

# Haileybury MUN

## Research report



### GA1 Disarmament and International Security

#### The question of preventing breach of national waters

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The sovereignty of a coastal State extends beyond its land territory and internal waters to an adjacent belt of sea, described as the territorial sea. States have the right to establish the breadth of its territorial sea by up to 12 nautical miles.<sup>1</sup>

In addition to the territorial zone, a coastal State may exercise the control necessary to prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea in the area contiguous to its territorial sea, described as the contiguous zone.<sup>2</sup>

Ships of all States, whether coastal or landlocked, enjoy the right of innocent passage through the territorial sea. Passage is considered innocent as long as it is not prejudicial to the peace, good order or security of the coastal State.<sup>3</sup>

#### Freedom of the Seas

Mexico and the Syrian Arab Republic<sup>4</sup> have been the states to most notably take advantage of Article 25, paragraph 3 of the United Nations Convention on the Law of the Sea of 10 December 1982 which stipulates that a coastal State may temporarily suspend innocent passage of foreign ships if such suspension is essential for the protection of its security.<sup>5</sup>

The subject of the breach of national waters is a complex and multifaceted one. Delegates of Uruguay and Argentina may find the linked<sup>6</sup> note verbale interesting, those interested in the conflict or representing Lebanon the issue related to the linked letters.<sup>7</sup>

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<sup>1</sup> *UN Convention on the Law of the Sea Part II*, Section 1, Article 2- Legal status of the territorial sea

<sup>2</sup> *UN Convention on the Law of the Sea Part II*, Section 4, Article 33

<sup>3</sup> *UN Convention on the Law of the Sea Part II*, Section 3, Article 17- Right of innocent passage

<sup>4</sup> [http://www.un.org/Depts/los/convention\\_agreements/suspension\\_notifications/syr\\_29062012.pdf](http://www.un.org/Depts/los/convention_agreements/suspension_notifications/syr_29062012.pdf)

<sup>5</sup> [http://www.un.org/Depts/los/convention\\_agreements/innocent\\_passages\\_suspension.htm](http://www.un.org/Depts/los/convention_agreements/innocent_passages_suspension.htm)

<sup>6</sup>

<https://news.un.org/en/story/2010/04/335952-uruguayan-mill-can-operate-despite-breach-treaty-un-world-court-rules>

<sup>7</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/266/95/PDF/N1126695.pdf?OpenElement>

## Bibliography and helpful reading. UN conventions

The 6. *United Nations Convention on the Law of the Sea* is the most recent and conclusive text put forth by the UN on the subject. It provides precise definitions put forward by the UN as well as recent controversies and amendments by member nations.<sup>8</sup>

The *UN Division for Ocean Affairs and Laws of the Sea* offers a collection of Resolutions passed by the UN related to national waters as well as settlements of disputes and bodies already established.<sup>9</sup>

The *International Tribunal for the Law of the Sea* is an independent judicial body established by the United Nations Convention on the Law of the Sea to adjudicate disputes arising out of the interpretation and application of the Convention. The link below leads to a collection of basic texts put forward by the Tribunal that may be helpful for referencing your Resolutions.<sup>10</sup>

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[https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg\\_no=XXI-6&chapter=21&Temp=mtdsg3&clang=\\_en](https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXI-6&chapter=21&Temp=mtdsg3&clang=_en)

<sup>9</sup> *UN Division for Ocean Affairs and Laws of the Sea* <http://www.un.org/Depts/los/index.htm>

<sup>10</sup> <https://www.itlos.org/en/basic-texts-and-other-documents/>