

No. 31364

MULTILATERAL

Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (with annex). Adopted by the General Assembly of the United Nations on 28 July 1994

*Authentic texts: Arabic, Chinese, English, French, Russian and Spanish.
Registered ex officio on 16 November 1994.*

MULTILATÉRAL

Accord relatif à l'application de la Partie XI de la Convention des Nations Unies sur le droit de la mer du 10 décembre 1982 (avec annexe). Adopté par l'Assemblée générale des Nations Unies le 28 juillet 1994

*Textes authentiques : arabe, chinois, anglais, français, russe et espagnol.
Enregistré d'office le 16 novembre 1994.*

AGREEMENT¹ RELATING TO THE IMPLEMENTATION OF PART XI OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA OF 10 DECEMBER 1982²

The States Parties to this Agreement,

Recognizing the important contribution of the United Nations Convention on the Law of the Sea of 10 December 1982 (hereinafter referred to as "the Convention") to the maintenance of peace, justice and progress for all peoples of the world,

Reaffirming that the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as "the Area"), as well as the resources of the Area, are the common heritage of mankind,

¹ Came into force provisionally on 16 November 1994 for the following States and regional economic integration organization which had by that date consented to its adoption in the General Assembly of the United Nations (*), signed, notified the Secretary-General of its provisional application or had acceded to it, in accordance with article 7 (1):

<i>Participant</i>	<i>Signature affixed on</i>	<i>Participant</i>	<i>Signature affixed on</i>
Afghanistan*		France*	29 July 1994
Albania*		Gabon*	
Algeria*	29 July 1994	Germany*	29 July 1994
Andorra*		Ghana*	
Argentina*	29 July 1994	Greece*	29 July 1994
Armenia*		Grenada*	14 November 1994
Australia*	29 July 1994	Guinea*	26 August 1994
Austria*	29 July 1994	Guyana*	
Bahamas*	29 July 1994	Honduras*	
Bahrain*		Hungary*	
Bangladesh*		Iceland*	29 July 1994
Barbados*	15 November 1994	India*	29 July 1994
Belarus*		Indonesia*	29 July 1994
Belgium*	29 July 1994	Iraq*	
Belize*		Italy*	29 July 1994
Benin*		Jamaica*	29 July 1994
Bhutan*		Japan*	29 July 1994
Bolivia*		Kenya*	
Botswana*		Kuwait*	
Brunei Darussalam*		Lao People's Democratic Republic* .	27 October 1994
Burundi*		Libyan Arab Jamahiriya*	
Cambodia*		Liechtenstein*	
Canada*	29 July 1994	Luxembourg*	29 July 1994
Cape Verde*	29 July 1994	Madagascar*	
Chile*		Malaysia*	2 August 1994
China*	29 July 1994	Maldives*	10 October 1994
Congo*		Malta*	29 July 1994
Côte d'Ivoire*		Marshall Islands*	
Cuba*		Mauritania*	2 August 1994
Czech Republic*	16 November 1994	Mauritius*	
Egypt*		Micronesia, Federated States of* . . .	10 August 1994
Eritrea*		Monaco*	
Estonia*		Mongolia*	17 August 1994
Ethiopia*		Mozambique*	
European Community*	29 July 1994	Myanmar*	
Fiji*	29 July 1994	Namibia*	29 July 1994
Finland*	29 July 1994		

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Mindful of the importance of the Convention for the protection and preservation of the marine environment and of the growing concern for the global environment,

Having considered the report of the Secretary-General of the United Nations on the results of the informal consultations among States held from 1990 to 1994 on outstanding issues relating to Part XI and related provisions of the Convention (hereinafter referred to as "Part XI"),

Noting the political and economic changes, including market-oriented approaches, affecting the implementation of Part XI,

Wishing to facilitate universal participation in the Convention,

Considering that an agreement relating to the implementation of Part XI would best meet that objective,

Have agreed as follows:

Article 1

Implementation of Part XI

1. The States Parties to this Agreement undertake to implement Part XI in accordance with this Agreement.
2. The Annex forms an integral part of this Agreement.

