



UNDERSTANDING THE CORE LEGAL PRINCIPLES GOVERNING INTERNATIONAL MARITIME DISPUTES

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ABSTRACT

This study examines the legal principles that underpin the regulation of international maritime disputes, including an analysis of their evolution, customary international maritime laws, and codified international laws of the sea. The discussion begins with an overview of the evolution of international maritime law and its primary sources, including treaties (such as the United Nations Convention on the Law of the Sea, UNCLOS), customary international law, and general legal concepts recognised by the international community. This study seeks to establish a framework for understanding the historical and legal construction and reinterpretation of maritime entitlements and state rights. The article discusses the classification of marine zones, including the territorial sea, contiguous zone, exclusive economic zone (EEZ), continental shelf, and high seas, along with the rights associated with these areas. Significant emphasis is placed on fundamental legal ideas like as sovereignty, jurisdiction, freedom of navigation, and the right of innocent passage, which are crucial to the resolution and evolution of maritime disputes. The interpretative component of UNCLOS and its normative function concerning these principles are critically analysed to assess the robustness and adaptability of the norm in addressing complex maritime disputes. The final subject examined in the essay is the function of international courts and tribunals in elucidating legal principles through precedent, specifically the International Court of Justice (ICJ), the International Tribunal for the Law of the Sea (ITLOS), and arbitral panels. Case studies reveal a dynamic interplay between judicial practice and legal theory, highlighting the challenges in maintaining consistency in implementation. The article ends with discussion of modern trends of maritime dispute, exploitation of resources and strategic navigation where coherent legal perception in the fast becoming a contestant maritime environment is needed.

Keywords: International maritime law, UNCLOS, sovereignty, maritime zones, jurisdiction, freedom of navigation, innocent passage, legal principles, ITLOS, ICJ, maritime disputes.

I. INTRODUCTION

The oceans have been the spheres of cooperation as well as conflict between states which occurred as their important channels of trade, with the sources of natural resources, and the zones of defense. With their increased scope and intensity, maritime activities multiply and widen in the modern time and accordingly, the legal issues pertaining to their governance also



increase in exponential pattern. The legal regulation of the maritime spaces has been the leading issue in international law and relations because of the disputes about the teams of maritime boundaries, the right to navigate and resource entitlements.

The general maritime law to which the states claim their rights and dispute their rights against each other is international maritime law specifically the current codification of the law on the sea (UNCLOS). It is however necessary to identify the legal concepts underpinning this framework in order to understand the validity and sustainability of claims and dispute resolutions in the maritime jurisdictions. The principles that are based on the grounds of state sovereignty, jurisdiction, equal access, and freedom of passage are not only the standards that are used in the legal world but also the instruments of strategic negotiations and diplomacy.

The paper will seek to unpack and critically analyze these main principles of the law of the ocean in regard to the maritime disputes. Using the legal principles, maritime zone rights and judicial presence in international litigation, the work presents an orderly approach to the part played by the law in making conflictual order and responding to conflict at sea. By so doing, it aims at making a less coherent and principled approach with one of the most fluid sectors of international law.

II. FOUNDATIONS OF INTERNATIONAL MARITIME LAW

This section lays the groundwork for understanding how modern international maritime law emerged and the sources that form its legal authority. It explores the historical trajectory of maritime legal norms and identifies the principal sources that collectively shape the body of law governing the seas.

Origins and Historical development

The development of maritime law is rooted in centuries of evolving practice and doctrine, shaped by commerce, exploration, colonization, and conflict. Ancient maritime codes such as the Rhodian Sea Law (circa 8th century BCE) and the Lex Mercatoria in medieval Europe reflect early attempts to govern sea-based trade and resolve maritime disputes. In the Age of Discovery (15th to 17th centuries), the growth of naval empires led such law thinkers as Hugo Grotius to formulate doctrines on the principles of law. *Mare Liberum* (1609) written by Grotius is considered his major work and he was the first person to emphasize on the freedom of the seas whereby he argued that the sea was international waters to which any nation could freely travel and trade.

