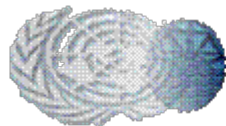
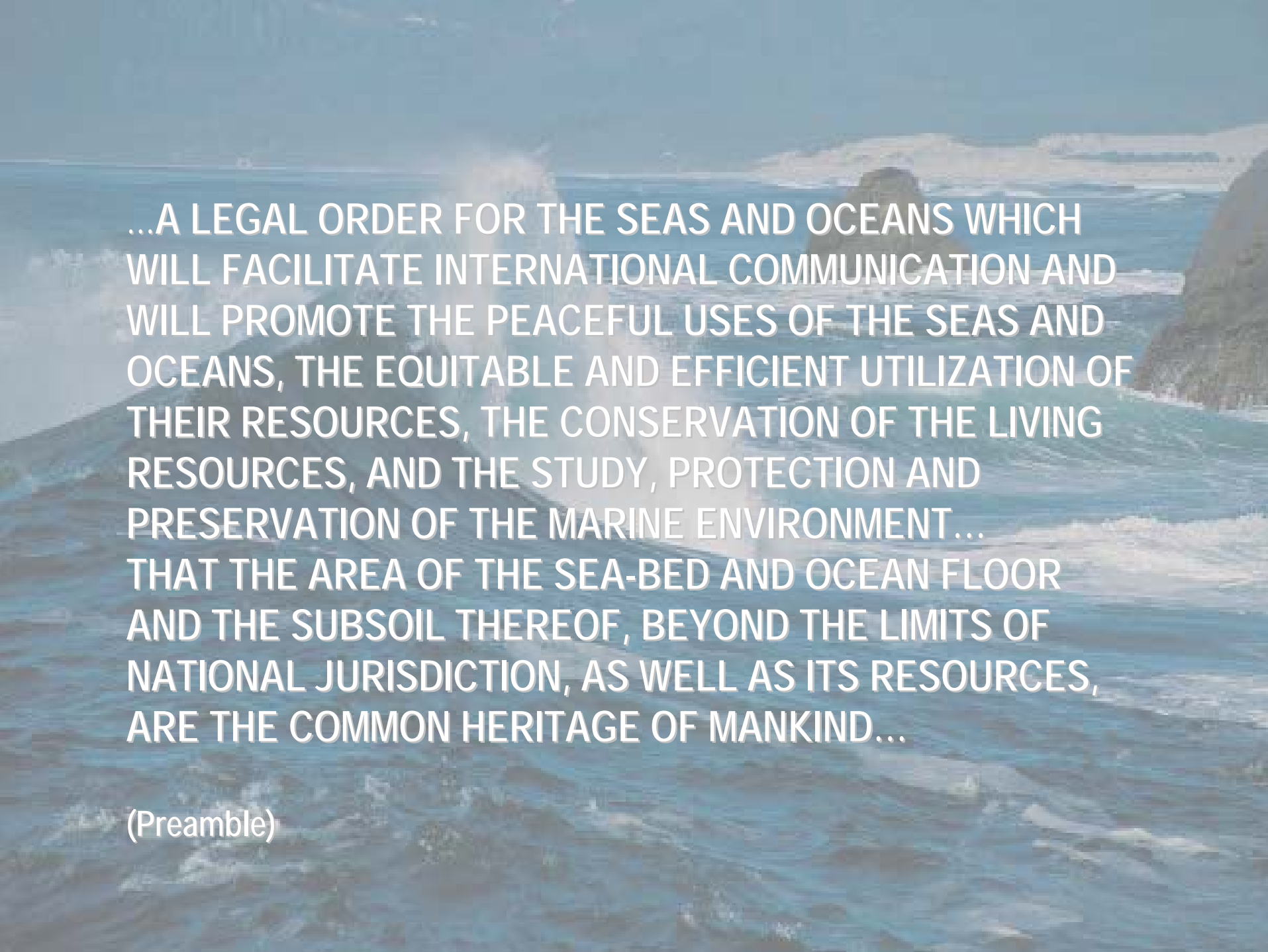


# UNITED NATIONS CONVENTION ON THE LAW OF THE SEA



*Oceans and Law of the Sea*  
*Division for Ocean Affairs and the Law of the Sea*





...A LEGAL ORDER FOR THE SEAS AND OCEANS WHICH WILL FACILITATE INTERNATIONAL COMMUNICATION AND WILL PROMOTE THE PEACEFUL USES OF THE SEAS AND OCEANS, THE EQUITABLE AND EFFICIENT UTILIZATION OF THEIR RESOURCES, THE CONSERVATION OF THE LIVING RESOURCES, AND THE STUDY, PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT... THAT THE AREA OF THE SEA-BED AND OCEAN FLOOR AND THE SUBSOIL THEREOF, BEYOND THE LIMITS OF NATIONAL JURISDICTION, AS WELL AS ITS RESOURCES, ARE THE COMMON HERITAGE OF MANKIND...

