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Seaports in International Law Marco Casagrande 2017-07-11 This is the first book to offer a comprehensive overview of modern seaports from a legal perspective. Further, it provides a basic toolkit for establishing a legal doctrine of seaports, the instruments of said toolkit being the very few legal norms specifically targeting seaports, which are examined as such rather than through the lens of other, more established disciplines, such as the law of the sea or transportation law. It is a first, necessary step toward giving seaports the status they rightfully deserve in legal studies. Despite centuries of international law studies and decades of EU law evolution, seaports have remained stuck in limbo. From a law of the sea perspective, seaports belong to the land, an approach that is often clearly reflected in national maritime legislation. The other branches of international law do not focus on seaports, since they are considered to belong to the sea. The port communities, for their part, have availed themselves of the "port specificity" concept. In recent decades, containerization has transformed ports into key hubs of the globalized economy, but also into vital checkpoints of the War on Terror, due to the security risks posed by the millions of sealed containers circulating worldwide. Moreover, tragic maritime incidents have shown that seaports are the only reliable sentinels of the seas, being the only places where the systematic inspection of ships is feasible. This has led to the adoption of specific international and EU rules. Those rules, however, remain fragmented, highly specialized and technical; as such, they are unsuitable for creating an organic legal seaport regime: this objective can only be achieved with a significant contribution from legal doctrine.

The IMLI Manual on International Maritime Law David Attard 2014-10-30 This three-volume Manual on International Maritime Law presents a systematic analysis of the history and contemporary development of international maritime law by leading contributors from across the world. Prepared in cooperation with the International Maritime Law Institute, the International Maritime Organization's research and training institute, this a uniquely comprehensive study of this fundamental area of international law. Volume I: The Law of the Sea addresses the major issues which arise in the law of the sea. It provides a detailed understanding of the historical development of the law of the sea; the role of the International Maritime Organization; the law surrounding maritime zones; the legal regime of islands; the international sea-bed area; the legal regime governing marine scientific research; the rights and obligations of land-locked and geographically disadvantaged states; the legal regime of Arctic and Antarctic; and the settlements of disputes. This volume also considers the ways in which human rights and the law of the sea interact. The forthcoming Volume II will address shipping law; Volume III will provide analysis of marine environmental law and maritime security law. The full three-volume Manual will set out the entirety of international maritime law, re-stating and re-examining its fundamental principles, how it is enacted, and the issues that are shaping its future. It will be a superlative resource for those working with or studying this area of law.

Maritime Governance and Policy-Making Michael Roe 2012-07-20 A close analysis of the framework of existing governance and the existing jurisdictional arrangements for shipping and ports reveals that while policy-making is characterized by national considerations through flags, institutional representation at all jurisdictions and the inalienability of the state, the commercial, financial, legal and operational environment of the sector is almost wholly global. This governance mismatch means that in practice the maritime industry can avoid policies which it dislikes by trading nations off against one another, while enjoying the freedoms and benefits of a globalized economy. A Post-modern interpretation of this globalized society prompts suggestions for change in maritime policy-making so that the governance of the sector better matches more closely the environment in which shipping and ports operate. Maritime Governance and Policy-Making is a controversial commentary on the record of policy-making in the maritime sector and assesses whether the reason for continued policy failure rests with the inadequate governance of the sector. Maritime Governance and Policy-Making addresses fundamental questions of governance, jurisdiction and policy and applies them to the maritime sector. This makes it of much more interest to a much wider audience - including students, researchers, government officials, and those with industrial and commercial interests in the shipping and ports areas - and also of more value as it places the specific maritime issues into their wider context. Maritime Governance and Policy-Making addresses fundamental questions of governance, jurisdiction and policy and applies them to the maritime sector. This makes it of much more interest to a much wider audience - including students, researchers, government officials, and those with industrial and commercial interests in the shipping and ports areas - and also of more value as it places the specific maritime issues into their wider context.