Alternative standpoints, that proclaimed the possibility of state sovereignty in parts of the sea, such as *Mare Clausum* presented by John Selden existed. These early debates framed the tension between freedom and control that persists in maritime disputes today. With the passage of time, long run traditions and bilateral agreements led to more formal legal binders. The 20th century marked a turning point with the codification efforts led by the League of



Nations and later the United Nations, culminating in the United Nations Convention on the Law of the Sea (UNCLOS) in 1982. "UNCLOS consolidated centuries of maritime custom and law into a single, comprehensive treaty that today serves as the backbone of international maritime law."

Key Sources: Treaties, Customary Law, and General Principles

International maritime law derives its authority from several interrelated legal sources, as recognized under Article 38(1) of the Statute of the International Court of Justice (ICJ):

1. Treaties-Conventions

The most important treaty in maritime law is UNCLOS, often referred to as the 'constitution of the oceans.' It establishes the legal position and regulations of the territorial seas, exclusive economic zones (EEZs), the continental shelves, the high seas and the rights and duties of the coastal states and the flag states. Such other conventions like the Convention on the Prevention of Marine Pollution (MARPOL) and the International Convention for the Safety of Life at Sea (SOLAS) supplement the UNCLOS in providing answers to safety and environmental related issues. Treaties represent binding agreements between states and offer predictability and structure in maritime governance.

2. Customary International Law

Numerous elements of maritime law—such as the right to innocent passage and the freedom of the high seas—emerged from state practice prior to their codification. Many provisions of UNCLOS are considered to embody customary international law, therefore binding even non-parties through widespread and consistent state practice recognised as law (*opinio juris*). The application of customary law is particularly advantageous in maritime disputes involving non-ratifying governments.

3. Principles of Law

These are the legal standards that contribute to significant legal systems and pertain to broad regulations acknowledged by international law as a whole. In maritime law, the fundamental principles are equity, good faith, and non-interference, which courts and tribunals typically employ when interpreting treaties or addressing legal gaps. These principles facilitate fairness and logic in the resolution of complex and overlapping maritime claims. All these sources provide the legal framework for the resolution of maritime disputes. Understanding the interaction between these two factors is crucial for evaluating the legitimacy of maritime claims and the effectiveness of legal actions implemented to resolve them.

III. MARITIME ZONES AND LEGAL ENTITLEMENTS



This part considers how the law of the sea has classified the various maritime zones and the legal rights, which states enjoy in each. Such areas are essential in regard to maritime disputes since rights between parties such as sovereignty, resource extraction, maritime navigation, usually occur in or between these maritime boundaries.

Territorial Sea, Contiguous Zone and Exclusive economic Zone (EEZ)

1. Territorial Sea

As per the provisions of UNCLOS Part II, the territorial sea could extend to 12 nautical miles of the baseline of a particular state that in majority of the cases includes low water mark of coasts states. A coastal state has absolute sovereignty within this zone as it has in regard to a land territory along with the airspace and the subsoil water. Nonetheless, this sovereignty may be affected by the right of innocent passage of foreign vessels as it should not pose any threat of peace, good order as well as the security of the coastal state. Disputes often emerge when states disagree over what constitutes ‘innocent’ behavior or attempt to restrict passage unilaterally.

2. Contiguous Zone

Outside the territorial sea a country can declare a contiguous zone which can stretch up to 24 nautical miles beyond the base line. While not fully sovereign in this area, the coastal state may exercise control necessary to prevent or punish infringements of its customs, fiscal, immigration, or sanitary laws committed within its territory or territorial sea (UNCLOS Article 33). This zone acts as a legal buffer, allowing enforcement of specific laws, but not broader sovereign claims.

3. Exclusive Economic Zone (EEZ)

Owing to the provisions in UNCLOS Part V (Article 55 75), the EEZ extends to 200 nautical miles beyond the baseline. In this zone, the coastal state enjoys sovereign rights not sovereignty as a prerogative in order to explore, exploit, conserve and manage natural resources (living and non-living) in the waters, the seabed and the subsoil. Some of these are the fishing rights, oil and gas exploration and environmental control. Freedoms of navigation, overflight and laying of submarine cables are reserved in other states. EEZs are a common source of resource-based disputes, especially where maritime zones overlap between neighbouring or opposite states.