(Preamble)

# Principles

Protects the “Common Heritage of Mankind” (preservation of the sea bed and ocean floor for peaceful uses);

Conserves the biological and mineral resources within national jurisdictions

Creates an Exclusive Economic Zone (EEZ) as an area of exploration and exploitation

Recognises Archipelagic States (AS) as a new regime

Grants Landlocked and Geographically Disadvantaged States (LLGDS) new rights

# PART IV

## ARCHIPELAGIC STATES

- A State constituted wholly by one or more archipelagos and may include other islands
- A group of islands, interconnecting waters & other natural features..form[ing] an intrinsic geographical, economic and political entity (Art 46(b))



# FEATURES OF UNCLOS FOR ARCHIPELAGIC STATES

- An AS MUST publicise its charts defining its status as an AS and such charts MUST be deposited with the Secretary General of the United Nations- Art 47(9)

# ARTICLE 51

- **An AS must respect:**
  - existing agreements with other States;  
and
  - traditional fishing and legitimate interests of immediately adjacent neighbouring States in areas within archipelagic waters

# ARTICLE 51

- Exercise of such rights between States shall be regulated by bilateral agreements
- Such rights cannot be transferred to a third State

# ARTICLES 52 & 53

- **Ships of all States enjoy the right of innocent passage through AS**
- **An AS may designate sea lanes and air routes thereabove**

