

International Law Of The Sea

The United Nations Convention on the Law of the Sea (UNCLOS) now has nearly 170 States parties and is still attracting new ones. Often described as the "Constitution of the Sea," it sets the legal framework for all matters concerning the world's oceans. This book provides original thinking on a broad range of issues relating to maritime delimitation, including: exploiting the outer continental shelf; emerging international energy issues at sea; the relationship between climate change and law of the sea; protecting human security and the marine environment; China's approach to UNCLOS; and the settlement of disputes for States and the European Union. The book analyzes the fundamental nature of UNCLOS and concludes that it may now be characterized as a "living treaty" due to its capacity to adapt to new realities. It goes on to assess just how alive UNCLOS is, in the sense of its quality of life or vitality, and how well-equipped it is to meet the challenges of the future. The contributors are leading specialists in the law of the sea. They include scholars of international law and geology, legal practitioners, government practitioners, and a former ITLOS judge. This book will be an important asset for all readers interested in contemporary developments in the law of the sea. *** (from the Foreword) "The papers in this volume [are] prepared by a very distinguished group of the most expert, and most perceptive, commentators on the contemporary law of the sea ...The insight that each of them brings to the peculiar strengths and weaknesses of UNCLOS as an expression of, and vehicle for, international co-operation and co-ordination makes this a volume of exceptional interest and importance." --Professor Vaughan Lowe QC [Subject: Maritime Law, Law of the Sea]

The UN Convention on the Law of the Sea (UNCLOS) entered into force in November 1994. This insightful book offers in-depth appraisals of the contributions of jurisprudence to this major achievement of international law, tracing the impact that courts and tribunals have had on the development and clarification of various provisions of UNCLOS over the past quarter-century.

Gender and the Law of the Sea successfully establishes the relevance of gender at sea and posits that feminist perspectives can help develop a more inclusive law for the oceans.

The international law of the sea is the oldest branch in traditional international law but also a fast developing branch in contemporary international law. After the entry into force of the UN Convention on the Law of the Sea in 1994, there have been considerable developments in the field of the law of the sea. Some provisions of the Convention proved to be inadequate, ambiguous or difficult for an effective implementation. This book attempts to reflect the latest developments in the law of the sea, including maritime dispute settlement, maritime boundary delimitation, non-traditional maritime security issues, and the impact of maritime powers such as the United States on the development of the law of the sea. While the book takes a holistic approach, it has made a special reference to East Asia, the most vibrant region in economic development and the most volatile place in maritime disputes in today's world.

Dependent Archipelagos in the Law of the Sea

Twenty Years of Development Under the UNCLOS Regime

Help or Hindrance?

United Nations Convention on the Law of the Sea

United Nations Convention on the Law of the Sea 1982, Volume VII

Law of the Sea in South East Asia

Media interest in the fates of people at sea has heightened across the last decade. The attacks and the hostage taking of victims by Somali pirates, and the treatment of migrants and asylum seekers in the Mediterranean, ask pressing questions, as does the sinking of the Costa Concordia off the Italian island of Giglio which, one hundred years after the Titanic capsized, reminded the world that, despite modern navigation systems and technology, shipping is still fallible. Do pirates have human rights? Can migrants at sea be turned back to the State from which they have sailed? How can the crews of vessels be protected against inhuman and degrading working and living conditions? And are States liable under international human rights treaties for arresting drug traffickers on the high seas? The first text to comprehensively compare the legal rights of different people at sea, Irini Papanicolopulu's timely text argues that there is an overarching duty of the state to protect people at sea and adopt all necessary acts with a view towards ensuring enjoyment of their rights. Rather than being in doubt, she reveals that the emerging law in this area is watertight.

This is the seventh and final volume of the most authoritative reference on the Third United Nations Convention on the Law of the Sea (UNCLOS III, 1973-1982). The volume provides the original text of the 1982 convention as fully integrated with the provisions of the 1994 Agreement on the Implementation of XI, in addition to an extensive subject index to Volumes I through VI of the series.

Taking the North-East Atlantic Ocean as an example of regional practice, this book addresses the dual approach to ocean governance in international law. It examines the interaction between zonal and integrated management approaches and the conservation of marine living resources and marine biological diversity. The study examines the limitations of the traditional zonal approach and suggests new possibilities for conformity between sovereign states, international law and sustainable development.