Continental Shelf and High Seas

4. Continental Shelf

According to UNCLOS Part VI the continental shelf is the seabed and subsoil that forms the extension of the territory of the nations beyond the territorial waters all the way towards the



outer limit of the continental margin to a distance of 200 nautical miles of the coastline is not extended to that distance. A coastal state has a sovereign right over the shelf to explore and to exploit the natural resources which it has there such as oil, gas, mineral deposits, among others. States can in some cases claim to have the shelf further up to 350 nautical miles on geological data, but this has to be given to Commission on the Limits of the Continental Shelf (CLCS). Rivalries to claims of extended continental shelf especially in the areas having more resources are becoming eminent.

5. High Seas

The area beyond the jurisdiction of the nations is the high seas which comes under UNCLOS Part VII. All states both thin as well as landlocked are free to use their waters and no one state controls these waters. The high seas freedoms consist of navigation, overflight, scientific research, fishing and laying of submarine cables and pipelines. These freedoms however, bring with it some responsibilities as is the case like avoiding marine pollution and joining hands in the conservation of living resources. The controversies that take place in the high seas are normally the controversies of illegal fishing, environmental degradation or capture of vessels and normally have universal jurisdiction claims alongside the responsibility of the flag state to exercise such jurisdiction.

These maritime zones are not just defined by law and their drawing provides a basis in the establishment of the rights and responsibilities of states; they also present the main feature of the legal battlefield in most maritime disputes. "The definite nature of each of the areas is an important consideration in the question of legitimacy of state acts and claims in the disputed maritime areas."

IV. CORE LEGAL PRINCIPLES IN MARITIME DISPUTE CONTEXTS

In this section, the fundamental principles of international law as applied to the existence of the state and maritime claims are touched upon. Besides guiding how we understand the legal entitlements that certain bodies of water have in different maritime areas, the principles are the building blocks of dealing with disputes about access, management, and use of the seas.

Jurisdictional rights and Sovereignty

In maritime law, sovereignty refers to the complete legal authority over the waterways possessed or governed by a state's government. It constitutes a form of sovereignty over areas, encompassing the authority to legislate and enforce laws, regulate navigation, and utilise natural resources. However, sovereignty is reduced beyond the 12 nautical mile territorial sea.

Beyond this zone, states lack sovereignty and possess only specific jurisdictional rights, particularly in the contiguous zone, exclusive economic zone (EEZ), and continental shelf. In these regions, governments may implement special laws and exercise sovereign powers for



purposes such as resource extraction or environmental conservation; nevertheless, they must uphold the rights of other states, including navigation and overflight.

Jurisdiction is typically functional and limited rather than absolute. The EEZ enables coastal states to regulate fishing and oil exploration activities, however it does not permit them to obstruct navigation. "Jurisdictional assertions often serve as the central issue in maritime conflicts, especially in overlapping areas, disputed borders, or when unilateral enforcement measures are viewed as surpassing legal boundaries."

Sovereignty and jurisdiction are fundamental to state claims, negotiations, and disputes, rendering them essential legal elements in the interpretation of international maritime law.

Freedom of Navigation and Innocent Passage

Freedom of navigation is a foundational principle of international maritime law, especially relevant on the high seas and within the EEZs of coastal states. This doctrine, which states most beautifully in the Hugo Grotius *Mare Liberum*, delivers ships of any states the free travels through the international waters. It forms a vital aspect of global trade, naval freedom of movement as well as international cooperation, and it is made law in the Part VII of UNCLOS regarding the high seas as well as Part V in relation to the EEZ.

Concomitantly, the innocent passage relates to territorial waters of a coastal nation. Foreign military and civilian vessels: under an article 17 of the UNCLOS, foreign military and civilian vessels are allowed to pass through territorial waters without any prior authorization, as long as their passage is declared to be innocent, i.e. not against the peace, good order and safety of the coastal state. Article 19 elaborates the actions that can cause the passage to be considered to be non-innocent, which can comprise of weapon practice, espionage or pollution.

Innocent passage scope can cause a conflict and this can be on politically sensitive grounds or militarized grounds. Some states will anticipate a pre-warning on the military ships and others say that it is contrary to UNCLOS. On the same note, the confrontation of the freedom of navigation and national security has resulted into a high profile among the instances of naval activities in the South China Sea or the Strait of Hormuz in which the coastal states interfere or prohibit the movement of sea vessels who are foreigners.

The freedom of navigation and innocent passage are those, which secure the interests of the coastal states and rights of the international community about open and secured high seas. Most of the controversial maritime conflicts today revolve around their interpretation and enforcement.



