

UNCLOS

Law of the Seas

Student Activity

That's not a rock in my water!

http://www.un.org/depts/los/convention_agreements/texts/unclos/closindx.htm

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA
AGREEMENT RELATING TO THE IMPLEMENTATION OF
PART XI OF THE CONVENTION

(Full texts)

PREAMBLE

The States Parties to this Convention,

- *Prompted* by the desire to settle, in a spirit of mutual understanding and cooperation, all issues relating to the law of the sea and aware of the historic significance of this Convention as an important contribution to the maintenance of peace, justice and progress for all peoples of the world,
- *Noting* that developments since the United Nations Conferences on the Law of the Sea held at Geneva in 1958 and 1960 have accentuated the need for a new and generally acceptable Convention on the law of the sea,
- *Conscious* that the problems of ocean space are closely interrelated and need to be considered as a whole,
- *Recognizing* the desirability of establishing through this Convention, with due regard for the sovereignty of all States, 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 their living resources, and the study, protection and preservation of the marine environment,
- *Bearing in mind* that the achievement of these goals will contribute to the realization of a just and equitable international economic order which takes into account the interests and needs of mankind as a whole and, in particular, the special interests and needs of developing countries, whether coastal or land-locked,
- *Desiring* by this Convention to develop the principles embodied in resolution 2749 (XXV) of 17 December 1970 in which the General Assembly of the United Nations solemnly declared *inter alia* that the area of the seabed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, as well as its resources, are the common heritage of mankind, the exploration and exploitation of which shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States

