

United Nations Convention on the Law of the Sea (UNCLOS) - UPSC Notes

The United Nations Convention on the Law of the Sea (UNCLOS) is an international agreement that establishes guidelines for businesses, the environment and the management of marine natural resources. This article talks about UNCLOS and its importance for the [IAS Exam](#).

International organisations and groupings are an important part of the **International Relations** section of the General Studies paper-2 in the [UPSC Syllabus](#). The United Nations Convention on the Law of the Sea (UNCLOS) also prescribes the **Exclusive Economic Zones (EEZ)**, making this topic important for the **Economics** section of General Studies paper-3.

United Nations Convention on the Law of the Sea (UNCLOS)

UNCLOS is also known as the Law of the Sea Convention or the Law of the Sea Treaty that defines the rights and responsibilities of nations towards the use of the world's oceans.

- The United Nations Convention on the Law of the Sea lays down a comprehensive regime of law and order in the world's oceans and seas establishing rules governing all uses of the oceans and their resources.
- It enshrines the notion that all problems of ocean space are closely interrelated and need to be addressed as a whole.

UPSC PRELIMS FACTS

UNCLOS

Name: United Nations Convention on the Law of the Sea
(Also called the Law of the Sea Treaty)

Opened for signature: 1982

Entered into force: 1994

Sector: Guidelines for the use of the world's oceans and marine resources

Has India ratified UNCLOS? Yes



UNCLOS Background

The third session of the United Nations Conference on the Law of the Sea (UNCLOS III) which was held between 1973 to 1982 led to the formation of the current convention named UNCLOS.

- The Convention which concluded in the year 1982 replaced the quad-treaty of 1958 also known as Convention on the High Seas.
- UNCLOS became effective in the year 1994 and later in the year 2016, UNCLOS was joined by 167 countries and the European Union.

Formation of UNCLOS

UNCLOS was formed by replacing the older concept of the 17th-century known as 'freedom of the seas' where the national rights were only limited to a specified belt of water that extended usually up to 3 nautical miles (5.6 km) from a nation's coastlines.

- Therefore, the belts of water that were beyond the national boundaries were considered international waters.
- Later, during the early 20th century, several nations addressed their needs for extending the national claims that included mineral resources, protection of fish stocks and supply of resources to enforce pollution controls.
- As a result, in the year 1945, President Harry S. Truman extended United States control to all the natural resources of its continental shelf.
- Soon, between 1946-1950, three more nations namely Chile, Peru, and Ecuador also extended their rights to a distance of 370 km to cover their Humboldt Current fishing grounds whereas the other nations extended their territorial seas to 22 km.

The issues related to the varying claims of the territorial waters were raised in the year 1967 in the United Nations. During the Third UN Conference on the Law of the Sea (UNCLOS III) of 1973, the UN ambassador, Mr. Arvid Pardo requested for a legal power that could bring about international governance over the oceanic floor and bed.

- Even as the name of the nautical law suggests a [United Nations'](#) involvement, the UN does not have any major functional role in the working of UNCLOS.

UNCLOS Features

Some of the important features of the United Nations Convention on the Law of the Sea are listed below:

- Nations are provided with full money rights by UNCLOS for a 200-mile zone along the shoreline.
- The sea and oceanic bed extending to this area are regarded to be the Exclusive Economic Zone (EEZ) of a country and that country can use these waters for their economic utilisation.
- Another important organization that plays a vital role in UNCLOS operations is the [International Maritime Organization \(IMO\)](#).
- Other important parties involved in Nautical Law and its functioning are the International Seabed Authority and the International Whaling Commission.

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. To know more about [ITLOS](#), refer to the linked page.
- **International Seabed Authority**
 - It was formed in 1994 for regulating the exploration and exploitation of marine non-living resources of oceans in international waters.
 - To know about the functions of the [International Seabed Authority](#), refer to the linked page.
- **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.

Click here to read about *UNCLOS Maritime Zone*: [Exclusive Economic Zone \(EEZ\)](#).

UNCLOS and India

India played a constructive role in deliberations leading to UNCLOS's adoption in 1982 and has been a party to the convention since 1995.

- India shares maritime boundaries with the following countries:

Bangladesh	Indonesia
Myanmar	Sri Lanka
Thailand	Maldives
Pakistan	

- The coastal State has exclusive jurisdiction to commercially exploit the continental shelf for metallic ore, non-metallic ore and hydrocarbon extractions, opportune and accurate strategic measures will not only safeguard India's maritime boundaries but can also reap benefits beyond expectation.
- India has invested heavily in exploring non-living resources in deep international waters for polymetallic nodules, cobalt crust and hydrothermal sulphides. More and more hydrocarbon resources are being discovered worldwide in deeper parts of the continental shelf.

Enrica Lexie Case

Known as the Enrica Lexie incident, it took place in 2012, when the Italian oil tanker Enrica Lexie, travelling off the coast of Kerala, was approached by an Indian fishing vessel named St. Antony.

- Two Italian marines onboard fired what Italy contends were warning shots at the ship. Two Indian fishermen from Kerala were killed.

- The marines were then detained by the Indian Navy which had intercepted the Enrica Lexie.
- This sparked off a diplomatic row between India and Italy as the latter said that India did not have the jurisdiction to try the marines.
- The two marines were detained in India for two and four years respectively.
- Italy had approached the International Tribunal for the Law of the Sea, an arbitral tribunal under the [International Court of Justice](#) in 2015, and the matter was heard by the Permanent Court of Arbitration in July 2019.

Point of views of both the countries:

India	Italy
<ul style="list-style-type: none"> • India says the vessel was fired at without notice. • The marines flouted India's sovereign right by entering Indian waters and killing the fishermen. 	<ul style="list-style-type: none"> • The Italians had offered compensation of Rs.1 crore each as 'compensation' for the families of the dead fishermen. • This was interpreted as 'blood money' by the SC, who expressed shock at this development.

In July 2020, the Permanent Court of Arbitration brought out its judgement:

- India does not have the jurisdiction to try the marines. The Italian marines cannot be tried in an Indian court. The Court recognised the marines' *functional immunity* since they were engaged in a mission for the Government of Italy.
- Italy should compensate the victims' families for the killing of the fishermen. Both countries are to jointly fix the amount of compensation.
- The Court rejected Italy's demand for compensation for India's detention of the marines.

Watch the complete analysis of the Enrica Lexie Case in The Hindu Video Analysis of 4th July 2020.

<https://youtu.be/dyINr4KvkiM>

