

**e-RG**

**Electronic Resource Guide**

# **Law of the Sea**

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**American Society  
of International Law**

**T**his electronic resource guide, often called the ERG, has been published online by the American Society of International Law (ASIL) since 1997. Since then it has been systematically updated and continuously expanded. The chapter format of the ERG is designed to be used by students, teachers, practitioners and researchers as a self-guided tour of relevant, quality, up-to-date online resources covering important areas of international law. The ERG also serves as a ready-made teaching tool at graduate and undergraduate levels.

The narrative format of the ERG is complemented and augmented by EISIL (Electronic Information System for International Law), a free online database that organizes and provides links to, and useful information on, web resources from the full spectrum of international law. EISIL's subject-organized format and expert-provided content also enhances its potential as a teaching tool.

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## I. INTRODUCTION

This chapter of the *ASIL Guide to Electronic Resources for International Law* provides a guide to the electronic resources available to research the law of the sea. The types of resources covered emphasize internet sites, but also include library catalogs and on-line subscription and commercial services. The emphasis here is on English-language sources. General search strategies for conducting research in this area are included in Section XI.

## **II. BRIEF HISTORY**

For centuries, the law of sea was based on the concept of freedom of the seas, with nations' control of the oceans limited to narrow bands adjacent to their coasts. It was primarily based on customary law; international agreements were likely to involve a small number of states or cover a particular region. By the middle of the twentieth century, as the nations increased their capability to engage in long range fishing and commercial extraction, concerns arose about pollution and the exhaustibility of ocean resources. In addition, the concept of freedom of the seas was eroding, as many nations had asserted sovereignty over wider areas, claiming rights to the resources of the continental shelf and the water above. It became necessary to develop a treaty-based regime for ocean governance. A series of United Nations conferences on the law of the sea, convened in 1958, 1960 and 1973-1982, produced a number of treaty agreements and the Third Conference culminated in the adoption in 1982 of a comprehensive treaty instrument, the United Nations Convention on the Law of Sea.

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) creates a comprehensive regime governing the rights of nations with respect to the world's oceans. The convention addresses a number of topics, including economic zones of the sea, the continental shelf, rights to the deep seabed, navigational rights in territorial and high seas, conservation and management of the living resources of the sea, protection and preservation of the marine environment, and others. Procedures for the resolution of disputes are included. The convention is comprised of 320 articles and nine annexes. In addition, two other agreements that supplement UNCLOS have been adopted: The Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 and The United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

In addition to the global agreements, ocean law is controlled by a number of regional and specialized treaty instruments, covering topics such as the peaceful use of the sea, maritime space, conservation and management of living resources, protection of the marine environment, communications, illegal activities and the governance of regional seas.

## **III. GLOBAL TREATIES**

### **A. United Nations Convention on the Law of the Sea (UNCLOS)**

[http://www.un.org/Depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](http://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf)

The Convention is comprised of the following eighteen Parts (containing 320 articles) and nine Annexes (containing 125 articles).

- Part I. - Introduction: Use of Terms and Scope
- Part II. - Territorial Sea and Contiguous Zone
- Part III. - Straits Used for International Navigation
- Part IV. - Archipelagic States
- Part V. - Exclusive Economic Zone
- Part VI. - Continental Shelf
- Part VII. - High Seas (including Conservation and Management of the Living Resources of the High Seas)
- Part VIII. - Regime of Islands
- Part IX. - Enclosed or Semi-enclosed Seas
- Part X. - Right of Access of Land-locked States to and from the Sea and Freedom of Transit
- Part XI. - The Area
- Part XII. - Protection and Preservation of the Marine Environment
- Part XIII. - Marine Scientific Research
- Part XIV. - Development and transfer of Marine Technology
- Part XV. - Settlement of Disputes
- Part XVI. - General Provisions
- Part XVII. - Final Provisions
- Annex I. - Highly Migratory Species
- Annex II. - Commission on the Limits of the Continental Shelf
- Annex III. - Basic Conditions of Prospecting, Exploration and Exploitation
- Annex IV. - Statute of the Enterprise
- Annex V. - Conciliation
- Annex VI. - Statute of the International Tribunal for the Law of the Sea
- Annex VII. - Arbitration
- Annex VIII. - Special Arbitration
- Annex IX. - Participation by International Organizations

Two additional Agreements, concluded in 1994 and 1995, have as their aim the implementation of certain provisions of UNCLOS and are subject to the dispute settlement provisions of UNCLOS.

**B. Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982**

<http://treaties.un.org/doc/Publication/UNTS/Volume%201836/volume-1836-I-31364->

[English.pdf](#))

**C. Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks** (the “1995 Fish Stocks Agreement”)

([http://www.un.org/Depts/los/convention\\_agreements/convention\\_overview\\_fish\\_stocks.htm](http://www.un.org/Depts/los/convention_agreements/convention_overview_fish_stocks.htm)).

