

The International Law of the Sea

Fourth Edition

Yoshifumi Tanaka

CAMBRIDGE

The International Law of the Sea

Fourth Edition

This new edition has been revised and updated to provide current and comprehensive coverage of essential issues of the international law of the sea in a systematic manner. This book presents two paradigms of the law of the sea: the law of divided oceans and the law of our common ocean. It covers contemporary issues, such as the port in a pandemic, protection of the marine biological diversity, marine plastic pollution, the Arctic and impacts of climate change on the oceans. Following the clear and accessible approach of previous editions, with many illustrations and tables, *The International Law of the Sea* continues to help students to best understand the law of the sea.

YOSHIFUMI TANAKA is Professor of International Law with Specific Focus on the Law of the Sea at the Faculty of Law, University of Copenhagen. He is the single author of five books: *Predictability and Flexibility in the Law of Maritime Delimitation* (Oxford, Hart, 2006; 2nd ed., 2019); *A Dual Approach to Ocean Governance* (London, Routledge, 2008); *The International Law of the Sea* (Cambridge University Press, 3rd ed., 2019); *The Peaceful Settlement of International Disputes* (Cambridge University Press, 2018); *The South China Sea Arbitration* (Oxford, Hart, 2019). He has published widely in the fields of the law of the sea, international environmental law and peaceful settlement of international disputes.

The International Law of the Sea

Fourth Edition

Yoshifumi Tanaka

University of Copenhagen



CAMBRIDGE
UNIVERSITY PRESS



Shaftesbury Road, Cambridge CB2 8EA, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,
New Delhi – 110025, India

103 Penang Road, #05–06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of Cambridge University Press & Assessment,
a department of the University of Cambridge.

We share the University's mission to contribute to society through the pursuit of
education, learning and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781316516881

DOI: [10.1017/9781009025393](https://doi.org/10.1017/9781009025393)

First edition © Cambridge University Press 2012

Second edition © Yoshifumi Tanaka 2015

Third edition © Yoshifumi Tanaka 2019

Fourth edition © Yoshifumi Tanaka 2023

This publication is in copyright. Subject to statutory exception and to the provisions
of relevant collective licensing agreements, no reproduction of any part may take
place without the written permission of Cambridge University Press & Assessment.

First edition published 2012

Second edition published 2015

7th printing 2018

Third edition published 2019

4th printing 2021

Fourth edition published 2023

Printed in the United Kingdom by TJ Books Limited, Padstow Cornwall

A catalogue record for this publication is available from the British Library.

A Cataloging-in-Publication data record for this book is available from the Library of Congress.

ISBN 978-1-316-51688-1 Hardback

ISBN 978-1-009-01641-4 Paperback

Cambridge University Press & Assessment has no responsibility for the persistence
or accuracy of URLs for external or third-party internet websites referred to in this
publication and does not guarantee that any content on such websites is, or will
remain, accurate or appropriate.

*Dedicated to my teachers,
Lucius Caflisch and Tetsuo Sato
In memory of Hugh Thirlway*

*Let the heavens rejoice, let the earth be glad;
Let the sea resound, and all that is in it.
Psalm 96:11*

Brief Contents

| | |
|--|-----------|
| <i>List of Figures</i> | page xvii |
| <i>List of Tables</i> | xviii |
| <i>Preface</i> | xix |
| <i>Table of Cases</i> | xxi |
| <i>Table of Treaties and Instruments</i> | xxvii |
| <i>List of Abbreviations</i> | lxxvi |

PART I THE DIVIDED OCEANS: INTERNATIONAL LAW GOVERNING JURISDICTIONAL ZONES 1

- 1 The Law of the Sea in Perspective 3
- 2 Maritime Limits: Baselines and Maritime Features 53
- 3 Marine Spaces under National Jurisdiction I: Territorial Sovereignty 98
- 4 Marine Spaces under National Jurisdiction II: Sovereign Rights 154
- 5 Marine Spaces beyond National Jurisdiction 201
- 6 Maritime Delimitation 257

PART II OUR COMMON OCEAN: PROTECTION OF COMMUNITY INTERESTS AT SEA 301

- 7 Conservation of Marine Living Resources 303
- 8 Protection of the Marine Environment 351
- 9 Conservation of Marine Biological Diversity 439
- 10 Marine Scientific Research 467
- 11 Maintenance of International Peace and Security at Sea 485

12 Landlocked and Geographically Disadvantaged States 516

13 Peaceful Settlement of International Disputes 531

14 Looking Ahead: Law of the Sea as a Legal Shield 583

Index 592

Contents

| | |
|--|------------|
| <i>List of Figures</i> | pages xvii |
| <i>List of Tables</i> | xviii |
| <i>Preface</i> | xix |
| <i>Table of Cases</i> | xxi |
| <i>Table of Treaties and Instruments</i> | xxvii |
| <i>List of Abbreviations</i> | lxxvi |

PART I THE DIVIDED OCEANS: INTERNATIONAL LAW GOVERNING JURISDICTIONAL ZONES 1

| | |
|---|-----------|
| 1 The Law of the Sea in Perspective | 3 |
| 1 Introduction | 3 |
| 1.1 General Considerations | 3 |
| 1.2 Functions of the Law of the Sea | 4 |
| 1.3 Two Paradigms in the Law of the Sea | 5 |
| 2 Marine Spaces in the Law of the Sea | 7 |
| 2.1 Scope of the Oceans in the Law of the Sea | 7 |
| 2.2 Typology of Marine Spaces | 8 |
| 3 Sources of the International Law of the Sea | 10 |
| 3.1 Formal Sources | 10 |
| 3.2 Material Sources | 19 |
| 4 Principles of the International Law of the Sea | 24 |
| 4.1 Principle of Freedom | 24 |
| 4.2 Principle of Sovereignty | 26 |
| 4.3 Principle of the Common Heritage of Mankind | 27 |
| 5 The Codification of the Law of the Sea | 28 |
| 5.1 The Hague Conference for the Codification of International Law (1930) | 28 |
| 5.2 The First UN Conference on the Law of the Sea (1958) | 31 |
| 5.3 The Second UN Conference on the Law of the Sea (1960) | 33 |
| 5.4 The Third UN Conference on the Law of the Sea (1973–1982) | 33 |
| 6 Outline of the UN Convention on the Law of the Sea | 39 |
| 6.1 General Considerations | 39 |
| 6.2 Principal Features of the Convention | 40 |

7 Development after UNCLOS III 41

- 7.1 General Considerations 41
- 7.2 Adoption of Two Implementation Agreements 42
- 7.3 De facto Amendment of the LOSC through Meetings of States Parties 43
- 7.4 Development of the Law of the Sea through International Organisations 45

8 Conclusions 48

2 Maritime Limits: Baselines and Maritime Features 53

1 Introduction 53

2 Baselines 54

- 2.1 Normal Baselines 54
- 2.2 Straight Baselines 57
- 2.3 Bays 66
- 2.4 River Mouths 75
- 2.5 Ports 76

3 Islands 78

- 3.1 Nature of the Problem 78
- 3.2 Definition of an Island 79
- 3.3 Rocks for the Purposes of Article 121(3) 80
- 3.4 Customary Law Nature of Article 121 87
- 3.5 Reefs 88

4 Low-Tide Elevations 90

- 4.1 Identification of Low-Tide Elevations 90
- 4.2 Case Law Concerning Low-Tide Elevations 91

5 Conclusions 93

3 Marine Spaces Under National Jurisdiction I: Territorial Sovereignty 98

1 Introduction 98

2 Internal Waters 99

- 2.1 Spatial Scope of Internal Waters 99
- 2.2 Legal Status of Internal Waters 100
- 2.3 Jurisdiction of the Coastal State over Foreign Vessels in Internal Waters 100
- 2.4 Access to Ports 103
- 2.5 Ships in Distress at Sea 104
- 2.6 Port in a Pandemic 107

3 Territorial Sea 110

- 3.1 Legal Status of the Territorial Sea 110
- 3.2 The Right of Innocent Passage 111
- 3.3 The Right of Innocent Passage of Warships 115
- 3.4 The Right of Innocent Passage of Foreign Nuclear-Powered Ships and Ships Carrying Inherently Dangerous or Noxious Substances 119
- 3.5 The Rights and Obligations of the Coastal State Concerning Innocent Passage 120

4 International Straits 123

- 4.1 Legal Framework for International Straits Prior to 1982 123
- 4.2 Typology of International Straits under the LOSC 124
- 4.3 International Straits under Part III of the LOSC 125
- 4.4 International Straits outside the Scope of Part III of the LOSC 129
- 4.5 The Right of Transit Passage 131
- 4.6 Rights and Obligations of Coastal States Bordering Straits 134

| | | |
|----------|--|------------|
| 4.7 | Non-suspendable Innocent Passage | 138 |
| 4.8 | Legality of Creation of Bridges in International Straits | 138 |
| 5 | Archipelagic Waters | 138 |
| 5.1 | General Considerations | 138 |
| 5.2 | Definition of an Archipelago, Archipelagic States and Archipelagic Waters | 139 |
| 5.3 | Archipelagic Baselines | 140 |
| 5.4 | Jurisdiction of Archipelagic States over Archipelagic Waters | 144 |
| 5.5 | The Right of Innocent Passage through Archipelagic Waters | 145 |
| 5.6 | The Right of Archipelagic Sea Lanes Passage | 146 |
| 5.7 | Rights and Obligations of an Archipelagic State | 148 |
| 6 | Conclusions | 149 |
| 4 | Marine Spaces under National Jurisdiction II: Sovereign Rights | 154 |
| 1 | Introduction | 154 |
| 2 | Contiguous Zone | 155 |
| 2.1 | The Concept of the Contiguous Zone | 155 |
| 2.2 | Coastal State Jurisdiction over the Contiguous Zone | 156 |
| 3 | Exclusive Economic Zone | 158 |
| 3.1 | Genesis of the Concept of the EEZ | 158 |
| 3.2 | Legal Status of the EEZ | 160 |
| 3.3 | Sovereign Rights over the EEZ | 162 |
| 3.4 | Jurisdiction of Coastal States over the EEZ | 164 |
| 3.5 | Freedoms of Third States | 169 |
| 3.6 | Residual Rights | 170 |
| 3.7 | Historic Rights and the EEZ | 171 |
| 4 | Continental Shelf | 172 |
| 4.1 | Genesis of the Concept of the Continental Shelf | 172 |
| 4.2 | Spatial Scope of the Continental Shelf | 174 |
| 4.3 | Criteria for Determining the Outer Limits of the Continental Shelf beyond 200 Nautical Miles | 175 |
| 4.4 | The Commission on the Limits of the Continental Shelf | 179 |
| 4.5 | Procedures to Establish the Outer Limits of the Continental Shelf | 182 |
| 4.6 | Payments Concerning the Exploitation of the Continental Shelf beyond 200 Nautical Miles | 185 |
| 4.7 | The Sovereign Rights of the Coastal State over the Continental Shelf | 187 |
| 4.8 | Submarine Cables and Pipelines | 190 |
| 4.9 | The Judicial Nature of the Superjacent Waters above the Continental Shelf | 193 |
| 4.10 | Protection of Archaeological and Historical Objects Found within the Continental Shelf | 194 |
| 5 | Conclusions | 198 |
| 5 | Marine Spaces beyond National Jurisdiction | 201 |
| 1 | Introduction | 201 |
| 2 | The High Seas | 202 |
| 2.1 | Spatial Scope of the High Seas | 202 |
| 2.2 | Principle of the Freedom of the High Seas | 202 |
| 2.3 | Principle of the Exclusive Jurisdiction of the Flag State | 204 |
| 2.4 | The Nationality of a Ship | 210 |
| 2.5 | Genuine Link | 212 |
| 2.6 | Exceptions to the Exclusive Jurisdiction of the Flag State (1): The Right of Visit | 215 |
| 2.7 | Exceptions to the Exclusive Jurisdiction of the Flag State (2): The Right of Hot Pursuit | 220 |

| | | |
|----------|--|------------|
| 2.8 | Exceptional Measures for Interception of Foreign Vessels on the High Seas | 225 |
| 2.9 | Regulation of Migrant Smuggling by Sea | 229 |
| 3 | The Area | 234 |
| 3.1 | General Considerations | 234 |
| 3.2 | Spatial Scope of the Area | 234 |
| 3.3 | <i>Raison d'être</i> of the Principle of the Common Heritage of Mankind | 235 |
| 3.4 | Elements of the Principle of the Common Heritage of Mankind | 237 |
| 3.5 | International Seabed Authority | 238 |
| 3.6 | System for the Exploration and Exploitation of Resources of the Area | 243 |
| 3.7 | Obligations and Liability of Sponsoring States | 244 |
| 3.8 | The 1994 Implementation Agreement | 246 |
| 4 | Conclusions | 252 |
| 6 | Maritime Delimitation | 257 |
| 1 | Introduction | 257 |
| 2 | Concepts of Maritime Delimitation | 258 |
| 2.1 | Definition | 258 |
| 2.2 | Typology of Maritime Delimitation | 259 |
| 3 | Treaty Law Concerning Maritime Delimitation | 259 |
| 3.1 | The 1958 Geneva Conventions | 259 |
| 3.2 | The 1982 UN Convention on the Law of the Sea | 261 |
| 4 | Development of Case Law Relating to Maritime Delimitation: Two Contrasting Approaches | 263 |
| 4.1 | The First Phase (1969–1992) | 263 |
| 4.2 | The Second Phase (1993–2007) | 265 |
| 4.3 | The Third Phase (2009–Present) | 268 |
| 4.4 | Commentary | 270 |
| 5 | Consideration of Relevant Circumstances (1): Geographical Factors | 272 |
| 5.1 | Configuration of Coasts | 272 |
| 5.2 | Proportionality | 274 |
| 5.3 | Baselines | 278 |
| 5.4 | Presence of Islands | 280 |
| 5.5 | Geological and Geomorphological Factors | 282 |
| 5.6 | Presence of Third States | 283 |
| 6 | Consideration of Relevant Circumstances (2): Non-geographical Factors | 285 |
| 6.1 | Economic Factors | 285 |
| 6.2 | Conduct of the Parties | 286 |
| 6.3 | Historic Title and Historic Rights | 287 |
| 6.4 | Security Interests | 288 |
| 6.5 | Navigational Factors | 288 |
| 6.6 | Environmental Factors | 288 |
| 7 | An Evaluation | 289 |
| 7.1 | General Trend of Case Law | 289 |
| 7.2 | Judicial Creativity in the Law of Maritime Delimitation | 289 |
| 7.3 | Delimitation of the Continental Shelf beyond 200 Nautical Miles | 290 |
| 8 | Provisional Arrangements | 294 |
| 8.1 | Articles 74(3) and 83(3) of the LOSC | 294 |
| 8.2 | Unilateral Exploration and Exploitation of Natural Resources in Disputed Areas | 295 |
| 9 | Conclusions | 296 |

