Territorial Waters as Ambiguous Legal Concept in International Law

Kristofor Lapa, Ermal Xhelilaj

The legal concept of territorial waters' regime was developed for the first time during the 16th and 17th centuries, a period of time that coincided with the formation of the system of independent states with defined territories, which were generally characterized by the ability to possess certain rights to regulate according to national interests the maritime activities developed in the maritime zones near their coastline. During this period Grotius, who is considered one of the founders of international law, despite emphasizing that states should not possess sovereign rights over maritime zones, generally accepted the existence of the exercise of jurisdiction over coastal waters by states that could effectively control these specific maritime zones from the continent. At the end of the 18th century, the distinguished author Bynkershoek, while preparing *De Dominio Maris Dissertation*, published in 1702, relied extensively on the basic legal concepts of freedom of the seas and state sovereignty over coastal waters.[1] Vattel, another well-known scholar, in *Le Droit des Gens* (1758), reflected his reliance on the writings of Grotius, Gentile, and Bynkershoek, underlining that coastal states enjoy sovereign rights over their coastal waters, but must allow the ships of other states to navigate peacefully through these waters.[2] Nowadays, the territorial waters' regime is considered a crucial concept for the national interest of coastal states. In this regard, due to the importance it represents for coastal states and the international system in general, the legal regime of territorial waters should be analyzed more extensively to better comprehend this paramount legal notion. Hence, the main purpose of this paper is to analyze the legal concept of the regime of territorial waters within the framework of international law.

KEY WORDS
~ Territorial waters
~ International Law
~ Law of the Sea
~ International system
~ North Pole
~ Arctic Ocean
~ International relations

University "Ismail Qemali" of Vlora, Vlora, Albania
e-mail: kristoforlapa@gmail.com

doi: 10.7225/toms.v12.n01.013

Received on: 31 Jan, 2023 / Revised: 2 Apr, 2023 / Accepted: 15 Apr, 2023 / Published: 20 Apr, 2023

1. INTRODUCTION

During the 18th and 19th centuries, the authors of the time declared that coastal states, based on customary practice, possessed sovereign or jurisdictional rights over their territorial waters. In the 19th century, individual states of the international system such as England and the USA possessed jurisdictional rights over the maritime belt around their coasts, while various Latin states had formulated maritime codes according to which territorial waters are treated as an integral part of the state's territorial integrity. Early doctrine and practice on the determination of the width of territorial waters reflected various criteria of a practical nature, such as the limitation of effective visibility by the coastal states, the rule of shooting from the shore (3 nautical miles wide applied by the European countries), or the fixed distance (4 nautical miles wide applied by the Scandinavian

1. *R. R Churchill and A.V Lowe, The Law of the Sea, Third Edition, Manchester University Press, 1999, 72.*
2. *Churchill and Lowe, The Law of the Sea, 73-77.*

countries). The rule of 3 nautical miles and 4 nautical miles coexisted for a long time in international practice. During the 19th century, the state practice of determining the width of 3 nautical miles for territorial waters prevailed and was accepted as the customary norm by many countries of the world. Despite these developments, the issue of territorial waters in the context of international law was addressed for the first time at the Hague Conference (1930) through the Committee on Territorial Waters, according to which coastal states could have limited sovereignty over the maritime belt adjacent to the state coastline, otherwise called territorial waters[3]. Due to disputes regarding the width of territorial waters, the legal provision was not adopted, just as the convention as a whole was not adopted either. An important fact about this conference was that among the participating states there was a tacit agreement on state law regarding the possession of territorial waters as well as the corresponding airspace, seabed, and natural resources that characterized this area[4]. The same phenomenon also occurred during the Geneva Conferences on the Law of the Sea (1958-1960), which were characterized by disputes between the states on the determination of the width of territorial waters.

