
Agencies: Division for Ocean Affairs and the Law of the Sea (DOALOS) of the Office of Legal Affairs of the United Nations


Where Law Applies: Although the convention applies to the entire marine environment, the Articles specifically addressing underwater cultural heritage (Articles 149 and 303) apply to the “area,” defined as “the sea-bed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction.” (1833 U.N.T.S. 399).

Summary of the Law:


In addition to providing the balance of jurisdiction between coastal States and vessel flag States, LOSC Articles 149 and 303 provide some framework for the legal protection of underwater cultural heritage. Article 149 provides that “[a]ll objects of an archaeological and historical nature found in the Area shall be preserved or disposed of for the benefit of mankind as a whole, particular regard being paid to the preferential rights of the State or country of origin, or the State of cultural origin, or the State of historical and archaeological origin.” Article 303 directs States Parties to “protect objects of an archaeological and historical nature found at sea and “cooperate for this purpose,” however it also contains a savings clause for preexisting salvage and other admiralty laws.

Legislative History:

While it is not yet a party, the U.S. nevertheless observes the LOSC as reflective of customary international law and practice. Senate advice and consent to accession is necessary before the U.S. can become a party.

Other Relevant Sources:

• Law of the Sea Online Training Courses
• U.S. Coast Guard Fact Sheet on the Law of the Sea Convention (June 12, 2009).
• NOAA Office of Coast Survey, History of the Maritime Zones Under International Law.