PART II OUR COMMON OCEAN: PROTECTION OF COMMUNITY INTERESTS AT SEA 301

- 7 Conservation of Marine Living Resources 303**
 - 1 Introduction 303**
 - 2 Conservation of Marine Living Resources Prior to 1982 305**
 - 3 Conservation of Marine Living Resources Under the LOSC (1): The Zonal Management Approach 306**
 - 3.1 General Considerations 306
 - 3.2 Conservation of Marine Living Resources in the EEZ 307
 - 3.3 Conservation of Marine Living Resources in the High Seas 309
 - 3.4 Limits of the Zonal Management Approach 311
 - 4 Conservation of Marine Living Resources under the LOSC (2): The Species-Specific Approach 312**
 - 4.1 Shared and Straddling Fish Stocks 312
 - 4.2 Highly Migratory Species 313
 - 4.3 Marine Mammals 314
 - 4.4 Anadromous Stocks 320
 - 4.5 Catadromous Species 322
 - 4.6 Limits of the Species-Specific Approach 323
 - 5 Development after the LOSC 324**
 - 5.1 The Concept of Sustainable Development 324
 - 5.2 The Ecosystem Approach 326
 - 5.3 The Precautionary Approach 329
 - 6 Institutionalisation of the Conservation of Marine Living Resources 333**
 - 6.1 Decentralised Approach: Flag State Responsibility and Its Limits 333
 - 6.2 Institutional Approach: Regional Fisheries Management Organisations 336
 - 7 Ensuring Compliance through Regional Fisheries Management Organisations 341**
 - 7.1 At-Sea Inspection 341
 - 7.2 Port Inspection 344
 - 8 Conclusions 347**
- 8 Protection of the Marine Environment 351**
 - 1 Introduction 351**
 - 2 Typology of Marine Pollution 354**
 - 2.1 General Considerations 354
 - 2.2 Land-based Marine Pollution 355
 - 2.3 Vessel-Source Marine Pollution 356
 - 2.4 Dumping at Sea 356
 - 2.5 Pollution from Seabed Activities 359
 - 3 Legal Framework for Marine Environmental Protection Prior to 1982 359**
 - 3.1 Customary Law 359
 - 3.2 Treaty Law 361
 - 4 Protection of the Marine Environment in the LOSC 362**
 - 4.1 Generality and Comprehensiveness 362
 - 4.2 Uniformity of Rules 364
 - 4.3 Obligation to Cooperate in the Protection of the Marine Environment 365

| | |
|---|------------|
| 5 Regulation of Land-based Marine Pollution | 366 |
| 5.1 Limits of the Global Legal Framework | 366 |
| 5.2 Development of Regional Treaties | 369 |
| 6 Regulation of Vessel-Source Marine Pollution | 377 |
| 6.1 MARPOL | 377 |
| 6.2 A Triple Approach under the LOSC | 379 |
| 6.3 Intervention by Coastal States in the Case of Pollution Casualties | 387 |
| 6.4 Pollution Emergencies at Sea | 389 |
| 6.5 Liability for Oil Pollution Damage | 391 |
| 6.6 Liability for Other Pollution Damage | 395 |
| 6.7 Prevention of Invasive Alien Species | 398 |
| 6.8 Regulation of Ocean Noise | 399 |
| 7 Dumping at Sea | 401 |
| 7.1 Legal Framework under the LOSC | 401 |
| 7.2 The 1972 London Dumping Convention and the 1996 Protocol | 402 |
| 7.3 Regional Treaties | 404 |
| 7.4 Ocean Sequestration and Fertilisation | 405 |
| 8 Regulation of Pollution from Seabed Activities | 407 |
| 8.1 Marine Pollution Arising from Seabed Activities under National Jurisdiction | 408 |
| 8.2 Marine Pollution Arising from Seabed Activities in the Area | 409 |
| 9 Environmental Protection of Ice-covered Areas | 412 |
| 9.1 Ice-covered Areas: Article 234 | 412 |
| 9.2 Environmental Protection of the Marine Arctic | 415 |
| 10 The Impacts of Climate Change on the Oceans | 421 |
| 10.1 The Reduction of GHG Emissions from Shipping | 422 |
| 10.2 Ocean Acidification | 424 |
| 11 Marine Plastic Pollution | 428 |
| 11.1 Nature of the Problem | 428 |
| 11.2 Sources of Marine Plastic Pollution | 429 |
| 12 Conclusions | 432 |
| 9 Conservation of Marine Biological Diversity | 439 |
| 1 Introduction | 439 |
| 2 Principal Approaches to Conservation of Marine Biological Diversity | 440 |
| 2.1 General Considerations | 440 |
| 2.2 Three Approaches | 441 |
| 3 Global Legal Frameworks for the Conservation of Marine Biological Diversity | 443 |
| 3.1 The 1982 UN Convention on the Law of the Sea | 443 |
| 3.2 The 1992 Convention on Biological Diversity | 446 |
| 3.3 Negotiations for a New Agreement | 450 |
| 4 Marine Protected Areas | 454 |
| 4.1 General Considerations | 454 |
| 4.2 Typology of MPAs in International Law | 455 |
| 4.3 MPAs in the High Seas | 458 |
| 4.4 Limits of MPAs | 463 |
| 5 Conclusions | 464 |

| | | |
|-----------|--|------------|
| 10 | Marine Scientific Research | 467 |
| 1 | Introduction | 467 |
| 2 | The Concept of Marine Scientific Research | 468 |
| 3 | Regulation of Marine Scientific Research in the LOSC | 471 |
| 3.1 | General Considerations | 471 |
| 3.2 | Marine Scientific Research in Marine Spaces under National Jurisdiction | 472 |
| 3.3 | Marine Scientific Research in Marine Spaces beyond National Jurisdiction | 474 |
| 3.4 | Regulation of Scientific Research Installations | 475 |
| 4 | Legality of Military and Hydrographic Surveys in the EEZ | 477 |
| 5 | International Cooperation in Marine Scientific Research | 479 |
| 6 | Transfer of Technology | 480 |
| 6.1 | Transfer of Technology under the LOSC | 480 |
| 6.2 | IOC Criteria and Guidelines on the Transfer of Marine Technology | 482 |
| 7 | Conclusions | 482 |
| 11 | Maintenance of International Peace and Security at Sea | 485 |
| 1 | Introduction | 485 |
| 2 | The Suppression of Piracy | 486 |
| 2.1 | Definition of Piracy | 486 |
| 2.2 | Seizure of Pirates | 490 |
| 2.3 | The Role of the UN Security Council in Counter-piracy Operations | 495 |
| 2.4 | The Use of Privately Contracted Armed Security Personnel | 497 |
| 3 | Regulation of Unlawful Offences and Weapons of Mass Destruction at Sea | 499 |
| 3.1 | The 2005 SUA Convention | 499 |
| 3.2 | Proliferation Security Initiative | 503 |
| 3.3 | UN Interceptions at Sea | 505 |
| 4 | Foreign Military Activities in the EEZ | 506 |
| 5 | Regulation of Nuclear Weapons at Sea | 509 |
| 6 | Conclusions | 513 |
| 12 | Landlocked and Geographically Disadvantaged States | 516 |
| 1 | Introduction | 516 |
| 2 | Landlocked States and Access to the Sea | 519 |
| 2.1 | Legal Regime Prior to the LOSC | 519 |
| 2.2 | Legal Regime of the LOSC | 520 |
| 3 | The Navigational Rights of Landlocked States | 523 |
| 4 | Landlocked and Geographically Disadvantaged States and Uses of the Oceans | 524 |
| 4.1 | Fishing Rights | 524 |
| 4.2 | Exploitation of Non-living Resources in the Oceans | 527 |
| 4.3 | Marine Scientific Research | 528 |
| 5 | Conclusions | 528 |
| 13 | Peaceful Settlement of International Disputes | 531 |
| 1 | Introduction | 531 |
| 2 | Basic Structure of Dispute Settlement Procedures in the LOSC | 532 |
| 2.1 | General Considerations | 532 |
| 2.2 | The Interlink between Voluntary and Compulsory Procedures for Dispute Settlement | 534 |
| 2.3 | Voluntary Conciliation | 539 |

| | | |
|-----------|--|------------|
| 3 | Compulsory Procedures for Dispute Settlement | 540 |
| 3.1 | Multiplicity of Forums | 540 |
| 3.2 | Limitations to the Compulsory Procedures | 543 |
| 3.3 | Optional Exceptions to the Compulsory Procedures | 544 |
| 3.4 | The Role of the Compulsory Conciliation | 547 |
| 4 | The International Tribunal for the Law of the Sea (1): Organisation | 548 |
| 4.1 | Members of ITLOS | 548 |
| 4.2 | The Seabed Disputes Chamber | 551 |
| 4.3 | Special Chambers | 552 |
| 5 | The International Tribunal for the Law of the Sea (2): Procedure | 553 |
| 5.1 | Jurisdiction of ITLOS | 553 |
| 5.2 | Applicable Law | 556 |
| 5.3 | Proceedings before ITLOS | 558 |
| 5.4 | Provisional Measures | 559 |
| 5.5 | Preliminary Objections | 565 |
| 5.6 | Counter-claims | 568 |
| 5.7 | Intervention | 569 |
| 5.8 | Judgment | 569 |
| 5.9 | Advisory Proceedings | 571 |
| 5.10 | Prompt Release Procedure | 575 |
| 5.11 | ITLOS and Fragmentation of International Law | 578 |
| 6 | Conclusions | 579 |
| 14 | Looking Ahead: Law of the Sea as a Legal Shield | 583 |
| 1 | Introduction | 583 |
| 2 | Protection of Community Interests at Sea | 584 |
| 2.1 | Model I: The Decentralised–Relational Model | 584 |
| 2.2 | Model II: The Institutional–Communitarian Model | 586 |
| 2.3 | Model III: The Judicial Model | 587 |
| 3 | Key Elements in the Evolution of the Law of the Sea | 588 |
| 3.1 | Systemic Outlook | 588 |
| 3.2 | Temporal Elements in the Law of the Sea | 589 |
| 4 | Final Remarks | 591 |
| | <i>Index</i> | 592 |

Figures

| | |
|---|----------------|
| 1.1 The case where the outer edge of the continental shelf does not extend up to 200 nautical miles (M) | <i>page 11</i> |
| 1.2 The case where the outer edge of the continental margin extends beyond 200 nautical miles (M) from the baseline | 11 |
| 2.1 Straight baselines (Article 7(1)) | 58 |
| 2.2 Juridical bays (Article 10) | 69 |
| 2.3 Low-tide elevations (Article 13) | 91 |
| 3.1 Transit passage under Article 37 | 125 |
| 3.2 Innocent passage under Article 45(1)(b) | 129 |
| 3.3 Innocent passage under Articles 38(1), 45(1)(a) | 129 |
| 3.4 Archipelagic baselines | 141 |
| 4.1 Continental shelf as defined in accordance with Article 76(4)(a)(i) | 176 |
| 4.2 Continental shelf as defined in accordance with Article 76(4)(a)(ii) | 177 |
| 4.3 Continental shelf as defined in accordance with Article 76(5) | 178 |
| 13.1 Chambers of ITLOS | 551 |

Figures 1.1, 1.2 and 4.3 have been drawn using technical advice from Dr Anne Marie O'Hagan. The author wishes to thank Dr O'Hagan for her technical assistance.

Tables

| | |
|--|---------------|
| 1.1 Principal features of two paradigms in the law of the sea | <i>page 6</i> |
| 3.1 Typology of international straits in the LOSC | 124 |
| 3.2 Navigational rights in the LOSC | 149 |
| 5.1 Summary of rights and freedoms in the LOSC | 205 |
| 6.1 International courts' approaches to maritime delimitations | 269 |
| 7.1 Regional treaties concerning conservation of marine mammals | 316 |
| 8.1 Principal regional treaties regulating land-based marine pollution | 370 |
| 8.2 Port State control MOUs | 386 |
| 9.1 Examples of treaties which establish MPAs in category 2–2 | 457 |
| 12.1 List of landlocked States | 517 |
| 13.1 Current composition of the members of ITLOS and the ICJ | 549 |
| 13.2 List of ITLOS cases concerning provisional measures | 559 |

Preface

International law of the sea is a legal shield against any unlawful use of the oceans, escalation of international disputes or deterioration of the marine environment. In this sense, it is a crucial component of peace in the international community. In the era of crisis, the role of the law of the sea as a shield to defend an international legal order is increasingly important. This book seeks to provide readers with a systematic overview of the law of the sea as an inseparable part of public international law and as a key component of sustainable peace in the international community. This book has only the modest aim of providing a starting point for anyone wishing to study the law of the sea, by examining the principal issues of the law of the sea succinctly.

In this fourth edition, all chapters have been revised, updated and, where necessary, rewritten. Many issues are newly discussed, while some parts have been shortened to keep the book readable. In particular, the following changes merit being highlighted.