The proposals on the width of territorial waters at these conferences included the old customary 3-mile rule, the generally accepted 6-mile principle (disapproved by only 1 vote), as well as exaggerated claims, as in the case of Uruguay, which sought to extend the territorial waters to up to 200 nautical miles[5]. The agreement on this issue was recently sanctioned during the UNCLOS III Conference of 1982. Article 3 of UNCLOS defines the width of territorial waters up to 12 nautical miles from the baseline. As a result, the member states of this Convention and other states that accept the legitimacy of the relevant legal provision recognize the width of 12 nautical miles of the state territorial waters. Jurisdiction over territorial waters with a width of more than 12 nautical miles is not considered legally acceptable because the concrete legal principle of UNCLOS is already considered a fundamental element of the international law of the sea, and the international practice of states is increasingly favoring the recognition, acceptance, and implementation of this legal notion. In this context, Article 2 of UNCLOS contains the important legal element of sovereignty, emphasizing that the sovereignty of the coastal state extends beyond the land territory and internal waters to a strip of the sea adjacent to the national coastline, described as a regime of territorial waters.

2. RIGHTS AND DUTIES OF COASTAL STATES OVER TERRITORIAL WATERS

An important issue in the legal context of sovereignty is characterized by the responsibility of the coastal state regarding the legal rights of foreign ships navigating in its territorial waters. The coastal state, based on Article 24(2), is obliged to publicly announce the navigational hazards that characterize its territorial waters, of which it is aware. By imposing obligations on the coastal state in relation to its territorial waters, the legal provision reflects the view according to which within the territorial waters a maritime zone free from legal restrictions must be defined in which the state does not contain the responsibility to apply this criterion. Consequently, international law must define a minimum width for territorial waters within which the coastal state must fulfill all legal obligations to foreign ships navigating these waters[6]. State jurisdiction over territorial waters is considered among the fundamental elements within the international law of the sea. According to Article 21 of UNCLOS, the coastal state is allowed to formulate national legislation on territorial waters for the purpose of regulating navigational activity, protection of underwater cables and pipelines, fishing, environmental pollution, scientific research, customs and fiscal matters, as well as problems on immigration and public health.

However, the coastal state, based on Article 21(3), must publicly announce all the above legal elements. Concrete legal norms should not affect the layout, construction, crew, and equipment of foreign ships, except when these norms conform to accepted international standards. The above limitation on the legislative powers of the coastal state is aimed at creating a balance between the interests of this state and foreign states whose ships can sail in its territorial waters. This solution allows the coastal state to formulate internal legislation, but at the same time neutralizes the risk of modification of the layout, construction, and equipment of foreign ships during their navigation in the territorial waters of this state. Foreign ships, according to Articles 21(4) and 22, are obliged to comply with the laws of the coastal state that conform to the international legal parameters of UNCLOS and must navigate the sea lanes legally defined by the coastal state. In addition, foreign ships must comply with accepted international rules on preventing ship collisions at sea regardless of whether the coastal state or the state of which the ship owns the nationality has ratified the specific treaty or not, the most important of which is the Convention COLREGS (1972)[7].

Although UNCLOS strongly promotes the limitation of the legislative jurisdiction of coastal states over foreign ships, under

3. *S. Rosenne, League of Nations Conference for the Codification of International Law (1930), (Dobbs Ferry, N.Y., Oceana, 1975), 1414.*
4. *S. Rosenne, League of Nations Conference for the Codification of International Law (1930), 1415.*
5. *L.D.M. Nelson, "The patrimonial sea", 22 ICLQ 668, (1973): 679.*
6. *Churchill and Lowe, The Law of the Sea, 80.*
7. *United Nations, United Nations Convention on the Law of the Sea, London, 1982, Article 21(4).*

Article 27 of this Convention, states are permitted in certain cases to exercise their national criminal jurisdiction over foreign ships navigating in their territorial waters. Taking into consideration the various ambiguities that characterize the articles mentioned above, it can be emphasized that coastal states cannot create domestic legislation whose provisions prevent the right of innocent passage of foreign ships in their territorial waters (Article 24 /1), or which allow the taxation of these ships during their peaceful navigation (Article 26)[8]. The State may levy taxes on specific ships only for specific services, such as pilotage and search and rescue operations, but not in such a way as to allow discrimination between ships of different States, or between ships carrying cargo or developing their activity on account of different countries[9]. Coastal States are allowed to adopt legislation based on Article 21, and foreign ships regardless of navigational status, whether innocent passage or normal navigation, must comply with the laws of coastal States when navigating in their territorial waters.

