



PUBLICATIONS ON OCEAN DEVELOPMENT

# NON-FLAG STATE ENFORCEMENT IN HIGH SEAS FISHERIES

Rosemary Gail Rayfuse

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# Nonflag State Enforcement In High Seas Fisheries

**Bevan Marten**



## **Nonflag State Enforcement In High Seas Fisheries:**

Non-Flag State Enforcement in High Seas Fisheries Rosemary Gail Rayfuse, 2004-01-01 This book is the first comprehensive examination of state practice relating to enforcement by non flag states of the high seas conservation and management measures adopted by Regional Fisheries Organisations It demonstrates that an exception is emerging in customary international law to the rule of the primacy of flag state jurisdiction in the high seas fisheries context

**Non-Flag State Enforcement in High Seas Fisheries** Rosemary Rayfuse, 2004-05-01 This book is the first comprehensive examination of state practice relating to enforcement by non flag states of the high seas conservation and management measures adopted by Regional Fisheries Organisations Moving beyond the issue of the implementation of the United Nations Fish Stocks Agreement it demonstrates an emerging exception in customary international law to the rule of primacy of flag state jurisdiction in the high seas fisheries context and delineates the parameters in which this emerging exception allowing for non flag jurisdiction may be exercised This book contains extensive factual descriptions of state practice as well as comprehensive legal analyses of that practice *The Quest for Sustainable International Fisheries*

Evelyne Meltzer, Susanna Fuller, 2009 A publication of the National Research Council of Canada Monograph Publishing Program The Changing International Law of High Seas Fisheries Francisco Orrego Vicuña, 1999-03-04 This book examines legal economic and environmental developments including recent state and international practice *A Dual Approach to Ocean Governance* Yoshifumi Tanaka, 2016-03-23 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 State Responsibility for Interferences with the Freedom of Navigation in Public International Law Philipp Wendel, 2007-09-19 Conventions covering the law of the sea contain provisions on compensation for wrongful interferences with navigation though they are rarely applied This book analyses all relevant compensation provisions and compares them to the general law of state responsibility The author discusses such issues as the responsibility of international organizations liability for lawful conduct and several and joint liability in public international law **Aspects of Illegal, Unreported and Unregulated Fishing in the**

**Southern Ocean** Rachel Baird, 2007-06-01 IUU shing the elements of which are discussed in detail further below in this Part hinders the sustainable management of marine sheries world wide Southern Ocean sheries and in particular the Patagonian Tooth sh have been targeted by IUU shers The text examines the response to the persistent problem of IUU shing in 1 the Southern Ocean by CCAMLR as the appropriate RFMO and Australia a State with vested interests in the Southern Ocean by virtue of the Heard and McDonald Islands EEZ This examination represents original work not only in the context of 2

Southern Ocean sheries but in the consideration of the linkages between regional and national measures to deter IUU shing Faced with continued ag State inaction both the CCAMLR Commission and Australia have identi ed and applied a number of measures to deter IUU shing These measures are examined in Parts 4 and 5 respectively Indeed the lack of ag State enforcement and the development and persistence of IUU shing are inextricably linked a fact that will be pursued in depth in Part 2 along with the other factors identi ed as contributing to the development of IUU shing

**Port State Jurisdiction and the Regulation of International Merchant Shipping** Bevan Marten, 2013-08-31 This book examines the concept of port state jurisdiction in the context of international maritime law In particular the book focuses on situations where port states have used their jurisdiction over visiting foreign flagged vessels to apply unilateral domestic law as compared with the internationally agreed standards enforced by regional port state control organisations To illustrate the legal issues involved three recent pieces of legislation are analysed in detail the United States Cruise Vessel Security and Safety Act 2010 the EU s liability insurance directive of 2009 and Australia s Fair Work Act 2009 Key issues include the legality of port states attempts to regulate aspects of a vessel s structure or equipment or even certain activities that may take place before a vessel s arrival in port The author argues that examples of unilateral measures being imposed by way of port state jurisdiction are growing and that without active protests from flag states this concept will continue to expand in scope As international law currently presents very few restrictions on the actions of ambitious port states such developments may have a significant impact on the future of international maritime regulation

