

The Montego Bay Convention of 1982

Dividing the world ocean

- The United Nations Convention on the Law of the Sea, known as the Montego Bay Convention, concluded on December 10, 1982, is the main legal instrument governing the activities (rights and obligations) of States and their nationals in the maritime environment (158 signatories).
- It distinguishes various zones subject to different legal regimes.
 - ❖ **Territorial waters** (water, air, soil and subsoil): it was extended from 3 to 6 nautical miles in 1958 and from 6 to 12 nautical miles (22 km) in 1982, from the baseline. It falls under full and complete sovereignty of the coastal State, as do inland waters (ports and access channels, estuaries, etc.). However, a right of innocent passage for foreign vessels and a duty of assistance at sea are imposed.
 - ❖ **The zone contiguous** to the territorial sea extends for 12 nautical miles from the outer limit (towards the sea) of the latter. The coastal State benefits from a police right to prevent or repress infringements of its laws, but it is legally part of the Exclusive Economic Zone.
 - ❖ Areas over which the coastal State has a right to economic exploitation of fishery, mineral or renewable resources. While this right is sovereign, the coastal State has no sovereignty over this area outside its territorial sea. These are:
 - the **Exclusive Economic Zone (EEZ)** (up to 200 nautical miles/370 km from the baseline, thus including the territorial sea and the contiguous zone), which concentrates 90% of the world's fishery resources.
 - the possibility of extending it to the **continental shelf**, if the geological continuity of the seabed concerned can be proven, with a maximum limit of 350 nautical miles from the baseline.
 - ❖ The archipelagic waters, which establish an island entity combining land and sea, are assimilated to the internal space of sovereignty of the archipelagic States. When the territorial sea, the EEZ and, where applicable, the continental shelf are included, archipelagic States dispose of vast maritime spaces. At the same time, it should be noted that islands under continental sovereignty and with a sufficient population and economy also have their own maritime zones (territorial sea, EEZ and continental shelf).

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Conflicts and jurisdictions

- This division of the world ocean has given rise to various international disputes to establish maritime boundaries: Norway/Russia, Somalia/Kenya, Canada/United States, countries bordering the South China Sea (Spratly Islands), ...
- The Montego Bay Convention created new international institutions to arbitrate such disputes, including the International Seabed Authority (Kingston, Jamaica), the International Tribunal for the Law of the Sea (Hamburg, Germany) and the Commission on the Limits of the Continental Shelf (New York, USA).

The law of the sea: challenges and prospects for Morocco

- Morocco ratified the Montego Bay Convention in 2007. Based on the provisions of this convention, the Kingdom adopted laws 37-17 and 38-17, in 2020, establishing the limits of its territorial waters and its exclusive economic zone respectively.

References

- PANCRACIO, Jean-Paul, 2019. Les océans ont-ils des frontières ? [[online](#)]
- Konrad-Adenauer-Stiftung, ABOUDDAHAB, Mohammed Zakaria, LOUKILI, Miloud et REIFELD, Helmut. Le droit de la mer: Enjeux et perspectives pour le Maroc, 2018 [[online](#)]