



The Historical Development of the Law of the Sea

Codification and the Law of the Sea: Part 1

Dr. Sarah Lothian

Period 3: 20th Century to Present

Four Major attempts to codify the customary rules of law relating to the oceans.

Rationale for codification

- Complexity of rules
- Increased number of States
- Increased disputation

Hague Codification Conference 1930

Objectives

–to codify the rules relating to the territorial sea:

- The extent of the territorial sea.
- The jurisdiction of the littoral or coastal State over the territorial sea.

Disagreement among States over breadth of territorial sea

Hague Codification Conference

Identified important questions and possible solutions that form part and parcel of today's international law of the sea.

- The exercise of sovereignty in the territorial sea;
- The baseline for the determination of the breadth of the territorial sea
- The difference between inland and territorial waters
- Innocent passage of foreign vessels through the territorial sea
- Criminal and civil jurisdiction on vessels passing through the territorial sea
- The right of hot pursuit from the territorial waters into the high seas

First Law of the Sea Conference

(UNCLOS I -1958)

- Resulted in four conventions,
 - The Convention on the Territorial Sea and the Contiguous Zone 1958
 - The Convention on the High Seas 1958
 - The Convention on the Continental Shelf 1958
 - Convention on Fishing and Conservation of the Living Resources of the High Seas 1958
- Disagreement on breadth of the territorial sea

Second Law of the Sea Conference

(UNCLOS II - 1960)

Convened to discuss two unresolved issues from the 1958 Conference.

- The limits of the territorial sea.
- Fisheries limits.

Failed to resolve issues

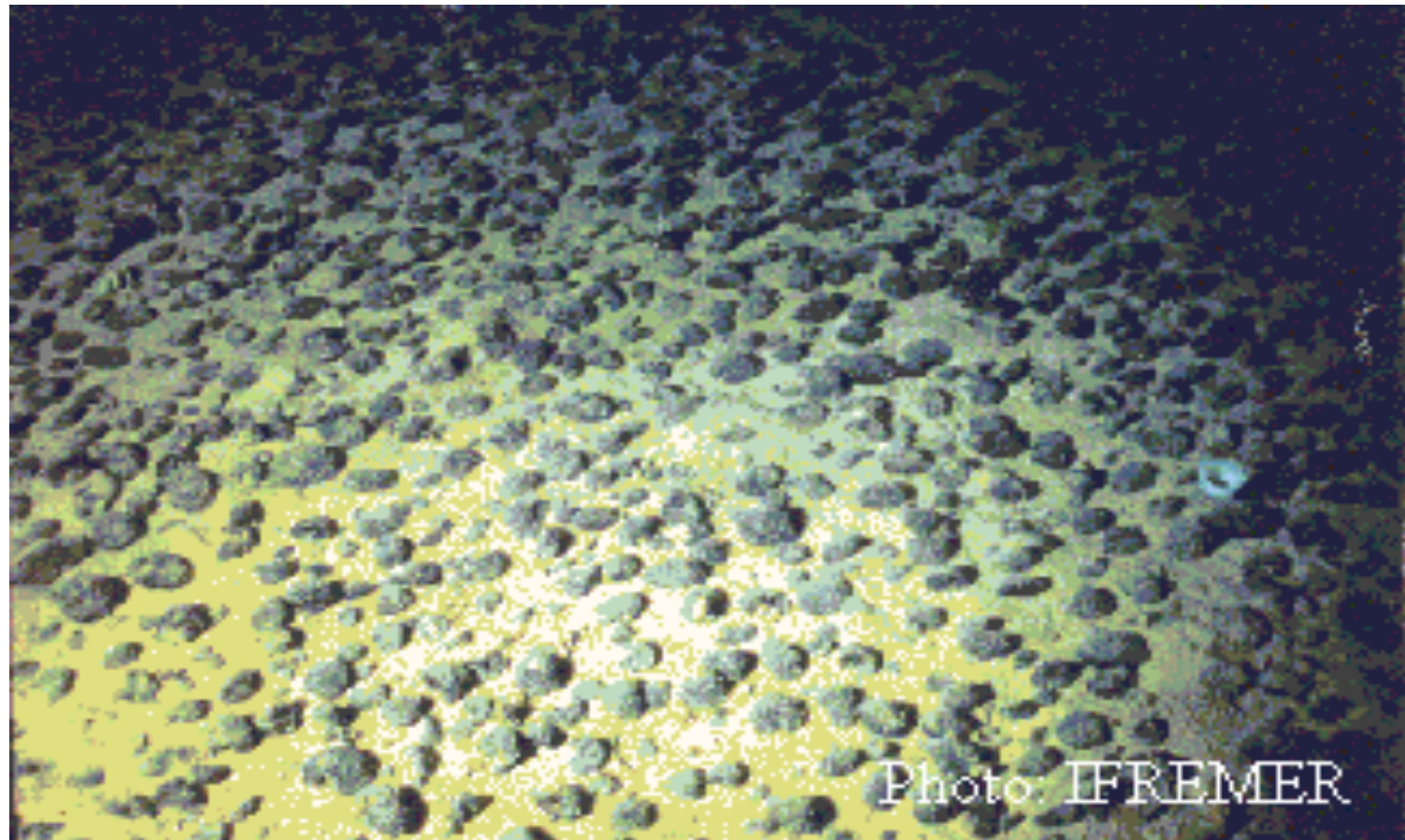
6+6 formulae failed

Towards UNCLOS III

Interest in convening a third UNCLOS was prompted by several factors

- The tendency of coastal States to claim jurisdiction or regulatory powers over inconsistent, and in some cases broad, high seas areas ('creeping jurisdiction')
- Enhanced international awareness of the mineral resource potential of the deep seabed
- Changing size and composition of the UN