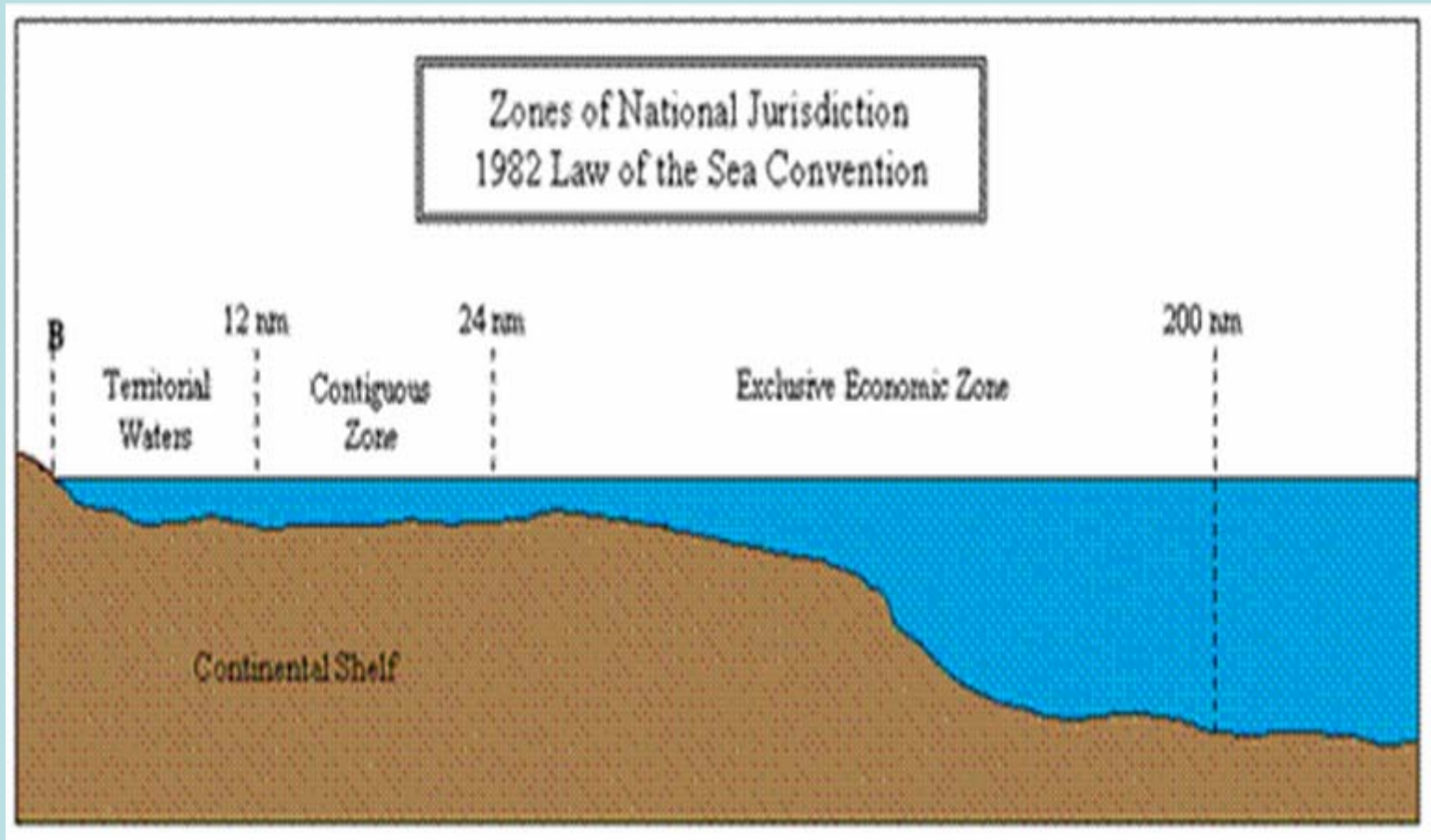
# PART V

## EXCLUSIVE ECONOMIC ZONE

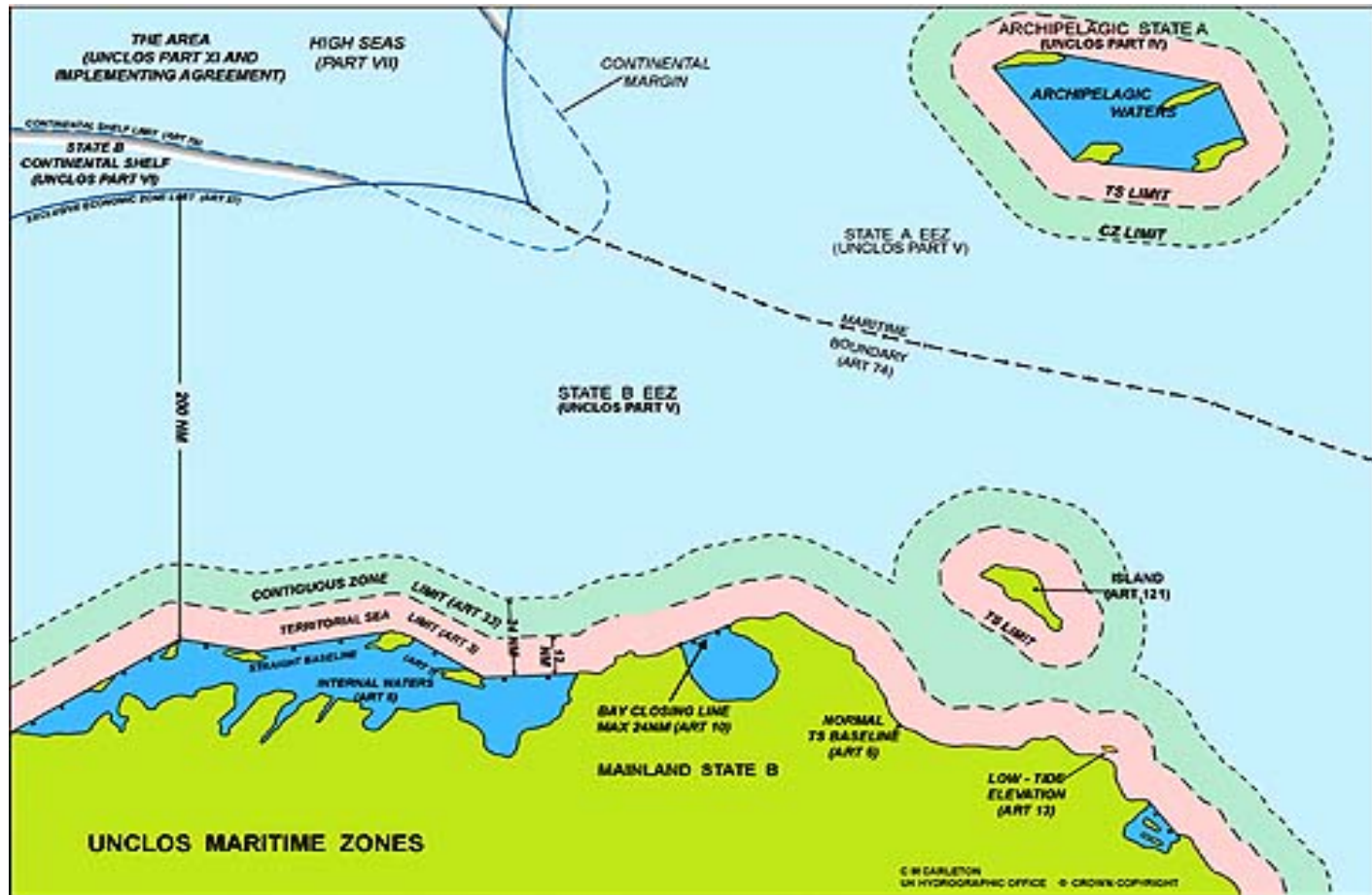
- An area beyond and adjacent to the territorial sea, under which the rights and jurisdiction of the Coastal State (CS) and the rights and freedoms of other States are governed by UNCLOS – Art 55



# SUMMARY OF MARITIME AREAS



# SUMMARY OF MARITIME AREAS



# MARITIME BOUNDARIES OF THE WORLD



# MARITIME BOUNDARIES OF THE WEST INDIAN OCEAN

Western Indian Ocean



# BOUNDARIES OF SINGAPORE/BRUNEI/MALAYSIA



# MARITIME BOUNDARIES OF THE CARIBBEAN



# BOUNDARIES OF THE PACIFIC



# ARTICLE 56

- The CS has sovereign rights for exploring, exploiting, conserving and managing natural resources whether living and non living – Art 56(1a)

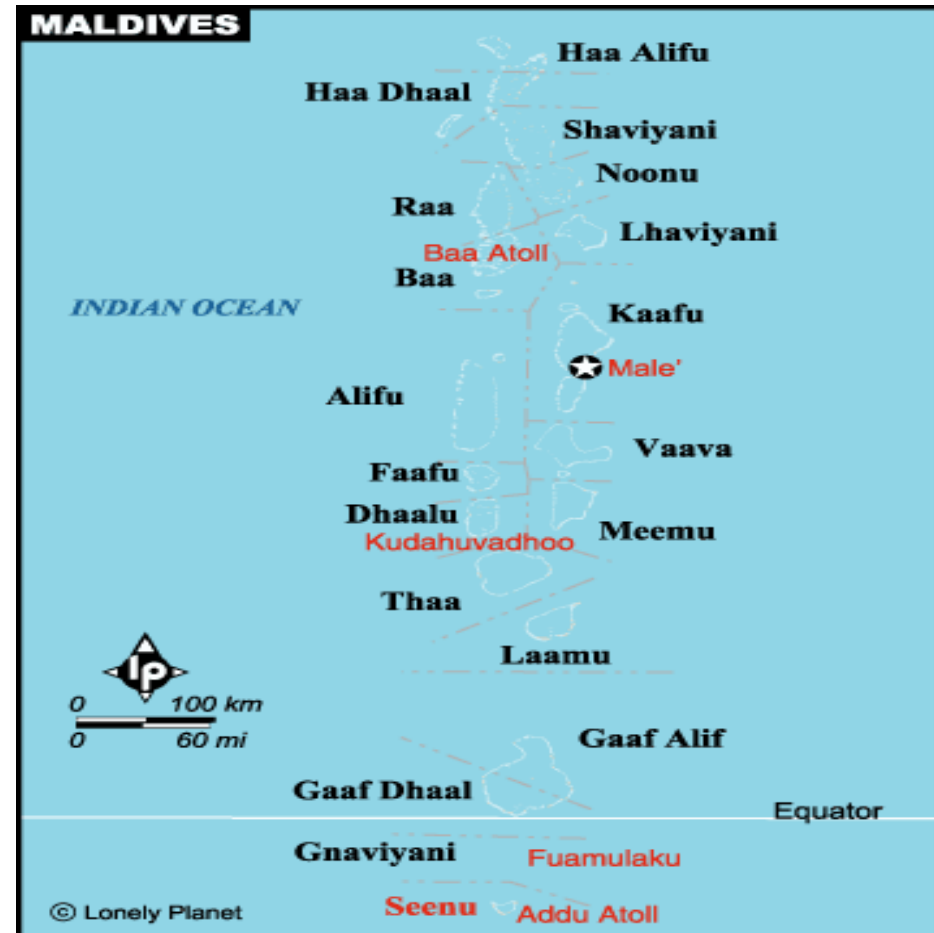


# ARTICLE 56

- The CS has jurisdiction to:
  - Establish and use artificial islands, installations and structures