In [Chapter 2, section 2.2](#) ‘Straight Baselines’ was revised, considering the 2022 *Nicaragua v. Colombia* case. In [Chapter 3, section 2.6](#), ‘Port in a Pandemic’, has been newly added. In [Chapter 4](#), the issues of submarine cables and pipelines are discussed in a new section ([section 4.8](#)). [Chapter 7](#) includes a new section concerning regional fisheries management organisations ([section 6](#)). In [Chapter 8](#), a new section concerning marine plastic pollution has been added ([section 11](#)). [Chapter 13](#) includes new sections, ‘The Role of the Compulsory Conciliation’ ([section 3.4](#)), ‘Counter-claims’ ([section 5.6](#)) and ‘ITLOS and Fragmentation of International Law’ ([section 5.11](#)). In this chapter, further consideration has been given to the jurisdictional issues regarding mixed disputes ([section 5.1](#)). The issues of provisional measures and preliminary objections are discussed in new sections [5.4](#) and [5.5](#), respectively. The theory of protection of community interests in [Chapter 14](#) has been revised. At the time of writing, an international legally binding instrument on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction was still under negotiation. The outcome of the negotiation could not be examined in this edition, but the main issues are briefly mentioned in [section 3.3](#) of [Chapter 9](#). Further reading has been updated, while some older references had to be deleted because of limitations of space.

At the finishing stages of this edition, the Russian Federation invaded Ukraine. The temptation to include an examination of the implications of Russia's aggression for the law of the sea has been resisted because it would require more time and materials, but it must be stressed that the importance of international law, including the law of the sea, will never be undermined by any illegal use of force.

The typescript of this edition was completed in April 2022. All websites were current as of that date.

I am grateful to the University of Copenhagen, Faculty of Law, and its Library, for its support in the completion of the text of this book. I would also like to thank the staff of Cambridge University Press, in particular, Caitlin Lisle, Gemma Smith and Marianne Nield for their assistance. I thank Martin Barr for his thorough copy-editing. I wish to thank anonymous reviewers for their useful comments on the revision of this edition of the book. Last, but not least, I am grateful to my wife, Akiko, for all her support and prayers throughout my work.

Table of Cases

- ACT Shipping (PTE) Ltd *v.* The Minister for the Marine, Ireland and the Attorney General (1995) 3 The Irish Reports 105 n33
- Advisory Opinion Concerning Legality of the Threat or Use of Nuclear Weapons, ICJ Report 1996 360 n48
- Advisory Opinion in the Constitution of the Maritime Safety Committee of the InterGovernmental Maritime Consultative Organisation, ICJ Reports 1960 214
- Alleged Violation of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua *v.* Colombia), Judgment, ICJ Reports 2022 (not yet reported) 60 n32, 155 n4, 307 n20
- Anglo-French Continental Shelf case (1977) 18 RIAA 91, 92 n220, 260, 263, 266, 269, 275, 281, 282, 283, 290
- Anglo-Norwegian Fisheries, ICJ Reports 1951 54, 58–59, 66, 67
- Anna* case (1805) 165 ER 809 30
- ARA Libertad case, ITLOS Reports 2012 102, 556 n142, 563
- Aramco (1958) 27 ILR 103
- Arbitration regarding the Iron Rhine Railway (Belgium and Netherlands) (2005) 27 RIAA 325, 590 n30
- Arctic Sunrise* case (Kingdom of the Netherlands *v.* Russian Federation), Provisional Measures (2013), ITLOS Reports 2013 558, 559, 563
- Arctic Sunrise* Arbitration (Netherlands *v.* Russia) *Arctic Sunrise* Arbitration, Award on Jurisdiction, 26 November 2014, (2019) 32 RIAA 41, 167, 545
- Arctic Sunrise* Arbitration, Award on the Merits of 14 August 2015, (2019) 32 RIAA 144 n210, 203, 216, 221, 222, 414, 535 n12, 557, 566
- Arrest Warrant of 11 April 2000 case, ICJ Reports 2002 490
- Barbados/Trinidad and Tobago case (2006) 27 RIAA 293
- Belgium/Senegal case, Provisional Measures, Order of 28 May 2009, ICJ Reports 2009 563 n188
- Bering Sea Fur-Seals case, Fur Seal Arbitration, *Proceedings of the Tribunal of Arbitration convened at Paris under the Treaty between the United States of America and Great Britain, concluded at Washington, February 29, 1882, for the Determination*

- of Questions between the Two Governments Concerning the Jurisdictional Rights of the United States in the Waters of the Bering Sea*, 16 vols. (Washington, DC, Government Printing Office, 1895); C. A. R. Robb (ed.), *International Environmental Law Reports*, vol. I 27
- Black Sea case, ICJ Reports 2009 41, 77, 268, 276, 279, 281
- Cameroon/Nigeria case, ICJ Reports 2002 17, 267, 284, 285
- Camouco* case (Panama *v.* France), Prompt Release (2000), ITLOS Reports 2000 576, 577, 578
- Case Concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean (Chile/European Community), ITLOS, Proceedings Suspended 20 December 2000 346 n253, 556 n138
- Case Concerning Land Reclamation by Singapore in and Around the Straits of Johor (Malaysia *v.* Singapore), Provisional Measures (2003), ITLOS, ITLOS Reports 2003 535 n16, 559
- Case Concerning Passage through the Great Belt (Provisional Measures), ICJ Reports 1991 138 n183
- Case concerning the Detention of Three Ukrainian Naval Vessels (Ukraine *v.* Russian Federation) Provisional Measures, Order of 25 May 2019, ITLOS Reports 2019 546, 559, 562 n177
- Case of Medvedyev and Others *v.* France, Application No. 3394/03, European Court of Human Rights, Grand Chamber, Judgment, 29 March 2010 233
- Castle John *v.* NV Babeco, Belgium Court of Cassation (1986), 77 ILR 537
- Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica *v.* Nicaragua), Provisional Measures, Order of 8 March 2011, ICJ Reports 2011(I) 373 n115, 562 n179
- Chagos Marine Protected Area Arbitration (2015), Award of 18 March 2015, available at: <https://pca-cpa.org/en/cases/11> 111 n76, 167, 443 n22, 456, 534, 554, 580
- Chile – Measures Affecting the Transit and Importation of Swordfish, Request for the Establishment of a Panel by the European Communities, WT/DS193/2, 7 November 2000 346 n253
- Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organisation, ICJ Reports 1960 214
- Corfu Channel case (United Kingdom of Great Britain and Northern Ireland *v.* Albania), ICJ Reports 1949 113, 115, 123, 125
- Costa Rica/Nicaragua case (2018), Judgment, ICJ Reports 2018 83, 276
- Croatia/Slovenia Arbitration (2017), Final Award, 29 June 2017, available at: <https://pca-cpa.org/en/cases/3> 75, 269, 288
- Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov, and Kerch Strait, Award on Preliminary Objection, 21 February 2020, available at: <https://pca-cpa.org/en/cases/149/505> 15 n44, 546 n18, 554 n130
- Dispute Concerning the Detention of Ukrainian Naval Vessels and Servicemen, Award on the Preliminary Objections of the Russian Federation, 27 June 2022, available at <https://pcacases.com/web/sendAttach/38096> 547 n86

- Dispute Concerning Delimitation of the Maritime Boundary between Bangladesh and Myanmar in the Bay of Bengal, Judgment (2012), ITLOS Reports 2012 185 n140, 268 n51
- Dispute Concerning Filletting within the Gulf of St. Laurence (1990) 82 ILR; (2006) 19 RIAA 160
- Dubai/Sharjah Border case (1993) 91 ILR 77
- Duzgit Integrity Arbitration (Malta *v.* Sao Tomé and Príncipe) Award of 5 September 2016, available at: <https://pca-cpa.org/en/cases/53/> 112 n81, 144, 169 n67, 205 n14, 535 n14, 557, 566, 567
- Enrica Lexie* Incident Arbitration, Request for Prescription of Provisional Measures, Order of 29 April 2016, available at: <https://pca-cpa.org/en/cases/> 23, 498, 562, 564
- Enrica Lexie* Incident Arbitration, Merits, Award of 21 May 2020, available at: <https://pcacases.com/web/sendAttach/16500> 166, 204 n9, 493, 498, 555
- Eleanor case (1809) 165 All ER 104, 105
- Eritrea/Yemen case (Second Phase) (2001) 22 RIAA 89, 266, 278, 280, 286, 288
- European Communities – Measures Affecting the Approval and Marketing of Biotech Products (EC – Approval and Marketing of Biotech Products), WT/DS291/R, WT/DS292/R, WT/DS293/R, 29 September 2006 332 n157
- Fisheries Jurisdiction case (United Kingdom *v.* Iceland), ICJ Reports 1974 6 n7, 348
- Fisheries Jurisdiction case (Spain *v.* Canada), ICJ Reports 1998 544
- Frontier Dispute case (Burkina Faso *v.* Republic of Mali), ICJ Reports 1986 22 n88
- Gabčíkovo–Nagymaros Project case, ICJ Reports 1997 325, 331, 360
- Ghana/Côte d'Ivoire case, Order of Provisional Measures, ITLOS Reports 2015 296, 559, 562, 563
- Ghana/Côte d'Ivoire case, Judgment, ITLOS Reports 2017 269, 292, 293
- Grand Prince case (Belize *v.* France), Prompt Release (2001), ITLOS Reports 2001 577
- Greenland/Jan Mayen case, ICJ Reports 1993 82
- Grisbadara case (1910) 4 AJIL 110
- Guinea/Guinea-Bissau case (1986) 25 ILM 265, 273, 280
- Gulf of Maine case, ICJ Reports 1984 172 n82, 258, 264, 273, 282, 285, 288
- Guyana/Suriname case (2007) 30 RIAA 289
- Haitian Centre for Human Rights et al. *v.* United States (1997) 233
- Hirsi Jamaa and Others *v.* Italy, Grand Chamber, European Court of Human Rights, Judgment, 23 February 2012 234 n198
- Hoshinmaru case (Japan *v.* Russian Federation), Prompt Release (2007), ITLOS Reports 2007 4, 575 n264, 578
- I'm Alone* case (1935) 3 RIAA 204 n87, 206, 222 n120, 224
- In the Matter of the Bay of Bengal Maritime Boundary Arbitration between the People's Republic of Bangladesh and the Republic of India, Award, 7 July 2014, available at: www.pca-cpa.org/251 273 n73
- Institute of Cetacean Research, a Japanese Research Foundation; Kyodo Senpaku Kaisha, LTD, a Japanese Corporation; Tomoyuki Ogawa, an Individual; Toshiyuki Miura, an Individual (Plaintiffs/Appellants) *v.* Sea Shepherd Conservation Society, an Oregon

- Nonprofit Corporation; Paul Watson, an Individual (Defendants/Appellees), Appeal from the United States District Court for the Western District of Washington, No. 1235266, DC No. 2:11-cv-02043-RAJ, Opinion, Judgment available at: <http://cdn.ca9.uscourts.gov/datastore/general/2013/02/25/1235266.pdf> 488 n15
- Juno Trader* case (Saint Vincent and the Grenadines *v.* Guinea-Bissau), Prompt Release (2004), ITLOS Reports 2004 23 n97, 211 n63, 578
- The King v. The North* (1908) 2 AJIL 220 n112
- LaGrand* case, ICJ Reports 2001 560 n163, 565
- Land, Island and Maritime Frontier Dispute* case, ICJ Reports 1992 29 n127, 67 n75, 70, 74
- Legality of the Threat or Use of Nuclear Weapons*, ICJ Reports 1996 15, 360 n48, 513, 575
- Libya/Malta* case, ICJ Reports 1985 160, 175, 265, 269, 270, 275 n91, 278, 283, 288
- Mauritius/Maldives* case, Preliminary Objection, 28 January 2021, ITLOS Reports 2021 262 n15, 553, 567
- Muscat Dhows Arbitration* (1905), 11 RIAA, 193 n35, 210 n58
- M/V Louisa* case (Saint Vincent and the Grenadines *v.* Spain), Provisional Measures (2010), ITLOS Reports 2010 204 n10, 542, 557, 559, 562, 563
- M/V Norstar* case (2016) Preliminary Objections, ITLOS Report 2016 205 n14, 543, 567
- M/V Norstar* case (2019), Judgment, ITLOS Reports 2019 169 n64, 203 n5, 204, 557
- M/V Saiga* case (Saint Vincent and the Grenadines *v.* Guinea), Prompt Release (1997), ITLOS, ITLOS Reports 1997 575 n264
- M/V Saiga* (No. 2) case (Saint Vincent and the Grenadines *v.* Guinea), Provisional Measures (1998), ITLOS Reports 1998 24, Merits (1999), ITLOS Reports 1999 23, 106 n43, 167, 205 n14, 210, 214, 224, 566
- M/V Toledo* (ACT Shipping (PTE) Ltd *v.* The Minister for the Marine, Ireland and the Attorney General) (1995) 3 The Irish Reports 105, 106
- M/V Virginia G* case (Panama *v.* Guinea-Bissau), Judgment (2014), ITLOS Reports 2014 163 n38, 168, 214, 566, 567, 568
- Magda Maria* case (1985) 16 NYIL; (1989) 20 NYIL 213–214
- Maritime Dispute* (Peru *v.* Chile), ICJ Reports 2014 262 n12
- Monte Confurco* case (Seychelles *v.* France), Prompt Release (2000), ITLOS Reports 2000 575 n263, 576, 578
- MOX Plant* case (Ireland *v.* United Kingdom), Provisional Measures (2001), ITLOS Reports 2001 365, 535, 538, 563
- MOX Plant* case (Ireland *v.* United Kingdom), Suspension of Proceedings on Jurisdiction and Merits and Request for Further Provisional Measures (2003) (case withdrawn 2008) 538
- M/T San Padre Pio* case (Switzerland *v.* Nigeria), Provisional Measures, Order of 6 July 2019, ITLOS Reports 2019 169, 559, 562
- M/T San Padre Pio* (No. 2) case (Switzerland *v.* Nigeria), Removal from the List, Order of 29 December 2021, ITLOS Reports 2021 (not yet reported) 169 n69
- Newton* case (1806) Simmonds, Cases, vol. I 101
- Nicaragua* case (Merits), ICJ Reports 1986 14 n34, 15, 18 n64, 103

