

A General Overview of the Implementation Mechanism under the United Nations
Convention on the Law of the Sea (UNCLOS): Some Institutional and Practical Aspects

Prof. Taisaku Ikeshima, PhD
Waseda University, Tokyo, Japan

Abstract

Under the United Nations Convention on the Law of the Sea (UNCLOS), which is the so-called Constitution on the Sea, three bodies were newly established to implement UNCLOS: the Commission on the Limits of the Continental Shelf (CLCS), the International Seabed Authority (ISA), and the International Tribunal for the Law of the Sea (ITLOS).

CLCS is in charge of making recommendations from submissions by the coastal states concerning the outer limits of the continental shelf beyond 200 nautical miles from baselines. The ISA works as the administering body that implements the Common Heritage of Mankind (CHM). ITLOS's judgments and decisions have significantly contributed to the law of the sea jurisprudence.

This presentation first briefly looks at these bodies' institutional aspects, and next addresses their functions and roles in implementing UNCLOS. Then, it discusses some other bodies and mechanisms under UNCLOS that play practical and significant roles in implementing the provisions and rules of UNCLOS. These mechanisms are of great importance for ensuring the consistent and harmonized implementation of UNCLOS at the domestic, regional, and global levels. This aspect is considered within the context of looking at the institutional functions of these mechanisms under UNCLOS and the law of the sea.