In relation to territorial waters, UNCLOS clearly defines the executive jurisdiction that the coastal states have over the subjects of the legal regime of this maritime zone. Article 27 and 28 of this Convention stipulates that the executive jurisdiction of coastal states in territorial waters is in principle considered absolute, with the exception of (a) jurisdiction over crimes committed before the foreign ship enters territorial waters, and (b) jurisdiction of a civil legal nature to block or seize foreign ships in connection with legal liability, which did not arise as a result of the navigation of this ship in the territorial waters of the coastal state. UNCLOS lays down rules according to which coastal states are not allowed to exercise their jurisdiction over ships transiting peacefully in their territorial waters, except in situations where the consequences of crimes committed on a foreign ship extend to the coastal state, when crimes disrupt the peace and order of the coastal state, when the master of the foreign ship requests the assistance of the coastal state, when the intervention is carried out to neutralize drug trafficking on ships, as well as for other criminal activities defined in the provisions of the Convention[10].

Article 220 on marine pollution also provides for legal limitations regarding the executive jurisdiction of coastal states over foreign ships that sail in the territorial waters of these states. The jurisdictional rules of coastal states cited above apply to all commercial ships, but special legal provisions have been created for government ships and military ships in order to consider the right of immunity and sovereignty of these ships. Government vessels, which do not operate for commercial or industrial purposes, such as military and coast guard vessels, are not considered subject to the executive jurisdiction of coastal states because of the immunity they enjoy under customary international law, Article 32 of UNCLOS (1982), and article 22(2) of Convention of Territorial Waters (1958).

Notwithstanding this legal standard, military vessels and other government vessels have a legal obligation to comply with the internal maritime legislation of these coastal states and may be considered subject to the legislative jurisdiction of these states in certain cases. Based on the customary international norms of the sea and the legal provisions of UNCLOS, the state whose nationality and flag the warship owns is considered responsible for the problems of the coastal state that are caused as a result of the non-application of its legal norms by the warship during navigation in territorial waters[11]. Article 30 of UNCLOS states that a military vessel that does not comply with the maritime legal norms of the coastal state in relation to the passage into its territorial waters and ignores the continuous requests of the national authorities to implement these rules, is ordered by the coastal state to exit its territorial waters. In case of non-implementation of this request, the coastal state may use all the necessary legal mechanisms to force the military vessel to leave its territorial waters. Legal norms that are not related to the transit and innocent navigation of the military ship, such as the criminal laws of the coastal state, are not applied based on the above mechanisms, and the military ship should be allowed to continue its navigation normally[12].

In addition to legal rights, the coastal state, based on the legal principles of international treaties, is vested with various legal responsibilities in relation to foreign ships passing its territorial waters. Some of these states' responsibilities, such as the coastal state's obligation to publicize navigational hazards present in its territorial waters, have been discussed above. On the other hand, the greatest responsibility of the coastal state is considered to be the international legal obligation not to hinder or penalize foreign ships without reasons as well as strong and convincing legal arguments, which, based on the provisions of UNCLOS, possess the right to exercise innocent passage in the territorial waters of this state[13].

3. LEGAL ISSUES PERTAINING TO THE RIGHT OF INNOCENT PASSAGE

The legal notion of the innocent passage right, considered a fundamental concept of international law, is closely related to the legal regime of territorial waters. In this context, the main limitation that characterizes the sovereignty of the coastal state over its territorial waters lies in the right of foreign ships

8. *Malcolm N Shaw, International Law, Fifth Edition, Cambridge University Press, 2003, 507.*
9. *UN, United Nations Convention on the Law of the Sea, Articles 26(2), 24 (1b).*
10. *UN, United Nations Convention on the Law of the Sea, Article 27.*
11. *UN, United Nations Convention on the Law of the Sea, Article 31.*
12. *hurchill and Lowe, The Law of the Sea, 98.*
13. *UN, United Nations Convention on the Law of the Sea, Article 17.*

to navigate freely or pass peacefully along these waters of national legal character. The definition of the term passage not only includes the actual navigation of a foreign ship through the territorial waters of another state, but also implies the right to stop and anchor this ship as long as this activity is the result of navigational incidents or is considered necessary due to force majeure[14]. Historically, the issue of the term innocent, within the legal concept of innocent passage, has been characterized as a complicated legal topic in the absence of a clear legal definition. This issue was discussed at length in the *Corfu Channel Trial* (1949), in which the International Court of Justice held that since the passage (navigation) of English ships was carried out in such a way that it did not pose a threat to the coastal state (Albania), the passage should normally be considered innocent. The contemporary legal notion of the term peaceful is reflected in Article 19(1) of UNCLOS, according to which the passage is considered peaceful as long as it does not threaten the peace, order, economy, and security of the coastal state.

