



Law of the sea

United Nations convention, 1982

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) was the result of the conference held in 1974. The 1982 agreement was one of the most significant but least well recognised accomplishments of the United Nations during the 20th century.

A peaceful revolution

The agreement, while revolutionary, was achieved by negotiation. It was founded on the idea that all issues relating to the oceans are closely linked and must be dealt with as a whole.

Today it is one of the relatively few international agreements that all countries comply with in practice – even those few that are not yet formally bound to it.

The convention's provisions

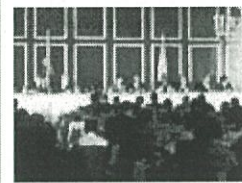
UNCLOS strikes a delicate balance between competing interests in the use of the oceans. Among its provisions, it:

- sets the maximum breadth of the territorial sea at 12 nautical miles, with a right of peaceful passage for foreign ships
- ensures unhindered transit passage for vessels and aircraft through and over international straits and through waters with many islands
- provides coastal states with exclusive rights over all resources in an exclusive economic zone out to 200 nautical miles, while preserving pre-existing navigational and other rights in these areas
- affirms coastal state rights over continental shelves extending beyond 200 nautical miles, subject to certain limitations
- guarantees access to and from the sea for landlocked states
- establishes a regime for the development of the mineral resources of the deep seabed beyond national jurisdiction, and declares that area to be the common heritage of mankind
- sets rules for the conduct of marine scientific research
- imposes duties regarding the conservation and management of high-seas fisheries and the protection of the marine environment
- establishes procedures for the compulsory settlement of disputes.

New Zealand's role in negotiations

New Zealand's active participation included:

- supporting the freedom of navigation essential for getting its products to distant markets
- joining the effort to strengthen the rules allowing foreign vessels to pass through territorial



1982 UNCLOS conference



The Panama Canal



Pacific Island Exclusive Economic Zones



Japanese tuna boats

seas and international straits.

But New Zealand's main focus was to secure for coastal states the right to control the resources in a broad area near their coasts. In particular, New Zealand sought to apply this right to small islands as well as larger land masses. In this latter objective, initially opposed by many states, New Zealand shared an interest with many of the island states of the South Pacific, and worked closely with them.

A sea change

In 1994, former UN Secretary General Boutros Boutros-Ghali described the 1982 convention as among the greatest achievements of the 20th century. Turning the age-old dream of a comprehensive law of the ocean into reality was, he claimed, one of the UN's most enduring legacies.

Sustainable management

New Zealand, the Pacific Island countries, and many other coastal states built their case for control over fisheries resources out to 200 nautical miles, on the principle of sustainable management. They argued that, unlike states that fished in distant waters, they had an ongoing interest in maintaining their coastal fisheries. They also pushed for all countries to take responsibility for conserving and managing fisheries in the open seas.

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