

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

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LAW OF THE SEA AND UNCLOS, 1982

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CHAPTER 1 — INTRODUCTION AND RESEARCH FRAMEWORK

1.1 Introduction

Oceans cover the greater part of the planet and connect coastal communities, economies and States through navigation, trade, fisheries, communication and natural-resource systems. The sea is simultaneously a space of national jurisdiction and a domain of international freedom. The legal challenge is therefore one of allocation and balance: coastal States require sufficient authority to protect their security and resources, while other States require navigation, overflight and communication freedoms.

The modern law of the sea developed from customary practices concerning maritime jurisdiction, navigation and fisheries into a comprehensive treaty framework. Earlier attempts at codification included the 1958 Geneva Conventions on the Law of the Sea. The Third United Nations Conference on the Law of the Sea ultimately produced UNCLOS, a comprehensive convention adopted in 1982. The Convention contains 320 articles and nine annexes and addresses both traditional maritime rights and modern questions of resource management, environmental protection and dispute settlement.

1.2 Statement of the Problem

The principal problem addressed by this project is whether UNCLOS has created an effective and balanced legal framework for the governance of maritime spaces and resources. The problem has several dimensions: competing coastal and navigational interests; maritime boundary disputes; conservation of living resources; protection of the marine environment; exploitation of the continental shelf and deep seabed; and the capacity of dispute-settlement mechanisms to resolve complex technical questions.

1.3 Research Questions

1. How did the law of the sea evolve before UNCLOS, 1982?
2. What are the principal maritime zones and legal rights associated with each zone?
3. How does UNCLOS balance coastal State jurisdiction with freedoms of navigation and communication?

4. What rules govern maritime delimitation and dispute settlement?
5. What are India's rights and obligations under UNCLOS?
6. How have international courts and tribunals interpreted UNCLOS?
7. What challenges are created by climate change, sea-level rise, marine pollution, illegal fishing and emerging ocean technologies?

1.4 Hypothesis

The principal hypothesis is that UNCLOS, 1982 has substantially strengthened the rule-based governance of the oceans by establishing defined maritime zones, allocating jurisdiction and rights among States, and providing institutional mechanisms for dispute settlement, while its effectiveness is limited by implementation gaps, unresolved boundary disputes and emerging environmental and technological challenges.

1.5 Objectives

- To examine the historical development of the international law of the sea.
- To analyse the principal provisions and legal structure of UNCLOS, 1982.
- To explain the legal status of different maritime zones.
- To examine navigation, fisheries, marine scientific research and environmental protection.
- To analyse maritime delimitation and relevant judicial decisions.
- To study India's legal position and maritime interests.
- To identify contemporary challenges and suggest legal and policy responses.

1.6 Methodology

The project uses doctrinal legal research supported by analytical and comparative methods. Primary materials include UNCLOS, the UN Charter, the 1958 Geneva Conventions, the 1995 Fish Stocks Agreement, the 2023 BBNJ Agreement, international judgments and awards, and relevant Indian legislation. Secondary materials include textbooks, journal literature and institutional commentary. The research is qualitative and does not purport to measure maritime practices through original field surveys.

1.7 Scope and Limitations

The project focuses on public international law and does not attempt a comprehensive treatment of every maritime technical issue. It concentrates on UNCLOS and its principal institutions, while recognising that customary international law, specialised treaties and national legislation also influence maritime governance. The legal position on rapidly developing issues, especially climate change and emerging technologies, remains subject to continuing State practice and judicial clarification.

CHAPTER 2 — HISTORICAL EVOLUTION OF THE LAW OF THE SEA

2.1 Early Concepts

The sea was historically characterised by competing claims of control and freedom. Coastal communities exercised practical authority over nearby waters for security, fishing and trade. Maritime powers also claimed wider seas to protect commercial and strategic interests. The famous seventeenth-century debate between Hugo Grotius and John Selden represented competing ideas of freedom of the seas and maritime dominion. Grotius's *Mare Liberum* advanced the principle that the high seas could not ordinarily be subjected to exclusive sovereignty.

The traditional three-mile territorial sea was connected to the range of coastal cannon in early modern European practice. Although the precise historical origins and universal acceptance of the three-mile rule are debated, it became an influential standard before the twentieth century. Over time, coastal States sought wider jurisdiction to protect fisheries, customs interests and security.

2.2 Codification Before UNCLOS

The Hague Codification Conference of 1930 attempted to address several law-of-the-sea questions, but did not achieve a complete settlement on territorial sea breadth. After the Second World War, developments in offshore resource exploitation intensified demands for legal clarification. The 1958 First United Nations Conference on the Law of the Sea produced four Geneva Conventions: Territorial Sea and Contiguous Zone; High Seas; Fishing and Conservation of Living Resources of the High Seas; and Continental Shelf.

The 1958 conventions represented important codification but left several matters unresolved, particularly the breadth of the territorial sea and the detailed legal regime of the continental shelf and fisheries. The rapid expansion of offshore oil and gas exploitation, newly independent coastal States' interests and competing maritime claims created pressure for a comprehensive settlement.

2.3 Third United Nations Conference on the Law of the Sea

The Third United Nations Conference on the Law of the Sea began in 1973 and culminated in the adoption of UNCLOS at Montego Bay on 10 December 1982. The Convention entered into force on 16 November 1994. The 1994 Agreement relating to the Implementation of Part XI modified the deep seabed mining regime to facilitate broader acceptance of the Convention.

UNCLOS is often described as a constitutional framework for the oceans because of its comprehensive coverage. It combines coastal State jurisdiction with international freedoms and common-interest obligations. The Convention also created or strengthened institutions including the

International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission on the Limits of the Continental Shelf.

2.4 Post-UNCLOS Development

UNCLOS did not freeze the law of the sea. Subsequent agreements address specific matters. The 1995 Fish Stocks Agreement strengthens conservation and management of straddling and highly migratory fish stocks. The 2023 Agreement under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ Agreement) addresses marine biodiversity beyond national jurisdiction. According to the UN Treaty Collection, the BBNJ Agreement entered into force on 17 January 2026. □cite□turn0search9□

2.5 Continuing Role of Custom

Not every maritime rule depends exclusively on UNCLOS. Some UNCLOS provisions codify pre-existing customary law; others represent negotiated treaty rules. The ICJ and arbitral tribunals frequently consider both treaty text and customary principles. This interaction is important because States that are not parties to a particular treaty may nevertheless be bound by customary rules corresponding to its provisions where customary status is established.