- Nicaragua *v.* Colombia case (Merits), ICJ Reports 2022 (not yet reported) 60, 65, 155, 156, 158, 163 n37, 172, 307 n20
- Nicaragua/Honduras case, ICJ Reports 2007 267, 280, 281
- North Atlantic Coast Fisheries case (Great Britain *v.* United States), 7 September 1910, 11 RIAA 66–67
- North Sea Continental Shelf Cases, ICJ Reports 1969 14, 15, 18, 173, 175, 269, 273, 274, 278 n106, 294 n207
- Nottebohm case, ICJ Reports 1955 212 n64
- Nuclear Tests case (Australia *v.* France), ICJ Reports 1974 22
- Nuclear Tests II case, ICJ Reports 1995 331
- Obligation to Negotiate Access to the Pacific Ocean (Bolivia *v.* Chile), ICJ Reports 2018 521 n22
- Post Office *v.* Estuary Radio Ltd (1967) 3 All ER 90 n215
- Pulp Mills on the River Uruguay case (Argentina *v.* Uruguay), ICJ Reports 2010 311, 324 n116, 332, 360 n49
- Qatar/Bahrain case (Merits), ICJ Reports 2001 62, 87, 90 n214
- Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 Nautical Miles from the Nicaraguan Coast, Preliminary Objections, ICJ Reports 2016 179 n109, 291 n183, 292
- R. v. Mills and Others* (1995) 44 ICLQ 221, 223
- Report of the Appellate Body, EC Measures Concerning Meat and Meat Products (Hormones), WT/DS26/AB/R, WT/DS48/AB/R (16 January 1998) 332 n155
- Report and Recommendations to the Governments of Iceland and Norway of the Conciliation Commission on the Continental Shelf Area Between Iceland and Jan Mayen (1981) 20 ILM 83 n162
- Request for an Advisory Opinion Submitted by the Sub-Regional Fisheries Commission (SRFC) (2015 ITLOS Advisory Opinion), ITLOS Reports 2015 215 n85, 312 n51, 362 n60, 572 n240 and n243, 584 n6
- Responsibilities and Obligations of States Sponsoring Persons and Entities with Respect to Activities in the International Seabed Area, Advisory Opinion (2011), ITLOS Reports 238 n215, 332 n158, 360 n50, 363 n64, 571 n234
- Right of Passage over Indian Territory case, ICJ Reports 1960 13 n23
- Sally case (1806) Simmonds, Cases, vol. I 101
- Somalia *v.* Kenya case (2016), Preliminary Objections, ICJ Reports 2017 539
- Somalia *v.* Kenya case (2021), Merits, ICJ Reports 2021 273, 279, 293, 295
- Southern Bluefin Tuna case (New Zealand *v.* Japan; Australia *v.* Japan), Provisional Measures (1999), ITLOS Reports 1999 332, 362 n60, 536 n20, 537, 561 n164, 563, 565
- Southern Bluefin Tuna case (Australia and New Zealand *v.* Japan), Jurisdiction and Admissibility (2000) (2000) 39 ILM 537
- South China Sea Arbitration (The Philippines *v.* China) Jurisdiction and Admissibility (2015), Merits (2016), (2020) 33 RIAA 70, 80, 83, 86, 93, 94, 287, 319, 362, 374, 443, 444, 535 n13, 537, 546, 589
- SS Lotus* case, PCIJ, 1928 Series A/10 206 n16, 208

- St. Pierre and Miquelon case (1992) 31 ILM 265, 285
- Tempest case (1859) Simmonds, Cases, vol. I 101
- Tenyu Maru case (1910) 4 Alaska, Simmonds, Cases, vol. IV 223
- Territorial and Maritime Dispute (Nicaragua/Colombia), ICJ Reports 2012 83, 88
- Texaco Overseas Petroleum Company/California Asiatic Oil Company *v.* Libyan Arab Republic (1978) 17 ILM 21
- Timor-Leste/Australia Conciliation, Decision on Australia's Objections to Competence, 19 September 2016, available at: <https://pca-cpa.org/en/cases/132> 536 n19, 548 n90
- Timor-Leste/Australia Conciliation, Report and Recommendation, 9 May 2018, available at: <https://pca-cpa.org/en/cases/132> 548 n90
- Tomimaru case (Japan *v.* Russian Federation), Prompt Release (2007), ITLOS Reports 2007 211, 577
- Trail Smelter case (United States *v.* Canada) (1939) 33 AJIL; (1941) 35 AJIL 360, 420
- Tunisia/Libya case, ICJ Reports 1982 72, 261 n9, 264, 280, 287
- Twee Gebroeders* (1801) Simmonds, Cases, vol. I 111
- United States *v.* Alaska case, *Report of the Special Master*, J. Keith Mann, March 1996, No. 84 91 n216
- Whaling in the Antarctic (Australia *v.* Japan, New Zealand Intervening), ICJ Reports 2014 319, 320, 354 n17, 588 n20
- Wildenhus case (1887) 120 US 100
- Winter, Secretary of the Navy et al. *v.* Natural Resource Defence Council et al., 555 US 7 (2008) 400 n261

Table of Treaties and Instruments

- Abuja (the West and Central African Region) Memorandum of Understanding on Port State Control (1999) 386
- Additional Protocol to the Abidjan Convention Concerning Cooperation in the Protection and Development of Marine and Coastal Environment from Land Based Sources and Activities in the Western Central and Southern African Region (the Abidjan Protocol) (2012) 370
- African Nuclear-Weapon-Free Zone Treaty (1996) (Pelindaba Treaty) 511
- Article 4 511 n157
- Article 5 511 n157
- Protocol I
- Article 1 511
- Protocol II
- Article 1 511
- Agenda 21 (1992) 325, 367, 441
- Paragraph 17.46 325 n120
- Paragraph 17.75 325 n120
- Agreement between Colombia and Jamaica (1993) 286
- Agreement between Denmark and Sweden (1984) 279
- Agreement between Finland and the Soviet Union concerning the Åland Islands (1940) 131
- Agreement between India and Sri Lanka (1976) 288
- Agreement between Indonesia and Malaysia (1982) 144
- Article 2(2) 144
- Agreement between Italy and Yugoslavia (1975) 280
- Agreement between Japan and South Korea (1974) 286
- Agreement between Norway and Iceland (1981) 286
- Agreement between Saudi Arabia and Sudan (1974) 286
- Agreement between the Government of the Republic of Trinidad and Tobago and the Government of the United States of America Concerning Maritime Counter-Drug Operations (1996)

- Paragraph 11 227 n154
- Agreement Concerning Co-operation in Suppressing Illicit Maritime and Air Trafficking in Narcotic Drugs and Psychotropic Substances in the Caribbean Area (2003) 226
- Article 16(1) 227
- Agreement Concerning the Creation of a Marine Mammal Sanctuary in the Mediterranean (1999) 316, 459
- Article 2 459
- Article 3 459
- Article 14(2) 460
- Agreement Governing the Activities of States on the Moon and the Other Celestial Bodies (1979)
- Article 11 235 n205
- Agreement on Arctic Cooperation between Canada and the United States (1988)
- Article 3 127
- Article 4 127
- Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (1996) 316, 400, 456
- Agreement on the Conservation of Seals in the Wadden Sea (1990) 456
- Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (1992) 400
- Agreement on Cooperation in Aeronautical and Maritime Search and Rescue in the Arctic (2011) 418
- Article 3(3) 418
- Annex
- Paragraph 2 418
- Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic (2013) 418
- Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea (1997) 548 n96
- Agreement on Cooperation in Research, Conservation and Management of Marine Mammals in the North Atlantic (1992) 316
- Agreement on the Delimitation of Marine and Submarine Areas and Maritime Cooperation between the Dominican Republic and Colombia (1978) 286
- Agreement on Illicit Traffic by Sea, Implementing Article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1995) (Council of Europe Agreement) 226
- Article 6 227
- Article 7 227
- Article 9(1) 227 n152
- Article 11(2) 227 n152
- Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (2009) 345
- Article 3(3) 345

| | |
|---|---------------|
| Article 3(5) | 345 |
| Article 9(4) | 345 |
| Agreement on the Preservation of Polar Bears (1973) | 316 |
| Agreement on the Privileges and Immunities of ITLOS (1997) | 550 |
| Agreement on Sealing and the Conservation of the Seal Stocks in the Northwest Atlantic (1971) | 316 |
| Agreement on Special Trade Passenger Ships (1971) | 207 |
| Protocol (1973) | 207 |
| Agreement on Enhancing International Arctic Scientific Cooperation (2017) | 421, 479 |
| Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (1994) | 19 |
| Article 2(1) | 100 |
| Article 4(1) | 248 n285 |
| Article 4(2) | 248 n286 |
| Article 7 | 305 |
| Annex | |
| Section 1(2) | 248 |
| Section 1(3) | 248 |
| Section 1(5)(g) | 410 n321 |
| Section 1(5)(k) | 410 n321 |
| Section 1(7) | 410 n321 |
| Section 1(14) | 249 |
| Section 2(1) | 248 |
| Section 2(2) | 243, 248 n289 |
| Section 2(3) | 249 |
| Section 2(4) | 249 |
| Section 2(5) | 243 |
| Section 3(1) | 250 n294 |
| Section 3(2) | 250 |
| Section 3(3) | 250 n294 |
| Section 3(4) | 250 n294 |
| Section 3(5) | 251 |
| Section 4 | 251, 252 |
| Section 5(1)(b) | 481 |
| Section 5(1)(c) | 481 |
| Section 5(2) | 249, 481 |
| Section 6(7) | 249 |
| Section 7(1) | 250 |
| Section 8(1)(d) | 250 |
| Section 8(2) | 250 |
| Section 8(3) | 250 |
| Section 9(a) | 251 n296 |
| Section 9(1) | 249 |

- Agreement to Promote Compliance with International Conservation and Management Measures (1993) (FAO Compliance Agreement) 335
 - Article III(3) 335
 - Article III(5) 335 n179
 - Article V(2) 344
- Antarctic Treaty (1959) 415, 512
 - Article XI 537
- Arctic Offshore Oil and Gas Guidelines (2009) 419, 420
- Arctic Offshore Oil and Gas Guidelines: Systems Safety Management and Safety Culture (2014) 419
- ASEAN Agreement on the Conservation of Nature and Natural Resources (1985) 457
 - Article 3(3)(a) 457
- Black Sea Memorandum of Understanding on Port State Control (2000) 386
- Brussels Convention for the Unification of Certain Rules relating to Penal Jurisdiction (1952) 208
- Caribbean Memorandum of Understanding on Port State Control (1996) 386
- CARICOM Maritime and Airspace Security Co-operation Agreement (2008) 226
 - Article II(2)(a) 226 n146
- Charter of the United Nations
 - Article 2(3) 533 n6
 - Article 2(4) 533 n6
 - Article 33(1) 534 n7
 - Article 41 505
 - Article 51 228 n155
 - Article 92 548 n95
 - Article 94 570 n232
 - Chapter VII 495, 496, 505
- Code of Conduct Concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden (2009) (Djibouti Code of Conduct) 492
- Code of Conduct Concerning the Repression of Piracy, Armed Robbery against Ships and Illegal Maritime Activity in West and Central Africa (2013) 494
- Code of Conduct for Responsible Fisheries (1995) (FAO) see Food and Agriculture Organisation Code of Conduct for Responsible Fisheries (1995)
- Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the 1998 Aarhus Convention) 376
- Convention on International Trade in Endangered Species of Wild Flora and Fauna (1973) (CITES/1973 Washington Convention) 315, 318, 319, 442, 443
 - Article I(c) 442 n18
 - Article II 319
 - Article II(2)(a) 443 n19
 - Article II(3) 443 n20
 - Article III(5) 319
 - Article III(5)(c) 319 n88

- Article XXIII 433 n21
- Appendix I 319
- Appendix II 323 n107
- Convention on Long-Range Transboundary Air Pollution (the 1979 ECE Convention) 420
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
 - Article 3(1) 232 n188
- Convention and Statute on Freedom of Transit (1921) 519
 - Article 2 519 n11
- Convention between the United States of America and Great Britain to Aid in the Prevention of the Smuggling of Intoxicating Liquors into the United States (1924) 224
- Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (1981) 457
 - Article 11 457
- Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean (1992) 321
 - Article III(1)(a) 322, 335
 - Article V 342 n220
 - Article V(2)(d) 342 n225
 - Article VIII(1) 322
 - Article IX 322
- Convention for the Conservation of Antarctic Seals (1972) 316
- Convention for the Conservation of Salmon in the North Atlantic Ocean (1982) 321
 - Article 2 321
- Convention for the Conservation of Southern Bluefin Tuna (1993) 536
 - Article 16 536
 - Article 16(1) 537
 - Article 16(2) 537
- Convention for the Prevention of Marine Pollution from Land-Based Sources (1974) (1974 Paris Convention) 361, 371
 - Article 4 371
 - Annexes 371
- Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (1985) 457
 - Article 10 457
- Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (1995) (Barcelona Convention) 375 n130, 404 n280
- Convention for the Protection of the Marine Environment of the North-East Atlantic (1992) (1992 OSPAR Convention) 47, 245 n267, 370, 457, 461, 538, 587
 - Article 1(a) 369 n101, 417 n364
 - Article 1(b) 99 n3
 - Article 1(e) 369 n102
 - Article 2(2)(a) 372
 - Article 3 371, 413

