



THE SEA AND GEOPOLITICS

A Lesson in Collective Egoism

A Lecture

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NAVCENT Public Affairs, USA – Wikimedia Commons: Still from a video released by the U.S. military

Strait of Hormuz, May 3, 2023: Panama-flagged tanker *Niovi*, swarmed by IRGCN fast-attack craft (during the U.S.-Iran maritime skirmishes of 2023).

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Notes on Terminology

The terms "nautical miles" or "sea miles" (abbreviated "miles") are used synonymously in this text. (1 nautical mile = 1.852 km; not to be confused with the statute mile, which corresponds to a length of 1.609 km.)

"Territorial waters" and "territorial sea" are used synonymously.

In this text, the acronym "UNCLOS" is used consistently for the United Nations Convention on the Law of the Sea (also: Law of the Sea Convention). However, the same acronym can also stand for the "United Nations Conference on the Law of the Sea." In the latter case, the acronym is followed by the respective Roman numeral of the conference series (UNCLOS I, II, or III).

The "exclusive economic zone" defined in UNCLOS is designated here with the official acronym EEZ.

THE LECTURE

The Sea and Geopolitics

A Lesson in Collective Egoism

Preliminary Remarks on the Structure and Semantics of the Question

The evolution of the international law of the sea across centuries documents with stark clarity the contradictions of a phenomenon that I term **collective egoism**—on the one hand, of the group (in the sense of the state-organized collective); on the other hand, of humanity as a species.

I distinguish three forms or dimensions of egoism:

1. **E_1:** The egoism of the individual toward other individuals or groups.
2. **E_2:** At the meta-level of individual egoism: the egoism of the group (the state collective) toward other collectives (expressed in the sense of the "national interest" when articulated in disregard of the principle of reciprocity).
3. **E_3:** The egoism of the species (i.e., humanity as an overall collective toward all other life [nature], or at the expense of the legitimate interests of future generations when the exclusive focus rests on the interests of the present generation).

Furthermore, attention must be paid to the distinction between the concepts of the "**common heritage of mankind**" and the "**common good**." The former is concerned with the joint exploitation of nature belonging to all (i.e., the resources of the sea); the latter, by contrast, also encompasses consideration for preserving these resources (nature) for future generations and with regard to life on Earth as a whole. Contemporary law of the sea, as codified in UNCLOS (United Nations Convention on the Law of the Sea), recognizes only the principle of the "common heritage"—and this, as I will show, in a geographically extremely restricted scope. Its formulation generally documents the species-egoism of humanity, heavily shaped by the group egoisms of the state parties.

(I)

The Development of the Law of the Sea Doctrine as a Reflection of Group Egoism

Historical retrospection allows us to understand the geopolitical relevance—indeed, in many respects, the explosive potential—of current maritime law. In many cases, it does not contain conflicts, but generates or even exacerbates them, primarily due to the vagueness and contradictory nature of many of its provisions. The two pioneers of the modern law of the sea, Elisabeth Mann Borgese and Ambassador Arvid Pardo, were acutely aware of this dilemma rooted in collective egoism.¹

As far as the conflict-prone nature of maritime law is concerned, the confrontation surrounding the **Strait of Hormuz** has by now confronted a broader public—ordinarily indifferent to maritime affairs—with its everyday consequences. The I.P.O. previously analyzed the problem in a case study on the maritime boundary dispute in the Aegean.²

Decisive in the codification of modern maritime law through the UN Convention on the Law of the Sea (UNCLOS) was the principle of group egoism (collective self-interest, E_2) that **"the land dominates the sea."** This means that special rights to control and utilize maritime zones are derived from the territorial sovereignty of a coastal or island state. The determining factor is the respective national interests: initially primarily regarding security (the protection of one's own national territory against aggression), and subsequently regarding the exploitation of resources in the water column as well as on and beneath the seabed.

In the early period of global maritime navigation at the dawn of colonialism, the central concern was the securing of shipping lanes in connection with the trade interests of seafaring nations. Long before the rise of the maxim of land dominance, the principle of *mare liberum* (**the freedom of the seas**), formulated by Hugo Grotius, prevailed.³ In this context, national interest did not refer solely to controlling maritime areas directly adjacent to one's own territory to ensure domestic security, but was directed toward the freedom of sea lanes in general. Paradigmatically, this was not about asserting national sovereignty over ocean spaces, but about the principle of equal rights in utilizing the sea for commerce or securing control over other, non-contiguous land territories (colonies), for which free access by sea was imperative.