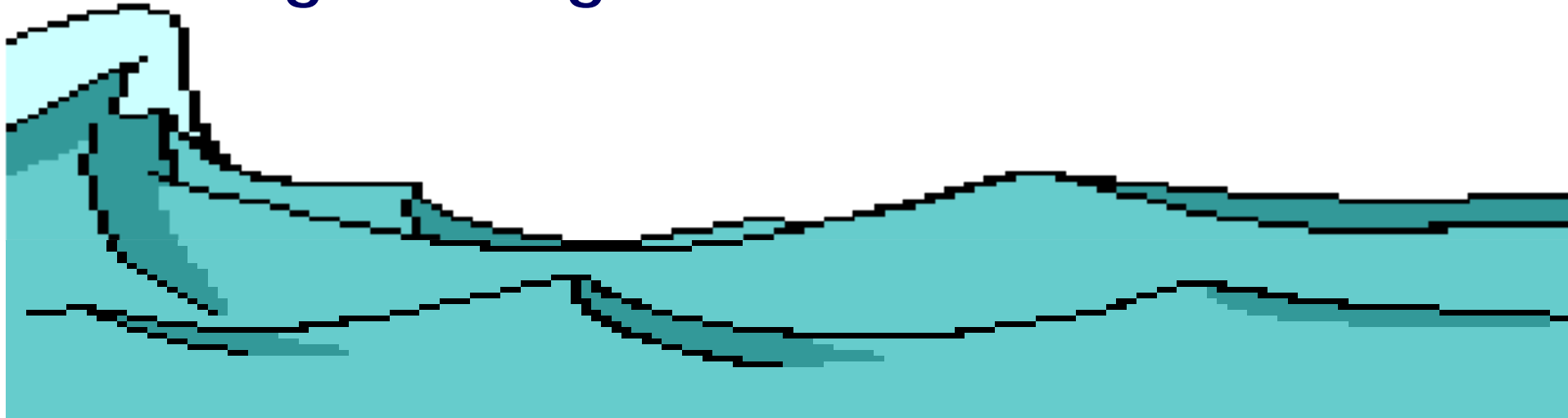


# HULHUMALE' PROJECT MALDIVES



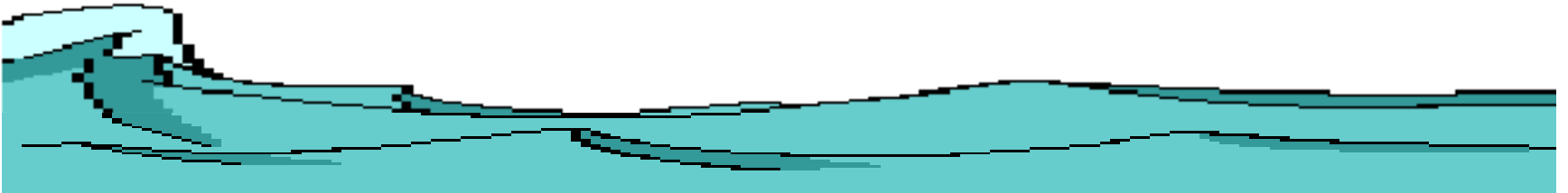
# ARTICLE 61

- The CS shall:
  - Determine the allowable catch
  - Ensure proper conservation and management of living resources
  - Co-operate with international and regional organisations to ensure this



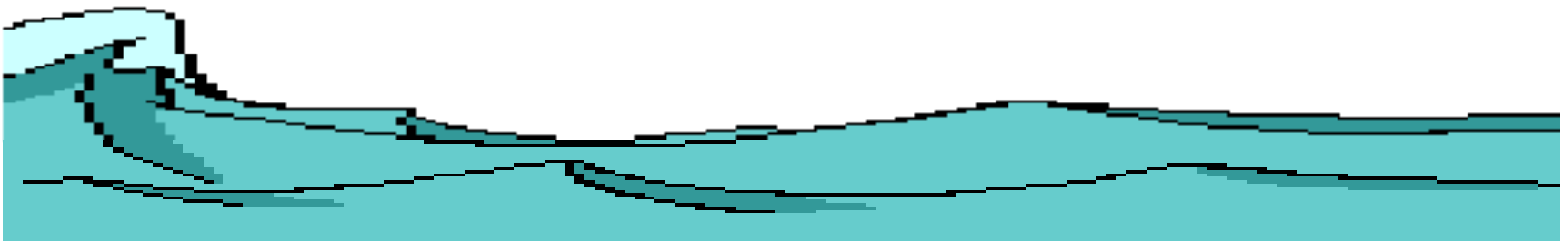
# ARTICLE 61

- **These conservation methods of the CS designed to:**
  - **Maintain and restore populations of harvested species**
  - **Take into account the economic and special needs of coastal and developing countries**



# ARTICLE 62

- Where the CS does not have capacity to harvest its allowable catch, it shall agree with other states to access the surplus