- Article 5 419
- Article 9 376
- Article 9(1) 375
- Article 9(2) 376
- Article 9(3) 376 n132
- Article 10 375
- Article 11(1)(b) 47
- Article 11(2) 47
- Article 13 587 n13
- Article 22 375
- Article 23 375 n129, 587 n14
- Annex I 371
 - Article 1(2) 371 n109
 - Article 2(1) 371 n110
- Annex II 405
 - Article 3(1) 405 n285
 - Article 3(2)(3) 405
- Appendix 2 371
- Convention for the Protection of the Natural Resources and Environment of the South Pacific Region (1986) (1986 Nouméa Convention)
 - Article 14 457
- Convention for the Protection of the Rhine 430
- Convention for the Protection of the World Cultural and Natural Heritage (1972) (World Heritage Convention) 454
 - Article 2 454
 - Article 11(1) 454
- Convention for the Regulation of Whaling (1931) 316
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988) (SUA Convention) as amended by the Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005) (2005 SUA Convention) 499–503
 - Article 2 501
 - Article 3 501
 - Article 3(1) 500 n110
 - Article 3*bis* 501
 - Article 3*ter* 501
 - Article 3*quater* 501
 - Article 4(1) 500 n103
 - Article 4(2) 500 n105
 - Article 6 501
 - Article 6(1) 501, 502
 - Article 6(2) 502

- Article 6(3) 502
- Article 6(4) 502
- Article 8 *bis* 501
- Article 8*bis* (5) 501
- Article 8*bis* (6) 501
- Article 8*bis* (8) 501
- Article 9 225
- Article 10(1) 503
- Article 11(1) 503 n113
- Article 11(2) 503 n114
- Article 11*bis* 501
- Article 11(5) 502
- Article 15(2) 499 n102
- Convention for the Unification of Certain Rules of Law Respecting Assistance and Salvage at Sea (1910) 390
 - Article 2 390 n200
- Convention of Lausanne (1923)
 - Article 15 208
- Convention on Acting against Trafficking in Human Beings (2005) (Council of Europe) 218
- Convention on Biological Diversity (1993) (Rio Convention) 425, 446–450
 - Article 1 446
 - Article 2 440, 447 n37 and n40, 456
 - Article 3 446
 - Article 4 456
 - Article 5 450
 - Article 6 447 n36
 - Article 8 449
 - Article 8(a) 456
 - Article 9 447
 - Article 10 447 n36
 - Article 14(1)(a) 447
 - Article 14(1)(c) 447
 - Article 15(1) 446 n34
 - Article 15(2) 448
 - Article 15(3) 448
 - Article 15(4) 448 n42
 - Article 15(5) 448 n42
 - Article 15(7) 448
 - Article 16 449
 - Article 16(1) 448
 - Article 16(2) 448
 - Article 20(2) 448

- Article 20(4) 448 n44
- Article 22 449
- Article 22(2) 456
- Article 23(4)(a) 449 n48
- Article 26 449
- Article 27 449
- Article 27(3) 449
- Article 27(4) 449
- Convention on Civil Liability for Oil Pollution Damage Resulting from Exploration for
and Exploitation of Seabed Mineral Resources (1977) 408
- Convention on Conservation of Nature in the South Pacific (1976)
- Article II 457
- Convention on Environmental Impact Assessment in a Transboundary Context (1991)
(Espoo Convention) 372
- Convention on Future Multilateral Cooperation in the Northeast Atlantic Fisheries (1982)
- Article 5 463 n121
- Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (1978)
- Article XII(1) 338 n194
- Article XII(3) 338 n194
- Convention on International Civil Aviation (1944)
- Article 38 133
- Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere
(1940) 454 n80
- Convention on Psychotropic Substances (1971) 225
- Convention on Supplementary Compensation for Nuclear Damage (1997) 397
- Article XIII 397 n242
- Article XIII(2) 398 n243
- Convention on the Conservation and Management of Pollock Resources in the Central
Bering Sea (1994)
- Article XI(7) 342 n224
- Article XI(7)(c) 342 n225
- Convention on the Conservation of Antarctic Marine Living Resources (1980) (CCAMLR)
339, 342, 343, 460, 461
- Article II(2) 305 n9
- Article II(3)(a) 441
- Article II(3)(c) 442
- Article II(4) 441 n13
- Article 9(2)(g) 457
- Convention on the Conservation of Migratory Species of Wild Animal (1979) (CMS/Bonn
Convention) 442
- Article III 442 n15
- Article III(5) 442

- Article IV 442 n15, n16
- Article IV(3) 442
- Article IV(4) 442
- Article V 442 n16
- Appendix I 442
- Appendix II 442
- Convention on the International Maritime Organisation (1948)
 - Article 2(b) 45 n201
- Convention on the International Regulations for Preventing Collisions at Sea (1972) 112, 207
- Convention on the Legal Status of the Caspian Sea (2018) 8 n12
- Convention on the Liability of Operators of Nuclear Ships (1962) (Brussels Convention on Nuclear Ships) 397
 - Article II 397 n239, n240
 - Article III 239 n241
- Convention on the Non-Fortification and Neutrality of the Åland Islands (1921) 131
- Convention on the Protection of the Black Sea Against Pollution (1992) 404 n281
- Convention on the Protection of the Marine Environment of the Baltic Sea Area (1974) (1974 Helsinki Convention) 371
 - Article 5 371
 - Article 6 371
 - Annex II 371
- Convention on the Protection of the Marine Environment of the Baltic Sea Area (1992) (1992 Helsinki Convention) 370, 371, 404 n279, 457
 - Article 1 369 n101
 - Article 2 369 n102
 - Article 3(2) 372
 - Article 12 408
 - Article 17(1) 375 n130
 - Annex VI 389 n195
 - Regulation 2 408
 - Regulation 3 408
 - Regulation 4 408
 - Regulation 5 408
 - Annex VII 389 n195
- Convention on the Protection of Underwater Cultural Heritage (2001) (UNESCO Convention) 195
 - Article 1(1)(a) 196
 - Article 2(1) 196 n191
 - Article 2(3) 196
 - Article 2(7) 196
 - Article 3 197
 - Article 4 196 n194

- Article 9(1)(a) 197
- Article 9(1)(b) 197
- Article 9(5) 197
- Article 10(2) 197
- Article 10(3)(a) 197 n198
- Article 10(3)(b) 197 n199
- Article 10(4) 197
- Article 17(1) 196 n195
- Convention on Wetlands of International Importance (1971) (Ramsar Convention) 454
 - Article 1(1) 454
 - Article 2(1) 454
 - Article 3(1) 454
- Convention Regarding the Régime of the Straits (1936) (Montreux Convention) 130
- Convention relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material (1971) 397
- Convention Relating to the Status of Refugees (1951)
 - Article 33(1) 232 n188
- Declaration between the United Kingdom and France Respecting Egypt and Morocco (1904) 131 n149
 - Article 7 131
- Déclaration conjointe relative à l'institution d'un sanctuaire méditerranéen pour les mammifères marins (1993) 456
- Declaration of Barcelona (1921) 523
- Declaration of Denmark (2004) 130 n144
- Declaration of Latin American States on the Law of the Sea (1970) (Lima Declaration) 159
- Declaration of Principles Governing the Sea-bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction (1970) 236
 - Principle 2 236–237
- Declaration of Sweden (1996) 130 n144
- Declaration of the First International North Sea Conference on the Protection of the North Sea (1984) (Bremen Ministerial Declaration)
 - Paragraph D3 329 n147
- Declaration of the Second International North Sea Conference on the Protection of the North Sea (1987) (London Declaration) 329
- Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations (1970) 21
- Declaration on the Granting of Independence to Colonial Countries and Peoples (1960) 22
- Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community Vessel Traffic Monitoring and Information System and Repealing Council Directive 93/75/EEC 105 n36
 - Article 20 107

- Djibouti Port Utilisation Agreement between the Transitional Government of Ethiopia and the Government of the Republic of Djibouti (1994) 522
- EC Council Directive 95/21/EC on Port State Control (1995) 386
- European Agreement for the Prevention of Broadcasting Transmitted from Stations Outside National Territories (1965) 218
- Article 3 218
- European Community Treaty (1957) 538
- Article 226 538
- European Convention on Human Rights (1952) 233
- Article 3 234
- European Fisheries Convention (1964) 92
- Federal States of Micronesia Arrangement for Regional Fisheries Access (1994) 344
- Food and Agriculture Organisation Code of Conduct for Responsible Fisheries (1995) 21, 325
- Article 3 46
- Article 7.2.1 325 n121
- Food and Agriculture Organization Constitution (1945)
- Article XIV(1) 45 n204
- Article XIV(2) 45 n204
- General Act for the Repression of African Slave Trade (1890) 217
- General Agreement on Tariffs and Trade (1947) (GATT)
- Article V(2) 519
- General Agreement on Tariffs and Trade (1994) (GATT)
- Article XX 346
- Geneva Convention and Statute on the International Regime of Maritime Ports (1923)
- Article 2 104
- Geneva Convention on Fishing and Conservation of the Living Resources of the High Seas (1958) 305
- Article 2 304
- Article 3 306
- Article 4 306
- Article 5 306
- Article 6(1) 305 n13
- Article 7 305
- Article 7(1) 306
- Geneva Convention on the Continental Shelf (1958)
- Article 1 173, 174, 235
- Article 1(a) 174
- Article 2 23
- Article 2(2) 162, 189 n157
- Article 3 173
- Article 5 408 n307

- Article 5(1) 469
- Article 5(8) 469
- Article 6 262, 263, 278
- Geneva Convention on the High Seas (1958) 18, 228, 528
 - Article 1 32
 - Article 2 524 n40
 - Article 2(2) 32
 - Article 3 521
 - Article 5(1) 212, 214
 - Article 7 206
 - Article 11 209
 - Article 13 102–103
 - Article 15 487 n4
 - Article 23 220, 221
 - Article 23(3) 223, 224
 - Article 24 352 n4, 408 n307
 - Article 25 352 n5
- Geneva Convention on the Territorial Sea and Contiguous Zone (1958) 31
 - Article 1 32 n148
 - Article 4 60
 - Article 4(3) 62
 - Article 4(5) 63
 - Article 4(6) 65 n60
 - Article 5(2) 100
 - Article 7 68
 - Article 8 77
 - Article 10 92
 - Article 10(1) 79
 - Article 11 90
 - Article 12 259, 287
 - Article 12(1) 259
 - Article 13 76
 - Article 14(1) 112, 116
 - Article 14(2) 116
 - Article 14(4) 113, 114
 - Article 14(5) 114
 - Article 14(6) 112
 - Article 16(4) 123
 - Article 23 116
 - Article 23(3) 221
 - Article 24 155, 259
 - Article 24(1) 155, 156

- Article 24(2) 32 n150
- Article 24(3) 260
- Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (1995) 367–368
 - Paragraph 23(h)(i) 368 n93
 - Paragraph 24 368 n93
- Guidelines and Standards for the Removal of Offshore Installations and Standards on the Continental Shelf and in the Exclusive Economic Zone (1989) 165 n42, n44
- Implementation of Best Management Practice Guidance (2011) 495
- International Agreement for the Regulation of Whaling (1937) 317
- Guidelines for Ships Operating in Polar Waters (the Polar Guidelines) (2009) 415 n350
- Indian Ocean Memorandum of Understanding on Port State Control (1998) 386
- Inter-American Convention for the Protection and Conservation of Sea Turtles (2001) 456
- Interdiction Principles for the Proliferation Security Initiative (2003) 503
 - Paragraph 1 503–504
 - Paragraph 2 504
 - Paragraph 4(d) 504
 - Paragraph 4(d)(1) 504
- International Code of Safety for Ships Operating in Polar Waters (Polar Code) (2014) 417–418
- International Convention for the Conservation of Atlantic Tunas (1966)
 - Article VIII(3)(c) 338 n194
 - Article VIII(3)(e) 338 n194
- International Convention for the Control and Management of Ship's Ballast Water and Sediments (2004) 398
 - Article 1(2) 398
 - Article 2(1) 398
 - Article 5(1) 398 n247
 - Article 7(1) 398 n249
 - Article 13 398 n250
- International Convention for the Prevention of Pollution from Ships of 1973, as modified by the 1978 Protocol (MARPOL 73/78) 119, 352, 361, 377–379, 455
 - Article 2(3)(b)(ii) 408
 - Article 3(1) 377
 - Article 3(3) 377
 - Article 8 389
 - Annex I 377, 418
 - Regulation 11 385 n170
 - Regulation 39 408
 - Appendix 1 396
 - Annex II 377
 - Regulation 16(9) 385 n170

- Annex III 377
 - Regulation 8 385 n170
- Annex IV 377
- Annex V 378, 431
 - Regulation 8 385 n170
- Annex VI 378, 422, 424 n423, 427
 - Regulation 2(3) 422 n411
 - Regulation 10 385 n170
 - Regulation 19(1) 422 n411
 - Regulation 21 422 n411
 - Regulation 22(1) 423
- International Convention for the Prevention of Pollution of the Sea by Oil (Oil Pollution Convention) (1954) 352
- International Convention for the Regulation of Whaling (1946) 317–319, 318 n87
 - Article I(1) 317 n76
 - Article I(2) 317
 - Article III(2) 317
 - Article V(1) 317
 - Article V(3) 317
 - Article VI 317
 - Article VIII 318
 - Article VIII(1) 319
- Schedule
 - Paragraph 7(a) 318 n84
 - Paragraph 7(b) 318 n85
 - Paragraph 10(e) 318 n82
 - Paragraph 13 318 n82
- International Convention for the Safety of Fishing Vessels (1977) 207
- International Convention for the Safety of Life at Sea (1974) (SOLAS) 119, 207, 418
 - Annex
 - Regulation 19 385 n169
 - Protocol (1988) 132 n156
- International Convention on Civil Liability for Bunker Oil Pollution Damage (2001) (Bunker Oil Convention) 394–395
 - Article 1(5) 395 n222
 - Article 1(9)(a) 395
 - Article 3 395
 - Article 6 395
 - Article 7(1) 395
- International Convention on Civil Liability for Oil Pollution Damage (1969) 352, 391, 392
 - Article III 387