Additional information about the procedural history of the Convention and additional agreements may be found in the Historic Archives section of the United Nations Audiovisual Library of International Law. Materials about legal instruments covered in the Historic Archives section include an introduction to the instrument by an international law scholar or practitioner with special expertise on the subject, information on its procedural history and related documents, as well as the text and status of the instrument. It is accompanied by audiovisual materials, as available, relating to the negotiation and adoption of the instrument at meetings or diplomatic conferences. <http://www.un.org/law/avl/>

#### **IV. PREPARATORY WORK**

**A. International Law Commission** (<http://www.un.org/law/ilc/index.htm>). The International Law Commission (ILC), created in 1948, was charged with advancing the codification of international law. The Commission selected the regimes of the high seas and the territorial sea as topics for high priority. The ILC website, under the Topic “Law of International Spaces”, provides access to the full text of final drafts, reports, and conventions on topics selected for codification, including the regime of the high seas and the regime of the territorial seas. Materials available on the ILC website include analytical guides and summaries of the Commission’s work, reports adopted by the Commission, the 1958 treaty instruments concluded under the auspices of the United Nations on the basis of prior drafts prepared by the Commission and the Official Records of the 1958 United Nations Conference on the Law of the Sea. Materials related to the topic of Historic Waters and the related topic of Transboundary Aquifers (considered by the Commission but discontinued) may also be found on the website.

#### **B. Law of the Sea Conferences**

United Nations Diplomatic Conferences (<http://www.un.org/law/diplomaticconferences/>). This website provides access to the official records of The United Nations diplomatic conferences convoked by United Nations General Assembly resolution for the negotiation of treaties. Access to records of the Law of the Sea Conferences is included. The collection of proceedings is searchable.

1958 United Nations Conference on the Law of the Sea (First Conference) (<http://www.un.org/law/diplomaticconferences/>). The First United Nations Conference on the Law of the Sea, convened in Geneva in 1958, focused on developing rules that addressed states' rights and duties with respect to zones of the seas – territorial seas, continental shelf and high seas. Additional information about the 1958 Geneva Conventions on the Law of the Sea, including procedural history and selected preparatory documents, may be found in the Historic Archives section of the United Nations Audiovisual Library of International Law. <http://www.un.org/law/avl/>

The Conference produced four treaty agreements, with continuing relevance today:

- The Convention on the Territorial Sea and the Contiguous Zone (entered into force on 10 September 1964)  
<http://www.ecolex.org/ecolex/ledge/view/RecordDetails;DIDPFDSIjsessionid=8C91D93593B243ABFAB620BFA0DC89D1?id=TRE-000143&index=treaties>  
(available in English, Spanish and French)
- The Convention on the High Seas (entered into force on 30 September 1962)  
<http://www.ecolex.org/ecolex/ledge/view/RecordDetails;DIDPFDSIjsessionid=A3A4F3A20319484F63E84908F778D494?id=TRE-000144&index=treaties>  
(available in English, Spanish and French)
- The Convention on Fishing and Conservation of the Living Resources of the High Seas (entered into force on 20 March 1966)  
<http://www.ecolex.org/ecolex/ledge/view/RecordDetails;DIDPFDSIjsessionid=A3A4F3A20319484F63E84908F778D494?id=TRE-000141&index=treaties>  
(available in English, Spanish and French)
- The Convention on the Continental Shelf (entered into force on 10 June 1964)  
<http://www.ecolex.org/ecolex/ledge/view/RecordDetails;DIDPFDSIjsessionid=A3A4F3A20319484F63E84908F778D494?id=TRE-000152&index=treaties>
- In addition, an Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes was adopted, which entered into force on 30 September 1962.  
[http://legal.un.org/ilc/texts/instruments/english/conventions/8\\_1\\_1958\\_optional\\_protocol.pdf](http://legal.un.org/ilc/texts/instruments/english/conventions/8_1_1958_optional_protocol.pdf)

1960 United Nations Conference on the Law of the Sea (Second Conference) (<http://legal.un.org/diplomaticconferences/lawofthesea-1960/lawofthesea-1960.html>). The Second United Nations Conference on the Law of the Sea convened to consider the topics of the breadth of the territorial sea and fishery limits, which had not been agreed upon in the 1958 Conventions. No new agreements were concluded at the Conference.

United Nations Conference on the Law of the Sea, 1973-1982 (Third Conference) (<http://legal.un.org/diplomaticconferences/lawofthesea-1982/lawofthesea-1982.html>). Meeting in eleven sessions held during the period 1973 – 1982, the Third United Nations Conference on the Law of the Sea, on 10 December 1982, adopted the United Nations Convention on the Law of the Sea. The United Nations Convention on the Law of the Sea entered into force twelve months after the deposit of the sixtieth instrument of ratification, on 16 November 1994. Additional information about the 1982 Convention on the Law of the Sea, including lectures, procedural history and selected preparatory documents, may be found at the Audiovisual Library of International Law. <http://www.un.org/law/avl/>

## V. SOURCES OF TREATIES AND INTERNATIONAL AGREEMENTS

For additional guidance on conducting treaty research, it is helpful to consult a research guide. Prepared by librarians, these guides provide an overview of the research process, as well as suggested resources to conduct research. A guide to treaty research may be found at the Dag Hammarskjöld Library at the United Nations (<http://research.un.org/en/docs/law/treaties>). Many law schools have prepared excellent research guides as well, but the researcher should keep mind that references in those guides to print resources are to those found in the law school's own collection (although such resources are typically widely held). With that caveat, an example is the Guide to Treaty Research prepared and maintained by the librarians at Columbia Law School ([http://library.law.columbia.edu/guides/Guide\\_to\\_Treaty\\_Research](http://library.law.columbia.edu/guides/Guide_to_Treaty_Research)).

United Nations Treaty Collection (<http://treaties.un.org>) This searchable database contains the United Nations Treaty Series (UNTS) and League of Nations Treaty Series, the Multilateral Treaties Deposited with the Secretary-General and other useful treaty-related resources. There are a number of search options: the advanced search feature allows searching by type of agreement, date of signature, place of conclusion, entry into force, names of the parties and other criteria.