**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 *Jurisdiction over Ships* Henrik Ringbom, 2015-08-11

*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 The Convention's rules on the rights and obligations of flag states coastal states and port states have by and large been accepted and adhered to by states but the legal regime for the oceans is neither complete nor static nor was it intended to be so New issues have surfaced while old issues have changed their character Developments in law and practice have already resulted in some divergences between the jurisdictional scheme outlined in UNCLOS and how states in reality exercise their jurisdiction over ships In this book 18 leading academics in the field study a number of such developments in more detail providing a practical guide to the state of the law at present while at the same time offering insights into how international law develops in this field *The International Legal Regime Relating to Marine Protected Areas in Areas beyond National Jurisdiction* Wen Duan, 2022-06-20

*The International Legal Regime Relating to Marine Protected Areas in Areas beyond National Jurisdiction* identifies the participatory competence and geographical gaps in the international legal regime relating to marine protected areas MPAs in areas beyond national jurisdiction ABNJ and provides insight into how to address these gaps The book concludes that the gaps can be addressed only to a limited extent under the current international legal framework however the prospective international legally binding instrument ILBI on the conservation and sustainable use of marine biodiversity beyond national jurisdiction BBNJ might well make further contributions *The Oxford Handbook of the Law of the Sea* Donald Rothwell, Alex G. Oude Elferink, Karen Nadine Scott, Tim Stephens (Law teacher), 2015 Recent maritime disputes environmental disasters and piracy have raised the profile of the law of the sea This Oxford Handbook brings together high level analysis of all of its key aspects examining the role of particular regions in the development of the law of the sea management of the oceans resources and critical contemporary debates *Recasting Transboundary Fisheries Management Arrangements in Light of Sustainability Principles* Dawn A. Russell, David L. VanderZwaag, 2010-10-25

The management of transboundary fish stocks might be described as a complex mosaic Multiple fora are trying to incrementally shift the fisheries management course towards a sustainable future *Recasting Transboundary Fisheries Management Arrangements in Light of Sustainability Principles* reviews and critiques key recasting efforts with a primary focus on Canada's transboundary fisheries management arrangements for the Pacific and Atlantic oceans It provides a primer on the international law and policy framework governing transboundary fisheries and offers bilateral and regional case studies in the search for more principled fisheries governance approaches based on the new sustainability imperatives This book offers current Canadian and international perspectives on the challenges facing regional fisheries management organizations as well as bilateral and

national arrangements as they face the tides of sustainability reform Struggles to implement precautionary and ecosystem approaches are especially highlighted

**The International Law of the Sea** Yoshifumi Tanaka, 2012-04-05 The law of the sea is a complex and fascinating subject This textbook explores the subject from the perspective of public international law covering all the key topics from the legal regimes governing the different jurisdictional zones to international co operation for protection of the marine environment Students interested in international environmental and natural resources law will find chapters on emerging issues such as the conservation and the protection of natural resources and biodiversity in the oceans It includes student friendly features such as chapter overviews conclusions figures and tables and further reading sections Clarity of expression engaging analysis and comprehensive coverage make this book essential reading for all students of the law of the sea

**Extraterritoriality and Climate Change Jurisdiction** Natalie L Dobson, 2021-09-23 This book builds on the scholarship of the law of state jurisdiction engaging with fundamental questions about states legislative competence to respond to climate change Considering general theory the author advocates for a systemic analytical framework for the contested issue of extraterritoriality in international law Exploring the crystallisation of climate change jurisdiction the book provides a comprehensive exploration of the jurisdictional bases and limitations for unilateral climate protection measures In doing so cross cutting issues of world trade law international civil aviation law the law of the sea and importantly the customary international law of state jurisdiction are considered Amidst the myriad of developing norms a novel considerate design tool is introduced to assist policymakers in finding a better balance between regulatory autonomy development needs and the protection of common concerns

