

The International Journal of Marine and Coastal Law

The Law Of The Sea Problems From The East Asian Perspective

**Suk Hi Kim,,Terence Roehrig,Bernhard
Seliger**



The Law Of The Sea Problems From The East Asian Perspective:

The Law of the Sea and Northeast Asia Hŭi-gwŏn Pak, 2000 The Law of the Sea is a vast and multi faceted area of international law The 1982 United Nations Convention on the Law of the Sea and the Agreement relating to the implementation of Part XI of the Convention constitute essential instruments of the law of the sea governing a new maritime order for the international community With its entry into force on November 16 1994 the 1982 United Nations Convention on the Law of the Sea has virtually become the Magna Carta of the Oceans or the Constitution for the Oceans Testifying to its success is the number of Parties adhering to it now totaling 132 States including one international organization the European Community The world is entering the era of a New Maritime Order based on near universal adherence to the United Nations Convention on the Law of the Sea In the wake of the Convention s entry into force and its ratification by many States in Northeast Asia a new maritime order is emerging in the region The littoral States have enacted and promulgated new national legislation to incorporate the provisions of the UN Convention into their domestic legal order The three littoral States China Japan and South Korea concluded or initialed bilateral fisheries agreements based on the new concept of extended jurisdiction set forth by the UN Convention The UN Convention will however present even more challenges than opportunities for the littoral States of Northeast Asia in their quest for a new maritime order The maritime security situation in the region has been and will continue to be extremely volatile due to conflicting claims disputed boundaries unregulated pollution of the marine environment and widespread illegal activities at sea The author has set the both pragmatic and ambitious aim of outlining the emerging maritime order in Northeast Asia As a practitioner of the law of the sea who has participated in bilateral and multilateral negotiations on maritime affairs the author sheds light on the new maritime order in the making at the international and regional levels The author also delineates the main issues and disputes hindering the establishment of a new maritime order in the region and present policy options that could contribute to erecting a solid maritime order in the region by peaceful and cooperative means Finally the author presents a compilation of relevant legal texts most of which were produced after the entry into force of the UN Convention in the hope that this collection will prove useful for desk officers in charge of ocean affairs in promoting peaceful and constructive solutions for maritime issues in Northeast Asia This work serves as a realistic analysis of the current law and State practice as well as of the progressive development of the law of the sea and its codification in the wake of the entry into force of the 1982 UN Convention

The Law of the Sea ,1987 **The Socialist Republic of Vietnam and the Law of the Sea** Epsey Cooke Farrell, 2021-09-27

The Socialist Republic of Vietnam and the Law of the Sea analyzes Vietnam s policies on the law of the sea in relation to the country s overall foreign policy goals and its position at the center of the South China Sea geostrategic region It examines Vietnam s claims in zones of maritime jurisdiction and its regulation of maritime activities in the context of the 1982 U N Convention on the Law of the Sea and against the backdrop of Vietnam s security interests economic development and

regional leadership goals The author explores Vietnam's maritime boundary disputes with its Southeast Asian neighbors and China and assesses their impact on regional stability This is the first comprehensive study to trace the evolution of Vietnamese policy and participation in law of the sea development from the 1958 First U N Conference on the Law of the Sea to the present The book provides the background essential to an understanding of Vietnam's current maritime relations and of the challenge to incorporate Vietnam into a stable regional order Law of the sea specialists Southeast Asia area specialists and those interested in the development of Vietnam's hydrocarbon and fishery resources will find this a particularly valuable resource

China's Marine Legal System and the Law of the Sea Keyuan Zou, 2005-06-01 Being one of the largest coastal States in the world China's marine legal system is significant in the overall development of the international law of the sea This book focuses on the establishment and development of China's marine legal system in the context of the new law of the sea centered on the 1982 United Nations Convention on the Law of the Sea which China ratified in 1996 It consists of five parts concerning respectively a general survey of China's marine legal system navigation and maritime security marine resources management marine environmental protection and marine scientific research China's basic marine laws and regulations are discussed and assessed in detail throughout the book The book is of interest to lawyers whether practicing or academic officials in national governments and international organizations and students and scholars in academia who are interested in international law international relations and ocean affairs

China and International Fisheries Law and Policy Guifang Xue, 2005 This book deals with China's response to international fisheries law and policy as envisaged in the LOSC framework and post LOSC fisheries instruments 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 Law of the Sea: Problems from the East Asian Perspective Choon-Ho and Jae Kyu Park (Eds.) Park, 1987

Maritime Security and the Law of the Sea Natalie Klein, 2011-01-13 Maritime security is of increasing importance in a world threatened by terrorism piracy and drug trafficking This book sets out and evaluates the legal framework regulating the use of force on the oceans as well as challenges like illegal fishing and environmental damage It suggests that more flexible rules are needed to safeguard the seas

