

INTERNATIONAL JOURNAL OF LEGAL STUDIES AND SOCIAL SCIENCES [IJLSSS]

ISSN: 2584-1513 (Online)

Volume 2 | Issue 2 [2024] | Page 239 - 252

© 2024 International Journal of Legal Studies and Social Sciences

Follow this and additional works at: <https://www.ijlsss.com/>

In case of any queries or suggestions, kindly contact editor@ijlsss.com

CRITICAL ANALYSIS OF THE EVOLVING CONCEPT OF MARITIME BOUNDARIES IN LIGHT OF UNCLOS

– PRAPTI DHEERAJ¹

ABSTRACT

This abstract explores significant facets of the development of international law, starting with the international maritime law's historical roots. The idea of maritime boundaries starts with the era of exploration and continuing with Hugo Grotius's support of *Mare Liberum*. This evolution culminated in the creation of the United Nations Convention on the Law of the Sea (UNCLOS) in 1982.

UNCLOS establishes clear rules for the delimitation of maritime boundaries, navigation rights and resource management. Through its provisions, UNCLOS addresses the evolving needs and complexities of ocean governance in the modern era whilst balancing the interests of coastal states.

Two noteworthy case studies—the Lotus case and the "Enrica Lexie" Incident—are also included in this paper. The Lotus case, a pillar of public international law, defines the basic rules of jurisdiction and territorial sovereignty. Conversely, the "Enrica Lexie" Incident emphasizes the difficulties associated with jurisdiction in international seas and the UNCLOS's role in mediating these disputes through arbitration.

The United Nations Convention on the Law of the Sea stands as the cornerstone of international maritime law, providing a comprehensive legal framework governing the management of the world's oceans. This paper undertakes a critical analysis of the evolving concept of maritime boundaries within the framework of UNCLOS. It explores the historical development of maritime boundary delimitation and evaluates contemporary challenges in the maritime boundaries.

Keywords: Maritime Boundaries, UNCLOS, International Law, Jurisdiction, Territorial Sovereignty

¹ 5th year BBA LLB (H.) Specialization in Corporate Law, UPES, Dehradun.

INTRODUCTION

International law, or public international law, encompasses a body of legal principles, norms, and standards that are widely recognized as binding between sovereign states. Its overarching aim is to foster stable, consistent, and orderly interactions among nations. International law serves as a guiding framework across various domains such as conflict resolution, diplomacy, trade relations, and human rights protection. Moreover, it extends its reach to encompass outer space, the moon, Antarctica, and the vast expanse of the ocean, forming a regulatory structure for these shared global resources.

At the heart of international law lies the concept of the ocean, a vast, interconnected entity constituting approximately 71% of the Earth's surface. Unlike land, which can be demarcated and distributed among states, the ocean presents a unique challenge due to its indivisible nature. Historically, during the age of exploration, dominant maritime powers like Spain and Portugal sought exclusive sovereignty over vast swathes of the sea. This led to disputes, notably resolved by Pope Alexander VI's division of the Atlantic Ocean through the Treaty of Tordesillas in the late 15th century. However, this division was not universally accepted, sparking debates among legal scholars like Hugo Grotius, who advocated for the concept of *Mare Liberum* or the Free Sea.²

Grotius's seminal work, *Mare Liberum* (1609), challenged the notion of exclusive state control over the seas and laid the groundwork for the principle of freedom of navigation. This principle asserted that the ocean should be open for all to use, unimpeded by territorial claims beyond a limited coastal zone. Hence, for centuries, the prevailing doctrine was one of *Mare Liberum*, where the high seas were considered a shared resource accessible to all nations. However, coastal states maintained sovereignty over their territorial waters, extending up to three nautical miles from the coastline, primarily for economic and security reasons.

