undertake studies on the problems which would be encountered by developing land-based producer States likely to be most seriously affected by the production of minerals derived from the Area with a view to minimizing their difficulties and halving them to make the management

eration of the Enterprise,

#### **RESOLUTION II**

# GOVERNING PREPARATORY INVESTMENT IN PIONEER ACTIVITIES RELATING TO POLYMETALLIC NODULES

The Third United Nations Conference on the Law of the Sea,
Having adopted the Convention on the Law of the Sea (the "Convention"),
Having established by resolution I the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of



Desirous of making provision for investments by States and other entities

178 Final Act (iii) any developing State which signs the Convention or any state enter-

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	paragraph 5. 3. (a) Every application shall cover a total area which need not be continuous area sufficiently large and of sufficient estimated continuous area.	a single ommer-
\	,	
<u> </u>	cial value to allow two mining operations. The application shall the co-ordinates of the area defining the total area and dividing two parts of equal estimated commercial value and shall contain data available to the applicant with respect to both parts of the area.	g it into n all the
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- (iii) the date on which each pioneer investor concerned or predecessor in interest or component organization thereof commenced activities at sea in the application area;
- (iv) the financial cost of activities measured in constant United States dollars relevant to each area in conflict and to the application area of which it is a part; and
- (v) the time when those activities were carried out and the quality of ac-
- 6. A pioneer investor registered pursuant to this resolution shall, from the date of registration, have the exclusive right to carry out pioneer activities in the pioneer area allocated to it.
  - (a) Every applicant for registration as a pioneer investor shall pay to the Commission a fee of \$US 250,000. When the pioneer investor applies to the Authority for a plan of work for exploration and exploitation the fee

referred to in Annex III, article 13, paragraph 2, of the Convention shall be \$US 250,000.

- (b) Every registered pioneer investor shall pay an annual fixed fee of \$US 1 million commencing from the date of the allocation of the pioneer area. The payments shall be made by the pioneer investor to the Authority upon the approval of its plan of work for exploration and exploitation. The financial arrangements undertaken pursuant to such plan of work shall be adjusted to take account of the payments made pursuant to this paragraph.
- (c) Every registered pioneer investor shall agree to incur periodic expenditures, with respect to the pioneer area allocated to it, until approval of its

the Commission. The amount should be reasonably related to the size of the pioneer area and the expenditures which would be expected of a bona fide operator who intends to bring that area into commercial progyntian mithin

application by it, or sponsored by it, is pending, its status as a pioneer investor or certifying State, as the case may be, shall terminate, unless the Council, by a majority of three fourths of its members present and voting, decides to postpone the terminal date for a period not exceeding six months.

9. (a) In the allocation of production authorizations, in accordance with

tors who have obtained approval of plans of work for exploration and exploitation shall have priority over all applicants other than the Enterprise which shall be entitled to production authorizations for two mine sites including that referred to in article 151.

Final Act 182 applications for production authorizations will only be granted after the subparagraph. (g) If the parties fail to reach agreement within the stated time period, the matter shall be decided immediately by the means provided for in paragraph 5(c) in accordance with the criteria set forth in Annex III, article 7, paragraphs 3 and 5, of the Convention. 10. (a) Any rights acquired by entities or natural or juridical persons which possess the nationality of or are effectively controlled by a State or States whose status as certifying State has been terminated shall lanse unless the

#### **RESOLUTION III**

The Third United Nations Conference on the Law of the Sea, Having regard to the Convention on the Law of the Sea,

Bearing in mind the Charter of the United Nations, in particular Article 73,

- 1. Declares that:
- (a) In the case of a territory whose people have not attained full independence or other self-governing status recognized by the United Nations, or a territory under colonial domination, provisions concerning rights and interests under the Convention shall be implemented for the benefit of the people of the territory with a view to promoting their well-being and development.
- (b) Where a dispute exists between States over the sovereignty of a territory to which this resolution applies, in respect of which the United Nations has recommended specific means of settlement, there shall be consultations between the postion to the dispute season of the

rights referred to in subparagraph (a). In such consultations the interests of the people of the territory concerned shall be a fundamental consideration. Any exercise of those rights shall take into account the relevant resolutions of the United Nations and shall be without prejudice to the position of any party to the dispute. The States concerned shall make every effort to enter into provisional arrangements of a practical nature and shall not jeopardize or hamper the reaching of a final settlement of the dispute.

2. Requests the Secretary-General of the United Nations to bring this resolution to the attention of all Members of the United Nations and the other participants in the Conference, as well as the principal organs of the United Nations, and to request their compliance with it.

