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Division Of the Sea Under UN Convention On The Law Of The Sea, 1982

Dr. Nataraja GY. B. Sc, LL.M., KSET, Ph.D.

Assistant Professor of Law
Vidyodaya Law College
Tumakuru, Karnataka

Abstract

Today, the whole world has become like a small box, each and every corner of the world is well known to all. Sea had a main role to connect the places and the people around the world from primitive days. The United Nations Convention on the Law of the Sea, 1982 (UNCLOS) constitutes the foundational legal framework governing the use and division of maritime spaces. Often described as the “Constitution of the Oceans,” the Convention establishes a comprehensive zoning system that balances coastal State sovereignty with the principle of freedom of the seas. This article examines the legal division of the sea as codified under UNCLOS, focusing on the nature, extent, and legal consequences of each maritime zone. It further analyses maritime boundary delimitation, dispute settlement mechanisms, and the contemporary relevance of UNCLOS in addressing emerging challenges in ocean governance.

Keywords - Law of the Sea; UNCLOS 1982; Maritime Zones; Territorial Sea; Exclusive Economic Zone; Continental Shelf; High Seas

INTRODUCTION

Today, the whole world has become like a small box, each and every corner of the world is well known to all. Sea had a main role to connect the places and the people around the world from primitive days. A sea generally refers to a large body of salt water. Most commonly, it means a large expanse of saline water connected with an ocean. Seas are smaller than Oceans and are usually located where the land and ocean meet. Oceans are vast bodies of water. Oceans cover 71% of the Earth's surface, and contain 97 percent of the planet's water. The Pacific Ocean is the largest ocean covering an area of 64,186,000 square miles and the Mediterranean Sea is the largest sea with an area of 1,144,800 square miles. In fact, even the world's smallest ocean Arctic Ocean (5,427,000 square miles) is larger than the Mediterranean.

The regulation of the world's oceans has historically posed complex legal and political challenges. Competing claims of sovereignty and freedom resulted in fragmented and inconsistent maritime practices. Early doctrines such as *mare liberum* advocated unrestricted access to the seas, while *mare clausum* emphasized State control. The absence of a uniform legal regime frequently led to disputes over navigation, fisheries, and offshore resources. The control of the state's activity in the sea was mainly depending upon the ‘range of Canon fire’ capacity of the Coastal States. In those days the range of the canon fire capacity

was not more than 3 nautical miles, As the range of the capacity of canon fire increases, some of the Nations started controlling as well as interfering excessively in Sea area depending upon their canon fire capacity. This led to several Conflicts in the World.

There was a need of a strong law to govern the activities of the Nations in the Sea. After several attempt finally 'United Nations Convention on the Law of the Sea 1982 (UNCLOS) was adopted in 10th December 1982 (came in to force on 16th Nov. 1994). It contains 320 Articles, 9 Annexes covering navigation, resource exploitation, environmental protection, marine scientific research, and dispute settlement. It entered into force on 16 November 1994. There are 157 state parties signed this convention now. In fact, it is a 'Constitution of the Sea'. It is a very 'Comprehensive Document' covering almost every aspect of the Law of the Sea (including peaceful use of the sea and the use of resources available in the sea in the interest of whole Mankind). UNCLOS codifies customary international law and introduces a structured division of maritime spaces, thereby providing clarity regarding State rights and obligations. Central to this framework is the classification of the sea into distinct zones measured from coastal baselines.

DIVISION OF SEA ACCORDING TO LAW OF THE SEA 1982

The Sea can be divided in to several parts. Following are the parts of the Sea in the World according to The Law OF the Sea 1982.

1. Baselines: The Legal Point of Departure – Base line is the place where earth part of the coastal state ends and sea part begins. It can be of two kinds according to UNCLOS.

A. Normal Baselines - Article 5 of UNCLOS provides that the normal baseline for measuring maritime zones is the low-water line along the coast, as marked on officially recognized charts. Baselines serve as the legal reference point for determining the extent of maritime jurisdiction.

B. Straight Baselines - Article 7 permits the use of straight baselines in cases where the coastline is deeply indented or fringed with islands. While this method allows flexibility, it is subject to strict conditions to prevent excessive maritime claims.