This balance between freedom of the seas and coastal state sovereignty persisted for centuries, with limited developments in the legal framework governing maritime activities. However, the twentieth century brought significant geopolitical shifts and technological advancements that

² After the creation of the exclusive economic zone (EEZ) notion during the third United Nations Conference on the Law of the Sea (1973–1982), A single maritime boundary: From UNCLOS III to present-day developments Marine Policy (2023), <https://www.sciencedirect.com/science/article/abs/pii/S0308597X22004729> (last visited Apr 24, 2024).

necessitated a reevaluation of maritime law. The devastation of two world wars, decolonization struggles, and the onset of the Cold War underscored the need for a comprehensive legal instrument to regulate the oceans. Additionally, the exploration of marine resources, overfishing, marine pollution, and increased maritime activities highlighted the inadequacy of existing legal frameworks.

In response to these challenges, the international community embarked on the development of UNCLOS, culminating in its adoption in 1982. UNCLOS represents a landmark achievement in international law, providing a comprehensive framework for the governance of the world's oceans. It establishes clear rules for the delimitation of maritime boundaries, navigation rights, environmental protection, and resource management, thus addressing the evolving needs and complexities of ocean governance in the modern era.³

In conclusion, the evolution of the concept of maritime boundaries within the framework of international law reflects the dynamic nature of global governance and the imperative of collective action to address shared challenges. By examining historical precedents, legal principles, and contemporary developments, we gain insights into the evolving nature of ocean governance and the ongoing quest for a sustainable and equitable management of our planet's most vital resource.

HISTORICAL DEVELOPMENT OF MARITIME BOUNDARY DELIMITATION

The delineation of maritime boundaries has perennially sparked discord among nations, propelled by conflicting interests in exploiting resources, asserting navigation rights, and upholding territorial sovereignty. Since 1949, a concerted global endeavor has been underway to integrate the law of the sea into the United Nations framework. This endeavor culminated in the adoption of the United Nations Convention on the Law of the Sea (UNCLOS)⁴ in 1982, which subsequently came into effect in 1994. UNCLOS was conceived to supplant the antiquated 17th-century notion of

³ After the creation of the exclusive economic zone (EEZ) notion during the third United Nations Conference on the Law of the Sea (1973–1982), A single maritime boundary: From UNCLOS III to present-day developments Marine Policy (2023), <https://www.sciencedirect.com/science/article/abs/pii/S0308597X22004729> (last visited Apr 24, 2024).

⁴ United Nations Convention on the law of the sea, https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf (last visited Apr 24, 2024).

the ‘freedom of the seas,’ which delimited national sovereignty to a prescribed band of water typically extending up to 3 nautical miles (5.6 km) from a nation's coastlines.

The journey towards UNCLOS saw significant milestones, notably the inaugural Conference on the Law of the Sea (UNCLOS I) convened by the General Assembly of the United Nations in Geneva, Switzerland, in 1956. This conference yielded the adoption of four conventions in 1958, each addressing distinct aspects of maritime law. These conventions included the Convention on the Territorial Sea and Contiguous Zone, the Convention on the Continental Shelf, the Convention on the High Seas, and the Convention on Fishing and Conservation of Living Resources of the High Seas. Despite the aim of consolidating these provisions into a single international instrument, the conference faced challenges in achieving unanimity, resulting in the adoption of multiple conventions and a protocol instead.⁵

The historical evolution of maritime boundary delimitation has been shaped by centuries-old customary practices, bilateral agreements, and foundational legal principles. Traditional methods such as the “*uti possidetis*” doctrine⁶ and the “distance principle” were historically relied upon by states to demarcate maritime boundaries. However, the absence of a universal legal framework engendered inconsistencies and disputes in boundary delineation. UNCLOS emerged as a response to these challenges, seeking to establish a comprehensive regulatory framework for the delimitation of various maritime zones, including territorial seas, exclusive economic zones (EEZs), and continental shelves.