Furthermore, according to UNCLOS, the passage of a foreign ship must be considered a threat to the peace, order, and security of the coastal state in the event that in its territorial waters, the existing ship is involved in activities such as the threat or use of force against the sovereignty, territorial integrity, or political independence of the coastal state, other activities contrary to the basic principles of international law reflected in the UN Charter, use of weaponry, espionage, propaganda, taking off or landing aircraft/helicopters, receiving military equipment, embarking or disembarking persons and materials in violation of fiscal, customs, immigration, and public health laws, serious and intentional pollution, fishing, marine research and studies, interference with national communication systems, or any other activity unrelated to the exercise of the legitimate right of innocent passage[15]. Foreign ships that act contrary to the above legal norms may be prevented from exerting the right of innocent passage in the territorial waters of coastal states. Relying on Article 25(1) of UNCLOS, states can take the necessary steps to prevent the non-innocent passage of these foreign vessels, which often include boarding the vessel and arresting its crew.

The right of peaceful passage is not considered absolute, and the coastal state accepting this legal notion may impose legal prohibitions or restrictions on foreign ships sailing in its territorial waters[16]. However, the first legal problem related to the right of innocent passage refers to the ability of coastal states of the interpretation of the legal provisions of innocent passage to legally determine whether the presence of a foreign military ship in its territorial waters constitutes a threat or not to national order and security, or to determine whether the activities of a particular ship during its navigation are not of a peaceful nature[17].

In order to maintain balance between the sovereign rights of coastal states and their obligation to respect the legal concept of innocent passage, the application of an objective standard should be considered when interpreting Article 19 of UNCLOS regarding this issue[18]. However, this issue is considered a complicated task, especially when Article 19 uses terms such as propaganda against the coastal state, which is difficult to define and evaluate objectively when national interests are at stake. Another legal issue for interstate relations is the question of whether coastal states insist on the authorization given or the notification that foreign military ships must make before exercising the right of peaceful passage in their territorial waters. Although this issue was deeply discussed in 1982 during the UNCLOS III Conference, where various participating states made it clear through Official Declarations that foreign military ships should seek authorization before exercising the right of peaceful passage in their territorial waters, again the resolution of this legal situation was not included in the relevant provisions of UNCLOS[19].

Among the member states of UNCLOS that require the application of authorization for foreign military ships exercising the right of innocent passage or the provision of prior notification are: Albania, Algeria, China, Congo, Burma, Pakistan, Philippines, Romania, Sri Lanka, Sudan, Syria, Vietnam, Yemen, Croatia, Denmark, Estonia, India, Libya, South Korea, etc[20]. On the other hand, there are countries such as France, Germany, Italy, or the Netherlands, which emphasize that the legal requirements from the above countries for the granting of consent or prior notification regarding military ships are not in accordance with the legal provisions of UNCLOS and international law in general[21].

This controversial situation of an international nature, according to certain authors, represents a division of strategic views and political attitudes between the East and the West, which, considering the growing military-economic power of China, and the current superpowers such as the USA, represents

14. *UN, United Nations Convention on the Law of the Sea, Article 18(2).*
15. *UN, United Nations Convention on the Law of the Sea, Article 19(2).*
16. *UN, United Nation Convention on the Law of the Sea, Article 25.*
17. *Donald R. Rothwell and Tim Stephens, The International Law of the Sea, Hart Publishing: Oxford, 2010. 269.*
18. *Gerald Fitzmaurice, "Some Results from the Geneva Conference on the Law of the Sea," 8 International and Comparative Law Quarterly 73, (1959): 96-97.*
19. *UN Division for Ocean Affairs and the Law of the Sea, UNCLOS: Declarations Made upon Signature, Ratification, Accession or Succession or Anytime Thereafter, accessed September 23, 2013, www.un.org/Depts/los/convention_agreement/convetion_declarations.htm.*
20. *Robin Churchill, "The Impact of State Practice on the Jurisidictional Framework Contained in the LOS Convention," in Stability and Change in the Law of the Sea: The role of LOS Convention, ed., A. Elferink (Leiden: Nijhoff 2005), 112-113.*
21. *Declaration by Germany (1994), Italy (1995), and the Netherlands (1996) in UN Division for Ocean Affairs and the Law of the Sea, UNCLOS: Declarations Made upon Signature, Ratification, Accession or Succession or Anytime Thereafter.*

the possibility of political or military crises of international scale in the future[22].

