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# UNCLOS 1982 COMMENTARY

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# Unclos 1982 Commentary Unclos 1982 Commentary

**Myron H. Nordquist**



## **Unclos 1982 Commentary Unclos 1982 Commentary:**

UNCLOS 1982 Commentary Myron H. Nordquist, Satya N. Nandan, James Kraska, 2012-01-20 UNCLOS 1982 Commentary Supplementary Materials complements the seven volume series United Nations Convention on the Law of the Sea 1982 A Commentary The documents in this volume contain legal authorities guidelines and agreements associated with the Convention The Supplement focuses on the three new international organizations created by the Convention The International Seabed Authority The International Tribunal for the Law of the Sea and The Commission on the Limits of the Continental Shelf The volume also includes international fisheries agreements associated with the 1982 Convention and additional supplementary documents and materials UNCLOS 1982 Commentary Supplementary Materials is an invaluable resource for international law practitioners maritime law specialists educators government and military authorities and others interested in the UN Law of the Sea Convention *UNCLOS 1982 Commentary* Myron H. Nordquist, Satya N. Nandan, James Kraska, 2012-01-20 This Supplement to the seven volume series United Nations Convention on the Law of the Sea 1982 A Commentary prepared at the University of Virginia's Center for Oceans Law and Policy contains additional primary documents and materials directly related to the Convention *United Nations Convention on the Law of the Sea, 1982* Myron H. Nordquist, 1985 These commentaries are based almost entirely on the formal and informal documentation of the Third United Nations Conference on the Law of the Sea UNCLOS III 1973 1982 coupled where necessary with the personal knowledge of editors contributors or reviewers many of whom were principal negotiators or UN personnel who participated in the Conference **United Nations Convention on the Law of the Sea, 1982** Myron H. Nordquist, Shabtai Rosenne, 1985 These commentaries are based almost entirely on the formal and informal documentation of the Third United Nations Conference on the Law of the Sea UNCLOS III 1973 1982 coupled where necessary with the personal knowledge of editors contributors or reviewers many of whom were principal negotiators or UN personnel who participated in the Conference *United Nations Convention on the Law of the Sea 1982, Volume VI* Myron H. Nordquist, 2021-08-04 Volume VI is the sixth substantive volume to be published in the series It deals with the work of the First Committee at the Third UN Conference on the Law of the Sea namely the international seabed area The volume thus embraces the deep seabed mining regime set out in Part XI of the 1982 Convention on the Law of the Sea together with the 1994 Agreement on its implementation Completion of this commentary was delayed first by the consultations and negotiations that commenced in 1990 and led to the 1994 Agreement and the entry into force of the Convention It was further delayed until the Assembly of the International Seabed Authority approved the detailed mining regulations in 2000 Additional supplementary material can be found at UNCLOS 1982 Commentary Supplementary Documents **United Nations Convention on the Law of the Sea, 1982** Myron H. Nordquist, Shabtai Rosenne, Satya N. Nandan, 1985 Volume III is the fourth substantive volume to be published in this series covering articles 86 to 132 of the 1982 Convention These articles address the issue of States rights

and jurisdiction in maritime areas beyond the limits of national jurisdiction with the exception of the international seabed area as well as the regime to be applied to islands in enclosed and semi enclosed seas and with the access of landlocked States to and from the sea Volume III is a direct continuation of Volume II which deals with maritime areas under the sovereignty of jurisdiction of a State and completes the commentary on the provisions of the Convention negotiated under the auspices of the Second Committee at UNCLOS III The work of the Second Committee was an integrated whole and the unity of the theme has been spread over two volumes solely as a matter of convenience A number of documentary annexes have been included in this volume

**United Nations Convention on the Law of the Sea 1982, Volume VII** Myron Nordquist, 2011-08-25 This is the seventh and final volume of the most authoritative reference on the United Nations Convention on the Law of the Sea UNCLOS which was negotiated at the Third UN Conference of the Law of the Sea from 1973 1982 Volume VII provides the original text of the 1982 convention as fully integrated with the provisions of the 1994 Agreement on the Implementation of Part XI presenting the consolidated convention in its final form It also includes an extensive subject index to Volumes I through VI of the series consolidated tables of cases and treaties in addition to the one fisheries agreement specifically implementing the Convention The United Nations Convention on the Law of the Sea 1982 A Commentary is a collection of commentaries based almost entirely on the formal and informal documentation the Convention Each volume is written with the personal knowledge of the editors many of whom were principal negotiators or UN personnel who participated in the conference Additional supplementary material can be found at UNCLOS 1982 Commentary Supplementary Documents