The Multilaterals Project at the Fletcher School of Law & Diplomacy (<http://fletcher.archive.tusm-oit.org/multilaterals>). This project made the full text of international conventions and other instruments available electronically. The selective list of treaties dates back to 1899 and can be searched by subject or chronologically. Although the site has been archived and is no longer updated, the collection of Marine and Coastal conventions, dating back to 1911, can be found at <http://fletcher.archive.tusm-oit.org/multilaterals/marine.html>

Center for International Earth Science Information Network (CIESIN) (<http://www.ciesin.org>). CIESIN is part of Columbia University's Earth Institute. This center focuses on applying information technology to interdisciplinary data, information, and research problems related to human interactions in the environment. CIESIN's website contains the text of more than 140 international environmental agreements, including agreements relating to the use of the sea, searchable through the Environmental Treaties and Resource Indicators (ENTRI) System. (<http://sedac.ciesin.columbia.edu/entri/index.jsp>).

The Electronic Information System for International Law (EISIL) ([www.eisil.org](http://www.eisil.org)). EISIL is a searchable database of links to international law information available on the Web, including treaties. EISIL is developed and maintained by ASIL, and covers the entire field of international law. EISIL's materials are arranged according to subject; treaties relating to the law of the sea may be found in the International Environmental Law and International Air, Space and Water categories. EISIL provides additional information about the treaties: such as legal citation, date of entry into force, and a brief description of the scope and significance of each instrument.

HeinOnline (<http://www.heinonline.org/>). HeinOnline is a subscription database providing access to PDF versions of treaties. The United Nations Treaty Series and League of Nations Treaty Series are contained in the United Nations Law Collection. Treaties to which the United States is a party may be found in the U.S. Treaties and Agreements library.

## **VI. INTERNATIONAL ORGANIZATIONS**

United Nations Division for Ocean Affairs and the Law of the Sea (UNCLOS) (<http://www.un.org/Depts/los/index.htm>). The Division serves as the secretariat of the United Nations Convention on the Law of the Sea. The site provides access to the Convention and related agreements, General Assembly reports and other documents, bodies established by the Convention, dispute settlement materials, and links to ocean related materials.

UN Oceans (<http://www.unoceans.org/>). The Oceans and Coastal Areas Network (subsequently named "UN-Oceans") was created to enhance cooperation and coordination among secretariats of the international organizations concerned with ocean related activities. It is composed of the relevant programs, entities and specialized agencies of the UN system and the secretariats of the relevant international conventions, including the International Seabed Authority and the Convention on Biological Diversity. The Inter-agency Activities page on the UN-Oceans website includes links to the Atlas of the Oceans (<http://www.oceansatlas.org/>), the Global Programme of Action for the Protection of the Marine Environment (<http://www.gpa.unep.org/>) and the International Coral Reef Initiative (<http://www.icriforum.org/>).

International Maritime Organization (IMO) (<http://www.imo.org>). IMO is a specialized agency of the United Nations responsible for improving maritime safety and preventing pollution from ships.

It serves as the repository for treaties related to maritime safety, marine pollution, liability and compensation and other conventions dealing with shipping. Summaries of and ratification information about IMO conventions can be found at the IMO website; full texts are seldom available and may often be located by using the UN treaty database or by navigating to the Maritime Matters section of EISIL ([http://www.eisil.org/index.php?sid=650785963&cat=51&t=sub\\_pages](http://www.eisil.org/index.php?sid=650785963&cat=51&t=sub_pages)).

World Meteorological Organization (WMO) (<http://www.wmo.ch>) WMO is the specialized agency of the United Nations for meteorology (weather, climate and water), operational hydrology and related geophysical sciences. The WMO is charged with providing leadership in international cooperation in weather, climate, hydrology, water resources and related environmental issues. Its policy-making body, the World Meteorological Congress, meets every four years. The WMO's Secretariat includes publication and distribution of WMO publications among its duties. The WMO website includes WMO statements, long-term plans, and announcements.

Intergovernmental Oceanographic Commission of UNESCO (<http://ioc-unesco.org/>) The Intergovernmental Oceanographic Commission (IOC) of UNESCO focuses on marine science and provides member states of the United Nations with a mechanism for global cooperation in the study of the ocean, through the sharing of knowledge, information and technology and through the coordination of national programs. The site contains links to IOC activities in the areas of marine environmental protection; fisheries and ecosystems; climate change; ocean observing and monitoring; coastal area management; data and information management and disaster mitigation.

United Nations Environment Programme (UNEP) (<http://www.unep.org/>) UNEP is the designated authority of the United Nations system in environmental issues at the global and regional level. Its mandate is to act as a catalyst, advocate, educator and facilitator to promote the wise use and sustainable development of the global environment. To accomplish this, UNEP works with a wide range of partners, including United Nations entities, international organizations, national governments, non-governmental organizations, the private sector and civil society.

UNEP activities in marine and coastal areas include the Global Programme of Action for the Protection of the Marine Environment from Land Based Activities (<http://www.gpa.unep.org/>), the Global International Waters Assessment (<http://www.unep.org/dewa/giwa/>), the Small Island Developing States Network (<http://www.sidsnet.org/>), the International Coral Reef Action Network (<http://www.icran.org/>), the World Conservation Monitoring Center (<http://www.unep-wcmc.org/>), Earthwatch (<http://www.earthwatch.org/>), and the Regional Seas Programme (<http://www.unep.org/regionalseas/>).