The International Journal of Marine and Coastal Law 2005

Maritime Fraud and Piracy Paul Todd 2013-07-04 The main focus of this book is the impact of maritime fraud on contracts for sale and carriage, documentary credits and marine insurance. It covers all varieties of maritime fraud, from the most serious downwards, describing the methods employed and the risks to traders and carriers. At the serious end of the spectrum, pirates capture an entire ship, often murdering the entire crew, in order to sell the cargo (to which of course they have no title), later to use the "innocent" ship to pose as innocent traders. Less serious (but perhaps of greater interest to lawyers) are misdescriptions of cargo in, or backdating of, bills of lading, and other deceptions, usually practised on purchasers and banks.

South Africa and the Law of the Sea P. H. G. Vrancken 2011-08-25 South Africa and the Law of the Sea brings together the many threads of the rich South African maritime-law tapestry by covering both the public international law as context and the details of South African marine law and policy within their African framework.

A Companion to European Union Law and International Law Dennis Patterson 2016-03-15 Featuring contributions from renowned scholars, A Companion to European Union Law and International Law presents a comprehensive and authoritative collection of essays that addresses all of the most important topics on European Union and international law. Integrates the fields of European Union law and international law, revealing both the similarities and differences Features contributions from renowned scholars in the fields of EU law and international law Covers a broad range of topical issues, including trade, institutional decision-making, the European Court of Justice, democracy, human rights, criminal law, the EMU, and many others

Pollution at Sea Baris Soyler 2013-06-07 A sharp, informed and thoroughly practical guide to contemporary and developing issues relating to sea pollution, prepared by leading academics and practitioners with everyday hands-on experience. Pollution at Sea focuses on a number of the vital private law issues - compensation, insurance, contract and tort - thrown up by contemporary developments in the law of pollution. The book also intends to offer a critical analysis on emerging public law concepts, such as the legal position of seafarers from the perspective of criminal law in cases of pollution and the impact of port state control as a pollution control mechanism. Pollution at Sea is divided into three parts: 1. Private Law Liability Regimes 2. Rights and Liabilities of Particular Parties 3. The Impact of Public Law on the Actors Concerned In part 1; various liability regimes are dissected, including those which have been under the spotlight in recent years. This section has particular international appeal, and many of the regimes discussed are based at least in part on international conventions, agreements or practices. In part 2; the impact of pollution at sea on third parties is considered, with respect to the legal position of parties that might be perused either by the victims of pollution incidents or in some cases by the parties liable by way of a recourse action. Finally in part 3; recent relevant developments, particularly in the realm of public law are covered.

Maritime Law Edgar Gold 2003 This book is the first general treatment of Canadian maritime law to be published since 1916. This comprehensive text covers the whole of modern shipping law, including admiralty jurisdiction and procedure; ownership of ships; maritime mortgage and liens; insurance; carriage of goods; environmental issues; and limitation of liability.

Regional Co-operation and Protection of the Marine Environment Under International Law Nilufer Oral 2013-07-11 In Regional Co-operation and Protection of the Marine Environment under International Law: The Black Sea, Nilufer Oral examines the regional co-operation mechanism for protection and preservation of the Black Sea marine environment within the framework of international law, and subsequently identifies the necessary components for a robust regional regime based on best legal practices.

The Law of the Sea Nele Matz-Lück 2022-09-19 The UN Convention on the Law of the Sea follows a comprehensive approach and can be interpreted dynamically to include the regulation of all potential human uses of the ocean, but the law of the sea cannot be viewed in isolation from other fields of international law. International law does not resemble a hierarchically structured legal system, its different parts interact when different rules address the same activity or situation. The academic discussion concerning the specialization and proliferation of international legal rules and dispute settlement bodies has theoretical as well as practical relevance for the law of the sea and its interaction with other parts of international law. The intensified use of the oceans for different purposes and the ongoing proliferation of international rules addressing different activities from different perspectives and with distinct foci requires a more thorough evaluation of how the law of the sea relates to other fields of international law, how the normative context can be approached theoretically and if interdisciplinary interfaces can be adequately addressed. This book discusses the normative context of the law of the sea and the interactions of the law of the sea with other legal regimes. Connecting high quality research with new ideas and perspectives, this book offers expertise from different fields and perspectives in which the interaction between the law of the sea and other fields of international law becomes particularly relevant.