The ancient adage *navigare necesse est* (**"to sail is necessary"**) points directly to the significance of the freedom of the seas in securing trade and supply routes. Plutarch records in

his *Parallel Lives* the statement attributed to Pompey the Great (106–48 BC): *Navigare necesse est, vivere non est necesse* ("To sail is necessary; to live is not necessary").⁴ At that time—in the midst of a severe food crisis—the issue was the shipment of grain from Africa to Rome. Balancing the necessity of supplying Rome (collective interest) against the personal risk to the sailors' survival (individual interest), Pompey appealed to the mariners to set sail despite the perils of an approaching violent storm. Particularly in the present situation in the Persian Gulf, the maxim is once again highly relevant, as global energy and food security must be weighed against maritime safety, specifically the protection of seafarers. Over centuries, the truncated phrase became a general topos for the existential importance of seafaring.

The first thinker to systematize the principle that the sea—with respect to transport—belongs to everyone was the aforementioned Hugo Grotius in his treatise *Mare liberum sive de iure quod Batavis competit ad Indicana commercia* (1609). In 17th-century debates, the concept of *mare liberum* stood in direct opposition to that of *mare clausum* (advanced by John Selden).⁵ Even back then, in the clash between Portugal and the Netherlands, the dispute centered concretely on free passage through a maritime choke point: the **Strait of Malacca**.

For more than three centuries, the consensus held that a state's territorial waters extended to **3 nautical miles** (approx. 5.55 km) from the coast, and that the surface of the sea beyond this belt was "international" and therefore "free"—a principle that applies today only to a heavily restricted degree due to aforementioned group egoism. Under contemporary law of the sea, territorial waters extend up to **12 nautical miles** (approx. 22 km). This is followed by a so-called **contiguous zone** of an additional 12 nautical miles, in which coastal and island states enjoy specific rights of oversight.⁷ In addition, there is an **Exclusive Economic Zone (EEZ)** measuring 200 nautical miles (approx. 370 km) from the coastline for all coastal states, and an **extended continental shelf** reaching up to a maximum of 350 nautical miles (approx. 648 km) where states that can prove its physical existence enjoy exclusive sovereign rights to exploit seabed resources.

Through the "generous" accommodation of coastal states via the 12-mile limit, **more than 100 international straits were converted overnight into territorial waters**. The dilemma is well illustrated by the Strait of Hormuz: under the old 3-mile rule, it contained international waters, but under current rules its narrowest stretch falls entirely within the territorial and sovereign domain of the two littoral states (Iran and Oman). The "solution" modern maritime law attempted for this "nationalization" of previously international waters is found in the special provisions for **innocent passage** under Article 17 of UNCLOS.

Tracing the development in detail from the 17th century onward shows that security concerns and later economic interests prompted coastal states to widen the 3-mile boundary incrementally to 4, 6, and eventually 12 nautical miles, which was initially accomplished through unilateral measures.

Regarding the original 3-mile limit, one must recall the pragmatic approach of Cornelius van Bynkershoek in his *De dominio maris dissertatio* (1744).⁸ He formulated the dictum: “*dominium maris proximi non ultra concedimus, quam e terra illi imperari potest.*”⁹ Thus, sovereignty over adjacent waters (*mare proximum*) is linked to the physical capacity for control—in modern phrasing: *the land dominates the sea*. This implies, as Bynkershoek conceded: “*alioquin generaliter dicendum est, potestatem terrae finiri, ubi finitur armorum vis.*”¹⁰ According to the maritime common sense of the 17th century, it followed from this principle that “*nullum hodie mare ab ullo possideri,*”¹¹ meaning that the sea, unlike terra firma, could not be subjected to permanent private or state ownership. The high seas beyond coastal waters were recognized as a common space beyond sovereign control. Based on the weapons technology of the era, this meant that only waters up to 3 nautical miles—the range of shore-based artillery—fell under coastal state jurisdiction (**the "cannon-shot rule"**).

