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LECTURE 2

LEGAL ASPECTS OF MARINE POLLUTION CONTROL

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United Nations Convention on Law of the Sea - UNCLOS (1982)

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The United Nations Convention on the Law of the Sea (UNCLOS) is an international agreement. It was officially formulated at the third United Nations Conference on the Law of the Sea, which took place between 1973 and 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. The Convention, concluded in 1982, replaced four 1958 treaties.

Signed

10/12/1982



Entered into force

16/11/1994



UNCLOS

167

OCEAN



Internal waters

Exclusive
Economic Zone

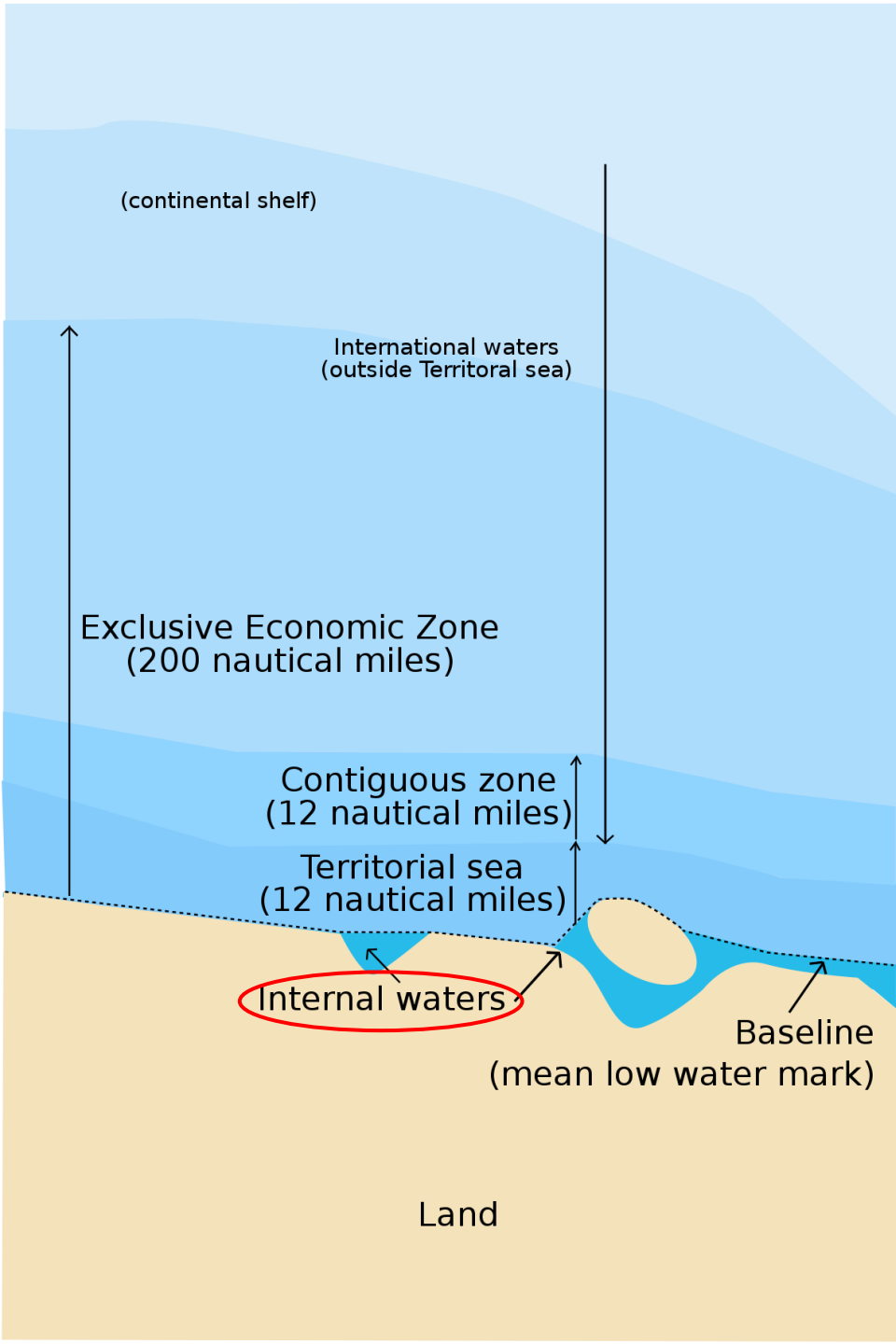