Through UNCLOS, the international community endeavored to codify principles and methods for equitable maritime boundary delimitation, guided by notions of fairness, equity, and the equitable utilization of resources. UNCLOS aimed to provide a clear and consistent legal regime to address the complexities of maritime boundary disputes, ensuring that states could resolve such matters in accordance with established legal principles and procedures. By delineating rights and

⁵ United Nations Convention on the law of the sea, International Maritime Organization, <https://www.imo.org/en/ourwork/legal/pages/unitednationsconventiononthelawofthesea.aspx> (last visited Apr 24, 2024).

⁶ “is a general principle, which is logically connected with the phenomenon of the obtaining of independence, wherever it occurs. It's obvious purpose is to prevent the independence and stability of new States being endangered by fratricidal struggles provoked by the challenging of frontiers following the withdrawal of the administering power...Its purpose, at the time of the achievement of independence by the former Spanish colonies of America, was to scotch any designs which non-American colonizing powers might have on regions which had been assigned by the former metropolitan State to one division or another, but which were still uninhabited or unexplored.” - the International Court of Justice in the Frontier Dispute (Burkina Faso/Mali) Case

responsibilities in maritime zones, UNCLOS sought to promote stability, cooperation, and the peaceful resolution of disputes in ocean governance.⁷

The adoption of UNCLOS marked a pivotal moment in the evolution of international maritime law, ushering in a comprehensive legal regime to govern the world's oceans. Through its provisions, UNCLOS aimed to address longstanding challenges in maritime boundary delimitation, providing a framework for states to navigate complex issues and disputes in a manner consistent with international law and principles of equity.

MARITIME ZONES

UNCLOS, as the sole international convention outlining maritime boundary delimitation principles, plays a pivotal role in regulating state jurisdiction within maritime domains. It offers distinct legal designations for various maritime zones, laying the groundwork for both coastal states' governance of offshore territories and navigation rights for seafarers.⁸

- Baseline delineates the low-water line recognized by coastal states, serving as the starting point for measuring maritime boundaries. Internal Waters, lying landward of the baseline, grant coastal states full sovereignty akin to their terrestrial territories. Examples encompass bays, ports, and rivers connected to the sea, where innocent passage rights are not applicable, though nations can suspend this privilege if necessary.
- Territorial Sea extends up to 12 nautical miles (nm) from baselines, with coastal states exercising sovereignty over both surface and subsurface realms. However, these rights are curtailed by innocent passage provisions, safeguarding navigation rights for international vessels traversing the territorial sea.
- The Contiguous Zone spans up to 24 nm from baselines, serving as an intermediary space between the territorial sea and the high seas. Within this zone, coastal states retain jurisdiction over surface and seabed domains, enabling enforcement of fiscal, immigration, and customs laws, but not airspace or outer space rights.

⁷ United Nations Convention on the law of the sea, International Maritime Organization, <https://www.imo.org/en/ourwork/legal/pages/unitednationsconventiononthelawofthesea.aspx> (last visited Apr 24, 2024).

⁸ After the creation of the exclusive economic zone (EEZ) notion during the third United Nations Conference on the Law of the Sea (1973–1982), A single maritime boundary: From UNCLOS III to present-day developments Marine Policy (2023), <https://www.sciencedirect.com/science/article/abs/pii/S0308597X22004729> (last visited Apr 24, 2024).

- Exclusive Economic Zone (EEZ) extends up to 200 nm from baselines, affording coastal states sovereign rights over natural resource exploration and management within the seabed and subsoil. Activities such as energy production from water and marine currents are permissible within the EEZ, though it does not grant authority to impede freedom of navigation or overflight, barring limited exceptions.
- High Seas, encompassing ocean surfaces and waters beyond EEZs, represent the shared heritage of humanity, devoid of national jurisdiction. States enjoy peaceful usage rights for activities such as transit and marine exploration within these areas, emphasizing their status as common global assets.