However, if one follows Bynkershoek’s logic one is inevitably confronted with the question of where the reach of weapons ends today—in our era of long-range missile technology—i. e. whether the principle retains any coherence in the face of contemporary military technology.

In the 20th century, under the pressure of economic interests, the 3-mile limit was steadily moved outward. After the 1930 League of Nations Conference in The Hague failed to reach consensus on extending the limit, Greece, Iran, and Italy unilaterally expanded their territorial seas to 6 nautical miles in 1936. In the case of Greece, despite the Treaty of Lausanne fixing 3 miles, this occurred primarily in the context of its rivalry with Türkiye; because of Greece’s sovereignty over the Aegean islands, this unilateral measure practically doubled the country’s territorial waters, turning vital shipping lanes into sovereign maritime space of Greece.¹²

Following the Second World War, a paradigm shift occurred that opened the floodgates. On September 28, 1945, the President of the United States proclaimed the exclusive right of his country to exploit the natural resources of the subsoil and seabed of the “continental shelf.”¹³ Truman cited “*the long range world-wide need of new sources of petroleum and other minerals,*” justifying the claim by arguing that the seabed contiguous to the coasts of the United States constitutes an underwater extension of the continental landmass (“continental shelf”).

Subsequently, numerous states extended their territorial waters unilaterally to 12 nautical miles (including China and the Soviet Union). Furthermore, the international community adopted the **Convention on the Continental Shelf** (Geneva, April 29, 1958),¹⁴ granting coastal states sovereign rights for exploring and exploiting the natural resources of the seabed up to a depth of 200 meters or up to that limit where the depth of the waters admits of exploitation (Articles 1 and 2). By tying sovereign rights to technological extraction capacities, the convention placed no definitive limits on the egoism (E₂) of coastal states: every coastal state could claim the mineral riches of the sea down to 200 meters, and beyond if technologically capable. This is what could be described as the "**self-service principle**"—so to speak—of the 1958 Geneva Convention—a classic case of *might makes right*. The paradigm of *capacity to control* (Bynkershoek), which had posited clear geographic limits, was supplemented by a paradigm of *exploitative capacity* that recognized no borders whatsoever.

(II)

The Present State of the Law of the Sea: The United Nations Convention on the Law of the Sea (UNCLOS)

This problematic tradition of international law—indeed, a flawed piece of legal doctrine—was brought to an end in the course of the UN Conferences on the Law of the Sea (UNCLOS I, II, and III, 1958–1982).¹⁵ Yet here, too, tradition largely dictated the present. The common good was not suddenly placed above group interests; rather—and this was the novelty compared to the Geneva Convention—a geographic boundary was imposed on national greed. However, as events have demonstrated, the most powerful state disregards these limits whenever it suits it. It chose not to ratify the new convention (UNCLOS). (The dilemma closely mirrors that faced by the International Criminal Court which several great powers did not join, yet which they selectively utilize via the UN Security Council for their own ends.)¹⁶

Under UNCLOS, the continental shelf doctrine was codified by universally extending coastal state rights to all marine resources (in the water column and seabed) up to **200 nautical miles** (approx. 370 km) from the coast, irrespective of whether an actual physical continental shelf exists (as with certain stretches along the Pacific coast of South America, where the seabed drops precipitously). Legal scholars refer to this as a "**juridical shelf**"; more honestly, it should be called a "**fictitious shelf**." Furthermore, where a state can scientifically prove that its physical continental shelf extends beyond 200 miles, exploitation rights over the seabed and subsoil extend up to a maximum cap of **350 nautical miles** (approx. 648 km). However, in this extended continental shelf zone, rights apply exclusively to the seabed and subsoil, not to the water column (which particularly concerns fishing activities).

The zone up to 200 miles, which all coastal states may claim,¹⁷ is designated as the **Exclusive Economic Zone (EEZ)**, covering all living and non-living resources. Crucially, the continental shelf and EEZ regimes also apply to **all islands**, no matter how tiny, provided they are capable of sustaining human habitation. This produces absurd outcomes. For instance, the **Pitcairn Islands** in the South Pacific, with a land area of merely 47 km², generate an EEZ covering approximately 840,000 km².

