

Article 82

Legal framework and implementation complexities

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Workshop on the Participation of Land-Locked Developing Countries in the Regime of the Area
and the Benefit-Sharing Mechanism under UNCLOS

Santa Cruz, Bolivia

14 October 2026

Part VI

CONTINENTAL SHELF

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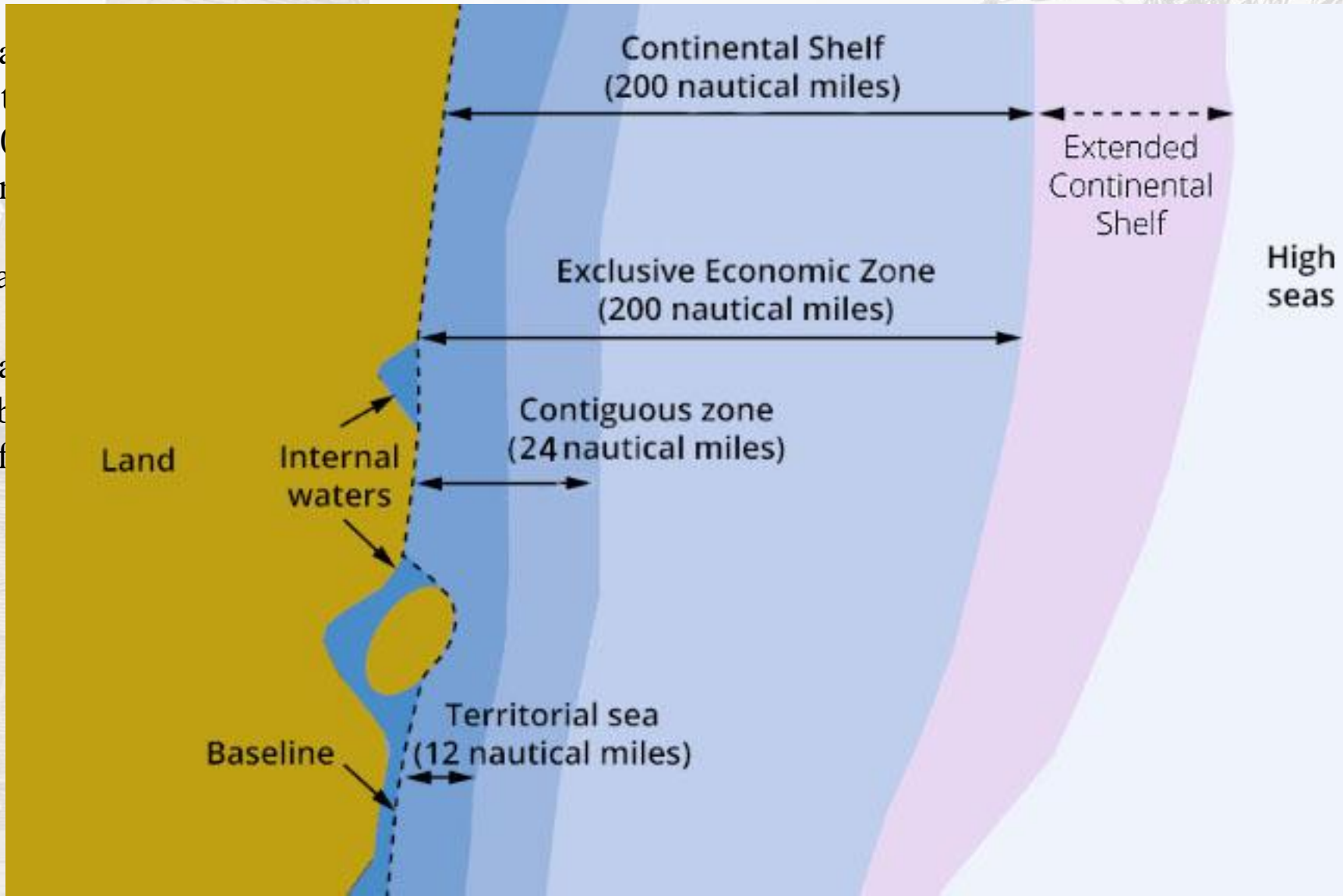
Article 83. Delimitation of the continental shelf between States with opposite or adjacent coasts

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Article 76 *Definition of the continental shelf*

1. The continental shelf of a coastal State extends to a distance of 200 nautical miles from its territorial sea or to the outer edge of the continental margin, whichever is greater.
2. The continental shelf of a coastal State extends to a distance of 200 nautical miles from its territorial sea or to the outer edge of the continental margin, whichever is greater.
3. The continental shelf of a coastal State extends to a distance of 200 nautical miles from its territorial sea or to the outer edge of the continental margin, whichever is greater.