2. Internal Waters – According to Article 8, Waters landward of the baseline are classified as internal waters. These include ports, bays, and rivers. The legal status is, the coastal State exercises complete sovereignty over internal waters, equivalent to sovereignty over land territory. Foreign vessels do not enjoy a right of innocent passage unless expressly granted. Internal waters are critical for national security, customs regulation, and port management, reinforcing the territorial integrity of the coastal State.

3. Territorial Sea or Maritime Belt - It is a 'Part and Parcel' of the Territory of Coastal State, exercises complete Sovereignty. Article 3 of UNCLOS allows coastal States to claim a territorial sea up to 12 nautical miles from the baseline. Under Article 2, the coastal State enjoys sovereignty over the territorial sea, including the airspace above and seabed or subsoil below also. The foreign Merchant Vessels have a right of 'Innocent Passage' through the territorial water of a State. 'Innocent Passage' means 'Navigation through the Territorial Sea without disturbing Peace and Security of the Coastal State or passing without entering internal waters or for proceeding to internal waters or of making for the high seas from internal waters. This Passage includes 'Stopping and Anchoring' if necessary. It must be in conformity with Coastal State's Law. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the Coastal State. Coastal State can also take necessary steps in its territorial sea to prevent 'passage which is not innocent'. Foreign fishing vessels shall observe Laws and Regulations of Coastal States. Submarines are required to navigate on the surface and to show their flag.

The Coastal State must not hamper innocent passage through the territorial Sea. Coastal state is required to give appropriate publicity of any 'dangers to navigation' of which it has knowledge, within its territorial sea. The Coastal State should not stop or divert a foreign ship passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to the person on the board. The Criminal jurisdiction of the coastal state should not be exercised on board of foreign ship passing through the territorial sea unless the consequences of the crime extend to the coastal state or crime if disturbs the peace of that coastal state or if carrying narcotic drugs etc. The Warships if not allowed by the coastal states has to immediately leave the Territorial Sea.

4. Contiguous Zone - This is the zone contiguous to the territorial Sea. The contiguous zone extends up to 24 nautical miles from the baseline (Article 33). In this zone, the coastal State may exercise limited control to

- a. Prevent infringement of its
 - **Customs** (Customs is an authority or agency in a country responsible for collecting tariffs and for controlling the flow of goods, including animals, transports, personal effects, and hazardous items, into and out of a country).
 - **Fiscal** (govt. revenue and tax related),
 - **Immigration** (foreigner came to live) or
 - **Sanitary** (clean and hygiene to protect health) regulation within its territory or territorial sea,
- b. Punish infringement of the above regulations committed within its territory or territorial sea,

5. Exclusive Economic Zone (EEZ) (Art. 55 to 75) - The Exclusive Economic Zone (EEZ) may extend up to 200 nautical miles from the baseline (Article 57). The EEZ represents one of the most innovative aspects of UNCLOS. Under Article 56, the coastal State enjoys sovereign rights for the purpose of exploring, exploiting, conserving, and managing natural resources, both living and non-living.

It is exclusively reserved for economic related activities. In the Exclusive Economic Zone, the Coastal State has right of

- a. 'Exploring and exploiting, conserving and managing' the 'Natural Resources' (both living and non-living),
- b. Economic exploration and exploitation of the zone (like production of energy from water current and wind)
- c. To establish and use of 'Artificial Islands' etc.,
- d. For the protection and preservation of the Marine Environment.

All states including coastal state can enjoy

- Navigation and
- Laying of Submarine cables and Pipelines,
- In compatibility of the provisions of the Convention and the Laws and Regulations of the Coastal State.

6. Continental Shelf (Art. 76 – 85) - Article 76 defines the continental shelf as the seabed and subsoil extending beyond the territorial sea to the outer edge of the continental margin or to 200 nautical miles where the margin does not extend further. It is natural prolongation or continuation of land territory of the coastal state under the sea or extension of land under the Sea. Very rich in 'oil and gas' resources etc.

The Coastal State can exercise Sovereign Right to

- a. Exploring the Sea – bed (travel through in order to learn about it),
- b. Exploiting its Natural Resources’ (make full use of) and
- c. Can conduct ‘Scientific Researches’.
- d. It is an inherent Right.

Coastal State should not lay or maintain cables or pipelines on the shelf, which results in unjustifiable interference with Navigation, Fishing etc. Several states including India have exclusive sovereign right over its continental shelf.

