

**Shipping and Coastal Development:
Policies and Regulations/
Transnational Issues and Possible Cooperative Responses**

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- I. An Overview of Relevant Law of the Sea Concepts
 - A. Internal Waters--Historic Bays--Part of the Nation
 - B. The Territorial Sea--A Zone of Sovereignty
 1. The Right of Innocent Passage (Articles 17-32 of the 1982 U.N. Law of the Sea Convention)
 - a. What is this right? What coastal state regulations are permitted? (Article 21)
 - b. Do warships have the right of innocent passage?
 - c. What special rules apply to nuclear-powered ships or ships carrying nuclear or other inherently dangerous or noxious substances? (Article 23)
 - d. Note that polluting activities are not "innocent." (Article 19(2)(h))
 2. The Right of Transit Passage Through Straits Used for International Navigation (Articles 37-44)
 - a. What straits does this right apply to?
 - b. Can pollution control regulations be enforced? (See Article 233)
 3. When Can Traffic Separation Schemes Be Established? Do Special Rules Apply to Nuclear-Powered Vessels and Vessels Carrying Nuclear or Other Inherently Dangerous or Noxious Substances? (Articles 22 and 41)
 - C. The Contiguous Zone--A Zone of Control and Enforcement (Article 33)
 - D. The Exclusive Economic Zone (EEZ)--A Zone of Resource Jurisdiction (Articles 55-75)
 1. What Pollution Control Measures Can Be Imposed in the EEZ? (Article 211) Note That Coastal State Regulations Must Conform to Generally Accepted International Standards. (Article 211(6))

2. What Actions Can the Coastal State Take to Enforce Pollution Control Measures?
 - a. Enforcement by flag states (Article 217)
 - b. Enforcement by port states (Article 218)
 - c. Enforcement by coastal states (Article 220) (When are physical inspections and boardings permitted?)
 - d. Safeguards for navigation (Articles 226, 228, and 230)
3. What Dispute-Resolution Mechanisms Exist to Resolve Disputes Arising from the Enforcement of Pollution Control Measures on Commercial Vessels? (Articles 279-99; see particularly Article 297)

E. Military Security Zones

1. Examples of Different Zones
2. Legal Issues Raised by These Zones

F. How Should Maritime Boundary Disputes Be Resolved? (Articles 74 and 83)

1. Is "Natural Prolongation" Still a Relevant Concept?
2. What Does It Mean to Reach an "Equitable Solution"?
What Are the "Equitable Principles" Relevant to Reaching Such a Solution? What Is the Relevance of the Equidistance or Median Line?
3. What Is the Role of Isolated and Uninhabited Islets in Boundary Delimitations? (Article 121(3))
4. The Joint Development Option

II. The Environmental Impact Assessment Requirement (Articles 204-206).

- A. The Environmental Impact Assessment Should Discuss the Following Subjects:
1. The Probable Impact of the Proposed Action on the Environment
 2. The Adverse Environmental Effects that Cannot Be Avoided If the Proposal Is Implemented

3. An Analysis of Alternatives to the Proposed Action (Including the Alternative of No Action) and a Comparison of the Costs and Benefits of Each Alternative with the Proposed Action
 4. The Relationship Between Local Short-term Uses of the Environment and the Maintenance and Enhancement of Long-Term Productivity
 5. Any Irreversible and Irretrievable Commitments of Resources That Would Be Involved in the Proposed Action If It Is Implemented
- B. The Environmental Impact Assessment Should Be the Product of Interdisciplinary Analysis--the Scientific Data Should Be Analyzed in Conjunction with the Impact on the Human Society that Will Be Affected by the Proposed Project--Ultimately the Scientific Data Are Being Collected and Analyzed to Provide Answers for Social and Political Questions
- C. Ample Opportunities Should Be Provided for Public Input During the Process of Developing an Environmental Impact Assessment--Both Written and Oral Comments Should Be Encouraged and Responses Should Be Provided to Each Comment

III. Other Environmental Conventions Affecting Shipping

- A. The IMO Conventions
- B. The Relationships Between These Conventions and the 1982 U.N. Law of the Sea Convention