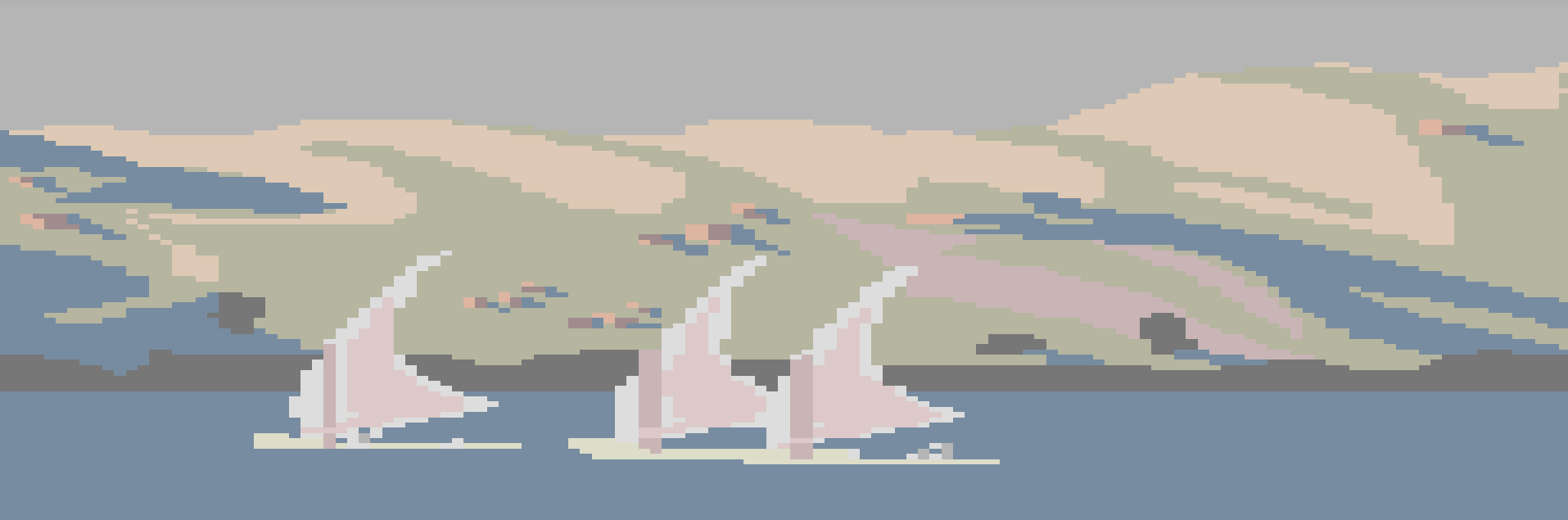


# LANDLOCKED AFRICA



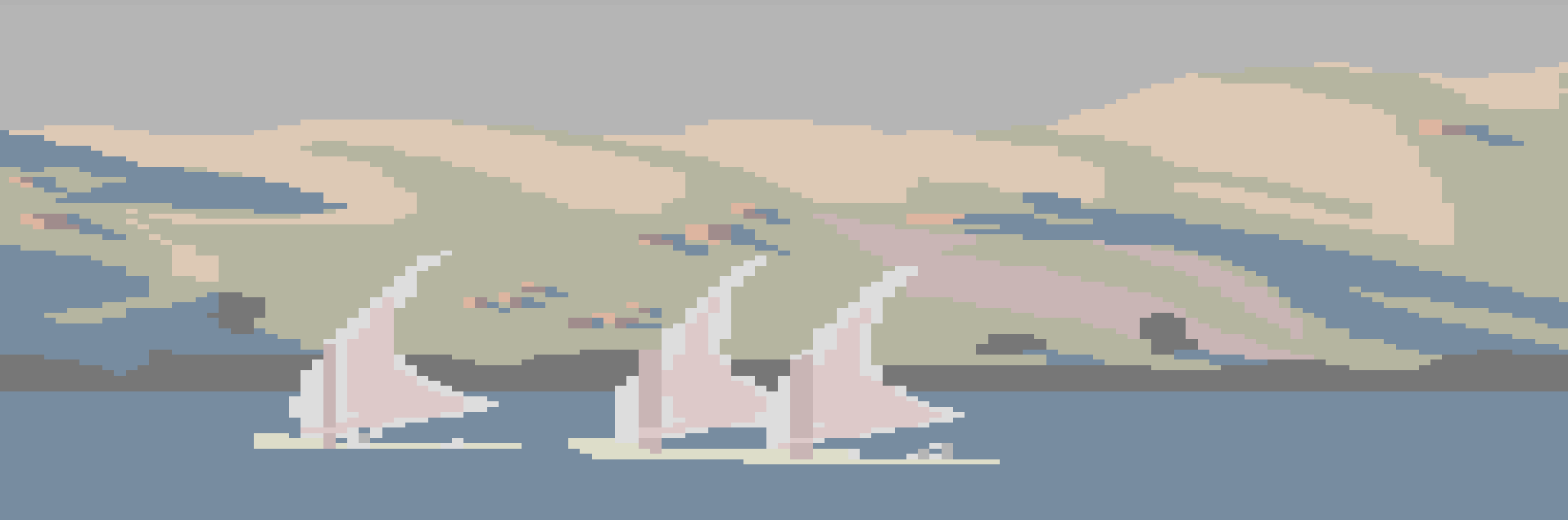
# ARTICLES 69 & 70

- Land-locked and Geographically Disadvantaged States (LLGDS) and the CS can benefit on an equitable basis through bilateral/sub -regional/regional agreements for the exploitation of the surplus of the living resources of the EEZ