## **VII. CASE LAW/SETTLEMENT OF DISPUTES**

The mechanism established by UNCLOS provides for four alternative means for the settlement of disputes: the International Tribunal for the Law of the Sea, the International Court of Justice, an

arbitral tribunal constituted in accordance with Annex VII to the Convention, and a special arbitral tribunal constituted in accordance with Annex VIII to the Convention.

A State Party is free to choose one or more of these means by a written declaration to be made under article 287 of the Convention and deposited with the Secretary-General of the United Nations ([http://www.itlos.org/fileadmin/itlos/documents/basic\\_texts/298\\_declarations\\_June\\_2011\\_english.pdf](http://www.itlos.org/fileadmin/itlos/documents/basic_texts/298_declarations_June_2011_english.pdf)).

If the parties to a dispute have not accepted the same settlement procedure, the dispute may be submitted only to arbitration in accordance with Annex VII, unless the parties otherwise agree.

International Court of Justice (ICJ) (<http://www.icj-cij.org/>) The ICJ, also known as the World Court, is located in The Hague, Netherlands. Established in 1945 to replace the Permanent Court of International Justice, it is the principal judicial body of the United Nations. The Court is composed of 15 judges and its role is to settle contentious cases (disputes between states) and give advisory opinions (at the request of selected UN bodies). All ICJ judgments delivered since the Court's inception are listed, along with information on the background of the Court, its current docket, procedures, jurisdiction, and rules.

International Tribunal for the Law of the Sea (ITLOS) (<http://www.itlos.org/>) Located in Hamburg, Germany, the Tribunal is an independent judicial body established in 1994 by UNCLOS to adjudicate disputes arising out of the interpretation and application of the Convention. The Tribunal is composed of 21 independent members and is open to States Parties to the Convention and, in certain cases, to entities other than States Parties (such as international organizations and natural or legal persons). All ITLOS judgments are listed, along with information on the background of the Tribunal, its current docket, procedures, jurisdiction, and rules. Special chambers of the Tribunal are the Seabed Disputes Chamber (having jurisdiction in disputes with respect to activities in the International Seabed Area), the Chamber for Fisheries Disputes (available to deal with disputes concerning the conservation and management of marine living resources), and the Chamber for Marine Environment Disputes (available to deal with disputes relating to the protection and preservation of the marine environment which parties may agree to submit to it). The Statute of the International Tribunal for the Law of the Sea ([http://www.un.org/depts/los/convention\\_agreements/texts/unclos/annex6.htm](http://www.un.org/depts/los/convention_agreements/texts/unclos/annex6.htm)) is contained in Annex VI of UNCLOS.

## **VIII. CONSERVATION AND MANAGEMENT OF THE LIVING RESOURCES OF THE HIGH SEAS**

### **A. International Agreements**

The conservation and management of the living resources of the high seas are addressed in Section 2 of Part VII of UNCLOS. Article 116 confirms the right to fish on the high seas; Articles 117

through 119 address the duties of states to adopt conservation measures and cooperate in the conservation and management of the living resources of the high seas, and Article 120 addresses marine mammals.

In addition to UNCLOS, the 1958 Convention on Fishing and Conservation of the Living Resources of the High Seas (<http://www.ecolex.org/server2.php/libcat/docs/TRE/Full/En/TRE-000141.pdf>), and the 1995 Fish Stocks Agreement ([http://www.un.org/Depts/los/convention\\_agreements/convention\\_overview\\_fish\\_stocks.htm](http://www.un.org/Depts/los/convention_agreements/convention_overview_fish_stocks.htm)), important global multilateral agreements governing the management of living marine resources include:

- International Convention for the Regulation of Whaling (<http://iwc.int/convention>)
- Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (<http://www.fao.org/docrep/meeting/003/x3130m/X3130E00.htm>)

## **B. Preparatory Work**

Documents prepared at the 1995 United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, which resulted in the implementation of the 1995 Fish Stocks Agreement, may be found at [http://www.un.org/Depts/los/fish\\_stocks\\_conference/fish\\_stocks\\_conference.htm](http://www.un.org/Depts/los/fish_stocks_conference/fish_stocks_conference.htm). Additional information about this conference may be found in Structure and Process of the 1993-1995 United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks at <http://www.fao.org/docrep/V9929E/V9929E00.htm>.

## **C. International Organizations**

Food and Agriculture Organization – Fisheries and Aquaculture Department (<http://www.fao.org/fishery/en>) The Department promotes policies and strategies aimed at sustainable and responsible development of fisheries and aquaculture in inland and marine waters. For this purpose, the Department provides discussion fora, information, legal and policy frameworks, codes and guidelines, options for strategies, scientific advice and training materials. The website includes the Code of Conduct for Responsible Fisheries (<http://www.fao.org/DOCREP/005/v9878e/v9878e00.htm>), adopted by the FAO Conference in 1995 and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) (<http://www.fao.org/docrep/003/y1224e/y1224e00.HTM>), adopted in 2001.

FISHLEX (<http://faolex.fao.org/fishery/index.htm>) The website provides access to a series of tables that summarize the provisions of national legislation and of bilateral and multilateral agreements

governing foreign fishing in waters under national jurisdiction. Coastal State Requirements for Foreign Fishing, previously available in print, are now available electronically. The database can be searched by maritime delimitations (territorial sea, fishing zone, exclusive economic zone) or by country (for maritime delimitations, international agreements, conditions of access, framework of fishing activities and penalties, as well as national legislation governing fishing activities).