**Principles of International Environmental Law** Philippe Sands, 2003-10-09 This second edition of Philippe Sand s leading textbook on international environmental law provides a clear and authoritative introduction to the subject revised to December 2002 It considers relevant new topics including the Kyoto Protocol genetically modified organisms oil pollution chemicals etc and will remain the most comprehensive account of the principles and rules relating to environmental protection and the conservation of natural resources In addition to the key material from the 1992 Rio Declaration and subsequent developments Sands also covers topics including the legal and institutional framework the field s historic development and standards for general application This will continue to be an invaluable resource for both students and practitioners alike

**United Nations Convention on the Law of the Sea, 1982**, 1991 Maritime Disputes and International Law Constantinos Yiallourides, 2019-05-20 The settlement of the maritime boundary disputes between China and Japan in the East China Sea and between Greece and Turkey in the Aegean Sea is politically deadlocked While diplomatic settlement efforts have been ongoing for the past several decades neither side in each case appears prepared to back down from its respective maritime and territorial claims Several incidents at sea have occurred prompting diplomatic protests military standoffs even exchange of fire The existing status quo is inherently unstable and does not favour either side to the extent that it holds hostage the multiple benefits that could otherwise be generated from the exploitation of the seabed

energy and mineral resources in the disputed waters creating an urgent need for a meaningful discussion on finding a practical way forward This monograph undertakes a comprehensive analysis of these disputes based on the rules and principles of international law critically evaluating possible institutional designs of inter State cooperation over seabed activities in disputed maritime areas and makes recommendations for the prospect of realising joint development regimes in the East China Sea and the Aegean to coordinate the exploration for and exploitation of resources without having resorted previously to boundary delimitation settlement

**Challenges of the Changing Arctic** Myron H. Nordquist, John Norton Moore, Ronán Long, 2016-03-21 The law and policy for the Arctic are increasingly of international interest largely due to the melting of the Arctic ice cap Challenges of the Changing Arctic Continental Shelf Navigation and Fisheries includes contributions from global specialists dealing with the geomorphologic context maritime delimitation and specialized topics raised by promising oil and gas prospects particularly in the extensive continental shelf presented by Russia to the Commission on the Limits of the Continental Shelf Arctic shipping has entered a novel untested phase with keen interest in the opening of ice free shipping lanes and proposed regulatory regimes Fish in the North Atlantic are moving north disrupting historic fishing patterns as well as traditional fish stocks Agreements on the allocation of shared fish stocks pose significant management challenges Both littoral and non littoral user nations are concerned with maritime security as well as search and rescue preparations given the anticipated increased use of the Arctic Ocean These and many other of the most pressing issues are addressed in this important volume making it a must read for all those interested in environmental law and the law of the sea

**Maritime Order and the Law in East Asia** Nong Hong, Gordon Houlden, 2018-03-22 Many of the maritime disputes today represent a competing interest of two groups coastal states and user states This edited volume evaluates the role of the United Nations Convention on the Law of the Sea UNCLOS in managing maritime order in East Asia after its ratification in 1994 while reflecting upon various interpretations of UNCLOS Providing an overview of the key maritime disputes occurring in the Asia Pacific it examines case studies from a selection of representative countries to consider how these conflicts of interest reflect their respective national interests and the wider issues that these interpretations have created in relation to navigation regimes maritime entitlement boundary delimitation and dispute settlement

International Law Reports: Volume 197 Christopher Greenwood, Karen Lee, 2022-03-31 Volume 197 reports in English on decisions of international courts and arbitrators and judgments of national courts

*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 Extension of Coastal State Jurisdiction in Enclosed or Semi-Enclosed Seas** Mitja Grbec, 2013-12-04 The current jurisdictional status of the Mediterranean Sea is remarkable Nearly 50 per cent of the Mediterranean waters are high seas and therefore beyond the jurisdiction of coastal States This situation means that there are no points in the Mediterranean Sea where the coasts of two States would be more than 400 nautical miles apart Such a legal situation generally prevents coastal States from adopting and enforcing their laws on the Mediterranean high seas in respect of many important fields such as the protection and preservation of the marine environment as well as the conservation of marine living resources The jurisdictional landscape of the Adriatic Sea as a sub sea and sub region of the Mediterranean is even more interesting Croatia has proclaimed an Ecological and Fisheries Protection Zone Slovenia has proclaimed a Zone of Ecological Protection while Italy has adopted a framework law for the proclamation of its Zone of Ecological Protection without proclaiming its regime in the Adriatic It is noteworthy that if all Mediterranean and Adriatic States would proclaim an Exclusive Economic Zone EEZ there would not be a single stretch of high seas left in the entire Mediterranean Sea Both the Adriatic and Mediterranean fall in the category of enclosed or semi enclosed seas regulated by Part IX of the United Nations Convention on the Law of the Sea UNCLOS This book assesses the legal nature of Part IX of UNCLOS and discusses potential benefits of the extension of coastal State jurisdiction proclamation of EEZs and or similar sui generis zones particularly in light of the recent calls towards an integrated and holistic approach to the management of different activities in the Mediterranean Sea It examines the actual or potential extension of coastal State jurisdiction in the Adriatic Sea against the background of similar extensions elsewhere in the Mediterranean and against the background of relevant EU policies It additionally explores whether Part IX of UNCLOS imposes any duties of cooperation in relation to the extension of coastal State jurisdiction in enclosed or semi enclosed seas and puts forward practical suggestions as to how the issue of extension of coastal State jurisdiction could be approached in a way which would enhance States existing cooperation and improve the overall governance in the Mediterranean and Adriatic seas This book will be of interest to policymakers and academics and students of international law and the law of the sea

