

AN ASSESSMENT OF THE LAW OF THE SEA AND IMPLICATIONS IN THE CONTEMPORARY WORLD

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Abstract

The study is aimed at assessing the law of the sea and its implication to the contemporary world. Studies reveal that for the coastal states to be in peace with their neighbours they must abide by the provision of this law. The paper provide a general overview of the law of sea conventions starting from the 1958 United Nations Conference which codify various aspect of the law of the sea which also led to separate international treaties pertaining to the territorial sea, the contiguous zone, the high sea, the continental shelf and the conservation of living resources in the sea. The studies further indicate the primary concern at that time was the territorial division of the sea, in response and disparate claims to sovereignty by many countries in the post war II years. The study among others recommends the need to increase the international obligations to monitor the activities of states and individual on the maritime borders.

Keywords: *Law, Sea and Contemporary World*

Introduction

About three quarters of the earth's surface is ocean. This vast water has been a means of international travel and a major communal source of food for many years to their different owners. As a consequence, societies developed norms for international behaviours on the ocean long before norm for international behaviour on land. The changes in the technology and growing population have created new uses and exerted new pressures on the world's ocean resources. The law of the sea therefore is an old body of law in a period of rapid evolution. Law of the sea (or Ocean law) is a body of international law governing the rights and duties of states in maritime environments, (Harrison, 2011).

The law of the sea was codified in the four conventions of 1958 – Geneva Convention on Territorial sea and contiguous zone, Geneva Convention on the high sea, Geneva Convention on the continental shelf and Geneva Convention on fishing and conservation of the living resources of the high sea, (Umozurike, 2007).these United Nations Conventions on the law of the sea or what may be called "Agreement" bridges the gap between centuries – old right and obligations and the new awareness that the seas are not an inexhaustible resources of those whose geography or economic development facilitates maritime exploitation. The law of the sea conventions represents an exceptionally important contribution to international relation. The United Nations Convention on the Law of the Sea (UNCLOS) often termed the "constitution for the Ocean" remains the fundamental legal framework for ocean governance in the contemporary world.

As the titles indicate the primary concern at that time was the territorial division of the seas in response to some very broad and disparate claims to sovereignty by many countries in the post-world War II years (Springer, 1983).The late 1960s witness a lot of negotiations toward further

development of the law of the sea. At first discussions were limited to the deep sea-bed but eventually the newly emergent states reached agreement on wide areas of substantive issues raised by historical and modern use of the sea. The purpose of the law of the sea is to regulate the interaction between states in relation to the different maritime areas as well as determining the right and duties of both the coastal and third states, thereby ensuring the orderly flow of maritime traffic and promoting regular and predictable international relations with respect to maritime matters.

In December 1982, a third UN Conference (UNCLOS III) was convened and the LOSC was signed by 119 states though many European nations abstained. This wide acceptance signifies the importance of the subject matter and success of the negotiations in finding a common ground. The law of the sea convention (LOSC) simply put is the most comprehensive international treaty ever signed. It provides crucial, though challenged balance between coastal states' sovereign rights over resources and the freedom of navigation for all States.

The LOSC is ranked along with the charter of the UN and the universal declaration of Human Rights (Gormely, 1976). This means that the LOSC is perhaps even more remarkable than those UN documents.

The Basic Principles of the Law of the Sea Convention (LOSC)

Three fundamental basic principles made for the signing of this treaty. The first principle is that States have some sovereignty rights to some portions of the sea adjacent to their sea coastline. The second principle limits the first, it says that some portions of the sea, the seafloor and the sea bed are shared as part of the "common heritage of mankind" the final principle is that concomitant with states' rights are states' obligations to preserve the sea and accommodate the needs of other states. The United Nations Convention on the law of the sea represents the customary law in some parts and its progressive development in other parts.

The Structure of the Agreement

UNCLOS is designed as a "package deal" balancing coastal state sovereignty with freedom of navigation. The law of the sea convention agreement is divided into numerous parts which approach the issues of international relations on the oceans from several perspectives. The first eleven parts deal with special issues and tend to reiterate long standing concerns with respect to the sea. The later parts deal with functional issues of use and operation and more directly address recent concerns. Parts II through VI define the extent and nature of coastal states' proprietary interest in the seas. Parts VII and XI deal with the commonly held areas of the sea and the seafloor, including the economic right of all states within these areas. Part XII on the other hand outlines states' responsibility for protecting the marine environment, parts XIII and XIV relate to scientific research on the seas, including transfer of technologies to the developing world. Part XV presents mechanisms for resolving disputes; it also deals with institutional structure and the operation of the agreement itself (LeGresley, 1993).