CHAPTER 3 — UNCLOS, 1982: STRUCTURE, PRINCIPLES AND LEGAL SIGNIFICANCE

3.1 Adoption and Entry into Force

UNCLOS was adopted at Montego Bay, Jamaica, on 10 December 1982. It entered into force on 16 November 1994 pursuant to Article 308. The UN Treaty Collection currently records 172 parties and 157 signatories. □cite□turn0search4□ India deposited its ratification on 29 June 1995. □cite□turn0search1□

3.2 Structure

The Convention is organised into seventeen parts, supplemented by nine annexes. The principal parts deal with territorial sea and contiguous zone; straits; archipelagic States; exclusive economic zone; continental shelf; high seas; islands; enclosed and semi-enclosed seas; land-locked States; the Area; marine environment; marine scientific research; development and transfer of marine technology; dispute settlement; and final provisions.

3.3 Balancing Sovereignty and Freedom

The basic architecture of UNCLOS is functional. Sovereignty is strongest in internal waters and the territorial sea, subject to the right of innocent passage. Coastal States possess sovereign rights rather than full sovereignty in the EEZ for specified economic purposes. The continental shelf

gives coastal States sovereign rights over seabed and subsoil resources, while the waters above remain subject to their own legal regime. The high seas are beyond national sovereignty and remain open to all States subject to UNCLOS and other international rules.

3.4 Common Heritage of Mankind

Part XI establishes the legal regime of the Area—the seabed and ocean floor and subsoil thereof beyond the limits of national jurisdiction. The Area and its resources are designated the common heritage of mankind. Activities in the Area are organised and controlled through the International Seabed Authority. The regime seeks to prevent unilateral appropriation while permitting regulated exploration and exploitation subject to environmental and institutional requirements

3.5 General Obligations

UNCLOS requires States Parties to fulfil their obligations in good faith and exercise rights, jurisdiction and freedoms in a manner that does not constitute an abuse of right. States must also protect and preserve the marine environment and cooperate in appropriate circumstances. These general obligations provide an interpretive context for more specific maritime rights.

3.6 Importance of UNCLOS

The significance of UNCLOS lies in its comprehensiveness, broad participation and institutional mechanisms. It provides common terminology and legal limits, reduces uncertainty in maritime jurisdiction, supports peaceful settlement and facilitates cooperation. Its importance is especially evident in regions with dense maritime traffic and overlapping resource interests such as the Indian Ocean.

CHAPTER 4 — MARITIME ZONES UNDER UNCLOS

4.1 Baselines

Maritime zones are measured from baselines. The normal baseline is the low-water line along the coast as marked on officially recognised large-scale charts. In appropriate geographical circumstances, straight baselines may be used. Archipelagic States may draw archipelagic baselines subject to specific conditions. Baselines are therefore foundational because an inaccurate or disputed baseline can affect the extent of several maritime zones.

4.2 Internal Waters

Internal waters lie on the landward side of the baseline. Subject to special rules, coastal State sovereignty in internal waters is comparable to sovereignty over land territory. A major exception concerns historic situations and the treatment of certain waters enclosed by straight baselines. Foreign vessels generally do not enjoy the ordinary right of innocent passage through internal waters created by straight baselines, except as provided by UNCLOS.

4.3 Territorial Sea

Under Article 3, every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles measured from baselines. The coastal State exercises sovereignty over the territorial sea, including its airspace and seabed and subsoil, subject to UNCLOS and other rules of international law.

4.4 Innocent Passage

Ships of all States enjoy the right of innocent passage through the territorial sea. Passage must be continuous and expeditious, although stopping and anchoring are permitted when incidental to ordinary navigation or rendered necessary by force majeure, distress or assistance. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. UNCLOS identifies categories of conduct that may render passage non-innocent.

4.5 Contiguous Zone

In the contiguous zone, extending up to 24 nautical miles from the baselines, the coastal State may exercise control necessary to prevent or punish infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea. The zone is therefore one of functional jurisdiction rather than full sovereignty.

4.6 Exclusive Economic Zone

The EEZ extends up to 200 nautical miles from the baselines. The coastal State has sovereign rights for exploring, exploiting, conserving and managing natural resources, living and non-living, of the waters superjacent to the seabed and of the seabed and its subsoil. It also has jurisdiction over artificial islands, marine scientific research and protection of the marine environment as specified by UNCLOS.

Other States retain freedoms of navigation and overflight and other internationally lawful uses related to those freedoms. The EEZ therefore represents a compromise: it is neither territorial sea nor high seas.

4.7 Continental Shelf

The continental shelf comprises the seabed and subsoil of submarine areas extending beyond the territorial sea throughout the natural prolongation of the land territory to the outer edge of the continental margin, or to 200 nautical miles where the outer edge does not extend that far. In some circumstances, the outer limit may extend beyond 200 nautical miles, subject to Article 76 and the recommendations of the Commission on the Limits of the Continental Shelf

4.8 High Seas

The high seas comprise all parts of the sea not included in the EEZ, territorial sea or internal waters of a State, or in the archipelagic waters of an archipelagic State. No State may validly

subject any part of the high seas to its sovereignty. Freedoms include navigation, overflight, laying submarine cables and pipelines, construction of artificial islands subject to international law, fishing subject to conservation obligations, and marine scientific research.

4.9 The Area

The Area is the seabed and ocean floor and subsoil beyond national jurisdiction. Its resources are managed under the common heritage principle. No State may claim sovereignty or sovereign rights over any part of the Area or its resources. The institutional role of the International Seabed Authority is central to the regime.

CHAPTER 5 — NAVIGATION, STRAITS, ISLANDS AND ARCHIPELAGIC REGIMES

5.1 Navigation

Freedom of navigation is a fundamental principle of maritime order. UNCLOS recognises navigation rights in different forms according to maritime zone. In the high seas, all States enjoy freedom of navigation. In the EEZ, navigation remains available to other States, while the coastal State exercises specified economic and regulatory jurisdiction. In the territorial sea, foreign ships have the right of innocent passage.