The Convention

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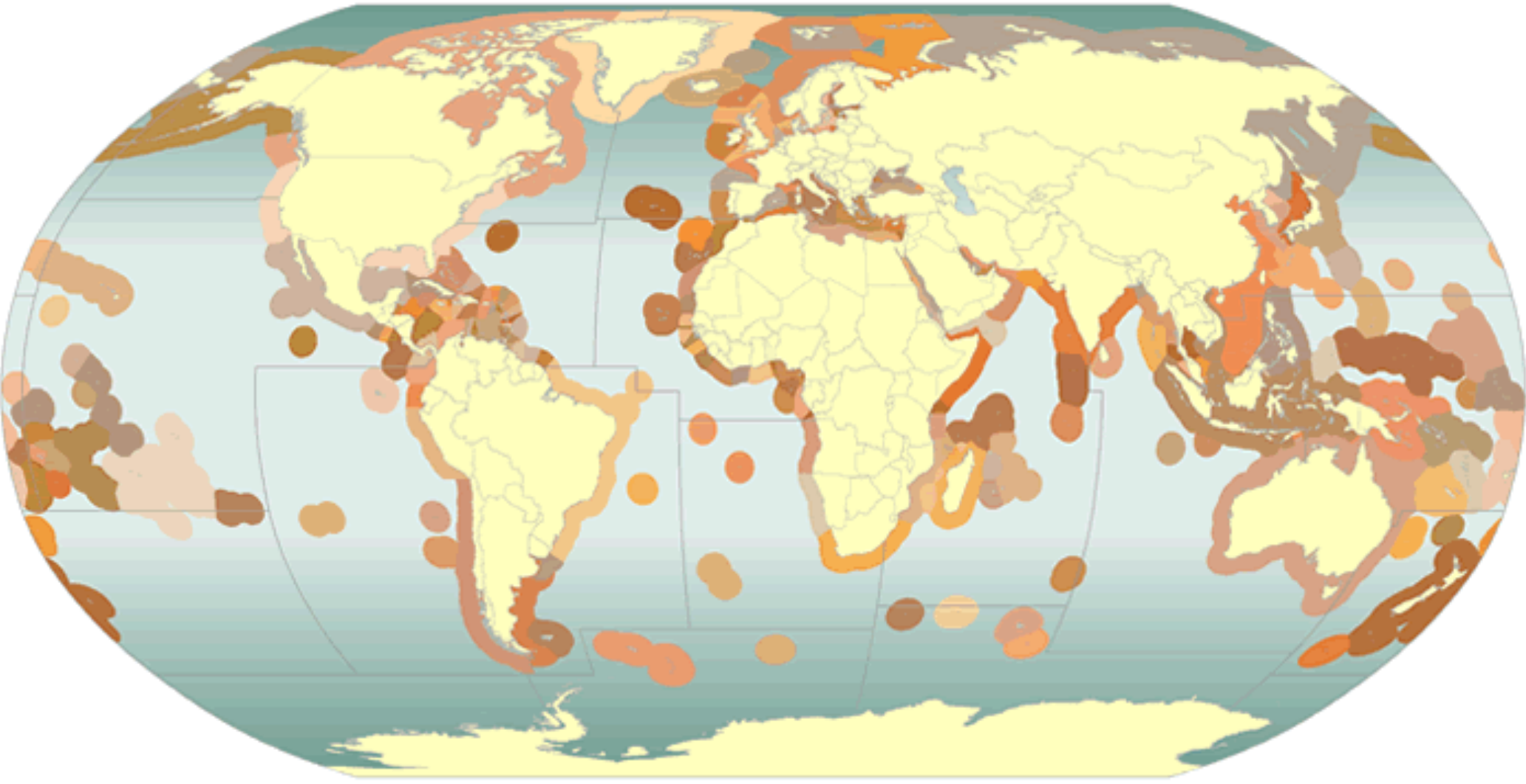
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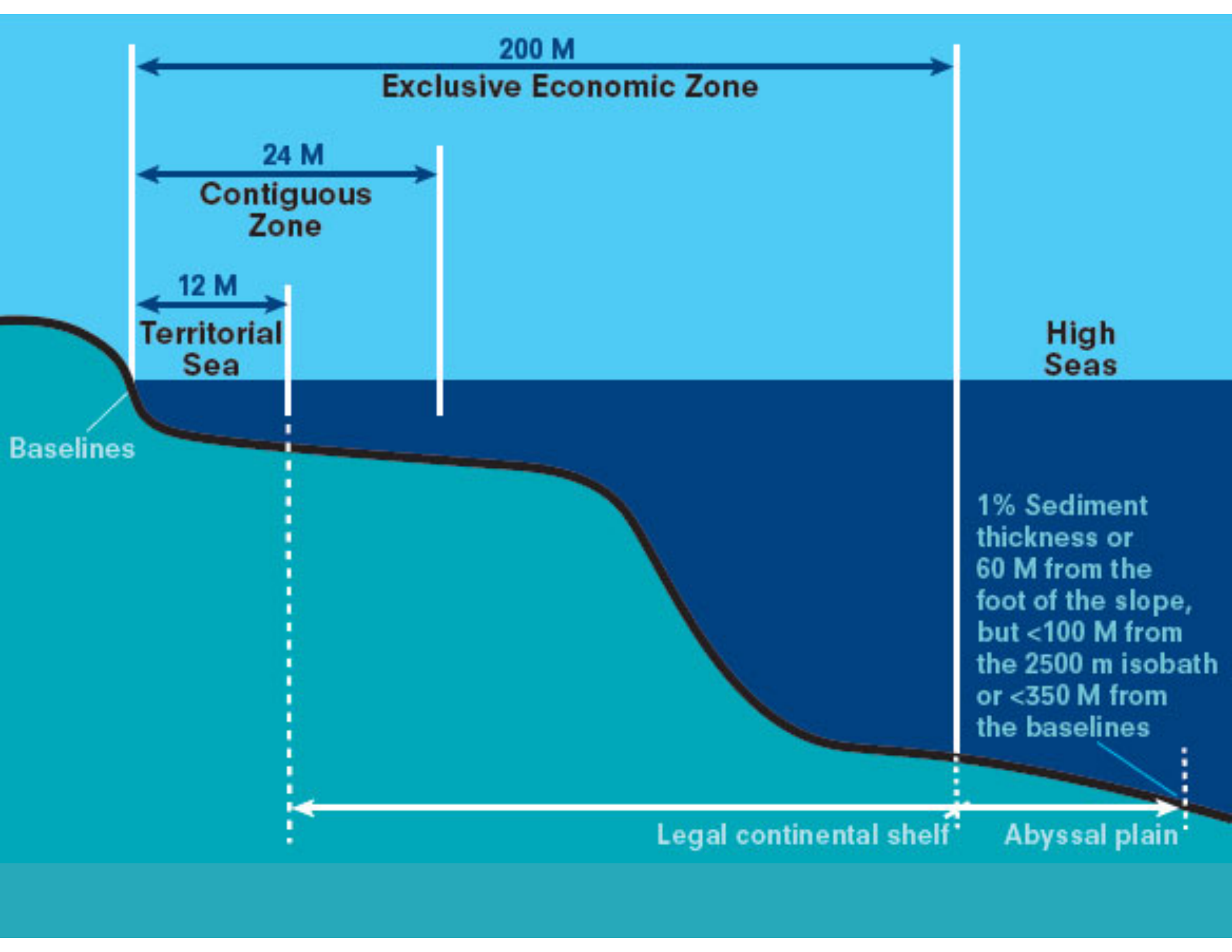
DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA

United Nations Convention on the Law of the Sea of 10 December 1982 Overview and full text

Last updated 22 August 2013

THE CONVENTION		CURRENT STATUS OF THE CONVENTION
HISTORICAL BACKGROUND	FULL TEXTS OF THE CONVENTION	Treaty Section site
<p>The Convention - A historical perspective</p> <p>'A Constitution for the Oceans' Remarks by Tommy T.B. Koh, of Singapore, President of the Third United Nations Conference on the Law of the Sea English Français Español Arabic Chinese Russian</p>	<p>Full text of the Convention together with the Final Act of the Third United Nations Conference on the Law of the Sea - link to the Treaty Series</p> <p>English (htm) English (pdf)</p> <p>Français (pdf) Français (htm)</p> <p>Español (pdf) Español (wpd)</p> <p>Arabic (pdf)</p> <p>Chinese (pdf)</p> <p>Russian (pdf)</p>	<p>Consolidated table of ratifications/accessions, etc. (pdf format)</p> <p>Tableau présentant l'état de la Convention en français</p> <p>Chronological list of ratifications/accessions/successions (E/F)</p> <p>Declarations made upon signature/ratification/accession/succession</p>
FINAL ACT OF THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA		
English (pdf)	Arabic (pdf)	
	IMPLEMENTING AGREEMENTS	SETTLEMENT OF DISPUTES MECHANISM





200 M

Exclusive Economic Zone

24 M

Contiguous Zone

12 M

Territorial Sea

High Seas

Baselines

1% Sediment thickness or 60 M from the foot of the slope, but <100 M from the 2500 m isobath or <350 M from the baselines

Legal continental shelf

Abyssal plain

COUNTRY	TERRITORIAL DISPUTES
<p>Badaseom (Ba-da-see-um) Population: 28m Democratic Republic HDI: Very High</p>	<ul style="list-style-type: none"> Boomerang Island belongs to Badeseom Boomerang Island should be classified as an island. Badaseom lays no claim on Diamond Island. However, it does believe Diamond Island should be classified as a rock instead of an island.
<p>Biendao (Been-dow) Population: 64m Constitutional Monarchy HDI: Medium</p>	<ul style="list-style-type: none"> Diamond Island is legally the territory of Biendao. Diamond Island should be classified as an island. Biendao agrees with the Dagat Islands that Haidao has no legal claim to Diamond Island.
<p>Dagat Islands (Da-gat) Population: 45m Military Regime HDI: Low</p>	<ul style="list-style-type: none"> Diamond Island is the territory of the Dagat Islands. Diamond Island should be classified as an island. Diamond island has always been a part of the Dagat archipelago of islands, even when it was a colony of Biendao and a part of the Haidao empire.
<p>Haidao (Hi-dow) Population: 850m Communist HDI: High</p>	<ul style="list-style-type: none"> Boomerang island should be classified as an island. It is officially the territory of Haidao, and it has been illegally occupied by Badaseom since 1951. Diamond Island is occupied and officially the territory of Haidao. It is permanently occupied by over 100 people Diamond Island should be classified as an island.

<p style="text-align: center;">Boomerang Island</p> <p>Due to the dispute the English translation is being used. 90 acres, 2 natural streams (water), and no natural resources</p> <ul style="list-style-type: none"> The oldest map showing Boomerang Island is a Badaseom map from 1620. At the time Badaseom was a colony of Haidao Badaseom was a colony of Haidao from 1610-1720. Boomerang Island has been occupied by Badaseom since 1951, but at the same time it is also claimed by Haidao. In 1820 a typhoon destroyed the first and only settlement on the island. The settlement had what is believed to be 20-25 people. It had been a settlement for 6 months prior to the typhoon. The settlement was organized by people from Haidao. Since 1951 two permanent residents currently reside on Boomerang Island, and they maintain the lighthouse. The lighthouse and the bird refuge on the island are visited by 5,000 tourists annually, 95% of the tourists come from Badaseom. The island has no bathroom facilities, hotel, or restaurant for the tourists. Tourists visit for approximately 2 hours, and all facilities are on cruise ship that transports them to Boomerang Island. 	<p style="text-align: center;">Diamond Island</p> <p>Due to the dispute the English translation is being used. 110 acres, 3 natural wells (water), and no natural resources</p> <ul style="list-style-type: none"> Diamond island first appeared on a map of the Dagat Islands in 1845 when the Dagat Islands were a colony of Biendao. After the Dagat Islands received independence in 1910, Diamond Island was on official maps of both Biendao and the Dagat Islands. In 1911 Biendao setup a military fort on the island which housed 150 soldiers. Prior to 1911 the island had never been inhabited. After economic troubles in Biendao in the 1930's the military fort was abandoned. In 1941 Diamond Island first showed up on an official map of Haidao. The reason given was that Haidao claims that Diamond Island was part of its colonial empire in the early 1700's. Since 1951 Haidao has occupied the island. Haidao built an airstrip and currently maintains a military outpost on the island. It is estimated to have approximately 100 soldiers on the island at any one time.
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Diamond Island | 110 acres
3 natural wells for water | no natural resources