7. High Seas (Art. 86 – 120) - It is also called as Open Sea. Open for all the States in the World, All States are free to use it. No State can establish its Sovereignty over any part of the High Seas. All states possess freedom over the High Seas on the basis of ‘Equality’. The high seas comprise all parts of the sea not included in the EEZ, territorial sea, or internal waters (Article 86). Article 87 recognizes freedoms of navigation, overflight, fishing, and scientific research. These freedoms must be exercised with due regard for the interests of other States and environmental protection.

States do not possess any Coast can also use the High Seas on the basis of equality. All Ships including Warships are immune from the jurisdiction of any state in High Seas. If any states come to know that, any ship in high seas engaged in piracy, slave trade etc., it can interfere with that ship. High Seas shall be reserved for ‘peaceful purposes’.

In High Sea both Coastal and Non - Coastal States can enjoy

- a. Freedom of Navigation
- b. Freedom of Fishing,
- c. Freedom to lay submarine cables and pipelines,
- d. Freedom to fly over the High Seas,
- e. Freedom of Scientific Research and
- f. Freedom to construct Artificial Islands.

8. The Area or International Sea Bed Area (Art. 133 – 191) - This is the Sea – Bed, Ocean floor and Sub-Soil beyond the limits of National Jurisdiction (Article 1). It is beyond the Continental Shelf. Which lie Ten or even Fifteen thousand feet below the surface. Therefore, Area is defined as the Sea – Bed and Ocean floor of the Sea and The Common Heritage of Mankind.

Following principles are adopted regarding Area –

- a. UNCLOS declares the Area and its resources as the common heritage of mankind (Article 136).
- b. No State or person can claim any right on high seas,
- c. No claim, exercise or acquiring of rights by states or persons,
- d. Availability to all states exclusively for peaceful purposes,
- e. Activities of States in accordance with principles of International Law,
- f. Exploitation of resource for the benefit of mankind as a whole,
- g. Reserving exclusively for peaceful purposes,
- h. International co – operation in Scientific Research for peaceful purposes,
- i. Prevention of Pollution and contamination and protection and conservation of Natural Resources, etc.

9. International Seabed Authority - The International Seabed Authority (ISA) regulates activities in the Area to ensure equitable benefit-sharing and environmental protection.

10. Dispute Settlement Under UNCLOS - UNCLOS establishes compulsory dispute settlement mechanisms, including -

- International Tribunal for the Law of the Sea (ITLOS)
- International Court of Justice (ICJ)
- Arbitral tribunals under Annex VII

List of Oceans by size

1. Pacific Ocean: 60,060,700 square miles
2. Atlantic Ocean: 29,637,900 square miles
3. Indian Ocean: 26,469,900 square miles
4. Southern Ocean: 7,848,300 square miles
5. Arctic Ocean: 5,427,000 square miles

Top 6 largest Seas

1. Mediterranean Sea: 1,144,800 square miles
2. Caribbean Sea: 1,049,500 square miles
3. South China Sea: 895,400 square miles
4. Bering Sea: 884,900 square miles
5. Gulf of Mexico: 615,000 square miles
6. Okhotsk Sea: 613,800 square miles

11. Contemporary Challenges - UNCLOS continues to address evolving issues such as:

- Climate-induced sea-level rise
- Maritime security disputes
- Overfishing and marine pollution
- Deep-sea mining and biodiversity protection

CONCLUSION

As we know, almost 70% of the Earth is covered by the water. The Seas have historically performed two important functions like, as a medium of 'Communication' and as a vast 'reservoir of Resources' of both living and non – living things. Both these functions stimulated the development of several legal rules. The division of the sea into several parts is observed by all most all the states in the world. But, like municipal law, this also being violated by the states. Many states have not been settled their own boundaries, as a result still we are having many controversies.

The division of the sea under UNCLOS 1982 represents a landmark achievement in international law. By clearly defining maritime zones and allocating rights and responsibilities, the Convention reconciles coastal State sovereignty with global interests. Its enduring relevance demonstrates the success of UNCLOS as a legal framework for the peaceful, equitable, and sustainable use of the world's oceans. Even after adoption of 1982 Convention, several States in the World still following customary rules and their own treaty provisions regarding some matters. Few developed Countries are still not ready to sign this Convention. Especially regarding Continental shelf, some of the States argue that it is a part of Area and should be open to other states also.

So, it is needed to make it more compulsory for all the state parties in the World to follow, because we have only one Earth and it is covered almost 70% by Water.

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