

OVERVIEW OF THE UNITED NATIONS GENERAL ASSEMBLY (UNGA)

The General Assembly occupies a central position as the chief deliberative, policy making and representative organ of the United Nations.

Membership: Comprises all 193 members of the United Nations where all member states have equal representation.

Functions: The UNGA is responsible for the UN budget, appointing the non-permanent members to the Security Council, appointing the UN secretary-general, receiving reports from other parts of the UN system, and making recommendations through resolutions. It also establishes numerous subsidiary organs to advance or assist in its broad mandate.

Headquarters: New York City, U.S.

AGENDA

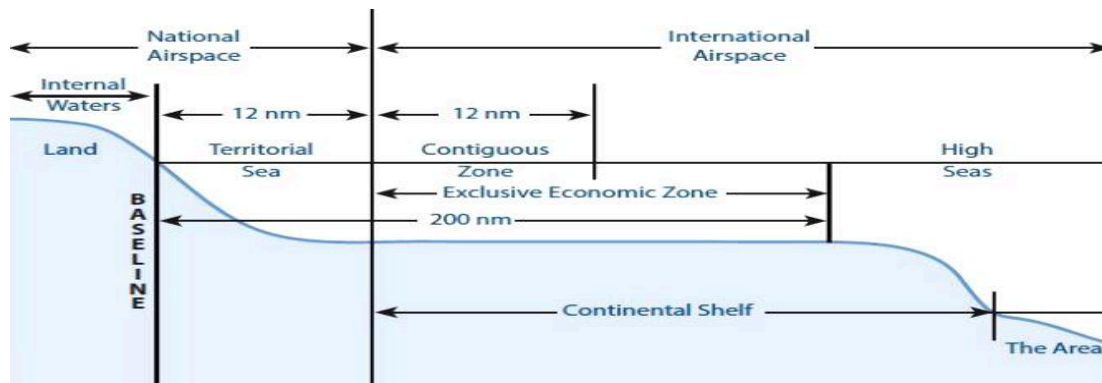
Contemplating the administration of UNCLOS, with a focus on prioritizing violations, amendments, and provisions, and strengthening it through cooperation with an international body.

INTRODUCTION

- The **United Nations Convention on the Law of the Sea (UNCLOS), 1982** is an international agreement that establishes the legal framework for marine and maritime activities. This agreement is responsible for administering maritime activities.
- It is 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**. These five zones are the most prominent zones where the UNCLOS is responsible for maintaining its legal framework.
- It is the only international convention which **stipulates a framework for state jurisdiction in maritime spaces**. It provides a different legal status to different maritime zones. This is one of the most organized framework established by the United Nations in context to maritime network.
- It provides **the backbone for offshore governance by coastal states and those navigating the oceans. UNCLOS** at the moment is handling important legal tasks related to maritime and coastal disputes all over the world.
- It not only zones coastal states' offshore areas but also **provides specific guidance for states' rights and responsibilities** in the five concentric zones.

- While UNCLOS has been signed and ratified by nearly all the coastal countries in the **South China Sea**, its interpretation is still hotly disputed. The South China sea dispute is one of the most important case studies of dispute resolution.
- There is a maritime dispute in the **East China Sea** as well. The maritime dispute of the east china sea has not got much attention but it is the UNCLOS which is responsible for handling it.

Maritime zones



1. Baseline:

- It is the low-water line along the coast as officially recognized by the coastal state.

2. Internal Waters:

- Internal waters are **waters on the landward side of the baseline** from which the breadth of the territorial sea is measured.

- **Each coastal state has full sovereignty over its internal waters** as like its land territory. **Examples** of internal waters include bays, ports, inlets, rivers and even lakes that are connected to the sea.
- There is **no right of innocent passage** through internal waters.
- The innocent passage refers to the passing through the waters which are not prejudicial to peace and security. However, the nations have the right to suspend the same.

3. Territorial Sea:

- The territorial sea **extends seaward up to 12 nautical miles (nm) from its baselines**.
- A nautical mile is based on the circumference of the earth and is equal to one minute of latitude. It is slightly more than a land measured mile (1 nautical mile = 1.1508 land miles or 1.85 km).
- The coastal states have **sovereignty and jurisdiction over the territorial sea**. These rights extend not only on the surface but also to the seabed, subsoil, and even airspace.
- But the coastal states' rights are **limited by the innocent passage** through the territorial sea.

4. 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.
- Unlike the territorial sea, the contiguous zone **only gives jurisdiction to a state on the ocean's surface and floor.** It does not provide air and space rights.

