

SUBJECT: INTEGRATED COASTAL ZONE MANAGEMENT

LAW OF THE SEA

Prepared By

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LAW OF THE SEA

Distant water: Refers to the nation that fishes in either another nation's EEZ or the high seas.

UNCLOS: *The United Nation Convention on the Law Of the Sea, 1982.*

UNCLOS gave the power to the coastal nation to manage the fisheries resources within its EEZ.

EEZ: Exclusive Economic Zone. The sea area of approximately 200 nautical miles from the coastal nation's shores. The coastal nation has the rights to regulate the exploitation of marine resources within its EEZ.

High seas: Water outside the EEZ ie. International water.

INTERNAL WATER

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.

It includes waterways such as rivers and canals, and sometimes the water within small bays.

Lakes and rivers are considered internal waters

International waters

Exclusive Economic Zone
(200 nautical miles)

200
nautical
miles

Contiguous zone
(12 nautical miles)

Territorial waters
(12 nautical miles)

Internal waters

Baseline
(mean low water mark)

TERRITORIAL WATER

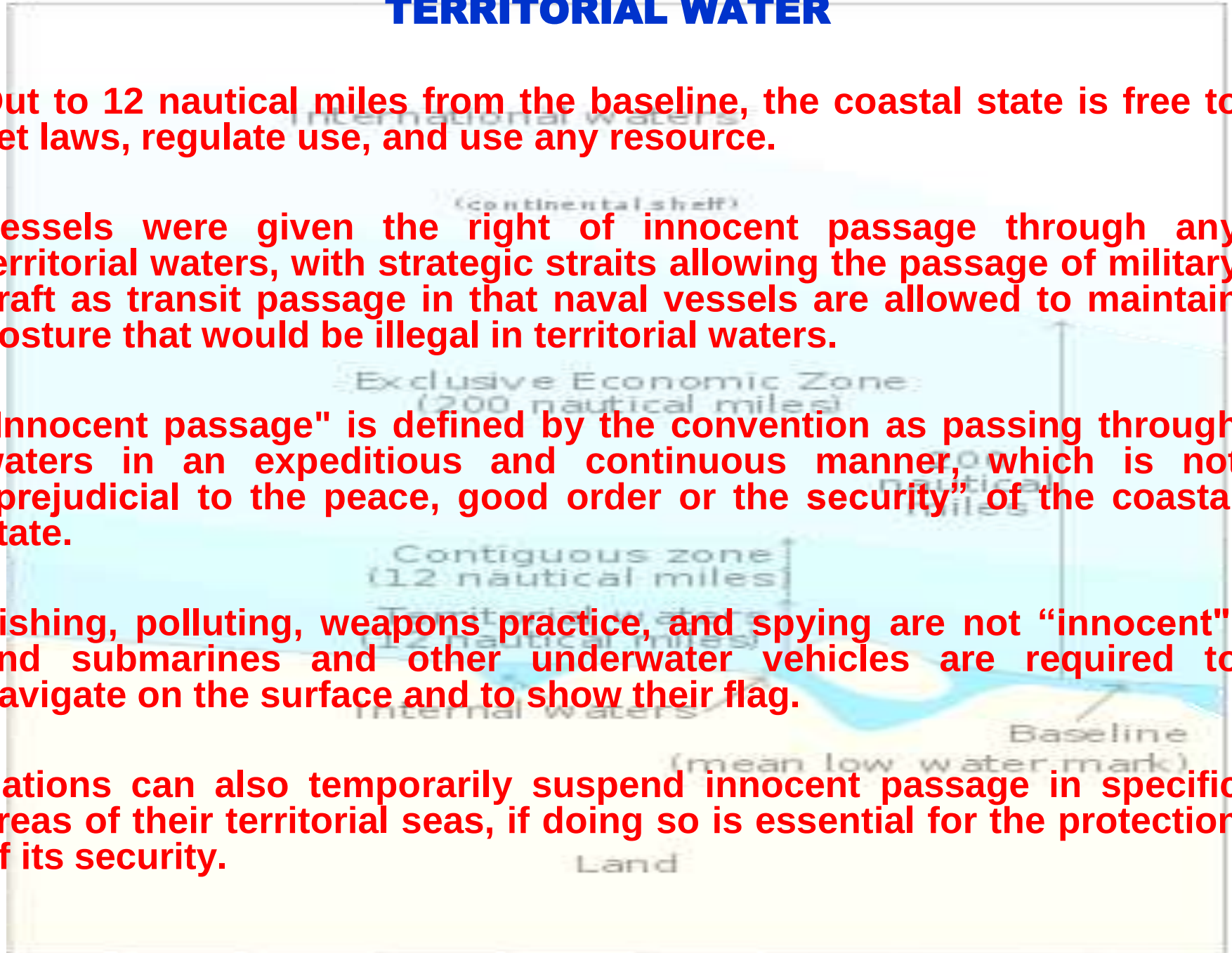
Out to 12 nautical miles from the baseline, the coastal state is free to set laws, regulate use, and use any resource.