FAOLEX (<http://faolex.fao.org/faolex/index.htm>) FAOLEX is a database containing a collection of national laws and regulations on food, agriculture, fisheries and renewable natural resources. The database provides abstracts and indexing information about each text, as well as the full text of most legislation contained in the database. The collection is searchable by subject, country, keywords, type of text, and other fields.

#### **D. Regional Fishery Management Organizations**

The 1995 Fish Stocks Agreement requires that regional cooperation efforts be undertaken by the States Parties to the Agreement. A number of regional fishery organizations have been established by treaty, with the goal of regulating the amount of fish to be harvested on the high seas in the region and allocating the catch among the nations in the region. The Fisheries and Aquaculture Department of the FAO promotes the work of the Regional Fishery Bodies (<http://www.fao.org/fishery/rfb/en>).

Some of the organizations have management powers; others serve in an advisory capacity. Organizations with management powers are:

Commission for the Conservation of Antarctic Living Marine Resources (<http://www.ccamlr.org/>)

- The Convention on the Conservation of Antarctic Marine Living Resources (<http://www.ccamlr.org/en/document/publications/convention-conservation-antarctic-marine-living-resources>) came into force in 1982, as part of the Antarctic Treaty System, in pursuance of the provisions of Article IX of that Treaty.

Commission for the Conservation of Southern Bluefin Tuna (<http://www.ccsbt.org/>)

- On 20 May 1994, a voluntary management arrangement among Australia, Japan and New Zealand was formalized when the Convention for the Conservation of Southern Bluefin Tuna (<http://sedac.ciesin.org/entri/texts/acrc/Bluefin.txt.html>), which had been signed by the three countries in May 1993, came into force.

Western and Central Pacific Fisheries Commission (<http://www.wcpfc.int/>)

- Convention on the Conservation and Management of High Migratory Fish Stocks in the Western and Pacific Ocean (<http://www.wcpfc.int/key-documents/convention-text>), entered into force in 2004.

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General Fisheries Commission for the Mediterranean (<http://www.gfcm.org/gfcm/en>)

- Agreement for the Establishment of the General Fisheries Commission for the Mediterranean (<http://sedac.ciesin.org/entri/texts/fisheries.council.mediterranean.1949.html>), entered into force September 1949.

Inter-American Tropical Tuna Commission (<http://www.iattc.org/HomeENG.htm>)

- Convention for the Strengthening of the Inter-American Tropical Tuna Commission Established by the 1949 Convention between the United States of America and the Republic of Costa Rica ([http://www.iattc.org/PDFFiles2/Antigua\\_Convention\\_Jun\\_2003.pdf](http://www.iattc.org/PDFFiles2/Antigua_Convention_Jun_2003.pdf)) (the Antigua Convention) entered into force August 2010.

International Baltic Sea Fishery Commission (ceased to function on January 1, 2006).

- Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and the Belts (<http://www.jus.uio.no/english/services/library/treaties/06/6-02/fishing-baltic-belts.xml>) (the Gdansk Convention), signed on 13 September 1973.

International Commission for the Conservation of Atlantic Tunas (<http://www.iccat.es/en/>)

- International Convention for the Conservation of Atlantic Tunas (<http://www.iccat.int/Documents/Commission/BasicTexts.pdf>), entered into force on 21 March 1969.

Indian Ocean Tuna Commission (<http://www.iotc.org/English/index.php>)

- Agreement for the Establishment of the Indian Ocean Tuna Commission (<http://www.iotc.org/about-iotc/basic-texts>)

International Pacific Halibut Commission (<http://www.iphc.washington.edu/>)

- The International Pacific Halibut Commission (IPHC), originally called the International Fisheries Commission, was established in 1923 by the Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean between the governments of Canada and the United States (43 Stat. 1841, TS 701). The Convention was amended in 1930 (TS 837) and 1937 (50 Stat. 1351). A new Convention entered into force in 1953 (222 UNTS 78). When the two countries extended their fishery jurisdictions, a Protocol Amending the Convention entered into force in 1980 (1273 UNTS 270). The conventions may be located in commercial databases.

International Whaling Commission (<http://iwcoffice.org/>)

- International Convention for the Regulation of Whaling (<https://iwc.int/convention>), entered into force on 10 November 1948.

North Atlantic Salmon Conservation Organization (<http://www.nasco.int/index.html>)

- The Convention for the Conservation of Salmon in the North Atlantic Ocean (<http://www.nasco.int/convention.html>), entered into force on 1 October 1983.

Northwest Atlantic Fisheries Organization (<http://www.nafo.int/>)

- Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (<http://www.nafo.int/about/frames/about.html>), entered into force on 1 January 1979.

North East Atlantic Fisheries Commission (<http://www.neafc.org/>)

- “New” Convention on Future Multilateral Co-operation in the North East Atlantic Fisheries (<http://www.neafc.org/basictexts>)

North Pacific Anadromous Fish Commission (<http://www.npafc.org/new/index.html>)

- Convention for the Conservation of Anadromous Stock in the North Pacific Ocean ([http://www.npafc.org/new/publications/HandBook/English%20\(page1-44\).pdf](http://www.npafc.org/new/publications/HandBook/English%20(page1-44).pdf)), entered into force on 16 February 1993.

Pacific Salmon Commission (<http://www.psc.org/>)

- Pacific Salmon Treaty (<http://www.psc.org/pubs/treaty/treaty.pdf>), entered into force in 1985.