The law of the sea is an important area of international law which must be able to adapt to the changing needs of the international community. Making the Law of the Sea examines how various international organizations have contributed to the development of this law and what kinds of instruments and law-making techniques have been used. Each chapter considers a different international institution - including the International Maritime Organization and the United Nations - and analyses its functions and powers. Important questions are posed about the law-making process, including what actors are involved and what procedures are followed. Potential problems for the development of the law of the sea are considered and solutions are proposed. In particular, James Harrison explores and evaluates the current methods employed by international institutions to coordinate their law-making activities in order to overcome fragmentation of the law-making process.

The Oxford Handbook of United Nations Treaties

Post-UNCLOS Developments in the Law of the Sea

Issues and Prospects

Making the Law of the Sea

International Law Relating to Islands

Freedom of Navigation and the Law of the Sea

There has been a recent increase in clashes between warships asserting rights to navigate and states asserting sovereignty over coastal waters. This book argues for a set of rules which respect the rights of coastal states to protect their sovereignty and of warships to navigate lawfully, whilst also outlining the limits of each. The book addresses the issue of the clash between warships and states by considering the general principles applying to use of force in the law of the sea and the law of national self-defence. It focuses on the right of coastal states to use force to prevent passage of warships which threaten their sovereignty, with particular reference to the specific maritime zones, as well as by warships to ensure passage or to defend themselves. The book also assesses the extent to which the law of armed conflict may be applicable to these issues. The conclusion draws together a set of rules which take account of both contemporary and historical events and seeks to balance the competing interests at stake. Providing a concise overview of the enduring issue of freedom of navigation, this book will appeal to anyone studying international law, the law of the sea, security studies and international relations. It will also be of interest to naval, coast guard and military officers as well as government legal advisors.

Written by an incumbent Judge of the International Tribunal for the Law of the Sea, this book provides a unique insight into the development and functioning of ITLOS.

South China Sea Disputes And Law Of The Sea explores in great detail the application of specific provisions of UNCLOS and how the framework of international law applies to the South China Sea. Offering a comprehensive analysis of the individual

This book reviews the practice of shared responsibility in multiple issue areas of international law, to assess its application and development.

The European Community and Marine Environmental Protection in the International Law of the Sea

The Practice of Shared Responsibility in International Law

Reflections on the Making of the Modern Law of the Sea

Interpretations of the United Nations Convention on the Law of the Sea by International Courts and Tribunals

The Evolution of Ocean Governance

Human Rights Norms in 'Other' International Courts

Examines the role and impact of human rights norms in international courts other than human rights courts

This new edition has been fully revised to include up-to-date coverage of essential issues of the international law of the sea.

Covering a number of new and important issues, such as the headline debate of migrant movement across the seas, and the

definition of islands in light of the South China Sea Arbitration, it also includes chapters on conservation of marine living resources and biological diversity, protection of the marine environment, and international peace and security at sea, as well as building further on such topics as the impact of climate change on the oceans. A precise and readable book, with many figures and tables, *The International Law of the Sea* continues to be the best choice for students wanting to understand the law of the sea.

The United Nations is a vital part of the international order. Yet this book argues that the greatest contribution of the UN is not what it has achieved (improvements in health and economic development, for example) or avoided (global war, say, or the use of weapons of mass destruction). It is, instead, the process through which the UN has transformed the structure of international law to expand the range and depth of subjects covered by treaties. This handbook offers the first sustained analysis of the UN as a forum in which and an institution through which treaties are negotiated and implemented. Chapters are written by authors from different fields, including academics and practitioners; lawyers and specialists from other social sciences (international relations, history, and science); professionals with an established reputation in the field; younger researchers and diplomats involved in the negotiation of multilateral treaties; and scholars with a broader view on the issues involved. The volume thus provides unique insights into UN treaty-making. Through the thematic and technical parts, it also offers a lens through which to view challenges lying ahead and the possibilities and limitations of this understudied aspect of international law and relations.

"Since the conclusion of World War II, the legacy of militarism and colonialism in areas of Asia has left many unresolved conflicts, dividing parts of the region. This legacy has also contributed to the discourse of contemporary legal issues in the region, including territorial disputes, human rights, the environment, state responsibility, and international trade among others. This volume addresses salient international legal issues that flowed from the legacy of the region's historical experience with colonialism. The book specifically addresses topics including territorial boundary disputes, the law of the sea and maritime delimitation, international law and colonialism, responsibility to protect and international dispute resolution. This volume provides perspectives on these issues from prominent Asian legal scholars who analyze and discuss various ways in which international law and the international legal process can aid the resolution of these issues relevant to the region"--

Implementing Global Obligations at the Regional Level

Gender and the Law of the Sea

UNCLOS as a Living Treaty

Law and Practice

Jurisdiction over Ships

The Development of the Law of the Sea Convention

Global Commons and the Law of the Sea respectively addresses the principle of the common heritage of mankind (CHM), freedoms of high seas, deep sea mining and international seabed, area beyond national jurisdiction (ABNJ) governance, management of geoengineering and generic resources, and recent developments in the polar regions.