Bommerang Island | 90 acres
2 natural streams | no natural resources



Directions: In the first box below use Articles 2, 3, 55-59, and 121 from UNCLOS to determine the status of the two islands below. Who owns the islands, and are the islands actually islands or just rocks? In the second box give your reasoning for why each country was correct or incorrect in their own assessment as to ownership of the islands. Once you have determined ownership draw the 200 Economic Zone boundary for each country on the map handout of the countries and islands.

Boomerang Island

- Is officially classified as a:
- Because...

- It should be the official territory of:
- Because...

Diamond Island

- Is officially classified as a:
- Because...

- It should be the official territory of:
- Because...

COUNTRY	TERRITORIAL DISPUTES RESOLUTION EXPLANATION
<p>Badaseom (Ba-da-see-um)</p>	
<p>Biendao (Been-dow)</p>	
<p>Dagat Islands (Da-gat)</p>	
<p>Haidao (Hi-dow)</p>	

United Nations Convention on the Law of the Sea (UNCLOS)

Prompted by the desire to settle, in a spirit of mutual understanding and cooperation, all issues relating to the law of the sea and aware of the historic significance of this Convention as an important contribution to the maintenance of peace, justice and progress for all peoples of the world...

Article 2

Legal status of the territorial sea, of the air space over the territorial sea and of its bed and subsoil 1. The sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea.

2. This sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil.

3. The sovereignty over the territorial sea is exercised subject to this Convention and to other rules of international law.

Article 3

Breadth of the territorial sea

Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention.

Article 55

Specific legal regime of the exclusive economic zone

The exclusive economic zone is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention.

Article 56

Rights, jurisdiction and duties of the coastal State in the exclusive economic zone

In the exclusive economic zone, the coastal State has:

- (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;
- (b) jurisdiction as provided for in the relevant provisions of this Convention with regard to:
 - (i) the establishment and use of artificial islands, installations and structures;
 - (ii) marine scientific research;
 - (iii) the protection and preservation of the marine environment;
- (c) other rights and duties provided for in this Convention.

2. In exercising its rights and performing its duties under this Convention in the exclusive economic zone, the coastal State shall have due regard to the rights and duties of other States and shall act in a manner compatible with the provisions of this Convention.

3. The rights set out in this article with respect to the seabed and subsoil shall be exercised in accordance with Part VI.

Article 57

Breadth of the exclusive economic zone

The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Article 58

Rights and duties of other States in the exclusive economic zone

1. In the exclusive economic zone, all States, whether coastal or land-locked, enjoy, subject to the relevant provisions of this Convention, the freedoms referred to in article 87 of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with the other provisions of this Convention.
2. Articles 88 to 115 and other pertinent rules of international law apply to the exclusive economic zone in so far as they are not incompatible with this Part.
3. In exercising their rights and performing their duties under this Convention in the exclusive economic zone, States shall have due regard to the rights and duties of the coastal State and shall comply with the laws and regulations adopted by the coastal State in accordance with the provisions of this Convention and other rules of international law in so far as they are not incompatible with this Part.

Article 59

Basis for the resolution of conflicts regarding the attribution of rights and jurisdiction in the exclusive economic zone

In cases where this Convention does not attribute rights or jurisdiction to the coastal State or to other States within the exclusive economic zone, and a conflict arises between the interests of the coastal State and any other State or States, the conflict should be resolved on the basis of equity and in the light of all the relevant circumstances, taking into account the respective importance of the interests involved to the parties as well as to the international community as a whole.

Article 121 Regime of islands

1. An island is a naturally formed area of land, surrounded by water, which is above water at high tide.
2. Except as provided for in paragraph 3, the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of this Convention applicable to other land territory.
3. Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.