

Regime for the Exploitation of
Transboundary Marine
Fisheries Resources: United
Nations Law of the Sea
Convention Cooperation
Between States

Hey, Ellen

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Regime For The Exploitation Of Transboundary Marine Fisheries Resources

Guifang Xue



Regime For The Exploitation Of Transboundary Marine Fisheries Resources:

The Regime for the Exploitation of Transboundary Marine Fisheries Resources Ellen Hey, 2024-08-26 *The Regime for the Exploitation of Transboundary Marine Fisheries Resources* Ellen Hey (jurist), 1989 *The Regulation of Driftnet Fishing on the High Seas* Ellen Hey, 1991-01-01 *Filling Regulatory Gaps in High Seas Fisheries* Yoshinobu Takei, 2013-03-27 In *Filling Regulatory Gaps in High Seas Fisheries* author Yoshinobu Takei investigates the regime of high seas fisheries from the perspective of international law and considers whether there are regulatory gaps in high seas fisheries and if so how they should be filled The book focuses on topical issues such as the management of deep sea fisheries on the high seas and the protection of vulnerable marine ecosystems In view of the current state of marine fisheries resources together with ecosystem concerns swift and effective action is required to improve fisheries management in particular for high seas fisheries Takei thoroughly analyzes the current state of affairs and convincingly suggests steps to be taken in the future

Stability and Change in the Law of the Sea: The Role of the LOS Convention Alex G. Oude Elferink, 2005-12-01 The adoption of the United Nations Convention on the Law of the Sea in 1982 has led to a period of relative stability in the law of the sea However especially in recent times there have also been calls to amend the Convention because of supposed shortcomings Renegotiation of the Convention in all probability would be a time consuming process the outcome of which is highly uncertain Such a process would almost certainly negatively impact upon international cooperation in the management of ocean space as it is bound to lead to uncertainty and conflict over the applicable legal regime This work looks at topics which can contribute to an understanding of how the Convention has been adapted to newly arising issues and how further adaptation may be achieved in the future without a readjustment of the basic legal framework contained in the Convention Issues reviewed are the question to what extent the Convention provides a constitution for the oceans the roles of the UN General Assembly and the Meeting of States Parties to the Convention in reviewing its implementation the impact of state practice on the Convention and vice versa and the significance of the formal amendment procedures and other mechanisms to adapt the Convention to changed circumstances **Principles of International Environmental Law** Philippe

Sands, Jacqueline Peel, Adriana Fabra, Ruth MacKenzie, 2012-05-03 Philippe Sands text on international environmental law provides a clear authoritative introduction to the subject This edition has been updated to include relevant new topics including the Kyoto Protocol genetically modified organisms and oil pollution Property Rights and Natural Resources Richard Barnes, 2009-04-22 Winner of the SLS Peter Birks Prize for Outstanding Legal Scholarship 2009 The use of private property rights to regulate natural resources is a controversial topic because it touches upon two critical issues the allocation of wealth in society and the conservation and management of limited resources This book explores the extension of private property rights and market mechanisms to natural resources in international areas from a legal perspective It uses marine fisheries to illustrate the issues that can arise in the design of regulatory regimes for natural resources If property rights are

used to regulate natural resources then it is essential that we understand how the law and values embedded within legal systems shape the development and operation of property rights in practice The author constructs a version of property that articulates both the private and public function of property This restores some much needed balance to property discourse He also assesses the impact of international law on the use of property rights a much neglected topic and shows how different legal and socio political values that inhere in different legal regimes fundamentally shape the construction of property rights Despite the many claimed benefits to be had from the use of private property rights based management systems the author warns against an uncritical acceptance of this approach and in particular questions whether private property rights are the most suitable and effective arrangement of regulating of natural resources He suggests that much more complex forms of holding such as stewardship may be required to meet physical legal and moral imperatives associated with natural resources

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

Developments in International Fisheries Law Ellen Hey,2021-10-05 *International Law and the Environment* Patricia W. Birnie,Alan E. Boyle,Catherine Redgwell,2009 Assessing the basic principles structure and effectiveness of the international legal system concerning the protection of the world s natural environment this text has been updated to take account of developments in genetically modified organisms and biotechnology

Saving the Oceans Through Law James Harrison,2017-10-27 The oceans cover more than seventy per cent of the surface of the planet and they provide many vital ecosystem services However the health of the world s oceans has been deteriorating over the past decades and the protection of the marine environment has emerged as one of the most pressing legal and political challenges for the international community An effective solution depends upon the cooperation of all states towards achieving agreed objectives This book provides a critical assessment of the role that international law plays in this process by explaining and evaluating the various legal instruments that have been negotiated in this area as well as key trends in global ocean governance Starting with a detailed analysis of the United Nations Convention on the Law of the Sea the book considers the main treaties and other legal texts that seeks to prevent reduce and control damage to the marine environment caused by navigation seabed exploitation fishing dumping and land based activities as well as emerging pressures such as ocean noise and climate change The book demonstrates how international institutions have expanded their mandates to address a broader range of marine environmental issues beyond basic problems of pollution control to include the conservation of marine biological diversity and an ecosystems approach to regulation It also discusses the development of diverse regulatory tools to address anthropogenic impacts on the marine environment and the extent to which states have adopted a precautionary approach in

different maritime sectors Whilst many advances have been made in these matters this book highlights the need for greater coordination between international institutions as well as the desirability of developing stronger enforcement mechanisms for international environmental rules *The Precautionary Principle in the Law of the Sea* Simon Marr,2021-10-18 The content and status of the precautionary principle remains highly debated and various questions arise such as its status as a rule of customary international law including its scope addressee triggering threshold precautionary action measures and eventually limits of the principle Thus this book examines the present state of affairs regarding the implementation of the principle in the law of the sea in different sectors e g pollution of the marine environment conservation and management of living marine resources and transboundary transports of radioactive and hazardous wastes In addition it extracts evidence of its acceptance as part of customary international law and indicates that below this level there is also an emerging practice of international law of applying the precautionary principle in a common way **China and International Fisheries Law**

