

## THE FACT IS: SOME CONTENTIOUS ISSUES STILL DO MATTER<sup>1</sup>

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The United Nations Convention on the Law of the Sea (hereafter: LOSC) entered into force in 1994. It was the culmination of a long process of codification of various maritime issues into a single package legally binding instrument. It has been ratified by 158 States and the European Union. This proves, arguably, the acceptance of the international community to the said convention.

However, the ratification of the LOSC does not necessarily guarantee the parties will share the same view on the implementation of the convention. In practice, it is not unusual the parties entered a long process of negotiation, which sometimes lead to a dispute, among themselves, in order to implement one or more provisions of the convention.

In the technical level, several issues still dictate. The definition of straight baselines and the role of base points in maritime boundary delimitation still raise questions to many States. Furthermore, apart from some debatable technical terms, the requirements stipulated in the article 76 had force many States, especially those which lack of technology and funding resources, to pull out all of their resources just in order to do a desktop study and field survey just to prepare a submission.

In the context of maritime domain management, LOSC also still brings up some issues to be solved in the implementation stages. For example, how States which already claimed archipelagic status but have no capability to fulfill provisions on archipelagic baselines treat and manage the waters surrounding their islands. This, of course, raises question to other States to deal with such waters.

Furthermore, managing resources in certain maritime zone also takes part in the list of complexities in implementing the LOSC, such as, how to treat the sedentary species on the continental shelf and preventing illegal fishing.

This paper will briefly discuss several contentious issues in the LOSC which prove that “questions in implementation” still does matter and is another chapter to be solved in the future-record of the convention.

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