UNCLOS, by defining these maritime zones and associated rights, establishes a framework for equitable ocean governance, balancing coastal states' interests with the principles of freedom of navigation and international cooperation. It fosters stability and sustainability in maritime affairs while safeguarding the shared heritage of the high seas for the benefit of present and future generations.

CONVENTIONS

The journey towards UNCLOS saw significant milestones, notably the inaugural Conference on the Law of the Sea (UNCLOS I) convened by the General Assembly of the United Nations in Geneva, Switzerland, in 1956. This conference yielded the adoption of four conventions in 1958, each addressing distinct aspects of maritime law.⁹ These conventions included:

- *The Convention on the Territorial Sea and Contiguous Zone* aimed to define and restrict the contiguous zone and territorial sea. It stipulated that nations cannot prohibit foreign vessels from passing through straits used for international navigation between sections of the high seas or a foreign state's territorial sea. Additionally, it introduced the concept of the contiguous zone, allowing coastal nations to enforce customs, sanitary, fiscal, and immigration laws within a 12-nautical-mile zone beyond their territorial seas. The Territorial Sea, as defined in the Convention, extends sovereignty beyond a nation's land territory and internal waters, encompassing a belt of sea adjacent to its coast. Coastal states possess sovereignty over the air space above their

⁹ United Nations Convention on the law of the sea, https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf (last visited Apr 24, 2024).

territorial seas, as well as the seabed and subsoil. The breadth of the territorial sea is determined from a baseline, usually the low-water line along the coast, as marked on official charts. Internal Waters, according to the Convention, comprise seas on the landward side of the territorial sea's baseline and are considered part of the state's internal territory. The Convention also addresses the right of innocent passage through territorial seas, outlining rights and duties for both coastal and flag states, with special provisions for different types of ships. The Contiguous Zone, extending up to 12 nautical miles from the baseline, serves as an intermediary space between the territorial sea and the high seas. Coastal states retain jurisdiction over the surface and seabed within this zone, enabling enforcement of various laws, excluding air and outer space rights.¹⁰

- *The Convention on the Continental Shelf* aimed to define the rights of states to exploit and explore natural resources found in the continental shelf. It established guidelines for the concept, limitations, and regime of the continental shelf. Coastal states were granted sovereign and exclusive rights over the continental shelf for exploration and exploitation purposes, up to 200 meters deep or beyond, subject to certain conditions. The Convention emphasized that coastal states must not impede the laying or maintenance of submarine cables or pipelines on the continental shelf. Additionally, exploration or exploitation activities on the shelf should not unjustifiably obstruct shipping, fishing, or marine conservation efforts.¹¹
- *The Convention on the High Seas* codified rules of international law governing areas of the sea outside territorial seas or internal waters. It asserted freedom of the high seas for all nations, encompassing navigation, fishing, laying submarine cables, and flying over the high seas. The Convention addressed the rights and obligations of flag states, the immunity of warships, piracy, and pollution prevention measures. States were required to cooperate in repressing piracy and preventing pollution caused by oil spills and radioactive wastes. Measures to prevent pollution of the waters from

¹⁰ United Nations Convention on the law of the sea, https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf (last visited Apr 24, 2024).

¹¹ United Nations Convention on the law of the sea, https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf (last visited Apr 24, 2024).

oil spills or radioactive waste disposal were mandated, with states urged to collaborate with international organizations to combat pollution effectively.¹²

- *The Convention on Fishing and Conservation of Living Resources of the High Seas* aimed to address challenges related to conserving high-seas living resources through international cooperation. It outlined measures for rational fisheries management, emphasizing cooperation between states sharing fisheries and the settlement of disputes. The Convention recognized states' right to engage in fishing on the high seas, subject to treaty obligations and conservation measures, with coastal states having a special interest in adjacent high-seas areas. Disputes under the Convention would be resolved by a five-member special panel, whose decisions would be binding on involved parties. The panel would consist of members appointed by the disputing states or the United Nations Secretary-General, with provisions for full participation of involved states and adherence to procedural fairness.¹³

These conventions laid the foundation for international cooperation and regulation in maritime affairs, addressing issues ranging from territorial sovereignty and resource exploitation to navigation rights and environmental protection. They provided a framework for equitable management of ocean resources and resolution of disputes, promoting stability and sustainability in maritime governance.

