

Legal regulation of islands and artificial islands from perspective of international maritime law

Abstract

This master thesis deals with the historical development of the natural and artificial islands and their anchoring in the current legislation. Other parts of the work are devoted to the typological division of artificial islands according to their possible use and outlining the possibilities of states to build artificial islands in marine zones.

Since the adoption of the Convention on the Law of the Sea in 1982, there has been no significant codification or international conference on the subject. The only substantial dispute in the last decade over artificial island issues has been arbitration in the South China Sea dispute.

The first part of the diploma thesis illustrates the historical development of the legal regulation of the law of the sea from the 15th century to the present. In the 20th century, attention was paid mainly to prevailing opinions and proposals concerning the legal definition of artificial and natural islands. The most important conferences of the 20th century on the topic of islands were the Hague Conference in 1930, the First Conference on the Law of the Sea in 1958 and the Third Conference on the Law of the Sea in 1982.

The second part focuses on the legal regulation of individual marine zones. This issue is key to understanding the law of the sea in general and specific legal terms such as islands, rocks, low tide elevations, and other marine formations. In areas that are far from the coast, coastal states have less power than in areas adjacent to the coast. Marine zones also play a role in the possibility of building artificial islands.

The third part describes the criteria set out in the Convention on the Law of the Sea for natural islands and, for the absence of a definition, also serves as a negative definition of artificial islands. It is primarily a matter of creating the area naturally without human intervention. Furthermore, the island must be above water at high tide and must be surrounded by water.

The last part is tries to formulate a description of the phenomenon of artificial islands. The artificial islands can be divided into several functional categories. The literature does not pay much attention to the topic of artificial islands. Therefore, according to Greek Professor Papadakis, the most comprehensive categorisation available was published in 1977, five years before the adoption of the most important document on the law of the sea of the current

Convention on the Law of the Sea. Penultimate subchapter is devoted to the possibility of building artificial islands in marine zones.

Population growth and climate change may lead to more pressure on the construction of artificial islands in the coming decades. Appropriate legislation can reduce the number of future legal disputes and resolve existing ones, such as between Greece and Turkey, concerning the small island of Kastelorizo near the Turkish coast. These situations may also indirectly affect the Czech Republic, as disputes may escalate to the level of European or global conflicts.

Key words:

law of the sea

natural islands

artificial islands