5.2 Straits Used for International Navigation

Straits used for international navigation are subject to a special transit-passage regime where the geographical and legal conditions of UNCLOS are met. All ships and aircraft enjoy the right of transit passage, which shall not be impeded. Ships and aircraft must proceed without delay and refrain from activities unrelated to their normal modes of continuous and expeditious transit.

Transit passage is distinct from innocent passage. The distinction reflects the importance of international navigation through geographically constrained routes connecting one part of the high seas or EEZ with another. The legal regime seeks to protect navigational access while preserving specified coastal State interests.

5.3 Archipelagic States

UNCLOS recognises a special regime for archipelagic States, which may draw archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago, subject to detailed requirements. Sovereignty extends to archipelagic waters, airspace and seabed, but foreign ships enjoy innocent passage and, in designated routes, archipelagic sea lanes passage.

5.4 Islands and Rocks

Article 121 distinguishes islands from rocks that cannot sustain human habitation or economic life of their own. Islands generally generate territorial sea, contiguous zone, EEZ and continental shelf. Rocks falling within Article 121(3) do not generate an EEZ or continental shelf. The provision has significant implications for maritime boundary disputes because classification can dramatically affect maritime entitlements.

5.5 Artificial Islands and Installations

Artificial islands, installations and structures do not possess the status of islands. In the EEZ, coastal States have exclusive jurisdiction over artificial islands and specified installations. Safety zones may be established around them subject to reasonable requirements and navigational considerations.

5.6 Land-Locked States

UNCLOS recognises the right of land-locked States to access and from the sea and freedom of transit through transit States, subject to bilateral, subregional or regional agreements. The regime seeks to balance the economic interests of land-locked States with the sovereignty and legitimate interests of transit States.

CHAPTER 6 — MARINE RESOURCES, FISHERIES AND THE CONTINENTAL SHELF

6.1 Fisheries in the EEZ

The EEZ gives coastal States sovereign rights over living resources. The coastal State determines allowable catch and has a duty to ensure, through proper conservation and management measures, that living resources are not endangered by over-exploitation. Where the coastal State lacks the capacity to harvest the entire allowable catch, it may give other States access, subject to its laws and the relevant UNCLOS provisions

6.2 Straddling and Highly Migratory Stocks

Fish stocks that move between the EEZs of neighbouring States and adjacent high seas areas require cooperation. The 1995 UN Fish Stocks Agreement supplements UNCLOS by strengthening conservation principles, including precautionary and ecosystem-oriented approaches and cooperation through regional fisheries management organisations.

6.3 Continental Shelf Resources

The coastal State exercises sovereign rights over the continental shelf for the purpose of exploring and exploiting its natural resources. These rights are exclusive: if the coastal State does not

explore or exploit the shelf, no other State may do so without express consent. Resources include mineral and other non-living resources and sedentary species.

6.4 Outer Continental Shelf

Article 76 provides technical criteria for establishing the outer limits of the continental shelf beyond 200 nautical miles. Coastal States submit information to the Commission on the Limits of the Continental Shelf. The Commission makes recommendations, and outer limits established by the coastal State on the basis of those recommendations are final and binding subject to the Convention.

6.5 Revenue-Sharing

Article 82 contains a distinctive revenue-sharing provision concerning exploitation of non-living resources of the continental shelf beyond 200 nautical miles. Payments or contributions are made through the International Seabed Authority for distribution to States Parties on an equitable basis, with particular consideration for developing and land-locked States.

6.6 Sustainable Use

Resource rights are not unlimited. UNCLOS links exploitation to conservation, environmental protection and cooperation. Contemporary ocean governance increasingly recognises that fisheries management must account for ecosystem health, habitat destruction, climate impacts and illegal, unreported and unregulated fishing.

CHAPTER 7 — MARINE ENVIRONMENT AND MARINE SCIENTIFIC RESEARCH

1.1 General Environmental Duty

Part XII of UNCLOS requires States to protect and preserve the marine environment. States have a general obligation to take measures consistent with the Convention to prevent, reduce and control pollution from any source. They must also cooperate on a global and regional basis and exchange information concerning marine pollution.

1.2 Sources of Marine Pollution

UNCLOS addresses pollution from land-based sources, seabed activities subject to national jurisdiction, activities in the Area, dumping, vessels, the atmosphere and other sources. The Convention provides a framework rather than replacing all specialised environmental treaties. The International Maritime Organization and other institutions develop detailed technical rules concerning shipping and pollution.

1.3 Due Diligence

Contemporary international jurisprudence increasingly treats environmental obligations as involving due diligence. States must take appropriate measures within their capacity to prevent significant harm and must cooperate where risks are transboundary. The standard is generally one of conduct rather than an absolute guarantee of a pollution-free environment.

1.4 Marine Scientific Research

Marine scientific research is regulated differently according to maritime zone. In the territorial sea, the coastal State may regulate and authorise research. In the EEZ and on the continental shelf, coastal State consent is generally required. States and competent international organisations are encouraged to promote and facilitate research, subject to the rights and duties established by UNCLOS.

1.5 Transfer of Marine Technology

UNCLOS recognises the importance of scientific and technological capacity, particularly for developing States. Cooperation in marine science, data sharing and transfer of technology can help States participate more effectively in ocean governance, resource management and environmental protection.

1.6 Climate Change and Sea-Level Rise

Climate change creates difficult legal questions concerning baselines, maritime zones and the stability of maritime entitlements. Rising sea levels may physically alter coastlines and low-lying islands. The legal consequences are not fully settled across all issues, and States have increasingly discussed preserving existing maritime zones and entitlements. Scientific evidence, equity considerations and treaty interpretation are all relevant.

1.7 BBNJ Agreement

The 2023 Agreement under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction entered into force on 17 January 2026. It complements UNCLOS in relation to biodiversity beyond national jurisdiction and demonstrates the continuing development of ocean governance within the UNCLOS framework.