Transport Law on Passenger Rights Marko Pavliha 2021-07-23 Europe and also the rest of the world has experienced a boom in mobility over the last thirty years. In light of the protection of increasing number of consumers - passengers it is almost logical that during the past few decades, international and European transport law has developed almost to revolutionary extent, especially in the field of private aviation (air) law with the introduction of unlimited liability of carriers for death and injury of passengers and commendable sophisticated rights in case of denied boarding, cancellation of flights and long delays. This book will cast light through a critical prism on the most important characteristics of the international transport law, the EU legislation and jurisprudence regarding passenger rights during the carriage by air, sea, rail and road. One of the ideas which, however, needs further research is that the commendable legal solutions and experience of the EU can serve as an excellent framework for a new holistic international convention on passengers rights in all transport modes.

Port State Control Oya Özçayır 2018-05-08 Port State Control, Second Edition is a comprehensive publication dealing with the full implications and regulations of port State control. It provides a detailed analysis of the legal framework relating to port State control, including the most recent developments in this area. It covers not only the regional agreements on port State control and the EU legislation on this subject but also the background of the port State control process, its implications in practice and its effect on the ISM Code and the classification societies. The book covers topics such as: Amendments and changes to the regional port state control systems The addition of an appeal procedure to the Paris MOU Issues related to the ports of refuge and the urgency for authorities to draw up appropriate plans for places of refuge following the recent incidents The ISPS Code for maritime security in the light of newly recognised vulnerability against terrorist attacks Update to Equisaf Progress with Qaship regime under US Port State Control system. This book will be an invaluable reference tool for shipping lawyers around the world.

Maritime Safety in Europe Justyna Nawrot 2020-12-23 The book is concerned with the harmonisation of maritime safety legal systems in Europe. It describes maritime safety legal systems in selected European countries as well as maritime safety issues from the perspective of the International Maritime Organisation, European Union, and European Free Trade Association. Distinguished scholars from Europe's leading maritime law academic centres present national perspectives of maritime safety systems, questioning whether the adopted national solutions guarantee the compatibility with IMO and EU legal regime, as well as assessing the global and EU system. Moreover, the book seeks to provide some answers as to whether the IMO goals on maritime safety are adequate in light of current safety challenges and how to achieve higher level of enforcement of internationally-recognised maritime safety standards. It will be of great assistance to those readers who need to familiarize themselves with current problems inherent in maritime safety, whether that be lawyers, scholars, professional mariners, or national institutions.

Yearbook International Tribunal for the Law of the Sea, Volume 7 (2003) International Tribunal for the Law of the Sea 2004-12-15 The Yearbook will give lawyers, scholars, students as well as the general public easy access to information about the jurisdiction, procedure and organization of the Tribunal and also about its composition and activities in 2003. The Yearbook is prepared by the Registry of the Tribunal and is also available in French (Annuaire 2003).

Pollution at Sea Baris Soyer 2013-06-07 A sharp, informed and thoroughly practical guide to contemporary and developing issues relating to sea pollution, prepared by leading academics and practitioners with everyday hands-on experience. Pollution at Sea focuses on a number of the vital private law issues – compensation, insurance, contract and tort – thrown up by contemporary developments in the law of pollution. The book also intends to offer a critical analysis on emerging public law concepts, such as the legal position of seafarers from the perspective of criminal law in cases of pollution and the impact of port state control as a pollution control mechanism. Pollution at Sea is divided into three parts: 1. Private Law Liability Regimes 2. Rights and Liabilities of Particular Parties 3. The Impact of Public Law on the Actors Concerned In part 1, various liability regimes are dissected, including those which have been under the spotlight in recent years. This section has particular international appeal, and many of the regimes discussed are based at least in part on international conventions, agreements or practices. In part 2; the impact of pollution at sea on third parties is considered, with respect to the legal position of parties that might be perused either by the victims of pollution incidents or in some cases by the parties liable by way of a recourse action. Finally in part 3; recent relevant developments, particularly in the realm of public law are covered.