The United Nations Convention on the Law of the Sea (LOSC) represents one of the most successful examples of multilateral treaty making in the modern era. The convention has 168 States parties, and most non-signatory States recognise nearly all of its key provisions as binding under customary international law, including the United States. Nevertheless, there remain significant differences in interpretation and implementation of the LOSC among States as well as calls, on occasion, for its amendment. This book analyses the impact, influence and ongoing role of the LOSC in South East Asia, one of the most dynamic maritime regions in the world. Maritime security is a critical issue within the region, and it is separately assessed in light of the LOSC and contemporary challenges such as environmental security and climate change. Likewise, navigational rights and freedoms are a major issue and they are evaluated through the LOSC and regional state practice, especially in the South China Sea. Special attention is given to the role of navies and non-state actors. Furthermore, the book looks at regional resource disputes which have a long history. These disputes have the potential to increase into the future as economic interests and concerns over food security intensify. Effective LNG and fisheries resource management is therefore a critical issue for the region and unless resolved could become the focal point for significant maritime disputes. These dynamics within the region all require extensive exploration in order to gauge the effectiveness of LOSC dispute resolution mechanisms. The Law of the Sea in South East Asia fills a gap in the existing literature by bringing together a holistic picture of contemporary maritime issues affecting the region in a single volume. It will appeal to academic libraries, government officials, think-tanks and scholars from law, strategic studies and international relations disciplines.

This work examines the constitution, jurisdiction and procedure of the International Tribunal for the Law of the Sea on the basis of its Statute and Rules, as well as the Resolution on the Internal Judicial Practice and the Guidelines concerning the Preparation and Presentation of Cases. It gives a critical analysis of the role of the Tribunal in the settlement of law of the sea disputes. The articles were previously published in the "Indian Journal of" "International Law" and are revised, edited and updated for this edition. The contributors are sitting judges of the Tribunal and the book thus gives a perfect insider's view of the law and practice of the Tribunal.

Jurisdiction over Ships: Post-UNCLOS Developments in the Law of the Sea analyses international law developments in shipping since the adoption of the UN Convention on the Law of the Sea (UNCLOS) in 1982. It assesses the convention's continued authority in view of the most recent developments in state practice.

The Role of International Courts and Tribunals

New Knowledge and Changing Circumstances in the Law of the Sea

International Law and Ocean Use Management

Law of the Sea in East Asia

A Dual Approach to Ocean Governance

Warships, States and the Use of Force

Focusing on the functioning of the dispute settlement system under the 1982 UN Convention on the Law of the Sea since its entry into force, this monograph offers a comprehensive study of dispute resolution in the contemporary law of the sea. This textbook on the law of the sea sets the subject in the context of public international law. It comprehensively covers the principal topics of the course, from the legal regimes governing the different jurisdictional zones, to international co-operation for protection of the marine environment and marine living resources.

Baselines under the International Law of the Sea brings together two reports produced by the International Law Association (ILA) Committee on Baselines under the International Law of the Sea between 2008 - 2018: The Sophia Report (2012) and the Sydney Report (2018).

In Ocean Law and Policy: Twenty Years of Development under the UNCLOS Regime, experts from fourteen countries present nineteen papers that provide insightful analyses of these wide-ranging issues that form the emerging new context of UNCLOS as a keystone to a working regime system.

The Cases of Zonal and Integrated Management in International Law of the Sea

Global Commons and the Law of the Sea

Law of the Sea

Ocean Law and Policy

The South China Sea Disputes and Law of the Sea

The International Law of the Sea

This books offers a comprehensive and innovative picture of the Community's implementation of its international obligations in the field of the marine environment, looking at the participation of the EC and its member states in the United Nations Convention on the Law of the Sea and other relevant agreements.

