



PUBLICATIONS ON OCEAN DEVELOPMENT

THE LAW OF THE SEA

SELECTED WRITINGS

Budislav Vukas

MARTINUS NIJHOFF PUBLISHERS



Publications on Ocean Development

Volume 45

*A Series of Studies on
the International, Legal, Institutional and Policy Aspects
of Ocean Development*

General Editor: Vaughan Lowe

*Chichele Professor of Public International Law and Fellow of All Souls College,
Oxford University*

The Law of the Sea

Selected Writings

by

BUDISLAV VUKAS

Judge, International Tribunal for the Law of the Sea

MRECIC - ISEN - BIBLIOTECA	
INVENTARIO:	090583
UBICACION:	L 11583
CDU:	341
FECHA:	26-07-2016
PROCESO:	
DONACION MISION PERMANENTE ONU	
PRECIO:	

MARTINUS NIJHOFF PUBLISHERS
LEIDEN / BOSTON

A C.I.P. Catalogue record for this book is available from the Library of Congress.

ISBN 90-04-13863-3

Layout and camera-ready copy:
Anne-Marie Krens – Oegstgeest – The Netherlands

Printed on acid-free paper

All Rights Reserved
© 2004 Koninklijke Brill NV, Leiden, The Netherlands
Brill Academic Publishers incorporates the imprint Martinus Nijhoff Publishers
<http://www.brill.nl>

No part of this work may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic mechanical, photocopying, microfilming, recording or otherwise, without written permission from the Publisher, with the exception of any material supplied specifically for the purpose of being entered and executed on a computer system, for exclusive use by the purchaser of the work.

Printed in the Netherlands

ACKNOWLEDGEMENTS

Since 1962, Budislav Vukas, Professor of Public International Law at the University of Zagreb Faculty of Law, has written extensively on the Law of the Sea. Naturally, the majority of these writings are in his mother tongue – Croatian. However, scholars belonging to small nations are obliged to write in foreign languages as well. Professor Vukas has published in various countries, in English, French and Italian.

Thanks to Mrs. Annebeth Rosenboom from Martinus Nijhoff Publishers, and the Zagreb Faculty of Law, Professor Vukas is now in the position to publish a selection of his writings in English and French. He thanks the publishers of the publications in which his writings were first published for their kind permission to reprint them in this collection.

These 20 essays are now republished as initially written. They therefore reflect the development of the author's views as well as the evolution of the law of the sea itself since the beginning of the Third United Nations Conference on the Law of the Sea.

Only writings from reviews and books and one of the studies that he submitted to the United Nations Environment Programme, have been included in this collection. It does not include Professor Vukas's judicial opinions written in his present capacity as judge of the International Tribunal for the Law of the Sea.

CONTENTS

Acknowledgements	v
I Introduction	1
1 The Definition of the Law of the Sea	3
II Sources of the Law of the Sea	11
2 The Impact of the Third United Nations Conference on the Law of the Sea on Customary Law	13
3 Generally Accepted International Rules and Standards	25
4 Possible Role of the International Tribunal for the Law of the Sea in Interpretation and Progressive Development of the Law of the Sea	39
III Relation of the Law of the Sea to Other Fields of International Law	49
5 The Law of the Sea Convention and the Law of Treaties	51
6 Droit de la mer et droits de l'homme	71
IV Delimitation of Maritime Areas	81
7 The LOS Convention and Sea Boundary Delimitation	83
V Natural Resources of the Sea	111
8 The 1982 United Nations Convention on the Law of the Sea and the Protection of the Living Resources of the Sea	113
9 Common Heritage of Mankind: A Legal Concept for the Survival of Humanity	125
VI Navigation	131
10 The New Law of the Sea and Navigation: A View from the Mediterranean	133
VII Military Uses of the Sea	155
11 L'utilisation pacifique de la mer, dénucléarisation et désarmement	157
VIII Protection of the Marine Environment	205
12 International Law and the Pollution of the Sea	207
13 Provisions of the Draft Convention on the Law of the Sea relating to the Protection and Preservation of the Marine Environment and the UNEP's Involvement in their Implementation	229

IX	Enclosed or Semi-Enclosed Seas	261
14	Enclosed and Semi-Enclosed Seas	263
15	The Mediterranean: An Enclosed or Semi-Enclosed Sea?	281
X	Settlement of Disputes	291
16	Le choix des procédés prévus par l'article 287 de la Convention de 1982 sur le droit de la mer	293
17	Main Features of Courts and Tribunals Dealing with the Law of the Sea Cases	297
18	The International Tribunal for the Law of the Sea: Some Features of the New International Judicial Institution	301
19	Règlement du Tribunal international du droit de la mer – questions choisies	317
20	Décisions <i>ex aequo et bono</i> et différends relatifs au droit de la mer	327
	Index	335

THE LAW OF THE SEA
SELECTED WRITINGS

by
Budislav Vukas

These collected essays reflect the development of the author's views as well as the evolution of the law of the sea itself since the beginning of the Third United Nations Conference on the Law of the Sea. After an introductory chapter, the author, Judge at the International Tribunal for the Law of the Sea in Hamburg, describes and analyzes topics such as the sources of the law of the sea, the relation of the law of the sea to other fields of international law, maritime delimitation, natural resources and navigation, as well as military uses of the sea, the protection of marine environment, enclosed and semi-enclosed seas and the settlement of disputes.

The papers reproduced in this volume (some of which in French) will be of interest to both academics and professionals interested in the law of the sea and its institutions.