Another concern regarding military ships is that in the international law of the sea, including UNCLOS, there are no legal norms or legal concepts that address the legal issue of legitimate self-defense of military ships during their innocent passage in the territorial waters of a foreign country[23]. This issue came to light following the terrorist attack on the USS Cole while docked in the Yemeni port of Aden in October 2000, and the subsequent US legal and military response to secure the ships during their navigation or berth in internal or territorial waters considered by this state to be dangerous to international security[24].

4. CONCERNS REGARDING DELIMITATION OF TERRITORIAL WATERS

Basically, there are two basic legal provisions of UNCLOS on the delimitation of maritime zones. The first provision is found in Article 15 on the division of territorial waters between states facing or adjacent to each other. The basic concept of this article lies in the cooperation that states must have in defining territorial waters, which can extend up to 12 nautical miles from the basic coastline of states. In case of dispute, the delimitation of the maritime boundaries should be done based on the principle of equidistance between the baselines of the states involved in the process. Taking into consideration the above developments, the determination of contemporary legal principles on the delimitation of maritime boundaries seems to have become difficult due to the imprecise and ambiguous use of terminology in UNCLOS (1982)[25].

The delimitation of maritime zones, especially the determination of territorial waters between different states, is considered a fundamental legal concept of major importance for the national interests of states and the international system as a whole. These problematic situations are often characterized by interstate disputes or conflicts, which may endanger global peace, order, and security. The delimitation of the maritime boundaries of the territorial waters, the EEZ, and the continental shelf based on practice and international law is considered a complicated, difficult and complex issue for the reason that the final determination of these boundaries normally involves the combination, coordination, interpretation, and application of legal provisions of international maritime treaties, bilateral or multilateral interstate agreements, as well as customary international legal norms of the sea.

In the context of treaty law, in the respective UNCLOS provisions, it is emphasized that in cases where *the states in front or adjacent to each other fail to define the border of the respective territorial waters in a cooperative manner, then the state border is considered the median line equidistant from states' baselines, except when national waters are considered to be of historic nature or represent special geographical conditions*[26]. From the point of view of customary international law of the sea, the delimitation of territorial waters between states, as pointed out by the ICJ in *Guinea v. Guinea Bissau Process* (1985), is determined according to the just and equitable legal principle.

In the international system, there are concerns about the disorienting and problematic effect of Article 15 of UNCLOS regarding the application of the equilateral boundary line for the determination of territorial waters, which may cause disputes between states, as happened during the conflict between Nicaragua and Honduras (2007), when the content of Article 15 created debates and friction between the parties during the trial of the case by the ICJ[27]. Similar legal issues and disagreements related to the delimitation of maritime boundaries have also reflected between Qatar and Bahrain in 2001, which turned to the ICJ to solve the specific problem[28], as well as during the judgment of the Caribbean Sea Process (2007) on the delimitation of territorial waters between Nicaragua and Honduras[29].

Similarly, Ukraine vs. Romania legal case regarding the delimitation of the EEZ and the continental shelf in the Black Sea mirrored the same legal issue as a characteristic[30]. In this context, it should be noted that the legal principles of the delimitation of maritime boundaries, which are expressed in UNCLOS (Article 15) have been formulated with a high degree of generality and uncertainty by courts and arbitration tribunals. For this reason, it is very difficult to reflect on an exact jurisdictional situation regarding the legal principles of maritime boundaries' delimitation, as well as interstate conflicts characterized by these issues.