Southeast Atlantic Fisheries Organization (<http://www.seafo.org/>)

- Convention on the Conservation and management of Fishery Resources in the South East Atlantic Ocean (<http://www.seafo.org/About/Convention-Text>), entered into force in April 1993.

Southwest Indian Ocean Fisheries Commission (<http://www.fao.org/fishery/rfb/swiofc/en>)

- Resolution and Statute of the Southwest Indian Ocean Fisheries Commission ([ftp://ftp.fao.org/fi/DOCUMENT/safr/swiofc\\_1\\_2005/inf4e.pdf](ftp://ftp.fao.org/fi/DOCUMENT/safr/swiofc_1_2005/inf4e.pdf))

South Pacific Regional Fisheries Management Organization (<http://www.southpacificrfmo.org/>)

- Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (<http://www.sprfmo.int/basic-documents/>), entered into force on 24 August 2012

Western and Central Pacific Fisheries Commission (<http://www.wcpfc.int/>)

- Convention on the Conservation and Management of High Migratory Fish Stocks in the Western and Central Pacific Ocean (<http://www.wcpfc.int/key-documents/convention-text>), entered into force on 19 June 2004.

## IX. REGIONAL SEAS

Regional Seas Programme (<http://www.unep.org/regionalseas/>). Under the auspices of the United Nations Environment Programme, the Regional Seas Programme covers 18 regions of the world with the goal of protecting marine and coastal environments. Many of the programs function through action plans adopted by the member governments to establish frameworks for protecting the environment and promoting sustainable development. Fourteen of the Regional Seas Programmes have adopted legally binding conventions.

Today, more than 140 countries participate in 13 Regional Seas Programmes established under the auspices of UNEP: Black Sea, Wider Caribbean, East Asian Seas, Eastern Africa, South Asian Seas, ROPME Sea Area, Mediterranean, North-East Pacific, North-West Pacific, Red Sea and Gulf of Aden, South-East Pacific, Pacific, and Western Africa. Six of these programs are directly administered by UNEP. The Regional Seas Programmes function through an Action Plan. In most cases the Action Plan is supported with a legal framework in the form of a regional Convention and associated Protocols on specific problems. Furthermore, five partner programs for the Antarctic, Arctic, Baltic Sea, Caspian Sea and North-East Atlantic Regions are members of the Regional Seas family.

Antarctic Region (<http://www.unep.org/regionalseas/programmes/independent/antarctic/default.asp>)

The Antarctic Treaty ([http://www.ats.aq/documents/ats/treaty\\_original.pdf](http://www.ats.aq/documents/ats/treaty_original.pdf))

Convention on the Conservation of Antarctic Marine Living Resources (<http://www.ccamlr.org/en/document/publications/convention-conservation-antarctic-marine-living-resources>)

Arctic Region (<http://www.unep.org/regionalseas/programmes/independent/arctic/default.asp>)

No convention

Baltic Sea (<http://www.unep.org/regionalseas/programmes/independent/baltic/default.asp>)

Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention)

(<http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=543>)

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Black Sea (<http://www.unep.org/regionalseas/programmes/nonunep/blacksea/default.asp>)

Convention on the Protection of the Black Sea Against Pollution ([http://www.blacksea-commission.org/\\_convention.asp](http://www.blacksea-commission.org/_convention.asp))

Caspian Sea (<http://www.unep.org/regionalseas/programmes/independent/caspian/default.asp>)

Framework Convention for the Protection of the Marine Environment of the Caspian Sea (<http://www.tehranconvention.org/spip.php?article4>)

East Asian Seas (<http://www.unep.org/regionalseas/programmes/unpro/eastasian/default.asp>)

Action Plan for the Protection and Development of the Marine and Coastal Areas of the East Asian Region ([http://www.cobsea.org/documents/action\\_plan/ActionPlan1983.pdf](http://www.cobsea.org/documents/action_plan/ActionPlan1983.pdf))

Eastern Africa (<http://www.unep.org/regionalseas/programmes/unpro/easternafrika/default.asp>)

Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (<http://www.unep.ch/regionalseas/main/eaf/eafconv.html>)

Mediterranean (<http://www.unep.org/regionalseas/programmes/unpro/mediterranean/default.asp>)

Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) (<http://www.unepmap.org/>)

North-East Atlantic Region

(<http://www.unep.org/regionalseas/programmes/independent/neatlantic/default.asp>)

Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR)

([http://www.ospar.org/html\\_documents/ospar/html/OSPAR\\_Convention\\_e\\_updated\\_text\\_2007.pdf](http://www.ospar.org/html_documents/ospar/html/OSPAR_Convention_e_updated_text_2007.pdf))

North-East Pacific (<http://www.unep.org/regionalseas/programmes/nonunep/nepacific/default.asp>)

Convention for Cooperation in the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast Pacific (Antigua Convention)

([http://www.unep.org/regionalseas/programmes/nonunep/nepacific/instruments/nep\\_convention.pdf](http://www.unep.org/regionalseas/programmes/nonunep/nepacific/instruments/nep_convention.pdf))

North-West Pacific (<http://www.unep.org/regionalseas/programmes/unpro/nwpacific/default.asp>)

Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region (<http://www.nowpap.org/>)

Pacific (<http://www.unep.org/regionalseas/programmes/nonunep/pacific/default.asp>)

Convention for the Protection of Natural Resources and Environment of the South Pacific Region (Noumea Convention)

(<http://sedac.ciesin.org/entri/texts/natural.resources.south.pacific.1986.html>)

Red Sea and Gulf of Aden

(<http://www.unep.org/regionalseas/programmes/nonunep/redsea/default.asp>)

Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment (Jeddah Convention) ([http://www.persga.org/Documents/Doc\\_62\\_20090211112825.pdf](http://www.persga.org/Documents/Doc_62_20090211112825.pdf))

ROPME Sea Area (<http://www.unep.org/regionalseas/programmes/nonunep/ropme/default.asp>)

Kuwait Regional Convention for Cooperation on the Protection of the Marine Environment from Pollution ([http://ropme.org/uploads/protocols/kuwait\\_convention.pdf](http://ropme.org/uploads/protocols/kuwait_convention.pdf))

South Asian Seas (<http://www.unep.org/regionalseas/programmes/nonunep/southasian/default.asp>)

No convention. Law of the Sea Convention is regarded as the umbrella convention.