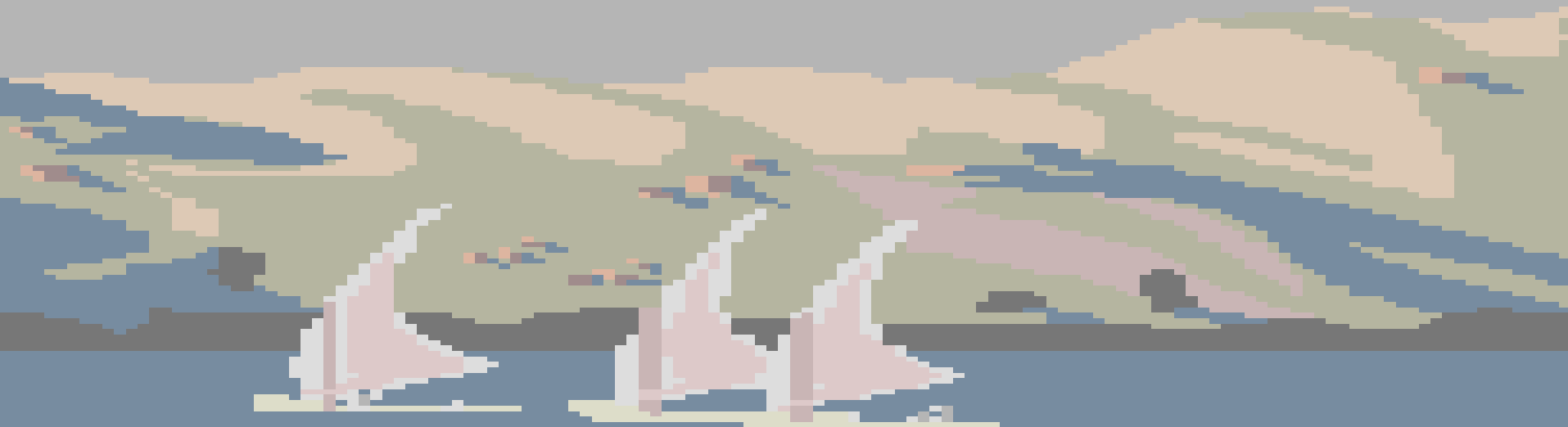
# ARTICLES 69 & 70

- Any Agreement with the CS and LLGDS should include:
  - The need to avoid detrimental effects of fishing communities/industries
  - The extent to which LLGDS are entitled to share in the EEZ (without burdening the CS)



# ARTICLE 71

- Articles 69 & 70 will not apply to any CS whose economy is overwhelmingly dependent on the living resources of its EEZ
- Rights under 69 & 70 non transferable (72)
- Rights of CS to enforce regulations (73)



# THE AREA

## PART XI

- UNCLOS sets out the principles and regulations governing the sea bed and ocean floor.
- The sea bed, ocean floor and its resources constitute the “Area” and is the common heritage of mankind.

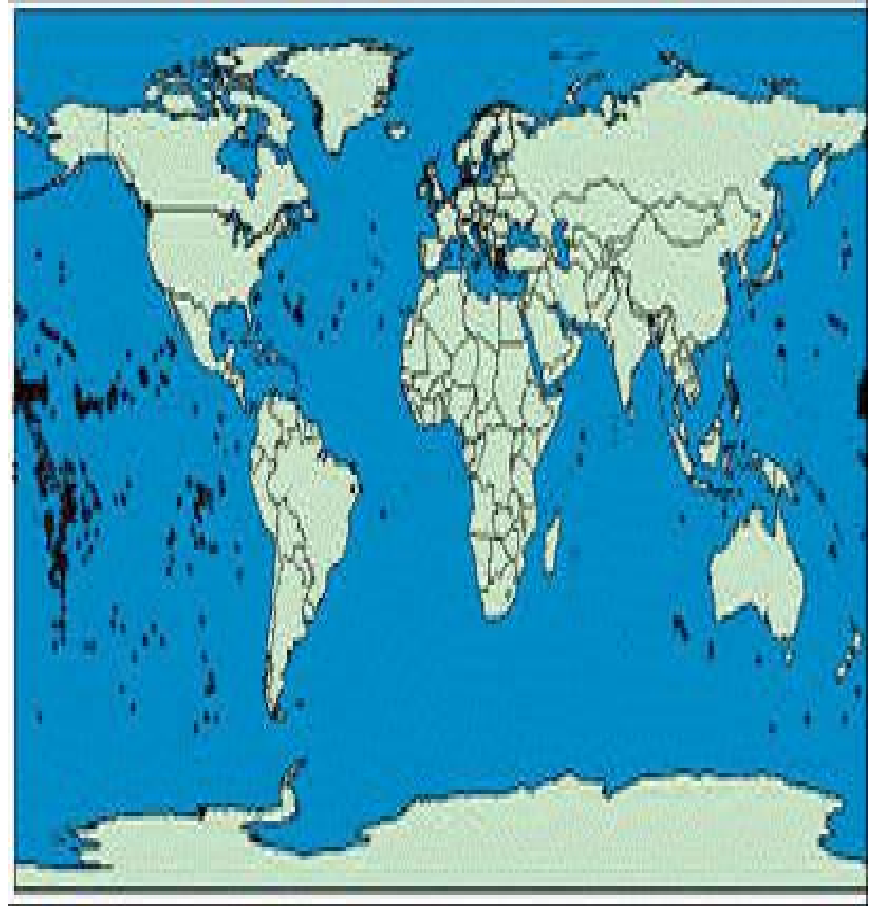
# THE ISA

- The principal function of the International Sea Bed Authority is to regulate deep seabed mining.