CONTEMPORARY CHALLENGES AND DEVELOPMENTS IN MARITIME LAW

UNITED NATION CONVENTION ON THE LAW OF THE SEA (UNCLOS)

The first United Nations Convention on the Law of the Sea (UNCLOS I) achieved some success but left unresolved the crucial matter of determining the territorial sea's width due to disagreement among states. This led to a second conference in 1960 (UNCLOS II), which, however, did not

¹² United Nations Convention on the law of the sea,
https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf (last visited Apr 24, 2024).

¹³ United Nations Convention on the law of the sea,
https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf (last visited Apr 24, 2024).

bring significant changes. The inadequacy of the Geneva conference's laws became apparent as the potential for exploiting vast mineral, oil, and gas resources in the sea became known, alongside technological advancements to exploit them.¹⁴

In 1967, Arvid Pardo, a Maltese delegate to the United Nations, emphasized the need for a global agreement on the fair and responsible use of the oceans. He presented a detailed survey of the ocean floor's mineral resources to the UN General Assembly, advocating for its treatment as the “common heritage of mankind”. This call, driven by advancements in technology and the urgent demand for minerals, pushed for more effective regulation of the sea.

After a nine-year conference, the UN Convention on the Law of the Sea (UNCLOS III) was concluded in 1982, involving over 160 countries. It entered into force on November 16, 1994, superseding the four Geneva Conventions of 1958 and establishing three new institutions: the International Tribunal for the Law of the Sea, the International Seabed Authority, and the Commission on the Limits of the Continental Shelf.

UNCLOS III's supremacy over the Geneva Conventions was established in Article 311(1), affecting states' obligations. Most signatories of the Geneva Conventions also signed UNCLOS III, but some nations like the United States, Colombia, Israel, and Venezuela remained parties only to the former.

THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA (ITLOS)

The International Tribunal for the Law of the Sea (ITLOS) was established as an independent judicial body under UNCLOS to resolve disputes arising from its interpretation and application. It comprises 21 members chosen for their fairness, integrity, and expertise in maritime law, ensuring global representation.

ITLOS's jurisdiction, outlined in UNCLOS and its annexes, covers disputes related to the Convention's interpretation and implementation, as well as issues specified in other agreements

¹⁴ United Nations Convention on the law of the sea, International Maritime Organization, <https://www.imo.org/en/ourwork/legal/pages/unitednationsconventiononthelawofthesea.aspx> (last visited Apr 24, 2024).

granting jurisdiction to the Tribunal. The Tribunal's composition and procedures aim for fairness and inclusivity, with provisions for ad hoc judges from parties involved in disputes.¹⁵

ITLOS is divided into chambers, including those for Marine Environment Disputes, Fisheries Disputes, Summary Procedure, and Maritime Delimitation Disputes. The Seabed Disputes Chamber, consisting of 11 judges, addresses disputes concerning the International Seabed Area. Parties to disputes, including states, international organizations, and private entities, can bring cases before ITLOS through written applications or special agreements.

ITLOS's jurisdiction extends to urgent matters like the immediate release of vessels and sailors, as well as provisional measures pending the formation of arbitral tribunals. It can also provide legal advice on issues arising from the International Seabed Authority's activities and issue advisory opinions under relevant international agreements. Overall, ITLOS plays a crucial role in ensuring the fair and peaceful resolution of maritime disputes, promoting the sustainable and equitable use of the world's oceans, and advancing international cooperation in maritime law.