(Footnote 1 continued from page 42)

<i>Participant</i>	<i>Signature affixed on</i>	<i>Participant</i>	<i>Signature affixed on</i>
Nepal*		Sudan*	29 July 1994
Netherlands*	29 July 1994	Suriname*	
New Zealand*	29 July 1994	Swaziland*	12 October 1994
Nigeria*	25 October 1994	Switzerland*	26 October 1994
Norway*		The former Yugoslav Republic of Macedonia*	
Oman*		Togo*	3 August 1994
Pakistan*	10 August 1994	Trinidad and Tobago*	10 October 1994
Papua New Guinea*		Tunisia*	
Paraguay*	29 July 1994	Uganda*	9 August 1994
Philippines*	15 November 1994	Ukraine*	
Qatar*		United Arab Emirates*	
Republic of Korea*	7 November 1994	United Kingdom of Great Britain and Northern Ireland*	29 July 1994
Republic of Moldova*		United Republic of Tanzania*	7 October 1994
Samoa*		United States of America*	29 July 1994
Senegal*	9 August 1994	Vanuatu*	29 July 1994
Seychelles*	29 July 1994	Viet Nam*	
Sierra Leone*		Zambia*	13 October 1994
Singapore*		Zimbabwe*	28 October 1994
Slovakia*	14 November 1994		
South Africa*	3 October 1994		
Sri Lanka*	29 July 1994		

² United Nations, *Treaty Series*, vols. 1833, 1834 and 1835, No. I-31363.

Article 2

Relationship between this Agreement and Part XI

1. The provisions of this Agreement and Part XI shall be interpreted and applied together as a single instrument. In the event of any inconsistency between this Agreement and Part XI, the provisions of this Agreement shall prevail.
2. Articles 309 to 319 of the Convention shall apply to this Agreement as they apply to the Convention.

Article 3

Signature

This Agreement shall remain open for signature at United Nations Headquarters by the States and entities referred to in article 305, paragraph 1 (a), (c), (d), (e) and (f), of the Convention for 12 months from the date of its adoption.

Article 4

Consent to be bound

1. After the adoption of this Agreement, any instrument of ratification or formal confirmation of or accession to the Convention shall also represent consent to be bound by this Agreement.
2. No State or entity may establish its consent to be bound by this Agreement unless it has previously established or establishes at the same time its consent to be bound by the Convention.
3. A State or entity referred to in article 3 may express its consent to be bound by this Agreement by:
 - (a) Signature not subject to ratification, formal confirmation or the procedure set out in article 5;
 - (b) Signature subject to ratification or formal confirmation, followed by ratification or formal confirmation;

(c) Signature subject to the procedure set out in article 5; or

(d) Accession.

4. Formal confirmation by the entities referred to in article 305, paragraph 1 (f), of the Convention shall be in accordance with Annex IX of the Convention.

5. The instruments of ratification, formal confirmation or accession shall be deposited with the Secretary-General of the United Nations.

Article 5

Simplified procedure

1. A State or entity which has deposited before the date of the adoption of this Agreement an instrument of ratification or formal confirmation of or accession to the Convention and which has signed this Agreement in accordance with article 4, paragraph 3 (c), shall be considered to have established its consent to be bound by this Agreement 12 months after the date of its adoption, unless that State or entity notifies the depositary in writing before that date that it is not availing itself of the simplified procedure set out in this article.

2. In the event of such notification, consent to be bound by this Agreement shall be established in accordance with article 4, paragraph 3 (b).

Article 6

Entry into force

1. This Agreement shall enter into force 30 days after the date on which 40 States have established their consent to be bound in accordance with articles 4 and 5, provided that such States include at least seven of the States referred to in paragraph 1 (a) of resolution II of the Third United Nations Conference on the Law of the Sea (hereinafter referred to as "resolution II") and that at least five of those States are developed States. If these conditions for entry into force are fulfilled before 16 November 1994, this Agreement shall enter into force on 16 November 1994.