- Article V 387
- Protocol to replace (1992) 352, 393 n212
- International Convention on Civil Liability for Oil Pollution Damage (Civil Liability Convention (1992)) 392, 394, 395
- Article I(3) 393 n210
- Article I(6) 392 n209
- Article II 392 n208
- Article III(1) 392
- Article III(2) 393 n211
- Article V(1) 393
- Article VII 393
- Article IX(1) 392
- International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (1996) (HNS Convention) 395–397
- Article 1(5) 396 n227
- Article 1(6) 396
- Article 3 396
- Article 7 396 n229
- Article 9 396
- Article 12 396 n229
- Article 14(5)(a) 396
- Article 18 396
- Article 19 396
- Protocol (2010) 397
- International Convention on Load Lines (1966) 207, 385
- Article 21 385 n172
- International Convention on Maritime Search and Rescue (1979) 23, 104, 209
- International Convention on Oil Pollution Preparedness, Response and Cooperation (1990) (OPRC) 364, 389, 390
- Article 3 389
- Article 4(1) 389
- Article 5(1) 390
- Article 6(1) 390
- Article 7(1) 390
- International Convention on Salvage (1989) 391
- Article 1 390
- Article 8 391
- Article 13 391
- Article 14 391
- International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (1995) 207, 210

- International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (1978) 207, 418 n375
- Article X 385 n173
- International Convention on the Control of Harmful Anti-fouling Systems on Ships (2001) 399
- Article 2(2) 399 n256
- Article 4 399
- Article 11 399
- International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (1971) 391
- see also* Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (2003) International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (1992) (Fund Convention)
- Article 3 394 n215
- Article 4 394 n216
- Article 4(2) 393
- Article 10 394 n216
- Article 28(4) 393 n214
- International Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1972) (London Dumping Convention) 357–358, 400, 402–404, 427
- Article III(1) 357, 359, 431
- Article IV(1) 403
- Article IV(1)(b) 403
- Article IV(1)(c) 403
- Annex I 402
- Paragraph 6 403 n274
- Protocol *see* Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1996) (London Protocol)
- International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (1969) 352, 387, 388
- Article I 387, 388
- Article I(1) 387, 388 n192
- Article I(2) 387
- Article II(1) 387 n185
- Article III 387
- Article III(a) 387
- Article III(d) 387
- Article V 387
- Article V(1) 388 n186
- Article V(2) 388 n187
- International Covenant on Civil and Political Rights (1966) 232 n188, 233, 493

- International Guidelines for the Management of Deep-Sea Fisheries in the High Seas (2008) 323 n110
- International Health Regulations 108, 108 n51, 109 n67
- International Labour Organization Convention No. 147 concerning Minimum Standards in Merchant Ships (1976) 207, 385
- Article 4 385 n171
- International Maritime Organisation General Provisions on the Adoption, Designation and Substitution of Archipelagic Sea Lanes (1998) 148
- International Maritime Organisation Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas (2002) 455
- International Maritime Organisation Guidelines on Places of Refuge for Ships in Need of Assistance, Resolution (2003) 105 n36
- International Maritime Organisation Resolution on Prevention and Suppression of Piracy, Armed Robbery against Ships and Illicit Maritime Activity in the Gulf of Guinea (2013) 494
- International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (2001)
- Paragraph 66 346 n246
- Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention (1988) 397
- Kuwait Regional Convention for Cooperation on the Protection of Marine Environment from Pollution (1978) 370
- Kyoto Protocol (2005) 422, 426
- Manila Declaration on Furthering the Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (2012) 368
- Marine Strategy Framework Directive (2008) 400–401
- Article 1(1) 401 n266
- Article 2(8) 401
- Article 3(5)(b) 401
- Annex III 401
- Maritime Boundary Agreement between the United States and Cuba (1977) 280
- Maritime Labour Convention (2006) 109, 207
- Regulation 5.2 385 n174
- Mediterranean Memorandum of Understanding on Port State Control (1997) 386
- Memorandum of Understanding between Malaysia and Thailand in the Gulf of Thailand (1979) 286
- Memorandum of Understanding between Malaysia and Vietnam (1992) 286
- Memorandum of Understanding between the North-East Atlantic Fisheries Commission (NEAFC) and the OSPAR Commission (2008) 464 n128
- Memorandum of Understanding between the OSPAR Commission and the International Seabed Authority (2010) 462
- Minamata Convention on Mercury (2013) 420

- Montevideo Declaration on the Law of the Sea (1970) 159
- Montreal Declaration on the Protection of the Marine Environment against Pollution from Land-Based Activities (2001) 368, 369
- Montreal Guidelines for the Protection of the Marine Environment against Pollution from Land-Based Sources (1985) 367
 - Paragraph 1(b) 355 n20
- Montreal Protocol to the Ozone Convention (1987)
 - Article 8 449
- Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity (2010) 448
- New York Convention on Transit Trade of Land-locked States (1965) 520
 - Article 1(c) 520 n15
 - Article 2(1) 520
 - Article 2(2) 520
 - Article 11 520
 - Article 15 520
- Northeast Atlantic Fisheries Commission, Scheme of Control and Enforcement (2022) 432
 - Article 37(3) 343 n228
 - Article 38(1) 343
 - Article 40 346 n251
 - Article 41 346 n251
 - Chapter IV 342 n223
 - Chapter V 345 n240
- Northern Corridor Transit Agreement (1985) 522
 - Article 2 522 n28
- Northwest Atlantic Fisheries Organization Conservation and Enforcement Measures Scheme to Promote Compliance by Non-Contracting Party Vessels with Recommendations established by NAFO (2022)
 - Article 39 342 n225
 - Article 49(1) 343
 - Article 50(1) 343 n229
 - Article 51(1) 346 n250
 - Chapter VII 345 n239
- Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes (1962) 31, 33
- Oslo Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft (1972) 404–405
- Paris Agreement (2015) 425, 426
- Ottawa Declaration (1996) 415, 416
- Paris Convention on Third Party Liability in the Field of Nuclear Damage (1960) 397

- Article 3 397 n239, n240
- Article 6 397 n239
- Article 10 397 n241
- Article 13 397 n242
- Paris Memorandum of Understanding on Port State Control (1982) 386
- Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime (2000) (Smuggling Protocol (2000)) 229–231
 - Article 1(1) 229 n164
 - Article 2 229 n165
 - Article 5 229 n167
 - Article 6 229 n167
 - Article 7 230 n169
 - Article 8 230
 - Article 8(2) 230
 - Article 10 230 n169
 - Article 11 230 n169
 - Article 14 230 n169
 - Article 15 230 n169
 - Article 16 230 n168
- Protocol Amending the International Agreement for the Regulation of Whaling (1938) 317
- Protocol Concerning Cooperation in Combating Marine Pollution in Cases of Emergency in the Eastern African Region (1985)
 - Article 5 389 n195
- Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea (2002) 107
 - Article 9 389 n195
 - Article 10 389 n195
 - Article 16 107 n45
- Protocol Concerning Mediterranean Specially Protected Areas (1982)
 - Article 3(1) 457
- Protocol Concerning Pollution from Land-Based Sources and Activities to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (1999) (1999 Aruba Protocol) 370
 - Article I(4) 369 n102
 - Article VII(2) 373 n119
- Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region (1985)
 - Article 8 457
 - Article 10(d) 464 n126

- Protocol Concerning Regional Cooperation in Combating Pollution by Oil and Other Harmful Substances in Cases of Emergency (1982)
 - Article 7 389 n195
- Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean (1995) 458–459
 - Article 2(1) 459 n102
 - Article 3(1) 459
 - Article 5(1) 459
 - Article 8 457
 - Article 8(1) 459
 - Article 9 457
 - Article 9(1) 459
 - Annex 1 457
- Protocol Concerning Specially Protected Areas and Wildlife in the Wider Caribbean Region (1990)
 - Article 4 457
 - Article 5(2)(d) 464 n126
- Protocol Concerning the Protection of the Marine Environment from Land-Based Activities in the Red Sea and Gulf of Aden (2005) (2005 Jeddah Protocol) 370, 371
 - Article 4(1)(b) 369 n102
- Protocol for the Conservation and Management of Protected Marine and Coastal Areas of the South-East Pacific (1989)
 - Article 2 457
 - Article 3 457
- Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft (1976) 404 n280
 - Article 4 405 n286
 - Article 5 405 n286
 - Article 6 405 n286
- Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea (1995) 404 n280
 - Article 4 405 n287
- Protocol for the Prevention of Pollution of the South Pacific Region by Dumping (1986) 404 n283
- Protocol for the Protection of the Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities (the Nairobi Protocol) (2010) 370, 372
- Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources (1980) (Athens Protocol) 370
 - Article 3 369 n101
 - Article 4(1)(b) 369 n102

- Article 5 371 n106
- Article 6 371 n106
- Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources and Activities (1996) (1996 Syracuse Protocol) 370, 372
 - Article 3(c) 369 n101
 - Article 4(1)(b) 369 n102
- Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (1994) (Mediterranean Protocol) 409 n312
 - Article 27(1) 409
- Protocol for the Protection of the South-East Pacific Against Pollution from Land-Based Sources (1983) (1983 Quito Protocol) 370, 371
 - Article I 369 n101
 - Article II(c) 369 n102
 - Article IV 371 n107
 - Article V 371 n107
- Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (1992) 499 n101
- Protocol on Hazardous and Noxious Substances Pollution, Preparedness, Response and Cooperation in the Pacific Area (2006)
 - Article 5 389 n195
- Protocol on Preparedness, Response, and Cooperation to Pollution Incidents by Hazardous and Noxious Substances (2000) (HNS Protocol) 390
 - Article 2(2) 390 n197
- Protocol on Protection of the Black Sea Marine Environment against Pollution by Dumping (1992) 404 n281
- Protocol on Protection of the Black Sea Marine Environment Against Pollution from Land Based Sources (1992) (1992 Bucharest Protocol) 370
 - Article 1 369 n102
 - Article 3 369 n101
 - Article 4 371 n108
- Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances Other than Oil (1973) 388 n188
 - Article I(1) 388 n189
 - Article I(2) 388 n190
- Protocol to Amend the International Convention on Civil Liability for Oil Pollution Damages, 1969 (1992) 352, 391, 392, 396
- Protocol to Amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (1992) 391, 392
- Protocol to the Antarctic Treaty on Environmental Protection (1991)
 - Annex V 457

Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005) (2005 SUA Convention) 499–503

For article and page numbers to this Convention, see Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988) (SUA Convention) as amended by the Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005)

Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1996) (London Protocol) 357

Article 1(4)(a) 357, 431

Article 1(4)(b) 358

Article 2 403 n275

Article 3 403 n275

Article 4(1) 403

Article 4(1)(b) 403 n276

Article 5*bis* 407 n305

Article 6 403, 405, n292, 406

Article 6*bis* 407

Article 6*bis* (1) 407

Article 6*bis* (2) 407

Article 7(2) 404

Article 7(3) 404

Article 8(1) 404

Article 8(2) 404

Article 9(1) 404

Article 9(4) 404

Article 23 402 n273

Annex 1 405

Paragraph 1 403 n275

Paragraph 3 403 n275

Annex 2 403, 405

Annex 4 407

Paragraph 1(1) 407 n302

Paragraph 1(3) 407 n303

Annex 5 407 n304

Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (2003) 394

Article 2 394

Article 4(2)(a) 394

Article 19(3) 394

Protocol to the Kuwait Regional Convention for the Protection of the Marine Environment Against Pollution from Land-Based Sources (1990) (1990 Kuwait Protocol) 370

- Article II 369 n101
- Article III(d) 369 n102
- Article VIII(1) 373 n119
- Provisional Understanding Regarding Deep Seabed Matters (1984) 247
- Recommendation by the International Commission for the Conservation of Atlantic Tunas Concerning the Ban on Landings and Transshipments of Vessels from Non-Contracting Parties Identified as Having Committed a Serious Infringement (1999)
 - Paragraph 1 343 n232
 - Paragraph 2 346 n249
- Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment (1982) 404 n282
- Regional Co-operation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (2004) 494
 - Article 4 494
- Regulations on Prospecting and Exploration for Cobalt-Rich Ferromanganese Crusts in the Area (2012) 241, 245 n260, 411
- Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area and Related Matters (2000) 240, 241
 - Regulation 31(1) 410
 - Regulation 31(2) 411 n327
 - Regulation 31(6) 245 n264
 - Regulation 32(5) 411
 - Regulation 32(7) 245 n262
- Regulations on Prospecting and Exploration for Polymetallic Sulphides in the Area (2010) (Sulphides Regulations) 240
 - Regulation 33(2) 245 n261
 - Regulation 33(6) 245 n264
 - Regulation 35(8) 245 n262
 - Annex 4, section 5.1 245 n261
- Resolution 01/03 Establishing a Scheme to Promote Compliance by Non-Contracting Party Vessels with Resolutions Established by the Indian Ocean Tuna Commission (2013)
 - Paragraph 2 343 n231
- Resolution 05/03 Relating to the Establishment of an Indian Ocean Tuna Commission Programme of Inspection in Port (2005) 345 n238
 - Paragraph 4 346 n248
 - Paragraph 5 346 n248
- Resolution of the European Parliament on the Environmental Effects of High-Intensity Active Naval Sonar (2004) 400
- Revised African Maritime Transport Chapter (2010) 523
- Revised Interim Recommendations for Flag States Regarding the Use of Privately Contracted Armed Security Personnel on Board Ships in the High Risk Area (2015) 498 n91

- Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem (2001) 325, 327
Paragraph 2 325 n123
- Rio Declaration on Environment and Development (1992)
Principle 2 360
Principle 15 329–330
- Riyadh (the Arab States of the Gulf) Memorandum of Understanding on Port State Control (2004) 386
- Rome Declaration on the Implementation of the Code of Conduct for Responsible Fisheries (1999) 325
Paragraph 6 327 n133
Paragraph 12(n) 325 n122
- Rules and Guidelines for Consultative Status of Non-Governmental International Organisations with the International Maritime Organisation (amendment endorsed by the Assembly of the IMO in 2013) 47 n220
- Rules of the International Tribunal for the Law of the Sea (Rules of the Tribunal)
Article 28 553 n123
Article 29 552 n119
Article 30(1) 553
Article 43 549 n99
Article 54(2) 558
Article 89(4) 563
Article 89(5) 561
Article 91(2) 560 n159
Article 95(1) 560 n162
Article 97 565
Article 97(1) 565
Article 97(2) 566
Article 97(3) 566
Article 97(6) 566
Article 98(1) 568, 569
Article 98(2) 568
Article 98(3) 568
Article 99 569 n226
Article 100 569 n227
Article 111(2)(b) 578 n280
Article 111(2)(c) 577, 578 n280
Article 112 553 n124
Article 126 570
Article 127 570
Article 130 571 n237
Article 131(1) 573
Article 135(3) 571 n238