South-East Pacific (<http://www.unep.org/regionalseas/programmes/nonunep/sepacific/default.asp>)

Convention for the Protection of the Marine Environment and Coastal Areas of the South-East Pacific (Lima Convention)

(<http://sedac.ciesin.org/entri/texts/marine.environment.coastal.south.east.pacific.1981.html>)

West and Central Africa

(<http://www.unep.org/regionalseas/programmes/unpro/westerafrica/default.asp>)

Abidjan Convention for Co-operation in the protection and Development of the Marine and Coastal Environment of the West and Central African Region

(<http://sedac.ciesin.columbia.edu/entri/texts/marine.coastal.west.central.africa.1981.html>)

Wider Caribbean (<http://www.unep.org/regionalseas/programmes/unpro/caribbean/default.asp>)

Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention) <http://www.cep.unep.org/cartagena-convention>

## **X. ZONES OF THE SEA**

Several sections of UNCLOS are concerned with delineating the regions of the oceans over which states may exercise varying degrees of sovereignty. These sections provide a balance of national control with freedom of use by all nations. The 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea supplements UNCLOS ([http://www.un.org/depts/los/convention\\_agreements/convention\\_overview\\_part\\_xi.htm](http://www.un.org/depts/los/convention_agreements/convention_overview_part_xi.htm)).

### **A. Specialized Bodies Established by UNCLOS**

International Seabed Authority (<https://www.isa.org.jm/>) The International Seabed Authority is an autonomous international organization established under the 1982 United Nations Convention on the Law of the Sea and the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea. The website includes information about the organs of the Authority, and lists of all documents issued by it, with links to full text of selected documents.

Commission on the Limits of the Continental Shelf

([http://www.un.org/depts/los/clcs\\_new/clcs\\_home.htm](http://www.un.org/depts/los/clcs_new/clcs_home.htm)) The Commission on the Limits of the Continental Shelf was established to facilitate the implementation of UNCLOS in respect of the establishment of the outer limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. The responsibilities of the Commission are set forth in Annex II of UNCLOS. The website includes information about the Commission and links to documents adopted by the Commission and information and assistance provided to member states.

### **B. National Laws**

Maritime Zones and Delimitation

(<http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/index.htm>) The website contains national legislation of coastal States, as made available to the United Nations. Accordingly, the website may not reflect developments that have not been brought to the attention of the United Nations. Whenever possible, the texts are accompanied by illustrative maps. In addition, the website contains other reference material, such as tables indicating the status of the United Nations Convention on the Law of the Sea, summary of national claims to maritime jurisdiction, and other information.

## **XI. SECONDARY SOURCES**

### **A. Online Catalogs**

A good place to begin research is in an online catalog. Many law library online catalogs, especially in the United States, use the Library of Congress classification system (outline at <http://www.loc.gov/catdir/cpsolcco/>). Possible subject headings to use when searching for law of the sea materials include: Law of the Sea; Maritime Law; Marine Resources; Conservation and

Development; Fisheries – International Cooperation; Economic Zones (Law of the Sea). Titles of treaties and names of international organizations are also used as subject headings. WorldCat (<http://www.worldcat.org/>) is a global catalog that allows searching of more than 10,000 library catalogs.

## **B. Treatises and Yearbooks**

Nordquist, United Nations Convention on the Law of the Sea 1982: A Commentary ([http://www.worldcat.org/title/united-nations-convention-on-the-law-of-the-sea-1982-a-commentary/oclc/11971392&referer=brief\\_results](http://www.worldcat.org/title/united-nations-convention-on-the-law-of-the-sea-1982-a-commentary/oclc/11971392&referer=brief_results))

Koers & Oxman, The 1982 Convention on the Law of the Sea: Proceedings, Law of the Sea Institute Seventeenth Annual Conference ([http://www.worldcat.org/title/1982-convention-on-the-law-of-the-sea-proceedings-law-of-the-sea-institute-seventeenth-annual-conference/oclc/10777782&referer=brief\\_results](http://www.worldcat.org/title/1982-convention-on-the-law-of-the-sea-proceedings-law-of-the-sea-institute-seventeenth-annual-conference/oclc/10777782&referer=brief_results))

International Ocean Institute, Ocean Yearbook ([http://www.worldcat.org/title/ocean-yearbook/oclc/4659410&referer=brief\\_results](http://www.worldcat.org/title/ocean-yearbook/oclc/4659410&referer=brief_results))

Colson & Smith, International Maritime Boundaries ([http://www.worldcat.org/title/international-maritime-boundaries/oclc/676607508&referer=brief\\_results](http://www.worldcat.org/title/international-maritime-boundaries/oclc/676607508&referer=brief_results))