In addition to the inherent generalization, as well as the ambiguity that characterizes the legal principles of delimitation of maritime boundaries, each delimitation involves a situation that reflects its special characteristics, which must be considered when defining maritime zones[31]. This issue represents another

22. *Tim Stephens, The Impact of the 1982 Law of the Sea Convention (n53), 306.*
23. *A.V. Lowe, "Self-Defence at Sea," in The Non-Use of Force in International Law, ed., William E. Butler, (Marinus Nijhoff, 1989), 185-202.*
24. *Departament of Defense, USS Cole Commission (United States), USS Cole Commission Report, (Washington: Departament of Defense, 2001).*
25. *Rothwell and Stephens, The International Law of the Sea, 397.*
26. *UN, United Nations Convention on the Law of the Sea, Article 15.*
27. *Rothwell and Stephens, The International Law of the Sea, 400.*
28. *Maurice Mendelson, "The Curious Case of Qatar v Bahrain in the International Court of Justice," 72 British Year Book of International Law, (2001): 183.*
29. *Territorial and Maritime Dispute between Nicaragua and Honduras in the Carribeab Sea (Nicaragua v Honduras), Judgment of 8th October 2007 (Carribean Sea).*
30. *Maritime Delimitation in the Black Sea (Rumania v Ukraine), Judgment of 3 Feb. 2009 (Black Sea).*
31. *Churchill and Lowe, The Law of the Sea, 182.*

practical difficulty, which, in coordination with legal ambiguities and deficiencies, creates obstacles in the direction of the peaceful resolution of disputes or interstate conflicts. The creation of UNCLOS also changed the situation of the international legal regime of the sea for states possessing sovereignty over certain islands. The new legal regime of the sea increased the value of the jurisdictional possession of islands, which gradually began to affect the extension of island territorial waters up to 12 nautical miles. Despite the fact that the limitation of 12 nautical miles is considered legally permissible but not a legally binding element, states such as Greece after the ratification of UNCLOS began legal procedures on the definition of territorial waters at 12 nautical miles, thereby attempting to gain sovereignty over 71% of the Aegean Sea. Consequently, Greek territorial waters under the new legal regime reflected in UNCLOS could include the entire southern Aegean region[32].

5. LEGAL AMBIGUITY AMID CONTIGUOUS ZONE IN CONTEXT OF TERRITORIAL WATERS

The legal regime of the contiguous zone is considered an essential element of the international law of the sea for the reason that it serves as a security mechanism in defense of the inviolability of territorial waters, efficiently fulfilling the basic legal criteria of coastal states through the exercise of relatively limited legislative and executive jurisdiction[33]. Since the early 18th century, jurisdiction over national maritime zones and enforcement of the law over merchant ships engaged in illegal activity along the coast of Great Britain has been considered a universal right of nations to protect their interests[34]. This principle has been considered the genesis of the contiguous zone, which for the first time was given special attention at the international level during the adoption of the Geneva Conventions in 1958. However, UNCLOS (1982) is considered the 1st treaty which consolidated the legal regime of the contiguous zone by providing coastal states with limited jurisdiction over this control zone to prevent the violation of fiscal, customs, immigration, and public health laws within the territorial waters[35].

In this context, the aims of the coastal states in the adoption of the contiguous maritime zone are different from the intentions implemented in the territorial waters, because the contiguous maritime zone is not part of the territorial waters but is included in the EEZ, and the freedom of navigation in this zone is prevailing and valid to all ships[36]. The nature of controls by law enforcement authorities and the exercise of rights in the contiguous maritime area do not imply the exercise of full sovereignty over this area or over the resources generated from it. Given the significance of the issues it tackles, the very transitory content of Article 33 of UNCLOS raises serious reservations as to whether or not coastal states have the right to formulate their own domestic legislation[37], with the sole purpose of making foreign-flag ships subject to their customs, fiscal, immigration, and public health laws in the contiguous zone. This concern is considered essential because it lays down the precise legal authority exercised by states in this maritime zone not only as a jurisdiction in its own right but as well as in the legislative context of the Exclusive Economic Zone, regarded as a *sui generis maritime zone*[38].

