

FINAL PROVISIONS

The entry into force of the Convention follows common procedure for international conventions; it is open for signature¹, and subject to ratification, formal confirmation², and accession³. The Convention will not enter into force until twelve months after the deposit of the sixtieth instrument of ratification or accession⁴ with the Secretary-General of the United Nations, who is the depository of the Convention and any amendments thereto⁵. After its entry into force, the Convention will be binding on all states which have ratified or acceded to it, and they will be obligated to apply the provisions of the Convention to the relations among themselves⁶, the rights and obligations of states parties arising from other agreements will not be affected by the entry into force of the Convention, as long as such agreements are not incompatible with the Convention and do not hinder other states parties in the enjoyment of their rights or the performance of their obligations under the Convention⁷. Agreements between states parties which modify or suspend operation of provisions of the Convention are even possible as long as such agreements do not hinder effective execution of the object and purpose of the Convention⁸. Reservations or exceptions are permitted only when expressly allowed by the Convention⁹, ensuring equitable application of the Convention. States may, when signing, ratifying, or acceding to the Convention, make declarations or statements as long as such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of the Convention in their application to that state¹⁰. States are to ensure full application of the Convention principles, including that of the common heritage of mankind¹¹.

All other states, whether they signed the Convention (possible until December 9, 1984¹²) or not, cannot be forced to apply the Convention, although this does not exclude the possibility that provisions of the Convention might acquire the force of customary international law and would therefore find application as such. In addition, all states which signed the Convention (as of the final deadline in 1984, there was a total of 159 signatures, not all of them from states) must refrain from acts which are contrary to the objectives of the Convention, unless they declare they are no longer willing to be bound by their signature or behave in a manner which would be tantamount to such a declaration. However, the state's signature means that the state is allowed to participate in the Preparatory Commission¹³ which is to prepare the installation of the Sea-Bed Authority and the Tribunal for the Law of the Sea. The Authority will acquire international legal personality¹⁴ at the moment the Convention enters into force and can immediately thereupon begin to operate in accordance with the Convention¹⁵. The Tribunal is then constituted¹⁶.

A state party may at any time denounce the Convention, either with or without indication of its reasons; the denunciation takes effect one year after the date of notification unless a later date is specified in the notification¹⁷.

The Convention includes provisions for amending or establishing alternatives to present regulations contained in the Convention¹⁸.

¹ Art. 305

² Art. 306

³ Art. 307

⁴ Art. 308, Para. 1

⁵ Art. 306-307; 319, Para. 1

⁶ Art. 1, Subpara. 2(1)

⁷ Art. 311, Para. 2

⁸ Art. 311, Para. 3

⁹ Art. 309

¹⁰ Art. 310 (Disputes: 297-298)

¹¹ Art. 311, Para. 3-6

¹² Art. 305, Para. 2

¹³ Final Act, Res. I

¹⁴ Art. 156, 176

¹⁵ Art. 308, Para. 3-5

¹⁶ Annex VI, Art. 1(1)

¹⁷ Art. 317

¹⁸ Art. 312-316

ENTRY INTO FORCE AND APPLICABILITY OF THE CONVENTION AND AMENDMENTS

GENERAL	APPLICABILITY OF THE CONVENTION	EFFECT ON THE STATES
<p><i>Signature</i> (Article 305)</p> <ul style="list-style-type: none"> - Open for signature until December 9, 1984 - For all states - For bodies mentioned in Article 305, subparagraphs I(b-f) 	<p>In Principle NONE</p> <p>but. - The high number of signatures (159) has a significant effect on customary law</p> <ul style="list-style-type: none"> - There is a difference in understanding between industrialized and developing countries on this point 	<p>A state which has signed must refrain from acts which are contrary to the Convention</p>
<p><i>Ratification</i> (Article 306)</p> <p><i>Accession</i> (Article 307)</p> <ul style="list-style-type: none"> - The Secretary-General of the United Nations is the Depository 	<p>Until deposit of 60th instrument, same as above</p>	<p>Ratification can have an immediate effect on national law</p>
	<p>As of deposit of 60th instrument Convention enters into force 12 months after deposit (Article 308, Paragraph 1), binding all ratifying and acceding States</p>	<p>The Convention becomes international law and is applicable law among all states parties</p>
<p><i>Reservations</i> (Article 309)</p>	<p>Possible only when expressly permitted by other articles of the Convention</p>	
<p><i>Declarations</i> (Article 310)</p>	<p>Permitted as long as applicability of Convention is not affected</p>	
<p><i>Other Conventions</i> (Article 311)</p>	<p>Principles of Convention, including "common heritage of mankind", may not be suspended</p>	<p>Prevails over 1958 Conventions on Law of the Sea</p>
<p><i>Denunciation</i> (Article 317)</p>	<p>Possible at any time, goes into effect at earliest 1 year after date of notification</p>	<p>State must fulfil any obligations of the Convention to which it would be subject under international law (Article 317, Paragraph 3)</p>
<p><i>Amendments</i> (Article 312-316)</p> <ul style="list-style-type: none"> - upon request of a State Party (a) On questions besides those concerning activities in the Area, after 10 years (Articles 312, 313) (b) On questions concerning activities in the Area at any time (Article 314) 	<p>Entry into force 30 days after ratification by 2/3rds of the States Parties or 60, whichever greater (Article 316, Paragraph 1)</p> <p>Entry into force 1 year after ratification by 3/4ths of States Parties (Article 316, Paragraph 5)</p>	<p>Amendments adopted open for signature for 12 months (Article 315)</p> <p>Effect see above</p>
<p><i>Authentic Texts</i> (Article 320)</p>	<p>The Arabic, Chinese, English, French, Russian, and Spanish texts are equally authentic</p>	