

Maritime Laws*

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The twentieth century has seen four major attempts to codify the peace-time rules of International Law of the Sea. The first was prompted by the League of Nations which appointed a Committee of Experts, in 1924 to draw up a list of subjects ripe for codification. Later, a Preparatory Commission was set up to prepare three topics viz. nationality, state responsibility and territorial waters for codification. Unfortunately, the Hague Conference convened in 1930 failed to adopt a Convention on the territorial sea. After the setting up of the United Nations in 1945, in replacement of the League of Nations, efforts at the progressive codification of international law were continued and an International Law Commission was established charged with the responsibility of surveying the whole field of maritime international law with a view to selecting topics for codification. During its early stages, the Commission embarked on preparation of draft articles on the high seas and the territorial waters which formed the basis of the work of the First United Nations Conference on the Law of the Sea convened in 1958. Although UNCLOS I succeeded in adopting 4 Conventions, it could not resolve two of the most crucial questions submitted to it viz the breadth of the territorial sea or the extent of the exclusive fisheries zone. The Second Conference on the Law of the Sea hurriedly convened at Geneva in 1960 again failed to reach an agreement on these two issues. The emergence of newly independent States becoming members of the United Nations, revolution in exploitation technology and Dr Arvid Pardo's exhortation in the UN that oceans needed to be preserved as the common heritage of mankind, culminated first in the convening of the Third United Nations Conference on the Law of the Sea in 1973.

The period subsequent to the convening of the Third UNCLOS witnessed the production of an enormous amount of literature relating to the Law of the Sea. There was, however, no single book which gave an up-to-date introduction to the subject as a whole. The avowed purpose of this book is to fill this gap by attempting to give an introductory survey not only of the 1982 United Nations Convention on the Law of the Sea, but also of customary and conventional law which supplements it. The book fulfils this purpose admirably.

* *The Law of the Sea* -- by R R Churchill and A V Lowe, Manchester : Manchester University Press, 1988, p. 370, £ 17.95.

The authors have wisely treated the subject of 'baselines' as a separate topic in view of the increasing importance of these lines which are now used to measure not only the outer limit of the territorial sea but also the outer limits of the contiguous zone, the exclusive economic zone and in some cases, the continental shelf. The chapters on internal waters, territorial waters, the contiguous zone, the exclusive economic zone adequately cover the law on the subject though these are necessarily concise. The chapter on the continental shelf however, does not fully explain the precise definition of the continental shelf and how the revised definition had been arrived at in the Third UNCLOS. Similarly, chapter XVII on the 'Military Uses of the Sea' is too perfunctory to give a clear idea of the importance of this subject. Some of the other chapters are also too concise to give a fuller picture of the developments on those subjects. The authors have, however, clarified in the 'Preface' that "discussion of many topics has had to be more concise than we would ideally have wished."

On the whole the book is a very useful addition to the literature on the Law of the Sea and should be of great help to any one interested in an up-to-date discussion on the Laws of the Sea. The selected list of books and articles at the end of each chapter, to serve as a stimulus to further reading and research, adds to the utility of the book.

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