□cite□turn0search9□

CHAPTER 8 — HIGH SEAS, THE AREA AND EMERGING OCEAN GOVERNANCE

8.1 High Seas Freedoms

The high seas are open to all States, whether coastal or land-locked. Freedom of navigation is

accompanied by other freedoms, but each must be exercised with due regard for the interests of other States. Ships generally sail under the flag of one State and are subject to its jurisdiction on the high seas, subject to recognised exceptions.

8.2 Flag State Jurisdiction

The flag State exercises jurisdiction and control in administrative, technical and social matters over ships flying its flag. A genuine link between the State and the ship is addressed in Article 91. Flag State responsibilities are central to maritime safety, pollution prevention and labour standards. Weak flag-State enforcement can create regulatory gaps.

8.3 Piracy

UNCLOS defines piracy and provides for universal jurisdiction in relation to piracy on the high seas or places outside the jurisdiction of any State. All States are required to cooperate to the fullest possible extent in the repression of piracy. The regime illustrates a limited but important exception to exclusive flag-State jurisdiction.

8.4 Marine Genetic Resources

Marine genetic resources raise questions about access, benefit-sharing, intellectual property and conservation. Historically, the legal regime beyond national jurisdiction did not provide a detailed benefit-sharing system for all marine genetic resources. The BBNJ Agreement represents an important development in addressing biodiversity and benefit-sharing beyond national jurisdiction.

8.5 Deep Seabed Mining

The Area is governed by the common heritage principle and the institutional system of the International Seabed Authority. Any future exploitation must address environmental risks, technological uncertainty, benefit-sharing and liability. The debate over commercial deep seabed mining illustrates the tension between resource development and precautionary environmental governance.

8.6 Maritime Security

Modern maritime security includes piracy, armed robbery, trafficking, terrorism, illegal fishing and threats to critical infrastructure. UNCLOS provides foundational jurisdictional rules but must operate alongside specialised treaties, national law and regional cooperation. Security operations must respect the applicable law of the sea and other relevant international rules.

8.7 Autonomous Ships and New Technology

Autonomous and remotely operated vessels challenge traditional concepts of master, crew, flag State control and navigation responsibility. UNCLOS does not contain detailed rules specifically designed for autonomous ships. Regulatory development must therefore interpret existing

obligations while considering safety, accountability, cybersecurity and environmental protection.

CHAPTER 9 — MARITIME DELIMITATION AND DISPUTE SETTLEMENT

9.1 Maritime Delimitation

Delimitation arises when maritime entitlements of neighbouring or opposite States overlap. UNCLOS contains different provisions for territorial sea delimitation and for the EEZ and continental shelf. Article 15 generally uses a median line for territorial seas between opposite or adjacent coasts unless historic title or special circumstances justify a different result. Articles 74 and 83 require agreement on the basis of international law in order to achieve an equitable solution for EEZ and continental shelf delimitation.

9.2 Equidistance and Equitable Principles

International courts have developed structured approaches to delimitation. Modern jurisprudence commonly uses a provisional equidistance line, considers relevant circumstances that may justify adjustment, and performs an overall disproportionality check. The precise method depends on geography, applicable treaty provisions and the circumstances of the dispute.

9.3 Part XV Dispute Settlement

UNCLOS Part XV provides a system for peaceful settlement of disputes concerning interpretation or application of the Convention. Where no settlement is reached, compulsory procedures entailing binding decisions may apply, subject to limitations and optional exceptions. States may choose among the International Tribunal for the Law of the Sea, the ICJ, an Annex VII arbitral tribunal or an Annex VIII special arbitral tribunal, depending on their declarations and the applicable provisions.

9.4 ITLOS

ITLOS is based in Hamburg and has jurisdiction under UNCLOS and other agreements conferring jurisdiction. Its case law includes prompt release of vessels, provisional measures, maritime delimitation, fisheries and environmental matters. The Tribunal's institutional role contributes to the development of specialised maritime jurisprudence.

9.5 Annex VII Arbitration

Annex VII provides a flexible arbitral mechanism that can operate where parties have not selected the same forum. It has become important in maritime disputes. The procedure has been used in cases concerning the South China Sea, maritime boundaries, marine environmental obligations and coastal jurisdiction.

9.6 Bangladesh/Myanmar

In the Bay of Bengal maritime delimitation dispute between Bangladesh and Myanmar, proceedings were instituted before ITLOS in 2009 after both States accepted the Tribunal's jurisdiction under Article 287. ITLOS delivered judgment on 14 March 2012. The case addressed territorial sea, EEZ and continental shelf delimitation, including issues concerning the continental shelf beyond 200 nautical miles. □cite□turn0search5□turn0search2□

9.7 India/Bangladesh Maritime Boundary Arbitration

The maritime boundary between India and Bangladesh was addressed through Annex VII arbitration, with the award rendered in 2014. The dispute concerned maritime boundary delimitation in the Bay of Bengal and illustrates the importance of UNCLOS procedures for resolving complex regional maritime claims.

9.8 Choice of Forum

The choice between ITLOS, ICJ and arbitration can affect procedure, expertise, speed and the legal framing of issues. States should carefully consider jurisdictional declarations and treaty dispute clauses. Effective dispute settlement is not merely a litigation mechanism; it can prevent escalation and provide legal certainty for resource development and navigation.

CHAPTER 10 — INDIA AND THE LAW OF THE SEA

10.1 India's Maritime Position

India has a long coastline and extensive maritime interests in the Arabian Sea, Bay of Bengal and Indian Ocean. Maritime trade, fisheries, offshore energy, port development, naval security, marine environmental protection and island territories make the law of the sea strategically and economically important.

10.2 India and UNCLOS

India ratified UNCLOS on 29 June 1995. The UN Treaty Collection records the ratification as effective within the Convention's treaty framework. □cite□turn0search1□ India has participated in international maritime law processes and has generally emphasised freedom of navigation, peaceful settlement and the rights and interests of coastal States.

10.3 Maritime Zones Act

The Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976 provides an important domestic legal framework for India's maritime zones. It recognises territorial waters, contiguous zone, continental shelf, EEZ and other maritime areas and establishes legal bases for exercising jurisdiction consistent with India's international obligations.