Territorial sea

Continental Shelf

Contiguous Zone

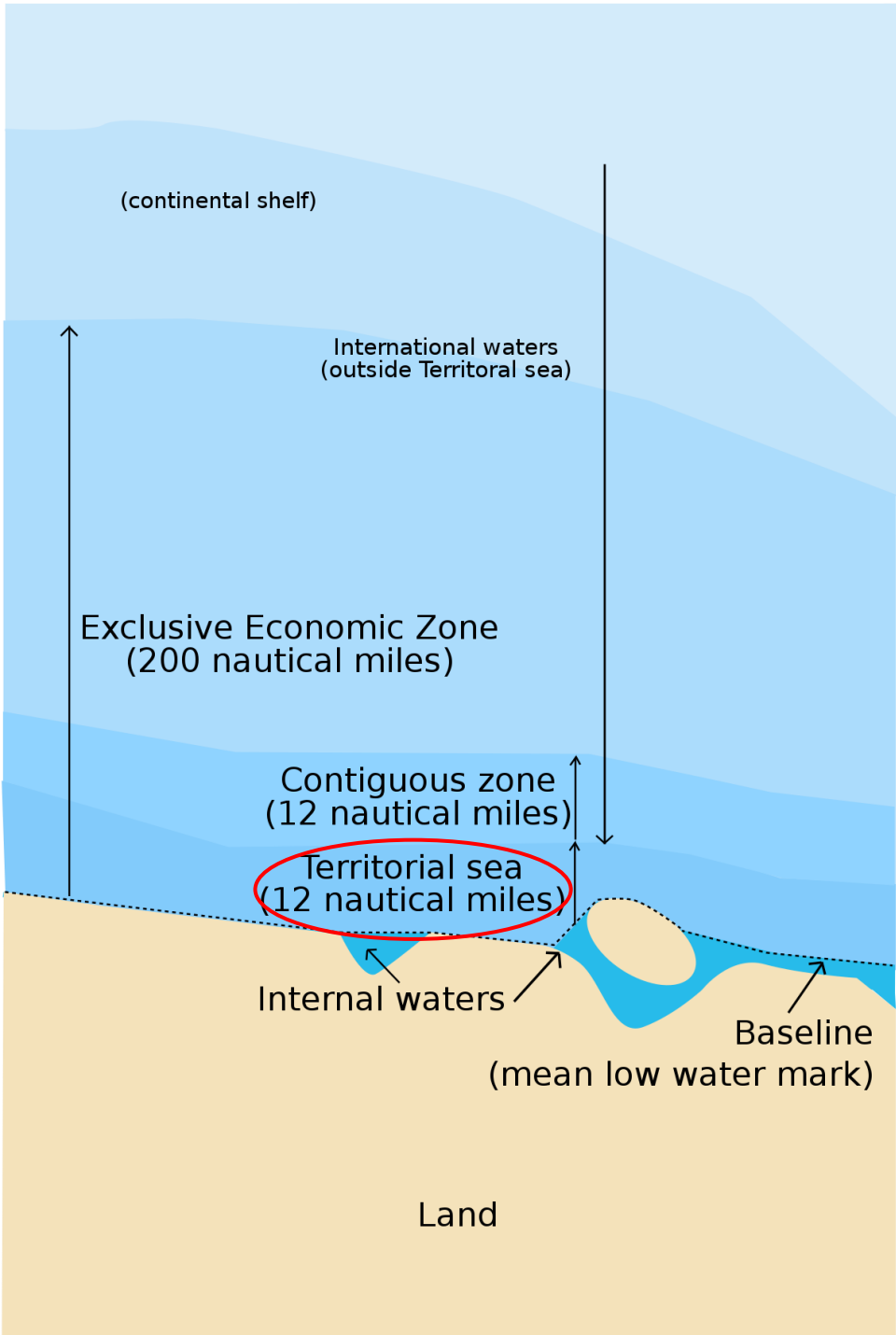
High Seas & Deep
Ocean Floor

Internal waters



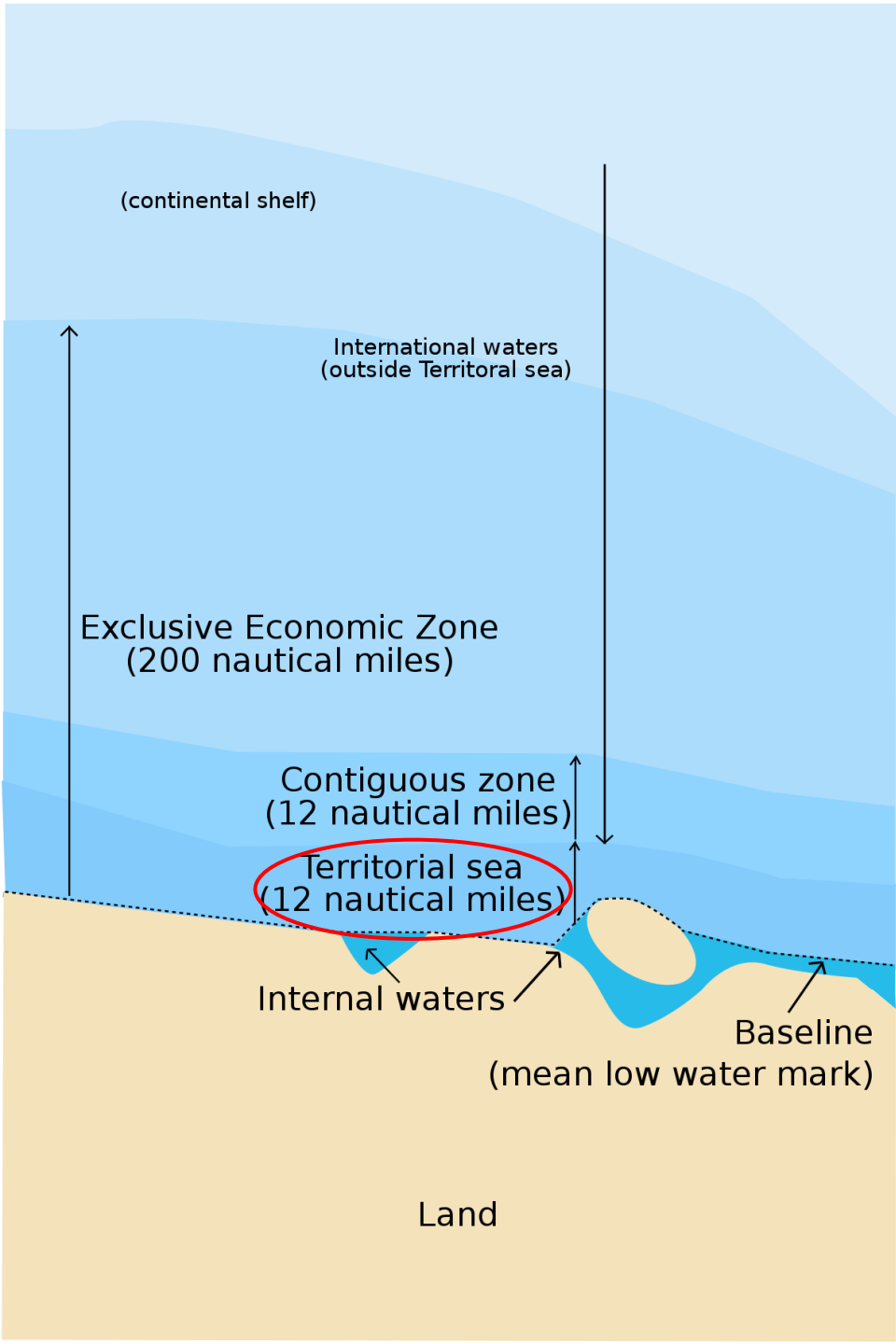
- An area located within the baseline and adjacent to the coast.
- The coastal states are free to make laws, regulate the use and use of any resources in the internal waters.
- Foreign ships do not have the right to navigate in the internal waters
- With respect to ships entering internal waters or entering a port facility outside such internal waters, the coastal State also has the right to take such measures as may be necessary to prevent any violation of the conditions This vessel must comply in order to be allowed to enter the said internal waters or port facility.