The International Law of the Sea Yoshifumi Tanaka 2012-04-05 This textbook on the law of the sea sets the subject in the context of public international law. It comprehensively covers the principal topics of the course, from the legal regimes governing the different jurisdictional zones, to international co-operation for protection of the marine environment and marine living resources.

Places of Refuge for Ships in Distress Anthony Morrison 2012-06-08 By examining the problem of places of refuge for ships in distress and proposed solutions under international, national and regional law, Places of Refuge for Ships in Distress by Anthony Morrison highlights the need for further solutions and presents alternative solutions.

Ship Building, Sale and Finance Baris Soyer 2016-04-20 Written by a team of acclaimed practitioners and leading academics, this book brings together in one single volume an analysis of contemporary legal issues concerning ship building, sale and finance contracts. It offers a comprehensive, expert and thoroughly practical guide on what is a very complex area of law in today's international shipping industry. The book presents a detailed and critical analysis of standard and non-standard shipbuilding and sale contracts, including vital but often overlooked issues such as payment and refund guarantees, which have been at the forefront of recent litigation and practice. It also critically and thoroughly analyses several types of standard insurance contracts, including shipbuilder's risks and mortgagee's interests, which are not adequately dealt with elsewhere and it provides a critical and contemporary discussion on the legal and practical issues surrounding ship finance, ship mortgages and more esoteric issues such as the use of bareboat charters and financial derivatives. This book is an indispensable guide for legal practitioners, academics and industry professionals worldwide. The book is divided into 3 parts; Legal Issues relating to Ship Building, Ship Sale Contracts and Practice, and Legal and Practical Issues relating to Ship Finance. Each has been expertly contributed to by the leading practitioners and academics in the field from top firms, chambers and institutions including: Ince & Co, Quadrant Chambers, Haynes and Boone CDG, LLP, Holman Fenwick Willan LLP, Watson Farley & Williams LLP, 7 Kings Bench Walk, and Institute of International Shipping and Trade Law (IISTL) of Swansea University.

Maritime Law Yvonne Baatz 2017-09-19 Now in its fourth edition, this authoritative guide covers all of the core aspects of maritime law in one distinct volume.

Maritime Law is written by a team of leading academics and practitioners, each expert in their own field. Together, they provide clear, concise and fully up-to-date coverage of topics ranging from bills of lading to arrest of ships, all written in an accessible and engaging style. As English law is heavily relied on throughout the maritime world, this book is grounded in English law whilst continuing to analyse the key international conventions currently in force. Brand new coverage includes: The entry into force of the Hague Convention on Choice of Court Agreements, 2005 and greater detail on Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast). The entry into force of the Nairobi International Convention on the Removal of Wrecks, 2007. Discussion on the Arctic Sunrise and Duzgit Integrity arbitrations and the "Enrica Lexie" Incident (Italy v India), Provisional Measures in the International Tribunal for the Law of the Sea. Analysis of the Insurance Act 2015. Comment on recent cases including London Steam Ship Owners Mutual Insurance Association Ltd v Spain (The Prestige) and PST Energy 7 Shipping LLC v OW Bunker Malta Ltd (The Res Cogitans). This book is a comprehensive reference source for students, academics and legal practitioners worldwide, especially those new to maritime law or a particular field therein.