10.4 Territorial Sea and EEZ

India exercises sovereignty over its territorial waters subject to the right of innocent passage. In its EEZ, India exercises sovereign rights for resource-related purposes and jurisdiction over matters specified by law and UNCLOS. Enforcement requires coordination among maritime agencies, fisheries authorities, customs, coast guard and other institutions.

10.5 Fisheries

Fisheries are important for coastal communities. India must balance conservation with livelihood interests and regional fisheries cooperation. Illegal, unreported and unregulated fishing can undermine sustainable management and create enforcement challenges, especially where fish stocks move across maritime boundaries.

10.6 Island Territories

India's island territories are legally significant for maritime entitlements and regional security. Island geography affects baselines and the generation of maritime zones. Any application of Article 121 must consider the legal status and geographical characteristics of the particular feature.

10.7 Bay of Bengal

The Bay of Bengal is an important area for India because of maritime trade, fisheries, offshore resources and neighbouring maritime boundaries. The Bangladesh/Myanmar ITLOS judgment and India/Bangladesh arbitration demonstrate the importance of legal delimitation mechanisms in the region. ITLOS identifies the Bangladesh/Myanmar matter as Case No. 16 and records the judgment of 14 March 2012. □cite□turn0search3□turn0search5□

10.8 Enrica Lexie

The <i>Enrica Lexie</i> dispute between Italy and India involved the killing of two Indian fishermen by Italian marines aboard a vessel off the Kerala coast in 2012. The proceedings before ITLOS and the Annex VII tribunal raised questions concerning jurisdiction, immunities, maritime enforcement and the relationship between UNCLOS and other international law. The case demonstrates how maritime incidents can engage several legal regimes simultaneously.

10.9 India's Role in Ocean Governance

India can contribute to ocean governance through maritime capacity-building, regional cooperation, marine scientific research, environmental monitoring, fisheries management and peaceful dispute settlement. A rules-based maritime order is particularly significant for a State whose economy and security are closely connected to the Indian Ocean.

CHAPTER 11 — IMPORTANT JUDICIAL DECISIONS AND CASE ANALYSIS

11.1 Anglo-Norwegian Fisheries (United Kingdom v. Norway), ICJ 1951

The case concerned Norway's use of straight baselines along its deeply indented coast. The ICJ examined geographical conditions, historic practice and the effect of Norway's baseline system. The decision remains important for understanding straight baselines and the relationship between coastal geography and maritime jurisdiction.

11.2 North Sea Continental Shelf, ICJ 1969

The Court considered continental shelf delimitation between Germany, Denmark and the Netherlands. It rejected an automatic application of the equidistance rule under the Geneva Continental Shelf Convention in the circumstances and emphasised the need for an equitable result. The case is also a leading authority on the formation of customary international law.

11.3 Tunisia/Libya Continental Shelf, ICJ 1982

The Court emphasised that delimitation must be effected according to equitable principles, taking account of relevant circumstances. The judgment contributed to the development of the law concerning equitable delimitation.

11.4 Libya/Malta Continental Shelf, ICJ 1985

The Court developed the use of equidistance as a starting point while stressing that the objective is an equitable result. The decision influenced later delimitation methodology.

11.5 Nicaragua v. United States, ICJ 1986

The Court addressed the relationship between treaty and customary rules, including navigation and the use of force. The judgment is important for demonstrating that customary international law can operate independently of treaty provisions.

11.6 Qatar v. Bahrain, ICJ 2001

The Court addressed maritime delimitation and sovereignty over maritime features. It treated certain maritime features and their effect on maritime entitlements carefully, illustrating the importance of geographical and legal evidence.

11.7 Bangladesh/Myanmar, ITLOS 2012

The Tribunal delimited the maritime boundary in the Bay of Bengal and dealt with territorial sea, EEZ and continental shelf issues. It is particularly important for South Asian law-of-the-sea scholarship because it demonstrates the application of UNCLOS in a regional maritime dispute.

11.8 Ghana/Côte d'Ivoire, ITLOS Special Chamber 2017

The Special Chamber addressed maritime boundary delimitation and the significance of conduct,

equidistance and relevant circumstances. The decision contributes to the development of delimitation methodology.

11.9 South China Sea Arbitration, Philippines v. China, Annex VII 2016

The arbitral tribunal considered jurisdiction, maritime entitlements, historic rights and environmental obligations under UNCLOS. The award is highly significant in contemporary law-of-the-sea debate, although the broader political and diplomatic response to it has been contested.

11.10 Enrica Lexie Incident, ITLOS/Annex VII

The proceedings concerned jurisdiction and other legal questions arising from the incident involving the Italian-flagged vessel Enrica Lexie and Indian fishermen. The matter illustrates the interaction between UNCLOS, criminal jurisdiction and other international legal rules.

11.11 Comparative Lessons from the Cases

The cases demonstrate that the law of the sea is not merely a collection of technical rules. Courts and tribunals repeatedly use principles of good faith, equitable treatment, due regard, cooperation and peaceful settlement. Geography remains central, but legal classification and the conduct of States also influence outcomes. The jurisprudence shows the value of specialised adjudication while also revealing the limits of judicial settlement when disputes involve major political or security interests.

CHAPTER 12 — CONTEMPORARY CHALLENGES, FINDINGS AND SUGGESTIONS

12.1 Illegal, Unreported and Unregulated Fishing

IUU fishing threatens marine ecosystems, food security and legitimate fishing communities. Enforcement may be difficult because vessels, owners, flag States and markets can be located in different jurisdictions. UNCLOS provides the foundational allocation of jurisdiction, while regional fisheries agreements and port-State measures strengthen practical enforcement.

12.2 Marine Pollution

Plastic pollution, oil spills, chemical contamination and land-based pollution place continuing pressure on marine ecosystems. Prevention requires both coastal State regulation and international cooperation. Liability and compensation mechanisms may vary by pollution source and applicable treaty.

12.3 Climate Change

Ocean warming, acidification, deoxygenation and sea-level rise create legal and scientific

challenges. Climate change may affect fisheries, coral reefs, coastal populations and maritime infrastructure. The law of the sea must operate together with international climate law and environmental principles.