Territorial Sea



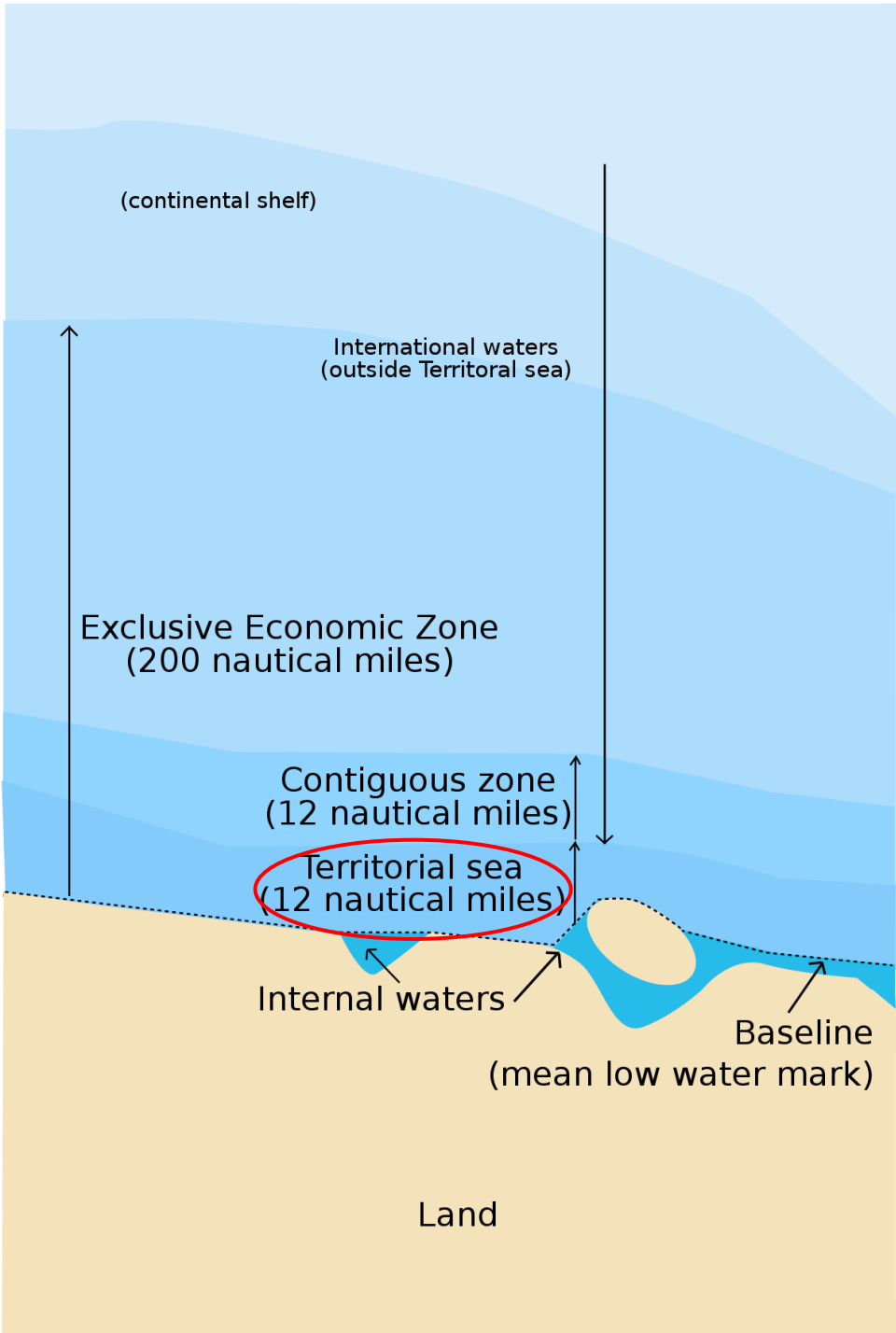
- Every State has the right to determine the breadth of its territorial sea; this breadth shall not exceed 12 nautical miles from the baselines drawn in accordance with the Convention.
- The outer limit of the territorial sea is a line on which each point is separated by a distance equal to the breadth of the territorial sea from the nearest point of the baselines.
- Subject to compliance with the Convention, ships of all nations, whether sea or land, enjoy the right of innocent passage through the territorial sea.
- Vessels used regularly for loading and unloading and as anchorage areas, which normally lie wholly or partly outside the outer boundary of the territorial sea, are also considered to be part of the territorial sea.

Territorial waters



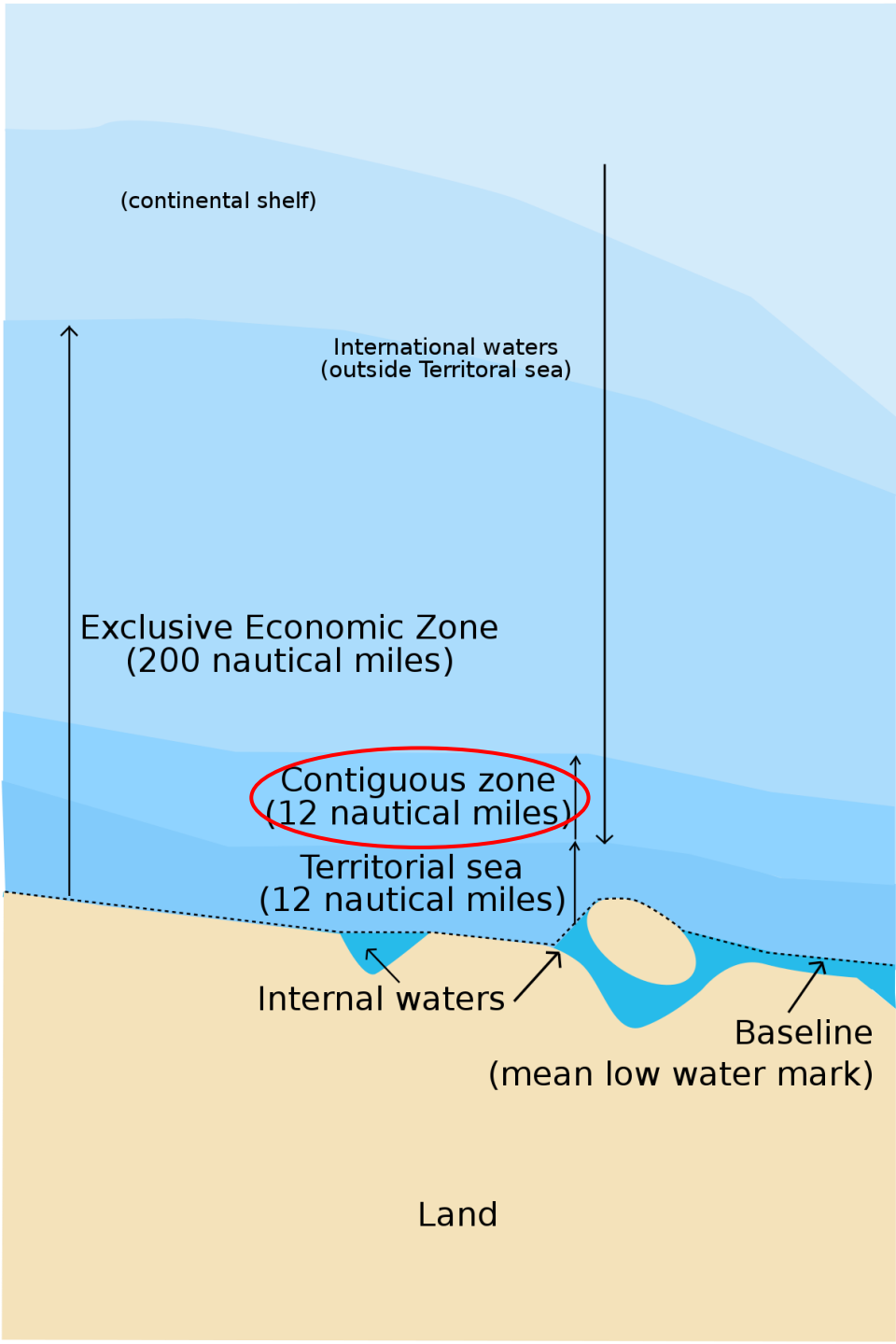
- When two states have adjacent or opposite coasts, neither State is entitled to extend its territorial sea beyond the median line, all points on which are equidistant from the nearest points of the baselines from which the direction is measured. the territorial sea of each State, unless otherwise agreed. However, this provision does not apply in cases where, due to historical titles or other special circumstances, it is necessary to delineate the territorial sea boundary of the two States differently.
- The coastal State, when it is necessary to ensure the safety of navigation, may require foreign ships to pass innocently through its territorial sea to follow the routes it determines and to respect the dividing arrangements. the traffic flows prescribed by them in order to coordinate the passage of ships.