Predictability and Flexibility in the Law of Maritime Delimitation Yoshifumi Tanaka, 2019-11-14 This fully revised new edition offers a comprehensive picture of the law of maritime delimitation incorporating all new cases and State practice in this field As with all types of law the law of maritime delimitation should possess a degree of predictability On the other hand as maritime delimitation cases differ flexible considerations of geographical and non geographical factors are also required in order to achieve equitable results How then is it possible to ensure predictability while taking into account a number of diverse factors in order to achieve an equitable result This is the question at the heart of the law of maritime delimitation This book

explores a well balanced legal framework that reconciles predictability and flexibility in the law of maritime delimitation by looking at three aspects of the question first it reviews the evolution of the law of maritime delimitation second it undertakes a comparative study of the case law and State practice and third it critically assesses the law of maritime delimitation in its current form

Law of the Sea Harry N. Scheiber, 2021-07-26 The last quarter century has witnessed vast changes in the governance of ocean space and resources The keystone instrument in the new legal order is the 1982 UN Law of the Sea Convention an agreement comprehensive in its scope that has provided the framework for further innovations in marine policy and ocean law Accelerated change in the 1990s included the revision and the going into force of the 1982 Convention and the conclusion of new international agreements on biodiversity on the management of fishery stocks in international waters and on marine navigation and safety There has also been renewed impetus for regionalization of marine management and conservation efforts These and other leading issues facing the global community today are the subjects of essays in this volume The authors acknowledged authorities in the field offer fresh and searching reappraisals of how the common heritage concepts in ocean law have been challenged by the contemporary crises in marine uses and ocean environment and resources How national governments and international organizations have responded to urgent questions of ocean management is a major focus of these studies and the book also provides important historical perspective on the doctrinal legacy of earlier ocean law Emerging legal norms and the principles of law new procedural mandates the problems of implementation and recent institutional developments in the international arena all receive attention in this timely and provocative work

International Environmental Law in the Asia Pacific Ben Boer, Donald R. Rothwell, Ross Ramsay, Donald Rothwell, 1998-02-18 The purpose of this book is to assess the development of international environmental law in the Asia Pacific Consideration is given to the impact upon the region of global regional and subregional environmental law An assessment is also undertaken of how certain states and groups of states have responded domestically and within their own subregions to these developments For the purposes of this book the Asia Pacific is defined as essentially the states which comprise East and Southeast Asia Australia New Zealand and the island states of the Southwest Pacific Occasional consideration is also given to the states of South Asia

Islands and International Law Donald R Rothwell, 2022-07-14 Islands and their status in international law have become one of the more contentious issues in public international law However despite this there is no contemporary book length study on the question This book fills that gap Written by one of the world s leading public international lawyers it offers an authoritative overview of how public international law operates in relation to islands Key issues such as artificial islands archipelagos sovereignty territorial rights maritime entitlements and governance are explored in depth This will become a classic text in the field of international law

The Survival of North Korea Suk Hi Kim, Terence Roehrig, Bernhard Seliger, 2011-08-24 Since the end of the Cold War scholars and analysts have been predicting the collapse of the communist regime in North Korea Yet despite a deteriorating economy characterized by

declining industrial output outdated technology and difficulty feeding its people the country has been able to persist and continues to plod along How has North Korea been able to survive and how long can it last without significant change to its economic and political structures How can we peacefully resolve the North Korean nuclear standoff through constructive dialogue This book examines North Korea's survival strategy and offers practical solutions to a 50 year nuclear standoff through a series of essays written by 15 of the world's foremost scholars and leading experts on strategy economics and international relations It is essential reading for anyone interested in peace in Northeast Asia and will be invaluable in helping policy makers diplomats politicians researchers and other North Korea watchers to understand three closely related issues about North Korea 1 why North Korea will continue to survive 2 how the United States and North Korea can build a mutual confidence and 3 why a dialogue is the only viable way to resolve the North Korea problem peacefully

The Theory and History of Ocean Boundary-making Douglas M. Johnston, 1988 In the classical and neo classical periods of international law the law of the sea was chiefly concerned with the need to facilitate the movement of ships In the post World War II period however coastal states began to make jurisdictional claims to extensive areas of the ocean requiring decisions on how ocean boundaries are to be established and maintained

Ocean Law Debates Harry N. Scheiber, Nilufer Oral, Moon-Sang Kwon, 2018-07-17 The UN Convention on the Law of the Sea UNCLOS signed in 1982 and going into force in 1994 was the product of intensive international debates from the 1950s onward UNCLOS continues to be the subject of vital debates on new initiatives that seek to clarify or expand the scope of the ocean regime In *Ocean Law Debates The 50 Year Legacy and Emerging Issues for the Years Ahead* distinguished authors analyze the content of these debates providing both historical perspectives and keen analyses of present day issues Several chapters focus on the contributions to debates over half a century's time by the Law of the Sea Institute including the controversies involving maritime delimitation issues creation of marine fisheries law and responses to the manifold challenges posed by dramatic advances in science and technology Complementing these historical perspectives a section of five chapters offers critical discussion of today's movement to create a regime to sustain biodiversity in the Area Beyond National Jurisdiction Finally the volume offers diverse perspectives on the implementation and judicial interpretation of UNCLOS international whaling regulation Arctic regional issues seabed mining problems the geopolitics of Marine Protected Area declarations and the role of the IMO in responding to climate change

