



- After the **Second World War, the international community requested that the United Nations International Law Commission consider codifying the existing laws relating to the oceans.** The commission began working towards this in 1949 and prepared four draft conventions, which were adopted at the first UN Conference on the Law of the Sea:
- Hence, The United Nations Convention on the Law of the Sea (UNCLOS) is an international treaty which was **adopted and signed in 1982.** It replaced the four Geneva Conventions of April, 1958.
- Also known as Law of the Sea, it divides marine areas into five main zones namely- Internal Waters, Territorial Sea, Contiguous Zone, Exclusive Economic Zone (EEZ) and the High Seas.
  - **Internal Water: Internal waters are all the waters that fall landward of the baseline, such as lakes, rivers, and tidewaters.** States have the same sovereign jurisdiction over internal waters as they do over other territories.
  - **Territorial sea:** It can be defined **as the area which extends up to 12 nautical miles (nm) from the baseline of a country's coastal state.** The territorial sea is under the jurisdiction of that particular country; however, foreign ships (both merchant and military) are allowed passage through it.
  - **Contiguous Zone:** The contiguous zone **extends seaward up to 24 nm from its baselines.** It is an intermediary zone between the territorial sea and the high seas. The coastal state has the right to both prevent and punish infringement of fiscal, immigration, sanitary, and customs laws within its territory and territorial sea.
  - **Exclusive Economic Zone (EEZ)** is an area of the sea in which a sovereign state has special sovereign rights regarding the exploration and use of marine resources, including energy production from water and wind. It stretches from the baseline out to **200 nautical miles (370 kilometres)** from the coast of the sovereign state.
  - **High Seas:** It can be defined as the part of the sea that is not **included in the exclusive economic zone, in the territorial sea, or in the internal waters of a coastal state or archipelagic waters** of an archipelagic state.

## Important Features

- Nations are provided with full **money rights by UNCLOS for a 200-mile zone along the shoreline.**
- The sea and oceanic bed extending to this area are regarded to be the Exclusive Economic Zone (EEZ) of a country and that country can use these waters for their economic utilization.
- Another important organization that plays a vital role in UNCLOS operations is the International Maritime Organization (IMO).
- Other important parties involved in **Nautical Law and its functioning are the International Seabed Authority and the International Whaling Commission.**
- The Convention has created **three new institutions** on the international scene :
  - the International Tribunal for the Law of the Sea
  - the International Seabed Authority
  - the Commission on the Limits of the Continental Shelf.
- **India is a state party to the UNCLOS.**

## Issues Involved

- The **United States of America** has not ratified the UNCLOS because **according** to it the convention violated U.S. sovereignty and gave too much power to Communist countries like the Soviet Union and even after the end of the cold war it has refused to sign it
- The United States also feels that it might have to surrender its sovereignty to the International Seabed Authority (ISA), which has oversight over deep seabed mining.
- At present 133 States have signed and ratified UNCLOS; **Canada, Israel, Turkey, USA, and Venezuela** are the most prominent among those that have not ratified.
- Many nations have irresponsibly exploited the natural resources in the sea and violated the principle of “good order at sea”.
- Few dominant countries have given new and inappropriate interpretations of the UN Convention on the Law of the Sea (UNCLOS) due to “hegemonic tendencies”, and that this was creating obstacles to a stable maritime order based on rules.
- Challenges such as piracy, terrorism, illegal smuggling of arms and narcotics, human trafficking, illegal fishing, and damage to the environment are equally responsible for affecting the maritime domain.
- Recently China's new maritime law has spiked tension on the south china sea region which will also impact India's maritime security. China's aggressive actions in the **South China Sea and East China Sea**, by its fishing militia have been a source of international concern.
- India's 55 % of trade passes through the Strait of Malacca which opens into the South China Sea. If China controls the region, it will upset the global trade practices and countries like India will directly get affected.
- The freedom of navigation operation (FONOP) conducted by a US warship, the USS John Paul Jones, in India's exclusive economic zone (EEZ) is a reminder that India needs to define its maritime territory.

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