



What is the Law of the Sea?

The seas have historically performed two important functions: first, as a medium of communication; and, secondly, as a vast reservoir of resources, both living and non-living. Both of these functions have stimulated the development of legal rules. The fundamental principle governing the law of the sea is that 'the land dominates the sea' so that the land territorial situation constitutes the starting point for the determination of the maritime rights of a coastal state. The international law of the sea is one of the oldest branches of public international law. Thus, it must be examined from the perspective of the development of international law in general. Originally the law of the sea consisted of a body of rules of customary law.

Later on, these rules were progressively codified. The Third United Nations (UN) Conference on the Law of the Sea, which

successfully adopted the UN Convention on the Law of the Sea (the LOSC) in 1982, important issues related to ocean usage and sovereignty, such as:

- Established freedom-of-navigation rights
- Set territorial sea boundaries 12 miles offshore
- Set exclusive economic zones up to 200 miles offshore
- Set rules for extending continental shelf rights up to 350 miles offshore
- Created the International Seabed Authority
- Created other conflict-resolution mechanisms (e.g., the UN Commission on the Limits of the Continental Shelf)

The International Tribunal for the Law of the Sea was established as one of the dispute settlement mechanisms under Part XV of the Law of the Sea Convention. The Tribunal, based in Hamburg, is open to states parties to the Convention and to entities other than state parties. To date, thirty cases have been submitted to the Tribunal.

News at a Glance

- A missile blast in Poland was attributed to Russia by Ukraine. While Russia denies the blast, NATO says it may still be responsible.
- The 2022 United Nations Climate Change Conference draws to a close on the 18th of November. While the conference discussed a whole number of climate policies, the highlights were a damage fund for countries ravaged by the climate, an alliance between the biggest forest nations, and energy companies seeking to lead the fight against Global Warming.
- The long-drawn conflict between the State of Ethiopia and its region of Tigray signed a truce on 12th November, paving the way for humanitarian aid to flow into the region and peace talks to begin. A timeline of the conflict's major events can be found here.



Anglo-Norwegian Fisheries Jurisdiction Case (1951) (England vs. Norway; ICJ)

There are seven maritime zones that a state can have jurisdiction over, according to the Geneva Convention on Territorial Sea, 1958 and the UN Convention on the Law of the Sea, 1982. These are, specifically: baseline, inland waters, territorial sea, contiguous zone, Exclusive Economic Zone (EEZ), high seas and continental shelf.

On July 12, 1935, in a landmark case against Norway, the UK contested Norway's decision to pass a decree delimiting its northern coastal zone to fishing only by Norwegian nationals, by drawing a baseline. This particular zone is especially known for its shallow waters, is rich in fish, and has sustained the people of Norway from time immemorial.

According to Article 12 (1) and (2) of the Geneva Convention on Territorial Sea, 1958, where the coasts of two States are opposite or adjacent to each

other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. This does not however apply to states with unique circumstances or by historic title, where it is necessary.

Following complaints by the Norwegian monarch on the fishing of British nationals in its northern waters, Britain ceased activity for about three centuries before resuming again in 1906. Taking steps to differentiate the areas in which foreigners were allowed to fish, a repetition of incidents by the British continued against the Norwegian government's guidelines leading to the decree being passed in 1935.

However, several incidents subsequently occurred involving British vessels and their crews being arrested and detained from 1948-49. This led to the UK filing an application questioning the validity of the delimitation of the coastal fishing zone and whether it had been carried out in accordance with international law. It is to be noted that the UK

News at a Glance

- The upcoming G20 summit will be home to a number of upcoming conflicts, such as a discussion between the United States and China over the independence of Taiwan.
- The junior finance minister of Ghana was dismissed, as a growing number of people call for the dismissal of the finance minister as well over allegations of corruption and mismanagement of the Country's infrastructure.
- An explosion in Istanbul, Turkey killed 6 and wounded 81 over reports of it being a possible terrorist attack.
- Negotiations between Russia and the United States start as Ukraine recaptures the strategic stronghold of Kherson.



acknowledged Norway's claim on four miles of territorial waters, which had been laid down in 1812 by the Norwegian monarch at that time.