5. Exclusive Economic Zone (EEZ):

- Each coastal State may claim an EEZ beyond and adjacent to its territorial sea that extends seaward **up to 200 nm from its baselines.**
- Within its EEZ, **a coastal state has:**
- Sovereign rights for the purpose of exploring, exploiting, conserving and managing natural resources, whether living or nonliving, of the seabed and subsoil.
- Rights to carry out activities like the production of energy from the water, currents and wind.
- Unlike the territorial sea and the contiguous zone, the EEZ only allows for the above-mentioned resource rights. It **does not give a coastal state the right to**

prohibit or limit freedom of navigation or overflight, subject to very limited exceptions

- **6. High Seas:**
- The ocean surface and the water column beyond the EEZ are referred to as the high seas.
- It is **considered as “the common heritage of all mankind”** and is beyond any national jurisdiction.
- States can conduct activities in these areas as long as they are for peaceful purposes, such as transit, marine science, and undersea exploration.
- The violation of certain provisions of UNCLOS may justify self-defence, thus broadening both UNCLOS and the legal framework of self-defense. The freedom of navigation is entrenched in UNCLOS and other relevant instruments. The principle of freedom of navigation is closely linked to global commerce. Thus, the language of states, coalitions and international organizations essentially implies that breaching these provisions of UNCLOS may justify invoking the right of self-defense.
- It is noteworthy that, in the current situation, the violations were committed by the Houthis (an entity that cannot be a party to UNCLOS) and allegedly Iran, which is also not a party. Thus, ostensibly they cannot breach the Convention. However, the freedom of the High Seas is a rule of customary

international law, which is binding at least on Iran. Even if the actor that carries out the threats does not legally breach UNCLOS, the act itself is as good as a breach of UNCLOS. In practice, states legitimize military responses against actors that are not necessarily obligated to respect the freedom of navigation, similar to exercising self-defense against non-state actors.

OBJECTIVES OF THE UNCLOS

- **Regulating Maritime Boundaries:** Defining the rights and responsibilities of nations regarding their use of ocean space, including delimiting territorial seas, contiguous zones, exclusive economic zones (EEZs), and continental shelves.
- **To promote the peaceful use of the seas and oceans:** Ensuring that maritime activities are conducted peacefully, promoting cooperation and preventing conflicts between states. In the modern day, UNCLOS is responsible for handling every sea related matters peacefully and ensures such a thing to continue
- **To facilitate International Navigation:** Safeguarding the freedom of navigation and overflight, ensuring that ships and aircraft can move freely across the high seas and other international waters. International navigation as an aspect is one of the departments that the UNCLOS emphasizes on.

- **To enable equitable and efficient utilization of ocean resources:** UNCLOS is responsible that the member nations are getting their fair share of resources which allows them to remain peaceful.
- **To protect and preserve the marine environment:** Setting standards to prevent, reduce, and control pollution of the marine environment from various sources, including land-based activities, seabed activities, and vessel-source pollution. UNCLOS also works with such aspects to prevent the climate change in the longer run
- **To promote Maritime safety :** in the modern world where there are active naval exercises. It is the UNCLOS ensuring that safety is maintained by all means.
- **Conducting Marine Scientific Research:** Encouraging and regulating marine scientific research to ensure that it is carried out for peaceful purposes and to the benefit of all humankind. UNCLOS is responsible for scientists and engineers to conduct marine research and provide effective results allowing development in several aspects.
- **Establishing Dispute Resolution Mechanisms:** Providing mechanisms for the peaceful resolution of disputes related to the interpretation or application of the Convention.

AFFECTED PARTIES

- **Coastal States:**

Countries with coastlines benefit from defined territorial seas, exclusive economic zones (EEZs), and continental shelves, which grant them rights to explore and exploit marine resources. These countries need to manage and protect their maritime zones and resources. Disputes over maritime boundaries can impact their economic interests and security.

- **Landlocked States:**

Their access to maritime resources and transportation is influenced by the rules governing sea access and navigation rights. Landlocked states have their own share of resources which is required that they are provided with that.

- **Maritime States:**

Countries with significant shipping and naval activities are affected by UNCLOS's regulations on navigation, passage rights, and maritime security. It is important that countries come to a consensus to handle naval and maritime activities for such states so that everything is maintained smoothly.

- **Fishing Nations:**

Nations with fishing industries must adhere to UNCLOS's guidelines for the conservation and sustainable use of marine living resources, particularly in EEZs and on the high seas.

- **Shipping and Trade Companies:**

Businesses involved in maritime transport must comply with navigation rules, environmental standards, and safety regulations set by UNCLOS.

- **Oil and Gas Companies:**

Companies involved in offshore drilling and resource extraction must follow regulations concerning the exploration and exploitation of resources on the continental shelf.

- **International Organizations:**

Bodies like the International Maritime Organization (IMO) and the International Seabed Authority (ISA) play roles in the implementation and enforcement of UNCLOS provisions.

- **Environmental and Conservation Groups:**

These organizations are concerned with the protection of marine ecosystems and biodiversity, which can be affected by gaps in UNCLOS regulations.

- **Marine Scientific Researchers:**

Institutions and individuals conducting marine research are affected by regulations ensuring that research is conducted for peaceful purposes and shared for the benefit of humanity.

- **Indigenous and Local Communities:**

Communities that rely on marine resources for their livelihoods are impacted by regulations governing resource use and environmental protection.