# THE AREA/THE ISA

Polymetallic nodules are widely distributed throughout the World's Oceans. The most extensive nodule fields are found in the Pacific Ocean. In the Atlantic Ocean because of shallower average water depths, the percentage of seafloor covered with nodules is small. The Indian Ocean has fewer nodules than the Pacific, but more than the Atlantic



# THE AREA/THE ISA

The existence on the deep ocean floor of potentially valuable polymetallic nodules has been known for over a century. Scientists investigating these nodules found they contained valuable metals such as nickel, manganese, copper and cobalt. Initially, because the nodules were located in the very deep water, in excess of 5,000 metres, commercial mining was not considered viable.



# THE AREA/THE ISA

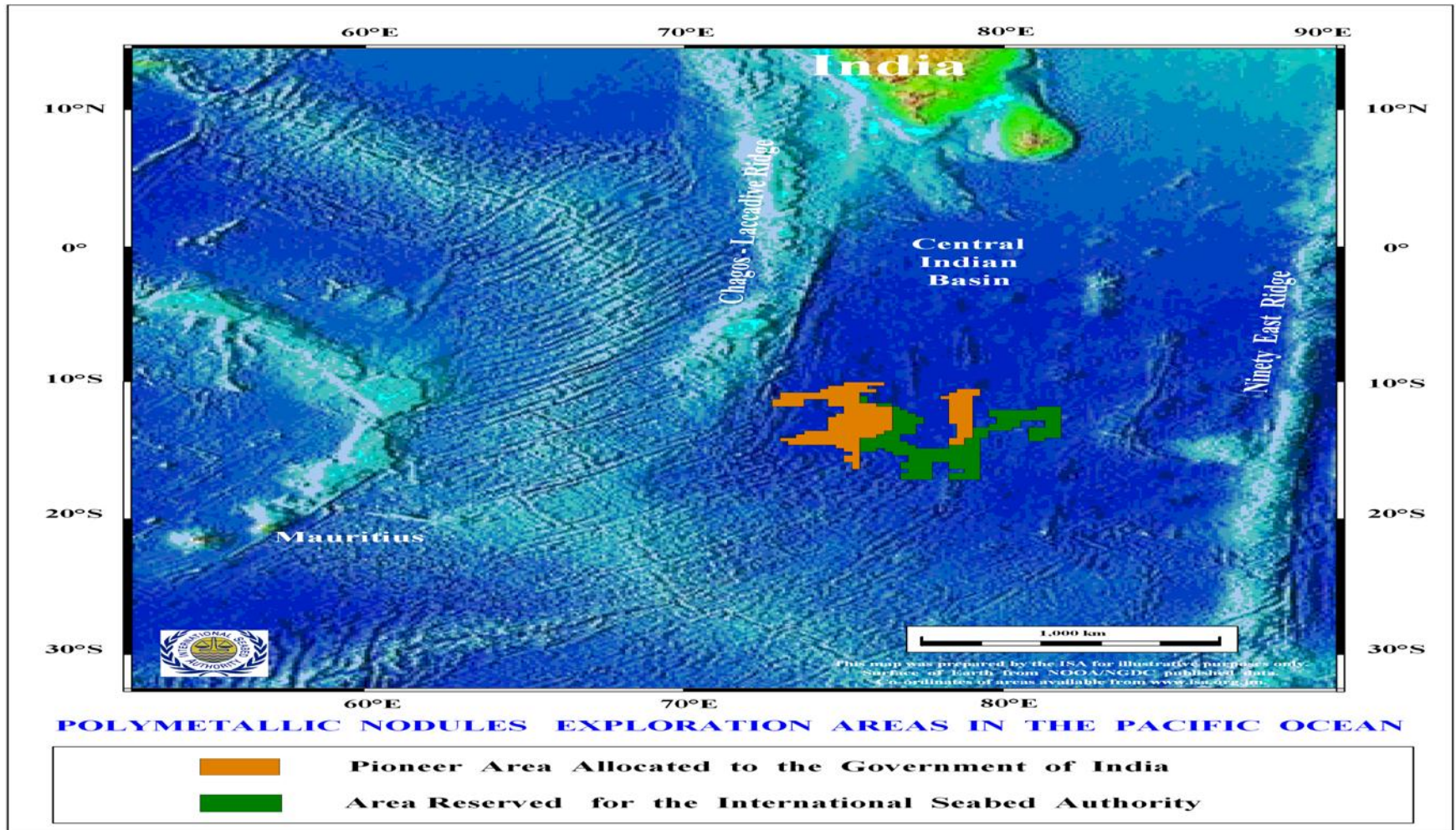
- By the late 1960s, with advanced technology, it appeared that harvesting of the nodules would soon become a commercial reality
- At the same time, it was feared that the economic benefits from mining would accrue only to those developed states that possess the necessary capital and technology



