
New Directions in the
Law of the Sea:
Regional and National Developments

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Volume 1

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Introduction

A new era of the law of the sea has begun. After more than a decade since its adoption, the 1982 United Nations Convention on the Law of the Sea, supplemented by the Agreement relating to the implementation of Part XI of the Convention, has finally come into force and has brought about a global legal regime for rationally managing marine spaces and resources, from navigation and overflights to resource exploration and exploitation, environmental protection, fishing and shipping. The prospect for the Convention's universal acceptance seems to be shared by all. On the basis of this global framework, States have turned their attention to the implementation of the Convention at the national and regional levels.

At the national level, no less than half of the existing national maritime laws were enacted in the 1970's, well before the final conclusion of the Conference which adopted the Convention. Some others, though introduced at a later date, are nevertheless at variance with the provisions of the convention. New laws and regulations for various maritime zones and activities have now emerged. These new texts provide useful information on the manner and methods adopted in implementing the Convention; they illustrate the kind of problems confronted and the kind of measures taken, by various countries. They also provide information on the boundaries of the different maritime zones established, and on the rights and duties prescribed for such activities as fishing, navigation, shipping, pollution prevention and scientific research.

Significant developments have also been made at the regional and subregional levels. Confronted with serious deterioration of the marine environment and the depletion of fishery resources, States have been driven together to find solutions to common problems in their respective marine regions. Regional co-operations have thus greatly increased particularly in environmental protection, fisheries management and marine scientific research. Notable efforts have been made in those areas by the coastal States of such semi-enclosed seas as the Mediterranean Sea, the Baltic and North Seas and more recently, the Black Sea. Cooperative activities of various kinds in the South Pacific, the Indian Ocean, the Antarctic and Arctic Oceans, cover the entire ocean region. Existing regional arrangements are now in the process of being strengthened and new arrangements are being developed in the regions where none existed before.

All these important developments at the national and regional levels have generated a great deal of interests. Indeed, some may even be very instructive for those countries which are looking for a solution to

their problems in dealing with similar situations. They also provide a wealth of materials for teaching and research in the field of the law of the sea and ocean affairs. Access to this wealth of materials and information has however become difficult. There had been a felt need to gather these scattered sources for a periodic publication containing most recent information in a handy, easily accessible form. The present publication is an attempt to respond to such need.

In order to facilitate the use of the materials and to provide a more focused presentation of the relevant materials from the perspective of a given marine region, as distinct from the traditional approach based on land territories, the entire world oceans and seas are divided in this publication into 14 marine regions¹ (see Map):²

- (1) North Pacific Ocean and adjacent seas
- (2) Western Pacific Ocean, South China Sea and adjacent seas
- (3) Indian Ocean, Bay of Bengal and Arabian Sea
- (4) Persian Gulf, Gulf of Oman, Gulf of Aden and Red Sea
- (5) Black Sea, Sea of Marmara, Bosphorus and Dardanelles Straits, and Caspian Sea
- (6) Mediterranean Sea
- (7) Baltic Sea
- (8) North Sea
- (9) North Atlantic Ocean and adjacent seas
- (10) Caribbean Sea and Gulf of Mexico
- (11) South Atlantic Ocean
- (12) Eastern Pacific Ocean
- (13) Arctic Ocean
- (14) Antarctic (Southern) Ocean

All relevant materials gathered for each marine region³ are presented under sixteen subject headings: e.g., territorial sea, straits, navigation, delimitation, marine environment, security, piracy, etc. Cross references are made where the information is of equal relevance to one or more subject headings or marine regions.⁴

Under each subject heading, three groups of information are provided: bilateral and regional instruments, national legislation and instruments, and settlement of disputes.

¹ A similar approach may be found, for example, in Professor Lewis M. Alexander's *Regional Cooperation in Marine Science*. Report prepared for Intergovernmental Oceanographic Commission (of UNESCO), United Nations (Ocean Economics and Technology office) and Food and Agriculture Organization of the United Nations (1978).

² The map is produced by the United Nations Cartographic Unit, map no. 3898.

³ Except the Arctic and Antarctic Oceans.

⁴ To avoid repetition, the text is produced only in places where the reference is made in bold face in the table of contents.

INTRODUCTION

This publication covers not only laws, regulations and treaties but also declarations, decisions, resolutions, recommendations, guidelines and important policy statements. The objective is to reflect current interests and concerns and to broaden the scope of enquiry so as to provide the users with a fuller view of relevant developments taking place.

A selected bibliography, updated annually, relating to each of the marine regions is included at the end of the Binder 2.

Materials are collected from various sources, including governments, institutions and publications. The editors would like to thank those who have made them available to this publication. A number of important texts have been extracted from the *Law of the Sea Bulletin*, published by the Division for Ocean Affairs and the Law of the Sea of the United Nations Office of Legal Affairs; we would like to acknowledge specifically here our appreciation.

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Naturally, we are responsible for the contents of the publication and any views expressed here are ours and are not intended to represent the position of the Organization to which we have the honour to serve.

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