- Article 138 573, 574
- Article 138(1) 574
- Article 138(3) 573 n251, n252
- SADC Protocol on Transport, Communications and Meteorology in the Southern African Development Community (SADC) Region (1996) 522–523
 - Article 3.2(2)(b) 523 n31
 - Article 3.2(3) 523 n31
- Single Convention on Narcotics Drugs (1961) 225
- Slavery Convention (1926) 217
- Southern Indian Ocean Fisheries Agreement (2006) 337 n186
 - Article 4(a) 327
- Statute of the Permanent Court of International Justice
 - Article 38 19
- Statute of the International Court of Justice (1945)
 - Article 16(1) 550
 - Article 26(1) 552
 - Article 26(2) 552
 - Article 32(1) 550
 - Article 38 261, 262
 - Article 38(1) 12
 - Article 38(1)(c) 19
 - Article 38(1)(d) 19
 - Article 38(2) 262
 - Article 41(1) 561
 - Article 59 12
 - Article 65(1) 571
- Statute of the International Law Commission (1947)
 - Article 1(1) 31 n141
- Stockholm Convention on Persistent Organic Pollutants (2001) 420
- Stockholm Declaration (1972)
 - Principle 2 360, 440
 - Principle 4 441
 - Principle 13 324 n114
 - Principle 21 360
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956) 217
 - Article 1 218 n95
- Tokyo Memorandum of Understanding on Port State Control (Asia-Pacific Region) (1993) 386
- Tordesillas Treaty (1494) 25 n105
- Torremolinos Protocol (1993) 207
- Transit and Port Service Agreement between the Transitional Government of Ethiopia and the Government of the State of Eritrea (1993) 522 n27

- Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Under Water (1963) 509
Article I(1)(a) 509 n150
- Treaty between Argentina Republic and Chile, Establishing the Neutrality of Straits of Magellan (1881) 131 n147
Article 5 131
- Treaty between Australia and the Democratic Republic of Timor-Leste Establishing Their Maritime Boundaries in the Timor Sea (2018) 548 n92
- Treaty between France and Spain Regarding Morocco (1912) 131 n150
Article 6 131
- Treaty between Spain and Italy to Combat Illicit Drug Trafficking at Sea (1990)
Article 5 227 n154
- Treaty between the Government of Australia and the Government of the French Republic on Cooperation in the Maritime Areas Adjacent to the French Southern and Antarctic Territories (TAAF), Heard Island and the McDonald Islands (2003) 222–223, 223 n124
Article 3(3) 223
Article 4 223
- Treaty between the Government of Canada and the Government of the United States of America concerning Pacific Salmon (1985) 322
Article II(8) 322
Article III(1) 322
- Treaty between Norway, The United States of America, Denmark, France, Italy, Japan, the Netherlands, Great Britain and Ireland and the British overseas Dominions and Sweden concerning Spitsbergen (the 1920 Spitsbergen Treaty) 512
- Treaty for the Redemption of the Sound Dues (1857) (Treaty of Copenhagen) 130
Article I 130
- Treaty of Friendship, Commerce and Navigation between the Netherlands and the United States of America (1956) 103
Article XIX(2) 103–104
- Treaty of Peace and Friendship between Argentina and Chile (1984)
Article 10 131
- Treaty of Rarotonga Establishing a South Pacific Nuclear-Free Zone (1985) (Rarotonga Treaty) 510–511
Article 1 510
Article 5 510 n156
Article 6 510 n156
Protocol I 510 n156
Protocol II 511
Article 1 511
Protocol III 510 n156
Article I 511
- Treaty of Tlatelolco for the Prohibition of Nuclear Weapons in Latin America (1967) 510

- Article 1 510 n154
- Article 3 510
- Additional Protocol II 510
 - Article 3 510
- Treaty of Versailles (1919) 523
 - Article 273 523 n38
- Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof (1971) 509
 - Article I 509 n151
- Treaty on the Southeast Asia Nuclear-Weapon-Free-Zone (1995) (Treaty of Bangkok) 511
 - Article 3(1) 511 n158
 - Article 3(2) 511
 - Article 3(3) 514 n172
 - Protocol
 - Article 2 511
- Uniform Interpretation of Norms of International Law Governing Innocent Passage between the United States and the USSR (1989) 117, 504 n119
 - Paragraph 2 117, 504 n119
 - Paragraph 4 113
- United Kingdom–United States Exchange of Notes (1981)
 - Paragraph 1 227 n154
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988) 226
 - Article 1(a) 227 n151
 - Article 2(1) 226 n149
 - Article 17 227
 - Article 17(3) 226
 - Article 17(4) 226
 - Article 17(10) 227
- United Nations Convention on Conditions for Registration of Ships (1986) 211, 213, 253
- United Nations Convention on the Law of the Sea (1982) (LOSC)
 - Article 1(1) 202
 - Article 1(1)(4) 354, 400
 - Article 1(1)(5)(a) 356, 431
 - Article 1(1)(5)(b) 357
 - Article 1(3) 238 n214
 - Article 2(1) 100
 - Article 2(3) 111, 167
 - Article 3 5 n4, 40, 53 n1, 110 n68
 - Article 5 54, 55, 64, 143
 - Article 6 89–90

Article 7 60, 62, 64, 143
Article 7(1) 60, 65
Article 7(2) 60, 62, 64
Article 7(3) 61–62
Article 7(4) 62, 89
Article 7(5) 61–62
Article 7(6) 63
Article 8 5 n4, 100
Article 8(1) 99 n1
Article 9 64, 75, 77, 140
Article 10 64, 68, 74, 77, 94, 140
Article 10(2) 68, 70 n82
Article 10(3) 70 n82
Article 10(4) 69
Article 10(5) 61 n39, 70 n82
Article 10(6) 68
Article 11 76, 77, 140
Article 12 64, 110 n71
Article 13 90
Article 13(1) 90
Article 13(2) 90 n213
Article 14 60
Article 15 64
Article 16 64, 76, 155
Article 16(1) 64
Article 17 112, 116
Article 18(1) 112
Article 18(2) 23, 112
Article 19 113, 114, 132
Article 19(1) 113, 114
Article 19(2) 113, 114, 116
Article 19(2)(a) 113
Article 19(2)(c) 113
Article 19(2)(j) 470, 472
Article 20 112, 116
Article 21 120
Article 21(1) 120–121
Article 21(1)(a) 118
Article 21(1)(f) 380
Article 21(1)(g) 470, 472
Article 21(2) 121
Article 21(4) 112

| | |
|------------------|------------------------|
| Article 22 | 120 |
| Article 22(1) | 119, 120, 121 |
| Article 22(2) | 119, 120 |
| Article 22(3) | 121 |
| Article 22(4) | 121 |
| Article 23 | 119 |
| Article 24(1) | 123 |
| Article 24(1)(b) | 135 n171 |
| Article 24(2) | 23, 123 |
| Article 25 | 120 |
| Article 25(1) | 121 |
| Article 25(2) | 103, 121 |
| Article 25(3) | 121–122, 135 n171 |
| Article 26 | 123 |
| Article 27(1) | 122 |
| Article 27(1)(d) | 226 |
| Article 27(2) | 122 |
| Article 27(3) | 122 |
| Article 27(5) | 122 |
| Article 28 | 122 |
| Article 28(1) | 122 |
| Article 28(2) | 122 |
| Article 28(3) | 122 |
| Article 29 | 102 n12 |
| Article 30 | 102, 118 |
| Article 31 | 102, 118 |
| Article 32 | 102 |
| Article 33 | 5 n4, 53 n91, 155, 158 |
| Article 33(1) | 155 n1, 157 |
| Article 33(2) | 155 |
| Article 35(a) | 125 n118 |
| Article 35(c) | 130, 131 |
| Article 36 | 129 |
| Article 37 | 125 |
| Article 38 | 149 |
| Article 38(1) | 126, 128, 138 |
| Article 38(2) | 131, 132 |
| Article 39 | 146 |
| Article 39(1) | 132 |
| Article 39(1)(c) | 132 |
| Article 39(2)(a) | 132 n156 |
| Article 39(2)(b) | 133 n157, 148 |

| | |
|------------------|------------------------|
| Article 39(3)(a) | 133 |
| Article 39(3)(b) | 133 |
| Article 40 | 133 n158, 146 |
| Article 41(1) | 134 |
| Article 41(3) | 134 |
| Article 41(4) | 135, 147 |
| Article 41(7) | 133 n159 |
| Article 42 | 146, 149 |
| Article 42(1) | 133, 134 |
| Article 42(1)(a) | 135 |
| Article 42(1)(b) | 135 |
| Article 42(2) | 135 |
| Article 42(4) | 133 n160 |
| Article 42(5) | 133 n160 |
| Article 43 | 136, 137 |
| Article 44 | 23, 132, 135, 146, 148 |
| Article 45(1) | 138 |
| Article 45(2) | 138 |
| Article 46(a) | 139 |
| Article 46(b) | 139 |
| Article 47 | 140, 143 |
| Article 47(1) | 140, 142 |
| Article 47(2) | 61 n40 |
| Article 47(3) | 142 |
| Article 47(4) | 142 |
| Article 47(5) | 142 |
| Article 47(6) | 145, 150 n226, n227 |
| Article 47(8) | 142 n200 |
| Article 47(9) | 142 |
| Article 48 | 140 n191 |
| Article 49 | 5 n4, 144 |
| Article 49(1) | 140 n190, 144 |
| Article 49(2) | 144 |
| Article 49(3) | 144 n209 |
| Article 50 | 77, 140 n192 |
| Article 51(1) | 144, 150 n228, n229 |
| Article 51(2) | 144, 150 n230 |
| Article 52 | 149, 150 n224 |
| Article 52(1) | 145 |
| Article 52(2) | 135 n171, 145 |
| Article 53 | 147, 149, 150 n225 |
| Article 53(1) | 147 |

| | |
|-----------------------|------------------------------|
| Article 53(2) | 146 |
| Article 53(3) | 146 |
| Article 53(4) | 147 |
| Article 53(5) | 146, 147 |
| Article 53(6) | 147 |
| Article 53(8) | 147 |
| Article 53(9) | 147 |
| Article 53(10) | 148 |
| Article 53(12) | 148 |
| Article 54 | 146, 148, 149 |
| Article 55 | 158 n16, 161 |
| Article 56 | 162, 189 |
| Article 56(1) | 9 n15, 161, 171 n77 |
| Article 56(1)(a) | 444, 470 |
| Article 56(1)(b) | 164 |
| Article 56(1)(c) | 164 |
| Article 56(1)(b)(ii) | 166, 189, 194 |
| Article 56(1)(b)(iii) | 166 |
| Article 56(2) | 166, 167 |
| Article 56(3) | 161 |
| Article 57 | 5 n4, 53 n1, 158 n16 |
| Article 58 | 163 n37, 171 |
| Article 58(1) | 149, 161, 167, 169, 191, 192 |
| Article 58(2) | 162, 167, 170, 192 |
| Article 58(3) | 166, 170, 190 n163, 198 |
| Article 59 | 170–171 |
| Article 60 | 189 |
| Article 60(1) | 164 |
| Article 60(1)(b) | 164 |
| Article 60(1)(c) | 164 |
| Article 60(2) | 168 |
| Article 60(3) | 164–165 |
| Article 60(4) | 164 |
| Article 60(5) | 164 n41 |
| Article 60(7) | 165 |
| Article 60(8) | 80 |
| Article 61 | 163 n37 |
| Article 61(1) | 307, 315 |
| Article 61(2) | 307 |
| Article 61(3) | 308, 309 |
| Article 62 | 163 n37 |
| Article 62(1) | 307 |

| | |
|------------------|-----------------------------|
| Article 62(2) | 162 n35 |
| Article 62(3) | 307 |
| Article 62(4) | 163, 168 |
| Article 62(4)(j) | 481 |
| Article 63 | 310, 312, 313, 314 |
| Article 63(1) | 312 |
| Article 63(2) | 310, 312, 313 |
| Article 64 | 312 |
| Article 64(1) | 313, 314 |
| Article 65 | 312 n46, 313, 314, 315, 319 |
| Article 66 | 312 n47, 320 n166, 321 |
| Article 66(1) | 321 |
| Article 66(2) | 321 |
| Article 66(3) | 321 |
| Article 66(3)(a) | 321 |
| Article 66(3)(b) | 321 |
| Article 66(3)(d) | 321 |
| Article 66(4) | 321 |
| Article 66(5) | 321 |
| Article 67 | 312 n48, 323 |
| Article 67(1) | 322 |
| Article 67(2) | 322 |
| Article 67(3) | 323 |
| Article 68 | 312 n49 |
| Article 69 | 162 n35 |
| Article 69(1) | 524 |
| Article 69(2) | 524 |
| Article 69(3) | 524 |
| Article 69(4) | 524 |
| Article 70 | 162 n35 |
| Article 70(1) | 525 |
| Article 70(3) | 525 |
| Article 70(4) | 525 |
| Article 70(5) | 525 |
| Article 71 | 525, 526 |
| Article 72 | 525 |
| Article 73(1) | 162, 163, 188 |
| Article 73(2) | 576 |
| Article 73(3) | 163 n38 |
| Article 73(4) | 163 |
| Article 74 | 259 |
| Article 74(1) | 261, 262, 271, 287 |