12.4 Sea-Level Rise and Maritime Entitlements

One of the most important emerging questions is whether changing coastlines should automatically alter established maritime zones. Different legal approaches have been proposed, including ambulatory baselines and the preservation of existing entitlements. The issue requires careful consideration of UNCLOS text, customary international law, State practice and equity.

12.5 Deep Seabed Mining

Deep seabed mining raises questions about environmental impact, benefit-sharing, liability and the common heritage of mankind. Scientific uncertainty is particularly important because the effects of disturbing deep-sea ecosystems may be difficult to reverse. The International Seabed Authority therefore faces the challenge of developing rules that are both legally valid and environmentally credible.

12.6 Maritime Security

Piracy, trafficking, terrorism and threats to offshore infrastructure require cooperation among States. Coastal enforcement must remain within the jurisdictional limits established by UNCLOS. Regional mechanisms in the Indian Ocean can complement global legal rules.

12.7 Autonomous and Uncrewed Vessels

Uncrewed maritime systems may alter the meaning of navigation, seaworthiness and flag-State responsibility. Regulatory authorities need to determine how existing rules apply to vessels without conventional crews and how accountability will be allocated among operators, owners, manufacturers and flag States.

12.8 Findings

- UNCLOS has created a comprehensive and widely accepted framework for maritime jurisdiction.
- The division into maritime zones provides predictability but requires technically accurate baselines and charts.
- The EEZ is a central compromise between coastal resource rights and international navigation freedoms.
- Maritime delimitation remains fact-sensitive and cannot be resolved by a single universal geometric formula.
- International adjudication has significantly clarified UNCLOS provisions and strengthened peaceful dispute settlement.

- India's geographical position makes UNCLOS particularly important for its security, trade, fisheries and offshore resources.
- Environmental protection is increasingly central to the interpretation and implementation of the law of the sea.
- Emerging problems such as climate change, sea-level rise and autonomous vessels require continuing legal development.

12.9 Suggestions

- States should strengthen accurate baseline and maritime-charting systems and make relevant information transparent.
- Regional fisheries management and monitoring should be improved, especially in the Indian Ocean.
- States should use UNCLOS dispute-settlement mechanisms proactively to avoid escalation of maritime disputes.
- Marine environmental impact assessment and scientific cooperation should be strengthened.
- Developing States should receive greater capacity-building and technology-transfer support for ocean governance.
- India should continue strengthening maritime domain awareness, fisheries enforcement and marine environmental monitoring while maintaining compliance with UNCLOS.
- International institutions should continue developing rules for biodiversity beyond national jurisdiction and emerging technologies.
- Legal education should integrate UNCLOS with environmental law, constitutional law, international security and maritime policy.

CHAPTER 13 — CONCLUSION

The law of the sea represents one of the clearest examples of the transformation of customary international law into a comprehensive treaty-based regime. From early debates over freedom and dominion of the seas to the Geneva Conventions and finally UNCLOS, maritime law has developed in response to changes in technology, trade, resource exploitation and the structure of the international community.

UNCLOS, 1982 is the central instrument of the modern law of the sea. Its maritime zones allocate different degrees and forms of jurisdiction, while its rules preserve navigation, communication and other international freedoms. The territorial sea gives coastal States sovereignty subject to innocent passage; the contiguous zone provides limited enforcement

jurisdiction; the EEZ grants sovereign rights over resources; the continental shelf provides exclusive rights over seabed and subsoil resources; and the high seas remain outside national sovereignty. The Area is governed by the common heritage principle.

The Convention also places important obligations on States to protect the marine environment, conserve living resources and cooperate in scientific research. Its dispute-settlement system has produced a substantial body of jurisprudence from ITLOS, the ICJ and arbitral tribunals. Cases such as *North Sea Continental Shelf*, *Bangladesh/Myanmar* and the India-related maritime disputes demonstrate the practical importance of international adjudication.

For India, the law of the sea has exceptional significance because of its long coastline, island territories, maritime trade, fisheries, offshore resources and strategic location in the Indian Ocean. India's ratification of UNCLOS in 1995 places its maritime rights and obligations within this international framework. □cite□turn0search1□

The future of ocean governance will be shaped by climate change, sea-level rise, biodiversity loss, deep seabed activities, illegal fishing, marine pollution and new maritime technologies. The 2023 BBNJ Agreement, which entered into force in January 2026, illustrates how the UNCLOS framework continues to evolve. □cite□turn0search9□

The central conclusion of this project is that UNCLOS remains indispensable. Its success, however, depends not only on the text of the Convention but on good-faith implementation, scientific cooperation, effective domestic enforcement, institutional capacity and peaceful settlement of disputes. A sustainable and secure ocean order requires States to treat the sea not merely as a source of jurisdiction and resources, but as a shared environment requiring responsible stewardship.

FOOTNOTES / ENDNOTES

1. United Nations Convention on the Law of the Sea, Dec. 10, 1982, 1833 U.N.T.S. 3.
2. U.N. Convention on the Law of the Sea, Status of Treaties, U.N. Treaty Collection, Chapter XXI, No. 6 (status as of Oct. 2, 2026).
3. Agreement Relating to the Implementation of Part XI of UNCLOS, July 28, 1994, 1836 U.N.T.S. 3.
4. U.N. Charter art. 2(3)–(4), June 26, 1945.
5. UNCLOS arts. 2–3.
6. UNCLOS arts. 17–19.
7. UNCLOS arts. 33, 55–58.
8. UNCLOS arts. 76–77.