V. ROLE AND INTERPRETATION OF UNCLOS IN DISPUTE RESOLUTION

The modern international maritime law widely accepted to be the cornerstone of the international maritime law is the United Nations Convention on the Law of the Sea (UNCLOS) which was adopted in 1982 and came into activity in 1994. The UNCLOS is set to be called a constitution of the oceans since it has to do with the granting of the world a source of a detailed legal form of how the seas and oceans should be utilized and managed. It has provisions on maritime zones, rights to navigation, entitlements to resources, environmental responsibilities, and most importantly resolution of disputes.

UNCLOS performs two crucial functions in the maritime dispute environment: on the one hand, it forms the substantive principle that state actions in the seas are to follow; on the other, it offers an institutionalized framework of adjudication of disputes to bind and clarify the application of aforementioned rules.

1. Legal Internation and Normative Institution

UNCLOS is legally binding to the 168 state members of the convention, most of which it also falls in the category of customary international law, binding even on parties who are not members of the convention. Its legitimacy is founded in the fact that it has completely codified maritime rights and obligations, including the boundaries of the territorial seas and regulations on the deep seabed mining.

States in conflict over maritime boundaries, navigation rights, or resource entitlements frequently invoke UNCLOS to support or contest legal claims. However, disputes often arise not from the absence of law, but from differing interpretations of its provisions—such as how to define a ‘rock’ versus an ‘island’ (Article 121), or how to delimit overlapping EEZs (Articles 74 and 83).

2. Dispute Resolution Mechanisms under UNCLOS

Part XV of UNCLOS provides a compulsory dispute settlement system, which is a unique feature in treaty-based international law. In case negotiations are not possible, the states can bring their disputes before one out of four forums that are recognized:

- International Tribunal for the Law of the Sea (ITLOS)
- International Court of Justice (ICJ)
- Arbitral Tribunal under Annex VII
- Special Arbitral Tribunal under Annex VIII



These institutions have become more active in interpreting the contents of the UNCLOS and settling bilateral and multilateral conflicts. To take an example, the South China Sea Arbitration (Philippines v. The case of 2016 under Annex VII (Setfallah, China, 2016) was considered as a landmark case, explaining the legal status of features in the South China Sea and the demand of China concerning historic rights.

The decisions also form part of increasing decisions on interpretative jurisprudence, on how states should approach the practical application of UNCLOS. Although in some places not all rulings may be universal as supported or followed, it influences the norms of law and state actions based on human reason and applications in law and precedential importance.

3. Challenges in Interpretation and Enforcement

Although UNCLOS has been very acceptable, it also has an interpretative challenge, mostly when subjected towards politically sensitive areas or where it decides to be ambiguous purposely so as to give some room. Issues such as the definition of maritime features, rights of military vessels in EEZs, and obligations for environmental protection often lead to differing legal opinions.

On top of that, although UNCLOS provides resolution of disputes, it takes into account the sovereignty of the states by having certain exceptions (Article 298- military related disputes). This may restrict wide coverage of jurisdiction of compulsory cases.

Besides, there still are problems with enforcement. Decisions made by the Tribunal like in the South China sea may not be implemented in the case one of the parties fail to abide by it. However, UNCLOS does offer a common legal discourse and institutional process associated to peaceful settlement of disputes, and this offers an order imbued with a rule discourse rather than with unilateral exercise of strength.

In sum, UNCLOS serves as both a legal foundation and a procedural framework for managing and resolving maritime disputes. Its ongoing interpretation by international judicial bodies ensures the adaptability of maritime law in response to emerging geopolitical and environmental challenges.

VI. JUDICIAL AND ARBITRAL CONTRIBUTIONS TO LEGAL PRINCIPAL DEVELOPMENT

While treaties like UNCLOS provide the legal framework for governing the seas, it is through the interpretation and application of these laws by judicial and arbitral bodies that



many of the core principles of maritime law are clarified, refined, and operationalized. Judicial decisions not only settle individual disputes but also contribute significantly to the evolution of legal norms and state practice in maritime contexts.

