Law of the Sea

Law of the Sea, branch of international law concerned with public order at sea. Much of this law is codified in the United Nations Convention on the Law of the Sea, signed Dec. 10, 1982. The convention, described as a "constitution for the oceans," represents an attempt to codify international law regarding territorial waters, sea-lanes, and ocean resources. It came into force in 1994 after it had been ratified by the requisite 60 countries; by the early 21st century the convention had been ratified by more than 150 countries.

According to the 1982 convention, each country's sovereign territorial waters extend to a maximum of 12 nautical miles (22 km) beyond its coast, but foreign vessels are granted the right of innocent passage through this zone. Passage is innocent as long as a ship refrains from engaging in certain prohibited activities, including weapons testing, spying, smuggling, serious pollution, fishing, or scientific research. Where territorial waters comprise straits used for international navigation (e.g., the straits of Gibraltar, Mandeb, Hormuz, and Malacca), the navigational rights of foreign shipping are strengthened by the replacement of the regime of innocent passage by one of transit passage, which places fewer restrictions on foreign ships. A similar regime exists in major sea-lanes through the waters of archipelagos (e.g., Indonesia).

Beyond its territorial waters, every coastal country may establish an exclusive economic zone (EEZ) extending 200 nautical miles (370 km) from shore. Within the EEZ the coastal state has the right to exploit and regulate fisheries, construct artificial islands and installations, use the zone for other economic purposes (e.g., the generation of energy from waves), and regulate scientific research by foreign vessels. Otherwise, foreign vessels (and aircraft) are entitled to move freely through (and over) the zone.

With regard to the seabed beyond territorial waters, every coastal country has exclusive rights to the oil, gas, and other resources in the seabed up to 200 nautical miles from shore or to the outer edge of the continental margin, whichever is the further, subject to an overall limit of 350 nautical miles (650 km) from the coast or 100 nautical miles (185 km) beyond the 2,500-metre isobath (a line connnecting equal points of water depth). Legally, this area is known as the continental shelf, though it differs considerably from the geological definition of the continental shelf. Where the territorial waters, EEZs, or continental shelves of neighbouring countries overlap, a boundary line must be drawn by agreement to achieve an equitable solution. Many such boundaries have been agreed upon, but in some cases when the countries have been unable to reach agreement the boundary has been determined by the International Court of Justice (ICJ; e.g., the boundary between Bahrain and Qatar) or by an arbitration tribunal (e.g., the boundary between France and the United Kingdom). The most common form of boundary is an equidistance line (sometimes modified to take account of special circumstances) between the coasts concerned.

The high seas lie beyond the zones described above. The waters and airspace of this area are open to use by all countries, except for those activities prohibited by international law (e.g., the testing of nuclear weapons). The bed of the high seas is known as the International Seabed

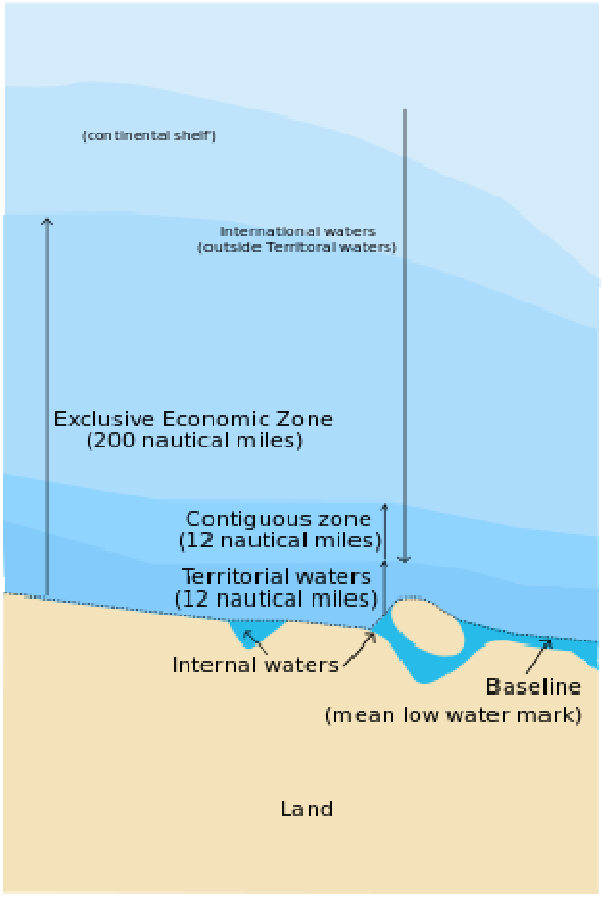
Area (also known as “the Area”), for which the 1982 convention established a separate and detailed legal regime. In its original form this regime was unacceptable to developed countries, principally because of the degree of regulation involved, and was subsequently modified extensively by a supplementary treaty (1994) to meet their concerns. Under the modified regime the minerals on the ocean floor beneath the high seas are deemed “the common heritage of mankind,” and their exploitation is administered by the International Seabed Authority (ISA). Any commercial exploration or mining of the seabed is carried out by private or state concerns regulated and licensed by the ISA, though thus far only exploration has been carried out. If or when commercial mining begins, a global mining enterprise would be established and afforded sites equal in size or value to those mined by private or state companies. Fees and royalties from private and state mining concerns and any profits made by the global enterprise would be distributed to developing countries. Private mining companies are encouraged to sell their technology and technical expertise to the global enterprise and to developing countries.