It is hardly surprising that the fictitious shelf and the EEZ have whetted appetites among both large and small nations and triggered a cascade of conflicts. As a consequence, UNCLOS can only function effectively alongside continuous arbitral and judicial dispute mechanisms (namely, the International Tribunal for the Law of the Sea [ITLOS] in Hamburg, the

International Court of Justice, and the Permanent Court of Arbitration in The Hague). Prominent contemporary disputes requiring adjudication include the status of features in the South China Sea, the Aegean Sea, and maritime straits in the Middle East.

The provisions of UNCLOS have opened the door to sophistry and casuistry. Any rock remaining above water at high tide generates a 12-mile territorial sea and a 12-mile contiguous zone; if deemed habitable, it generates a 200-mile EEZ. A grotesque example is the dispute over **Okinotorishima**, a reef feature protruding a mere 9.44 m² above water at high tide, which Japan uses to assert claims over an EEZ.¹⁸ This has provoked sharp disputes with China, which conducts exploration activities in the zone on the grounds that a feature the size of a double bed— as is often ironically said—cannot qualify as an island under UNCLOS. If Japan's classification stands, the country would gain exclusive rights over an oceanic area exceeding 400,00 km²—larger than the entire land territory of Japan (348,000 km²). In terms of UNCLOS, using the algebraic formula $A = \pi \times r^2$, a 200-nautical-mile radius around a speck of rock generates an oceanic domain of that magnitude.

This highlights the extreme conflict potential generated by modern maritime law in view of group egoism (E₂). It symbolizes the absurdity that befalls the international community when consensus is reached primarily by capitulating to state-level self-interest.

In an attempt to counterbalance this, UNCLOS includes a supposed corrective—in truth, a sedative—for landlocked states. Under Article 69, landlocked states have the right to participate in exploiting the surplus of living resources in the EEZs of coastal states of the same subregion or region "on an equitable basis." However, this provision is riddled with qualifiers, rendering it virtually unenforceable, and it has remained a dead letter. It served as little more than a placebo during treaty negotiations. Article 71 explicitly states that the right does not apply if a coastal state's economy is "overwhelmingly dependent on the exploitation of the living resources of its exclusive economic zone."¹⁹ How such economic dependency is defined remains legally obscure. Moreover, access requires bilateral agreements, and under Article 61, the coastal state unilaterally determines its own allowable catch. If it claims the total allowable catch for its own fleet, nothing remains for landlocked nations to share.

Regarding islands, the UNCLOS regime also entails further problems and complications:

1. **Incentive against Decolonization:** When retaining sovereignty over a tiny island thousands of miles from the mainland secures vast maritime zones and resources,

states are extremely reluctant to decolonize. This is evident in the British Pitcairn Islands, the Falklands/Malvinas, and several French overseas territories.

2. **Pawns in Geopolitical Contests:** Small island states possessing immense maritime zones under UNCLOS can easily become pawns in great-power rivalry, as seen in U.S.–China competition in the South Pacific. The dilemma is even starker regarding UN-directed decolonization efforts for territories with a few dozen inhabitants, such as Pitcairn.²⁰
3. **Disputes over Natural Continental Shelves:** When an island belonging to one state sits on the natural, physical continental shelf of an opposite mainland state, bitter disputes may erupt, as demonstrated by the endless conflict between Greece and Türkiye over Kastellorizo.²¹
4. **Manufactured Claims:** Island-based maritime rights encourage states to fabricate historic claims where none may exist, escalating flashpoints such as the South China Sea.²²
5. **Geostrategic Military Outposts:** Islands may serve as military bastions far from the motherland (e.g., Diego Garcia in the Indian Ocean or the Falklands in the South Atlantic). This geostrategic value frequently leads states to refuse decolonization or draft agreements that hollow out nominal transfers of sovereignty from the outset (such as the May 20, 2025 agreement between the United Kingdom and Mauritius concerning the Chagos Archipelago).

The net outcome of these zoning regimes is that the commons belonging to all—what Bynkershoek called *nullum mare ab ullo possideri*—has shrunk drastically. On the initiative of Malta, vigorously supported by Elisabeth Mann Borgese, UNCLOS did incorporate the principle of the **"common heritage of mankind"** for the remaining international seabed, designated as **"The Area."** Here, all states theoretically share the right of exploitation, administered by the **International Seabed Authority (ISA)** in Kingston, Jamaica.