State Ocean Jurisdiction Patrick Vrancken, 2023-06-27 Proposing a systematic analytical framework which assists in understanding and applying the international law regime governing State ocean jurisdiction with a view to improved ocean governance for sustainable development this book distinguishes between and focuses on the form the ground the scope and the purpose of State ocean jurisdiction Defining jurisdiction as the international law authority of a State to be involved in a factual matter on the basis of a valid legal ground to perform authoritative acts impacting on that matter it disaggregates the concept the complexity of which often leads to States failing to make full use of their existing ocean jurisdictions In the process it identifies when and to what extent there are gaps and overlaps of jurisdictions Bringing clarity on an inevitably complex and often misunderstood framework that is aimed at striking a universally accepted balance of competing interests the book lays the foundation for future research contextualising the position of State ocean jurisdiction not only in terms of ocean governance but in the whole of public international law With an original systematic focus on State ocean jurisdiction the book will be of interest to academics students and practitioners working in the areas of international law of the sea ocean governance human rights and environmental law

Maritime Counterproliferation Operations and the Rule of Law Craig H. Allen, 2007-06-30 Allen examines the maritime counterproliferation activities of nations participating in the Proliferation Security Initiative as set out

in their Statement of Interdiction Principles He explains the framework for conducting maritime interception activities examines the importance of intelligence to PSI operations and assesses the legal issues raised by those operations The threat of WMD use by terrorist groups and rogue regimes has added new urgency to global security discussions Responses to the dangers posed by WMD include the nonproliferation regime safeguards for WMD materials while in transit export controls treaties on terrorism Security Council resolutions and the new Protocol to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation The existing nonproliferation regime will never by itself provide an adequate level of security As a result risk management strategies must include layered counterproliferation activities and consequence management Counterproliferation measures may include maritime interdictions The Proliferation Security Initiative a cooperative undertaking launched in 2003 provides a framework for those interdictions The framework was formalized in the Statement of Interdiction Principles After providing an overview of the threats posed by WMD proliferation this book surveys the nonproliferation regime and counterproliferation measures states have adopted to supplement it It next provides an overview of maritime interception operations and the intelligence issues surrounding them before turning to the laws governing such operations It then examines each of the actions described in the PSI Statement of Interdiction Principles to assess their compliance with applicable laws Finally it looks at the laws that establish the responsibility of states for taking unwarranted counterproliferation actions against vessels

#### **Perspectives on Canadian Marine Fisheries Management**

Canada. Department of Fisheries and Oceans, National Research Council of Canada, 1993 Co published by National Research Council of Canada Reconceptualising the Rule of Law in Global Governance, Resources, Investment and Trade Photini Pazartzis, Maria Gavouneli, 2016-06-30 The relevance and importance of the rule of law to the international legal order cannot be doubted and was recently reaffirmed by the Declaration of the High level Meeting of the General Assembly on the Rule of Law at the National and International Level s solemn commitment to it on behalf of states and international organizations In this edited collection leading scholars and practitioners from the fields of global governance resources investment and trade examine how the commitment to the rule of law manifests itself in the respective fields The book looks at cutting edge issues within each field and examines the questions arising from the interplay between them With a clear three part structure it explores each area in detail and addresses contemporary challenges while trying to assure a commitment to the rule of law The contributions also consider how the rule of law has been or should be reconceptualised Taking a multi disciplinary approach the book will appeal to international lawyers from across the spectrum including practitioners in the field of international investment and trade law *Dynamics of Regulatory Change* David Vogel, Robert A. Kagan, 2004-12-31 Critics of globalization claim that economic liberalization leads to a lowering of regulatory standards As capital and corporations move more freely across national boundaries a race to the bottom results as governments are forced to weaken labor and environmental standards to retain current contracts or attract new business The essays in this volume argue that on the

contrary under certain circumstances global economic integration can actually lead to the strengthening of consumer and environmental standards This volume extends the argument of David Vogel s book Trading Up which discussed environmental standards by focusing on the impact of globalization on labor rights women s rights and capital market regulations



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