Territorial waters



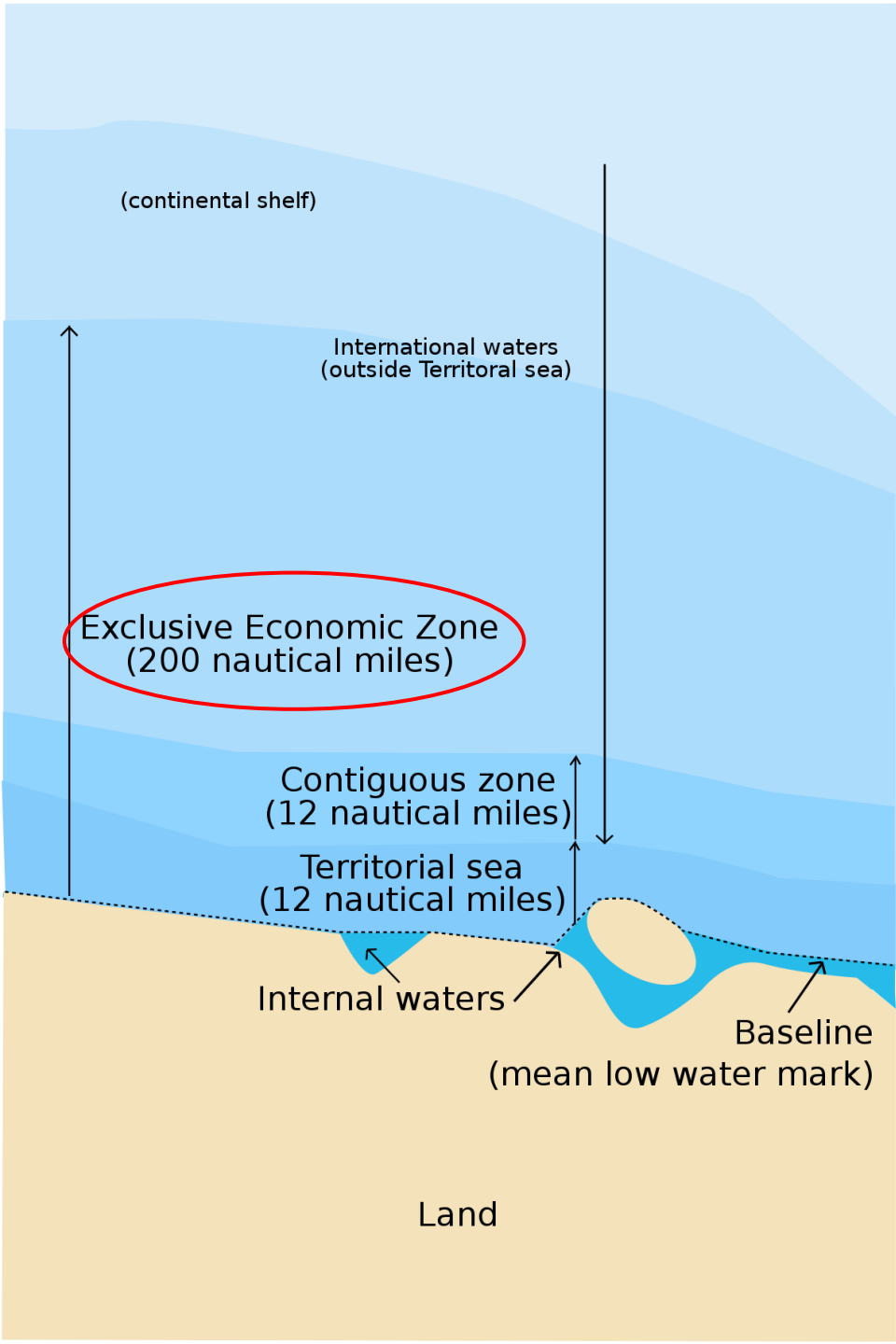
- Foreign ships with nuclear powered engines, as well as ships carrying radioactive or other substances which are dangerous or toxic, when exercising the right of innocent passage in the territorial sea, are obliged to must carry all documents and take special precautions as required by international treaties for that type of vessel.
- In the territorial sea, submarines and other submarines are forced to stay afloat and must fly their national flags.
- If a warship fails to respect the laws and regulations of the coastal State relating to passage in the territorial sea and disregards the requirement to comply with such laws and regulations notified to it, the The coastal state may require the ship to leave the territorial sea immediately.

CONTIGUOUS ZONE



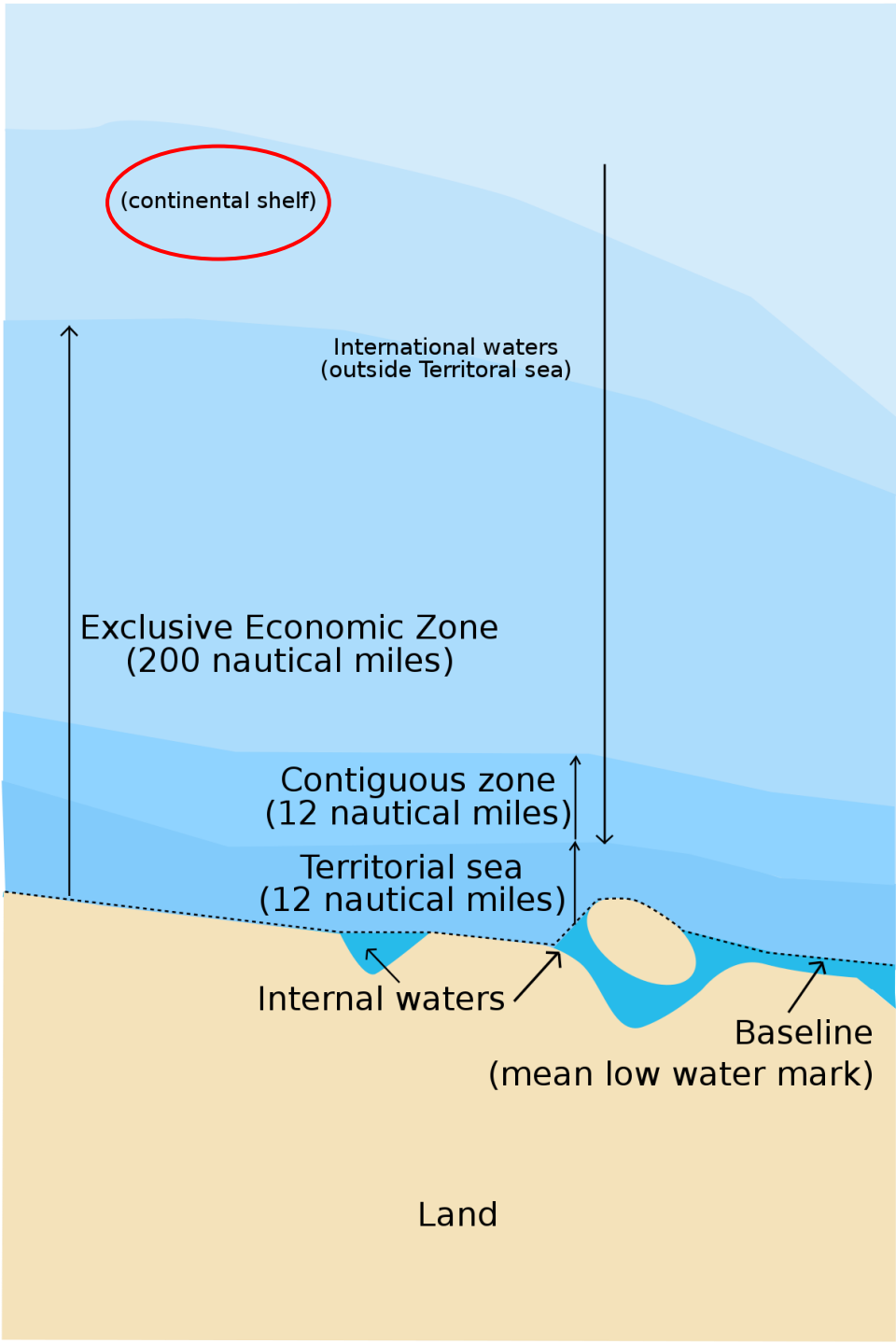
1. In a zone contiguous to its territorial sea, described as the contiguous zone, the coastal State may exercise the control necessary to:
 - (a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea;
 - (b) punish infringement of the above laws and regulations committed within its territory or territorial sea.
2. The contiguous zone may not extend beyond 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Exclusive economic zone