However, because states have so far failed to agree on exploitation and distribution regulations, the ISA has been unable to conduct effective substantive work. This void is currently being exploited by the United States: its president signed Executive Order 14285 on April 24, 2025, titled *"Unleashing America's Offshore Critical Minerals and Resources,"* unilaterally authorizing U.S. exploration and exploitation in the international Area despite vehement protests from the ISA Secretary-General.²³

The primary visionary behind the "common heritage" concept, former Maltese UN Ambassador Arvid Pardo—who explained and championed the idea in his landmark speech at the First Committee of the UN General Assembly on November 1,²⁴ 1967, after Maltese Prime Minister Borg Olivier had introduced it in the General Assembly on 6 October 1967—was bitterly disappointed by the final treaty. In a 1999 letter to Pardo's widow, UN Secretary-General Kofi Annan honored Pardo's tireless advocacy, noting that Pardo had opposed the 200-mile EEZ.²⁵ Upon the conclusion of negotiations in 1982, Pardo had famously summarized the compromise: *"All that's left of the 'common heritage of mankind' is a few fish and a little seaweed."*²⁶

Recapitulation of the historical sequence in the articulation of justificatory paradigms

Looking back at UNCLOS as the contemporary culmination of maritime legal history, the successive paradigms used by states to legitimize their maritime interests evolved in tandem with technological advancements. The overarching driver remains collective egoism within the power competition between states (E_2), supplemented in the 20th century by the collective egoism of humanity as a whole (E_3).

Pursuant to the principle that the land dominates the sea, the development can be categorized into **three distinct phases**:

1. **17th Century (Bynkershoek) – The Paradigm of Control Capability (*Ability to Control*)**: Military potential (artillery range from the shore) dictates the breadth of territorial waters (3 nautical miles—the "cannon-shot rule").
2. **20th Century (1958 Geneva Convention) – The Paradigm of Exploitative Capability (*Ability to Exploit*)**: Technological potential (the technical capacity to extract resources) creates the right to extract; no definitive outer boundaries exist beyond the 200-meter depth line, extending as far as technology allows.
3. **Late 20th Century (UNCLOS) – The Paradigm of *Entitlement***: Independent of physical geography, military power, or technological prowess, every coastal state is entitled to a 200-nautical-mile Exclusive Economic Zone (EEZ). If the physical continental shelf extends beyond 200 miles, coastal states have sovereign rights for the purpose of exploiting the resources of the seabed and subsoil up to a distance of 350 nautical miles from the coastline—or 100 nautical miles from the 2,500-meter isobath (Article 76). However, only through the unconditional statutory entitlement set out in the EEZ provision was the political compromise behind the adoption of UNCLOS achievable.²⁷ Codifying zones under the paradigm of entitlement also aligned with demands of the era for a New International Economic Order (NIEO),²⁸ providing tangible advantages to many nations of the Global South.²⁹

(III)

Paradigm Shift from "Common Heritage" to "Common Responsibility"? Overcoming Collective Egoism?

The concept of the "common heritage of mankind" in the Law of the Sea Convention falls squarely into my initial category **E_3: the collective egoism of humanity as a species**, superseding the group egoisms of individual states. The convention centers on collective exploitation, giving short shrift to environmental preservation for future generations. In that sense, UNCLOS did not truly transcend collective egoism.

Nonetheless, a nascent paradigm shift toward **common responsibility** can be seen in the **BBNJ Agreement** (*Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction*), adopted under the framework of UNCLOS and entered into force on January 17, 2026.³⁰

What the international community has thus far avoided, however, is a paradigm shift away from group egoism as the unspoken operating principle. This would require an explicit commitment to the "**common good of humanity**," which alone could balance the rights of future generations with ecological stewardship. This would mean pursuing an ethical, rather than purely utilitarian, objective.

Given the present chaotic state of international law, where major powers increasingly act unilaterally with open contempt for universally binding norms, such a shift remains a distant hope. President Trump's earlier-mentioned Executive Order 14285 of April 24, 2025—grandiosely titled "*Unleashing America's Offshore Critical Minerals and Resources*"—asserting unilateral extraction rights in the international Area despite ISA condemnation, exemplifies the imperial arrogance of a superpower that recognizes no law superior to its own collective interest.³¹ Similarly, aggressive declarations regarding Greenland, the Panama Canal, and the Strait of Hormuz demonstrate how international law based on the sovereign equality of states is hollowed out by great-power group egoism (E_2).

