[Books] Equitable Principles Of Maritime Boundary Delimitation

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Equitable Principles of Maritime Boundary Delimitation - Thomas Cottier - 2015
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Demise of Equitable Principles and the Rise of Relevant Circumstances in Maritime Boundary Delimitation - Ki Beom Lee - 2012

Maritime Boundary Delimitation: The Case Law - Alex G. Oude Elferink - 2018-03-15
The law of maritime delimitation has been mostly developed through the case law of the International Court of Justice and other tribunals. In the past decade there have been a number of cases that raise questions about the consistency and predictability of the jurisprudence concerning this sub-field of international law. This book investigates these questions through a systematical review of the case law on the delimitation of the continental shelf and the exclusive economic zone. Comprehensive coverage allows for conclusions to be drawn about the case law's approach to the applicable law and its application to the individual case. Maritime Boundary Delimitation: The Case Law will appeal to scholars of international dispute settlement as well as practitioners and academics interested in the law concerning the delimitation of maritime boundaries.
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**The ICJ doctrine of equitable principles applicable to maritime boundary delimitation and its impact on the international law of the sea** - Barbara Kwiatkowska - 1988

**Equitable Ocean Boundary Delimitation** - Kuncheng Fu - 1989

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**Maritime Delimitation as a Judicial Process** - Massimo Lando - 2019-06-06
The first study of the three-stage approach to maritime delimitation, collating methods from judicial decisions, treaties and scholarship.

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**Maritiem afbakeningsrecht** - Alex G. Oude Elferink - 1994-09-09
This volume presents an analysis of the maritime boundary delimitations of the Russian Federation. The focus of this analysis is the relationship between state practice and the rules of public international law applicable to the delimitation of maritime zones between neighboring states. A first part establishes the contents of the law in this field. The main part of the work concerns an analysis of the position of the Russian Federation on the rules of maritime delimitation law and the practice of this state in relation to the delimitation of specific maritime boundaries with neighboring states. The case study of the Russian Federation illustrates the significance of international law for the delimitation of maritime boundaries, while at the same time indicating the limits of the influence of the law on state behavior.

Maritime boundary delimitations, both negotiated by governments or decided by a court or arbitral panel, have increased in the last 20 years. This book provides commentary on judgments and awards since 1969, as a guide for practitioners and government legal advisers. It includes over forty illustrations illuminating the technical and legal issues.

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**The Law of Maritime Boundary Delimitation** - Alex G. Oude Elferink - 2021-09-27
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The Legal Determination of International Maritime Boundaries - G. Tanja - 1990-03-05

Non-State Actors’ Rights in Maritime Delimitation - Marianthi Pappa - 2021-07-08
Most of the world’s maritime boundary disputes involve privately held rights - relating to such matters as fishing, petroleum exploration and scientific research - that states have unilaterally granted to non-state actors in areas of overlapping national claims. An international lawyer would typically investigate the legality of a state’s decision to create such rights without notifying or consulting its neighbour, and the legal consequences this action would have for the interests of the states concerned. Departing from this approach, Dr Marianthi Pappa examines such situations from the perspective of the non-state actors: what will happen to private rights in a disputed maritime area if it changes hands from state A to state B due to a subsequent delimitation treaty or judgment? Does the legal framework of maritime delimitation protect those rights effectively against a potential reallocation? To address these questions, the book considers the place that private rights have in land boundary-making.

Maritime Boundary - S. P. Jagota - 1985-07-08
With the fundamental changes which occurred in the political structure of Europe, & improved East–West relations in general, the Arctic has increasingly become the focal point of international attention during the last few years. Scientific research & environmental protection are areas which have already witnessed some form of international cooperation in the area. With this particular evolution in mind, a new look at the legal regime of navigation in the Arctic seems to be justified. While several other countries border on the Arctic, Canada & Russia have the most extensive shorelines & have shown keen interest in ensuring that their proper share of this area is not encroached by other countries. This book is thus generally restricted to an examination of the maritime boundaries that these states are claiming, & the extent to which other states have recognized them. It also explores the need for greater international cooperation in this area, not only between the two main contenders but also with other countries that have shown a special interest in Arctic navigation & in the exploitation of resources of this area.

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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 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.

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between neighbouring States. There are numerous examples of areas between States with opposite or adjacent coasts where sovereignty over an island or territory may not be contested but the delimitation of the continental shelf and exclusive economic zone is still pending. Under the Law of the Sea Convention, the delimitation of these zones shall be effected by agreement on the basis of international law. However, the Convention does not offer a definitive answer as to the methods that should be applied. This publication includes contributions by Judges of the International Tribunal for the Law of the Sea, eminent scholars and experienced practitioners. The papers deal with various aspects of maritime delimitation: the jurisprudence of international courts and tribunals and their relevance for delimitation, the impact of the Law of the Sea Convention, the role of legal practitioners and diplomatic negotiators, and delimitation under particular geological circumstances and in geographically complex regional situations. It is designed to provide insight and guidance to the complicated process of maritime delimitation.