Places of Refuge Eric Van Hooydonk 2020-11-25 The need for specific legal arrangements governing ships in distress and places of refuge is one of the most topical problems in both public and private maritime law. The headline grabbing shipping disasters involving the loss of the Erika (1999) and the Prestige (2002) attracted the attention of the IMO, the Comité Maritime International, the European Union, national maritime authorities around the globe and the maritime industry in general. Ultimately the impact of pollution on local economies and the environment was enough to arouse the concern of a broad swathe of public opinion. Places of Refuge provides clarity on: • The scope of the right of access • The conditions under which coastal authorities may deny access • The liability of authorities granting or denying access • The basis and the conditions of financial securities • The obligation to establish contingency plans

Coastal State Jurisdiction over Ships in Need of Assistance, Maritime Casualties and Shipwrecks Iva Parlov 2022-08-01 In Coastal State Jurisdiction over Ships in Need of Assistance, Maritime Casualties and Shipwrecks, Iva Parlov takes a systemic approach in providing a holistic and dynamic understanding of the legal issues raised by ships in peril in the contemporary context.

Climate Change and Environmental Hazards Related to Shipping: An International Legal Framework Hans--Joachim Koch 2012-12-06 In "Climate Change and Environmental Hazards Related to Shipping" the editors offer an overview on the recent discussions regarding legal questions of tackling climate change and the legal instruments related to environmental problems caused by international shipping.

Civil Liability For Bunker Oil Pollution Damage Dan Malika Gunasekera 2010 This book deals with the liability conventions brought into existence by the International Maritime Organization and concentrates on the newly adopted instrument dealing with bunker oil pollution as an area of great concern for every stakeholder involved in shipping business. The work covers a wide spectrum ranging from the Convention itself to its scope of application, liable and aggrieved parties, jurisdiction, requirements of liability and admissibility of claims, defences and exoneration from liability. It addresses many areas of interest and of importance to international and national legal advisors, lawyers, law students and anyone interested in the relevant field such as shipowners, charterers, shipbrokers, ship personnel and associated contractors and sub-contractors.

Maritime Law - Current Developments and Perspectives Peter Ehlers 2020-01-08

Maritime Transport Services in the Law of the Sea and the World Trade Organization Chuyang Liu 2009 Since the beginnings of international law, the law of the sea has been of paramount importance for international trade. Yet this area of law and international trade regulations have developed as two distinct areas with little interface with each other. As the GATT/WTO emerged in parallel to the LOS Convention since the 1970s, both bodies have made extensive efforts in international treaty making. However, the relationship between trade regulations and the law of the sea has hardly been explored. The author examines some key aspects of this relationship, in particular port entry, access to cargo in coastal shipping (cabotage) and access to cargo in international shipping. The inclusion of services in WTO law will render this relationship of great importance in the future as the agreement extensively covers maritime transport. It is just a matter of time until the current exclusion of maritime transport under special exemptions will be reviewed in future negotiations. The book provides the background and a normative basis for approaching some of the problems which members of the WTO will have to address in coming years. It also deals briefly with the problem of choice of law and competing jurisdictions between trade law and maritime law.

The Shipping Industry, Ocean Governance and Environmental Law in the Paradigm Shift Tafsir Johansson 2014-11-21 This book examines the corpus of status quo environmental legal regime, geographical issues and redundant "stakeholder claims," which persist in the Arctic. It examines multifarious theories relating not only to conflicting and opposing interests, but also to parties to whom the shipping industry should be accountable. The unique aspect of this book is the Corporate Social Responsibility analysis pertaining to the Arctic and alternatives that strike a balance between the increased commercialization of the shipping industry and the laws and concepts of ocean governance. The book relevantly puts forward the concept of "ocean governance" and to what extent it can be addressed in terms of the Arctic. What distinguishes this book from others is the fact that it is not limited to examining the effects of climate change and how it is reshaping the way scholars assume the Arctic will be in the near future. Rather it creates a transparent nexus between opposing claims and increasing commercial interests and proceeds to scrutinize the efforts of the Arctic Council and individual Arctic coastal states. In this context, the book follows a given equation based on initial theories and how the opposing claims and increasing commercialization side of the equation can be balanced with the appropriate legal norm. It also reflects on the critical aspects of "hard law and soft law" which are two opposite ends of the legal pole and core elements of any legal spectrum. The book, after reflecting on those two elements, finally proposes a new Arctic legal regime, which is intricate and detailed and is basically a hierarchy based on logic and reasoning. In doing so, it imports a pristine theory for a pristine territory.