#### **RESOLUTION IV**

The Third United Nations Conference on the Law of the Sea,

Bearing in mind that national liberation movements have been invited to participate in the Conference as observers in accordance with rule 62 of its rules of procedure,

Decides that the national liberation movements, which have been participating in the Third United Nations Conference on the Law of the Sea, shall be entitled to sign the Final Act of the Conference, in their capacity as observers.

#### Annex II

STATEMENT OF UNDERSTANDING CONCERNING A SPECIFIC METHOD TO BE USED IN ESTABLISHING THE OUTER EDGE OF THE CONTINENTAL MARGIN

The Third United Nations Conference on the Law of the Sea, Considering the special characteristics of a State's continental margin where:

(1) the average distance at which the 200 metre isobath occurs is not more than

Final Act 184 20 nautical miles; (2) the greater proportion of the sedimentary rock of the Taking into account the inequity that would result to that State from the application to its continental margin of article 76 of the Convention, in that, the mathematical average of the thickness of sedimentary rock along a line established at the maximum distance permissible in accordance with the provisions of paragraph 4 (a) (i) and (ii) of that article as representing the entire outer edge of the continental margin would not be less than 3.5 kilometres; and that more than half of the margin would be excluded thereby;

Final Act 185 the self-determination of neonles equality among States and justice as the expression of their common destiny, Acknowledging with keen appreciation the extraordinary effort made by the Government and the people of Venezuela, which enabled the Conference to meet in the most favourable spirit of brotherhood and in unparalleled material conditions, Decides <u>1.00 ...</u> the President and members of the Organizing Committee of the Conference and the Converment and rounds of Vanganalaite decreationed for the me

fornettable hospitalitu which then have offered it.

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#### Appendix

# OBSERVERS THAT PARTICIPATED AT SESSIONS OF THE CONFERENCE

#### States and territories

Cook Islands (third and tenth sessions)
Netherlands Antilles (third to resumed seventh sessions, resumed eighth session, ninth and eleventh sessions)
Papua New Guinea (third session)
Seychelles (fifth session)
Suriname (third session)
Trust Territory of the Pacific Islands (third to eleventh sessions)

#### Liberation movements

African National Congress (South Africa)
African National Council (Zimbabwe)
African Party for the Independence of Guines and Cape Verde Islands

Palestine Liberation Organization
Pan Africanist Congress of Azania (South Africa)
Patriotic Front (Zimbabwe)
Seychelles People's United Party (SPUP)
South West Africa People's Organization (SWAPO)

### Specialized agencies and other organizations

International Labour Organisation (ILO)
Food and Agriculture Organization of the United Nations (FAO)
United Nations Educational, Scientific and Cultural Organization (UNESCO)
Intergovernmental Oceanographic Commission (IOC)
International Civil Aviation Organization (ICAO)
World Health Organization (WHO)
World Bank
International Telecommunication Union (ITU)
World Meteorological Organization (WMO)

# League of Arah States

Organization of African Unity
Organization of American States
On the State of Act Patrology Experting Countries

Pax Christi, International Catholic Peace Movement Society for International Development (SID) Women's International League for Peace and Freedom World Alliance of Young Men's Christian Associations World Association of World Federalists

World Young Women's Christian Association

Roster

Asian Environmental Society
Center for Inter-American Relations
Commission to Study the Organization of Peace

### SIGNATORIES OF THE CONVENTION

as at 10 December 1982, when the Convention was opened for signature at Montego Bay, Jamaica

Algeria	Egypt	Malta	Sierra Leone
Angola	Ethiopia	Mauritania	Singapore
Australia	Fiji*	Mauritius	Solomon
Austria	Finland	Mexico	islands
Bahamas	France	Monaco	Somalia
Bahrain	Gabon	Mongolia	Sri Lanka
Bangladesh	Gambia	Morocco	Sudan
Barbados	German Democratic	Mozambique	Suriname
Belize	Republic	Namibia (United	Sweden
Bhutan	Ghana	Nations Council	Thailand
Brazil	Greece	for Namibia)	Togo
Bulgaria	Grenada	Nauru	Trinidad and
Burma	Guinea-Bissau	Nepal	Tobago
Burundi	Guyana	Netherlands	Tunisia
Ryglorussian SSR	Haiti	New Zealand	Tuvalu

Crante Hondard Honda

Ukrainian SSR USSR Hungary Iceland Cape Verde Nigeria Norway Chad Chile India Pakistan **United Arab** Emirates United Republic Panama Indonesia China Papua New Colombia Iran Congo of Cameroon Iraq Guinea

Costa Rica Cuba

n E

Ivory Coast Jamaica Philippines
Poland
Portuges

of Tanzania Upper Volta

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## LAW OF THE SEA CONFERENCE: A CHRONOLOGY