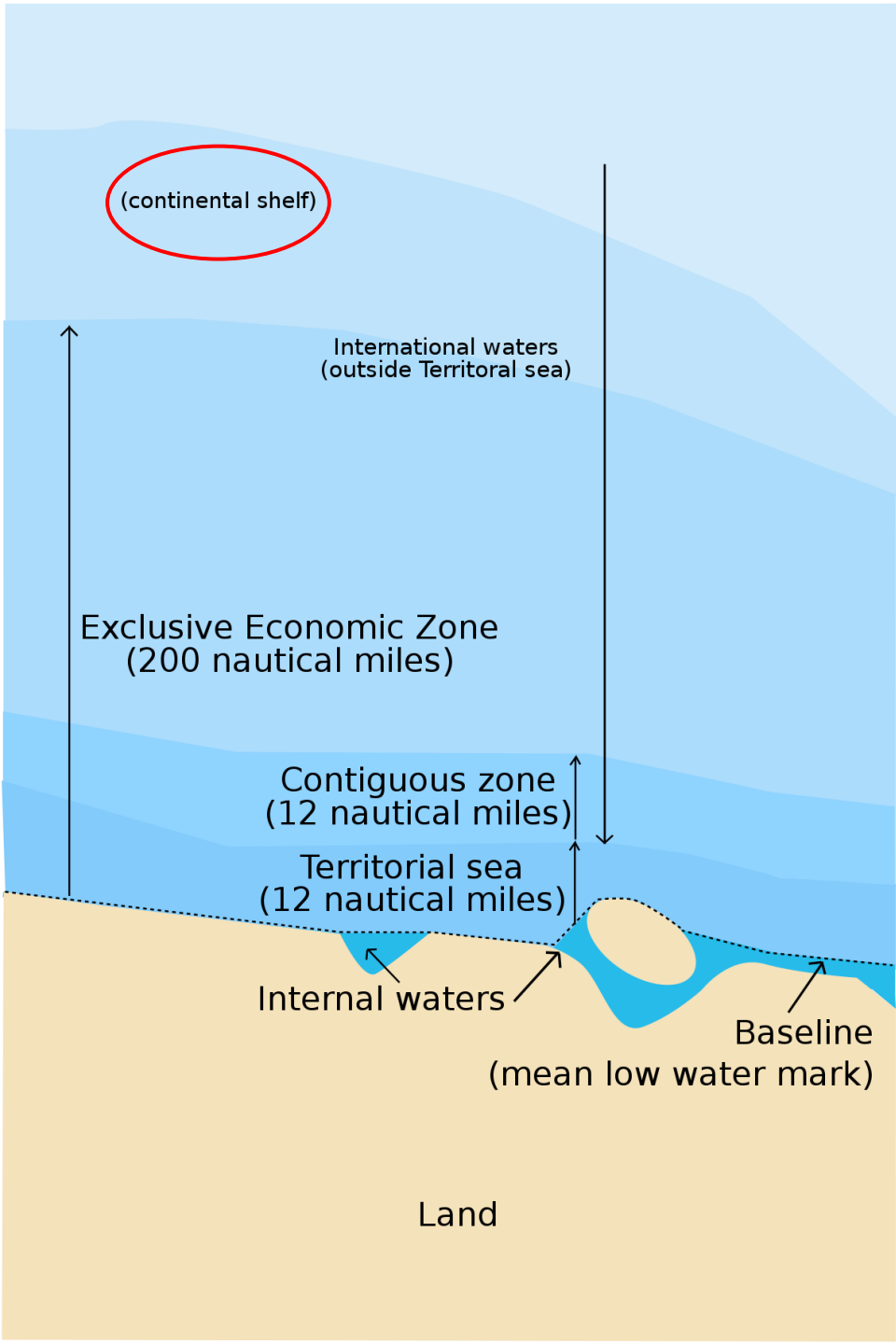
- The sea area including the water, seabed and subsoil of the seabed outside the territorial sea and extending up to 200 nautical miles from the baselines. In this area, the coastal state has the sole right to exploit all natural resources.
- The exclusive economic zone is an area beyond the territorial sea and adjacent to the territorial sea, subject to the separate legal regime provided for in this part, under which the rights and jurisdiction of the coastal State and freedoms of other States are governed by the appropriate provisions of the Convention.
- Foreign countries have the right to freedom of navigation and overflight, subject to the regulations of the coastal states. Foreign countries can also lay submarine pipes and cables under the sea.

CONTINENTAL SHELF



1. 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 to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance
2. The continental shelf of a coastal State shall not extend beyond the limits provided for in paragraphs 4 to 6.
3. The continental margin comprises the submerged prolongation of the land mass of the coastal State, and consists of the seabed and subsoil of the shelf, the slope and the rise. It does not include the deep ocean floor with its oceanic ridges or the subsoil thereof.