**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.

**Malte Döring**

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This book provides a complete overview of the jurisprudence on maritime delimitation. Each case is presented under a series of identical headings, so as simultaneously to provide the reader with a complete analysis of the individual case and a uniform measure of comparison with other cases. The headings are as follows: geographical context; submissions and arguments of the parties; specific features of the case; the judgement, broken down into its various elements; individual and dissenting opinions; and academic comment (together with a bibliography). The longest section on each case is that devoted to the judgement. The analysis of each relevant element (the role of third States, equity, equidistance, the displacement of a provisional line, islands, proportionality etc.) is presented in three ways: (1) a brief introductory part introducing, and offering a critique of, the essential features of the relevant part of the decision; (2) relevant extracts from the judgement; (3) commentaries (either brief or more developed, according to the needs of the case), that endeavour to bring out the substance of the judgement, in particular by drawing out the various consequences, making connections with previous and future cases so as to chart the development of the jurisprudence, and offering critical reflections. The book thus presents a complete panorama of the jurisprudential problems associated with maritime delimitation. The clarity and comprehensive nature of the presentation, and the quality of the commentaries, makes it an indispensable reference work for academics and for practitioners alike.

The Handbook covers legal, technical and practical information deemed essential in negotiating maritime boundary delimitation between coastal states. It also contains information about the peaceful settlement of disputes where negotiations are unsuccessful and the states wish to avail themselves of the dispute settlement mechanism set out in the 1982 Convention on the Law of the Sea.


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Challenges of the Changing Arctic - Myron H. Nordquist - 2016-03-31
Challenges of the Changing Arctic: Continental Shelf, Navigation, and Fisheries is part of a series of publications on oceans law and policy associated with the Center for Oceans Law and Policy, University of Virginia.

Relevant Circumstances and Maritime Delimitation - Malcolm David Evans - 1989
Focusing on the role that relevant circumstances have come to play within the area of maritime boundary delimitation, this book examines the conceptual basis of seabed jurisdiction and the historical development of delimitation criteria as well as the factors associated with continental shelf and EEZ delimitation.

International Law Relating to Islands - Sean D. Murphy - 2019-03-25
This monograph considers the application of general rules of international law to islands, as well as special rules focused on islands, notably Article 121 of the UN Convention on the Law of the Sea.
landmark cases in recent years, including the International Court of Justice’s judgments in Territorial and Maritime Dispute (Nicaragua v. Colombia), and arbitral awards in the Chagos Marine Protected Area Arbitration (Mauritius v. United Kingdom) and the South China Sea Arbitration (Philippines v. China). Among other things, this monograph explores: the legal concepts of “islands”, “rocks” and “low-tide elevations”; methods of securing sovereignty over and the maritime zones generated by islands; islands and historic titles, bays and rights; problems of delimitation in the presence of islands; legal issues arising from changes in islands over time (notably from climate change); and contemporary techniques for resolving disputes over islands.

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Equitable Principles of Maritime Boundary Delimitation - Thomas Cottier - 2015-04-30
Equity emerged as a powerful symbol of aspired redistribution in international relations. Operationally, it has had limited impact in the Westphalian system of nation states - except for maritime boundary delimitations. This book deals with the role of equity in international law, and offers a detailed case study on maritime boundary delimitation in the context of the enclosure movement in the law of the sea. It assesses treaty law and the impact of the United Nations Convention on the Law of the Sea. It depicts the process of trial and error in the extensive case law of the International Court of Justice and arbitral tribunals and expounds the underlying principles and factors informing the methodology both in adjudication and negotiations. Unlike other books, the main focus is on equity and its implications for legal methodology, in particular offering further guidance in the field of international economic law.

Maritime Boundaries and Ocean Resources - International Geographical Union. Study Group on the World Political Map - 1987
this text should be readily accessible to practitioners. And it is to be especially recommended to students of both international law and related disciplines.-The American Journal of International Law

Equitable Principles of Maritime Boundary Delimitation - Thomas Cottier - 2015-04-30
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Maritime Boundaries and Ocean Resources - International Geographical Union. Study Group
The International Ocean Institute - Canada has compiled more than 80 insightful essays on the future of ocean governance and capacity development, based largely on themes of its Training Program at Dalhousie University in Canada, to honor the work of Elisabeth Mann Borgese (1918-2002).

The Function of Equity in International Law - Catharine Titi - 2021-06-11
This book provides a systematic and comprehensive study of the legal concept of equity as it operates in contemporary international law. A principle with a long pedigree, equity has been present in legal thought and in municipal legal systems since antiquity. Introduced in international legal decisions through claims commissions and arbitral tribunals, equity became progressively part and parcel of the international law mainstream. From international cultural heritage law to the law on climate change, from maritime boundary delimitations to decisions on security for costs in investment arbitration, the relevance of equity is more far-reaching than has previously been acknowledged. In contrast with earlier studies on the topic, this book is informed by a body of judicial and arbitral case law that has never been so substantial and varied. It also draws extensively on the prolific case law of investment tribunals, gaining insights from a valuable source that is typically overlooked in public international law scholarship. As the importance of international law increases, covering continuously new domains, the value of equity increases with it. It is this new equity in the international law of the 21st century that this book explores.