9. UNCLOS arts. 86–90.
10. UNCLOS arts. 136–137.
11. UNCLOS arts. 192–194.
12. UNCLOS arts. 239–244.
13. UNCLOS arts. 279–287.
14. Statute of the International Tribunal for the Law of the Sea, Annex VI to UNCLOS.
15. U.N. Treaty Collection, India—Ratification of UNCLOS, registration No. 31363, deposited June 29, 1995.
16. International Tribunal for the Law of the Sea, Bangladesh/Myanmar, Case No. 16, Judgment of Mar. 14, 2012.
17. Anglo-Norwegian Fisheries (U.K. v. Nor.), Judgment, 1951 I.C.J. Rep. 116.
18. North Sea Continental Shelf (Ger./Den.; Ger./Neth.), Judgment, 1969 I.C.J. Rep. 3.
19. Continental Shelf (Tunisia/Libya), Judgment, 1982 I.C.J. Rep. 18.
20. Continental Shelf (Libya/Malta), Judgment, 1985 I.C.J. Rep. 13.
21. Maritime Delimitation and Territorial Questions between Qatar and Bahrain, Judgment, 2001 I.C.J. Rep. 40.
22. Maritime Delimitation in the Black Sea (Rom. v. Ukr.), Judgment, 2009 I.C.J. Rep. 61.
23. Delimitation of the Maritime Boundary in the Bay of Bengal (Bangl./Myan.), Judgment, ITLOS Reports 2012.
24. Award in the Bay of Bengal Maritime Boundary Arbitration (Bangl. v. India), PCA Case No. 2010-16, Award of July 7, 2014.
25. Responsibilities and Obligations of States Sponsoring Persons and Entities with Respect to Activities in the Area, Advisory Opinion, ITLOS Seabed Disputes Chamber, Feb. 1, 2011.
26. Request for an Advisory Opinion Submitted by the Sub-Regional Fisheries Commission, Advisory Opinion, ITLOS, Apr. 2, 2015.
27. M/V Saiga (No. 2) (St. Vincent & the Grenadines v. Guinea), Judgment, ITLOS Reports 1999.
28. M/V Virginia G (Panama/Guinea-Bissau), Judgment, ITLOS Reports 2014.
29. The Arctic Sunrise (Neth. v. Russ. Fed.), Provisional Measures, ITLOS, Nov. 22, 2013.
30. The Enrica Lexie Incident (Italy v. India), ITLOS Provisional Measures Order, Aug. 24, 2015.
31. The Enrica Lexie Incident (Italy v. India), PCA Award, May 21, 2020.
32. South China Sea Arbitration (Phil. v. China), PCA Case No. 2013-19, Award on

- Jurisdiction and Merits, July 12, 2016.
33. U.N. Fish Stocks Agreement, Aug. 4, 1995, 2167 U.N.T.S. 3.
 34. Agreement under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction, June 19, 2023.
 35. IMO, International Convention for the Prevention of Pollution from Ships (MARPOL), 1973, as modified by the 1978 Protocol.
 36. International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990.
 37. Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as amended.
 38. Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976 (India).
 39. Merchant Shipping Act, 1958 (India), as amended and replaced in part by subsequent maritime legislation.
 40. Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981.
 41. Malcolm N. Shaw, *International Law* (9th ed. Cambridge Univ. Press 2021).
 42. James Crawford, *Brownlie's Principles of Public International Law* (9th ed. Oxford Univ. Press 2019).
 43. Yoshifumi Tanaka, *The International Law of the Sea* (3d ed. Cambridge Univ. Press 2019).
 44. Donald R. Rothwell & Tim Stephens, *The International Law of the Sea* (2d ed. Hart 2016).
 45. R.R. Churchill & A.V. Lowe, *The Law of the Sea* (3d ed. Manchester Univ. Press 1999).
 46. David J. Attard et al., *The IMLI Manual on International Maritime Law, Vol. I* (Oxford Univ. Press 2014).
 47. Satya N. Nandan & Shabtai Rosenne, *United Nations Convention on the Law of the Sea 1982: A Commentary*.
 48. International Law Commission, *Draft Articles on Responsibility of States for Internationally Wrongful Acts*, 2001, for general principles of State responsibility where relevant to maritime obligations.
 49. UNCLOS art. 121 on islands and rocks.
 50. UNCLOS art. 82 on payments and contributions concerning exploitation of the continental shelf beyond 200 nautical miles.
 51. UNCLOS art. 94 on duties of the flag State.
 52. UNCLOS arts. 100–107 on piracy.
 53. UNCLOS arts. 116–120 on conservation and management of living resources of the high seas.

54. UNCLOS arts. 61–62 on conservation and utilisation of living resources in the EEZ.
55. UNCLOS arts. 123–124 on enclosed or semi-enclosed seas and definitions.
56. UNCLOS arts. 125–132 on the right of access of land-locked States to and from the sea.
57. UNCLOS arts. 146–147 on protection of the marine environment in relation to activities in the Area.
58. UNCLOS arts. 200–201 on studies, research programmes and scientific criteria concerning marine pollution.
59. UNCLOS arts. 204–206 on monitoring, environmental assessment and publication of reports.
60. UNCLOS art. 300 on good faith and abuse of rights.

BIBLIOGRAPHY

A. Primary International Instruments

- United Nations Convention on the Law of the Sea, 1982.
- Agreement Relating to the Implementation of Part XI of UNCLOS, 1994.
- Agreement for the Implementation of the Provisions of UNCLOS Relating to Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995.
- Agreement under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction, 2023.
- Convention on the High Seas, 1958.
- Convention on the Continental Shelf, 1958.
- Convention on Fishing and Conservation of the Living Resources of the High Seas, 1958.
- Convention on the Territorial Sea and the Contiguous Zone, 1958.
- UN Charter, 1945.
- International Convention for the Prevention of Pollution from Ships (MARPOL), 1973/1978.

B. Indian Legislation

- Constitution of India.
- Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976.
- Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981.
- Merchant Shipping legislation of India.

- Coast Guard Act, 1978.

C. Books

- Yoshifumi Tanaka, *The International Law of the Sea* (3d ed., Cambridge University Press 2019).
- Donald R. Rothwell & Tim Stephens, *The International Law of the Sea* (2d ed., Hart Publishing 2016).
- Malcolm N. Shaw, *International Law* (9th ed., Cambridge University Press 2021).
- James Crawford, *Brownlie's Principles of Public International Law* (9th ed., Oxford University Press 2019).
- R.R. Churchill & A.V. Lowe, *The Law of the Sea* (3d ed., Manchester University Press 1999).
- Satya N. Nandan & Shabtai Rosenne, *United Nations Convention on the Law of the Sea 1982: A Commentary*.
- David J. Attard et al., *The IMLI Manual on International Maritime Law* (Oxford University Press 2014).