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 posture 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.



- Territorial waters, or a territorial sea, as defined by the 1982 United Nations Convention on the Law of the Sea , is a belt of coastal waters extending at most twelve nautical miles from the baseline (usually the mean low-water mark) of a coastal state.
- The territorial sea is regarded as the sovereign territory of the state, although foreign ships (both military and civilian) are allowed innocent passage through it; this sovereignty also extends to the airspace over and seabed below.
- The term "territorial waters" is also sometimes used informally to describe any area of water over which a state has jurisdiction, including internal waters, the contiguous zone, the EEZ and potentially the continental shelf.
- A state's territorial sea extends up to 12 nautical miles (22 km) from its baseline. If this would overlap with another state's territorial sea, the border is taken as the median point between the states' baselines, unless the states in question agree otherwise.
- A state can also choose to claim a smaller territorial sea.
- Conflicts still occur whenever a coastal nation claims an entire gulf as its territorial waters while other nations only recognize the more restrictive definitions of the UN convention.
- Two recent conflicts occurred in the Gulf of Sidra where Libya has claimed the entire gulf as its territorial waters and the U.S. has twice enforced freedom of navigation rights, in the 1981 and 1989 Gulf of Sidra incidents

BASE LINE (SEA)

A **baseline** is the line from which the seaward limits of a State's territorial sea and certain other maritime zones of jurisdiction are measured.

Normally, a sea baseline follows the low-water line (lowest astronomical tide) of a coastal State.

When the coastline is deeply indented, has fringing islands or is highly unstable, *straight* baselines may be used.

INNOCENT PASSAGE

The right of all ships to engage in continuous and expeditious surface passage through the territorial sea and archipelagic waters of foreign coastal states in a manner not prejudicial to its peace, good order, or security.

Passage includes stopping and anchoring, but only if incidental to ordinary navigation or necessary by distress, or for the purpose of rendering assistance to persons, ships, or aircraft in danger or distress.

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 limit there was a further 12 nautical miles or 24 nautical miles from the territorial sea **baselines limit, the contiguous zone, in which a state could continue to enforce laws in four specific areas:. **pollution, taxation, customs and immigration****

EXCLUSIVE ECONOMIC ZONES (EEZs)

Extends from the edge of the territorial sea out to 200 nautical 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.

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.

Under the law of the sea, an Exclusive Economic Zone (EEZ) is a sea zone over which a state has special rights over the exploration and use of marine resources

It stretches from the seaward edge of the state's territorial sea out to 200 nautical miles from its coast.

In casual use, the term may include the territorial sea and even the continental shelf beyond the 200 mile limit.