4. The continental shelf of a coastal State extends to a distance of 200 nautical miles from its territorial sea or to the outer edge of the continental margin, whichever is greater.
5. The continental shelf of a coastal State extends to a distance of 200 nautical miles from its territorial sea or to the outer edge of the continental margin, whichever is greater.
6. The continental shelf of a coastal State extends to a distance of 200 nautical miles from its territorial sea or to the outer edge of the continental margin, whichever is greater.

Article 77

Rights of the coastal State over the continental shelf

1. The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.
2. The rights referred to in paragraph 1 are exclusive in the sense that if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities without the express consent of the coastal State.
3. The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation.
4. The natural resources referred to in this Part **consist of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.**

98 Submissions to the Commission on the Limits of the Continental Shelf

(click to sort)	Submission by [State] (click to sort)	Date of submission (click to sort)	Presentation to the CLCS*	Subcommission established	Recommendations adopted on [For summaries of the recommendations follow the link to the respective submission]	UNCLOS 76(9)
80.	Joint Submission of the Republic of Benin and the Togolese Republic	21/9/2018	See CLCS/108			
81.	Liberia	23/10/2018	See CLCS/108			
82.	Mauritius - concerning the Southern Chagos Archipelago region	26/3/2019	See CLCS/50/2			
83.	Indonesia - in the area of North of Papua (Eauripik Rise)	11/4/2019	See CLCS/52/2			
84.	Canada - in respect of the Arctic Ocean	23/5/2019				
85.	Malaysia - in the South China Sea	12/12/2019	See CLCS/55/2			
86.	Joint Submission by Costa Rica and Ecuador - in the Panama Basin	16/12/2020	See CLCS/54/2			
87.	Chile - in respect of the Eastern Continental Shelf of Easter Island Province	21/12/2020	See CLCS/55/2			
88.	Indonesia - in the area Southwest of Sumatera	28/12/2020	See CLCS/55/2			
89.	Chile - in respect of the Western Continental Shelf of the Chilean Antarctic Territory	28/2/2022	See CLCS/55/2			
90.	Ecuador - in the Southern Region of the Carnegie Ridge	1/3/2022	See CLCS/55/2			
91.	Mauritius - concerning the Northern Chagos Archipelago region	12/4/2022				
92.	Federated States of Micronesia - in respect of the Area North of Yap	22/4/2022	See CLCS/60/2			
93.	Indonesia - in respect of the Area of South of Java and South of Nusa Tenggara	11/8/2022	See CLCS/58/2			
94.	Philippines - in respect of the West Palawan Region	14/6/2024	See CLCS/67/2			
95.	Viet Nam - in respect of the Central Area (VNM-C)	17/7/2024	See CLCS/63/2			
96.	Fiji, Solomon Islands, Vanuatu concerning the North Fiji basin region	09/07/2025	See CLCS/66/2			
97.	Fiji and Solomon Islands concerning the Melanesian Borderlands Plateau region	09/07/2025	See CLCS/66/2			
98.	Chile in respect of the Juan Fernández Archipelago region	18/11/2025	See CLCS/67/2			

11 Revised to the Commission on the Limits of the Continental Shelf

(click to sort)	Submission by [State] (click to sort)	Date of submission (click to sort)	Presentation to the CLCS*	Subcommission established	Recommendations adopted on [For summaries of the recommendations follow the link to the respective submission page]	UNCLOS 76(9)
1.	Barbados - revised	25/7/2011	---	See CLCS/72	13/4/2012 See CLCS/74	
2.	Russian Federation - partial revised Submission in respect of the Okhotsk Sea	28/2/2013	See CLCS/80	See CLCS/80	11/3/2014 See CLCS/83	MZN121
3.	Brazil - partial revised Submission - in respect of the Brazilian Southern Region	10/4/2015	See CLCS/90	See CLCS/90	8/3/2019 See CLCS/108	
4.	Russian Federation - partial revised Submission in respect of the Arctic Ocean	3/8/2015	See CLCS/93	See CLCS/93	6/2/2023 See CLCS/57/2	
5.	Argentina - partial revised Submission	28/10/2016	See CLCS/98	See CLCS/98	17/3/2017 See CLCS/98	MZN156
6.	Brazil - partial revised Submission - in respect of the Brazilian Equatorial Margin	8/9/2017	See CLCS/103	See CLCS/108	27/2/2025 See CLCS/63/2	
7.	Brazil - partial revised Submission - in respect of the Brazilian Oriental and Meridional Margins	7/12/2018	See CLCS/63/2	See CLCS/62/1		
8.	Iceland - partial revised Submission in respect of the western, southern and south-eastern parts of the Reykjanes Ridge	31/3/2021	See CLCS/58/2	See CLCS/58/2	12/3/2025 See CLCS/63/2	
9.	The Cook Islands - revised submission concerning the Manihiki Plateau	3/12/2021	See CLCS/58/2	See CLCS/57/2	1/08/2025 See CLCS/64/2	
10.	Russian Federation - partial revised Submission in respect of the southeastern part of the Eurasia Basin in the Arctic Ocean	14/2/2023			8/8/2023 See CLCS/58/2	
11.	Russian Federation - partial revised Submission in the Area of the Gakkel Ridge in the Arctic Ocean	30/10/2023	See CLCS/61/2	See CLCS/63/2		

98 Submissions and 11 Revised Submissions by coastal States means that the provisions contained in Article 76 (8) have been implemented widely.



