

Iowa High School Model United Nations
Informational Paper
The Law of Maritime
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Background

The Law of Sea, also known as Admiralty Law or Maritime Law, is a set of laws that govern and deal with maritime offenses or questions. The United Nations Convention on the Law of the Sea (UNCLOS) has been the international authority of many of maritime issues. The treaty, which is officially called the Law of the Sea Convention treaty, is the international agreement that came into creation from the third United Nations Conference on the Law of the Sea (UNCLOS III). All three of the conventions took place during 1973 through 1982.

The history behind the treaty starts early. The first international laws concerning maritime practices date back to the 17th century. Nations were usually limited to the water extending one “cannon shot”, approximately three nautical miles, away from their coastline. All water beyond that was considered international waters and was open to, but not belonging to any nation (University of Tulane). UNCLOS replaces the outdated Freedom of the Seas concept hatched from U.S. President Woodrow Wilson’s Fourteen Points policy. Proposed during the First World War, the Freedom of the Seas was a weak and shaky agreement that stressed the freedom of nations to navigate the oceans without fearing hostile aggression from other nations. This idea failed from the beginning. The United States’ allies during the war, France and Great Britain, were opposed to the idea because both nations were large naval powers and believed that their supremacy at sea gave them an upper hand. Also during the 20th century, many nations expressed their desire to expand their national claims over food and natural resources. The League of Nations called a conference to discuss these matters, but like with many other policies, the League of Nations was very ineffective in drawing up a plan to please all of the member nations and thus failed.

What Has Been Done/Past UN Actions

In 1956, the first United Nations Conference on the Law of the Sea (UNCLOS I) was called to order. UNCLOS I resulted in four important treaties that established the framework of the modern day law of the sea (The Earth Encyclopedia). First, the Convention of the High Seas, which came into effect on September 30, 1962, agreed on four basic maritime freedoms. They were the freedom of navigation, freedom of fishing, freedom to lay submarine pipelines, freedom of flight over the high seas. Second, the Convention on the Continental Shelf, which came into effect on June 10, 1964, outlined a rough plan on how far out nations borders could reach offshore. Third, the Convention on the Territorial Sea and Contiguous Zone, which came into effect on September 10, 1964, established what was considered internal bodies of water by nations. Finally, the Convention on Fishing and Conservation of Living Resources of the High Seas, which came into effect on March 20, 1996, was an agreement designed to conserve living

resources of the high seas as a result of human technology. After UNCLOS I was dismissed, the convention was considered an overall success throughout the international community. However, it left many gaps in several nations territorial water claims.

UNCLOS II met in Geneva, Switzerland in 1960. This conference was not quite as successful as its predecessor. No new agreements resulted from the six-week conference thus making it relatively unsuccessful. Most analysts considered this to be because the conference took place at the height of the Cold War making the United States and the Soviet Union arguing on most issues and not conceding to the others claims. The other nations that attended had no significant voice as the nations tended to group together in eastern and western blocks.

UNCLOS III was the final and most influential conference concerning the United Nations maritime law. The conference began by addressing territorial water claims that were not resolved after UNCLOS I and II. In an attempt to reduce the possibility of large nations dominating the negotiations like in UNCLOS II, the conference didn't use a majority vote, but rather a consensus process that allowed developing and third world nations to have an equal voice. More than 160 nations attended which lasted from 1973 until 1982. The convention issued many provisions to the expanding agreement. The largest contribution would be the introduction of the idea and term Exclusive Economic Zone (EEZ). These areas are places where sovereign nation-states have rights over the economic factors of the area such as strategic resources. Today, most nations EEZ extend a distance of 200 nautical miles away from their coastlines. One year after the sixtieth state, Guyana, ratified the treaty, the treaty came into force on November 16, 1994. As of October 10, 2008, 157 have signed the treaty and 142 have ratified it (un.org).

Possible Solutions

Today, Piracy is the main focus surrounding UNCLOS policy. In Section 1, Article 101-103 declares piracy an illegal hostile attack on non-combatants. Robbery of a nation's sovereign commission is a major problem off the coast of East Africa and in the Indian Ocean. Many nations have taken measures to ensure the safe passage of their nations merchant and private vessels in these areas. Since the beginning of 2008, over sixty ships have been victims of piracy in East Africa alone (ReliefWeb). East Africa has become a haven for these pirates because of the lack of a functioning government in the area. For this reason, nearly every nation has a large stake in political stability in East Africa and with UNCLOS.

Questions to Consider

1. How far can the UNCLOS treaty be applied?
2. Does this treaty impose on the sovereignty of East African nations?
3. How can the UN convince other nations to adopt the UNCLOS treaty?

Consulted and Recommended Sources

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