CONTINENTAL SHELF



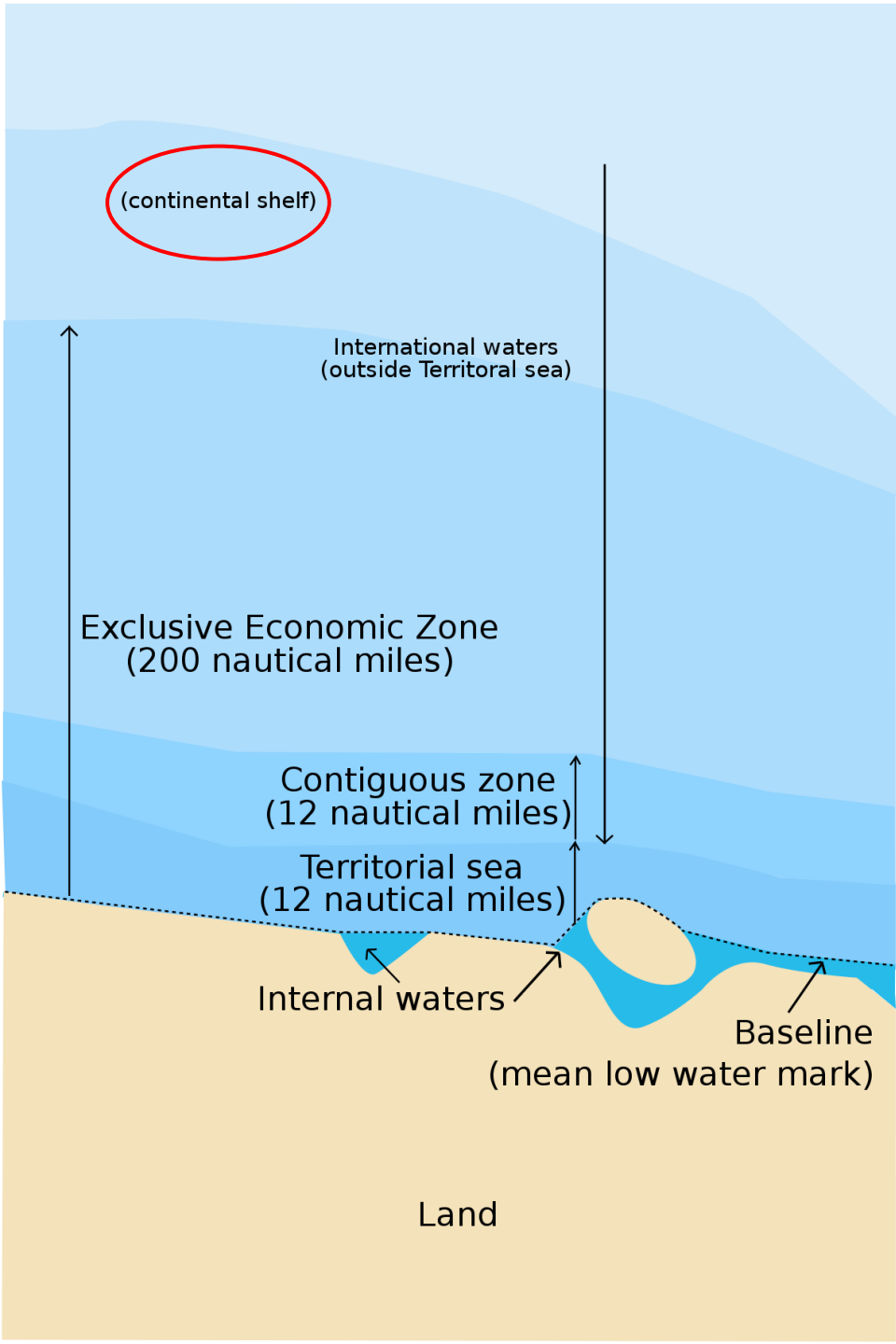
4. a) For the purposes of this Convention, the coastal State shall establish the outer edge of the continental margin wherever the margin extends beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, by either:

(i) a line delineated in accordance with paragraph 7 by reference to the outermost fixed points at each of which the thickness of sedimentary rocks is at least 1 per cent of the shortest distance from such point to the foot of the continental slope; or

(ii) a line delineated in accordance with paragraph 7 by reference to fixed points not more than 60 nautical miles from the foot of the continental slope.

(b) In the absence of evidence to the contrary, the foot of the continental slope shall be determined as the point of maximum change in the gradient at its base.

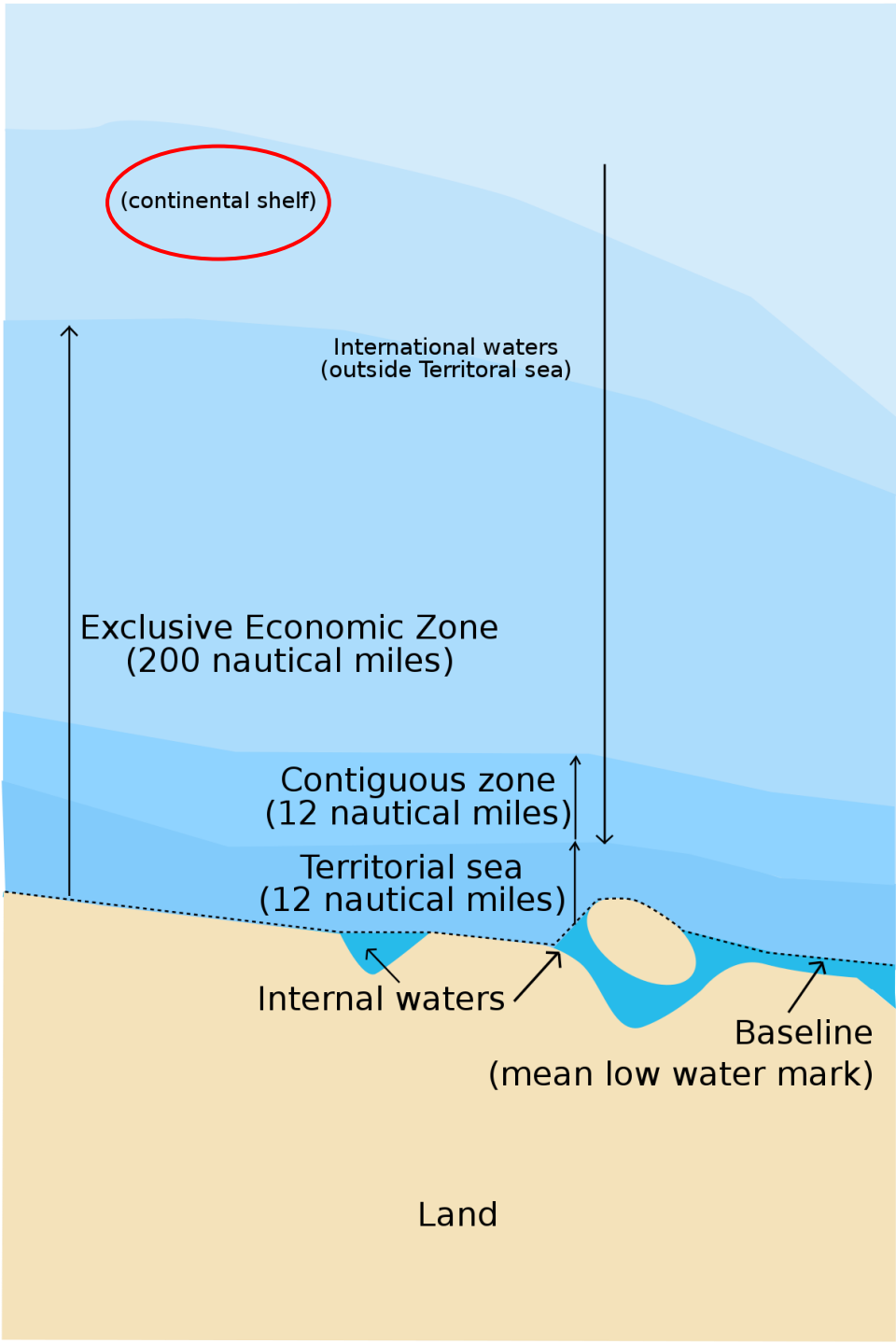
CONTINENTAL SHELF



5. The fixed points comprising the line of the outer limits of the continental shelf on the seabed, drawn in accordance with paragraph 4 (a)(i) and (ii), either shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured or shall not exceed 100 nautical miles from the 2,500 metre isobath, which is a line connecting the depth of 2,500 metres.