Meeting of States Parties

Distr.: General
13 April 2020

Original: English

Thirtieth Meeting

New York, 15–19 June 2020

Item 15 of the provisional agenda*

Other matters

Practice of the Secretary-General in respect of the deposit of charts and/or lists of geographical coordinates of points under the United Nations Convention on the Law of the Sea

Note by the Secretariat

Summary

The twenty-ninth Meeting of States Parties requested the Secretariat to prepare a note on the practice of the Secretary-General in respect of the deposit of charts and/or lists of geographical coordinates of points under the United Nations Convention for the Law of the Sea and pursuant to relevant General Assembly resolutions, for submission to the thirtieth Meeting of States Parties, in 2020 (see [SPLOS/29/9](#), paras. 122-124).

The present note has been prepared pursuant to that request. It contains a description of the legal framework for the exercise of these depositary functions by the Secretary-General, as established under the Convention, and an overview of the practice of coastal States and of the Secretary-General, including technical aspects. The note also contains a review of the practice of the Secretary-General in giving publicity to the deposited information. Lastly, it contains recommendations for the attention of States parties to the Convention in relation to certain aspects of the obligations of deposit and related depositary functions.

* SPLOS/30/L.1/Rev.1.



The Law of the Sea

Guidelines on deposit with the Secretary-General of charts and lists of geographical coordinates of points under the United Nations Convention on the Law of the Sea



United Nations
New York, 2021

Article 82

Payments and contributions with respect to the exploitation of the continental shelf beyond 200 nautical miles

1. The coastal State shall make payments or contributions in kind in respect of the exploitation of the non-living resources of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.
2. The payments and contributions shall be made annually with respect to all production at a site after the first five years of production at that site. For the sixth year, the rate of payment or contribution shall be 1 per cent of the value or volume of production at the site. The rate shall increase by 1 per cent for each subsequent year until the twelfth year and shall remain at 7 per cent thereafter. Production does not include resources used in connection with exploitation.
3. A developing State which is a net importer of a mineral resource produced from its continental shelf is exempt from making such payments or contributions in respect of that mineral resource.
4. The payments or contributions shall be made through the Authority, which shall distribute them to States Parties to this Convention, on the basis of equitable sharing criteria, taking into account the interests and needs of developing States, particularly the least developed and the land-locked among them.

First provision in a multilateral treaty with an international royalty on natural resource production within national jurisdiction

Interpretation and implementation of article 82, para. (1)

1. The coastal State shall make **payments or contributions** in kind in respect of the exploitation of the **non-living resources** of the **continental shelf beyond 200 nautical miles** from the baselines from which the breadth of the territorial sea is measured.

Payments or contributions:

Payments encouraged

Contributions resource/assistance

Non-living resources:

All solid, liquid or gaseous mineral resources (Art. 133)

Minerals. Oil and gas, & hydrates

Does **not include living resources:**

Living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

Genetic resources.

Beyond 200 nautical miles:

Not on the continental shelf up to 200 nautical miles. Art 84 Charts.

Trans-200 nautical miles fields / deposits?

Trans-outer edge of the continental shelf and the Area?

Unitization / joint development?

Interpretation and implementation of article 82, para. (2)

- The payments and contributions shall be made **annually** with respect to **all production** at a site after the first five years of production at that site. For the sixth year, the **rate of payment or contribution** shall be 1 per cent of the **value or volume** of production at the **site**. The rate shall increase by 1 per cent for each subsequent year until the twelfth year and shall remain at 7 per cent thereafter. Production does not include resources **used** in connection with exploitation.

Annually:

Financial / production year(s)

All production:

Definition(s) all / net and date(s)

Raw or processed minerals?

Rates of payment or contribution:

First to fifth Year:

Sixth Year:

Seventh Year:

Eighth Year:

...

Eleventh Year:

Twelfth Year

Threatened Year +

0%

1%

2%

3%

6%

7%

7%

Value or volume:

Oil at well head. Gas at point of distribution

Site:

Field, deposit, well site, license?

Used:

e.g. reinjected natural gas and flared natural gas.