Countries first attempt to settle any disputes stemming from the 1982 convention and its provisions through negotiations or other agreed-upon means of their choice (e.g., arbitration). If such efforts prove unsuccessful, a country may, subject to some exceptions, refer the dispute for compulsory settlement by the UN International Tribunal for the Law of the Sea (located in Hamburg, Ger.), by arbitration, or by the ICJ. Resort to these compulsory procedures has been quite limited.

http://en.wikipedia.org/wiki/United_Nations_Convention_on_the_Law_of_the_Sea

The **United Nations Convention on the Law of the Sea** (**UNCLOS**), also called the **Law of the Sea Convention** or the **Law of the Sea treaty**, is the international agreement that resulted from the third United Nations Conference on the Law of the Sea (UNCLOS III), which took place between 1973 and 1982. The Law of the Sea Convention defines the rights and responsibilities of nations with respect to their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources. The Convention, concluded in 1982, replaced four 1958 treaties. UNCLOS came into force in 1994, a year after Guyana became the 60th nation to sign the treaty.[1] As of August 2013, 165 countries and the European Union have joined in the Convention. However, it is uncertain as to what extent the Convention codifies customary international law.

UNCLOS III



Sea areas in international rights

The issue of varying claims of territorial waters was raised in the UN in 1967 by Arvid Pardo, of Malta, and in 1973 the *Third United Nations Conference on the Law of the Sea* was convened in New York. In an attempt to reduce the possibility of groups of nation-states dominating the negotiations, the conference used a consensus process rather than majority vote. With more than 160 nations participating, the conference lasted until 1982. The resulting convention came into force on 16 November 1994, one year after the sixtieth state, Guyana, ratified the treaty.

The convention introduced a number of provisions. The most significant issues covered were setting limits, navigation, archipelagic status and transit regimes, exclusive economic zones

(EEZs), continental shelf jurisdiction, deep seabed mining, the exploitation regime, protection of the marine environment, scientific research, and settlement of disputes.

The convention set the limit of various areas, measured from a carefully defined baseline. (Normally, a sea baseline follows the low-water line, but when the coastline is deeply indented, has fringing islands or is highly unstable, straight baselines may be used.) The areas are as follows:

Internal waters
: Covers all water and waterways on the landward side of the baseline. The coastal state is free to set laws, regulate use, and use any resource. Foreign vessels have no right of passage within internal waters.

Territorial waters
: Out to 12 nautical miles (22 kilometres; 14 miles) from the baseline, the coastal state is free to set laws, regulate use, and use any resource. Vessels were given the right of innocent passage through any territorial waters, with strategic straits allowing the passage of military craft as transit passage, in that naval vessels are allowed to maintain postures that would be illegal in territorial waters. "Innocent passage" is defined by the convention as passing through waters in an expeditious and continuous manner, which is not "prejudicial to the peace, good order or the security" of the coastal state. Fishing, polluting, weapons practice, and spying are not "innocent", and submarines and other underwater vehicles are required to navigate on the surface and to show their flag. Nations can also temporarily suspend innocent passage in specific areas of their territorial seas, if doing so is essential for the protection of its security.

Archipelagic waters
: The convention set the definition of Archipelagic States in Part IV, which also defines how the state can draw its territorial borders. A baseline is drawn between the outermost points of the outermost islands, subject to these points being sufficiently close to one another. All waters inside this baseline are designated *Archipelagic Waters*. The state has full sovereignty over these waters (like internal waters), but foreign vessels have right of innocent passage through archipelagic waters (like territorial waters).

Contiguous zone
: Beyond the 12-nautical-mile (22 km) limit, there is a further 12 nautical miles (22 km) from the territorial sea baseline limit, the contiguous zone, in which a state can continue to enforce laws in four specific areas: customs, taxation, immigration and pollution, if the infringement started within the state's territory or territorial waters, or if this infringement is about to occur within the state's territory or territorial waters.[6] This makes the contiguous zone a hot pursuit area.

Exclusive economic zones (EEZs)
: These extend from the edge of the territorial sea out to 200 nautical miles (370 kilometres; 230 miles) from the baseline. Within this area, the coastal nation has sole exploitation rights over all natural resources. In casual use, the term may include the territorial sea and even the continental shelf. The EEZs were introduced to halt the increasingly heated clashes over fishing rights, although oil was also becoming important. The success of an offshore oil platform in the Gulf of Mexico in 1947 was soon repeated elsewhere in the world, and by 1970 it was technically feasible to operate in waters 4000 metres deep. Foreign nations have the freedom of navigation and overflight, subject to the regulation of the coastal states. Foreign states may also lay submarine pipes and cables.

Continental shelf

> The continental shelf is defined as the natural prolongation of the land territory to the continental margin's outer edge, or 200 nautical miles (370 km) from the coastal state's baseline, whichever is greater. A state's continental shelf may exceed 200 nautical miles (370 km) until the natural prolongation ends. However, it may never exceed 350 nautical miles (650 kilometres; 400 miles) from the baseline; or it may never exceed 100 nautical miles (190 kilometres; 120 miles) beyond the 2,500 meter isobath (the line connecting the depth of 2,500 meters). Coastal states have the right to harvest mineral and non-living material in the subsoil of its continental shelf, to the exclusion of others. Coastal states also have exclusive control over living resources "attached" to the continental shelf, but not to creatures living in the water column beyond the exclusive economic zone.

Aside from its provisions defining ocean boundaries, the convention establishes general obligations for safeguarding the marine environment and protecting freedom of scientific research on the high seas, and also creates an innovative legal regime for controlling mineral resource exploitation in deep seabed areas beyond national jurisdiction, through an International Seabed Authority and the Common heritage of mankind principle.[7]

Landlocked states are given a right of access to and from the sea, without taxation of traffic through transit states.[8]