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Rights From The Sea

Clive R. Symmons



Rights From The Sea:

Freedom of Seas, Passage Rights and the 1982 Law of the Sea Convention Myron H. Nordquist, Tommy Koh, John Norton Moore, 2009-02-28 Freedom of the seas and passage rights is a highly topical subject for the international community that cuts across a broad spectrum of scholarly disciplines and maritime operations The contents of the book include in depth analysis of current international and regional approaches to freedom of navigation transit passage through straits used for international navigation archipelagic sea lanes passage scientific research and hydrographic surveys in the Exclusive Economic Zone EEZ military surveys in the EEZ as well as vessel source pollution and protection of the marine environment Many of the chapters describe measures in place at multilateral and regional levels to improve information sharing and operational coordination This collection will especially appeal to those concerned with freedom of the seas and passage rights The CD accompanying the volume includes important documents such as the UN Convention on the Law of the Sea as well many PowerPoint presentations delivered at the conference It also includes a draft index to the multi volume series United Nations Convention on the Law of the Sea 1982 A Commentary This book contains the edited papers and associated documents from the 32nd annual Virginia conference held in Singapore January 9 10 2008 Presentations were delivered by government officials senior naval and coast guard commanders as well as by leading jurists and academics with impressive expertise in the law of the sea *To Protect Rights of United States Vessels on High Seas* United States. Congress. House. Committee on Merchant Marine and Fisheries, 1954 **Historic Waters and Historic Rights in the Law of the Sea** Clive R. Symmons, 2019-03-27 The issue of historic rights and historic waters has long been a problematic area in the law of the sea where even basic definitions have been vague and interchangeably used in the past The first edition of this book was entitled *Historic Waters in the Law of the Sea A Modern Re Appraisal* and concentrated as the title implies on the doctrine of historic waters The title of this expanded new edition has been broadened to take account of the important clarifications as to the doctrine of historic maritime claims generally particularly historic rights in the narrow sense which fall short of sovereignty claims These latter rights such as they now are are discussed in depth in the new text This development has come about of course because of the Award of the Arbitral Tribunal in Philippines v China in 2016 This decision has for the first time in a judicial setting rationalised the terminology in this area of the law of the sea and most importantly has clarified the close interaction of historic rights with the Law of the Sea Convention This new edition discusses the latter issue passim showing that much of the former customary law doctrine has now been overridden by the Convention **Aboriginal Customary Law: A Source of Common Law Title to Land** Ulla Secher, 2014-12-01 Described as ground breaking in Kent McNeil s Foreword this book develops an alternative approach to conventional Aboriginal title doctrine It explains that aboriginal customary law can be a source of common law title to land in former British colonies whether they were acquired by settlement or by conquest or cession from another colonising power The doctrine of Common Law Aboriginal Customary

Title provides a coherent approach to the source content proof and protection of Aboriginal land rights which overcomes problems arising from the law as currently understood and leads to more just results The doctrine s applicability in Australia Canada and South Africa is specifically demonstrated While the jurisprudential underpinnings for the doctrine are consistent with fundamental common law principles the author explains that the Australian High Court s decision in Mabo provides a broader basis for the doctrine a broader basis which is consistent with a re evaluation of case law from former British colonies in Africa as well as from the United States New Zealand and Canada In this context the book proffers a reconceptualisation of the Crown s title to land in former colonies and a reassessment of conventional doctrines including the doctrine of tenure and the doctrine of continuity With rare exceptions the existing literature does not probe as deeply or question fundamental assumptions as thoroughly as Dr Secher does in her research She goes to the root of the conceptual problems around the legal nature of Indigenous land rights and their vulnerability to extinguishment in the former colonial empire of the Crown This book is a formidable contribution that I expect will be influential in shifting legal thinking on Indigenous land rights in progressive new directions From the Foreword by Professor Kent McNeil to read the Foreword please click on the sample chapter link

Navigational Rights and Freedoms and the New Law of the Sea Donald R. Rothwell, Sam Bateman, 2021-10-18 Navigational rights and freedoms have been central to the development of the law of the sea since the original debates over whether the seas were open or closed to maritime traffic The 1982 UN Convention on the Law of the Sea recognises the legitimate rights of coastal states to proclaim sovereignty and assert jurisdiction over vast areas of maritime space In return maritime states are given a range of navigational rights over waters ranging from the territorial sea through to the high sea The new regime of the law of the sea created by the Convention presents an opportunity to review developments in the law of navigational rights and freedoms This book assesses the navigational regime established by the 1982 Convention with emphasis given to the continuing importance of the freedom of the seas Navigation in the territorial sea and international straits is reviewed especially in the Straits of Malacca and Singapore and the Torres Strait Archipelagic navigation from the perspective of two claimant states Indonesia and the Philippines and a user state South Korea is also considered The interaction of environmental concerns with navigational rights is an important feature of the current law of the sea regime with relevant conventions assessed and the role of the International Maritime Organization in developing navigational standards considered Both European and Canadian practice in the protection of sensitive marine environments and the impact upon navigational rights is also considered Finally the roles of the International Tribunal for the Law of the Sea and the International Maritime Organization in dispute resolution are reviewed before a concluding consideration of the future for navigational rights and freedoms in the twenty first century