**International Law and Corporate Actors in Deep Seabed Mining** Joanna Dingwall, 2021-07-08 The deep seabed beyond national jurisdiction known as the Area comprises almost three quarters of the entire surface area of the oceans and is home to an array of prized commodities including valuable metals and rare earth elements In recent years there has been a marked

growth in deep seabed investment by private corporate actors and an increasing impetus towards exploitation This book addresses the unresolved legal challenges which this increasing corporate activity will raise over the coming years including in relation to matters of common management benefit sharing marine environmental protection and investment protection Acting under the United Nations Convention on the Law of the Sea UNCLOS the International Seabed Authority is responsible for regulating the Area for the benefit of humanity and granting mining contracts A product of its history the UNCLOS deep seabed regime is an unlikely hybrid of capitalist and communist values embracing the role of private actors while enshrining principles of resource distribution As technological advances begin to outstrip legal developments this book assesses the tension between corporate commercial activity in the Area and the achievement of the common heritage

**Coexistence, Cooperation and Solidarity (2 vols.)**, 2011-11-25 This Liber Amicorum dedicated to Judge Rüdiger Wolfrum of the International Tribunal for the Law of the Sea highlights paradigmatic changes in international law a body of law which moved during the 20th century from a law of coexistence to one of cooperation and which is now about to reflect notions of solidarity going even beyond cooperative undertakings This leitmotif of Rüdiger Wolfrum's academic research and judgeship is represented in a comprehensive collection of essays by eminent scholars and practitioners of international law covering specific aspects of international law including law of the sea human rights international environmental law international dispute settlement peace and security global governance and domestic law With its multifaceted and comprehensive overview of the evolution of international law in recent years and detailed study of current challenges this collection is a unique source of insight for all those interested in this fascinating field of law *The Interception of Vessels on the High Seas* Efthymios Papastavridis, 2014-08-28 The principal aim of this book is to address the international legal questions arising from the right of visit on the high seas in the twenty first century This right is considered the most significant exception to the fundamental principle of the freedom of the high seas the freedom in peacetime to remain free of interference by ships of another flag It is this freedom that has been challenged by a recent significant increase in interceptions to counter the threats of international terrorism and WMD proliferation or to suppress transnational organised crime at sea particularly the trafficking of narcotics and smuggling of migrants The author questions whether the principle of non interference has been so significantly curtailed as to have lost its relevance in the contemporary legal order of the oceans The book begins with an historical and theoretical examination of the framework underlying interception This historical survey informs the remainder of the work which then looks at the legal framework of the right of visit contemporary challenges to the traditional right interference on the high seas for the maintenance of international peace and security interferences to maintain the bon usage of the oceans navigation and fishing piracy jure gentium and current counter piracy operations off the coast of Somalia the problems posed by illegal unregulated and unreported fishing interdiction operations to counter drug and people trafficking and recent interception operations in the Mediterranean Sea

organised by FRONTEX      **International Environmental Law** Gerry Nagtzaam, Evan van Hook, Douglas Guilfoyle, 2019-10-23 This book seeks to better understand how International Environmental Law regimes evolve The authors address throughout the major environmental economic and political tensions that have both shaped and constrained the evolution of international environmental policy within regimes and its expression in international legal rule and norm development Readers will gain an increased understanding of the growing role played by non state actors in global environmental governance including environmental non government organisations scientists the United Nations and corporations The authors also look ahead to the future of International Environmental Law evaluating key challenges and decisions that the discipline will face The text is clear concise and accessible It is ideally suited to students and professionals interested in International Environmental Law and individuals who are intrigued by this dynamic area of 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



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