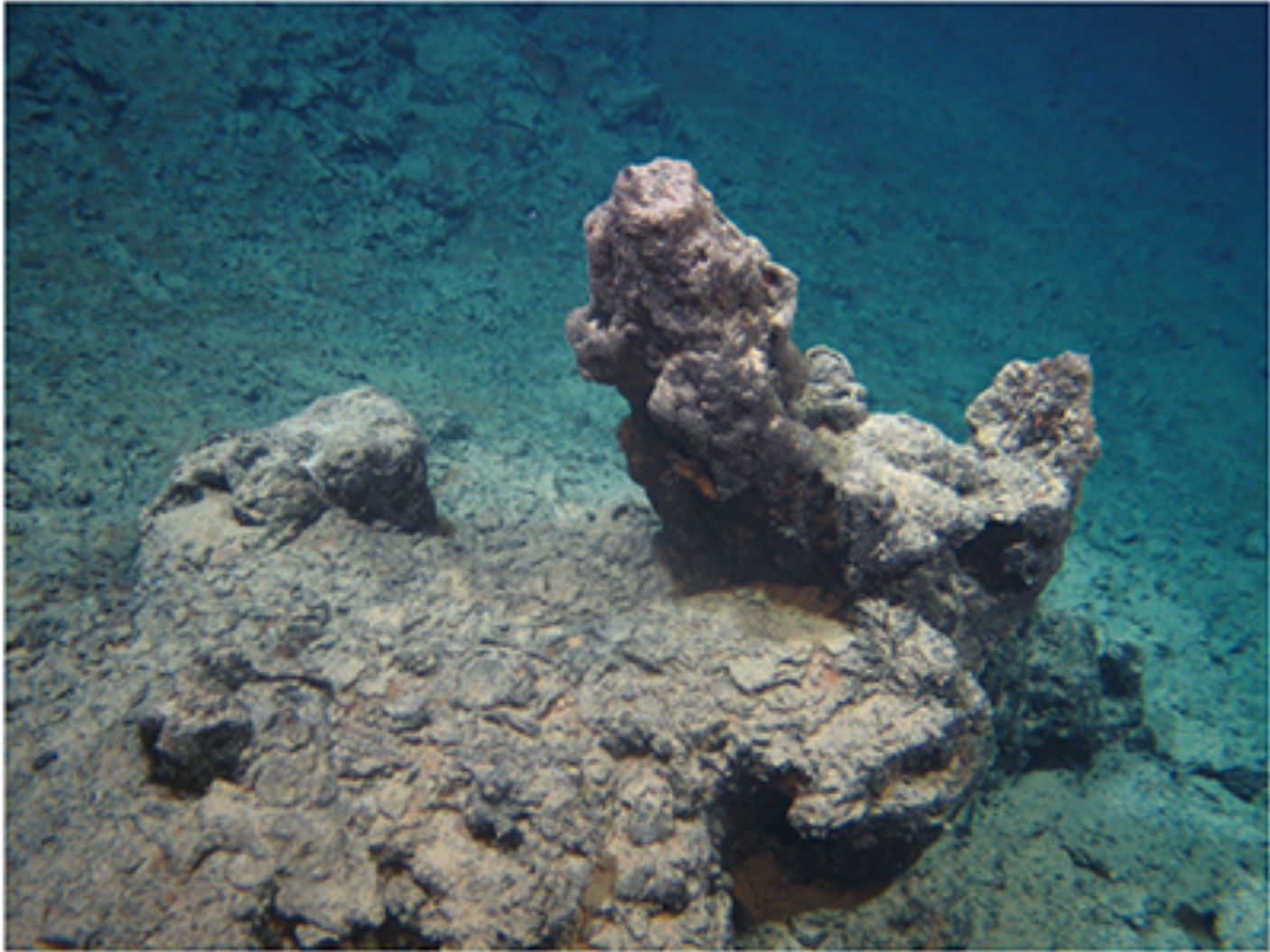
Polymetallic Nodules



Polymetallic Nodules



Polymetallic Sulphides



Inactive polymetallic sulphide slot in the GAUSS-sulfidfield on the ocean floor, Indian OceanSource: *BGR*

Ferromanganese Cobalt Crusts



Ferromanganese Crust on a boulder collected from the Ninety East Ridge, Indian Ocean
Credit: *Evelyn Mervine*.