The International Court of Justice ruled in favour of Norway since Norway falls into the exceptions mentioned by Article 12 (1) and (2) by the 1958 convention. While the court observed that delimitation is always an international aspect, Norway's unique coastline and specific economic interests allowed the method employed by Norway to draw straight baselines by international law.

Recent Legal Developments in Maritime Law

In order to focus on Energy Efficiency and Emission Goals, the International Maritime Organization's (IMO) Marine Environmental Protection Committee (MEPC) adopted amendments to the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex VI in

June 2021. These modifications included technical, operational, and efficiency requirements for ships in order to meet the targets established in the initial 2018 IMO Strategy on Reducing Greenhouse Gas Emissions from Ships. These changes will go into effect on November 1st, 2022. The idea originated at the 77th MEPC meeting in November 2021, where the current International Maritime Organization goal, i.e., reducing shipping Greenhouse Gas emissions by 50% by 2050, was discussed. In April 2021, the Biden-led United States Administration signalled their support for a net zero emissions goal.

In January 2020, a group of environmental organisations sued to force the EPA to finalise its proposed rule, claiming that the agency has a nondiscretionary duty under the Clean Water Act to update the oil spill provision of the NCP to reflect the best available scientific information and that the agency failed to fulfil this duty on time, as required by the Administrative Procedure Act. On August 10, 2021, a federal judge ordered the United States Environmental Protection Agency (EPA) to issue a final rule amending the National Contingency Plan's oil spill response provisions (NCP).

Upcoming Activities

1. International Law and the Nord Stream Leaks Webinar.

The Sasakawa Global Ocean Institute of the World Maritime University, Sweden, will host a webinar on 'International Law and the Nord Stream Leaks', to take place on Friday 18 November at 6:30 PM - 8:00 PM IST. The link to register can be found [here](#).

2. Call for Papers: Hague Yearbook of International Law.

The Hague Yearbook of International Law is now receiving submissions for publication in its upcoming Volume 36. Submissions on any issues of public or private international law in either English or French language are welcomed. The deadline for submissions is 1 May 2023. The full Call for Papers can be found [here](#).

3. Call for Essays: International Law and the Popular Consciousness in South Asia.

International Law and the Global South and the Research Society of International Law (Pakistan) invite essays exploring popular attitudes towards international law in the South Asian region. More information can be found [here](#).



Following the Deepwater Horizon oil spill in 2010, the EPA began reassessing the role of chemical dispersants in mitigating the environmental effects of oil spills. The EPA issued a proposed rule to amend the NCP in 2015. The proposed rule would change the monitoring, data and information, and procedural requirements for the authorization of certain chemical dispersants used in oil spill response.

Summary of the MUN

The ILS Centre for International Law organized a Model United Nations Competition on the 15th of November, 2022 for the 4th B.A. LL.B. students of ILS to familiarize them with the concept of Statehood. The competition received an overwhelming response. The agenda of the competition was the Yugoslavian Civil Crises. The competition was chaired by Mr Tushar Rajput and Ms Maitreyee Borse from the Vth B.A.LL.B. The session was moderated by the faculty coordinators, Ms Divya Mittal and Mr Rohit Bokil. The winner of the competition was Ms Sanaya Khadiwala, the delegate of Poland, followed by the runner-up, Ms Krishna Nair, the delegate of the United Kingdom. The delegate of Norway, Mr Anish Kikle and the delegate of China, Mr Haider Tapia received a special mention. The competition was an overall success.

Upcoming Activities

4. Call for Papers: Workshop on the Law Applicable to the Use of Biometrics by Armed Forces.

This workshop is organised by the War Studies Research Centre of the Netherlands Defence Academy and will be held in Amsterdam on 25 May 2023. The deadline for abstracts is 1 December 2022. More information can be found [here](#).

5. Call for Abstracts: Climate Change Justice Project

The Sub-Himalayan Research Institute (SHRI), headquartered in Purnea (India), is inviting authors to contribute to its Climate Change Justice project. Interested contributors are asked to send a 500-1000 words abstract of their proposed paper, with their names and affiliations, by 25 of November 2022 at the latest. Authors of the selected papers will be contacted individually by 15 of December 2022 and will be expected to send a full draft of their contribution by 31 of March 2023. See [here](#) to submit abstracts.