Border Deaths at Sea under the Right to Life in the European Convention on Human Rights Lisa-Marie Komp, 2022-11-17 This book focuses on border deaths at sea It unravels how the interplay of the law of the sea and rules on jurisdiction widen

the opportunity for states to make and enforce rules outside their territory and questions whether this is also accompanied with an obligation to respect the right to life under the European Convention on Human Rights ECHR when doing so By embarking upon the challenge of analysing a cross border phenomenon in which direct encounters between state agents and the victims are few through the lens of legal obligations the book unearths avenues for arguing that the ECHR is applicable to border deaths on the high seas and showcases the Court s creativity in bridging the gap between the Convention and people in need of protection Furthermore it demonstrates that the ECHR is applicable to border deaths occurring within the territorial seas of states It discusses the right to life as well as the specific obligations of states in respect to border deaths at sea and demonstrates that in many instances EU policies fall short of the standards set under the right to life This book will be of key interest to scholars students and practitioners in migrant rights international human rights law public international law including refugee and migration law maritime law and security studies

Legal Language and the Sea Mary C. Lavissière,Audrey Cartron,Laurent Gautier,2025-08-04 While maritime law and law of the sea are highly researched domains of law there are few studies about the language associated with these fields In a global society that is increasingly impacted by environmental health social humanitarian and political crises that partly unfold on the sea this volume unites legal scholars and linguists who work on the language of these fields The book includes chapters that focus on macro levels of linguistic analyses e g discourse and genre analysis and micro levels e g terminology as well as translation Several languages for maritime legal purposes are studied including English French and Chinese

The Law of the Sea Nele Matz-Lück,Øystein Jensen,Elise Johansen,2022-09-19 The United Nations Convention on the Law of the Sea follows a comprehensive approach and can be interpreted dynamically to include the regulation of all potential human uses of the ocean but the law of the sea cannot be viewed in isolation from other fields of international law International law does not resemble a hierarchically structured legal system its different parts interact when different rules address the same activity or situation The academic discussion concerning the specialization and proliferation of international legal rules and dispute settlement bodies has theoretical as well as practical relevance for the law of the sea and its interaction with other parts of international law The intensified use of the oceans for different purposes and the ongoing proliferation of international rules addressing different activities from different perspectives and with distinct foci require a more thorough evaluation of how the law of the sea relates to other fields of international law how the normative context can be approached theoretically and if interdisciplinary interfaces can be adequately addressed This book discusses the normative context of the law of the sea and the interactions of the law of the sea with other legal regimes By connecting high quality research with new ideas and perspectives this book offers expertise from different fields and perspectives in which the interaction between the law of the sea and other fields of international law becomes particularly relevant

International Law and the Protection of People at Sea Irini Papanicolopulu,2018 From the actions of Somali pirates to the fate of asylum seekers in the

Mediterranean the rights of those at sea is of vital importance The first book to comprehensively analyse the legal status of seafarers and sea travellers Papanicolopulu s timely text provides a compelling argument for the responsibility of the state to protect those at sea *International Organizations and the Law of the Sea* Netherlands Institute for the Law of the Sea,1989-05-01 Now in its 18th year the NILOS Documentary Yearbook provides the reader with an excellent collection of documents related to ocean affairs and the law of the sea issued each year by organizations organs and bodies of the United Nations system Documents of the UN General Assembly and Security Council Meeting of States Parties to the UN Law of the Sea Convention CLCS ISBA ITLOS Follow ups to the UN Fish Stocks and Small Island States Conferences WSSD ECOSOC UNEP and UNCTAD are reproduced first followed by the documents of FAO IAEA IMO and UNESCO IOC As in the previous volumes documents which were issued in the course of 2002 are reproduced while other relevant documents are listed The NILOS Documentary Yearbook has proved to be of invaluable assistance in facilitating access of the international community of scholars and practitioners in ocean affairs and the law of the sea to essential documentation The entry of the 1982 UN Law of the Sea Convention into force in 1994 and of the Part XI Agreement in 1996 as well as of the UN Fish Stocks Agreement in 2001 coupled with the ongoing follow up to review of the UNCED Agenda 21 by the 2002 Johannesburg World Summit make continuation of this assistance of particular significance in the years to come The members of the Yearbook s Advisory Board are Judges Abdul Koroma and Shigeru Oda of the ICJ UNDOALOS Director Dr Vladimir Golitsyn ITLOS President Dolliver Nelson and Judges Thomas Mensah and Tullio Treves as well as Rosalie Balkin Edward Brown Bernard Oxman and Shabtai Rosenne *The International Law of the Sea* Donald R Rothwell,Tim Stephens,2023-08-10 Praise for the previous edition A complete overview of the subject which does not intimidate the reader but rather spurns interest and understanding in the subject European Energy and Environmental Law Review the book is scholarly yet accessible and very readable thoroughly recommended Law Institute Journal Description 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 comprehensive assessment 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 many bilateral regional and global agreements that supplement the Convention The third edition of this acclaimed text has been thoroughly revised and updated and now incorporates a dedicated chapter on natural and artificial islands 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 marine scientific research and marine resource and conservation issues such as fisheries marine environmental protection and dispute settlement The book also takes stock of contemporary oceans governance issues 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 the need for stronger legal and policy responses to protect the global ocean environment from climate change and ocean acidification and work on a new agreement for the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction

The Future of Sea Power Eric Grove, 2021-05-30 This book first published in 1990 presents a fundamental reassessment of maritime strategy It analyses the lessons of twentieth century naval warfare and examines in detail the changing face of naval warfare both in terms of the weapons used and the platforms from which they are launched and controlled It looks at the evolving uses of the seas both economic and military and sets sea power against the developing world environment political legal and economic discussing those factors that stimulate nations to exert power at sea and those that limit their naval capabilities It also develops a theoretical framework for future thinking about maritime strategy and forces revises and updates Mahan s classical analysis of the foundations of sea power and discusses thinking about naval tasks **The English Reports: House of Lords** ,1901 V 1 11 House of Lords 1677 1865 v 12 20 Privy Council including Indian Appeals 1809 1865 v 21 47 Chancery including Collateral reports 1557 1865 v 48 55 Rolls Court 1829 1865 v 56 71 Vice Chancellors Courts 1815 1865 v 72 122 King s Bench 1378 1865 v 123 144 Common Pleas 1486 1865 v 145 160 Exchequer 1220 1865 v 161 167 Ecclesiastical 1752 1857 Admiralty 1776 1840 and Probate and Divorce 1858 1865 v 168 169 Crown Cases 1743 1865 v 170 176 Nisi Prius 1688 1867 **Sustainable Coastal Management and Climate Adaptation** Richard Kenchington, David Wood, Laura Stocker, 2012-09-06

Australians are famous for our love of the coast although in many places this love has caused serious and often irreversible impacts The sustainable management of our society s many uses of the coast is complex and challenging While a wealth of knowledge exists about the coast this is not always brought to bear on decision making Coastal management to date has had limited success and in some cases interventions have made problems worse Australia s coast has been shaped by severe events such as cyclones and floods with climate change now increasing the number and intensity of these hazards In addition our coastal populations are growing and with them our social environmental and economic vulnerability to such hazards This book explores the evolution of coastal management and provides critical insights into contemporary experience and understanding of coastal management in Australia It draws on contemporary theory and lessons from case examples to highlight the roles of research and community engagement in coastal management The book concludes with a chapter of recommendations which can help guide coastal management and research around the world

International Environmental Law Mohammad Naseem, Saman Naseem, 2018-05-02 Derived from the renowned multi volume International Encyclopaedia of Laws this book provides ready access to treaties conventions legislation and practice concerning the International Environmental Law A general introduction covers geographic considerations political social and cultural aspects of environmental study the history sources and principles of environmental law environmental legislation carbon credits and the role of public authorities The main body of the book deals first with laws aimed directly at protecting

the environment from pollution in specific areas such as air water waste soil noise and radiation Then a section on nature and conservation management covers protection of natural and cultural resources such as monuments landscapes parks and reserves wildlife agriculture forests fish subsoil and minerals Further treatment includes the application of zoning and land use planning rules on liability and administrative and judicial remedies to environmental issues and disputes There is also an analysis of the impact of international and regional legislation and treaties on environmental regulation Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable resource for lawyers handling cases dealing with and affecting international environment Academics and researchers as well as business investors corporate houses and international organizations in the field will welcome this very useful guide and will appreciate its value in the study of comparative international environmental law and policy [Core Documents on International Law 2022-23](#)

Karen Hulme,2022-08-11 Well selected and authoritative Hart Core Statutes provide the key materials needed by students in a format that is clear compact and very easy to use They are ideal for use in exams **The Common Wealth in Ocean**