Under these conditions, crises like the conflict over the **Strait of Hormuz** are addressed purely through power politics rather than judicial arbitration. The military campaign waged by the United States against Iran—an act of aggression initiated by the targeted killing of the country's leadership (euphemistically termed "elimination" by Western media)—provoked non-signatory Iran to challenge customary UNCLOS provisions governing straits,³² with severe repercussions for global trade and maritime order.

As has become obvious, these provisions can very quickly become a dead letter when a state whose survival is threatened resorts to controlling an international choke point under the rubric of **self-defense (Article 51 of the UN Charter)**.³⁴ Crucially, the Iranian action was preceded by the blatant violation of the UN Charter's prohibition of the use of force by two actors who themselves subordinated law to power.

Furthermore, the current dispute centers heavily on the interpretation of Article 5 of the **Memorandum of Understanding (MOU) signed between Iran and the United States on June 19, 2026**, which tasked Iran with taking immediate steps to ensure the resumption of commercial shipping through the Strait of Hormuz to pre-war levels within 30 days.³³ Because the United States interprets Iran's resulting jurisdictional role differently than Tehran does, the conflict persists as a military tit-for-tat.

The resulting dilemma between law and might cannot be resolved within the law of the sea alone. The UN Charter itself foundered on this very contradiction.³⁵ The Hormuz conflict exposes how easily treaty provisions reflecting customary international law (such as the right of innocent passage) are abandoned when strategic considerations dictate double standards. The United States, a non-party to UNCLOS, insists on innocent passage as customary law while denying that very right to Iran. Iran, though a non-party, had largely respected that right until the outbreak of war, changing its posture solely due to the existential threat created by military aggression.

Thus, the law of the sea illustrates how international law may quickly yield to power politics whenever group egoism (E_2) prevails over the "collective egoism" (E_3) of the community of nations (*"Gattungsegoismus"*), and national interests are pursued without regard for international responsibility.

Appendix:

Notes and References

1. See Hans Köchler (ed.), *Maritime Order in the Global Era: National Interest vs. Common Good of Humanity – Selected speeches and papers from an international roundtable consultation in Malta – In memory of Elisabeth Mann Borgese and Arvid Pardo*. Studies in International Relations, XLI. Vienna: International Progress Organization, 2026, Chapter I: "Origins and Foundations of Ocean Governance." See especially: Bardo Fassbender, "Elisabeth Mann Borgese and the Constitutionalization of the Law of the Sea," pp. 27ff, and Awni Behnam, "Whither UNCLOS?," pp. 3ff.
2. Hans Köchler, *Kastellorizo: The Geopolitics of Maritime Boundaries and the Dysfunctionality of the Law of the Sea*. Studies in International Relations, XXXV. Vienna: International Progress Organization, 2020.
3. *Mare liberum sive de iure quod Batavis competit ad Indicana commercia dissertatio*. Lugduni Batavorum [Leiden]: Ex officina Ludovici Elzevirii, 1609 ("The Free Sea, or A Dissertation Concerning the Right Which Pertaineth to the Dutch in the East Indian Trade").
4. According to Plutarch's Greek text in *Parallel Lives* (c. 100–120 AD): "Πλεῖν ἀνάγκη, ζῆν οὐκ ἀνάγκη." (*Lives – Pompey*, par. 50)
5. See John Selden's defense of the *mare clausum* doctrine: *Ioannis Seldeni vindiciae secundum integritatem existimationis suae, per convitium de scriptione Maris clausi, petulantissimum mendacissimumque, insolentius læsæ in Vindiciis Maris liberi adversus Petrum Baptistam Burgum*. London: Cornelius Bee, 1653. (English translation: Marchamont Nedham, *Of the Dominion, or, Ownership of the Sea*. London: William Dugard, 1652/1653).
6. Throughout this text, "miles" refers exclusively to nautical miles (1 nautical mile = approx 1.852 km).
7. In the contiguous zone (12 to 24 nautical miles), coastal states do not exercise full sovereignty, but specific control rights regarding customs, fiscal, immigration, and sanitary regulations.
8. *De dominio maris dissertatio: Opera minora, olim separatim, nunc conjunctim edita*. Editio secunda. Lugduni Batavorum [Leiden]: Joannes van Kerckheim, 1744.
9. *Op. cit.*, p. 363. ("Hence we do not concede ownership of a maritime belt any farther out than it can be ruled from the land ...") (H.K.)
10. *Op. cit.*, p. 364. ("... for the rest, I should have to say in general terms that the control from the land ends where the power of men's weapons ends.") (H.K.)
11. *Op. cit.*, p. 401.
12. For details, see Köchler, *Kastellorizo: The Geopolitics of Maritime Boundaries and the Dysfunctionality of the Law of the Sea*.
13. Harry S. Truman, Presidential Proclamation No. 2667, September 28, 1945: *Policy of the United States with Respect to the Natural Resources of the Subsoil and Sea Bed of the Continental Shelf* ("Proclamation on the Continental Shelf").