Contemporary Regulation of Marine Living Resources and Pollution Erik Franckx 2007 Between 2001 and 2002 the Maritime Institute of the Universiteit Gent and the Centre for International Law of the Vrije Universiteit Brussel joined efforts and hosted Emeritus Professor Dermott Devine as holder of the International Franquai Chair, around the central themes of fisheries and coastal state jurisdiction with respect to marine pollution. As Emeritus Director of the Institute of Marine and Environmental Law, Professor Devine was available for discussion and participation in the scientific life of the different Belgian universities having similar fields of interest. Within this context six classes of excellence were organized with the participation of interested Belgian colleagues across the board, belonging to universities adhering to different basic philosophies and even forming part of different linguistic communities. These classes culminated in a final symposium where Professor Devine gave a birds-eye view of the general theme, overarching and synthesizing the different subjects covered during the previous classes of excellence. This book offers a reworked compilation of all the contributions of the key-note speakers to the classes of excellence.

Lloyd's Maritime and Commercial Law Quarterly 2006

Codification of Maritime Law Zuzanna Pepowska-Dobrowska 2019-12-10 This book is the first of its kind to explore the problems inherent in the unification of maritime law. Featuring contributions from leading experts at European maritime law research centres, it considers international conventions, current maritime practice, standard forms and recently adopted or drafted national codifications of maritime law from the codification point of view. The book is divided into four parts which represent different views on the main topic. Part I gathers chapters dedicated to different aspects and methods of unification of maritime law on a global scale, as well as several specific issues of maritime law from the regulatory point of view. Part II of the book consists of those papers that centre around the issue of transport of goods. Part III is dedicated to codifications of carriage of passengers, cruise law and leisure navigation. Finally, Part IV addresses national codifications of maritime law. Codification of Maritime Law: Challenges, Possibilities and Experience seeks to provide common ground for future unification of maritime law, which makes the book useful both for private and public maritime lawyers and states' maritime administrations worldwide.

Law of the Sea Bulletin, No.57 United Nations Office of Legal Affairs 2005-06-30 Issued three times a year, the Bulletin provides cogent and timely information on issues related to the Convention on the Law of the Sea - 'the constitution for the ocean' and contains the most recent legal materials relevant to the law of the sea. It includes national legislation, bilateral agreements and multilateral treaties, as well as, information on decisions of the International Court of Justice, arbitral tribunals and other dispute settlement procedures.

Maritime Pollution Liability and Policy Faure 2010-01-01 The approach throughout is both legal multi-disciplinary and comparative. The relevant international conventions are examined (particularly the 'Bunker Convention' of 2008), with particular attention to their implementation in China and Europe, as well as the independent US regime. In addition, detailed empirical data from well-known case studies provide important insights into the working of international and national prevention and compensation mechanisms.

The EU Maritime Safety Policy and International Law Henrik Ringbom 2008-07-25 This book offers a comprehensive international law analysis of the European Union's maritime safety legislation.

Places of Refuge for Ships Aldo E. Chircop 2006 Written by scholars and practitioners, this work consists of 20 multidisciplinary chapters addressing the law, policy and management aspects of the problem of places of refuge for ships in need of assistance. Specific chapters focus on the experiences and approaches of Australia, Belgium, Canada, Denmark, Germany, United Kingdom and United States.