| | |
|----------------------|---------------------------|
| Article 74(3) | 294 n204, 295 |
| Article 75(1) | 151 |
| Article 75(2) | 151 |
| Article 76 | 174, 175, 178, 182, 198 |
| Article 76(1) | 5 n4, 53 n1, 174–175, 184 |
| Article 76(4) | 176, 179 |
| Article 76(4)(a)(i) | 176 |
| Article 76(4)(a)(ii) | 176 |
| Article 76(4)(b) | 176 |
| Article 76(5) | 178, 179 |
| Article 76(6) | 179 |
| Article 76(7) | 176 |
| Article 76(8) | 182 n127, 183, 184 |
| Article 76(9) | 184 |
| Article 76(10) | 180 |
| Article 77 | 188 |
| Article 77(1) | 9 n15, 187 |
| Article 77(2) | 189 n157 |
| Article 77(4) | 188, 194 |
| Article 78 | 202 |
| Article 78(1) | 193 |
| Article 78(2) | 189 n158 |
| Article 79(1) | 190 |
| Article 79(2) | 191 |
| Article 79(3) | 170, 191 |
| Article 79(4) | 191 |
| Article 79(5) | 190 n162 |
| Article 80 | 189, 193 |
| Article 81 | 190 |
| Article 82 | 185–186, 187, 240 |
| Article 82(2) | 186 |
| Article 82(3) | 186 |
| Article 82(4) | 186 |
| Article 83 | 259, 262, 291, 293 |
| Article 83(1) | 261, 262, 271, 287 |
| Article 83(3) | 294 n204 |
| Article 84(2) | 184, 235 |
| Article 86 | 40, 161, 202 |
| Article 87 | 149, 161, 170 |
| Article 87(1) | 203 |
| Article 87(1)(e) | 310 |
| Article 87(2) | 204 |

| | |
|------------------|---------------|
| Article 88 | 203 |
| Articles 88–115 | 170 |
| Article 89 | 203 |
| Article 90 | 524 |
| Article 91 | 210, 214 |
| Article 91(1) | 210 n57, 212 |
| Article 91(2) | 211 |
| Article 92(1) | 167, 204, 211 |
| Article 92(2) | 219 |
| Article 93 | 206 |
| Article 94 | 206 |
| Article 94(1) | 207 n23 |
| Article 94(2) | 207 n24 |
| Article 94(3) | 207 |
| Article 94(4) | 207 |
| Article 94(5) | 207 n25 |
| Article 94(6) | 208, 215 |
| Article 94(7) | 208 |
| Article 95 | 215 |
| Article 96 | 215 |
| Article 97 | 209 |
| Article 97(1) | 209 n42 |
| Article 98 | 23, 118, 209 |
| Article 98(1) | 231 |
| Article 98(1)(a) | 209 |
| Article 98(1)(c) | 209 |
| Article 98(2) | 231 |
| Article 99 | 103, 217 |
| Article 100 | 493 |
| Article 101 | 486, 487, 489 |
| Article 102 | 489 |
| Article 103 | 489 |
| Article 105 | 216 |
| Article 108 | 225 n140 |
| Article 108(1) | 226 |
| Article 108(2) | 226 |
| Article 109 | 216 |
| Article 109(1) | 216, 218 |
| Article 109(2) | 216, 218 |
| Article 109(3) | 216, 218 |
| Article 109(4) | 219 |
| Article 110 | 215, 217 |

| | |
|-------------------|------------------------|
| Article 110(1) | 216, 219 |
| Article 110(1)(b) | 217, 218 |
| Article 110(1)(e) | 220 |
| Article 110(2) | 219 |
| Article 110(3) | 216 |
| Article 111 | 156, 216, 220, 222 |
| Article 111(1) | 156, 221 |
| Article 111(2) | 188, 193, 221 |
| Article 111(3) | 222 |
| Article 111(4) | 221, 223 |
| Article 111(5) | 220 |
| Article 111(6) | 156 |
| Article 111(6)(b) | 222 |
| Article 111(7) | 156 |
| Article 111(8) | 156, 222 |
| Article 112 | 204 |
| Article 113 | 192, 204 |
| Article 114 | 192 n173 |
| Article 115 | 192 n173 |
| Article 116 | 310 |
| Article 117 | 310, 311, 344, 461 |
| Article 118 | 310, 311, 344, 461 |
| Article 119(1) | 310 |
| Article 119(2) | 310, 474 |
| Article 120 | 314 |
| Article 121 | 78, 79, 80, 87–88, 180 |
| Article 121(1) | 78, 79, 88 |
| Article 121(2) | 78, 87, 88 |
| Article 121(3) | 78, 80–88, 94 |
| Article 123(b) | 369 n98 |
| Article 124(1) | 516 n2 |
| Article 124(1)(b) | 521 n19 |
| Article 124(1)(d) | 522 n24 |
| Article 125 | 520–521 |
| Article 125(1) | 521, 528 |
| Article 125(3) | 521 |
| Article 126 | 522, 570 |
| Article 127 | 522, 570 |
| Article 130(1) | 521 |
| Article 131 | 524 |
| Article 133(a) | 237 |
| Article 134 | 245 |

| | |
|-------------------|---------------|
| Article 134(4) | 235 |
| Article 135 | 239 |
| Article 136 | 237 |
| Article 137(1) | 237 |
| Article 137(2) | 237 |
| Article 139 | 244 n251 |
| Article 139(1) | 244 |
| Article 139(2) | 246 |
| Article 140 | 87 n193 |
| Article 140(1) | 237 |
| Article 140(2) | 238 |
| Article 141 | 238 |
| Article 142(1) | 187 |
| Article 142(2) | 187 |
| Article 143 | 252 n300, 452 |
| Article 143(1) | 452 |
| Article 143(2) | 474 |
| Article 143(3) | 452 |
| Article 144(1) | 481 |
| Article 144(2) | 481 |
| Article 145 | 240 n233 |
| Article 146 | 23, 240 n232 |
| Article 147(2)(a) | 240 n234 |
| Article 148 | 527 |
| Article 149 | 195 |
| Article 151 | 249 |
| Article 151(3) | 249 n290 |
| Article 151(10) | 240, 250 |
| Article 152(1) | 527 |
| Article 152(2) | 527 |
| Article 153(1) | 238, 240 n231 |
| Article 153(2) | 242, 243 |
| Article 153(2)(b) | 243 |
| Article 153(3) | 243 |
| Article 153(4) | 244 |
| Article 153(5) | 241 |
| Article 155 | 251 |
| Article 155(1) | 251 |
| Article 155(2) | 252 |
| Article 155(3) | 251 |
| Article 155(4) | 251 |
| Article 156(2) | 239 n217 |

| | |
|-----------------------|---------------------|
| Article 156(4) | 239 n218 |
| Article 157(1) | 240 n231 |
| Article 157(2) | 240 |
| Article 158(1) | 239 n219 |
| Article 159(1) | 239 n222 |
| Article 159(7) | 250 |
| Article 159(8) | 250 |
| Article 159(10) | 571 |
| Article 160(1) | 239 n222, n223, 250 |
| Article 160(2)(f)(i) | 238, 240 n235 |
| Article 160(2)(f)(ii) | 240 n236 |
| Article 160(2)(k) | 527 |
| Article 160(2)(o)(ii) | 240 n236 |
| Article 161(1) | 239 n224 |
| Article 161(1)(d) | 527 n50 |
| Article 161(2)(a) | 241, 527 n50 |
| Article 161(3) | 239 n225 |
| Article 161(8)(b) | 250 |
| Article 161(8)(c) | 250 |
| Article 162(1) | 239 n224, n226 |
| Article 162(2)(a) | 241, 411 n323 |
| Article 162(2)(v) | 570 |
| Article 162(2)(w) | 241 |
| Article 162(2)(x) | 411 |
| Article 164(2)(d) | 240 |
| Article 165(2)(j) | 570 |
| Article 166(1) | 239 n227 |
| Article 168(1) | 239 n228 |
| Article 168(2) | 239 n228 |
| Article 174(1) | 249 |
| Article 185 | 241 |
| Article 185(1) | 411 |
| Article 187 | 552 |
| Article 188(b) | 551 |
| Article 189 | 552 n116 |
| Article 191 | 571, 573 |
| Article 192 | 319, 362, 363, 589 |
| Article 193 | 444 |
| Article 194(1) | 364, 366, 400, 426 |
| Article 194(2) | 360, 366, 389 |
| Article 194(3) | 364, 427 |
| Article 194(3)(a) | 366 |

Article 194(4) 458
 Article 194(5) 194, 427, 443, 444
 Article 195 106–107
 Article 196 444
 Article 196(1) 444
 Article 197 366, 415 n352
 Article 198 366, 389
 Article 199 366 n77, 389
 Article 202 479
 Article 202(1) 482
 Article 204 373
 Article 204(1) 373
 Article 205 373
 Article 206 373, 374
 Article 207 367
 Article 207(1) 358, 367, 367 n87
 Article 207(2) 367
 Article 207(4) 366 n80
 Article 208 408
 Article 208(1) 408
 Article 208(3) 364, 408
 Article 208(4) 408
 Article 208(5) 366 n81
 Article 209(1) 409, 410
 Article 209(2) 409
 Article 210(1) 166, 401
 Article 210(2) 166
 Article 210(3) 401
 Article 210(4) 366 n82, 402
 Article 210(5) 190, 402
 Article 210(6) 364, 402
 Article 211 388 n193
 Article 211(1) 366 n83, 379, 445
 Article 211(2) 364, 379
 Article 211(3) 103
 Article 211(4) 380
 Article 211(5) 166, 380, 445
 Article 211(6) 381, 455
 Article 211(6)(a) 509
 Article 211(7) 389 n194
 Article 212(1) 427
 Article 212(3) 366 n84

| | |
|-------------------|-------------------------|
| Article 213 | 367 |
| Article 214 | 408 |
| Article 216(1)(a) | 402 |
| Article 216(1)(b) | 402 n271 |
| Article 216(1)(c) | 402 n272 |
| Article 217 | 379 |
| Article 217(1) | 379 |
| Article 217(2) | 379 |
| Article 217(3) | 380 |
| Article 217(4) | 380 n153 |
| Article 217(6) | 380 n154 |
| Article 217(7) | 380 |
| Article 217(8) | 379 n152 |
| Article 218 | 383, 384, 385, 433, 585 |
| Article 218(1) | 106 n40, 382 |
| Article 218(2) | 384 |
| Article 218(3) | 106 n40 |
| Article 218(4) | 384 |
| Article 220 | 148, 166 |
| Article 220(1) | 106 n40, 381 |
| Article 220(2) | 121, 381 |
| Article 220(3) | 381, 382 |
| Article 220(4) | 381 |
| Article 220(5) | 381 |
| Article 220(6) | 381, 382 |
| Article 220(7) | 382 |
| Article 221 | 388, 389 |
| Article 221(2) | 388 |
| Article 222 | 427 |
| Article 224 | 382 |
| Article 225 | 382 |
| Article 226 | 382, 384, 538 |
| Article 226(1)(a) | 384 |
| Article 226(1)(b) | 384 |
| Article 226(1)(c) | 576 |
| Article 226(2) | 366 n78 |
| Article 227 | 135 n171, 382 |
| Article 228 | 382 |
| Article 228(1) | 385 |
| Article 230(2) | 382 n159 |
| Article 232 | 382 n160 |
| Article 233 | 135, 148, 149 |

Article 234 412–414, 444, 555
 Article 235(1) 391
 Article 235(2) 245 n263, 391
 Article 235(3) 366 n79, 391
 Article 236 388 n191, 400
 Article 238 471
 Article 240 471
 Article 240(a) 486 n1
 Article 241 471
 Article 242(1) 479
 Article 243 479
 Article 244 479
 Article 245 472
 Article 246 472 n24, 543
 Article 246(1) 166, 189, 194
 Article 246(2) 166, 189, 194
 Article 246(3) 469 n12, 472 n24
 Article 246(5) 473, 476, 543
 Article 246(5)(a) 190, 473, 475 n33
 Article 246(5)(b) 190
 Article 246(5)(c) 190, 475
 Article 246(5)(d) 190
 Article 246(6) 189, 190, 473, 543
 Article 247 473
 Article 249(1) 473
 Article 249(2) 473 n26
 Article 252 473
 Article 253 543
 Article 254 528, 529
 Article 254(1) 528
 Article 254(2) 528
 Article 254(3) 528
 Article 254(4) 528
 Article 255 479
 Article 256 474 n28
 Article 257 194
 Article 258 475 n32
 Article 259 475 n31
 Article 263 472
 Article 266 480, 528
 Article 266(1) 480
 Article 266(2) 480

| | |
|-------------------|------------------------------|
| Article 266(3) | 480 |
| Article 267 | 480 |
| Article 268(d) | 480 |
| Article 269(a) | 528 |
| Article 270 | 481 n61 |
| Article 271 | 481 n62 |
| Article 272 | 481 n63 |
| Article 273 | 481 n64 |
| Article 274 | 481 n65 |
| Article 275 | 481 |
| Article 276 | 481 |
| Article 278 | 481 |
| Article 279 | 171, 534 |
| Article 280 | 171, 534 |
| Article 281 | 535, 536, 537, 578 |
| Article 281(1) | 535–537 |
| Article 281(2) | 536 |
| Article 282 | 536, 538–539, 546, 578 |
| Article 283 | 534–535 |
| Article 283(2) | 542 |
| Article 284(1) | 539 |
| Article 284(2) | 539 n44 |
| Article 284(3) | 539 n44 |
| Article 284(4) | 539 |
| Article 286 | 534 n10, 540 n47 |
| Article 287 | 541, 542, 554, 557, 575, 576 |
| Article 287(1) | 541 |
| Article 287(1)(a) | 548 n94 |
| Article 287(3) | 542 n59 |
| Article 287(4) | 542 |
| Article 287(5) | 542 |
| Article 288 | 553 |
| Article 288(1) | 553 |
| Article 288(2) | 533, 574 |
| Article 288(4) | 542, 565 |
| Article 290 | 332, 560, 564 |
| Article 290(1) | 560, 561, 562, 564 |
| Article 290(3) | 561 |
| Article 290(5) | 542 n62, 560, 562, 564 |
| Article 290(6) | 560 |
| Article 291(1) | 556 |
| Article 291(2) | 556 n139 |