14. Adopted during UNCLOS I; entered into force June 10, 1964.
15. UNCLOS I: Feb 24 – Apr 27, 1958; UNCLOS II: Mar 17 – Jun 24, 1960; UNCLOS III: Dec 3, 1973 – Dec 10, 1982; not to be confused with the 1982 Convention (entered into force in 1994), which shares the same acronym.
16. See Köchler, *Global Justice or Global Revenge? International Criminal Justice at the Crossroads*. Vienna/New York: Springer, 2003, Chapter 1(5)(e)(dd), pp. 232ff.
17. For opposing coasts less than 400 nautical miles apart, delimitation is drawn along the median line unless otherwise agreed.
18. See Stefan Talmon, "Islands as a Cause and Subject of International Conflict," in: Köchler (ed.), *Maritime Order in the Global Era*, pp. 93ff.
19. UNCLOS, Article 71.
20. See the recent UN Resolution: Special Committee on Decolonization: *Question of Pitcairn*, Doc. A/AC.109/2026/L.18, June 17, 2026.
21. See Köchler, *Kastellorizo*, 2020.
22. Permanent Court of Arbitration: *South China Sea Arbitration (Philippines v. China)*, PCA Case No. 2013-19, Award on the Merits (July 12, 2016), 55 I.L.M. 805 (2016). See also the lecture organized by the Hans Köchler Political and Philosophical Society at the University of the Philippines College of Law, July 17, 2012: *The Philippine Security Interests in Panatag Shoal*.
23. *Statement by Ms. Leticia Reis de Carvalho, Secretary-General of the International Seabed Authority*, 30 April 2025.
24. Address to the UN General Assembly, October 6, 1967.
25. See also the statements honoring Arvid Pardo at the closing session of UNCLOS III in Montego Bay (December 6–10, 1982): *Third UN Conference on the Law of the Sea Official Records*, Vol. XVII, A/CONF.62(01)R3.
26. Quoted in Jean Buttigieg, "Arvid Pardo – a diplomat with a mission," *Symposia Melitensia*, No. 12 (2016), p. 27. See also Pardo, "The Convention on the Law of the Sea: A Preliminary Appraisal," *San Diego Law Review*, Vol. 20, No. 3 (1983), pp. 489–503.
27. Adopted by 130 votes to 4 against (Israel, Türkiye, United States, Venezuela), with 17 abstentions.
28. See Köchler (ed.), *The New International Economic Order: Philosophical and Socio-cultural Implications*. Guildford: Guildford Educational Press, 1980.
29. Awni Behnam, "Whither UNCLOS?", in: *Maritime Order in the Global Era*, pp. 6, 12, 22.
30. Adopted on June 19, 2023; entered into force on January 17, 2026.
31. Note the grandiose phrasing: "Unleashing America's offshore critical minerals"—as if international seabed resources belonged to America alone!
32. UNCLOS Part II, Section 3: "Innocent passage in the territorial sea."
33. Article 5: "Upon signing this Memorandum, the Islamic Republic of Iran will immediately take steps to ensure that the movement of merchant ships from the Persian Gulf to the Sea of Oman and vice versa is resumed within 30 days to the pre-war volume ..."