D. Official and Institutional Online Sources

- United Nations Treaty Collection — UNCLOS status and treaty records.
- International Tribunal for the Law of the Sea — Cases, judgments and official materials.
- International Court of Justice — Judgments and advisory opinions concerning maritime disputes.
- International Maritime Organization — Maritime safety and marine environmental instruments.
- International Seabed Authority — Legal and regulatory materials concerning activities in the Area.
- United Nations Division for Ocean Affairs and the Law of the Sea (DOALOS) — UNCLOS and ocean affairs materials.

APPENDIX I — IMPORTANT UNCLOS ARTICLES FOR QUICK REFERENCE

Provision	Subject	Project Relevance
Art. 3	Breadth of territorial sea	12 nautical mile limit
Art. 17	Innocent passage	Foreign ships' passage
Art. 33	Contiguous zone	Customs, fiscal, immigration and sanitary control
Arts. 55–58	EEZ	Coastal rights and other States' freedoms
Art. 61	Living resources	Conservation in EEZ
Arts. 74, 83	Delimitation	EEZ and continental shelf
Art. 76	Continental shelf	Outer limits beyond 200 nm
Art. 87	High seas freedoms	Navigation and other freedoms
Art. 94	Flag State	Control over ships
Arts. 100–107	Piracy	Universal cooperation and jurisdiction
Arts. 136–137	The Area	Common heritage and no appropriation
Arts. 192–194	Marine environment	General environmental duties
Arts. 279–287	Dispute settlement	Peaceful settlement and forums
Art. 300	Good faith	Abuse of rights

APPENDIX II — IMPORTANT LAW OF THE SEA CASES

- Anglo-Norwegian Fisheries (1951) — straight baselines.
- North Sea Continental Shelf (1969) — custom and equitable delimitation.
- Continental Shelf (Tunisia/Libya) (1982) — equitable principles.
- Continental Shelf (Libya/Malta) (1985) — delimitation methodology.

- Nicaragua v. United States (1986) — customary rules and maritime principles.
- Qatar v. Bahrain (2001) — islands, maritime delimitation and sovereignty.
- Romania v. Ukraine (2009) — Black Sea delimitation and Serpent's Island.
- Bangladesh/Myanmar (2012) — Bay of Bengal delimitation.
- Ghana/Côte d'Ivoire (2017) — maritime boundary and equidistance.
- South China Sea Arbitration (2016) — maritime entitlements and historic claims.
- Enrica Lexie (2015/2020) — India-related jurisdiction and maritime incident.
- Responsibilities and Obligations of States Sponsoring Persons and Entities in the Area (2011)
- environmental due diligence and sponsoring State obligations.

Why these cases matter

Together these decisions demonstrate the evolution of maritime jurisprudence from traditional coastal jurisdiction toward sophisticated methods of delimitation, environmental protection, resource management and dispute settlement. They are particularly useful for LL.M. examinations and viva voce because each illustrates a different doctrinal principle.

APPENDIX III — INDIA: KEY MARITIME LEGAL THEMES

- India's ratification of UNCLOS in 1995.
- Territorial sea and innocent passage.
- EEZ resource rights and fisheries management.
- Continental shelf and offshore energy resources.
- Island territories and maritime entitlements.
- Bay of Bengal maritime delimitation.
- Arabian Sea maritime security.
- Enrica Lexie and maritime jurisdiction.
- Marine environmental protection.
- Indian Ocean regional cooperation.
- Protection of coastal communities and fisheries.
- Maritime domain awareness and enforcement.

Suggested Indian research materials

For a final university submission, the student may supplement this project with current Indian Government notifications, Ministry of External Affairs treaty materials, Ministry of Ports,

Shipping and Waterways materials, Ministry of Fisheries publications, Coast Guard materials and official maritime legislation. The project should preserve the distinction between primary legal rules and policy commentary.

APPENDIX IV — VIVA VOCE QUESTIONS AND ANSWERS

What is UNCLOS?

The United Nations Convention on the Law of the Sea, 1982, is the principal comprehensive international treaty governing maritime spaces, resources, navigation, environmental protection and dispute settlement.

When was UNCLOS adopted?

10 December 1982 at Montego Bay, Jamaica.

When did UNCLOS enter into force?

16 November 1994.

How many parties does UNCLOS currently have?

The UN Treaty Collection records 172 parties as of 2 October 2026. ☐cite☐turn0search4☐

When did India ratify UNCLOS?

29 June 1995. ☐cite☐turn0search1☐

What is the territorial sea limit?

Up to 12 nautical miles from the baseline.

What is the EEZ limit?

Up to 200 nautical miles from the baselines.

What is the contiguous zone?

A zone up to 24 nautical miles from the baselines in which the coastal State has specified enforcement powers.

What is the continental shelf?

The seabed and subsoil of submarine areas meeting the legal criteria of Article 76, with a minimum entitlement to 200 nautical miles where the continental margin does not extend that far.

What is innocent passage?

The right of ships of all States to pass through the territorial sea, subject to the conditions of UNCLOS.

What is transit passage?

A special navigation and overflight regime through straits used for international navigation where UNCLOS requirements are met.

What is the high seas?

Maritime areas outside national maritime zones listed in Article 86, subject to UNCLOS.

What is the Area?

The seabed and ocean floor and subsoil beyond national jurisdiction.

What is the common heritage principle?

The Area and its resources are treated as the common heritage of mankind and cannot be appropriated by States.

What is ITLOS?

The International Tribunal for the Law of the Sea, established under UNCLOS and located in Hamburg.

Name an important Bay of Bengal case.

Bangladesh/Myanmar, decided by ITLOS in 2012.

Name an India-related UNCLOS case.

The Enrica Lexie Incident involved Italy and India and raised UNCLOS jurisdictional questions.

What is maritime delimitation?

The legal process of determining the boundary between overlapping maritime entitlements of States.

Why is UNCLOS important to India?

India has extensive maritime interests involving trade, security, fisheries, offshore resources and island territories in the Indian Ocean.

What are the major contemporary challenges?

Climate change, sea-level rise, marine pollution, IUU fishing, biodiversity protection, deep seabed mining, maritime security and emerging maritime technologies.