Rothwell, Eleferink, Oude, Scott & Stephens, The Oxford Handbook of the Law of the Sea ([https://www.worldcat.org/title/oxford-handbook-of-the-law-of-the-sea/oclc/889183957&referer=brief\\_results](https://www.worldcat.org/title/oxford-handbook-of-the-law-of-the-sea/oclc/889183957&referer=brief_results))

## **C. Legal Periodicals**

Available in print and in subscription databases online, journal articles can often be a rich source of information on law of the sea issues. Several journals are devoted exclusively to the topic, for example:

*Law of the Sea Bulletin*, published by the United Nations Division for Ocean Affairs and the Law of the Sea. ([http://www.un.org/depts/los/doalos\\_publications/los\\_bult.htm](http://www.un.org/depts/los/doalos_publications/los_bult.htm))

*Ocean Development and International Law* covers aspects of international and comparative law and policy concerning the management of ocean use and activities. (<http://www.tandf.co.uk/journals/titles/00908320.asp>)

*International Tribunal for the Law of the Sea Yearbook* provides information about the jurisdiction, procedure and organization of the Tribunal and also about its composition and activities during the year. (<http://www.brill.nl/default.aspx?partid=227&pid=34690>)

*The International Journal of Marine and Coastal Law* addresses all aspects of marine and coastal law.

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Includes a Current Legal Developments section. (<http://www.brill.nl/estu>)

*Ocean and Coastal Law Review* covers issues of marine resource regulation, coastal zone management, marine environmental protection, and other topics of importance in the field of ocean and coastal law. (<http://mainelaw.maine.edu/academics/oclj/>) **D. Legal Periodical Indexes**

Current Index to Legal Periodicals (CILP) (<http://lib.law.washington.edu/cilp/cilp.html>) Weekly index to very recent periodical literature, published by the Marion Gould Gallagher Law Library, University of Washington. Also available on Westlaw.

Index to Foreign Legal Periodicals (IFLP) (<http://www.law.berkeley.edu/library/iflp/>) (Berkeley, CA: University of California Press for the American Association of Law Libraries). IFLP is a multilingual index to over 470 journals focusing on international law (public and private), comparative law, and the municipal law of countries other than common law jurisdictions. The Index to Foreign Legal Periodicals is now published in both print and electronic formats by the William S. Hein & Co.

Index to Legal Periodicals and Books Full Text (<http://www.ebscohost.com/academic/index-to-legal-periodicals-and-books-full-text>) (New York, NY: H.W. Wilson Co.) ILP indexes over 1000 legal journals from the United States and other common law jurisdictions, with full text coverage of more than 400 periodicals. Electronic coverage began in 1981; print coverage dates back to 1926.

Aquatic Sciences and Fisheries Abstracts (<http://www.fao.org/fishery/asfa/en>) Produced through the cooperative efforts of the international network of ASFA Partners and ProQuest, the database contains more than 1 million bibliographic references to the world's aquatic science literature accessioned since 1971.

### **E. Free Sources of Scholarly Articles**

Many law reviews and other scholarly journals have made articles available on their websites.

The Social Science Research Network (SSRN) (<http://www.ssrn.com>) This research network aims to disseminate social science research and has a number of specialized research networks in each of the social sciences. The database is searchable or browseable.

The Berkeley Electronic Press (bepress) (<http://www.bepress.com>) Publishes peer-reviewed journals, working papers, and other scholarly information in the fields of social sciences and the sciences. Bepress is searchable and browseable.

### **F. Research Guides**

International Law of the Sea, University of Washington  
(<http://lib.law.washington.edu/ref/LOS1.html>)

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Law of the Sea, University of Oregon (<http://libweb.uoregon.edu/law/ocean/guides/los.html>)

Law of the Sea, University of Iowa (<http://libguides.law.uiowa.edu/lawofthesea>)

### **G. Current Awareness**

ASIL Insights, the "international law behind the headlines," provide brief, balanced accounts of the international law issues raised by newsworthy late-breaking events. Insights, which are written as international law events arise, are distributed to subscribers and posted on the ASIL website approximately two times a month. (<http://www.asil.org/insights>)

To remain abreast of current developments, the websites of the international organizations listed in this chapter are a source of newsletters, current awareness bulletins and papers presented at meetings. In addition, other organizations track developments in the area.

International Union for the Conservation of Nature (IUCN) Marine and Polar Programme (<http://www.iucn.org/about/work/programmes/marine/>)

Center for Oceans Law and Policy (<http://www.virginia.edu/colp/>)

World Wildlife Fund Marine Programme ([http://wwf.panda.org/what\\_we\\_do/how\\_we\\_work/conservation/marine/](http://wwf.panda.org/what_we_do/how_we_work/conservation/marine/))

Greenpeace Oceans Campaign (<http://www.greenpeace.org/international/campaigns/oceans/>)

Global Ocean Commission (<http://www.globaloceancommission.org/>)

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Barbara earned her A.B. from Vassar College and her J.D. from Georgetown University Law Center. She received her M.S.I.S. from the State University of New York at Albany. She is a member of the American Association of Law Libraries and has been active in the Academic Law Libraries and Foreign Comparative and International Law special interest sections. She is the author of the International Environmental Law and International Air, Space and Water categories of the Electronic Information System for International Law (EISIL). She has also contributed research

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guides on Transboundary Freshwater Treaties and Other Resources and Researching the Vienna Convention on Consular Relations Notification Requirements to the Globalex database at the Hauser Global Law Program at the New York University School of Law.