Dependent Archipelagos in the Law of the Sea examines the archipelagic concept in international law of the sea with respect to dependent archipelagos, both coastal and outlying, and evaluates the contribution of state practice to solutions and developments. The law of the sea provides for the regulation, management and governance of the ocean spaces that cover over two-thirds of the Earth's surface. This book provides a contemporary explanation of the foundational principles of the law of the sea, a critical overview of the 1982 United Nations Convention on the Law of the Sea and an analysis of subsequent developments including the many bilateral, regional and global agreements that supplement the Convention. The second edition of this acclaimed text takes as its focus the rules and institutions established by the Convention on the Law of the Sea and places the achievements of the Convention in both historical and contemporary context. All of the main areas of the law of the sea are addressed including the foundations and

sources of the law, the nature and extent of the maritime zones, the delimitation of overlapping maritime boundaries, the place of archipelagic and other special states in the law of the sea, navigational rights and freedoms, military activities at sea, and marine resource and conservation issues such as fisheries, marine environmental protection and dispute settlement. As the Convention is now well over a quarter of a century old, the book takes stock of contemporary oceans issues that are not adequately addressed by the Convention. Overarching challenges facing the law of the sea are considered, including how new maritime security initiatives can be reconciled with traditional navigational rights and freedoms, and the need for stronger legal and policy responses to protect the global ocean environment from climate change and ocean acidification.

New Knowledge and Changing Circumstances in the Law of the Sea focuses on the challenges posed to the existing legal framework, in particular the United Nations Convention on the Law of the Sea, and the various ways in which States are addressing these challenges.

International Law of the Sea

Maritime Security and the Law of the Sea

The Search for a New Legal Order

The National Interest and the Law of the Sea

The Law of the Sea, Territorial Disputes and International Dispute Settlement

This monograph considers the application of general rules of international law to islands, as well as special rules focused on islands, notably Article 121 of the UN Convention on the Law of the Sea. Such rules have been applied in several landmark cases in recent years, including the International Court of Justice's judgments in *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, and arbitral awards in the *Chagos Marine Protected Area Arbitration (Mauritius v. United Kingdom)* and the *South China Sea Arbitration (Philippines v. China)*. Among other things, this monograph explores: the legal concepts of "islands", "rocks" and "low-tide elevations"; methods of securing sovereignty over and the maritime zones generated by islands; islands and historic titles, bays and rights; problems of delimitation in the presence of islands; legal issues arising from changes in islands over time (notably from climate change); and contemporary techniques for resolving disputes over islands.

"In this Council Special Report, Scott G. Borgerson explores an important element of the maritime policy regime: the United Nations Convention on the Law of the Sea. He examines the international negotiations that led to the convention, as well as the history of debates in the United States over whether to join it. He then analyzes the strategic importance of the oceans for U.S. foreign policy today. The report ultimately makes a strong case for the United States to accede to the Convention on the Law of the Sea, contending that doing so would benefit U.S. national security as well as America's economic and environmental interests. Among other things, the report argues, accession to the convention would secure rights for U.S. commercial and naval ships, boost the competitiveness of American firms in activities at sea, and increase

U.S. influence in important policy decisions, such as adjudications of national claims to potentially resource-rich sections of the continental shelf" -- foreword, vii.

Examining the international and contemporary issues in ocean use management, this book places current problems such as marine pollution, overfishing, and oil drilling in their proper historical context. Not since the publication of Hugo Grotius' The Freedom of the Seas in 1609 has the area of ocean law been explored so in-depth, while recent technological advances and population increases mean that the oceans are no longer so vast that individuals or nations can exploit them without consideration of their future uses. Overfishing, migrating fish stocks and fish wars, oil drilling, deep sea mining, and marine pollution, and other individual use issues are dealt with thoroughly. Throughout the book author Lawrence Juda promotes the necessity for international cooperation in optimizing ocean management. With emphasis placed on the United Nations Conference on the Law of the Sea and the resulting agreements, this book presents a uniquely broad view of ocean use crucial to law and policy makers, diplomats, and scholars.