Interpretation and implementation of article 82, para. (3)

3. A **developing State** which is a **net importer** of a mineral resource produced from its continental shelf is exempt from making such payments or contributions in respect of **that mineral resource**.

Developing State:

No single, agreed-upon legal definition.

UNDP relies heavily on the Human Development Index (HDI).

World Bank classifies economies by Gross National Income (GNI): low-, lower-middle, upper-middle, and high-income.

IMF designates "advanced economies" and "emerging market and developing economies".

Net importer:

Importer v. net importer

Buys and imports more of a specific mineral resource from other nations than it produces domestically or it exports.

That mineral resource:

Polymetallic resources?

Oil and gas?

Interpretation and implementation of article 82, para. (4)

4. The payments or contributions shall be made **through the Authority**, which shall distribute them to **States Parties** to this Convention, on the basis of **equitable sharing criteria**, taking into account the interests and needs of developing States, particularly the least developed and the land-locked among them.

ISA:

It cannot perform its distributive tasks unless extended continental shelf States perform their respective responsibilities.

It could conceivably be engaged in dialogue with the coastal State over resource production and management of non-living resources trans-200 nautical miles.

It can take steps to commence implementation of its own responsibilities. It does not have power to regulate the obligations by coastal States.

Equitable sharing criteria

ISA It is empowered by Article 162(2)(o)(i), to adopt ... *rules, regulations and procedures on the equitable sharing of ... the payments and contributions made pursuant to article 82,*

172 State Parties to UNCLOS as of 24-04-2026

31 / 44 LLC Parties, 6 / 44 signed, 7 / 44 did not sign or accede

Afghanistan	Central African Republic	Luxembourg	Serbia
Andorra	Chad	Malawi	Slovakia
Armenia	Czech Republic	Mali	South Sudan
Austria	Eswatini	Moldova	Switzerland
Azerbaijan	Ethiopia	Mongolia	Tajikistan
Belarus	Hungary	Nepal	Turkmenistan
Bhutan	Kazakhstan	Niger	Uganda
Bolivia	Kyrgyzstan	North Macedonia	Uzbekistan
Botswana	Lao PDR	Paraguay	Vatican City
Burkina Faso	Lesotho	Rwanda	Zambia
Burundi	Liechtenstein	San Marino	Zimbabwe

Article 140

Benefits of mankind

1. Activities in the Area shall, as specifically provided for in this Part, be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, whether coastal or land-locked, and taking into particular consideration the interests and needs of developing States and of peoples who have not attained full independence or other self-governing status recognized by the United Nations in accordance with General Assembly resolution 1514 (XV) and other relevant General Assembly resolutions.
2. The Authority shall provide for the equitable sharing of financial and other economic benefits derived from activities in the Area through any appropriate mechanism, on a non-discriminatory basis, in accordance with article 160, paragraph 2(f)(i).

The **ISA Finance Committee** has considered questions relating to Article 140 and Article 82 (4) of UNCLOS in parallel, and decided to keep the matter of Article 82 (4) on its agenda, with a view to compiling a clear recommendation in due course.

(ISBA/28/A/4-ISBA/28/C/13) available at <https://www.isa.org.jm/wp-content/uploads/2023/07/2313300E.pdf>.

The absence of practical mechanisms under an agreed legal regime for the operationalisation of Article 82 (4) and Article 140 of UNCLOS means that they are still pending implementation.

Recommended ISA literature

Issues associated with the Implementation of Article 82 of the United Nations Convention on the Law of the Sea, ISA Technical Study no. 4, (International Seabed Authority, 2009), available at <https://isa.org.jm/wp-content/uploads/2022/06/tstudy4.pdf>.

Non-Living Resources of the Continental Shelf beyond 200 Nautical Miles: Speculations on the Implementation of Article 82 of the United Nations Convention on the Law of the Sea, ISA Technical Study no. 5, (International Seabed Authority, 2010), available at <https://isa.org.jm/wp-content/uploads/2022/06/techstudy5.pdf>.

Implementation of Article 82 of the United Nations Convention on the Law of the Sea, Report of an International Workshop convened by the International Seabed Authority in collaboration with the China Institute for Marine Affairs in Beijing, the People's Republic of China, 26–30 November 2012, ISA Technical Study no.12, (Kingston, Jamaica: International Seabed Authority, 2012), available at <https://isa.org.jm/wp-content/uploads/2013/03/ts12-web.pdf>.

A Study of Key Terms in Article 82 of the United Nations Convention on the Law of the Sea, ISA Technical Study No. 15, authored by W Spicer/E McIsaac, (Kingston, Jamaica: International Seabed Authority, 2016). available at https://isa.org.jm/wp-content/uploads/2022/06/ts15-web_0.pdf.