Fisheries Francis T. Christy,Anthony Scott,2013-10-18 By examining international fishery resources from a primarily economic and political viewpoint this book highlights the common property aspects of fisheries physical productivity of the ocean supply and demand and the legal and institutional framework within which the fisheries industry operates Originally published in 1966 *Conservation on the High Seas* Simone Borg,2012-01-01 This book from Simone Borg is a much needed and highly recommended study on conservation on the high seas and harmonizing international regimes for the sustainable use of living resources This publication is very topical considering the continuous over exploitation of the living resources It is a very exhaustive study of many international instruments the most importantly the 1982 The United Nations Law of the Sea Convention The author in an admirable manner linked the issue of the conservation of living resources on the high seas to the fundamental principles underlying modern environmental law such as the precautionary principle The unique feature which sets this book apart from the other similar publications is that it is firmly entrenched in general international law i e deals in a very erudite manner with the issues of fragmentation and harmonisation of international law in the context of conservation This book will appeal not only to the experts on the law of the sea but also to general international lawyers _ Malgosia Fitzmaurice Queen Mary University of London UK This is an excellent book which has taken apart a very complicated part of international law and reassembled it in a manner which is up to date accessible insightful and coherent In doing so this work plugs a gap in the scholarship in this area for which the author is to be truly commended It is an essential addition for all practitioners scholars and students who work or study in one of the foremost environmental challenges of the 21st century conservation on the high seas _ Alexander Gillespie University of Waikato New Zealand The conservation of living marine resources with diverse characteristics and life styles has become an international concern Borg s book provides an examination of the regulatory and legal implications of marine conservation The analysis takes account of

UNCLOS Treaties and the UNCED 1992 that aid a more holistic response by States towards conservation the marine environment and socio economic needs Despite shortcomings and failures there have been success stories that highlight the potential of effective interaction between fisheries law and environmental law The book addresses the legal aspects of international regimes aimed at setting conservation obligations compliance and enforcement This is a path breaking work that shows how international law can diversify itself into different legal streams to ensure flexibility and a degree of adaptation to the different interests of the States involved _ John McEldowney University of Warwick UK This timely book discusses various international norms that qualify the right which all states have to access and exploit living resources in marine areas beyond national jurisdiction in order to promote the conservation of such species An intricate body of norms has accumulated over the last few decades consisting of prior and subsequent rules addressing the same issues as well as a number of specialized rules that supplement more general ones However this process has also exposed the fragmentation of the relevant international regimes with evolving and diverse interpretations of the same legal terms fine tuning or qualifying earlier treaties Uncertainty prevails as to how these norms interrelate with each other The book assesses to what extent the harmonization of these international regimes is possible It highlights current trends and developments which aim at better coherence and discusses legal techniques that could serve to harmonize both the objectives of these international norms and their scope of applicability The author also demonstrates that in some cases gaps and conflicts in the existing legal framework cannot be simply interpreted away but require the further development of international law in order to be resolved properly This unique book will appeal to academics and students in international law especially those researching marine conservation and the applicable legal framework It will be equally useful to organizations both public and private with an interest in marine conservation beyond national jurisdiction Environmental groups and policy makers in maritime affairs environmental issues and fisheries management will also find much to interest them in this insightful book

Advances in Marine Environmental Protection: Challenges, Solutions and Perspectives Mehran Idris Khan, Yen-Chiang Chang, Wen-Hong Liu, 2025-04-29

Environments have no boundaries and no borders Managing oceanic environments particularly the threats and risks of pollution should also consider the shared responsibility of all coastal states Emerging issues for oceanic pollution governance include global changes like rising temperature ocean acidification but also disturbances of ecosystem functioning by plastic and pollution by other emerging contaminants for example noise pollution and deep sea mining These call for efficient and sustainable prevention and restoration strategies such as such as efficient urban and industrial sewage treatment plants efficiently administered transnational marine protected areas and among others sustainable aquaculture extensive small scale fisheries Environmental protection warrants the development of interrelationships between marine sciences relevant industries and ocean governance developing internationally accepted rules and regulations for sustainable ocean management This Research Topic will explore possible new domains of ocean governance and the marine environment

from the interdisciplinary perspectives of the rule of law including the international agreement on equal conventions the Convention on Facilitation of International Maritime Traffic the Convention on the International Regulation for Preventing Collisions at Sea and International Convention for the Prevention of Pollution from Ships MARPOL *Who Rules the Waves?* Denise Russell, 2010-03-03 Piracy international disputes over undersea oil and gas and chronic overfishing have left our oceans in turmoil How can we resolve these issues International law states that a coastal country has territorial rights for 12 miles into the sea yet in practice many countries have virtually no control over their own waters Denise Russell provides a thorough examination of the politics of the sea from environmental issues to water economics and governance of the waters She reveals how we need to radically rethink ocean governance calling for the establishment of an international agency powerful enough to settle disputes at sea or else risk ever accelerating climate change and the continued overuse of the sea's resources

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