Case Law from ICJ, ITLOS, and Arbitral Tribunals

Three primary adjudicatory bodies have played central roles in the development of maritime legal principles:

1. Court of international justice (ICJ)

The ICJ, as the principal judicial organ of the United Nations, has adjudicated several landmark maritime disputes. The Court has developed and perfected, by means of its boundary delimitation jurisprudence, principles of equitable solutions, proportionality and the three-step method (provisional equidistance line, relevant circumstances update and the disproportionality test). Among the most notable cases there is:

- *North Sea Continental Shelf Cases (1969)* – affirmed the role of equitable principles in continental shelf delimitation.
- *Maritime Delimitation in the Black Sea (Romania v. Ukraine, 2009)* – developed the modern three-stage methodology.
- *Somalia v. Kenya (2021)* – clarified the application of equitable principles amid competing historical claims.

The ICJ's rulings contribute to legal clarity and consistency, especially in cases involving overlapping maritime entitlements and boundary negotiations.

2. International Tribunal for the Law of the Sea (ITLOS)

Established under UNCLOS, ITLOS is a specialized tribunal dedicated to the law of the sea. A typical situation is referred to in its rulings; it is concerned with urgent cases such as provisional measures and prompt release of vessels and also interpretation of specific clauses of UNCLOS. Important decisions can be noted as::

- *M/V Saiga (No. 2) (Saint Vincent and the Grenadines v. Guinea, 1999)* – reinforced the principle of freedom of navigation and flag state jurisdiction.
- *Southern Bluefin Tuna Cases (Australia and New Zealand v. Japan, 1999)* – emphasized the precautionary approach in marine resource management.
- *The M/V 'Louisa' Case (Saint Vincent and the Grenadines v. Spain, 2013)* – interpreted state jurisdiction and enforcement actions in ports.



ITLOS contributes to the enforcement and procedural development of maritime law, particularly in cases involving conservation, enforcement, and vessel detention.

3. UNCLOS Arbitral Tribunal (Annex VII - VIII)

Arbitral tribunals and in particular the tribunals set up under Annex VII of the UNCLOS have gained sizeable importance in regards to settlement of politically sensitive cases. Such tribunals are flexible and secluded, and in most cases, the court of choice by many states, who will never consider showing up before the ICJ or ITLOS.

The most iconic case is the one on the Arbitration of the South China Sea (Philippines v. China, 2016). Even though China declined to take part, tribunal made a comprehensive decision.:

- The legal status of maritime features under Article 121 of UNCLOS (rocks vs. islands).
- The invalidity of China's "nine-dash line" claims.
- Violations of the Philippines' EEZ rights.

The case had great contributed to the understanding of entitlement characterizing features, historic rights and environmental claims in the UNCLOS and even though enforcement is still a problem, the legal principles developed on it hold an impressive normative value.

All these judicial and arbitral organizations are not only sources of solving maritime conflicts but also sources of development of law. Their decisions determine how states interact and conduct themselves, it also has a precedence determining the matters of future cases and how international maritime law is advanced.

VII. CONCLUSION

The international law of the sea has been developed over the past few centuries of legal theory, state practice and the making of treaties and today international maritime law is a complex but harmonious framework with which to govern the high seas. At the center of this framework is a body of rights and principles of law that are called the basic legal principles and they shape the interactions of the states in the maritime zones of its jurisdiction. These values lay the foundation of legal rights and provide the foundation in solving the issues of territory, resource, and transportation, notably to the rising strategic and economic interests in the waters.

The United Nations Convention on the Law of the Sea (UNCLOS) has been central to codification of the principles and also to the development of institutional framework to interpret and carry out the said principles. Being accepted within a wide scope and close to



universal it is the central reference in the majority of the maritime disputes. Additionally, the legal norms highlighted above have developed in contexts involving important judicial and arbitral institutions (both internationally, mostly with regard to the ICJ and ITLOS and Annex VII tribunals, as well as regionally, especially in Europe). These decisions do not only put an end to controversies but also help to shape up customary international law gradually.

Modern problems can still take place even with the strong law system. The fact is that many disputes in the regions such as the South China Sea, the Arctic or contentious EEZs indicate that the legal construct may not be in a position to prevent a conflict situation where there is neither political desire nor compliance. The problems on climate change, rising sea levels as well as increased militarization of waters are some areas that require new legal interpretations and collaborative enforcement systems. As such, the ongoing study and understanding of core maritime legal principles remain essential—not only for legal scholarship but for global stability, sustainable resource management, and the peaceful use of the seas.

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