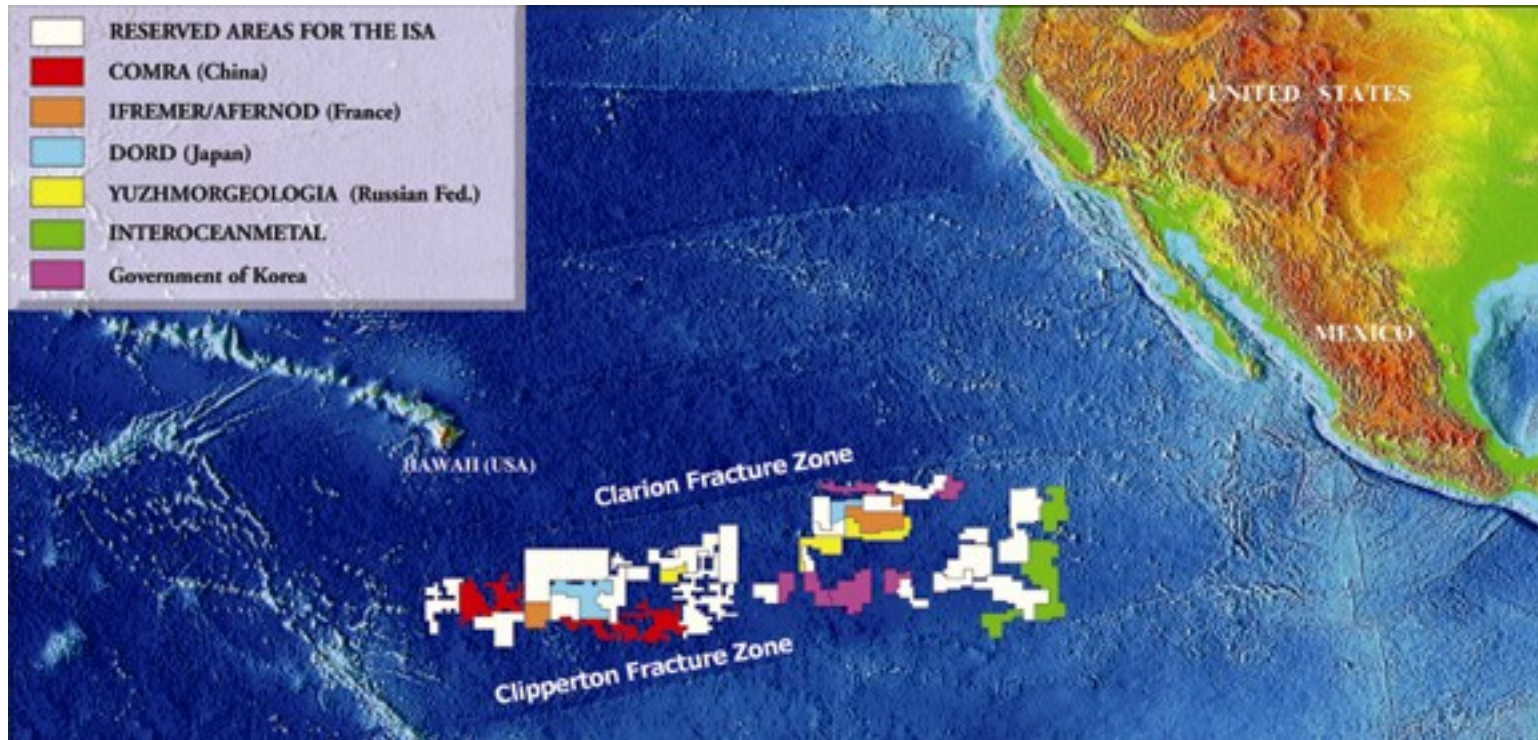
# THE AREA/THE ISA

- One of the first priorities of the ISA was the formulation of the **Regulations for Prospecting and Exploration for Polymetallic Nodules**. This process included the collaboration of the respective responsibilities of seabed explorers and the ISA in order to ensure environmentally sustainable development of seabed mineral resources and manage the distribution of the nodules for the common heritage of mankind.

# THE AREA/THE ISA



# THE AREA/THE ISA



## PART XII

# PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT



- States (individually or jointly) have an obligation to protect and preserve the marine environment
- States shall take all measures to ensure that activities are conducted not to cause damage (Art 194 (1) & (2))

# PART XII

## PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

Pollution from vessels including measures for preventing accidents; ensuring operations at sea; preventing discharges; regulating the design, construction, equipment, operation and manning of vessels (Art 194 (3) (b)); and

Pollution from installations and devices used in Explorations or exploitation of the sea bed and the subsoil (Art 194 (3)(c))



## **PART XII PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT**

### **Global and Regional Cooperation**

**States shall co-operate on an international/regional basis to elaborate international rules and recommend standards consistent with the Convention (Art 197)**



# INTERNATIONAL MARITIME ORGANIZATION

SAFE, SECURE AND EFFICIENT SHIPPING ON CLEAN OCEANS



# INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS - MARPOL

- The MARPOL Convention of the IMO is the main Convention covering prevention of pollution of the marine environment by ships from operational or accidental causes

# MARPOL

- **MARPOL** was adopted in 1973 and covered pollution by oil, chemicals, harmful substances in packaged form, sewage and garbage. Its Protocol was adopted in 1978 and absorbed its parent (1973) Convention which had not yet entered into force.
- The combined instrument is referred to as the **International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78)** and entered into force on October 2, 1983.

# MARPOL

- MARPOL includes regulations aimed at preventing and minimising pollution from ships and includes six technical annexes:



# MARPOL

- **ANNEX I** –  
Regulations for the  
Prevention of  
Pollution by Oil
- **ANNEX II** –  
Regulations for the  
Control of Pollution by  
Noxious Liquid  
Substances in Bulk



# MARPOL

- **ANNEX III** – Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form
- **ANNEX IV** – Prevention of Pollution by Sewage from Ships
- **ANNEX V** – Prevention of Pollution by Garbage from Ships
- **ANNEX VI** – Prevention of Air Pollution from Ships



# CONCLUSION

- **POLICY DETERMINATIONS**

- States need to assess their international treaty obligations vis-à-vis their realistic needs, including indicators for sustainable development

- States need to consequently determine policy to enable these treaty obligations at home

# CONCLUSION

- **POLICY DETERMINATIONS**

- **Determination of policy will equally impact on regional/subregional arrangements and requirements mandated by the various Conventions**
- **It should be recognised that the environment is both a tool for development as well as a heritage to be passed to succeeding generations**

# CONCLUSION

- **LEGAL FRAMEWORK**

- A comprehensive approach is recommended for States to identify cross-cutting issues prior to drafting new or amending old legislation
- Of equal importance is the need to be cognisant of the consequent regional/subregional arrangements which will flow from the international obligations under these Conventions