6. Notwithstanding the provisions of paragraph 5, on submarine ridges, the outer limit of the continental shelf shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured. This paragraph does not apply to submarine elevations that are natural components of the continental margin, such as its plateaux, rises, caps, banks and spurs.

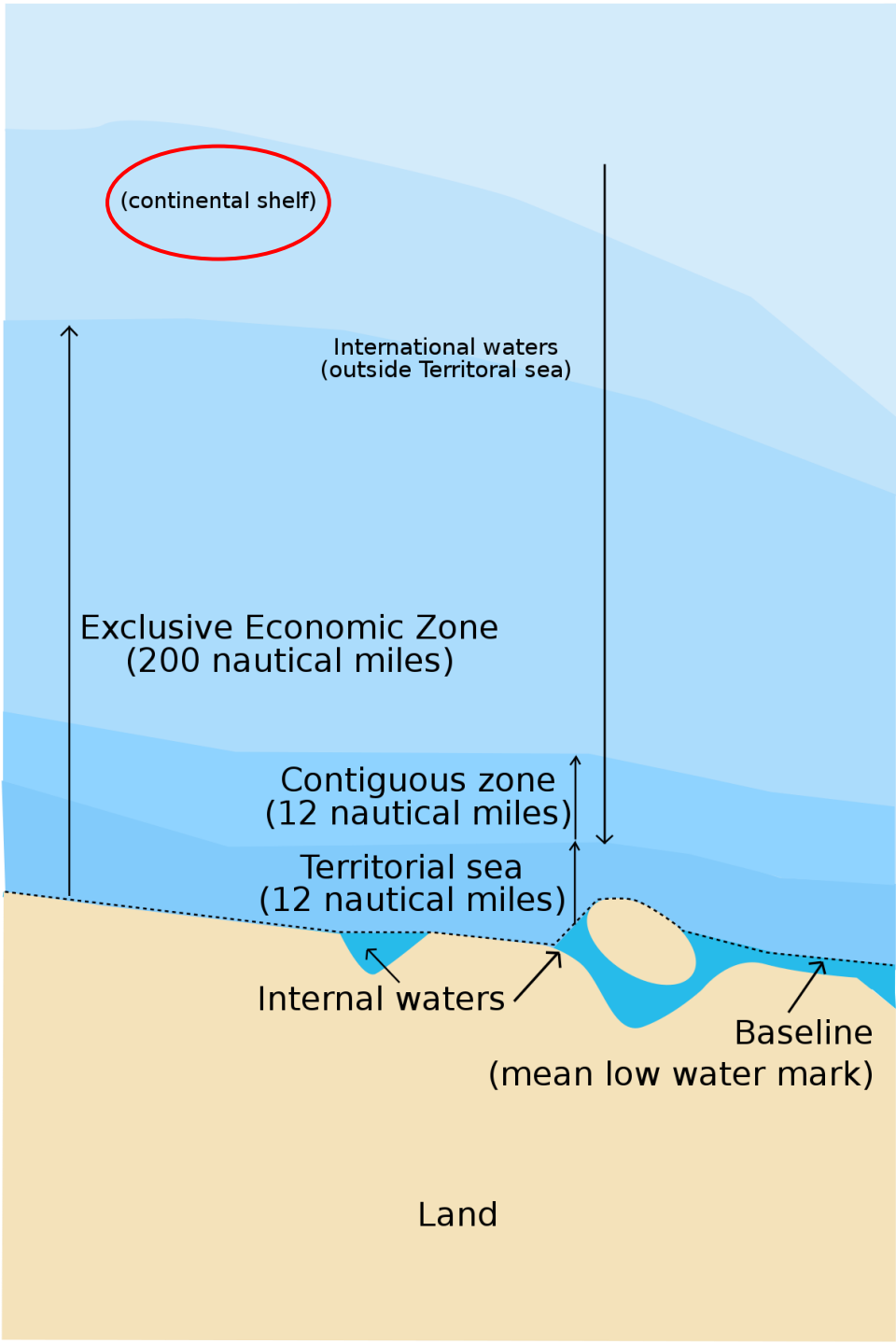
CONTINENTAL SHELF



7. The coastal State shall delineate the outer limits of its continental shelf, where that shelf extends beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, by straight lines not exceeding 60 nautical miles in length, connecting fixed points, defined by coordinates of latitude and longitude.