Territorial Division of Sea, Seabed and Subsea

The basic question on the law of the sea is; what constitutes a sea? The international legal definition is not the same as that of an oceanographer, while the oceanographers see seas as an expanse of water that covers most part of the earth's surface and enclose its continent and island. Under the law of the sea convention, the sea is defined as being seaward of the "baseline".

The rules of drawing baseline are necessarily complex, since they deal with infinitely variable geography essentially; however the base line is the low-tide line. Special rules for bays, river, delta reefs, fringing island, small rock, etc project a straight baseline across an open area of water. A straight baseline must follow the general trend and the coast. The longer the baseline however, the

greater the maritime area that is remarked from effective use by all nation and as a result, long straight baseline projections are vigorously opposed by many states.

The sea may be divided into the following zones for legal purposes:

1. **Internal Waters:** These are waters on the landward side of the baseline of a nation's territorial sea. They are the legal equivalent of the state's land in the international law, except that in very limited instance foreign nations may retain a historical rites of passage.
2. **Territorial Sea and Contiguous Zones:** The territorial sea is a band of sea immediately adjacent to the baseline. In the absence of any impinging state a coastal state may claim a territorial sea of width upto 12 miles.
3. **Continental Shelf:** The continental shelf is the prolongation of the land territory seaward beyond the territorial sea: (a) But not exceeding 200 nautical miles from the baseline of the territorial sea (b) beyond 200 nautical miles but not exceeding 350 miles.
4. **The High Seas:** The high seas cover those areas outside the internal waters, territorial sea and the exclusive economic zone. They are open to the shipping of all nation according to the UN Convention on the law of the sea 1982 nations have certain freedom on the high seas. These freedoms include: (a) freedom of navigation (b) freedom of over flight (c) freedom to lay submarine cable and pipelines (d) freedom to construct artificial island € freedom of fishing and (f) freedom of scientific research. These freedom are to be exercised with due regards to the rights of other state (Umozurike, 2007).

Implication of the Law in the Contemporary World

As earlier stated the sea has long been used by human as sources of food, income of economy, defense and transportation. In the contemporary world the law of the sea plays more significant role in international relations. These important roles can be seen in the following aspects.

Boundary Disputes and Jurisdictional Control: The law of the sea defines the Exclusive Economic Zones (EEZ) UN to 200 nautical miles, allowing coastal states to manage resources while resolving overlapping claims through equitable legal principles.

Maritime Security and Navigation: It protects the right to innocent passage for ships and ensures freedom of navigation, crucial for global trade a reducing conflicts over international waters.

Environmental Protection and Conservation: The law compels member states to protect the marine, environmental (e.g. controlling pollution from ships) and manage fish stocks to prevent overexploitation.

Resource Exploitation: The international Seabed Authority regulates the exploration of mineral resources in international waters, aiming to balance economic exploitative with protection.

Common Heritage of Mankind: The seabed (The Area) is legally designated as the common heritage of mankind. Meaning its resources cannot be claimed by any single state and managed by the international seabed.

Political: The existence of the law of the sea prevents illegal cross-border flows such as smuggling of drugs, migrants, weapons, toxic waste and illegal fishing. The presence of this law in most cases help to stabilize and reduce political tension among states.

Economy: Economically, the offshore economic interest located in the seas of most nations is rich in living and non-living resources that have contributed significantly to the economic development of these countries. The loss of or disruption of these fields, will greatly affect the economic wellbeing of the coastal nations. When the portion of the EEZ is with the disputed area it will further complicate the security of the nation concern. The political crises in any of the nation in the region have the effect such as massive flow of migrant searching for safety and protection. This challenge will have political implication to the neighbouring. On the whole the law of the sea helps to maintain peace among the coastal state thereby reducing the rate of conflicts which can lead to international instability.

CASE STUDIES

Territorial Disputes in the South China Sea: The core problem in the South China Sea is overlapping territorial and maritime claims between China and several Southeast Asian Nations such as Philippines, Vietnam, Malaysia, Brunei, Indonesia and Taiwan, which is creating a high-stakes, dangerous geopolitical flashpoint. China claims roughly 90% of the area based on its historic “nine-dash line”, conflicting with international laws, building artificial islands, and disrupting regional fish and energy explorative.

