

International law: law of the sea.

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Law of the Sea is usually considered as a body of rules and principles regulating the relations of international entities engaged in internationally lawful uses of the World Ocean.

The main document regulating this area of international law is the UN Convention on the Law of the Sea, 1982 (UNLOS Convention) which is considered to be one of the most comprehensive instruments of modern international law. More than 165 states are parties to the Convention, but a handful of states, recognize and adhere to the Convention and its provisions. The Convention covers all aspects of ocean space and its uses — coastal zones, navigation and overflight, resource exploration, exploitation and conservation, marine pollution, fishing and shipping. It provides the framework for all aspects of ocean sovereignty, jurisdiction, use, as well as rights and obligations of states. The starting point from which a coastal state's coastal zones are measured is called “baseline”. It is the low-water line along the coast. Coastal zones of a coastal state include the territorial sea, the contiguous zone, the continental shelf, the exclusive economic zone. The waters of lakes, rivers and bays landwards of the baseline of the territorial sea are called internal waters.

1. The territorial sea is a belt of sea adjacent to the baseline which is 12 nautical miles (n.m.) wide. For many years under the so called “cannon-shot” rule, a three mile territorial sea was recognized as customary international law. The UNLOS Convention prescribes that every state has the right to establish the breadth of its territorial sea up to 12 nautical miles as measured from the baseline.

The outer boundary of the territorial sea is the state boundary of a coastal state. Full Sovereignty of a coastal state extends to its internal waters, territorial sea and airspace over the territorial sea as well as to its seabed and subsoil.

However, ships of all states, whether coastal or landlocked, enjoy the right of innocent passage through the territorial sea of a coastal state. Innocent passage means continuous and expeditious navigation through the territorial sea of the coastal state so long as it is not prejudicial to the peace, good order or security of the coastal state. Under certain circumstances passage may include stopping or anchoring if it is necessary due to force majeure or distress, or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

The coastal state has the unilateral right to verify the innocent character of passage, and it may temporarily suspend this right to prevent passage which it determines to be not innocent. Passage of a foreign ship shall be considered prejudicial if in the territorial sea it engages in any of the following activities: any threat or use of force against the sovereignty, territorial integrity or political independence of the coastal state; any exercise or practice with weapons of any kind; any acts of propaganda or collecting information aimed at affecting the defence or security of the coastal state; any act of willful or serious pollution; any fishing activities or research and survey; any other activity not connected with the passage.

2. Contiguous zone is a 12 n.m. wide (as measured from the width of the territorial sea) zone adjacent (contiguous) to the territorial sea in which the coastal state exercises control necessary to prevent and punish infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or the territorial sea.

The zone is not part of the coastal state's territory and the coastal state has only limited jurisdiction over it.

3. The exclusive economic zone (EEZ) is an area beyond and adjacent to the territorial sea which may not extend beyond 200 n.m. from the baseline.

This is an area subject to a specific legal regime provided for by the UNLOS Convention for different states.

1) For coastal states the Convention:

a) establishes sovereign rights (but no sovereignty) to explore, exploit, conserve and manage the natural

resources: allows to exercise limited jurisdiction to establish and use artificial islands, installations and

structures; carry out marine scientific research; protect and preserve the marine environment.

2) Land-locked and geographically disadvantaged states have the right to participate, on an equitable basis and with the consent of the coastal state, in the exploitation of an appropriate part of the surplus of the living resources. 3) All states within an EEZ enjoy the freedoms of navigation and overflight, of laying submarine cables and pipelines and other internationally lawful uses of the sea related to these freedoms.

4. The continental shelf of a coastal state comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory. The coastal state may claim a continental shelf of 200 n. m. from the baseline even if the continental margin does not extend as far as this limit. If the continental margin extends beyond 200 n.m., the outer limit of the shelf may not exceed 350 n.m. from the baseline, or 100 n.m. from the point at which the depth reaches 2500 meters.

5. The high seas extend beyond the outer boundary of the exclusive economic zone. Under the UNLOS Convention the high seas shall be reserved for peaceful purposes, and no state may exercise its jurisdiction over any part of the high seas.

The zone is open to all states, whether coastal or land-locked, which exercise the freedoms of the high seas such as of freedom of navigation and overflight, freedom to lay cables and pipelines, construct artificial islands and other installations; freedom of fishing and scientific research. Land-locked states have the rights of access to and from the sea for the purpose of exercising the rights relating to the freedoms of the high seas and the common heritage of mankind.

6. The "Area" is the seabed/ocean floor and its subsoil, beyond the limits of national jurisdiction, and is the common heritage of mankind (res communis). No state can claim or exercise sovereignty or sovereign rights over any part of the Area or its resources. All rights in the resources of the Area are vested in mankind as a whole.

Источники и литература

1) law“ fifth edition; edited by Malcolm D.Evans;

2) and materials on International law“ eighth edition; edited by David Harris and Sandesh Slvakumaran