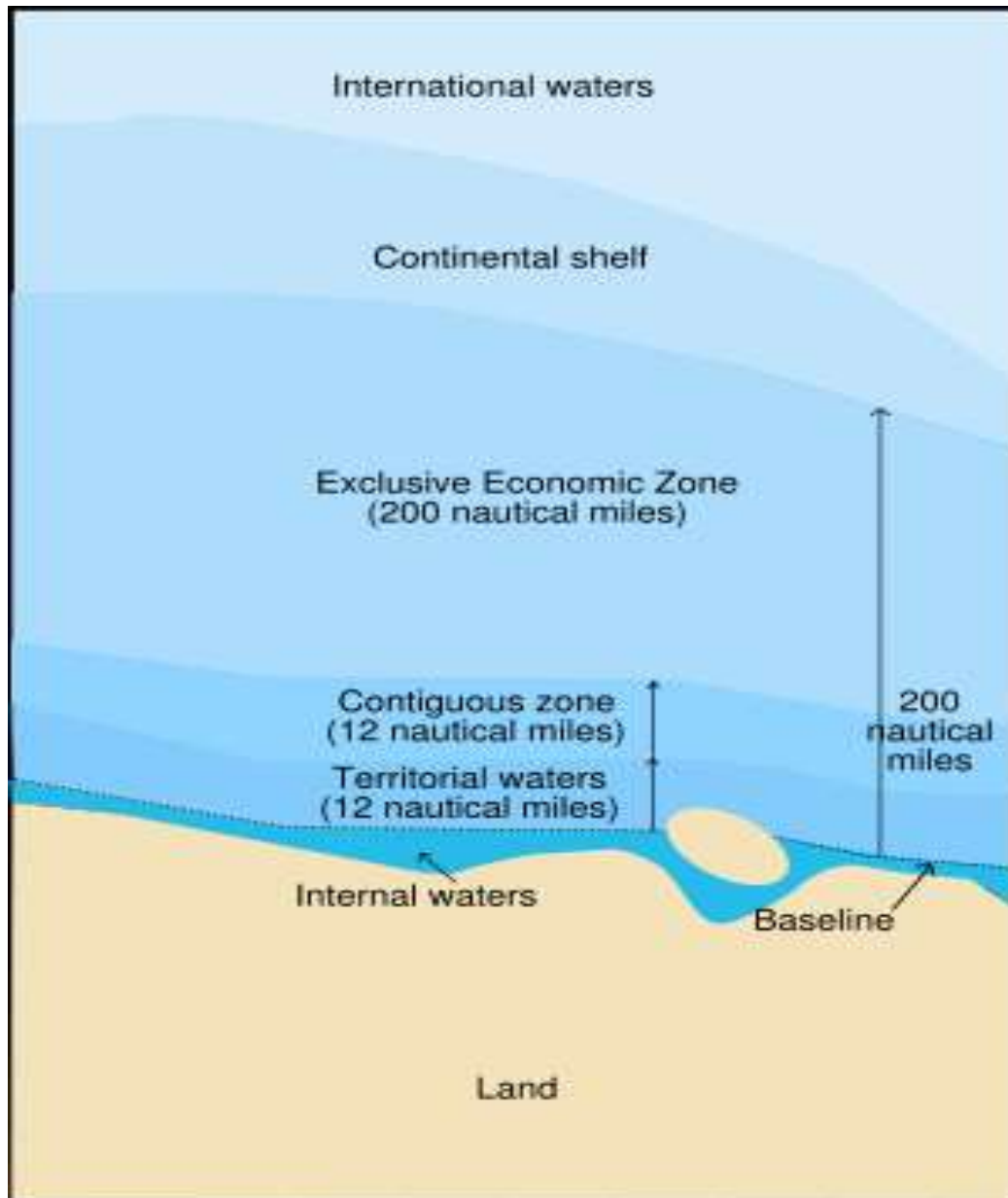
Generally a state's EEZ extends to a distance of 200 nautical mile (370 km) out from its coastal baseline.

The exception to this rule occurs when EEZs would overlap; that is, state coastal baselines are less than 400 nautical miles (740 km) apart.