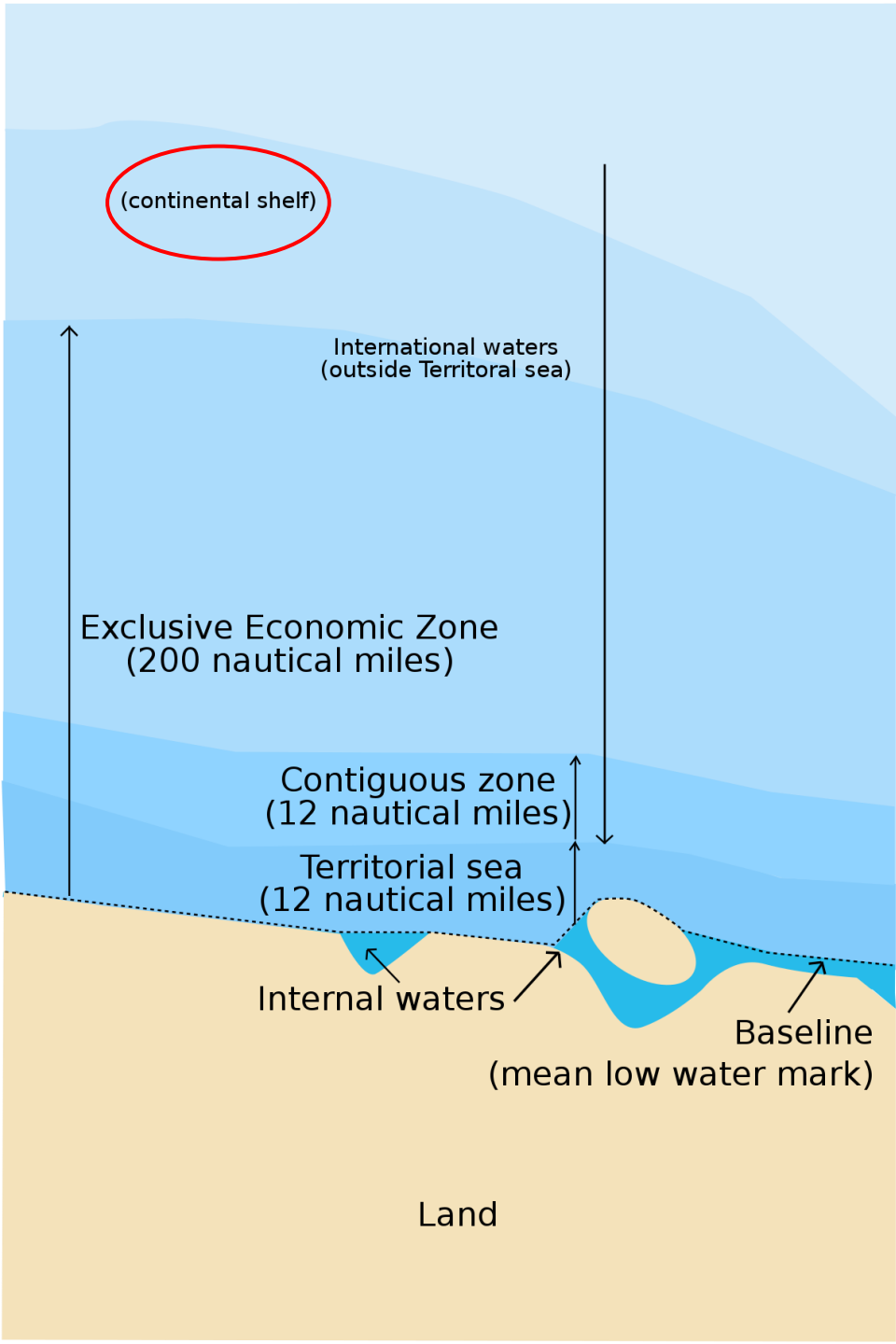
8. Information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured shall be submitted by the coastal State to the Commission on the Limits of the Continental Shelf set up under Annex II on the basis of equitable geographical representation. The Commission shall make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf. The limits of the shelf established by a coastal State on the basis of these recommendations shall be final and binding.

CONTINENTAL SHELF



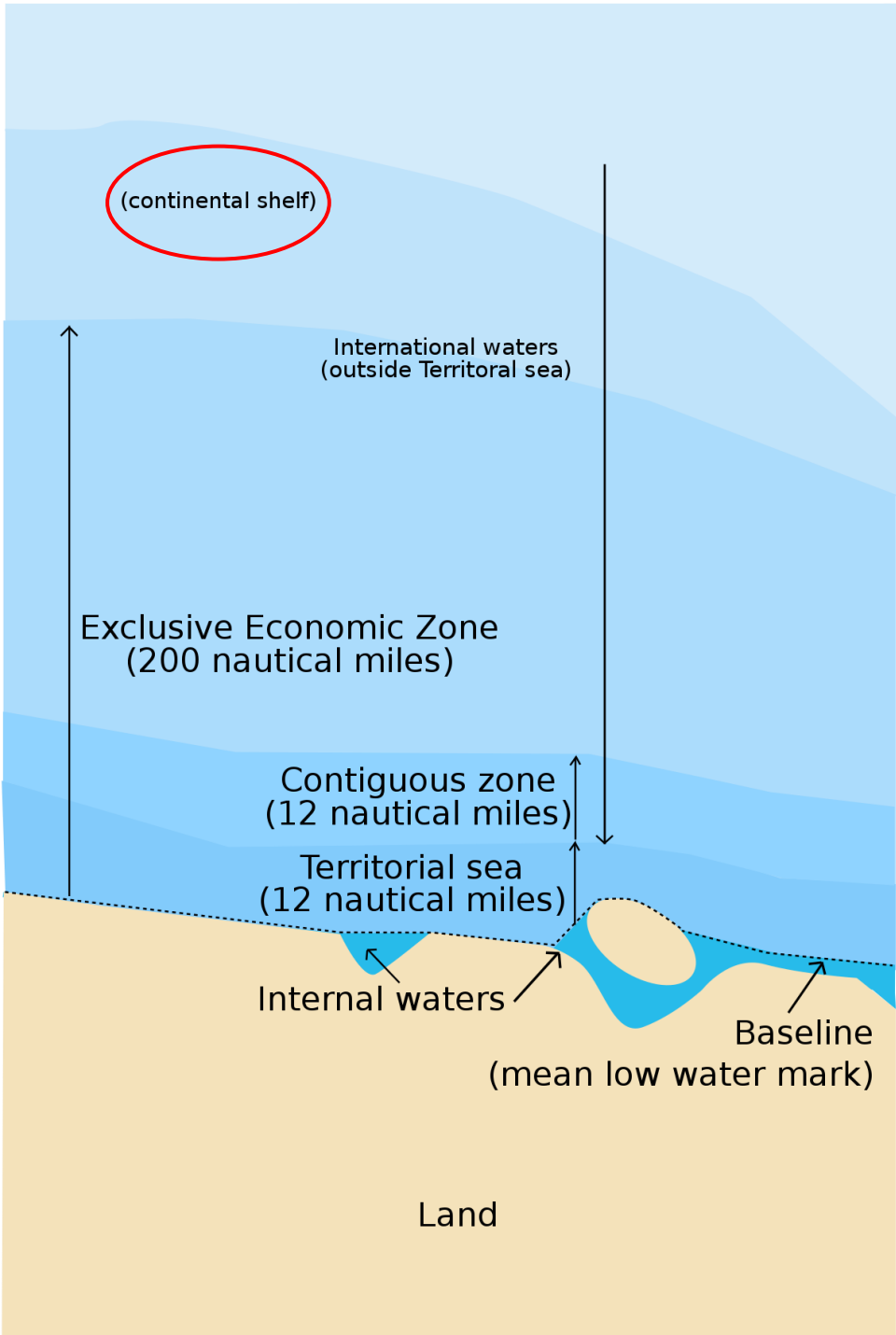
9. The coastal State shall deposit with the Secretary-General of the United Nations charts and relevant information, including geodetic data, permanently describing the outer limits of its continental shelf. The Secretary-General shall give due publicity thereto.
10. The provisions of this article are without prejudice to the question of delimitation of the continental shelf between States with opposite or adjacent coasts.

CONTINENTAL SHELF



- The coastal State exercises sovereign rights over the continental shelf in terms of the exploration and exploitation of its natural resources.
- The rights referred to in paragraph 1 are exclusive, meaning that coastal States that do not explore the continental shelf or exploit the natural resources of the continental shelf have no right to conduct such activities, without the express consent of that country.

CONTINENTAL SHELF



- The natural resources in this section include the mineral natural resources and other non-living natural resources of the seabed and subsoil of the seabed, as well as living organisms of the settled type, i.e. any organism that, at the time of its capture, lies motionless at the bottom, or underground; or unable to move without the ability to contact the bottom or the bed of the seabed.
- The exercise by a coastal State of its rights with respect to the continental shelf shall not prejudice the navigation or other rights and freedoms of other States recognized by the Convention, nor shall it impede the exercise of its rights to the continental shelf. these rights in an inexcusable manner.



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