JURISPRUDENCE IN MARITIME LAW

A seminal case in public international law, the Lotus case¹⁶ was considered by the Permanent Court of International Justice in 1927 and clarified the rules allowing state-to-state jurisdiction. Fundamentally, it looks at how much power a state has over actions taken outside of its borders. The case dealt with the more general questions of territorial sovereignty and objective territoriality—concepts that establish a state's power based on its territory and the location of the offense—and was sparked by a collision between the French steamer Lotus and the Turkish schooner Bozkurt in international waters.

The Lotus Principle, which was established by the court, upheld states' jurisdiction over actions that take place on their soil or directly affect their national interests. It did, however, accept that in some situations, such as when their citizens are implicated or when the act endangers global peace and security, governments may exercise jurisdiction beyond their boundaries.

¹⁵ United Nations Convention on the law of the sea, International Maritime Organization, <https://www.imo.org/en/ourwork/legal/pages/unitednationsconventiononthelawofthesea.aspx> (last visited Apr 24, 2024).

¹⁶ S.S. Lotus (France v Turkey), 1927 P.C.I.J. (ser. A) No. 10 (September 7)

According to the case's facts, the *Lotus* and *Bozkurt* collided in Greek seas, which caused the latter to sink and claimed lives. When questioned by Turkish officials when he arrived in Constantinople, Lieutenant Demons claimed that Turkey had no jurisdiction because the event had taken place on the high seas. Demons objected, but a Turkish court imprisoned and ultimately found him and the Turkish police guilty. As a result, France and Turkey got into a diplomatic spat, with France supporting the release of Demons and moving the case to a French court.¹⁷

In the end, a unique agreement was reached by both nations to refer the issue to the Permanent Court of International Justice. This ruling emphasized the need of using international legal channels to settle jurisdictional issues and the function of international law in controlling state behavior and fostering amicable conflict resolution. In establishing state jurisdiction, the *SS Lotus* case highlights the concepts of territorial sovereignty and objective territoriality, and it continues to be a crucial precedent in public international law.¹⁸

Another similar case is “*Enrica Lexie*” between Italy and India¹⁹, which was arbitrated under the United Nations Convention on the Law of the Sea (UNCLOS) following an unfortunate occurrence on February 15, 2012, roughly 20.5 nautical miles off the coast of India. The incident included the “*Enrica Lexie*,” an oil tanker carrying the Italian flag, and resulted in the deaths of two Indian fisherman on an Indian vessel named the “*St. Antony*”. The key question was whether Italy or India had the authority to prosecute two Italian Navy marines suspected of murdering the fishermen.

The arbitration procedures began on June 26, 2015, when Italy served India with a notification under Article 287 and Annex VII, Article 1 of UNCLOS, coupled with a statement of claim and grounds. Italy maintained that India's exercise of criminal jurisdiction over the event and the Italian marines was illegal, given that it happened in international seas. On December 11, 2015, Italy requested the prescription of interim remedies under UNCLOS Article 290, paragraph 1, in order

¹⁷ The case of the *S.S. Lotus* (France v. Turkey), Casebriefs The Case of the *SS Lotus* France v Turkey Comments, <https://www.casebriefs.com/blog/law/international-law/international-law-keyed-to-damrosche/chapter-2/the-case-of-the-s-s-lotus-france-v-turkey/> (last visited Apr 24, 2024).

¹⁸ The case of the *S.S. Lotus* (France v. Turkey), Casebriefs The Case of the *SS Lotus* France v Turkey Comments, <https://www.casebriefs.com/blog/law/international-law/international-law-keyed-to-damrosche/chapter-2/the-case-of-the-s-s-lotus-france-v-turkey/> (last visited Apr 24, 2024)

¹⁹ The *Enrica Lexie* Incident (Italy v. India), PCA Case No. 2015-28

to prevent India's prosecution of the marines. India reacted with written comments against Italy's proposal.²⁰

The arbitration process involved extensive exchanges of written pleadings between the parties on the tribunal's jurisdiction and the merits of the case. Italy filed its memorial on September 30, 2016, to which India responded with a counter-memorial on April 14, 2017, raising objections to jurisdiction and presenting counter-claims. Subsequent filings and rejoinders followed, leading to the appointment of Dr. Pemmaraju Sreenivasa Rao as an arbitrator in November 2018, following the passing of Judge Patibandla Chandrasekhara Rao.