Insecurity at the Gulf of Aden: The main issue in the port of Aden is a combination of security threats and ageing infrastructure resulting from the ongoing conflict in Yemen which hinders its capabilities to operate, as a primary, efficient in port hub. While it has not suffered the same level of direct destruction as Hodeidah, the port of Aden operates at reduced capacity, with aging equipment, creating slow offloading times and increased costs for Yemenis.

The Yellow Sea Dispute between China and South Korea: A major ongoing disruption between China and South Korea that involves Beijing’s establishment and expansion in the Yellow Sea and Leodo region, violating UNCLOS laws and principles by erecting unauthorized structures and declaring restrictive no – sail zones for military training. This leads to heightened military tensions that threatens regional stability and causes maritime security challenges, forcing South Korea to navigate intense diplomatic and economic pressure while defending its sovereignty.(Seokwoo, 2025).

El Nino Phenomenon in the Panama Canal: The 2023-2024 severe drought and climate induced low water levels in the Lake Gatun, compounded by El Nino phenomenon forced the Panama Canal Authority to reduce daily transit from 36 to 24, violating normal expectations of unrestricted orderly transit. The disruption effectively hindered the principles of free and open navigation for international commerce, impacting international trade, particularly for ships travelling between Asia and the US East Coast. It also created significant backlogs, forced ship detours and inflated global shipping cost highlighting critical infrastructure vulnerabilities to climate – related disruptions (Agha, Ukommi, Ekpenyong, and Effiong, 2020; Dahl, 2024).

Disruption of Maritime Traffic at the Strait of Hormuz: The Strait of Hormuz is a narrow, vital 21-mile-wide waterway located between Iran and Oman, connecting the Persian Gulf to the Gulf of Oman and the Arabian Sea. It is one of the world’s most critical oil checkpoint transportation about 20% of global oil and liquefied natural gas (LNG)

Following the joint US-Israeli attacks on Iran in February, 2026, Iran has effectively blocked the Strait of Hormuz, which serves as one of the world’s busiest maritime channels. The closure of the strait has been described as the largest disruption to the energy supply since the 1970’s energy crisis, as well as the largest in the history of the global oil market. The blockage also affects trade and other commodities like aluminum, fertilizer and helium. With active shooting war going on in both

directions, the path is not safe for maritime traffic. That is why tankers are especially reluctant to go through it.

Under the direction of the Iranian, authorities, the Strait of Hormuz is being used as a strategic leverage in Iran's retaliates against the United States, and by extension, the rest of the world. Since the U.S. and Israel first launched strikes against Iran on February 28, at least i.e. tankers here been targeted in the region causing mass disruptive to the global trade of oil and LNG – and prompting oil prices to surge to unprecedented levels, (Time March 18, 2026)

Conclusion

As the case studies shows, the international law governing the use of the sea has been increasingly violated by both state and non-state actors when it suits them. This has serious implications particularly for maritime security and freedom of navigation. The law of the sea provides a legal framework for resolving conflicts regarding boundaries and ocean, but it is often partially complied with or out rightly ignored by many governments.

Recommendations

In order to effectively implement and enforce the law of the sea, the following recommendations are made:

There is need to increase the international obligation to monitor the activities of states and even individuals on the maritime borders. The law of the sea convention's general obligation is to prevent pollution; states must take all necessary measures that are consistent with the law to check these illegal activities.

Secondly, States should choose a procedure for compulsory resolution of disputes pertaining to right under the law. Disputes can be resolved either on legal basis or inequality, parties should be free to choose from among the international tribunal for the sea, international court of justice or arbitration tribunal, this means that the parties should first attempt to agree on a mechanism for resolving disputes especially the dispute regarding the interpretation of the law of sea conventions.

Thirdly, in order to safeguard the security of the maritime zone, parties must perform their duties as listed below with high integrity:

- i. They must aim at enforcing the provision of the law of sea convention and also enforce law and order under any federal law.
- ii. They must carry out air and coastal surveillance.
- iii. Dispose of any fish, article, device, goods vessel and any other item relating to any offence which has been committed.
- iv. States must overcome any treat or use of force against their sovereignty, territorial or political independence or any act which is in any manner is a violation of the principles of the convention. In other world State must abide by the provisions of the law of the sea agreement or convention.

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