When an overlap occurs, it is up to the states to delineate the actual boundary. Generally, any point within an overlapping area defaults to the most proximate state.

A state's Exclusive Economic Zone starts at the seaward edge of its territorial sea and extends outward to a distance 200 nautical miles (370 km) from the baseline.

Thus, the EEZ includes the contiguous zone. States also have rights to the seabed of the continental shelf up to 350 nautical miles (650 km) from the coastal baseline, where this extends beyond the EEZ, but this does not form part of their EEZ.



The EEZ is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention

TRANSIT PASSAGE

Transit passage is a concept in law of the sea which allows for a vessel and aircraft the exercise in accordance with United Nations Convention on the Law of the Sea (Part III) of the freedom of navigation and overflight solely for the purpose of continuous and expeditious transit of the strait between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone.

However, the requirement of continuous and expeditious transit does not preclude passage through the strait for the purpose of entering, leaving or returning from a state bordering the strait, subject to the conditions of entry to that state.

Transit passage exists throughout the entire strait and not just the area overlapped by the territorial sea of the coastal nations.

The ships and aircraft of all nations, including warships, auxiliaries, and military aircraft, enjoy the right of unimpeded transit passage such straits and their approaches.

The submarines are free to transit international straits submerged, since that is their normal mode of operation. The legal regime of transit passage exists in the most important straits for the international trade exchange and security

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 from the coastal state's baseline, whichever is greater.

State's continental shelf may exceed 200 nautical miles until the natural prolongation ends.

However, it may never exceed 350 nautical miles from the baseline; or it may never exceed 100 nautical 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.

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

INTERNATIONAL WATERS

The terms **international waters** or **trans-boundary waters** apply where any of the following types of bodies of water or their drainage basins transcend international boundaries: oceans, large marine ecosystems, enclosed or semi-enclosed regional seas and estuaries, rivers, lakes, groundwater systems (aquifers), and wetlands.

Oceans, seas, and waters outside of national jurisdiction are also referred to as the **high seas** or, in Latin, ***mare liberum***.

Ships sailing the high seas are generally under the jurisdiction of the flag state however, when a ship is involved in certain criminal acts, such as piracy, any nation can exercise jurisdiction under the doctrine of hostis humani generis.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS)

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 from 1973 through 1982.

The Law of the Sea Convention defines the rights and responsibilities of nations in their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources.

UNCLOS came into force in 1994, a year after Guyana became the 60th state to sign the treaty.

To date, 158 countries and the European Community have joined in the Convention.

A role played by organizations such as the International Maritime Organization, the International Whaling Commission, and the International Seabed Authority (the latter being established by the UN Convention).

The UNCLOS replaces the older and weaker 'freedom of the seas' concept, dating from the 17th century: national rights were limited to a specified belt of water extending from a nation's coastlines, usually three nautical miles.

All waters beyond national boundaries were considered international waters — free to all nations, but belonging to none of them

In the early 20th century, some nations expressed their desire to extend national claims: to include mineral resources, to protect fish stocks, and to provide the means to enforce pollution controls.

UNCLOS I

- In 1956, the United Nations held its first Conference on the Law of the Sea (UNCLOS I) at Geneva, Switzerland. UNCLOS I resulted in four treaties concluded in 1958
- Convention on the Territorial Sea and Contiguous Zone, entry into force: 10 September 1964
- Convention on the Continental Shelf, entry into force: 10 June 1964
- Convention on the High Seas, entry into force: 30 September 1962
- Convention on Fishing and Conservation of Living Resources of the High Seas, entry into force: 20 March 1966
- Although UNCLOS I was considered a success, it left open the important issue of breadth of territorial waters

UNCLOS II

In 1960, the United Nations held the second Conference on the Law of the Sea (“UNCLOS II”); however, the six-week Geneva conference did not result in any new agreements.

Generally speaking, developing nations and third world countries participated only as clients, allies, or dependents of United States or the Soviet Union, with no significant voice of their own.

THANK YOU