The hearing, originally scheduled for 2018 but got postponed and eventually took place from July 8 to July 20, 2019, at the seat of the Permanent Court of Arbitration in The Hague, Netherlands. The hearing addressed both the tribunal's jurisdiction and the merits of Italy's claims and India's counter-claims. While the opening statements were publicly webcast, the remaining parts of the hearing were confidential, as per the Rules of Procedure.

Following the hearing, the tribunal debated and decided an award on May 21, 2020, which was then communicated to the parties on June 9, 2020. The award, with certain redactions made at the parties' request, was made available on the PCA Case Repository on August 10, 2020. Finally, on October 12, 2021, the arbitral tribunal issued an order closing the proceedings with the agreement of both parties.²¹

The "Enrica Lexie" Incident highlights the complications of jurisdictional issues in international seas, as well as UNCLOS' role in resolving such problems through arbitration. It also emphasizes the need of legal systems in dealing with occurrences involving many states, as well as the need to follow international law when settling maritime conflicts.

²⁰ The "Enrica Lexie" incident (Italy v. India), PCA, <https://pca-cpa.org/en/cases/117/> (last visited Apr 24, 2024).

²¹ The "Enrica Lexie" incident (Italy v. India), PCA, <https://pca-cpa.org/en/cases/117/> (last visited Apr 24, 2024).

CONCLUSION

In conclusion, the multifaceted realm of international law, particularly concerning maritime boundaries and jurisdictional disputes, represents a dynamic interplay of historical precedents, legal principles, and contemporary developments. Through an examination of historical milestones such as the Lotus case and the evolution of legal instruments like the United Nations Convention on the Law of the Sea (UNCLOS), we gain profound insights into the evolving nature of ocean governance and the imperative of collective action to address shared challenges.

The Lotus case, a cornerstone in public international law, delineates fundamental principles of territorial sovereignty and objective territoriality, shaping the understanding of state jurisdiction over acts occurring beyond territorial boundaries. This precedent underscores the pivotal role of international legal institutions in resolving disputes between states and upholding the rule of law in the international community.

Similarly, the "Enrica Lexie" Incident serves as a contemporary illustration of the complexities inherent in jurisdictional disputes in international waters. The arbitration proceedings under UNCLOS highlight the importance of legal mechanisms in addressing incidents involving multiple states, emphasizing the critical role of international law in regulating state conduct and promoting peaceful resolution of conflicts.

Moreover, the development and adoption of UNCLOS represent a landmark achievement in international law, providing a comprehensive framework for the governance of the world's oceans. By establishing clear rules for the delimitation of maritime boundaries, navigation rights, environmental protection, and resource management, UNCLOS addresses the evolving needs and complexities of ocean governance in the modern era.

In essence, the evolution of maritime boundaries within the framework of international law reflects the dynamic nature of global governance and underscores the imperative of collective action to address shared challenges. Through historical insights, legal principles, and contemporary developments, we navigate toward a future of sustainable and equitable management of our planet's most vital resource: the ocean.

REFERENCES

PRIMARY SOURCES

Statutes

- The United Nations Convention on the Law of the Sea
- The Monopolies and Restrictive Trade Practices Act, 1969 (MRTP)

Reference Book

- H.O. Agarwal, International Law & Human Rights, 18th Edition, 2018

SECONDARY SOURCES

Articles/Journals

- Law of the Sea Mechanisms - Examining UNCLOS Maritime Zones

Websites

- International Maritime Organization
- UN.org - The United Nations