and Policy Guifang Xue,2005-12-01 This book deals with China s response to international fisheries law and policy as envisaged in the LOSC framework and post LOSC fisheries instruments A substantial effort was made to examine the major areas of China s national action on legislative harmonisation and policy adjustment to implement these instruments China s regional fisheries cooperation in the form of bilateral agreements with Japan South Korea and Vietnam is evaluated to identify the progress already achieved and the problems that remain to be solved in managing the shared fish stocks between these maritime neighbours As the first monograph of its kind dealing with the complex issue of the global fisheries crisis and China s fisheries management practice over a significant period of time the book builds a bridge between China and the world for a better understanding of Chinese fisheries management It will be of great value to academics professionals and policy makers alike *The Exclusive Economic Zone* Charles Quince,2019-02-15 Traditionally the law of the sea was divided into the territorial sea and the high seas which accounted for the application of different rules under different circumstances Concerning the territorial sea the coastal state enjoys full sovereignty to the right of innocent passage while under the high seas rules all countries enjoy multifaceted uses of the sea qualified only by the limitations imposed by international law The development of the exclusive economic zone ended this traditional dualism and ushered in guidelines that are embodied within the text of the LOS Convention The Exclusive Economic Zone presents to academia and the general reading public a comprehensive study of the EEZ concept as it relates to the LOS Convention and state practice The Exclusive Economic Zone shows that even though coastal states have the right to develop a 200 miles EEZ and that this right is an integral part of contemporary international relations it is also true that the EEZ concept is shrouded in legal ambiguities Using qualitative and inductive methods the scholarship draws on treaties official proclamations government archives and scholarly works that are germane to the development of the EEZ Students scholars and members of the general public with an interest in international law will find that The Exclusive Economic Zone deepens their understanding of the evolution of the EEZ

concept *International Fisheries Law* Bjørn Kunoy, Tomas Heidar, Constantinos Yiallourides, 2024-10-14 Offering a practical exploration of persistent and new challenges relating to contemporary international fisheries law this book examines emerging and unresolved issues in international fisheries law Covering a wide range of international legal aspects related to fisheries governance it offers practical perspectives that go beyond the existing debates in this field An expert team of contributors offers a comprehensive study of current challenges in fisheries governance institutional law frameworks procedural aspects and trade and enforcement issues The book enriches fisheries law scholarship outlining the capacity of international law to address challenges in international fisheries law and policy highlighting the critical importance of fisheries to many states coastal communities and economies globally The book s chapters have been meticulously selected focusing on policy and practical considerations The result is a comprehensive edited collection covering the main persistent challenges in international fisheries law making it an essential reading for all those interested in the conservation integrated management and sustainable use of living resources globally *Large Marine Ecosystems of the Indian Ocean* Kenneth Sherman, Ezekiel N. Okemwa, Micheni J. Ntiba, 2009-06-01 In this volume marine experts from countries of East Africa and southern Asia describe the conditions of marine resources of the large marine ecosystems of the Indian Ocean Countries of the region represent over a quarter of the world s population most of whom are existing at or below the poverty level The potentials for economic growth through the development of coastal tourism mariculture fisheries mineral extraction and oil and gas production are examined by the authors in relation to the need for ensuring the long term sustainability of marine resources Case studies of resource assessments presented by several authors illustrate the magnitude of risk from continuing degradation of resources under the prevailing unmanaged conditions extending over much of coastal areas of East Africa and southern Asia The authors explore the application of multidisciplinary ecosystem based assessment and management strategies to the future economic development of the large marine ecosystems of the region With the initiation of science based management practcies the ecosystems of the area can provide an important source of economic growth improved food security and nutritional benefits to the populations of stakeholders in coastal areas bordering the Indian Ocean **The Oxford Handbook of the Law of the Sea** Donald R. Rothwell, Alex G. Oude Elferink, Karen N. Scott, Tim Stephens, 2015-03-26 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

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 Gillepsie 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

International Governance of the Arctic Marine Environment Lilly Weidemann, 2014-04-09 The Arctic is particularly affected by climate change over the past few decades temperatures in this area have risen twice as fast as the mean global rate The most prominent effect of global climate change in the region is the melting sea ice in the Arctic Ocean which enables a multitude of ocean uses to be initiated and extended such as shipping fishing and oil and gas extraction Unlike in the Antarctic there is currently no single comprehensive legal regime for governance of the Arctic Instead the region is regulated by a patchwork of international treaties above all the United Nations Convention on the Law of the Sea UNCLOS various regional and sub regional agreements national laws and soft law agreements This treatise provides an evaluation of the governance regime that regulates the use of the Arctic marine environment and its readiness to protect these fragile ecosystems in light of the consequences of climate change

Whaling Diplomacy Alexander Gillespie, 2005-01-01 Whaling Diplomacy is the only book that addresses all of the substantive issues relating to the

conservation of whales through the International Whaling Commission IWC It covers the law policy science and philosophy at the heart of each element of the debate discussing how it has developed the current problems that beset it and what is necessary for the future Together all of the issues involved in whaling form a single crucible through which the future of conservation in international environmental law is being debated Students of law politics environmental economics and philosophy will find this book of great value for its cutting edge relevance over the three disciplines Policymakers will also find it of interest for the insight into one of the most controversial conservation debates of our time BOOK JACKET

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