Human activities have taken place in the world's oceans and seas for most of human history. With such a vast number of ways in which the oceans can be used for trade, exploited for natural resources and fishing, as well as concerns over maritime security, the legal systems regulating the rights and responsibilities of nations in their use of the world's oceans have long been a crucial part of international law. The United Nations Convention on the Law of the Sea comprehensively defined the parameters of the law of the sea in 1982, and since the Convention was concluded it has seen considerable development. This Oxford Handbook provides a comprehensive and original analysis of its current debates and controversies, both theoretical and practical. Written by over forty expert and interdisciplinary contributors, the Handbook sets out how the law of the sea has developed, and the challenges it is currently facing. The Handbook consists of forty chapters divided into six parts. First, it explains the origins and evolution of the law of the sea, with a particular focus upon the role of key publicists such as Hugo Grotius and John Selden, the gradual development of state practice, and the creation of the 1982 UN Convention. It then reviews the components which comprise the maritime domain, assessing their definition, assertion, and recognition. It also analyses the ways in which coastal states or the international community can assert control over areas of the sea, and the management and regulation of each of the maritime zones. This includes investigating the development of the mechanisms for maritime boundary delimitation, and the decisions of the International Tribunal for the Law of the Sea. The Handbook also discusses the actors and intuitions that impact on the law of the sea, considering their particular rights and interests, in particular those of state actors and the principle law of the sea institutions. Then it focuses on operational issues, investigating longstanding matters of resource management and the integrated oceans framework. This includes a discussion and assessment of the broad and increasingly influential integrated oceans management governance framework that interacts with the traditional law of the sea. It considers six distinctive regions that have been pivotal to the development of the law of the sea, before finally providing a detailed analysis of the critical contemporary issues facing the law of the sea. These include threatened species, climate change, bioprospecting, and piracy. The Handbook will be an invaluable and thought-provoking resource for scholars, students, and practitioners of the law of the sea.

commentary

A Study in the Development of International Law

Dispute Resolution in the Law of the Sea

The Oxford Handbook of International Law in Asia and the Pacific

Environmental, Navigational and Security Challenges

The Oxford Handbook of the Law of the Sea

This book addresses current developments concerning the interpretation of the United Nations Convention on the Law of the Sea (UNCLOS) on the part of international courts and tribunals. It does so from different perspectives, by focusing on the jurisprudence of international and regional bodies, such as the International Court of Justice (ICJ), the International Tribunal for the Law of the Sea (ITLOS), the European Court of Justice (ECJ) and the European Court of Human Rights (ECtHR), as well as international arbitral tribunals and the World Trade Organization (WTO) Dispute Settlement Body. The various contributions offer in-depth analyses of issues ranging from the interaction between the sources of the International Law of the Sea, to various substantial, procedural and institutional aspects of the regulatory framework established by UNCLOS. The book also focuses on the reference by international courts and tribunals, in Law of the Sea cases, to both general principles and rules concerning interpretation codified in the Vienna Conventions on the Law of Treaties.

Exploring everything from contemporary challenges to ocean security this book offers detailed insights into the increasing activities of state and non-state actors at sea. Chapters revisit the United Nations Convention on the Law of the Sea (LOSC), highlighting how not all maritime security threats can be addressed by this, and further looking at the ways in which the LOSC may even hinder maritime security.

Law of the Sea in East Asia selects the most prominent maritime legal issues that have emerged since the post-LOS Convention era for a detailed discussion and assessment. The current marine legal order in East Asia is based on the 1982 United Nations Convention on the Law of the Sea (LOS Convention) and accordingly coastal states in the region are obliged to cooperate amongst themselves to exercise their rights and perform their duties. Keyuan, a respected expert in the fields of international and Chinese law, explores issues concerning compliance with the law of the sea, territorial disputes and maritime boundary delimitation, fishery management, safety of navigation and maritime security, and neglected issues in the law of the sea. This is the first

book to examine maritime laws in East Asia, and as such will appeal to academics of law and Asian studies, lawyers and policy makers.

This title provides an overview of the international law of the sea.

International Law Of The Sea In The Twenty-first Century, The: State Practice In East Asia

The International Tribunal for the Law of the Sea

International Law and the Protection of People at Sea

Baselines under the International Law of the Sea

Asian Approaches to International Law and the Legacy of Colonialism

A Commentary

The growing economic and political significance of Asia has exposed a tension in the modern international order. Despite expanding power and influence, Asian states have played a minimal role in creating the norms and institutions of international law; today they are the least likely to be parties to international agreements or to be represented in international organizations. That is changing. There is widespread scholarly and practitioner interest in international law at present in the Asia-Pacific region, as well as developments in the practice of states. The change has been driven by threats as well as opportunities. Transnational issues such as climate change and occasional flashpoints like the territorial disputes of the South China and the East China Seas pose challenges while economic integration and the proliferation of specialized branches of law and dispute settlement mechanisms have also encouraged greater domestic implementation of international norms across Asia. These evolutions join the long-standing interest in parts of Asia (notably South Asia) in post-colonial theory and the history of international law. The Oxford Handbook of International Law in Asia and the Pacific brings together pre-eminent and emerging specialists to analyse the approach to and influence of key states of the region, as well as whether truly 'Asian' trends can be identified and what this might mean for international order.

Reports of the International Law Association Committee on Baselines under the International Law of the Sea