

## United Nations Convention on the Law of the Sea

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

**Citation:** [Convention on the Law of the Sea, Dec. 10, 1982, 1833 U.N.T.S. 397.](#)

**Enacted as:** entered into force as the “United Nations Convention on the Law of the Sea” on Nov. 1, 1994.

**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:**

The [1982 Law of the Sea Convention](#) (LOSC) sets forth a comprehensive legal framework for the sea, the seabed and its subsoil, and the protection of the marine environment and its natural and cultural resources. (Convention on the Law of the Sea, Dec. 10, 1982, 1833 U.N.T.S. 397 (entered into force Nov. 1, 1994)). The Convention recognizes the limits of a coastal nation’s maritime zones and boundaries, balancing the rights of coastal States with those of flag states in each of the maritime zones with a greater preference for coastal state rights in the zones closest to the coastal State’s shores.

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:**

- [1994 Letters of Transmittal and Submittal and Commentary](#), 1982 Law of the Sea Convention (U.S. Department of State, Dispatch Magazine, Vol. 6, Supp. 1, Feb. 1995).
- [Letter from Hillary Clinton to Senator John F. Kerry](#), (Oct. 16, 2009) (offering strong support for U.S. accession to the Convention).

- Law of the Sea Online [Training Courses](#)
- U.S. Coast Guard [Fact Sheet](#) on the Law of the Sea Convention (June 12, 2009).
- S. Borgerson, [The National Interest and the Law of the Sea](#) (Council on Foreign Relations Special Report, May 2009).
- NOAA Office of Coast Survey, [History of the Maritime Zones Under International Law](#).