Contracts of Carriage by Air Malcolm A. Clarke 2013-05-02 Contracts of Carriage by Air, Second Edition contains annotated analysis of the provisions of the international conventions governing the carriage of goods and passengers by air. This book provides you with practical advice and brings you: • An overall view of the two liability regimes, followed by a short history of the Warsaw Convention in its various versions and what led to agreement on a single regime, the Montreal Convention, as well as the threat to uniformity posed by EC Directives. • A statement of the rules of interpretation applicable to conventions of uniform law,

illustrated mainly by decisions of the air conventions. • Commentary on the text of the 1999 Montreal Convention together with commentary on the text of the 1967 Warsaw Convention. • Reference to decisions of the courts not only of the UK but also those of other common law countries, notably the USA, and countries of civil law, notably France and Germany.

Canadian Maritime Law Aldo E. Chircop 2016 Canadian Maritime Law is the leading scholarly text and reference work on maritime law in Canada. It covers the full scope of admiralty, shipping, and navigation issues in the Canadian and international contexts. Since the first edition, maritime law as legislated, judicially developed, and practised in Canada has evolved substantially. Four editors led a team of twenty-eight scholars, practitioners, and other field specialists from across Canada to produce a comprehensive text accompanied by extensive lists of legislation, international treaties, and cases, along with a detailed index. For students and practitioners new to the field, the text uses plain language and defines all technical legal and shipping terms. For experienced legal and other practitioners, it affords the means to analyze maritime issues according to Canadian law, with due notice of its divergence from US and UK law and practice. This text provides insights into the Canadian perspectives, content, experience, and practice in this field and will appeal to legal practitioners, government officials, academics, students, and all others engaged with the regulation of all types of navigation and shipping. Practitioners and scholars in other countries interested in international and comparative maritime law will also benefit from this fully updated work.

Law of the Sea Bulletin, No. 53 United Nations Office of Legal Affairs 2004-04-30 Issued three times a year, the Bulletin provides cogent and timely information on issues related to the Convention on the Law of the Sea - 'the constitution for the ocean' and contains the most recent legal materials relevant to the law of the sea. It includes national legislation, bilateral agreements and multilateral treaties, as well as, information on decisions of the International Court of Justice, arbitral tribunals and other dispute settlement procedures.

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.?

Maritime Policy of the European Union and Law of the Sea Peter Ehlers 2008 In June 2006 the European Commission published its so-called 'Green Paper' under the title: 'Towards a future Maritime Policy for the Union. A European vision for the oceans and seas.' In February 2006, looking ahead to this emerging vision, Prof. Dr. Dr. h.c. Peter Ehlers and Prof. Dr. Rainer Lagoni organised a seminar on 'Law of the Sea and Maritime Policy of the EC'. Participants were graduate scholars of the International Max Planck Research School for Maritime Affairs (IMPRS) at the University of Hamburg and graduate students. Their papers published here cover various legal and policy issues ranging from the maritime policy of the European Union relating to the 'Erika III Package', EMSA, security for ships and port facilities, the failed Port Package II, different aspects of fisheries management and law to sanctioning violations of MARPOL through criminal law.

Irish Yearbook of International Law Fiona de Londras 2014-12-04 The Irish Yearbook of International Law (IYIL) supports research into Ireland's practice in international affairs and foreign policy, filling a gap in existing legal scholarship and assisting in the dissemination of Irish thinking and practice on matters of international law. On an annual basis, the Yearbook presents peer-reviewed academic articles and book reviews on general issues of international law. Designated correspondents provide reports on international law developments in Ireland, Irish practice in international bodies, Ireland and the Law of the Sea and the law of the European Union as relevant to developments in Ireland. In addition, the Yearbook reproduces key documents that reflect Irish practice on contemporary issues of international law. Publication of the Irish Yearbook of International Law makes Irish practice and opinio juris more readily available to Governments, academics and international bodies when determining the content of international law. In providing a forum for the documentation and analysis of North-South relations the Yearbook also makes an important contribution to post-conflict and transitional justice studies internationally. As a matter of editorial policy, the Yearbook seeks to promote a multilateral approach to international affairs, reflecting and reinforcing Ireland's long-standing commitment to multilateralism as a core element of foreign policy.