The Future of Ocean Regime-Building Aldo Chircop, Theodore McDorman, Susan Rolston, 2009-02-23 One of the most creative innovations of the international diplomatic community in the 20th century was its invention of the international regime wrote Douglas M Johnston in his last major work published posthumously *The Historical Foundations of World Order The Tower and the Arena* Nijhoff 2008 While regimes often provide order and certainty and a consequent reduction in disputes and misunderstandings regimes are driven by specific concerns With diverse disciplinary backgrounds and perspectives the distinguished contributors to this tribute follow a long tradition of

scholarly inquiry into the governance creation operation viability and maintenance of international regimes Their contributions on ocean and environmental regimes as diverse as fisheries ocean dumping maritime security seafarers rights or enhancement of marine environmental protection attest to the depth to which modern international law and the underlying international relations have been transformed into an international law of structured cooperation This book includes biographical and bibliographic notes on Douglas M Johnston **The Korean Straits** Chi Young Pak,1988-11-18

The Regime of Straits in International Law Bing Bing Jia,1998 Straits are peripheral formations in the study of geography but have long been a source of controversy in international relations They connect separate seas and divide the territory of states This geographical fact invites legal disputes over international boundary drawing request for passage by foreign ships assertion of territorial control over the waters forming straits and the basis for a regime generally accepted as law in our times This is a thorough and well documented book which combines elements of history geography international shipping and the law of the sea It asks the central question what exactly is the current law governing this area and also goes on to consider the concept of international straits the distinction between existing treaty based regimes and the general regime and the special characteristics of straits that separate them from similar arms of the sea in terms of law In answering these questions the author takes us back to the first regime for international straits in 1949 through to the practices of the present day This will be an invaluable text for all international lawyers particularly those specializing in the law of sea

Vessel-Source Pollution and Coastal State Jurisdiction Erik Franckx,2021-09-06 After seven years of work the Committee on Coastal State Jurisdiction Relating to Marine Pollution of the International Law Association concluded its work by submitting its final report for discussion at the occasion of the London conference July 25 29 2000 This book brings together the different official reports submitted by this Committee at the 1996 Helsinki 1998 Taipei and 2000 London conferences as well as some preparatory documents necessary for the correct understanding of these just mentioned reports The Committee concentrated its work on vessel source pollution and made it a central objective of its work to produce results which could facilitate the interpretation of the 1982 United Nations Convention on the Law of the Sea During its work it became moreover apparent that an accurate assessment of state practice proved more than once problematic either because of problems relating to interpretation or simply because the basic information was missing For that reason the present book contains a special section where different members of the Committee prepared detailed national reports written according to a strict outline worked out for this purpose in order to shed additional light on the specific issues dealt with by the Committee Together with the conclusions arrived at by the Committee these additional national reports represent a valuable statement of the present day status iuris questionis **The Law of the Sea** Choon-ho Park,Chae-gyu Pak, Law of the Sea Institute,1987 Law of the sea major problems from the East Asian perspective held on June 30 July 3 1981 with the Institute of Social Sciences Seoul National University and the Korea Ocean Research and Development Institute East Asia and the law

of the sea UNCLOS III review held on July 3 6 1984 with the Institute for Far Eastern Studies Kyungnam University and the Environment and Policy Institute East West Center

Oceans Management in the 21st Century: Institutional Frameworks and Responses Alex G. Oude Elferink, Donald R. Rothwell, 2004-07-01

The 1982 United Nations Convention on the Law of the Sea created a new framework for the conduct of maritime affairs. The Convention remains a shining example of international cooperation, diplomacy, and the role of international law in the regulation of international affairs and oceans management. The institutions established under the Convention, which entered into force in 1994, are now all operating, and the way they are fulfilling their tasks under the Convention is taking shape. Chapters throughout this book assess the roles and impact upon oceans management of the International Tribunal for the Law of the Sea, the International Sea Bed Authority, the Commission on the Limits of the Continental Shelf, and the Convention's Meeting of States Parties. Institutions outside the Convention's framework are also assessed, including the International Maritime Organization in respect of the regime for archipelagic sea lanes and international straits, the Food and Agriculture Organization, and regional fisheries organizations, and the United Nations General Assembly as concerns its coordinating role in the field of oceans and law of the sea. In the evolving area of oceans management, the way in which global and regional institutions have been involved in implementing the Convention on the Law of the Sea raises both questions concerning the interpretation of the Convention's substantive provisions and how these various institutions interact. The impetus to resolve these and other challenges in the law of the sea and oceans management will ensure the law of the sea's continuing evolution in the years ahead.

The Law Of The Sea Problems From The East Asian Perspective Book Review: Unveiling the Power of Words

In a global driven by information and connectivity, the ability of words has be much more evident than ever. They have the capacity to inspire, provoke, and ignite change. Such is the essence of the book **The Law Of The Sea Problems From The East Asian Perspective**, a literary masterpiece that delves deep to the significance of words and their effect on our lives. Compiled by a renowned author, this captivating work takes readers on a transformative journey, unraveling the secrets and potential behind every word. In this review, we shall explore the book is key themes, examine its writing style, and analyze its overall effect on readers.

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