KEY ISSUES

The problem with the administration of the United Nations Convention on the Law of the Sea (UNCLOS) involves:

- **Violation Enforcement:**

Ensuring compliance with UNCLOS provisions can be challenging. Violations such as overfishing, maritime boundary disputes, and environmental damage are not always effectively addressed due to insufficient enforcement mechanisms.

- **Jurisdictional Overlaps:**

Clarifying jurisdictional overlaps and conflicts between different legal regimes and international organizations involved in ocean governance.

- **Amendments:**

The convention may need updates to address emerging issues such as deep-sea mining, climate change impacts, and new technologies. The process for amending UNCLOS is complex and can be slow, potentially leaving gaps in regulation.

- **Provisions:**

Some provisions of UNCLOS may be outdated or insufficient to address current maritime challenges. This can lead to inconsistent application and interpretation of the rules.

- **International Cooperation:**

Strengthening UNCLOS requires enhanced cooperation among member states and with international bodies to ensure effective management and conflict resolution.

- **Territorial Disputes:**

Conflicts over maritime boundaries and territorial claims, such as in the South China Sea, where multiple countries assert overlapping claims, leading to regional tensions.

- **Freedom of Navigation:**

Disputes over the right of passage, especially in strategic chokepoints like the Strait of Hormuz and the South China Sea, where coastal states and maritime powers have conflicting interests.

- **Deep-Sea Mining:**

Developing regulations for the exploration and exploitation of deep-sea mineral resources, balancing economic interests with environmental protection.

- **Technological Advancements:**

Keeping pace with new technologies in marine research, resource extraction, and maritime surveillance, and integrating them into the existing legal framework.

INITIATIVES UNDER UNCLOS

The first Conference on the Law of the Sea (UNCLOS I) was held in the year 1956 at Geneva, Switzerland by the United Nations. This conference resulted in the following four treaties:

Convention on the Territorial Sea and Contiguous Zone	Convention on Fishing and Conservation of Living Resources of the High Seas
Convention on the High Seas	Convention on the Continental Shelf

Several initiatives were taken after the establishment of the United Nations Conference on the Law of the Sea (UNCLOS) which are mentioned below:

- **International Tribunal for the Law of the Sea (ITLOS)**

Established by the UNCLOS, the International Tribunal for the Law of the Sea is an independent judicial body that adjudicates disputes arising out of the convention. ITLOS was signed on December 10, 1982, and entered into force on November 16, 1994.

- **International Seabed Authority**

It was formed in 1994 for regulating the exploration and exploitation of marine non-living resources of oceans in international waters.

- **Commission on the Limits of the Continental Shelf (CLCS)**

Established under the United Nations Convention on the Law of the Sea, CLCS is responsible for facilitating the implementation of UNCLOS with respect to the establishment of the outer limits of the continental shelf beyond 200 nautical miles.

- **Regulation of High Seas:**

Ensures that the high seas are reserved for peaceful purposes and accessible to all states, with regulations covering navigation, overflight, fishing, and marine resource conservation.

POTENTIAL SOLUTIONS TO CHALLENGES FACED BY UNCLOS

- **Enhanced Enforcement Mechanisms:**

Strengthen enforcement capabilities by increasing international cooperation, deploying advanced monitoring technologies, and establishing more robust penalties for violations, particularly for illegal, unreported, and unregulated (IUU) fishing and marine pollution.

- **Clearer Guidelines and Definitions:**

Clarify and update ambiguous provisions within UNCLOS to reduce disputes over maritime boundaries and resource entitlements.

- **Dispute Resolution Reforms:**

Improve the efficiency and accessibility of dispute resolution mechanisms, such as the International Tribunal for the Law of the Sea (ITLOS).

- **Regional Cooperation Frameworks:**

Foster stronger regional agreements and cooperation frameworks to address specific issues like piracy, pollution, and resource management. Regional fisheries management organizations (RFMOs) and other similar bodies can play a significant role.

- **Technology and Innovation:**

Leverage advancements in technology for better monitoring, surveillance, and enforcement. Use satellite tracking, drones, and automated systems to ensure compliance and track activities in real-time.

- **Capacity Building and Support for Developing Countries:**

Provide technical and financial assistance to developing countries to help them implement UNCLOS provisions effectively. This includes capacity building, technology transfer, and training programs.

- **Sustainable Resource Management:**

Promote sustainable practices for the extraction of marine resources, including fisheries and seabed mining. Establish international guidelines for deep-sea mining that prioritize environmental protection and equitable benefit-sharing.

- **Strengthening International Institutions:**

Enhance the role and capacity of international institutions like the International Maritime Organization (IMO) and the International Seabed Authority (ISA) to implement and enforce UNCLOS provisions more effectively.

- **Review and Amendment Process:**

Establish a periodic review process to assess the effectiveness of UNCLOS and make necessary amendments to address emerging challenges and technological advancements.