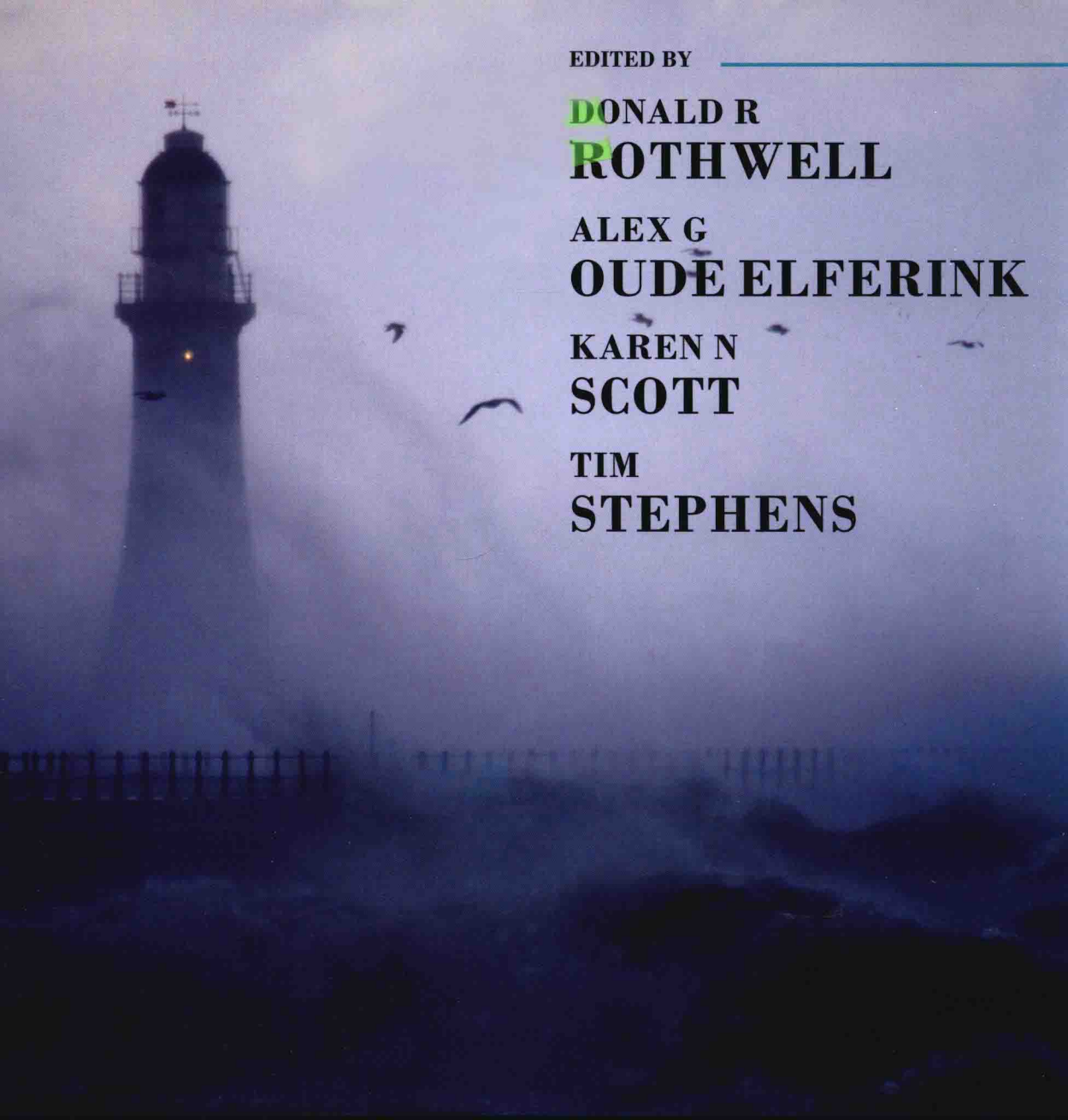




EDITED BY

**DONALD R
ROTHWELL**

**ALEX G
OUDE ELFERINK**

**KAREN N
SCOTT**

**TIM
STEPHENS**

The Oxford Handbook of
**THE LAW
OF THE SEA**

THE OXFORD HANDBOOK OF

THE LAW OF THE SEA

Edited by

DONALD R ROTHWELL

Professor of International Law, Australian National University

ALEX G OUDE ELFERINK

Professor of International Law of the Sea, University of Tromsø and Utrecht University