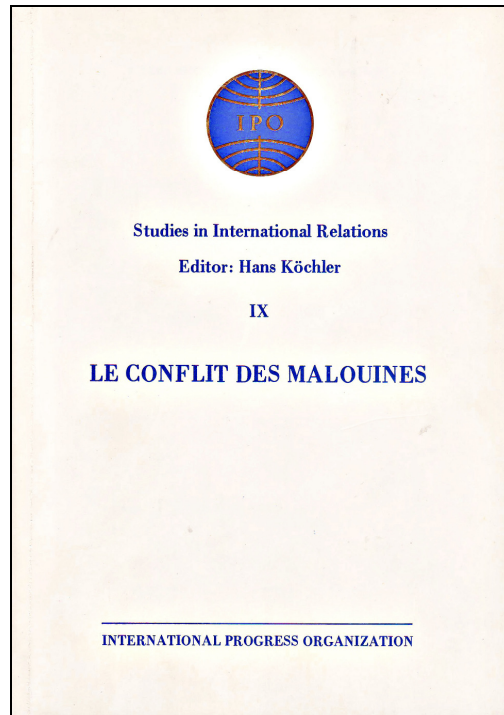
34. Editorial Note, October 12, 2026: Statement by Major General Mohsen Rezaei, Secretary of the Supreme National Security Council of Iran: *"From now on (...) we will maintain control over the management of the Strait of Hormuz. It will remain under our management to ensure peace and security in the region. We will not back down on this issue."* (Press TV, Tehran, October 12, 2026).
35. See Köchler, "The Dual Face of Sovereignty: Contradictions of Coercion in International Law," *The Global Community – Yearbook of International Law and Jurisprudence 2019*, Oxford University Press, 2020, pp. 875–885.

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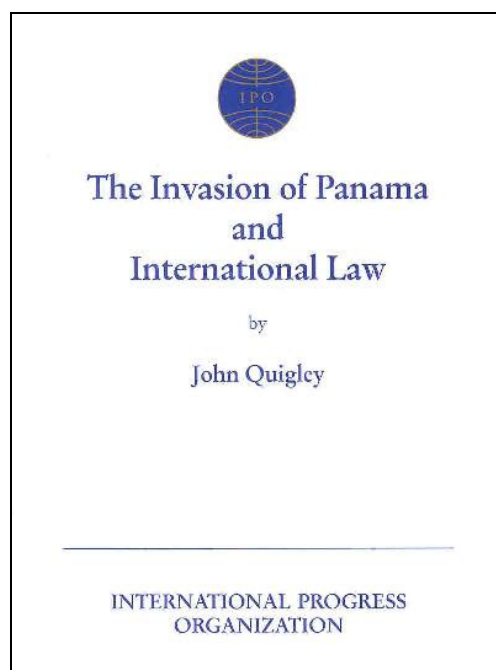
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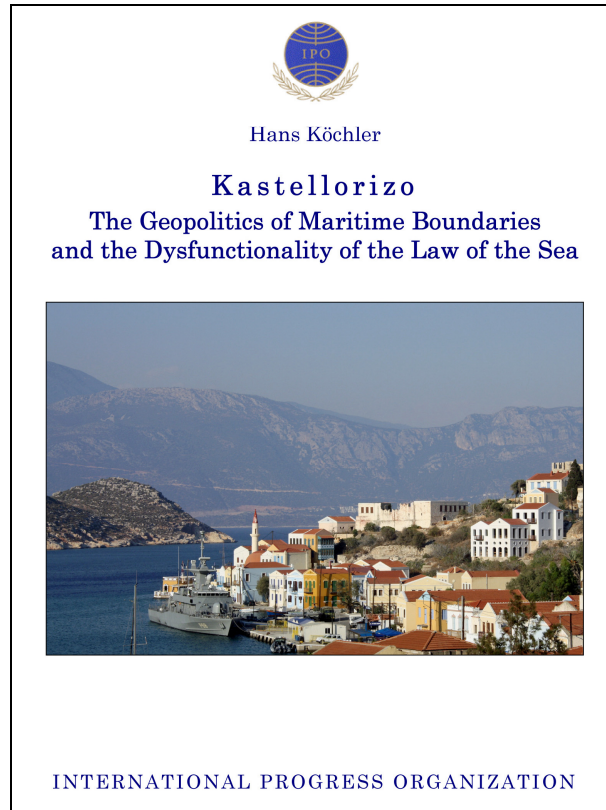


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