Various authors in this context have pointed out that the authority exercised by coastal states in the contiguous maritime zone is only executive jurisdiction[39], and this was a proposal made deliberately during the creation of the Convention of Territorial Waters (1958) to enable the adoption of a maritime area with a legal regime of an executive and not a legislative nature[40]. Article 33, in contrast to Article 56 of the EEZ, appears to provide only control and not sovereign rights; therefore, experts believe that coastal states cannot formulate legal provisions that reflect legislative jurisdiction in this area[41]. In the light of these considerations, the lack of legislative jurisdiction of the coastal states in the contiguous maritime zone is evident, and, with regard to this issue, it can be accepted that the two relevant legal provisions, Article 24 of the Convention on Territorial Waters, and Article 33 of UNCLOS allow only the executive and not normative jurisdiction in the contiguous zone. In other words, both of the above legal provisions may allow coastal states to exercise control only with respect to legal violations committed in the territorial waters, and not for violations committed in the contiguous zone or perhaps exclusive economic zone[42]. Consequently, based on the above-mentioned arguments, there seems to be a legal vacuum regarding this particular zone, therefore leaving unclear and ambiguous the real jurisdiction as well as legal responsibilities and rights exercised by the coastal states in the contiguous zone, consequently creating considerable issues for

32. *Nurit Kliot, "Cooperation and Conflicts in Maritime Issues in the Mediterranean Basin," GeoJournal, Vol 18, Nr 3, Marine Geography (April 1989) 264-67.*
33. *M.S. McDougal and W.T. Burke, The public order of the oceans: a contemporary international law of the sea (New Heaven: New Heaven Press, 1987), 76.*
34. *Ermal Xhelilaj and Osman Metalla. "The legal regime of the contiguous zone in the context of international law." Proceedings of the 14th Conference of International Maritime Association of Mediterranean, Year XVI, Vol II, Genoa, Italy, (2011):777-783. 777*
35. *UN, United nations Convention on the Law of the Sea, Article 33.*
36. *S.N. Nandan and S. Rosenne, eds., United Nations Convention on the Law of the Sea, A Commentary, Volume II (Virginia, Martinus Nijhoff Publishers, 1993), 267.*
37. *L. Johnson, Coastal State Regulation of International Shipping (New York: Oceana Publ., 2004), 92.*
38. *Natalie Klein. Dispute Settlement in the UN Convention on the Law of the Sea, Cambridge University Press, 2009. 144.*
39. *Churchill and Lowe, The law of the sea, 137.*
40. *S.Oda, "The concept of Contiguous Zone", 11 ICLQ, 131-53, (1962): 181.*
41. *UN, United Nations Convention on the Law of the Sea, Article 11, 18.*
42. *Xhelilaj and Metalla. "The legal regime of the contiguous zone in the context of international law." 782*

the implementation of the jurisdiction in territorial waters as well as for the domestic legislation pertaining to the legal regime of this important maritime zone for the coastal states[43].

6. CONCLUSIONS

The most fundamental impact in the direction of the emergence of interstate disputes on the delimitation of maritime boundaries has been caused by the formulation, interpretation, and implementation of the provisions of UNCLOS. The formulation of these new legal norms changed the situation of the international legal regime of the sea for states that exercise sovereignty over certain islands, thereby increasing the value of island sovereignty, which gradually began to influence the expansion of island territorial waters up to 12 nautical miles. Although the 12-nautical-mile limit is legally permissible and by no means mandatory, many coastal states extend their jurisdiction up to the legally permitted limit. This situation has negatively affected interstate relations in regions with limited maritime zones such as the Aegean Sea or the Corfu Channel, resulting in significant regional incidents or conflicts. In the light of the dynamic developments in the international system and especially the international law of the sea during 2000-2010 on the delimitation of the boundaries of the continental shelf, the number of interstate disputes have escalated significantly. This has come as a result of the problems caused by the formulation of the new legal norms of UNCLOS, which have caused overlapping of the territorial water areas and the continental shelf of the coastal states. Legal issues also represent the right of innocent passage since there are certain ambiguities referring to the legal interpretation of the specific article, the authorization for military ships and their self-defense as well as the legal norms' interpretation with regard to the delimitation of territorial waters, which in some cases may create ambiguity and legal issues. On the other hand, the state powers in the contiguous zone and the lack of coastal state real authority over these waters generate legal and practical uncertainties in the territorial waters. Therefore, the relevant provisions of UNCLOS pertaining to territorial waters, contiguous zone, and the right of innocent passage might be considered for revision and eventually legally amended to regulate the aforementioned issues.

CONFLICT OF INTEREST

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

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