KAREN N SCOTT

Professor of Law, University of Canterbury

TIM STEPHENS

Professor of International Law, University of Sydney

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THE OXFORD HANDBOOK OF

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OF THE SEA

PREFACE

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2014 marks the twentieth anniversary of the entry into force of the 1982 United Nations Convention on the Law of the Sea (LOSC). As such, this *Handbook* aims to provide a timely account of the law of the sea, that body of law applying to all activities in the oceans, which cover 70 per cent of the Earth's surface.

Some of the principles and concepts fundamental to the law of the sea—such as freedom of navigation—date back hundreds of years. Others—such as common heritage of mankind—are much more recent in origin and have evolved to meet new challenges and threats and, more fundamentally, to reflect changing attitudes in respect of the exploitation of natural resources, including the ocean's capacity to assimilate the detritus associated with human civilization.

The long-established tension between coastal and flag States and their respective rights and responsibilities continues to influence the evolution of the law of the sea. But today, of equal if not greater importance, is the recognition of the oceans as an inter-connected whole. This is now the dominating principle of oceans governance, taking the law of the sea forward into the twenty-first century.

This *Handbook* comprises 39 chapters that are arranged to guide the reader from an historical introduction to the law of the sea, through the principal maritime zones and key actors, to selected regional developments and cross-cutting issues such as security, resource management, and scientific research. Authors were encouraged to consider future challenges and developments in their assessment of individual topics and to identify future research agendas. As this was very much a collaborative project, authors also coordinated with one another in order to avoid unnecessary overlaps. In the style of Oxford Handbooks, each chapter is a free-standing scholarly essay, which is nevertheless intended to support the broader objectives of this project: a coherent and comprehensive exposition of the modern law of the sea.

In order to aid the reader treaties referred to in each chapter have been given a short form reference. Complete references to each treaty are to be found in the accompanying Table of Treaties. All URL references were accurate and complete as at December 2014. The law and literature reflects the position as at 1 January 2014, though in many instances it was possible to take into account subsequent developments.

The preparation of this *Handbook* would not have been possible without the contributions of the 35 chapter authors with whom we have been privileged to work. We

acknowledge their enthusiasm for this project and sustained engagement between 2012 and 2014. We would also like to acknowledge their individual and collective contributions and to thank them for their flexibility as the book progressed through its various phases and a range of editorial comments were returned for their consideration.

We also acknowledge the contributions of our research and editorial assistants—Nina Ubaldi, Zoe Winston Gregson, and Connie Ye—who made significant contributions throughout 2014 as the book reached its final editing phases. Thanks are also extended to I Made Andi Arsana (Gadjah Mada University, Yogyakarta, Indonesia) for his contribution in the drawing of maps and figures.

The *Handbook* would not have been possible without the support of our home institutions, and we acknowledge the assistance provided to us by the ANU College of Law (Australian National University), Netherlands Institute for the Law of the Sea (Utrecht University), and KG Jebsen Centre for the Law of the Sea (University of Tromsø), School of Law (University of Canterbury), and Sydney Law School (University of Sydney). We particularly acknowledge the support provided to us by our academic and professional colleagues in those institutions, and their encouragement for us to engage in this project alongside our other teaching and administrative duties.

Last but by no means least we thank Oxford University Press who invited us to consider editing the *Handbook* in 2011 and have consistently supported us throughout this project. We especially extend our thanks to Merel Alstein (Commissioning Editor, Academic Law) for her sustained support and to the OUP production team that contributed to the final publication.

Canberra, Utrecht/Tromsø, Christchurch, and Sydney

15 October 2014

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