International Maritime Boundaries - Jonathan I. Charney - 2005
This is the ultimate guide to international maritime boundaries. Its unique practical features include - systematic examination of all international maritime boundaries worldwide; - comprehensive coverage, including the text of every modern boundary agreement; - descriptions of judicially-established boundaries; - maps and detailed analyses of those boundaries; - expert papers examining the status of maritime boundary delimitations in each of the ten regions of the world; - papers from a global perspective analyzing key issues in maritime boundary theory and practice; and - a cumulative index for volumes I - V. These features make "International Maritime Boundaries" an unmatched comprehensive, accessible resource in the field.
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 realizing 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.

Maritime Disputes in the Eastern Mediterranean - Roudi Baroudi - 2020-05-31
The ways and means described in this book constitute a road map for responsible members of the international community to work together, reduce tensions, resolve differences over maritime boundaries peacefully, and reap the rewards of a safer, stabler, and more prosperous world. This volume shows that the UN and its associated treaties, courts, and other institutions have developed a body of laws, rules, and procedures guiding the way to negotiated, peaceful outcomes. Mr. Baroudi’s book also points to rapid advances of science and technology that take much of the guesswork out of boundary delineation, making this route more reliable and user-friendly than ever before. The successful use of these mechanisms would set a useful example for the resolution of boundary disputes in other regions of the world. That, in turn would restore confidence in the international rules-based system and could pave the way for the settling of some of the world’s most troubling and dangerous disputes.

Maritime Disputes and International Law - Constantinos Yiannourides - 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 realizing 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.

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The Qatar V. Bahrain Maritime Delimitation and Territorial Questions Case - Barbara Kwiatkowska - 2003

Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America). - Canada - 1983

Maritime Boundary Disputes, Settlement Processes, and the Law of the Sea - Seoung Yong Hong - 2009

A surprising number of maritime boundaries remain unresolved, and a range of reasons can be cited to explain why the process of delimiting these boundaries has been so slow. This volume addresses and analyzes some of these reasons, focusing on some of the volatile disputes in Northeast Asia and in North America. Scholars from Asia, the United States, and Europe grapple with festering controversies and apply insights gained from resolved disputes to those that remain unresolved. Islands continue to haunt this process, and the way in which they should affect maritime boundaries remains in dispute. The United States has a number of disputed boundaries with its neighbors to the north and south, and these are examined. Antarctica is a concern of all nations, and the regimes governing the Southern Ocean surrounding Antarctica are analyzed. The International Tribunal for the Law of the Sea was created to allow countries to resolve their disputes peacefully, and two chapters look at how this new court is operating. The impact of sea-level rise on maritime boundaries is given special attention in the opening chapter. This volume presents a wonderful collection of provocative chapters written by the top scholars in the field of International Ocean Law. It should help scholars, students, and decision makers to understand the current state of this field and to move some of the difficult disputes toward resolution.

The International Law of the Sea - Yoshifumi Tanaka - 2012-04-05
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Rights to Oceanic Resources - Dorinda G. Dallmeyer - 1989-01-01
This first book in a three-volume work on Sea-Bed Energy & Minerals: The International Legal Regime is concerned with the law governing the exploitation of energy & mineral resources in two quite different sub-marine areas. Volume 1 deals with the areas within the limits of national jurisdiction, that is, all of the submarine areas extending from the coast to the seaward limit of the continental shelf. As its subtitle indicates, this volume is predominantly concerned with The Continental Shelf. Although the United Nations Convention on the Law of the Sea has still not entered into force, and, indeed, may not do so for many years for some of the major maritime powers, its adoption in 1982 did, nonetheless, usher in a period of relative stability in the rules governing the areas within national jurisdiction, including, in particular, the continental shelf. However, being the creatures of compromise, some of its rules are undeniably vague & it has been left to State practice & international courts & tribunals to develop these rules further, especially those relating to the delimitation of the continental shelf between neighbouring States. Volume 1 provides an analysis of the rules of conventional & customary law in the light of this practice. Volume 2, on Sea-Bed Mining, deals with the area beyond the limits of national jurisdiction, that is, the submarine area lying seaward of the outer limit of the continental shelf. Volume 3, which will be published at the same time as Volume 2, will provide Documents, Tables & Bibliography relating to the subject matter of the first two volumes.

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The Future of the Law of the Sea - Gemma
Andreone - 2017-03-30
This book is open access under a CC BY-NC 4.0
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are challenging the international law of the sea
today, using the unique perspective of a
simultaneous analysis of the national, individual
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Maritime Boundary in the Gulf of Maine
Area (Canada/United States of America). -
United States - 1982

Case Concerning Delimitation of the
Maritime Boundary in the Gulf of Maine
Area (Canada/United States of America). -
United States - 1982

Modern Law of the Sea - David Anderson -
2008
These collected essays examine different aspects
of the modern law of the sea. They address many
key provisions in the United Convention on the
Law of the Sea, including its historical
development, the substantive rules governing
navigation, resources, the regime of the high
seas, maritime jurisdiction, the protection of the
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